

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 3, 2021 – Approved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS (Arrived at 9:02 a.m.)
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Fran Klaas – Highway Department

Audience:

Dan Kramer

AGENDA

Mr. Rybski made a motion, seconded by Commander Langston, to approve the agenda as presented.

With a voice vote of six (6) ayes, the motion carried.

MINUTES

Mr. Holdiman made a motion, seconded by Mr. Rybski, to approve the July 6, 2021, meeting minutes.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petition 21-27 Paul Kovacevich on Behalf of Tri-Star Development, Inc.

Mr. Asselmeier summarized the request.

Paul Kovacevich, on behalf of Tri-Star Development, Inc., is requesting a map amendment rezoning approximately seven point two (7.2) acres property from A-1 to R-1 in order to construct one (1) house on the subject property.

At the time of application submittal, the subject property was part of a larger parcel that was approximately forty (40) acres in size. The Petitioner has already secured an agricultural housing allocation for the property. If the map amendment was approved, the Petitioner planned to divide the property using a Plat Act exemption. The western tract would retain A-1 zoning and the agricultural housing allocation. The eastern tract would be rezoned to R-1. A total of two (2) houses, one (1) on the A-1 zoned portion of the property and one (1) on the R-1 zoned portion of the property, would be constructed on the present forty (40) acre parcel.

Ms. Briganti arrived at this time (9:02 a.m.).

The application materials, aerial of the entire property in its configuration at the time of application submittal, aerial of the property subject to the rezoning request, the plat of survey for the entire property, and the aerial of the entire property showing floodplains and wetlands were provided.

The property was on the south side of Route 52 across from 2735 Route 52.

The existing land use was Agricultural/Wooded.

The Future Land Use Map called for this area to be Rural Residential.

U.S. 52 was a State maintained arterial.

Joliet has trails planned along Route 52 and Minooka has trails planned along the Aux Sable Creek.

There was a 100-year floodplain of the Aux Sable Creek on the south and southeast sides of the property. There was also palustrine (freshwater forested shrub) and riverine wetlands on the south and southeast sides of the property.

The adjacent land uses were Agricultural Farmstead/Special Use for Products Not Grown on the Premises, Wooded, Single-Family Residential, and the Baker-Woods Forest Preserve.

The adjacent zoning districts were A-1, A-1 SU, and R-1.

The Land Resource Management Plan called for the area to be Rural Residential and Forest Preserve.

The zoning districts within one half (1/2) mile were A-1, A-1 CU, A-1 SU, R-1, R-1 PUD.

The A-1 special use permit to the north is for the sale of products not grown on the premises. The A-1 conditional use permit to the south is for one (1) single-family home on A-1 zoned property less than forty (40) acres. The A-1 special use permit to the west is for a horse training facility with groomsman's quarters.

EcoCAT Report submitted and noted the presence of the following protected resources in the vicinity: Aux Sable Creek INAI Site and Greater Redhorse (*Moxostoma valenciennesi*).

The application for NRI was submitted on June 25, 2021. The LESA Score was 189 indicating a low level of protection.

Petition information was sent to Seward Township on July 7, 2021.

Petition information was sent to the Village of Shorewood on July 7, 2021.

Petition information was sent to the Minooka Fire Protection District on July 7, 2021.

The Petitioner desired to rezone the subject property in order to build one (1) house on the subject property and build one (1) house on the property that retains the A-1 zoning classification.

Any new homes or accessory structures would be required to meet applicable building codes.

No public or private utilities were onsite.

The property fronted Route 52. Staff had no concerns regarding the ability of Route 52 to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors were foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed 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 or larger lot single-family residential uses. A forest preserve is located in the vicinity.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and R-1. The A-1 property to north has a special use permit for sale of products not grown on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The property is presently heavily wooded. Floodplain and wetlands will greatly restrict the area where a new single-family home could be built.

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 uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Residential. The R-1 One Family Residential District is consistent with the Rural Residential classification.

Staff recommended approval of the proposed map amendment because the proposal was consistent with the Land Resource Management Plan.

Dan Kramer, Attorney for the Petitioner, explained the reason for rezoning and noted the limitations of building a house on the property. He noted that Seward Township and Shorewood have not responded to his request for comments.

Mr. Rybski asked if this proposal was going to be a subdivision. Mr. Kramer responded no, it would be a Plat Act split.

Mr. Rybski noted that the lot could have difficulty supporting a traditional septic system.

Discussion occurred regarding building a home on the portion of the property that remained zoned A-1. One (1) house could be placed on the portion of the property zoned A-1.

Ms. Olson requested that the Petitioner secure the necessary permits from IDNR and Corps of Engineers. She requested that the proper NPDES Permit from IEPA be secured and to have soil and erosion control plan. She noted that the entire parcel has issues related to having a residential home on the property. She also suggested having a wetland delineation.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to recommend approval of the proposal.

