

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Historic Courthouse
Third Floor Courtroom
109 W. Ridge Street, Yorkville, Illinois
5:30 p.m.
Meeting Minutes of October 14, 2020

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 5:31 p.m.

ROLL CALL

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

Committee Members Absent: Scott Gengler

Also Present: Matt Asselmeier (Senior Planner) and Michele Morris

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Kellogg made a motion, seconded by Member Flowers, to approve the minutes of the September 9, 2020. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report and the Planning, Building and Zoning Department's year-to-date expenditures. Mr. Asselmeier noted that Petitioner for Petition 18-25 had decided not to pursue a subdivision and the money in the stormwater escrow for this project was refunded. Mr. Asselmeier also stated that work occurred on the Department's trucks; those invoices would be in next month's report.

Member Flowers made a motion, seconded by Member Kellogg, to forward the expenditures to the Finance Committee. With a voice vote of four (4) ayes, the motion carried.

PETITIONS

20-23 Patrick and Michele Morris

Mr. Asselmeier summarized the request.

A five foot (5') public utility and drainage easement exists on the north and south lot lines of Lots 35, 36, and 37 in the Grove Estates Subdivision.

Patrick and Michele Morris would like to merge the three (3) lots and construct a new house over the easements.

The application materials and plat of vacation were provided.

The property is addressed as 7229, 7251, and 7287 Joyce Court.

The property is approximately two (2) acres in size and is zoned RPD-2.

The current land use is Single-Family Residential. The future land use is Rural Residential.

Joyce Court is a local road maintained by Na-Au-Say Township. No trails are planned for the property.

There are no floodplains or wetlands on the property.

The adjacent land uses are Single-Family Residential. The adjacent zoning is RPD-2. The Land Resource Management Plan calls for the area to Rural Residential. The zoning districts within a half mile are A-1 and RPD-2.

Na-Au-Say Township was emailed information on September 22, 2020.

The Village of Oswego was emailed information on September 22, 2020.

The Oswego Fire Protection District was emailed information on September 22, 2020.

ZPAC reviewed this proposal at their meeting on October 6, 2020. No utilities were located in the easements. The Petitioner plans to install two (2) driveways at the subject property. The homeowners' association has no opposition to this request. ZPAC recommended approval by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting were provided.

The total area proposed for vacation is approximately one tenth (0.1) of an acre.

The Petitioners provided information stating that none of the utilities or the homeowners' association were in opposition to this request.

Staff recommends that the requested vacation with the following conditions:

1. Lots 35, 36, and 37 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation (Attachment 2). Within ninety (90) days of the effective date of this ordinance, the Petitioner shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation in the timeframe outlined in Section 7.06.H of the Kendall County Subdivision Control Ordinance unless an extension is granted by the Kendall County Board.

A copy of the draft ordinance was provided.

Michele Morris stated that she was in attendance to answer questions.

Member Kellogg asked, if these easements were vacated, would the drainage and utility areas be cut-off from access. Mr. Asselmeier responded that drainage and utility easements were still located on adjoining properties and no access issues would arise.

Member Gilmour made a motion, seconded by Member Kellogg, to recommend approval of the vacations with the conditions proposed by Staff and placing the item on the consent agenda. With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the Kendall County Board on October 20, 2020, on the consent agenda.

NEW BUSINESS

Approval of Fiscal Year 2020-2021 Meeting Calendar

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

It was noted that the October 2021 meeting would be on a Tuesday.

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

Recommendation on 2021 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 2021 Kendall County Noxious Weed Comprehensive Work Plan was distributed. This proposal is the same as the 2020 Noxious Weed Comprehensive Work Plan.

Member Gilmour made a motion, seconded by Member Kellogg, to recommend approval of the proposed work plan and place on the consent agenda. With a voice vote of four (4) ayes, the motion carried.

The proposal will go to the County Board on October 20, 2020, on the consent agenda.

Recommendation on Short-Term Rental Registration Form

Mr. Asselmeier summarized the request.

When the County Board approved the amendments to the Zoning Ordinance in September, they approved a provision that required short-term rental property owners to submit an annual register to the County.

The draft annual registration form was provided.

Chairman Prochaska asked if a property owner would have register their property each time they place the property on a rental website. Mr. Asselmeier responded that the registration was valid for one (1) year.

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

The proposal will go to the County Board on October 20, 2020, on the regular meeting agenda.

