

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
*Kendall County Office Building*  
*Rooms 209 and 210*  
*111 W. Fox Street, Yorkville, Illinois*  
**6:30 p.m.**  
**Meeting Minutes of September 9, 2024**

**CALL TO ORDER**

The meeting was called to order by Chairman Wormley at 6:30 p.m.

**ROLL CALL**

Committee Members Present: Dan Koukol, Ruben Rodriguez, and Seth Wormley

Committee Members Absent: Elizabeth Flowers and Brooke Shanley

Also Present: Matthew H. Asselmeier, Director, Wanda A. Rolf, Office Assistant, Dan Kramer, Ann Simmons, Kevin Simmons, Cynthia Lucksinger, and John Stotz

**APPROVAL OF AGENDA**

Member Koukol made a motion, seconded by Member Rodriguez, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Rodriguez made a motion, seconded by Member Koukol, to approve the minutes of the July 8, 2024, meeting. With a voice vote of three (3) ayes, the motion carried.

**PUBLIC COMMENT**

Ann Simmons, resident of Bristol, spoke regarding the mowing of Blackberry Oaks Golf Course at 5:00 a.m., using multiple industrial mowers and other equipment. Ms. Simmons stated she contacted the golf course on several occasions and left messages but nothing has been done. Ms. Simmons contacted Mr. Asselmeier regarding the issue at Blackberry Oaks Golf Course and mowing at 5:00 a.m. Mr. Asselmeier suggested Ms. Simmons attend one of the Planning, Building, and Zoning meetings.

Ms. Simmons home is zoned R-1. She looked into the earliest times that a business can operate in a residential area is at 7:00 a.m. and the latest is at 10:00 p.m. She also checked into the maximum decibels for equipment. An industrial gas powered mower goes up to ninety-five (95) decibels. The maximum noise level in a residential area is fifty-five (55) decibels. She stated her neighbors have also reported the issue.

Ms. Simmons also checked with Fox Bend Golf Course in Oswego and they have the same noise ordinances.

Chairman Wormley stated that the golf course is built on A-1 zoned land, which is exempt from the noise ordinance, and will look into finding a way for the golf course to work with the residents.

## **EXPENDITURE REPORT**

### **Review of Expenditures from July and August 2024**

The Committee reviewed the Expenditure Reports from July and August 2024.

### **Quarterly Expenditure Report**

The Committee reviewed the Quarterly Expenditure Report.

## **PETITIONS**

### **Petition 24-17 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In 2001, through Ordinance 2001-33, Kendall County established pipeline regulations in the Zoning Ordinance.

In May 2024, TC Energy's ANR Pipeline announced a pipeline project in Kendall County. Concerns were raised regarding the proposed depth of the pipelines.

At their meeting on June 10, 2024, the Kendall County Planning, Building and Zoning Committee voted to initiate an amendment to the pipeline depth requirements contained in Section 6:07 of the Kendall County Zoning Ordinance. The proposed changes are as follows:

#### A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:

- a. A minimum of five (5) feet of top cover where it crosses cropland.
- b. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
- c. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.
- d. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses wooded/brushy land or other sensitive areas.
- e. Substantially the same top cover as an existing parallel pipeline, but not less than ~~three (3)~~ **five (5)** feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.

2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding 200 feet in length are encountered, the minimum cover will be ~~30 sixty~~ **(60)** inches.

The proposal was sent to the townships and fire protection districts on June 10, 2024. Steve Knutson submitted an email stating that the Fox Township Planning Commission informally found the proposal uncontroversial. This email was provided. No other comments were received.

ZPAC reviewed this proposal at their meeting on July 2, 2024. Discussion occurred regarding the reasons for selecting five feet (5') as the requirement; these included safety, room to bury other infrastructure below the freeze line, and concerns about pipelines flexing. Discussion occurred regarding federal regulations and whether any other counties had similar regulations; it was determined that other counties do not have these regulations because Kendall County was unique with the number of pipelines underground. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Comprehensive Land Plan and Ordinance Committee reviewed this proposal at their meeting on July 24, 2024. Discussion occurred regarding Federal Energy Regulatory Commission requirements, the pipelines paying for inspections, and the need to obtain variances if a project cannot meet the zoning requirements. The Comprehensive Land Plan and Ordinance Committee voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of six (6) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 24, 2024. Discussion occurred on who TC Energy was legally; they are TransCanada Energy. Mitchell Schaben from TC Energy was in attendance and had no comments regarding the proposal. Discussion occurred about setting pipelines below the permafrost depth. Discussion also occurred regarding setbacks from pipelines. Staff will be researching this topic, including rationale for establishing the setback for the August Comprehensive Land Plan and Ordinance Committee meeting by contacting the municipalities and neighboring counties. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 29, 2024. No one from the public testified at the hearing. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with one (1) member absent. The minutes of the hearing were provided.

