KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of April 8, 2013

CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:30 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Amy Cesich, Lynn Cullick, Vice-Chair Judy Gilmour and Jeff Wehrli
Absent: None
Also present: Senior Planner Angela Zubko, Jeff Wilkins (Interim PBZ Director & Administrator), Attorney Dan Kramer, Andy Nicoletti (Supervisor of Assessments), Ellen & Don Theobald (Plainfield School District), Todd Drafall (Minooka High School District 111), Michael Rusomsu (Lisbon CCSD#90), Bill Baumann (Oswego District 308), Mike Barr (Oswego District 308), Rich Schmitt (Sandwich District 430), Delene Drew (Newark School District #66) and Bill Lavine (Oswego District 308)

APPROVAL OF AGENDA
Lynn Cullick made a motion to approve the agenda as written, Jeff Wehrli seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Judy Gilmour made a motion to approve the minutes from February 25, 2013. Jeff Wehrli seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Lynn Cullick made a motion to approve the expenditure report and forward it onto the Finance Committee, Judy Gilmour seconded the motion. All agreed and the motion was approved.

CITIZENS TO BE HEARD
Mr. Bill Lavine is here on behalf of the Oswego School District concerning the Land Cash Ordinance. Some of the concerns their committee had and some were the same concerns of Yorkville were the following:

Concern on age-restricted community and if school aged children do move in how that would be implemented and how will the district be reimbursed for that. They are in favor of age-restricted communities because it would increase the tax base in the future but the basic concern is how it would be enforced. It has been abused in other districts even those it was written in the covenants that no children are permitted. Mr. Levine gave an example in the Village of Oswego that went the opposite way where a subdivision was not age restricted, paid land cash and is now an age restricted community. The Oswego School district passed out the District 308 enrollment projections through the years 2015/2016 to show how many students are projected which is what the district is struggling with (see handout attached). Those were the main concerns. Mr. Wehrli asked Mr. Levine if there were any suggestions about enforcement that came out of their committee as it was also a concern of the PBZ Committee. Mr. Levine stated they noticed there was a clause in the proposed land cash that was broad but they did not have any suggestions at that time. With no other questions Mr. Levine thanked everyone for their time.
NEW BUSINESS
Request from the Oswegoland Park District to waive the building permit fees - Planner Zubko stated in your packet is a request for the Oswegoland Park District to waive their building permit fees for the Winrock pool expansion. Planner Zubko also stated this is typical of another governmental agency and we already waive all building permit fees for the Forest Preserve. Jeff Wehrli made a motion to waive the fees, Lynn Cullick seconded the motion and the fees will be waived.

PETITIONS
#12-03 Land Cash Ordinance
Chairman Scott Gryder thanked everyone for coming tonight. Planner Zubko also thanked everyone for coming and explained the 2 worksheets that were handed out tonight with regards to the last 3 years of assessment value. Planner Zubko stated the Mr. Nicoletti (Supervisor of Assessments) helped put together the worksheets and can answer any questions anyone might have. There was a brief discussion on the numbers and what was used in the calculation. The numbers are always going to refer to residential lots. When we talk about improved lots they do not distinguish between townhouses, condos, etc. so that could skew the numbers a little bit. Mr. Nicoletti also stated everyone needs to keep in mind that in 3 years the numbers could be less. It was eventually decided later in the meeting that the numbers need to be on a per acre value and not a per parcel value. Planner Zubko will get the new numbers to the Committee next month with the help of GIS.

Planner Zubko stated also in the packet were comments from the City of Yorkville and she talked to Jason Pettit from the Forest Preserve and he could not attend tonight but did say he would get her some comments this week and that the small amount of money they get from land cash from Kendall County is not something the Forest Preserve factors into their budget, it is just ‘bonus’ money they receive that year.

Mr. Gryder asked if some of the communities have age-restricted communities and Planner Zubko stated she got the language from the City of Plano’s land cash Ordinance. Mr. Drafall from Minooka High School District 111 stated a good example of fees being waived is the Del Webb community in Huntley and the HOA fights the issue of children. Also in Channahon where land cash was waived and now it’s a community open to anyone and the school district will receive no money from that subdivision. He stated they have those same concerns about enforcement. Mr. Wilkins stated that most of the examples brought up will be incorporated so suggested just eliminating the language all together. The PBZ Committee decided to take out the age restricted wording.

