

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Remote Meeting Via Teleconference
5:00 p.m.
Meeting Minutes of May 11, 2020

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 5:00p.m.

ROLL CALL

Committee Members Present by Remote Attendance: Elizabeth Flowers, Scott Gengler (joined remotely at 5:08 p.m.), Judy Gilmour, and Matthew Prochaska (Chairman)

Committee Members Absent: Matt Kellogg (Vice-Chairman)

Also Present: Matt Asselmeier (Senior Planner) and Scott Koeppel (County Administrator)

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Flowers made a motion, seconded by Member Gilmour, to approve the minutes of the April 13, 2020, meeting. With a voice vote of three (3) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report.

Member Gilmour made a motion, seconded by Member Flowers, to forward the expenditures to the Finance Committee. With a voice vote of three (3) ayes, the motion carried.

PETITIONS

20 – 12 – Christopher Wilson on Behalf of the Christopher E Wilson Trust and Kellie Rae Wilson Trust

Mr. Asselmeier summarized the request.

A twenty foot (20') maintenance and construction easement and a ten foot (10') drainage and utility easement presently exists at the northern end of lot 171 and southern end of lot 172 in Whitetail Ridge Subdivision. A ten foot (10') drainage and utility easement also exists on the east side of both lots.

Christopher Wilson on behalf of the Christopher E. Wilson Trust and Kellie Rae Wilson Trust owns lots 171 and 172 in Whitetail Ridge Subdivision. He has a home on lot 171 (7148 Ironwood Court). He would like to construct an addition and attached garage on the northern side of the existing house. The addition would encroach into the easements between the two (2) lots and the new garage would be constructed on lot 172.

After submitting the application to vacate the easements between the two lots, the Petitioner agreed to relocate the easements to the northern boundary of lot 172 and expand the easement east of the subject lots to a total of twenty feet (20').

The current land uses are one-family residential and vacant.

The future land use is rural residential.

No trails are impacted by the proposal.

No floodplains or wetlands are impacted by the proposal.

The adjacent land uses are single-family residential and a golf course.

The adjacent zonings are RPD-2 and RPD-2 with a special use permit.

The Land Resource Management Plan calls for the area to be either rural residential or open space.

Na-Au-Say Township was emailed information on April 22nd. No comments have been received.

The United City of Yorkville was emailed information on April 22nd. They decided not review the request.

The Village of Oswego was emailed information on April 22nd. No comments have been received.

ZPAC reviewed this proposal on May 5, 2020. They recommended approval with an additional condition that the Petitioner submit a parcel consolidation to the County. The Petitioner agreed to this request. The vote at ZPAC was nine (9) in favor and zero (0) in opposition and one (1) member was absent.

The application materials and plat were provided.

The Petitioner originally wanted to vacate the easements between lots 171 and 172.

On April 1, 2020, Greg Chismark sent an email requesting that the easements be moved to the northern line of lot 172, creating a twenty foot (20') maintenance and construction easement in addition to the existing five foot (5') drainage and public utility easement and that the rear easement be increased to twenty feet (20'). On April 2, 2020, Fran Klaas sent an email concurring with Greg Chismark's suggestion. These emails were provided. On April 2, 2020, the Petitioner agreed with this request.

On April 2, 2020, the Petitioner submitted an email indicating that the Whitetail Ridge Homeowners' Association was agreeable to the requested easement relocation on the condition that the two (2) lots be combined. This email was provided.

The Petitioner contacted several of the utilities and no utilizes would be impacted by vacating the easement.

The information from the utilities was provided.

Staff recommended that the easement be relocated and extended per the recommendations of Fran Klaas and Greg Chismark and that the Petitioner submit a revised plat to that effect. Staff would also like conditions be added that lots 171 and 172 shall remain under the same ownership and no additional single-family residences be constructed on lot 172. Staff concurs with the additional recommendation from ZPAC.

The draft ordinance was provided.

Member Gilmour asked if lot 170 would be impacted. Mr. Asselmeier responded that lot 170 would not be impacted. No changes were proposed to the existing easements along the shared property line of lots 170 and 171.

Chairman Prochaska made a motion, seconded by Member Gilmour, to add the parcel consolidation requirement proposed by ZPAC to the ordinance. With a voice vote of three (3) ayes, the motion carried.

Chairman Prochaska asked if the Whitetail Ridge Homeowners' Association had been contacted. Mr. Asselmeier stated that the Petitioner had contacted the HOA. Chairman Prochaska and Member Gilmour expressed concerns that the document in the packet was from the Petitioner and not the HOA itself. The County does not enforce HOA covenants and restrictions.

Member Gengler joined the meeting remotely at this time (5:08 p.m.).

The proposed use of the property is for residential use only.

Member Gilmour made a motion, seconded by Member Flowers, to add a stipulation that the proposal not be considered by the County Board until an approval letter is received from the Whitetail Ridge Homeowners' Association. With a voice vote of four (4) ayes, the motion carried.

Member Gengler made a motion, seconded by Member Flowers, to recommend approval of the proposal as amended.

The votes were as follows:

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

The motion carried. This matter will go to the County Board on May 19, 2020, if the letter from the Homeowners' Association is provided.

NEW BUSINESS

Recommendation on Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer Systems

Mr. Asselmeier summarized the request and noted that the report was still due to the State by June 1st. He noted he received his Certified Floodplain Manager's certification and that the number of townships that responded to the survey increased from one (1) to five (5). Also, the Information Technology Department has not yet provided website statistics; the missing data was highlighted in yellow. The plan for the next year included updating the enforcement provisions. It was noted that any public outreach could be impacted by public health regulations in relation to the coronavirus.

Member Flowers made a motion, seconded by Member Gengler, to recommend approval of the Annual Report. With a voice vote of four (4) ayes, the motion carried.

This proposal will go to the County Board on May 19, 2020.

Recommendation on Zoning Ordinance Citation Letter

The Committee reviewed the letter.

Member Flowers made a motion, seconded by Member Gengler, to recommend approval the letter. With a voice vote of four (4) ayes, the motion carried.

The proposal will go to the County Board on May 19, 2020.

Update on Historic Preservation Ordinance

The Committee reviewed the proposal.

The Illinois Historic Preservation Agency did not favor the proposed application fee, but having the fee was not against any regulation. The State wanted the Commissioners' terms to be staggered. State law required that the Chairman of the Commission be selected at the time of appointment by the County Board and that the Commissioners' terms be set at five (5) years.

The proposal is presently at the Committee of the Whole.

Discussion occurred regarding having the Historic Preservation Commission review the proposal. The Historic Preservation Commission could request that the proposal be referred back to them or the Committee of the Whole could refer the proposal back to the Historic Preservation Commission at their own initiative.

OLD BUSINESS

None

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier noted that May is Historic Preservation Month and the Commission has not met for several months due to the public health situation.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Flowers made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 5:24 p.m.

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