

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building  
Rooms 209 and 210  
111 W. Fox Street, Yorkville, Illinois*

**Meeting Minutes of August 25, 2021 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:03 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent: Dave Hamman, Karin McCarthy-Lange, Bob Stewart, and Seth Wormley

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Kramer

**APPROVAL OF AGENDA**

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve the agenda. With a voice of six (6) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Bledsoe made a motion, seconded by Member Rodriguez, to approve the minutes of the July 28, 2021, meeting. With a voice of six 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.

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 groomsmen'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*). Adverse impacts were considered unlikely and consultation was terminated.

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

Petition information was sent to Seward Township on July 7, 2021. The Seward Township Planning Commission reviewed this proposal on August 12, 2021, and recommended approval by a vote of three (3) in favor and zero (0) in opposition with two (2) members absent. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on July 7, 2021. The Village of Shorewood submitted an email on August 20, 2021, stating they had no concerns or comments regarding the proposal. The email was provided.

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

ZPAC reviewed this proposal at their meeting on August 3, 2021. The Kendall County Soil and Water Conservation District requested that the Petitioner secure the necessary permits from IDNR and Corps of Engineers. They requested that the proper NPDES Permit from IEPA be secured and to have soil and erosion control plan. They also noted that the entire parcel has issues related to having a residential home on the property and also suggested having a wetland delineation. The Kendall County Health Department noted the site would greatly impact the use of traditional septic systems. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) member absent. The minutes of the meeting were provided.

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.

Member Rodriguez asked where the house would be located on the rezoned portion of the property. Mr. Asselmeier provided the setbacks for the R-1 District. Dan Kramer, Attorney for the Petitioner, stated the house would be closer to the front (north) side of the property and closer to the adjoining house.

Mr. Kramer noted the location of the wetlands in relation to the proposed house site.

Member Wilson asked if there were separate legal descriptions for the portion of the property that would retain the A-1 zoning and the portion of the property that would be rezoned to R-1. Mr. Kramer responded yes. Mr. Kramer noted that the legal description that was published was just for the proposed R-1 zoned portion of the property.

Mr. Asselmeier explained how the forty (40) acre allocation system worked. In this case, the Petitioner secured an A-1 allocation prior to submitting the rezoning request and the proposed division of land.

Mr. Kramer noted that the Petitioner desires to sell the property. The Petitioner does not desire to construct houses on either portions of the property for themselves.

Mr. Kramer noted that a golf course had been previously proposed for the property and the Illinois Department of Natural Resources (IDNR) had concerns regarding the previous proposal. Mr. Kramer believed that IDNR did not have such concerns for the rezoning proposal because the impact of two (2) houses would have minimal impact on the nearby floodplain and wetlands.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the Petition.

The votes were as follows:

Ayes (6): Ashton, Bledsoe, Casey, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (4): Hamman, McCarthy-Lange, Stewart, and Wormley

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on August 30, 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.

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. The Seward Township Planning Commission reviewed this proposal on August 12, 2021, and recommended approval by a vote of three (3) in favor and zero (0) in opposition with two (2) members absent. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on July 7, 2021. The Village of Shorewood submitted an email on August 20, 2021, stating they had no concerns or comments regarding the proposal. The email was provided.

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

ZPAC reviewed this proposal at their meeting on August 3, 2021. The Kendall County Soil and Water Conservation District requested that the Petitioner secure the necessary permits from IDNR and Corps of Engineers. They requested that the proper NPDES Permit from IEPA be secured and to have soil and erosion control plan. They also noted that the entire parcel has issues related to having a residential home on the property and also suggested having a wetland delineation. The Kendall County Health Department noted the site would greatly impact the use of traditional septic systems. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) member absent. The minutes of the meeting were provided.

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.

Member Wilson asked how the house on Tract 2 would access Jughandle Road. Mr. Asselmeier responded that a private driveway would be constructed across Tracts 1 and 2 to Tract 3 prior to the division of land.

Dan Kramer, Attorney for the Petitioner, said that the Petitioners plan to construct a house for themselves on the Tract 3 (the A-1 zoned area) and have their two (2) adult children eventually build houses on Tracts 1 and 2. If the children do not build, houses on Tracts 1 and 2 will not be built.

Mr. Kramer explained the location of the driveway in relation to the floodplain.

Member Rodriguez expressed concerns about shared maintenance of the driveway. Mr. Kramer said a driveway maintenance agreement would be recorded in preparation for a time when the family no longer owns the property. Neither the County nor the Township will be asked to maintain the driveway unless the driveway is improved to Township specifications.

Member Casey made a motion, seconded by Member Bledsoe, to recommend approval of the Petition.

The votes were as follows:

Ayes (6): Ashton, Bledsoe, Casey, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (4): Hamman, McCarthy-Lange, Stewart, and Wormley

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on August 30, 2021.

#### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

#### **NEW BUSINESS**

##### **Discussion of 2020 Census Results**

Mr. Asselmeier reported that the population of Kendall County increased to one hundred thirty-one thousand eight hundred sixty-nine (131,869). Kendall County rose from sixteenth (16<sup>th</sup>) largest to fifteenth (15<sup>th</sup>) largest county in Illinois. Kendall County was one (1) of fifteen (15) counties in Illinois that gained population. Kendall County was the fastest growing county in Illinois at fourteen point nine percent (14.9%).

Seward Township had the largest percentage increase in population and Bristol Township had the largest numeric increase in population. Lisbon and Big Grove Townships had population reductions.

Mr. Asselmeier said they were working with GIS to get the populations of the unincorporated areas of each township.

Member Nelson noted the detail of information released by the Census. He would email everyone the link to the detailed information.

Member Wilson asked about the number of people that did not respond to Census. Mr. Asselmeier responded that Kendall County's response rate was the second or third highest in Illinois.

Member Wilson asked what the Commission could take out of this information. Mr. Asselmeier said that the information could be used to update the population information and the population projects in the Land Resource Management Plan.

Member Nelson noted the diversity of density and uses between the various townships.

Discussion occurred regarding the impacts road projects in Kendall County and new industries in Grundy County.

### **OLD BUSINESS**

None

### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 21-24 was approved at the County Board.

Mr. Asselmeier reported that Petition 21-26, regarding the banquet facility on Crimmin Road was still at the Planning, Building and Zoning Committee

### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier stated that, for the September meeting, there is a request for a special use permit for a landscaping business at 12830 Ashley Road, a request for a rezoning to B-3 and a special use permit for a landscaping business at 10744 Route 47, a request for a rezoning to build a house around the property at 800 Route 126, and a request for a special use permit and variance for a market/craft fair at 5681 Whitewillow Road.

Mr. Asselmeier said that the Illinois Association of County Zoning Officials would be having a virtual training session on October 1, 2021, from 9:15 a.m. to 12:30 p.m., with sessions on zoning, Americans with Disabilities Act regulations, and floodplain regulations. If anyone want to attend, they should contact Mr. Asselmeier.

Mr. Asselmeier also reported that the Planning, Building and Zoning Committee would be investigating text amendments to the Zoning Ordinance to address the recently passed Garden Act and Agricultural Experience Act.

### **ADJOURNMENT**

Member Wilson made a motion, seconded by Member Bledsoe, to adjourn. With a voice of six (6) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:49 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner


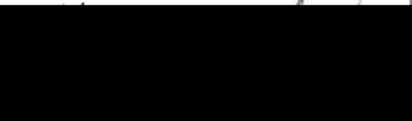
Enc.





**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
AUGUST 25, 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)
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" " 21-28		