

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**

***Kendall County Office Building***

***Rooms 209 and 210***

***111 W. Fox Street, Yorkville, Illinois***

***4:30 p.m.***

**Meeting Minutes of November 12, 2024**

**CALL TO ORDER**

The meeting was called to order by Vice-Chairman Rodriguez at 5:00 p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers (arrived at 5:19 p.m.), Dan Koukol, Ruben Rodriguez, and Brooke Shanley

Committee Members Absent: Seth Wormley

Also Present: Matthew H. Asselmeier, Director, Wanda A. Rolf, Office Assistant, Dan Kramer, and Cynthia Lucksinger

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Member Koukol made a motion, seconded by Member Shanley, to approve the minutes of the October 7, 2024, meeting. With a voice vote of three (3) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

*Review of Expenditures from the Previous Month*

The Committee reviewed the Expenditure Reports from October 2024.

Mr. Asselmeier stated that the project and the amount from the Diller family property was closed. Member Koukol asked why the fine wasn't put on the deed. Mr. Asselmeier responded that the State's Attorney's Office gave Mr. Diller a deadline to pay the fine. Mr. Diller passed away before the deadline was reached. According to the State's Attorney's office the fine was against Mr. Diller, not the property, which is why it was not recorded as a lien.

**PETITIONS**

*Petition 24-26 Timothy A. Tremain*

Mr. Asselmeier summarized the request.

The Petitioners would like a map amendment rezoning approximately three point six more or less (3.6 +/-) acres located on north side of River Road between 11327 and

11209 River Road from R-1 One Family Residential District to R-3 One Family Residential District in order to build two (2) houses at the property.

The property was rezoned in 2007 by Ordinance 2007-03 and is Lot 1 of the Glen Nelson Subdivision.

The property is less than ten (10) acres in size as is eligible for rezoning under Section 8:07.H of the Kendall County Zoning Ordinance.

To date, the Petitioner has not indicated if they will be dividing the land through a Plat Act Exemption or if they will be pursuing a re-subdivision of the property.

The application materials and zoning plat were provided.

The property is approximately three point six (3.6) acres in size.

The County's Future Land Use Map calls for the property to be Rural Residential. The United City of Yorkville's Future Land Use Map calls for the property to be Estate/Conservation Residential.

River Road is a Township maintained Minor Collector.

The zoning plat shows a fifteen foot (15') trail easement along the southern portion of the property.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural, Wooded, Single-Family Residential, and a Private Road.

The adjacent properties are zoned A-1, R-1, and R-3.

The County's Future Land Use Map calls for the area to Rural Residential. The United City of Yorkville's Future Land Use Map calls for the area to be Estate/Conservation Residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-3 in the County and Residential inside Yorkville south of the Fox River.

The A-1 special use permits to the east is for a campground (PNA Camp).

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

The application for NRI was submitted on August 20, 2024. The LESA Score was 141 indicating a low level of protection. The NRI was provided.

Petition information was sent to Bristol Township on August 23, 2024. Bristol Township had no concerns regarding the proposal. A letter from Bristol Township was provided.

Petition information was sent to the United City of Yorkville on August 23, 2024. The Yorkville Planning and Zoning Commission reviewed the proposal at their meeting on October 9, 2024, and recommended favorably of the proposal. An email to that effect

was provided. The Yorkville City Council issued a positive recommendation at their meeting on October 22, 2024. An email to that effect was provided.