The draft ordinance was provided.

Member Rodriguez made a motion, seconded by Member Koukol, to recommend approval of the text amendments.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley  
Nays (0): None

Abstain (0): None  
Absent (2): Flowers and Shanley

The motion carried.

The proposal will go to the September 17, 2024, Kendall County Board meeting on the consent agenda.

Petition 24-19 Kendall County Planning, Building and Zoning Department

Mr. Asselmeier summarized the request.

On January 1, 2025, Public Act 103-0621, formerly SB 2751, will become effective.

This Act prevents counties from charging building permit fees to disabled veterans and caretakers of disabled veterans for improvements to residences required to accommodate a veteran's disability. A county can still require building permits for these types of improvements. The Act requires a county to require proof of veteran status and requires an applicant to attest to the fact that the improvement is required to accommodate the veteran's disability.

The draft ordinance was provided.

Member Koukol asked if the caretaker applies for the building permit or the disabled veteran. Mr. Asselmeier stated the caretaker can apply for a building permit on behalf of the disabled veteran free of charge. Or the caretaker may apply for a building permit at their place of residence and it would be free of charge.

Member Koukol made a motion, seconded by Member Rodriguez, to forward the amendment to the fee schedule as proposed to the County Board.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (2): Flowers and Shanley

The motion carried.

The proposal will go to the September 17, 2024, Kendall County Board meeting on the consent agenda.

Petition 24-20 Lydia Ramirez

Mr. Asselmeier summarized the request.

On February 19, 2019, the Kendall County Board approved Ordinance 2019-03, granting a special use permit for a banquet facility at 5438 (formerly 5100 block) Schlapp Road in Oswego Township.

On September 20, 2022, the Kendall County Board approved Ordinance 2022-26, amending the site plan, photometric plan, and engineering plans at the subject property.

On or about July 18, 2024, and finalized on September 4, 2024, the Petitioner submitted an application for the following minor amendments to the site plan:

1. Install an eighty foot by twenty-two foot (80' X 22') terrace on top of the existing concrete pad with two inch by ten inch (2" X 10") inch cedar exposed attached to the building. The maximum height of the structure would be thirteen feet (13').
2. Install one (1) maximum six foot (6') tall fireplace under the terrace.
3. Install one (1) twenty-two foot by twelve foot (22' X 12') gazebo by ceremony area. The maximum height of the gazebo would be eleven feet (11'). An image of the gazebo was provided.
4. Instead of gravel, install asphalt on the parking lot and walkway area.
5. Install a fountain in the pond.
6. Install a fence along the western perimeter of the property (the location was unknown).
7. Install two (2) columns near the driveway.

The revised site plan was provided. The location of the fence was not shown on the site plan; the present fence was installed without approval and is in the right-of-way. The site plan also shows six (6) columns near the driveway entrance. Four (4) of the columns are in the right-of-way; Staff is unsure if the remaining two (2) columns are setback the required ten feet (10') from the right-of-way.

The application was provided.

The Petitioners do not plan to change the location of the sign as originally requested in their application and shown on the revised site plan.

Section 13:08.N discuss the requirements for minor amendments. Amendments 1 and 2 are proposed on already impervious surface areas. Amendment 3 would be new impervious area, but the added area is small compared to the existing buildings, driveways, and walkways. Regarding amendment 4, when the stormwater permit was issued, an allowance was made regarding future pavement. Amendment 5 does not impact stormwater. An email from WBK Engineering was provided. Staff cannot comment on amendment 6, because no information was provided regarding the location or description of the fence. Amendment 7 meets for the requirements for qualifying for a minor amendment.

Ordinance 2019-03 already addresses concerns that may arise with the proposed amendments including lighting of signs (Condition 2.H), noise (Condition 2.J), outside music (Condition 2.K), and hours of operation (Condition 2.L). None of these conditions were proposed for amendment presently.

Ordinances 2019-03 and 2022-26 were provided.

A draft minor amendment was provided.

Member Koukol made a motion, seconded by Member Rodriguez, to approve the minor amendment.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (2): Flowers and Shanley

The motion carried.