With a voice vote of seven (7) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on August 25, 2021.

Petition 21-28 Brian and Jennifer Gore

Mr. Asselmeier summarized the request.

Brian and Jennifer Gore are requesting a map amendment rezoning approximately twelve point six (12.6) more or less acres from A-1 to R-1 in order to construct two (2) houses on the subject property after rezoning.

At the time of application submittal, the subject property was part of a larger parcel that is approximately forty (40) acres in size. The Petitioner has already secured an agricultural housing allocation for the property. If the map amendment was approved, the Petitioner planned to divide the property using a Plat Act exemption. Tract 3, which was approximately twenty-seven point three (27.3) acres would retain A-1 zoning and the agricultural housing allocation. Tracts 1 and 2 would be rezoned to R-1. Tract 1 was approximately seven (7) acres in size. Tract 2 was approximately five point six (5.6) acres in size. A total of three (3) houses, one (1) on each Tract, would be constructed on the present forty (40) acre parcel with a private forty foot (40') wide road easement connecting Tract 3 to Jughandle Road.

The application materials, the aerial of the entire property in its configuration at the time of application submittal, the aerial of the property subject to the rezoning request, the plat of survey for the entire property, and the aerial of the entire property showing floodplains and wetlands was provided.

The property was located on the west side of Jughandle Road across from 14776 Jughandle Road.

The current land use was Agricultural/Wooded.

The Future Land Use Map called for the area to be Rural Residential.

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Jughandle Road was a Township maintained local road.

Minooka has trails planned along the Aux Sable Creek.

There was a 100-year floodplain of the Aux Sable Creek on the south side of the property. Approximately, 4.8 acres of Tract 1 and 3.0 acres of Tract 2 were outside the 100-year floodplain. There was a riverine on the southeast corner of the property.

The adjacent land uses were Agricultural, Wooded, and Single-Family Residential.

The adjacent zonings were A-1 and R-1.

The Land Resource Management Plan called for the area to be Rural Residential.

The zonings within one half (1/2) mile were A-1, A-1 CU, A-1 SU, R-1, R-1 PUD, and R-3.

The A-1 special use permit to the north is for the sale of products not grown on the premises. The A-1 conditional use permit to the south is for one (1) single-family home on A-1 zoned property less than forty (40) acres.

EcoCAT Report submitted and noted the presence of the following protected resources in the vicinity: Aux Sable Creek INAI Site and Greater Redhorse (*Moxostoma valenciennesi*). Consultation was terminated because adverse effects were unlikely.

The application for NRI was submitted on June 22, 2021. The LESA Score was 191 indicating a low level of protection.

Petition information was sent to Seward Township on July 7, 2021.

Petition information was sent to the Village of Shorewood on July 7, 2021.

Petition information was sent to the Minooka Fire Protection District on July 7, 2021.

The Petitioner desired to rezone the subject property in order to build two (2) houses on the subject property and build one (1) house on the property that retains the A-1 zoning classification.

Any new homes or accessory structures would be required to meet applicable building codes.

No public or private utilities were onsite.

The property fronted Jughandle Road.

Any new driveways constructed would be for residential purposes.

No new odors were foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise is anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed 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 or larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1. There are R-1, R-1 PUD, and R-3 zoned parcels within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The property is presently heavily wooded. Floodplain and wetlands will greatly restrict the area where new single-family homes could be built.

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 uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Residential. The R-1 One Family Residential District is consistent with the Rural Residential classification.

Staff recommended approval of the proposed map amendment because the proposal was consistent with the Land Resource Management Plan.

Dan Kramer, Attorney for the Petitioners, explained the history of the property. The Petitioners desire the rezoning in order to construct two (2) homes for their adult children. The driveway/private road would be outside the floodplain.

Mr. Rybski noted that the lot could have difficulty supporting a traditional septic system.

Ms. Olson requested that the Petitioner secure the necessary permits from IDNR and Corps of Engineers. She requested that the proper NPDES Permit from IEPA be secured and to have soil and erosion control plan. She noted that the entire parcel has issues related to having a residential home on the property. She also suggested having a wetland delineation.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to recommend approval of the proposal.

With a voice vote of seven (7) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on August 25, 2021.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-19, regarding a market at 14975 Brisbin Road, was approved at the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier reported that at least one (1) application for a special use permit for a landscaping business will be on the September agenda.

ADJOURNMENT

Mr. Rybski made a motion, seconded by Ms. Briganti, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:21 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

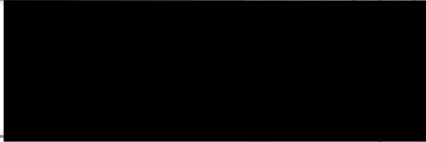
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**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
AUGUST 3, 2021**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Keenan		26+27 + 26+28