

**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 September 9, 2019**

**CALL TO ORDER**

The meeting was called to order by Chairman Prochaska at 6:30 p.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

**ROLL CALL**

Committee Members Present: Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Dan Kramer, Andy Nicoletti, Willie Cade, Patrick McCrimmon, and Katie Finlon

**APPROVAL OF AGENDA**

Member Gilmour made a motion, seconded by Member Gengler, to approve the agenda with the amendments of moving New Business to after Old Business and removing the agenda item pertaining to 26 Marnel Road. With a voice vote of four (4) ayes, the motion carried unanimously.

**APPROVAL OF MINUTES**

Member Kellogg made a motion, seconded by Member Gengler, to approve the minutes of the August 26, 2019, meeting. With a voice vote of four (4) ayes, the motion carried unanimously.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

*Review of Expenditures from the Prior Month*

The Committee reviewed the Expenditure Report. Member Kellogg made a motion, seconded by Member Gengler to forward the bills to the Finance Committee. With a voice vote of four (4) ayes, the motion carried unanimously.

*Planning, Building and Zoning Department Quarterly Expenditure Update*

The Committee reviewed the report. Discussion occurred about possibly increasing the amount of funds budgeted for postage and training in the next fiscal year.

**PETITIONS**

*19 – 27 – Matthew Prombo*

Dan Kramer explained the site plan. No right-of-way dedication will occur and the driveway cut will occur off of Sheridan Road. There is a triangular portion of the site outlined on the site plan showing where a house could be placed without requiring any variances. The Petitioner has no objections to the conditions proposed by Staff.

Mr. Asselmeier summarized the request.

Matthew Prombo submitted a request to construct a house on the property at the corner of Route 71 and Sheridan Road. The property is zoned A-1 Agricultural. The property is on the south side of Sheridan Road and is west of Route 71. The property is approximately five point eight (5.8) acres in size. The parcel identification number is 07-07-100-015.

At their meeting on August 12, 2019, the Planning, Building and Zoning Committee agreed to the Petitioner's request to construct one (1) house on the property provided a site plan was provided. On August 30, 2019, the Petitioner submitted a site plan with two (2) potential housing locations, which was provided.

Staff prepared a proposed conditional use permit which was also provided. The proposed conditions are:

1. There can only be one (1) single-family housing unit located on the parcel.
2. The parcel must remain at least one hundred thirty thousand (130,000) square feet in size.
3. Well and septic system must receive applicable permits from the Kendall County Health Department.
4. The new home shall be constructed in substantially one (1) of the locations shown on the site plan.
5. The property owner may construct accessory structures normally and customarily found on residentially used properties.
6. None of the structures constructed on the property shall be considered agricultural purposes. Accordingly, the property owner shall secure all applicable permits for the construction of structures on the property.
7. Failure to abide by the above conditions could result in the revocation of the conditional use permit.

Member Kellogg made a motion, seconded by Member Gengler, to approve the conditional use permit with conditions proposed by Staff.

The votes were as follows:

Yeas (4): Gengler, Gilmour, Kellogg, and Prochaska  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried.

### **OLD BUSINESS**

*Update on 45 Cheyenne Court-Committee Could Approve Forwarding the Violation to the State's Attorney's Office*

Mr. Asselmeier provided an updated picture of the property taken September 9, 2019.

Member Kellogg made a motion, seconded by Member Gengler, to forward the case to the State's Attorney's Office. With a voice vote of four ayes, the motion carried unanimously.

Discussion and Possible Amendment to Petition 19-21 Request from the Kendall County Planning, Building and Zoning Committee for Amendments to the Kendall County Land Cash Ordinance

Following the August 2019 Committee of the Whole meeting, this proposal was referred back to the Planning, Building and Zoning Committee to discuss the possibility of having multiple fair market values similar to Will and DuPage Counties. A copy of Will and DuPage Counties' information was provided.

