

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
*Kendall County Historic Court House*  
*Court Room*  
*110 W. Madison Street, Yorkville, Illinois*  
**6:30 p.m.**  
**Meeting Minutes of January 13, 2025**

**CALL TO ORDER**

The meeting was called to order by Chairman Wormley at 6:31 p.m.

**ROLL CALL**

Committee Members Present: Brian DeBolt, Ruben Rodriguez, and Seth Wormley

Committee Members Absent: Elizabeth Flowers and Dan Koukol

Also Present: Matthew H. Asselmeier, Director, Wanda A. Rolf, Office Assistant

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Member DeBolt made a motion, seconded by Member Rodriguez, to approve the minutes of the November 12, 2024, meeting. With a voice vote of three (3) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

Review of Expenditures from November

The Committee reviewed the Expenditure Report from November 2024.

Review of End of Fiscal Year Escrow Report

The Committee reviewed the Report.

Review of Expenditures from December

The Committee reviewed the Expenditure Report from December 2024.

Chairman Wormley welcomed Member DeBolt to the Committee.

**PETITIONS**

Petition 24-31 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000)

pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff was proposing to raise the number to match State regulations. The redlined version of the amendments were as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024. To date, no comments have been received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission 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 December 11, 2024. Discussion occurred regarding why the text had not been changed previously. Discussion also occurred regarding input from the Highway Engineer; the Highway Engineer had brought up this issue previously when evaluating special use permits for landscaping business. 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 December 16, 2024. Nobody from the public testified at the public hearing and 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 draft ordinance was provided.

Member DeBolt made a motion, seconded by Member Rodriguez, to recommend approval of the text amendment.

The votes were as follows:

Yeas (3): DeBolt, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Koukol

The motion carried.

The proposal will go to the January 21, 2025, Kendall County Board meeting on the consent agenda.

*Petition 24-32 Kendall County Zoning Administrator*

Mr. Asselmeier summarized the request.

As part of the codification review process, the Sheriff's Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The ~~County Sheriff Zoning~~

**Administrator** or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024. To date, no comments have been received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend 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 December 11, 2024, and 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 December 16, 2024. No members of the public testified at the public hearing. 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 draft ordinance was provided.

Member DeBolt asked how the County would become aware of such violations. Mr. Asselmeier responded that either the County received a complaint or the County observed the sign; in most cases, someone called in the complaint.

Member DeBolt made a motion, seconded by Member Rodriguez, to recommend approval of the text amendment.

The votes were as follows:

Yeas (3): DeBolt, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Koukol

The motion carried.

The proposal will go to the January 21, 2025, Kendall County Board meeting on the consent agenda.

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*Petition 24-33 Kendall County Zoning Administrator*

Mr. Asselmeier summarized the request.

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff was not aware of any proposed changes at this time.

Staff proposed to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend 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 December 11, 2024, and 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 December 16, 2024. No members of the public testified at the public hearing. It was noted that, if the proposal was approved as proposed, the parks in the applicable zoning district would conform generally to zoning regulations. 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 draft ordinance was provided.

Member DeBolt made a motion, seconded by Member Rodriguez, to recommend approval of the text amendment.

The votes were as follows:

Yeas (3): DeBolt, Rodriguez, and Wormley

Nays (0): None  
Abstain (0): None  
Absent (2): Flowers and Koukol

The motion carried.

The proposal will go to the January 21, 2025, Kendall County Board meeting on the consent agenda.

*Petition 24-34 Kendall County Regional Planning Commission*

Mr. Asselmeier summarized the request.