Petition 24-21 Scott L. and Cheryl A. Hill on Behalf of the Hill Living Trust  
Mr. Asselmeier summarized the request.

The Petitioners would like a map amendment rezoning approximately thirteen point nine more or less (13.9 +/-) acres located on north side of Miller Road between 15715 and 15609 Miller Road from A-1 Agricultural District to R-1 One Family Residential District in order to build two (2) houses at the property.

In addition to the map amendment, the Petitioners were seeking a variance to Section 8:02.D.1 which requires properties zoned R-1 to be a minimum two hundred feet (200') in width at the building line. The Petitioners were not involved in the division of the property from the larger farm or the annexation of a portion of the larger farm to the City of Plano, which caused the flag lot. The parcel is approximately forty feet (40') wide at the building line.

The application materials and zoning plat were provided.

The property was located between 15715 and 15609 Miller Road on the north side of Miller Road.

The existing land use is Agricultural.

The County's Land Resource Management Plan calls for the property to be Countryside Residential. Plano's Future Land Use Map calls for the property to be Estate Residential.

Miller Road is a Township maintained Minor Collector.

Plano has a trail planned along Miller Road.

There is a wetland (freshwater pond) on the property.

The adjacent land uses are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1 and R-3 in the County and AG-1 inside Plano.

The County's Future Land Use Map calls for the area to be Countryside Residential (Max 0.33 DU/Acre). Plano's Future Land Use Map calls for the area to be Estate Residential (Max 0.8 DU/Acre) and Low Density Residential (Max 2.25 DU/Acre).

Properties within one half (1/2) mile are zoned A-1, A-1 SU, R-1, R-2, and R-3 in the County and AG-1 inside Plano.

The A-1 special use permits to the east is for a campground (Boy Scout camp).

EcoCAT Report submitted and consultation was terminated; there were protected resources in the area, but adverse impacts were unlikely.

Petition information was sent to Little Rock Township on July 30, 2024. The Township reviewed the proposal at their meeting on August 21, 2024, and recommended approval of the map amendment. The email from the Township was provided.

Petition information was sent to the City of Plano on July 30, 2024. On July 30, 2024, the City of Plano submitted a letter expressing no objections to the proposal. The letter was provided.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

ZPAC reviewed the proposal at their meeting on August 6, 2024. The Petitioner's Attorney said the property to the north was annexed to Plano as part of a larger residential development that never materialized and how the subject property came into the current configuration. ZPAC recommended approval of the map amendment and variance by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 28, 2024. Discussion occurred regarding the driveway. The Petitioner's Attorney explained the history of the larger farm and that the owner of the original farm house and outbuildings and the Petitioners have a use agreement for the road. It was noted that one (1) new house will definitely be built and the son of the Petitioners may build a second house in the future. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of held a public hearing on the proposal on September 3, 2024. Other than the Petitioner's Attorney, no other members of the public testified at the public hearing. Discussion occurred regarding the potential lot sizes and the reason for the variance. The Petitioner's Attorney explained the history of annexations and development in the area. He also noted the existence of a maintenance agreement for the driveway. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were provided.

The Petitioners would like to rezone the property in order to build a maximum of two (2) houses on the property. Since an access easement already exists on the west side of the property, a Plat Act Exemption may be used instead of doing a subdivision.

The site is currently farmed. Any future buildings would have to meet applicable building codes.

There is electricity on the southeast corner of the property. No information was provided regarding wells or septic systems on the property

The property fronts Miller Road. Little Rock Township has permitting authority over access at the property.

A gravel driveway connects the property to Miller Road and serves the adjoining two (2) parcels.

Based on the proposed uses, no new odors are foreseen.

Lighting would be for residential purposes and would have to follow applicable ordinances.

Landscaping would be for residential uses.

No non-residential signage is planned.

The owners of the property would have to follow applicable noise control regulations based on residential uses.

Stormwater control would be evaluated as part of the building permit.

The Findings of Fact for the Map Amendment were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes and single-family residential purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned agricultural in the unincorporated area and in the City of Plano. There are also R-1, R-2, and R-3 zoned properties in the vicinity.



The suitability of the property in question for the uses permitted under the existing zoning classification. The property consists of marginal farmland and, due to its size, it is not eligible for residential uses without a map amendment.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single family residential.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property is classified as Countryside Residential on the Future Land Use Map and the R-1 Zoning District is consistent with this land classification.