In Will County, the school district determines whether land is donated or cash is paid. The Supervisor of Assessments works with the local township to determine the fair market value. The appeals process and timeline for paying are outlined in the ordinance.

In DuPage County, the donation amount is determined by agreement between the developer and the County based on a density table. The Regional Superintendent of Schools may file an objection.

Both Will and DuPage Counties only collect donations for developed lots in subdivisions.

Enrollment figures will be available in October.

Discussion occurred about having a fair market value on a township basis. Andy Nicoletti expressed concerns about breaking up school districts by townships. Mr. Nicoletti also expressed concerns about the differences in valuation between townships. Discussion occurred regarding the impact of land values on the land cash amount.

The consensus of the Committee was to examine fair market values on a school district basis. Mr. Nicoletti will do a three (3) year average evaluation of value by school district inside and outside municipalities and everything combined. He will provide this information for the October Planning, Building and Zoning Committee meeting.

Discussion of Bed and Breakfast and AirBnB Related Zoning Regulations-Committee Could Initiate a Text Amendment to the Kendall County Zoning Ordinance Regarding These Uses

Mr. Asselmeier summarized the issue.

Following the July Planning, Building and Zoning Committee on this topic, Staff was instructed to draft changes to the Kendall County Zoning Ordinance pertaining to bed and breakfast establishments and short-term rentals. Bed and breakfast establishments are special uses in the A-1, R-1, RPDs, and R-2 zoning districts. The proposed changes are as follows:

Amendment to Section 3.02

~~BED AND BREAKFAST ESTABLISHMENTS - A lodging establishment, generally in a single-family dwelling and/or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation. An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. Bed and bed breakfast establishments shall meet the criteria set forth in the Illinois Bed and Breakfast Act.~~

~~HOTEL, MOTEL, OR INN OR AUTO COURT.~~ An establishment containing lodging

accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms, and ancillary retain uses provided access to such uses are from the exterior of the principal use. Short-term rentals of a maximum thirty (30) days in a dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits shall not be considered hotels.

Section 7.01.D.11 is amended by the following:

1. Bed and breakfast establishments are permitted subject to the following conditions:
  - a. Shall have no more than five (5) guest rooms for rent.
  - b. Shall be in operation for not less than ~~six (6) nights in a six (6) month period.~~ ten (10) nights in a twelve (12) month period.
  - c. Shall maintain a guest register which shall be available at all times for inspections.
  - d. Shall be located in a single family detached dwelling, not an accessory building or garage.
  - e. Shall satisfy all requirements of the Kendall County Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Building Department prior to the issuance of occupancy permits.
  - f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off-street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
  - g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
  - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
  - i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
  - j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
  - k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.

Sections 8.02.C.4. and Section 8.03.H.2.b are amended to have the same language as Section 7.01.D.11.

Staff recommends that any changes to the bed and breakfast regulations be included as part of the larger Zoning Ordinance project.

Alex Finke provided additional information regarding AirB&B regulations and their impacts in Batavia.

The Committee reviewed the information from Willie Cade. Mr. Cade explained why he lists his

property on AirB&B. He suggested having a registration number.

Patrick McCrimmon was in agreement with Mr. Cade and the idea of annual registration provided that the information about the registration be made more accessible to the public. Mr. McCrimmon contacted the Village of Montgomery prior to starting on AirB&B instead of contacting the County. The suggestion was made to notify the municipalities of the County's regulations and post information on the County's website.

The consensus of the Committee was to have the definition of bed and breakfast be more in line with State law and not to initiate a text amendment; the text amendment should occur as part of the Zoning Ordinance overhaul. The Committee did not want many regulations, but they did want AirB&Bs to register for free annually with the County. Mr. Cade and Mr. McCrimmon may post their ads on AirB&B.

#### Zoning Ordinance Project Update

Mr. Asselmeier provided an update.

The Comprehensive Land Plan and Ordinance Committee has reviewed Sections 3, 4, 5, 6, 7, 8, and part of 12. They continue to discuss various definitions. Each Section will be separate petitions.