Request for Guidance Regarding a Request from the Comprehensive Land Plan and Ordinance Committee Pertaining to Retaining the Prairie Parkway on the Future Land Use Map; Committee Could Refer the Matter to the State's Attorney's Office

Mr. Asselmeier summarized the request.

At their meeting on September 23, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee suggested keeping the Prairie Parkway on the Future Land Use Map in the Kendall County Land Resource Management Plan. This suggestion creates two legal questions:

1. If the Prairie Parkway is retained on the Future Land Use Map, can the County refuse to issue building permits inside the corridor? The State previously withdrew the recorded centerline of the Prairie Parkway and the Land Resource Management Plan, unlike municipal comprehensive plans, is not recorded.
2. The County is required to adopt a twenty (20)-year Transportation Plan per the law that allows the County to have a Transportation Sales Tax. The most current version of this plan was adopted in 2019 and did not include the Prairie Parkway. Which document takes precedents if a conflict exists between the most recently adopted Transportation Plan and the Land Resource Management Plan?

Staff requests input from the State's Attorney's Office on these matters.

Discussion occurred regarding keeping the Prairie Parkway on the Future Land Use Map. Member Flowers suggested keeping the road on the Future Land Use Map. Member Gilmour noted that the County Board already voted to remove the Prairie Parkway from the Transportation Plan. Chairman Prochaska doubted that the alignment for the Prairie Parkway, if the project was resurrected, would be the same as the alignment shown on the Future Land Use Map. There was no consensus for a request for legal review and the informal opinion was that the Prairie Parkway should be removed from the Future Land Use Map in the Land Resource Management Plan.

OLD BUSINESS

Zoning Ordinance Project Update

Mr. Asselmeier reported that he has a meeting with Teska Associates on October 19, 2020, to go over the procedure for updating the Zoning Ordinance from a technological standpoint.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report. Staff provided court updates regarding 1038 Harvey Road and 45 Cheyenne Court.

Member Flowers asked about the number of pools installed without a permit. Mr. Asselmeier will research that information.

REVIEW PRE-VIOLATION REPORT

The Committee reviewed the pre-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Chairman Prochaska noted that the State would like the County to amend the Historic Preservation Ordinance to require that the Commission meet four (4) times per year and remove the application fee. Members discussed the reasons for the existing Five Hundred Dollar (\$500) application fee. Members requested the Historic Preservation Commission to review and propose a fee that ensured that the County did not lose money when considering historic landmark and district applications.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report. Staff noted that year-to-date revenues already surpassed total FY2018-2019 figures.

CORRESPONDENCE

Correspondence from Chris Wilson Regarding Ordinance 2020-09 (Formally Petition 20-12) Pertaining to the Approval of a Plat of Vacation, Relocation, and Expansion of a Construction and Drainage Easement and Drainage and Utility Easement at Lots 171 and 172 in Whitetail Ridge Subdivision (7148 and 7136 Ironwood Court, Yorkville); Committee Could Forward Correspondence to County Board

Mr. Asselmeier read the correspondence.

On May 19, 2020, the Kendall County Board approved Ordinance 2020-09, formally Petition 20-12, a request by Chris Wilson to vacate certain easements located on Lots 171 and 172 in Whitetail Ridge Subdivision. A copy of Ordinance 2020-09 was provided.

Per Section 7.06.H of the Kendall County Subdivision Control Ordinance, the plat of vacation must be recorded within six (6) months of approval of the vacation by the County Board in order for the vacations to become effective. The County Board also has the right to extend the recording deadline.

On July 17, 2020, Mr. Wilson sent an email stating that he was not going to record the plat. Mr. Wilson reiterated this position in an email on September 28, 2020. These emails were provided.

Based on Mr. Wilson's emails, the vacations outlined in Ordinance 2020-09 will not become effective.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

Motion by Flowers, seconded by Member Gilmour, 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): Flowers, Gilmour, Kellogg, and Prochaska
Nays (0): None

Abstain (0): None
Absent (1): Gengler

The motion carried. The Committee recessed at 6:08 p.m.

Chairman Prochaska called the Committee back to order at 6:12 p.m.

ROLL CALL

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

Committee Members Absent: Scott Gengler

Also Present: Matt Asselmeier (Senior Planner)

NEW BUSINESS

Approval to Release Executive Session Minutes of October 14, 2020

Chairman Prochaska made a motion, seconded by Member Kellogg, to release the executive session minutes of October 14, 2020. With a voice vote of four (4) ayes, the motion carried.

ADJOURNMENT

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

Chairman Prochaska adjourned the meeting at 6:12 p.m.

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