The Findings of Fact for the variance were as follows:

The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property was part of a larger farm, which has been divided and a portion of this farm was annexed to the City of Plano, causing the flag shape of the lot.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other R-1 zoned properties that were parts of larger farms, whereby part of the larger farm was annexed to a municipality by a previous owner, could request a similar variance.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The difficulty was created by a previous owner when they divided the larger farm and annexed a portion of the larger farm to Plano.

The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. Granting the variance would not be detrimental to the public or substantially injurious to other properties.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

Staff recommended approval of the proposed map amendment and variance.

The draft ordinance was provided.

Member Koukol asked if there were any houses currently on the fourteen point nine (14.9) acres of land. Dan Kramer, Attorney for the Petitioner, stated there were no houses currently on the property.

Member Koukol asked where the land would be split. Mr. Kramer answered it would be split at about seven (7) to seven and a half (7.5) acres. Mr. and Mrs. Hill's son would like to build a house at a later date. Mr. and Mrs. Hill will build their house closer to the lake. They will continue to farm the land. There will be two (2) parcels on the land.

Mr. Kramer asked the committee if this Petition can be moved to the October 15, 2024, Kendall County Board meeting. The reason is that the Petitioners would like to obtain an A-1 permit for a storage building prior to constructing the house. They have farming equipment and need a place to store the equipment. The house will not be built for a year or two (2).

Member Koukol made a motion, seconded by Member Rodriguez, to forward this request to the October 15, 2024, Kendall County Board meeting.

Member Koukol made a motion, seconded by Member Rodriguez, to recommend approval of the map amendment.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Shanley

The motion carried.

The proposal will go to the October 15, 2024, Kendall County Board meeting on the consent agenda.

*Petition 24-27 Steve W. Jeffers on Behalf of Revolution Investments, LLC*

Mr. Asselmeier summarized the request.

The Petitioner would like to vacate the easement between the two (2) properties in order to build a house over the common lot line.

WBK Engineering, the Homeowners' Association and all of the utilities have reviewed the proposal and expressed no opposition.

ZPAC recommended approval of the proposal.

Member Rodriguez made a motion, seconded by Member Koukol, to recommend approval of the vacation.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Shanley

The motion carried.

The proposal will go to the September 17, 2024, Kendall County Board meeting on the consent agenda.

**NEW BUSINESS:**

*Approval of a Request to Extend the Deadline to Install Landscaping at the Property Between 3900 and 3716 Stewart Road (PIN: 03-24-400-013) in Oswego Township*

Mr. Asselmeier summarized the issue.

On April 16, 2024, through Ordinance 2024-12, the County Board approved a special use permit for a landscaping business at the subject property.

Condition 2.O of Ordinance 2024-12 required the installation of the vegetation and materials described in the landscaping plan by September 1, 2024. This condition also allowed the Planning, Building and Zoning Committee to extend this deadline.

On July 22, 2024, the Petitioner's Attorney submitted a request asking for an extension to the landscaping installation requirement until May 1, 2025.

Chairman Wormley suggested setting the deadline to June 1, 2025, due to unpredictable weather.

Member Rodriguez made a motion, seconded by Member Koukol, to approve the extension to June 1, 2025.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Shanley

The motion carried.

Approval to Extend the Deadline to Construct and Occupy the Buildings and Install Landscaping at 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township

Mr. Asselmeier summarized the issue.

In June 2023, the Planning, Building and Zoning Committee approved a minor amendment to the special use permit granted by Ordinance 2021-23 allowing a landscaping business at 10744 Route 47.

Among other changes to the original proposal, the minor amendment set a deadline of June 1, 2024, to construct and occupy the building shown on the site plan. The minor amendment also set a deadline of June 1, 2024, for the installation of landscaping.

At their meeting on May 6, 2024, the Planning, Building and Zoning Committee approved an extension to the deadline of both items to December 1, 2024.

On July 22 and 23, 2024, the Petitioner's Attorney submitted a request to extend the deadline to construct and occupy the buildings shown on the site plan and install the landscaping to May 1, 2025.

Chairman Wormley suggested setting the extension date to December 1, 2025.

Member Koukol made a motion, seconded by Member Rodriguez, to approve the extension to December 1, 2025.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Shanley

The motion carried.

Request for Guidance Regarding a Stormwater Management Ordinance Violation at 7821 Route 71, Yorkville (PINs: 02-35-151-017 and 02-34-279-001) in Oswego Township; Committee Could Issue Additional Citations

Mr. Asselmeier summarized the issue.