#### **NEW BUSINESS**

##### Approval to Initiate an Amendment to Section 104 (Definitions) of the Kendall County Stormwater Management Ordinance by Updating the Edition of Bulletin 70 Referenced in the Ordinance

Mr. Asselmeier summarized the request.

Bulletin 70 is a document used by the Illinois State Water Survey (ISWS) to evaluate rainfall frequency in Illinois.

The 1989 version of Bulletin 70 is referenced in the Kendall County Stormwater Management Ordinance. In March 2019, Bulletin 70 was updated.

Accordingly, Staff requests that the definition of Bulletin 70 contained in Section 104 of the Kendall County Stormwater Management Ordinance be updated from "Frequency Distributions and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois' by Floyd Huff and James Angel of the Illinois State Water Survey (1989)" to "Frequency Distributions of Heavy Precipitation in Illinois: Updated Bulletin 70' by James Angel and Momcilo Markus (2019)."

If the County does not update to the most current version of Bulletin 70, then the County would be utilizing outdated rainfall figures when designating and evaluating stormwater infrastructure. A copy of the update version of Bulletin in 70 was provided.

Pursuant to Section 808 of the Kendall County Stormwater Management Ordinance, no amendments to the Stormwater Management Ordinance can occur without a public hearing by the County Board.

Member Kellogg made a motion, seconded by Member Gengler, to start the adoption process for this amendment. With a voice vote of four (4) ayes, the motion carried unanimously. This matter will go to the County Board on October 15<sup>th</sup>.

Discussion of 1983 Recreational Vehicle and Campground Regulations

The Committee reviewed the regulations.

There are four (4) campgrounds in the County.

Member Gilmour made a motion, seconded by Member Kellogg, to ask the State's Attorney's Office what can the County change and what can't the County change in this Ordinance and will these changes apply to the existing campgrounds. With a voice vote of four (4) ayes, the motion carried unanimously.

If the County can make changes, then the Committee would like to review the Ordinance in more detail.

**REVIEW VIOLATION REPORT**

The Committee reviewed the Violation Report.

Chairman Prochaska noted that Fields of Farm Colony expressed opposition to the County's increased enforcement activities.

**REVIEW NON-VIOLATION COMPLAINT REPORT**

The Committee reviewed the report.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION**

Mr. Asselmeier reported the Illinois Historic Preservation Agency hired a new person to review Certified Local Government applications and they will be reviewing the County's Historic Preservation Ordinance.

**REVIEW PERMIT REPORT**

The Committee reviewed the report.

**REVIEW REVENUE REPORT**

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Member Kellogg made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 7:24 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Enc.

**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
SEPTEMBER 9, 2019**

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)
Willie CASE	[REDACTED]	[REDACTED]
Patrick McCrimmon	[REDACTED]	[REDACTED]

## Testimony Before the Kendall County Building & Zoning Committee

By Willie Cade, Sept 9<sup>th</sup>, 2019

Mr. Chairman and Members of the Committee, thank you for this opportunity to speak this evening on the discussion of Bed and Breakfast and Short-term Rentals (Airbnb) Related Zoning Ordinance changes as recommended by the Committee's staff.

I have had the opportunity to review and discuss the proposed changes with Mr. Asselmeier. It is my understanding that these changes would allow me to relist my vacation home, a Pullman Train Car on 5 ½ acres zoned A1 in Plano, on Airbnb. The listing on Airbnb offers us both exposure and security because of their policies and practices. I support the suggested changes.

Our train car is named Constitution. When it was on the tracks it was used by Presidents Harding and Wilson to travel around the United States. Over 70 years ago my family purchased the Constitution from Pullman. They brought the car to Plano and took the car off the trucks (wheels) and placed it on the foundation where it now sits on a bluff overlooking Rock Creek. The history of the car and the idyllic location is a great place to retreat.

I understand that the process to make these changes will take time. I would appreciate your guidance on moving forward in the interim.

I would be happy to answer any questions that you have of me at this time.