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information was provided.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email was provided.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission’s reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner’s ability to use their land by consuming too much land for setback purposes.
2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be

an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent with the suggestion that the setback be five feet (5') as measured from the permanent easement line instead of being measured from the pipeline. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding the measurement and the suggestion from ZPAC. It was noted that the width of easements and the placement of pipelines within easements also differed. The Kendall County Regional Planning Commission recommended approval of the original proposal by a vote of seven (7) in favor and two (2) in opposition with one (1) member absent. Chairman Ashton and Tom Casey voted no because they believed that five hundred feet (500') was excessive and twenty-five feet (25') was insufficient. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on December 16, 2024. No members of the public testified at the public hearing. Discussion occurred regarding property values if homes are placed closer to pipelines. Member Prodehl stated that she did not have enough information to make an informed decision. Member LeCuyer favored a fifty foot (50') setback. The general consensus was that the present regulation was excessive and twenty-five feet (25') was insufficient. The Kendall County Zoning Board of Appeals recommended denial of the proposal by a vote of zero (0) in favor and seven (7) in opposition. The minutes of the hearing were provided.

The draft ordinance was provided.

Member DeBolt felt that twenty-five feet (25') was insufficient, but fifty foot (50') could work. He requested clarification on the Zoning Board of Appeals recommendation. Mr. Asselmeier said the Zoning Board of Appeals favored fifty foot (50').

Chairman Wormley asked where the measurement started and ended. Mr. Asselmeier responded that the measurement starts at the pipeline and goes to the occupied principal structure.

Chairman Wormley expressed concerns regarding the lack of knowledge of where pipelines were located within easements. Pipelines might not be located at the center of easements. As such, he was not in favor of having the measurement based on the location of pipelines.

Member Rodriguez asked about grandfathering. The existing pipelines would be grandfathered. The greater concern was building future homes near pipelines.

Discussion occurred regarding the agricultural exemption in zoning. The proposal was created with future, non-agricultural uses in mind and future expansion of pipelines.

Discussion occurred regarding typical easement widths. Easement widths could vary depending on what is located underground. Legally recorded easements would take precedent over County zoning regulations.

Chairman Wormley favored having the measurement start at the edge of an easement because the location of most easements were recorded. As such, the boundaries of an easement was known while the specific location of a pipeline within an easement was unknown. He discussed having a fifty foot (50') setback from the center of an easement.

Discussion occurred regarding federal regulations.

Discussion occurred regarding having multiple pipes within an easement.

Discussion occurred regarding pipeline safety compared to other forms of transportation of dangerous materials.

For clarity purposes, the measurement would be taken from a permanent easement.

Member Rodriguez asked when the last time the County received a permit application for a structure within the setback based on current regulations. Mr. Asselmeier could not recall a case where this occurred.

Member Rodriguez favored having a drawing illustrating the proposal.

Member DeBolt favored a fifty foot (50') setback.

Discussion occurred regarding changing the proposal to have the setback be fifty feet (50') as measured from the center of the permanent easement to any occupied principal structure.

Discussion occurred regarding wider easements based on the current proposal. The easement would supersede the County regulations.

Chairman Wormley favored having a twenty-five foot (25') setback as measured from the edge of the easement. This would take into account the width of a given easement. Discussion occurred regarding the width of easements at valve sites.



Discussion occurred regarding the process of amending the proposal. Mr. Asselmeier noted that the proposals currently under discussion are more restrictive than what was originally proposed. The Committee could make the proposal stricter without restarting the approval process.

Chairman Wormley favored clearing up the language even if the setback is not necessarily needed.

Chairman Wormley, seconded by Member Rodriguez, made a motion to amend the proposal to set the setback at twenty-five feet (25') as measured from the edges of a permanent easement to the occupied principal structure.

Chairman Wormley provided a history of the proposal.

The total setback would be fifty feet (50') on both sides of an easement.

The votes were as follows:

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

The motion carried.

The proposal will go to the January 21, 2025, Kendall County Board meeting on the regular agenda.

### **NEW BUSINESS:**

#### **Selection of Committee Vice-Chair**

Chairman Wormley selected Member Rodriguez as Committee Vice-Chair.