In November 2023, the County issued a warning notice to the owners of subject property for disturbing more than one (1) acre of ground without a permit as required by the Kendall County Stormwater Management Ordinance.

The matter was not remedied, the court found the property owners guilty, and placed a lien of Eighteen Thousand, One Hundred Dollars (\$18,100) on the property in June 2024.

In July 2024, the owners submitted an application for a stormwater permit. WBK Engineering submitted a response letter requesting additional information. WBK Engineering also performed an inspection at the property at the end of July; the letter to the owner was provided. To date, the property owners have not responded to WBK Engineering's request for more information and clarification of site work.

Also, to date, the first installment of the taxes on one (1) of the parcels remains unpaid.

Staff requested guidance on next steps. In the past, specifically in the case involving 1038 Harvey Road, the County issued additional citations.

Chairman Wormley suggested following Staff's recommendation.

Mr. Asselmeier stated the Department would issue citations.

John Stotz, one of the neighbors, asked what the land usage will be. Mr. Asselmeier stated that, at this time, there is a stormwater violation. There have been allegations of having an illegal banquet facility on the property.

There is still a special use permit from the previous owners for the sale of agricultural products not grown on the premises. If the owners wanted to have a banquet facility or any other special use permit, they would have to apply for one (1). Mr. Asselmeier stated it is not illegal to have a party on their own property. If they start charging money for a banquet facility, it becomes a business, and that activity would be a violation.

Chairman Wormley stated that violations should be watched carefully and would like staff to make a recommendation.

Member Rodriguez made a motion, seconded by Member Koukol for staff to follow through on violations.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Shanley

The motion carried.

Approval of a Quote in an Amount not to Exceed One Thousand Five Hundred Fifty Dollars (\$1,550) from WBK Engineering to Investigate Drainage Issues at 45 Settlers Lane, Oswego (PIN: 06-06-127-012) in Na-Au-Say Township; Related Invoice(s) to be Paid from the PBZ Department's Consultant's Line Item 11001902-63630

Mr. Asselmeier summarized the issue.

On June 4, 2024, the owner of the subject property, Cynthia Lucksinger, spoke at the County Board regarding drainage issues at the property. Ms. Lucksinger followed up with an email to Chairman Kellogg on June 21, 2024.

Staff contacted WBK Engineering to prepare a quote to investigate this matter. WBK proposes to visit the property, determine the extent of improvements, and prepare a summary memo.

Nobody at the County was aware of Kendall County previously undertaking stormwater/drainage work in this area and the County does not historically maintain stormwater/drainage infrastructure inside easements.

To date, there is Five Thousand Nine Hundred Ninety-Four Dollar (\$5,994) remaining in the Consultant's Line Item. The cost to remedy any issues found at the site is unknown.

Cynthia Lucksinger, property owner, spoke about the drainage issues. She stated they lived at the property for nine (9) years. Ms. Lucksinger stated that erosion started last year. It felt like the stormwater management system underground had failed. The ditches around the property have become very deep.

Member Koukol asked if there are any new subdivisions near her. Ms. Lucksinger said there were none, but she also stated that when it rains all the culverts on Abbeyfeale, the next street over from her, have no water going through them. Ms. Lucksinger has a large amount of water going through her property. She also stated that some of the homes on Abbeyfeale have flooded in the past. There is a very large retaining pond at the end of Abbeyfeale and Settlers Lane that backs up to Reservation Road. In the past the pond was always full of water. Now there is very little water in the retaining pond.

Member Koukol asked Ms. Lucksinger if she spoke to the road commissioner of Na-Au-Say Township. Ms. Lucksinger said she has not. Member Koukol stated the county does not normally perform stormwater work on private homes.

Chairman Wormley stated that the only way the County can prove to Ms. Lucksinger that the County doesn't perform work on private property is by having an outside company, WBK Engineering, to investigate this matter. WBK proposes to visit the property, determine the extent of improvements, and prepare a summary memo.

Chairman Wormley stated that Kendall County has never worked on her property. The State's Attorney has gotten involved and would like to receive a review of the data that is found by an investigation. Chairman Wormley stated he doesn't want to set a precedent for the County to work on private property. WBK Engineering will investigate this matter.

Member Rodriguez asked Ms. Lucksinger if her home was flooded from this issue. Ms. Lucksinger stated that her home was not flooded.

Member Rodriguez made a motion, seconded by Member Koukol, to approve the quote and scope of work.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Shanley

The motion carried.

*Approval of an Agreement with Teska Associates, Inc. for Planning Services for a Period of One Year at a Cost Not to Exceed One Hundred Seventy-Five (\$175) Per Hour; Related Invoices to be Paid from the Planning, Building and Zoning Department's Consultant Line Item (11001902-63630)*

Mr. Asselmeier summarized the issue.

Teska Associates, Inc. has been Kendall County's Planning Consultant for the last twenty plus (20+) years. They served the County when the Senior Planner/Director position was vacant and/or in a backup capacity.

The proposed contract would continue this practice for the next year. Teska Associates, Inc. would answer general zoning questions and provide staff for various committees in the absence of the Planning, Building and Zoning Director. The contract would be valid for one (1) year. Teska Associates, Inc. would bill the County on a bi-weekly basis when services are rendered.

The costs and scope of work are the same as the 2023-2024 contract.

Mike Hoffman is the assigned Staff member from Teska Associates, Inc. If Mike is unavailable, the contract would need to be amended.

Member Koukol made a motion, seconded by Member Rodriguez, to approve the contract.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (2): Flowers and Shanley

The motion carried.

The proposal will go to the September 17, 2024, Kendall County Board meeting on the consent agenda.

*Approval of a Request from Michael Isadore to Renew a Special Use Permit for Swimming Lessons Granted by Ordinance 1982-02 at 15331 Burr Oak Road, Plano*

Mr. Asselmeier summarized the issue.

On May 11, 1982, the County Board approved Ordinance 82-2 which granted a special use permit for swimming lessons at 15331 Burr Oak Road. Condition 1 required that the special use permit be renewed annually.

On July 10, 2024, the property owner, Michael Isadore, submitted a request to renew the special use permit.

On July 17, 2024, Staff emailed the Health Department and Sheriff's Department asking if they had any objections to this renewal. To date, no objections have been received.

Member Koukol made a motion, seconded by Member Rodriguez, to approve the renewal.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (2): Flowers and Shanley

The motion carried.

*NPDES Survey Results*

The Committee reviewed the results of the survey. The Stormwater Management Oversight Committee will be meeting on October 10, 2024.

*Special Use Permit Enforcement Update*

The Committee reviewed the update.

*October 25, 2024, Illinois Association of County Zoning Officials Training*

The Committee reviewed the agenda for the training.



**OLD BUSINESS:**

**Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township**

Mr. Asselmeier stated that the Petitioner submitted their revised drawings on September 6, 2024. This information was sent to WBK for review.

**Approval to Extend or Revoke Building Permit 01-2020-146 for a Single-Family Home at 7782 Tanglewood Trails**

Mr. Asselmeier provided an email from Brian Holdiman stating that Mr. Holdiman felt the project would be completed by the October 8, 2024, deadline.

**REVIEW VIOLATION REPORT:**

The Committee reviewed the report.

**REVIEW PRE-VIOLATION REPORT:**

The Committee reviewed the report.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION:**

**Follow-Up from July 15, 2024, Historic Preservation Group Summer Meeting**

Mr. Asselmeier said that Jacquie Purcell spoke about the body that was found on the Bristol Burial Ground. She worked with the various historic groups to identify first, it was a cemetery and second, the identity of the person. The various groups from around the County spoke about what was going on with their organization.

**REVIEW PERMIT REPORT FOR JULY AND AUGUST:**

The Committee reviewed the reports.

**REVIEW REVENUE REPORT:**

The Committee reviewed the report.

**CORRESPONDENCE**

**June 3, 2024, Petition from Residents of Burton Street in Millbrook Regarding a Proposed Business at the End of Burton Street**

The Committee reviewed the Petition.

**COMMENTS FROM THE PRESS:**

None

Mr. Asselmeier reported that on September 5, 2024, he was appointed to the Illinois Task Force on Interjurisdictional Industrial Zoning Impacts.

**EXECUTIVE SESSION:**

None

**ADJOURNMENT:**

Member Koukol made a motion, seconded by Member Rodriguez, to adjourn. With a voice vote of three (3) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 7:40 p.m.

Minutes prepared by Wanda A. Rolf, Administrative Assistant

Enc.



**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
SEPTEMBER 9, 2024**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)	
Don Keenan			
24-21 24-27			
Ann Simmons			
Cynthia Lucasinger			
John D. Stetz			

CAM