Ellen Theobald from the Plainfield School District stated they had most of the concerns of Yorkville and also would like the land cash paid up-front instead of during the building permit stage. There was a little discussion on that and it was decided to leave the language as is as most developers would not be able to pay a lump sum up-front. Plainfield also mentioned they have 4 schools in Kendall County and will email Planner Zubko their updated numbers to add into the tables.

Since there were no more comments Planner Zubko suggested going through the Yorkville Community School District 115’s comments to maybe generate more discussion from the group. The first comment was about age restricted communities and the PBZ Committee decided to eliminate the language from the Land Cash Ordinance. The 2nd comment is with regards to holding the school funds in an interest bearing account and how the funds are distributed. Planner Zubko stated the funds are in interest bearing accounts held in the Treasurer’s office and distributed quarterly without any requests and typically the school districts provide a list.
of what the land cash money is going towards. She is of the opinion that meets the requirements of the Ordinance.

The third comment is that they request the County to set a per acre value instead of leaving it open to the Supervisor of Assessments. Planner Zubko asked the school superintendents if they put a number they project to get into their budgets every year. Rick Schmidt from the Sandwich school district stated the fair market value per acre in Sandwich is the same for LaSalle County which is $80,000. They mentioned a small portion of their students are actually from Kendall County and have not recently factored in a number they will bring in from Land Cash. There was some discussion and it was decided we could look at a revision to this Ordinance anytime so the group decided to keep the value and modify it every three years for now.

Comment 4 discusses when land cash is paid and after some discussion about the pros and cons and if it’s economically feasible in this economy to pay it upfront. It was discussed the municipalities typically get it upfront. Planner Zubko asked Attorney Kramer if he wanted to have any input since he has worked with lots of developers and has some insight. Mr. Kramer stated he is not aware of any communities that have waived the land cash fees and gave some background on the land cash history. He also discussed when the economy was good some of the developers built the school for the district. Mr. Kramer likes the current language in the Ordinance weather they pay upfront or during building permits. He also talked about 55 and over communities and they only require 1 person in the house to be 55 or over. Mr. Wehrli wanted to remind everyone that we (the County) cannot enforce covenants. The PBZ Committee decided to keep the language as is since it gives the option of either or.

Comment 5 refers to paragraph 8 about the wording being too restrictive with regard to require a contract to purchase the land within one year of approval of the final plat. After some discussion it was decided to put some language about the option to purchase or right of refusal. Mr. Wilkins will provide some language to Planner Zubko before the next meeting.

Comment 6 refers to paragraph 9 to possibly include sewer, water and utilities brought to the site and also maybe improve the site with streets, curbs and gutters as shown on the final plat. Planner Zubko stated this will be for unincorporated schools so no sewer or water will be brought to the site. Also sometimes the whole site is not in one subdivision so not sure how they would do this. The PBZ Committee decided to leave the language as is.

With no further comments, the PBZ Committee thanked everyone for coming once again. Planner Zubko will do the revisions and bring them back next month.