Petition information was sent to the Bristol-Kendall Fire Protection District on August 23, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on September 3, 2024. The Petitioner's Attorney provided a history of the subdivision and the Petitioner's plan to build houses on the subject property. Any new houses would use the existing private road to access River Road; there would be no new cuts on River Road. Discussion occurred regarding the Estate/Conservation Residential classification in Yorkville's plan; this designation was placed on properties where Yorkville had not conducted a large amount of analysis of future land uses. Discussion also occurred regarding the trail easement. The earliest the Petitioner would construct houses would be 2025. ZPAC recommended approval of the proposal by a vote of seven (7) 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 October 23, 2024. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 23, 2024. Discussion occurred regarding driveway locations; they would come off of Glen Nelson Drive and not River Road. Discussion also occurred regarding ownership responsibilities of Glen Nelson Drive. The Kendall County Regional Planning Commission 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 Zoning Board of Appeals held a public hearing on this proposal on October 28, 2024. Other than the Petitioner's Attorney, nobody else from the public testified at the public hearing. Discussion occurred regarding maintenance responsibilities of Glen Nelson Drive; the property owners in the subdivision are responsible for maintaining the street. The Kendall County Zoning Board of Appeals recommended approval of the map amendment by a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing were provided.

The Petitioner would like to rezone the property in order to build a maximum of two (2) houses on the property.

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

No utility information was provided.

The property fronts Glen Nelson Drive, which is a private road. The zoning plat noted that the property cannot access River Road.

Any parking would be for residential purposes.

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

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

Landscaping would be for residential uses.

Signage would be for residential purposes and would have to meet applicable regulations.

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 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 A-1, R-1, and R-3. In particular, the properties immediate south of the subject property are zoned R-3.

The suitability of the property in question for the uses permitted under the existing zoning classification. One (1) single-family home could be built on the subject property under the present R-1 zoning classification. If a property owner wanted to construct additional homes, a map amendment to a zoning district that allows for small lots, such as the R-3 zoning classification, would be needed.

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 Rural Residential on the Future Land Use Map and the R-3 Zoning District is consistent with this land classification.

Staff recommended approval of the proposed map amendment.

The draft ordinance was provided.

Member Koukol stated he is in favor of a property owner splitting up their property to sell to individual buyers instead of building condos.

Member Koukal asked Mr. Asselmeier if there was a possibility that there was a trucking company to the east of the Tremain property. Mr. Asselmeier stated that he was not sure if it was specifically to the east but there was an alleged trucking company operating in the vicinity. Member Koukol stated that when the property owner to the east of Mr. Tremain's property first moved in, he had one (1) truck now there are many more trucks. Member Koukol feels the property to the east of Mr. Tremain's should be investigated. Member Koukol stated that there is a property, not far from him that has a trucking business. The trucks start leaving at 6:00 a.m.

Dan Kramer, Attorney for the Petitioner, spoke about Mr. Tremain's plans on building a home on Lot B, a two point one three (2.13) acre lot. The property is mostly bare and prospective buyers want smaller lots because of less lawn maintenance. There will be no access to River Road.

Member Rodriguez asked Mr. Kramer who will maintain Glen Nelson Road. Mr. Kramer explained that the lot owners in Glen Nelson Subdivision share responsibilities related to the maintenance of the road.

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

The votes were as follows:

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

The motion carried.

The proposal will go to the November 19, 2024, Kendall County Board meeting on the consent agenda.

Petition 24-28 Peter J. and Laurie Jo Pasteris on Behalf of the Peter J. Pasteris, Jr. Revocable Declaration of Living Trust

Mr. Asselmeier summarized the request.

On April 21, 2015, the County Board approved Ordinance 2015-06, granting a special use permit for a banquet facility at 1998 Johnson Road. The special use permit contained the following conditions and restrictions:

1. The facility was to be operated by a description and site plan attached to the ordinance.

2. The principal use of the property is for residential purposes and/or farming.
3. A maximum of two hundred (200) persons at any one time (with a 10% tolerance).
4. All events must be catered unless approved by the Health Department.
5. Compliance with applicable building codes and Americans with Disabilities Act accessibility provisions and securing required permits associated with any proposed remodeling, alteration, construction or expansion of existing and structures on the premises.
6. Retail sales are permitted as long as the retail sales will be ancillary to the main operations.
7. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty (60) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

8. Porta Johns (and other temporary bathroom facilities need to be removed within 2 business days after each event.
9. Events can run from May 1<sup>st</sup> through November 15<sup>th</sup> and the temporary tent can be erect from May 1<sup>st</sup> through November 15<sup>th</sup>.
10. Entities having jurisdiction may inspect the property annually including, but not limited to the Planning, Building and Zoning Department, Health Department, Sheriff's Office, and Fire Protection District in order to ensure the conditions of the special use permit are still being met and the permit is still applicable for the operation.

Ordinance 2015-06 was provided.

In 2019, a minor amendment to the special use permit was approved allowing the bathroom trailer and tent to be set up starting April 15<sup>th</sup>. Minor amendments were also approved in 2020, 2021, and 2022 allowing the bathroom trailer and tent to be set up from April 8<sup>th</sup> to November 30<sup>th</sup> for the next operating season.

The Petitioners submitted the following amendments to the special use permit which were revised at the October 9, 2024, ZPAC meeting:

1. Increase the capacity of people to three hundred (300) with a ten percent (10%) tolerance for a maximum capacity of three hundred thirty (330) people. The wait staff would not be included in these numbers (**Amended at ZPAC**).
2. Replace the existing tent with a permanent building that is approximately one hundred twenty-eight feet by sixty-four feet (128' X 64') in substantially the location shown on the site plan.
3. Install permanent restrooms in the facility with a septic permit from the Kendall County Health Department replacing the mobile trailer restroom.
4. Have events year-round.
5. Add the property identified by parcel identification number 06-10-200-001 to the special use permit.
6. Add the ability to add a business sign.

The proposed sign would be placed on top of a nine foot (9') high and fourteen foot (14') wide/long starting gate and would be eight feet (8') wide by two feet (2') high. The sign would not be illuminated.

No other changes to the site or business operations were proposed.

The application materials and the proposed site plan were provided.

The lot size will be approximately fourteen (14) acres following the addition of the parcel to the west of the original special use permit.

The Future Land Use Map calls for this property to be Suburban Residential. Plainfield's Future Land Use Map calls for this property to be Countryside Residential.

Johnson Road is a Township Road classified as a Minor Collector.

Plainfield has a trail planned along Johnson Road.

There were no floodplains or wetlands on the property.

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

The adjacent properties are zoned A-1 and R-2.

The County's Future Land Use Map calls for the area to be Suburban Residential and Rural Residential. Plainfield Future Land Use Map calls for the area to be Countryside Residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-2 in the County and R-1 PUD and Industrial inside Plainfield.

The A-1 SU to the west is for a seasonal festival.

EcoCat submitted on September 13, 2024, and consultation was terminated.

The NRI application was submitted as on September 16, 2024. The LESA Score 190 indicating a low level of protection. The NRI is included as was provided.

Na-Au-Say Township was emailed information on September 23, 2024. The Na-Au-Say Township Board reviewed the proposal at their meeting on October 21, 2024. The Township recommended approval of the proposal. An email to that effect was provided.

The Plainfield Fire Protection District was emailed information on September 23, 2024. Prior to application submittal, the Plainfield Fire Protection District submitted an email outlining the District's sprinkler and alarm requirements. This email was provided.

The Village of Plainfield was emailed information on September 23, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on October 9, 2024. Discussion occurred regarding maximum building height; no restriction would be placed in the special use permit regarding building height. Discussion also occurred regarding the location of the septic system; it would be away from the horse pasture. Discussion occurred regarding a movable sign; the Petitioners agreed to supply information about the sign and that information would be included in the special use permit. The wait staff would not be included in the capacity count. ZPAC recommended approval of the proposal with the conditions proposed by Staff, adding the ten percent (10%) tolerance to the capacity, and excluding wait staff from the capacity county by a vote of seven (7) in favor, zero (0) in opposition, and three (3) members absent. The minutes of the meeting were provided.

Elizabeth Flowers arrived at this time 5:19 p.m.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on October 23, 2024. The Kendall County Regional Planning Commission reviewed the proposal at their meeting on October 23, 2024. Discussion occurred regarding the timing of events; they mostly occur on Friday and Saturday nights with occasional Sunday events. Events start at 4:00 p.m. on Saturdays and 5:00 p.m. on Fridays. No songs start after 11:00 p.m. on Saturdays and 10:00 p.m. on Sundays. All guests are usually gone within thirty (30) minutes of the last song. Disc jockeys have to plug into the Petitioner's sound system and the Petitioner has driven around the area with a decimeter checking noise levels. There have not been any noise complaints in

recent years. It was noted that many attendees take buses or carpool to the site. As such, parking is not issue. Discussion occurred regarding sprinkling requirements. Discussion occurred regarding the proposed building; it will be steel with a concrete foundation. The design was inspired by a barn from Lexington, Kentucky. The proposed sign will be placed in the hayfield setback from the road. It was noted that the Health Department's permit for the well and septic system would ultimately dictate the maximum number of people at the property; the building is designed for more than three hundred (300) people. The Petitioner stated that they rarely get requests that reach the three hundred (300) guest mark. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff, by a vote of nine (9) in favor, zero (0) in opposition, and one (1) member absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on October 28, 2024. One (1) person testified in opposition to the request. Discussion occurred regarding the lack of a photometric plan and an ADA accessible parking plan. Clarification was provided regarding the size of the sign. It was noted that the Petitioner was not requesting another access point off of Johnson Road and, to date, the Fire District did not have any issues with access to the property for health and safety. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff, amending the condition clarifying the size of the sign, adding a requirement for the submittal of a photometric plan prior to the issuance of a building permit for the permanent building, and adding a requirement for the submittal of an ADA parking plan prior to the issuance of a building permit for the permanent building by a vote of five (5) in favor, zero (0) in opposition, and two (2) members absent. The minutes of the hearing were provided.

The Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The original special use permit was established in 2015. The only complaints that were submitted since the establishment of the special use permit were noise related complaints and those complaints were addressed. The proposal still requires buildings to obtain applicable permits and the site may be subject to periodic inspections to confirm compliance with the special use permit. A Health Department approved septic system to replace temporary restroom facilities is proposed and the septic system would be better for public health than the temporary trailers.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open

space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed amendments should not impact neighboring property owners. Restrictions are already in place regarding noise and public safety.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No changes to the already approved ingress/egress or drainage are proposed. Utilities, other than the installation of a septic system approved by the County, shall remain unchanged.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 10-21 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents."

Staff recommended approval of the requested amendments to the existing special use permit for a banquet facility subject to the following conditions and restrictions:

1. The Description and Site Plan attached to Ordinance 2015-06 are amended to incorporate the site plan attached hereto as Exhibit C. Further, if a conflict exists between the Description and Site Plan attached to Ordinance 2015-06 and the site plan attached hereto as Exhibit C, the site plan attached hereto as Exhibit C shall take precedent.
2. Condition 2 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:  
  
"A maximum of three hundred (300) persons with a ten percent (10%) tolerance at any one (1) time. Wait staff shall not be included in the capacity count."  
**(Amended at ZPAC)**
3. Condition 7 of Ordinance 2015-06 is hereby repealed in its entirety.
4. Condition 8 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:  
  
"Events may be held year-round."
5. One (1) sign a maximum of eight feet (8') wide by two feet (2') high may be placed on top of starting gate that is a maximum nine feet (9') high and fourteen feet (14') wide. The sign shall be in the pasture. The sign shall not be illuminated.  
**(Amended at ZBA).**

6. A photometric plan shall be submitted prior to the issuance of the building permit for the permanent building. **(Added at ZBA).**
7. An ADA parking plan shall be submitted prior to the issuance of the building permit for the permanent building. **(Added at ZBA).**
8. The remaining conditions and restrictions contained in Ordinance 2015-06 shall remain valid and effective.
9. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
10. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
11. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

The draft ordinance was provided.

Member Koukol commended the Petitioner on always tending to the matters of his business and keeping the County informed of any changes. Member Koukol has attended events at the business. When Mr. Pasteris first started the banquet facility, there was a noise complaint and Mr. Pasteris attended the next meeting and told the Committee he was working on the noise issue and was able to solve it quickly. Mr. Pasteris has always addressed any issues in a timely manner. Member Koukol stated that anything Mr. Pasteris does is done properly and professionally.

Dan Kramer, Attorney for the Petitioner, said that Mr. Pasteris banquet facility had very nice bathrooms in trailers. They were air conditioned and kept very clean. The guests stated it would get hot in the trailer. A permanent building can be used all year and will have a normal indoor bathroom.

Mr. Kramer stated that in the event that the Petitioner may have three hundred (300) guests he did not want to violate the permit. Mr. Pasteris is asking for three hundred (300) with a ten percent (10%) tolerance for a maximum capacity of three hundred thirty (330) people. Mr. Kramer stated that most likely a maximum of two hundred seventy-five (275) people will be permitted because Mr. Pasteris may have to install a community well if he decides to go with three hundred (300) people.

Member Shanley made a motion, seconded by Member Flowers, to recommend approval of the amendment to an existing special use permit with the conditions proposed by Staff.

The votes were as follows:

Yeas (4): Flowers, Koukol, Rodriguez, and Shanley  
Nays (0): None  
Abstain (0): None  
Absent (1): Wormley

The motion carried.

The proposal will go to the November 19, 2024, Kendall County Board meeting on the consent agenda.

Petition 24-36 Grant B. Mullen on Behalf of Newark Road Kendall Solar 1, LLC Nancy L. Harazin on Behalf of the Nancy L. Harazin Trust Number 101  
Mr. Asselmeier summarized the request.

In 2018, by Ordinance 2018-15, the Kendall County Board approved a special use permit for a public or private utility other (solar panels) at the subject property.

On March 13, 2023, the Planning, Building and Zoning Committee approved a minor amendment to the special use permit extending the deadline for installing landscaping to August 21, 2024, and granting the Committee the ability to grant extensions to this deadline.

On July 8, 2024, the Planning, Building and Zoning Committee approved an extension until October 31, 2024, to install landscaping.

Condition 2.A of the original special use permit from 2018 required the site be developed in accordance with a site plan, which included a landscaping component. Condition 2.C. of the original special use from 2018 required the arborvitae to be at least seven feet (7') in height at the time of planting. The site plan required the installation of thirty-one (31) Wareana Siberian Arborvitaes, among other types of arborvitaes and vegetation.

On October 25, 2024, the Petitioner submitted an email requesting an amendment to the special use permit lowering the height of the Wareana Siberian Arborvitaes from seven feet (7') to six feet (6') and requesting an extension until May 1, 2025, for the installation of landscaping. The Petitioner claimed that the subject arborvitaes were not available at seven feet (7').

Planting of the other types of vegetation has occurred or is in process of occurring.

Since the original special use permit was granted, an address to the property has been assigned and the property has been assigned new parcel identification numbers.

Staff recommended approval of the request.

Member Koukol asked if the solar company has built a berm yet; one (1) of the neighbors wanted to make sure there was a berm installed. Mr. Asselmeier stated that there was

no berm mentioned in the special use permit. Mr. Asselmeier stated he would look into whether or not a berm was proposed.

Member Flowers made a motion, seconded by Member Shanley, to approve the requested amendment.

The votes were as follows:

Yeas (4): Flowers, Koukol, Rodriguez, and Shanley  
Nays (0): None  
Abstain (0): None  
Absent (1): Wormley

The motion carried.

**NEW BUSINESS:**

Approval of a Request to Extend the Deadline for Installing Vegetation at the Property Identified by Parcel ID Numbers 07-05-400-010 and 07-05-400-011 in the 16000 Block of Newark Road in Big Grove Township; Property is Zoned A-1 with a Special Use Permit for a Public or Private Utility Other

Member Koukol made a motion, seconded by Member Flowers, to approve the requested extension to May 1, 2025.

The votes were as follows:

Yeas (4): Flowers, Koukol, Rodriguez, and Shanley  
Nays (0): None  
Abstain (0): None  
Absent (1): Wormley

The motion carried.

**Recommendation on 2024 Noxious Weed Annual Report**

Mr. Asselmeier summarized the request.

Kendall County is required by Illinois law to submit a Noxious Weed Annual Report to the State by December 1st of each year.

During 2024, the Kendall County, Planning, Building and Zoning Department investigated one (1) complaint of noxious weeds which was received in 2023. Upon investigation, the complaint was closed for lack of evidence. In 2022, 2021, and 2020, the Department received zero (0) complaints.

Staff recommended approval of the report.

Member Koukol made a motion, seconded by Member Shanley, to recommend approval of the report.

The votes were as follows:

Yeas (4): Flowers, Koukol, Rodriguez, and Shanley  
Nays (0): None  
Abstain (0): None  
Absent (1): Wormley

The motion carried.

The proposal will go to the November 19, 2024, Kendall County Board meeting on the consent agenda.

*Update on Planning, Building and Zoning Department Staffing*

Mr. Asselmeier reported that at the last Admin/HR meeting the staff approved an amendment to the job description for Code Enforcement Officer from part time to full time. This will go to the County Board and if approved, the budget will allow for a full time Code Enforcement Officer.

*Approval to Reduce the Number of Paper Documents Submitted for Zoning and Subdivision Applications*

Mr. Asselmeier summarized the request.

As part of the codification process, Staff is updating Planning, Building and Zoning related applications to reflect new code sections.

As part of this process, Staff would like to reduce the number of certain paper documents applicants for zoning and subdivisions approvals have to submit because most of these types of applications are submitted electronically or the applications are digitized. The immediate proposed reductions are as follows:

1. Map Amendments    Reduce the Number of Plats from Fifteen (15) to Three (3).
2. Special Use Permits Reduce the Number of Plats and Site Plans from Fifteen (15) to Three (3).
3. Major Amendments to Special Use Permits    Same as Special Use Permits.
4. Variances    Reduce the Number of Plats from Twelve (12) to Three (3).
5. Other Plats    Reduce the Number of Plats from Ten (10) to Three (3).
6. Preliminary Plats    Reduce the Number of Plats from Fifteen (15) to Three (3) and Reduce the Number of Engineering Plans from Five (5) to Three (3).
7. Concept Plans    Reduce the Number of Plats from Twenty (20) to Three (3).

8. RPD Preliminary Plat Reduce the Number of Plats from Twenty (20) to Three (3), Reduce the Number of Landscaping Plans from Twenty (20) to Three (3), and Reduce the Number of Engineering Plans from Five (5) to Three (3).

In addition to the above immediate reductions, Staff proposes the following text amendments:

1. Section 30-98(c) by reducing the number of plats submitted for final plat applications from ten (10) to three (3).
2. Section 30-98(d) by reducing the number of final engineering plans submitted as part of final plat applications from four (4) to three (3).
3. Section 30-197(b)(2) by reducing the number of landscaping restoration and plantings plans as part of final plat applications from five (5) to three (3).
4. Section 36-155(c) by reducing the number of plats submitted for final plats of residential planned developments from ten (10) to three (3).
5. Section 36-184(1) by reducing the number of site plans submitted for site plan approval from eight (8) to three (3).

The above changes would only apply to working/reviewing documents. In most cases, applicants would still be required to submit one (1) additional plat/site plan for display purposes.

Staff recommended approval of the reduction.

Member Shanley made a motion, seconded by Member Flowers, to approve the reduction.

The votes were as follows:

Yeas (4):     Flowers, Koukol, Rodriguez, and Shanley  
Nays (0):     None  
Abstain (0):   None  
Absent (1):   Wormley

The motion carried.

*Memo from WBK Engineering Regarding Investigation at 45 Settlers Lane*

The Committee reviewed the memo from WBK Engineering. The recommendations from WBK Engineering were as follows:

“We recommend the County seek legal counsel related to the public obligation to maintain and repair drainage systems on the subject property.

Unless there is a legal obligation determined, we recommend the County not accept responsibility for maintenance, repair or replacement of drainage improvements on private property. We believe this precedent would create a significant obligation for the County from a financial and staff perspective.

Furthermore, it has been our experience that public agencies rarely accept maintenance of drainage systems on private property unless a clear legal obligation has been determined or public benefit has been demonstrated and confirmed.”

Cynthia Lucksinger, Property Owner, spoke about the report from WBK Engineering. Ms. Lucksinger was disputing the findings of WBK Engineering.

Member Koukol asked Ms. Lucksinger if she recently had rain in her area. Ms. Lucksinger stated she had rain in her area. Member Koukol asked if the water was running through the pipe while it was raining. Ms. Lucksinger stated that the rain water was running through the pipe. She stated the pipe was rotted out and the water runs under her property and moves to her neighbor’s property and back to her property. Member Koukol asked Ms. Lucksinger if she received any quotes on a pipe. Ms. Lucksinger stated she had received quotes ranging from Thirty Thousand Dollars (\$30,000) to Seventy Thousand Dollars (\$70,000). Ms. Lucksinger also stated that the easement verbiage states that she needs permission from the County to perform any work because the easement belongs to the County.

Member Shanley asked Ms. Lucksinger, if the legal description from her plat states otherwise, was there a process Ms. Lucksinger could facilitate. Mr. Asselmeier stated that, if the County did not want to take action, Ms. Lucksinger can sue the County for the interpretation of the easement. Member Shanley asked what the next steps would be either by Ms. Lucksinger or by the County. Ms. Shanley stated that the item under new business was to review a memo from WBK Engineering and not provide any action to be taken. Mr. Asselmeier stated the Committee could request a legal review or to solicit price quotes or take other action a future meeting.

Member Rodriguez asked Mr. Asselmeier if he has seen the same verbiage in other areas of Kendall County. Mr. Asselmeier stated that he has seen the same verbiage on other plats. Ms. Lucksinger asked Mr. Asselmeier if he could email her other examples of the same document and verbiage that is on her document.

Member Koukol stated that he regrets that the issue was not resolved in Ms. Lucksinger’s favor and does not want to pursue this matter any further. Ms. Lucksinger stated that she is an attorney and does not want to take the matter to court but she will if necessary. Ms. Lucksinger stated the memo from WBK Engineering was not clear.

Ms. Flowers asked Ms. Lucksinger if she received any answer from James Webb, Kendall County Assistant State’s Attorney, regarding the County’s responsibility. Ms.

Lucksinger stated that Mr. Webb stated that it would be up to the Planning, Building, and Zoning Committee.

Member Koukol and Member Rodriguez stated that the County would not be able to repair or replace Ms. Lucksinger's pipe.

**OLD BUSINESS:**

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

Mr. Asselmeier stated that WBK is waiting for calculation information from the applicant's engineer.

November 14, 2024, Homeowners Association Training Event

The Committee reviewed the agenda for the event.

**REVIEW VIOLATION REPORT:**

The Committee reviewed the report.

**REVIEW PRE-VIOLATION REPORT:**

The Committee reviewed the report.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION:**

Mr. Asselmeier reported the Certified Local Grant application for the historic structure survey in unincorporated Na-Au-Say and Seward Townships had been submitted.

**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 Koukol made a motion, seconded by Member Flowers, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Vice-Chairman Rodriguez adjourned the meeting at 6:00 p.m.

Minutes prepared by Wanda A. Rolf, Part-Time Administrative Assistant

Enc.



Cyber-Security  
Pan Kramer

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