#### **Approval of Annual Renewal of Mobile Home Permit at 13443 Fennel Road**

Mr. Asselmeier provided the application for the mobile home permit, which is for a medical reason.

Member DeBolt made a motion, seconded by Member Rodriguez, to approve the application.

The votes were as follows:

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

The motion carried.

*Approval of a Request from Lisbon Township to Extend the Deadline to Install Botanicals at 15759 Route 47*

Mr. Asselmeier summarized the request.

In July 2022, the County Board approved a special use permit for a governmental building or facility by Ordinance 2022-19 at 15759 Route 47.

Condition 2.B required the installation of botanicals by June 1, 2024.

On May 6, 2024, the Committee approved a request to extend the deadline until December 1, 2024.

On November 12, 2024, the Lisbon Township Highway Commissioner submitted a request to extend the deadline to May 1, 2025.

Chairman Wormley favored granting a longer extension in order to avoid granting additional extensions and to avoid issues if spring is late.

The consensus of the Committee was not to grant additional extensions unless there was a good reason.

Discussion occurred regarding the funding for the project.

Member DeBolt made a motion, seconded by Member Rodriguez, to approve the extension until July 1, 2025, and require Lisbon Township to attend a meeting in the future if additional extensions are necessary.

The votes were as follows:

Yeas (3): DeBolt, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Flowers and Koukol

The motion carried.

*Update on Stormwater Ordinance Violation at 7821 Route 71*

Mr. Asselmeier reported that a stormwater management permit had been issued and closed for the work that previously occurred at the property. The lien for the previous violation was still in place.

*Review of 2025 Application Calendar*

The Committee reviewed the application calendar.

Short-Term Rental Renewal Update

The Committee reviewed the table of short-term rental licenses.

Kendall County Regional Planning Commission Annual Meeting-February 1, 2025, at 9:00 a.m.

The Committee reviewed the save-the-date information for the meeting.

The Committee will have a special meeting at the same time.

Review of Departmental Policies

Voluntary Compliance/Code Enforcement Policy

Debt-Free Applicant Policy

Stormwater Investigation Cost Policy

Proposed Historic Preservation Commission Policy to Review Demolition and Alteration

Permits at Structures Identified in Historic Structure Surveys

The Committee reviewed the policies.

Update on Planning, Building and Zoning Department Staffing

Mr. Asselmeier reported that at the last Admin/HR meeting, the Committee approved transferring economic development to Administration. The PBZ Department made a job offer to a candidate for the Code Official position; HR is conducting background checks.

**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 training occurred in the County Board Room. Twelve (12) people from nine (9) organizations attended the training.

**REVIEW VIOLATION REPORT:**

Review of Violation Report from December 2024

The Committee reviewed the report.

Review of FY23-24 Inspection Report

The Committee reviewed the report.

**REVIEW PRE-VIOLATION REPORT:**

The Committee reviewed the report.

**UPDATE FROM HISTORIC PRESERVATION COMMISSION:**

Historic Preservation Organization Meeting-February 19, 2025, at 5:30 p.m., at the Plano Stone Church Community Center

The Committee reviewed the save-the-date information.

The historic preservation award window is now open.

The County is still waiting on the State regarding the application for a Certified Local Government Grant for an historic structure survey of unincorporated Seward and Na-Au-Say Townships.

**REVIEW PERMIT REPORT:**

Review Permit Report for November 2024

The Committee reviewed the report.

Review Permit Report for December 2024

The Committee reviewed the report.

Review of End of Year Permit Report

The Committee reviewed the report.

**REVIEW REVENUE REPORT:**

Review of November 2024 Revenue Report

The Committee reviewed the report.

Review of 2011-2024 Revenue Report

The Committee reviewed the report.

Review of December 2024 Revenue Report

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS:**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT:**

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

Chairman Wormley adjourned the meeting at 7:53 p.m.

Minutes prepared by Matthew Asselmeier, Director