NEW BUSINESS
Discussion on slaughtering of poultry- Planner Zubko stated Attorney Dan Kramer is here on behalf of the potential future business. Planner Zubko asked a representative attend the meeting to discuss give us information for the Committee to decide if this should be considered as a special use in the A-1 Agricultural District or stay as a permitted use in the M-1 and M-2 Manufacturing District. Planner Zubko asked Mr. Kramer to please tell us about the location, size and any information about slaughtering of poultry so we have a better understanding of the process. Al and Mary Maly were in attendance tonight who own a farm outside Newark which sits on Lisbon Center Road and it’s within a ½ mile of Newark. The Department of Ag and the U of I extension is excited about this. They have been to Newark and Newark cannot decide if they want to annex this property and the roadway adjacent to it as well. Also Newark would not be able to provide sewer or water to the site. Newark didn’t seem to express concern over the slaughtering but Newark was thinking
about rezoning this to manufacturing. Mr. Kramer thinks the special use makes more sense in the County especially since no other manufacturing is in the area. The facility would a standard type farm looking building and employ about 20-22 fulltime people and be inspected by the Department of Agricultural. It’s very sophisticated equipment that would be put on this property. They would like to do about 3,000 chickens a day. The only other poultry processing plant located in the west is in Arcola and they are turning people away. They would process water foul, rabbits and chickens. It really is a service to owners who would like their poultry process. It wouldn’t cover an acre but probably a special use for about 5 acres due to septic sizing and possible expansion. Hours would be Monday thru Friday from 6am to 5pm, holiday processing hours would be different and include Saturday’s. It would take place entirely in an enclosed building so noise or odor should not be a problem. Also to note they raise batches of 200 chickens at a time, a flock of 300 hens, 60 heritage turkeys and 100 or more red-breasted turkeys. They currently have all these animals at their property on Roods road currently if anyone wanted to visit their current site. There were some questions with regards to waste, water, size of building, smell, electricity, etc. Planner Zubko wanted to clarify this is no longer called a slaughtering facility. The owners concurred stating it is now called a processing plant. The group consensus was they were fine with allowing this type of facility as a special use in the Agricultural facility and Planner Zubko will work with Attorney Kramer on the text amendment and special use for a small processing plant.

Discussion on Prairie Materials process after IDOT purchases part of the property on Route 47- Planner Zubko stated in your packet is some background information on Prairie Materials. The property is located at the northwest corner of Route 47 and Sherrill Road. It is approved for a mine, no mining has started but everything was approved in 2009. Since some of the property is being acquired in the Route 47 project the petition now needs to redraw everything taking that into account. The petitioners are wondering if this can be done administratively or if they have to go through the whole process again. Planner Zubko is of the opinion it could be done administratively since they’re just loosing space to mine and everything is staying the same. She does however suggest notifying the people that were notified before to inform them of the change. The PBZ Committee is fine with doing it administratively but wondered if it was legal to do it that way especially since there was a court order. Planner Zubko will contact the States Attorney’s Office with regards to that question. This will be brought back next month. Also the PBZ Committee would request an updated timeline when they redraw their drawings.

OLD BUSINESS–
City of Yorkville Building Inspection Agreement- Planner Zubko stated that in your packet is the intergovernmental agreement approved by our SAO. The only changes since the version in your packet was the City of Yorkville’s title changed from Inspector to Code Official and to send copies to the Community Development Director instead of the Building Inspector/Zoning Officer. At this time Planner Zubko would like the Committee to approve the agreement with those changes contingent upon approval from the City of Yorkville. Once Yorkville approves it at the end of the month then it will move onto the full County Board or Committee of the Whole depending on the timing. Mr. Gryder noted a few things: on page 3, section 4a ‘jurisdiction is spelled wrong and on page 9, section 24, the 2nd to last sentence, the word ‘prompt’ can be vague and suggested to give a number of days instead. The Committee decided to change it to 15 days. Jeff Wehrli made a motion to approve the draft agreement with the mentioned changes, Lynn Cullick seconded the motion. All were in favor and the agreement will go to the first County Board meeting of the month if approved by the City of Yorkville.

PUBLIC COMMENT – None
UPDATE ON HISTORIC PRESERVATION- The historic preservation last month went through some windshield survey pictures and they next meeting will be on April 17th where they will be discussing what to do for preservation month in May and also have approved a proclamation for the County Board to approve to acknowledge Preservation month.

PROJECT STATUS REPORT – Reviewed

PERMIT REPORT – Mr. Wehrli asked if the 3 million dollar in renovations is a mistake and Planner Zubko stated that was for the Winrock Pool renovations through the Oswegoland Park District.

REVENUE REPORT – Reviewed

CORRESPONDENCE – Scott mentioned he emailed everyone the email he received with reference to our comments to CMAP who referred our comments to IDOT.

EXECUTIVE SESSION - None

ADJOURNMENT- Next meeting will be on May 13, 2013

Lynn Cullick made a motion to adjourn the meeting. Amy Cesich seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 8:24 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner