

**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 October 7, 2019**

**CALL TO ORDER**

The meeting was called to order by Chairman Prochaska at 6:35 p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers (left at 7:22 p.m.), Scott Gengler (arrived at 6:45 p.m.), Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Scott Koeppel (County Administrator), John Sharkey, and Andy Nicoletti

**APPROVAL OF AGENDA**

Member Gilmour made a motion, seconded by Member Kellogg, to approve the agenda. With a voice vote of four (4) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Flowers made a motion, seconded by Member Kellogg, to approve the minutes of the September 9, 2019, meeting and September 10, 2019, special meeting. With a voice vote of four (4) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

Review of Expenditures from the Prior Month

The Committee reviewed the Expenditure Report.

**PETITIONS**

19 – 32 – John and Erin Sharkey and Theodore Parks

Mr. Asselmeier summarized the request.

John and Erin Sharkey and Theodore Parks would like to vacate the ten foot (10') public utility and drainage easement that runs along and parallel the northern lot lines of Lots 1 and 4 in Highgrove Subdivision. The Petitioners own the property immediately north of the subdivision and would like to construct buildings inside the current easement.

After submitting the application to vacate the easement in question, the Petitioners agreed to relocate the easement to the northern boundary of PINs 09-07-200-034 and 09-07-200-033.

The property is located at 13315D and 13315A Grove Road in Seward Township.

Seward Township was emailed information on September 23, 2019, and did not submit any

comments.

The Petitioners originally wanted to vacate the ten foot (10') public utility and drainage easement that runs along and parallel the northern lot lines of Lots 1 and 4 in Highgrove Subdivision. The Petitioners own the property immediately north of the subdivision and would like to construct buildings inside the current easement.

On September 6, 2019, Fran Klaas sent an email expressing no opposition to the proposal on the condition that no public utilities were located in the easement and that the easement be relocated to the north portion of the Petitioners' respective properties (09-07-200-034 and 09-07-200-033).

Also on September 6, 2019, Greg Chismark submitted comments concurring with Fran Klaas. Mr. Chismark also requested that the easement be extended north along the eastern property line of Lot 1 to the new easement location.

The emails from Fran Klaas and Greg Chismark were provided.

The Petitioners contacted JULIE to determine no utilities would be impacted by vacating the easement. The JULIE information was provided.

ZPAC met on this proposal on October 1, 2019, and recommended approval.

Staff recommends approval.

Member Kellogg made a motion, seconded by Member Flowers, to recommend approval of the Petition.

The votes were as follows:

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

The motion carried. The proposal will go to the County Board on October 15, 2019.

### **NEW BUSINESS**

#### **Approval of Fiscal Year 2019-2020 Meeting Calendar**

Member Kellogg made a motion, seconded by Member Flowers, to approve the meeting calendar.

Chairman Prochaska made a motion, seconded by Member Kellogg, to move the September meeting to September 14, 2020, and move the October meeting to October 19, 2020. With a voice vote of four (4) ayes, the motion carried.

With a voice vote of four (4) ayes, the motion as amended carried.

Approval of 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 request.

In 1982, the Kendall County Board granted a special use permit for swimming lessons at 15331 Burr Oak Road (Ordinance 1982-2). Restriction #1 of this special use permit required annual renewal by the County Board/Committee.

On September 10, 2019, the property owner, Michael Isadore, submitted an email requesting the special use permit be renewed.

Chairman Prochaska asked if Mr. Isadore was having swimming lessons. Mr. Asselmeier said no.

Member Kellogg made a motion, seconded by Member Flowers, to approve the request.

With a voice vote of four (4) ayes, the motion carried.

Recommendation on 2020 Comprehensive Noxious Weed Work Plan

Mr. Asselmeier summarized the issue.

Kendall County is required by Illinois law to submit an annual Noxious Weed Comprehensive Work Plan to the State by November 1st of each year. The proposed 2020 Kendall County Noxious Weed Comprehensive Work Plan was distributed. This proposal is the same as the 2019 Noxious Weed Comprehensive Work Plan.

Marijuana is still a noxious weed.

Member Flowers made a motion, seconded by Chairman Prochaska, to recommend approval of the proposed work plan.

With a voice vote of four (4) ayes, the motion carried. The proposal will go to the County Board on October 15, 2019.

Approval to Request that the State's Attorney Office Prepare an Amendment to the Kendall County Zoning Ordinance Pertaining to Citation Authority; Committee Could Initiate a Text Amendment to the Kendall County Zoning Ordinance Regarding Citation Authority

Mr. Asselmeier explained that the enforcement regulations in Zoning Ordinance are in Section 13. If the Committee would like the Department to have the ability to write citations, an amendment to this Section would be required.

Member Flowers made a motion, seconded by Member Gilmour, to request that the State's Attorney's Office prepare an amendment to the Zoning Ordinance and to initiate a text amendment to that effect. With a voice vote of four (4) ayes, the motion carried.

Approval of the Part-Time Code Enforcement Officer Job Description

The Committee reviewed the memo drafted by Mera Johnson.

Mr. Gengler arrived at this time (6:45 p.m.).

County Administrator Koepfel noted that this proposed job description is based off of the Code Official Job description.

Member Flowers favored having the candidates for the job to have code enforcement, law enforcement, or other administrative experience instead of having this experience preferred. Member Kellogg expressed concerns that requiring this experience could narrow the scope of applicants and disqualify people previously employed in the building trades that did not have this type of experience.

The anticipated salary is Eighteen Dollars (\$18) per hour with an average work load of ten (10) hours per week.

Without objection, the Committee voted to forward this proposal to the County Board for the October 15, 2019, meeting.

Approval of the Code Official Job Description

The Committee reviewed the memo drafted by Mera Johnson. The State's Attorney's Office previously supplied Ms. Johnson with comments regarding this job description.

Member Gilmour asked about certifications. County Administrator Koepfel responded that the certifications must be obtained during the probationary period which is the first six (6) months of employment.

The Code Official will not have a supervisory role. The Part-Time Code Official will report to the County Administrator.

Member Gilmour made a motion, seconded by Member Flowers, to forward this job description to the County Board. With a voice vote of five (5) ayes, the motion carried. This matter will go to the County Board on October 15, 2019.

**OLD BUSINESS**

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

Mr. Asselmeier summarized the issue.

At the September 9, 2019, Planning, Building and Zoning Committee meeting, the Committee requested Andy Nicoletti to calculate fair market values by school district using the same calculation that obtained the proposed fair market value of \$47,121 for the entire County (the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3-year period). The school district information, for sales both inside and outside municipalities, are as follows:

Newark-\$20,752  
Oswego-\$58,328  
Plano-\$43,844  
Sandwich-\$52,141  
Yorkville-\$49,328

No sales occurred in the Kendall County portion of the Plainfield, Lisbon, or Minooka school districts during the previous 3 years.

The current fair market value contained in the Land Cash Ordinance is \$72,680.

Also, the Regional Office of Education reported that enrollment figures will not be available until October 15<sup>th</sup>.

Mr. Nicoletti reported that no sales occurred in the three (3) school districts listed previously. He noted that the cost to build a school would be about the same throughout the County.

It was noted that the County's Land Cash Ordinance only applied in the unincorporated areas of the County. Discussion occurred regarding the cost of constructing schools in the County.

Discussion occurred regarding enrollment figures. The enrollment figures were used to justify having a Land Cash Ordinance; the enrollment figures did not impact any calculations in the Land Cash Ordinance.

Member Gengler made a motion, seconded by Chairman Prochaska, to use a single fair market value, update the proposal with the current school enrollment figures, and place the item on the agenda for the first County Board meeting in November. With a voice vote of five (5) ayes, the motion carried.

#### Discussion of 1983 Recreational Vehicle and Campground Regulations

Chairman Prochaska noted that the State's Attorney's Office requested more specific information on the changes the Committee wants to propose to the ordinance.

Member Gengler suggested obtaining the age of applicants for campgrounds. Member Gengler also suggested limiting the number of people per lot.

Chairman Prochaska suggested limiting the time of year campers could camp, including having running water at campsites and access to electricity at all hours of the day. Permanent residency could occur if someone lists the address on a voter registration list, vehicle registration list, sex offender registration list, school enrollment list, FOID card, or court document.

Member Kellogg suggested place a time limit to supply the register of campers and picnickers contained in Section 5.03; he suggested forty-eight (48) hours.

Member Flowers expressed concerns regarding the ten (10) foot separation requirement between trailers and accessory structures.

Member Kellogg suggested an annual walk through requirement and an emergency evacuation plan, or something similar.

The Committee requested comments from the fire protection districts that have campgrounds in their districts.

Discussion occurred about having residency a certain number of days within a six (6) month period. The Committee decided against this requirement because no way existed to externally verify this type of occupancy other than the campground's records.

Staff will prepare a proposal and invite fire protection district to the next meeting.

Zoning Ordinance Project Update

The Comprehensive Land Plan and Ordinance Committee has reviewed Sections 1,2, 3, 4, 5, 6, 7, 8, 9, and 12.

**REVIEW VIOLATION REPORT**

Member Flowers left at this time (7:22 p.m.).

The Committee reviewed the Violation Report.

Mr. Asselmeier reported that Brian Holdiman was working with the Sheriff's Department in running vehicle identification numbers and license plate numbers. He will go over information with the State's Attorney's Office before delivering citations.

Chairman Prochaska noted that the Department received a complaint regarding the late hour of servicing a citation.

Mr. Holdiman was having difficulty serving some of the property owners.

**REVIEW NON-VIOLATION COMPLAINT REPORT**

The Committee reviewed the report.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION**

Mr. Asselmeier reported that Commission is waiting on the Illinois Historic Preservation Agency's review of the Historic Preservation Ordinance.

**REVIEW PERMIT REPORT**

The Committee reviewed the report.

**REVIEW REVENUE REPORT**

The Committee reviewed the report.

**CORRESPONDENCE**

September 27, 2019 and September 6, 2019 Emails from Fran Klaas Regarding Highgrove Subdivision

The Committee reviewed the correspondence.

The Stormwater Management Oversight Public Hearing scheduled for October 10, 2019, has been cancelled because the Committee of the Whole was cancelled.

**COMMENTS FROM THE PRESS**

None

**EXECUTIVE SESSION**

Motion by Member Gilmour, seconded by Chairman Prochaska, to enter into executive session for the purposes of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The votes were as follows:

Yeas (4): Gengler, Gilmour, Kellogg, and Prochaska

Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried. The Committee recessed at 7:28 p.m.

Chairman Prochaska called the Committee back to order at 7:30 p.m.

**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)

**NEW BUSINESS**

Approval to Release Executive Session Minutes of October 7, 2019

Member Kellogg made a motion, seconded by Member Gilmour, to release the executive session minutes of October 7, 2019.

With a voice vote of four (4) ayes, the motion carried.

**ADJOURNMENT**

The next Planning, Building and Zoning Committee is on a Tuesday because of Veterans' Day.

Member Kellogg made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 7:32 p.m.

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