

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of September 28, 2022 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Tom Casey Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Jairo Ortega

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Nelson, to approve the agenda. With a voice vote of eight (8) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wormley made a motion, seconded by Member Rodriguez, to approve the minutes of the of the August 24, 2022, meeting. With a voice vote of eight (8) ayes, the motion carried.

PETITIONS

Petition 22-19 Jairo Ortega

Chairman Ashton asked if the Commission had previously reviewed this Petition. Mr. Asselmeier responded that the rezoning of the eastern portion of the property occurred in 2021.

Member Rodriguez asked if the property changed ownership. Mr. Asselmeier explained the ownership history.

Mr. Asselmeier said that having a property split zoned creates issues of code enforcement and can create confusion for the property owner.

Mr. Asselmeier summarized the request.

In February 2022, the Petitioner and his wife purchased the property across from 2735 Route 52 from Tri-Star Development, Inc. Prior to the sale, on September 21, 2021, through Ordinance 2021-18, the County Board rezoned a majority of the property to R-1. A portion of the Petitioner's property was not included in the 2021 rezoning and the Petitioner would like to rezone the remainder (approximately 0.785 acres) to R-1 in order for the property to have one (1) zoning classification. The Petitioner wishes to construct a house on the property.

The application materials and plat of survey for the entire property were provided.

The property is just over three (3) acres in size and the area to be rezoned consists of approximately zero point seven-eight-five (0.785) acres.

The Current Land Use is Agricultural/Wooded.

The Future Land Use Map calls for the property to be Rural Residential (Max 0.65 DU/Acre).

U.S. 52 is a State Maintained Arterial.

Joliet has trails planned along Route 52.

There are no floodplains or wetlands on the area proposed for rezoning.

The adjacent land uses are Agricultural, Wooded, Single-Family Residential, and a Special Use for Sale of Products Not Grown on the premises.

The adjacent properties are zoned A-1, A-1 SU, and R-1.

The Future Land Use Map calls for the area to be Rural Residential (Max 0.65 DU/Acre).

Nearby properties are zoned A-1, A-1 SU, and R-1.

The A-1 special use permit to the north is for the sale of products not grown on the premises.

The Baker Woods Forest Preserve is located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and noted the presence of the following protected resources in the vicinity:

Aux Sable Creek INAI Site

Greater Redhorse (*Moxostoma valenciennesi*)

Adverse impacts were unlikely and consultation was terminated.

The application for NRI was submitted on August 1, 2022. The LESA Score was 181 indicating a low level of protection. The NRI report was provided.

Petition information was sent to Seward Township on August 8, 2022. Petition information was sent to Seward Township on August 8, 2022. Seward Township submitted an email on September 14, 2022, stating that the Township Board unanimously denied the request. The email was provided. Seward Townships reasons for denial were as follows:

The property is heavily wooded and immediately surrounded to the north, west and southwest by floodplain. This is a direct watershed to the protected Aux Sable Creek.

The property is adjacent to the Conservation Foundation land and the Forest Preserve.

There is currently minimal enforcement throughout the County to make sure dumping and other activities within the dense wooded areas does not take place. We already have this exact same problem near the Aux Sable Creek as well as other similar areas in the Township which has been happening for many years. It does not make sense to add to the problem again on Rt. 52 next to a Forest Preserve and Conservation Land.

The property is located along Rt. 52 with heavy traffic (including more trucks every day) near the Aux Sable Creek bridge. The addition of another driveway at this location will increase the likelihood of a bad accident near the bridge and entrance to Bakers Woods Forest Preserve. This is one of the reasons

that Seward Township moved its location years ago to O'Brien Rd away from the Aux Sable Creek and bridge.

The Seward Township Planning Commission and Board have agreed to propose a revised Land Use Map to the County for review that will change this property and a good portion of the remainder of the Township back to Ag Use on the Future Land Use Map. Currently the entire Seward Township is shown as Residential and Commercial with no Ag Use at all. This does not match with the goals of the residents of Seward Township. It would be disingenuous of our planning commission to vote in favor of this zoning change when at the same meeting they have approved the land use change on the Future Land Use Map which will be sent for review to the County.

Last and foremost, it is our opinion that the best use for this piece of land is not Residential. It is our opinion that the best use is to be kept Ag zoning.

The email outlining the Seward Township's reasons for denial was provided. Staff's response to Seward Township's reasons were provided.

Staff would like to point out that Seward Township did not object to the rezoning of the eastern portion of the property in 2021. The minutes of the Seward Township Planning Commission from August 12, 2021, were provided.

Staff would further like to point out that Seward Township did not object to the rezoning of the one eighty-three (183) acres of the Tri-Star property located approximately one third (1/3) of a mile to the west of the subject property.

Petition information was sent to the Village of Shorewood on August 8, 2022. No comments received.

Petition information was sent to the City of Joliet on August 8, 2022. No comments received.

Petition information was sent to the Minooka Fire Protection District on August 8, 2022. No comments received.

ZPAC reviewed this Petition at their meeting on September 13, 2022. The Petitioner indicated that he would like to have the driveway access located in center of the property along Route 52. It was noted that the Conservation Foundation recently purchased the property to the west of the subject property and discussion was underway to use that property for forest preserve purposes. It was also noted that a culvert was located to the west of the subject property. Lastly, it was noted that it may be challenging to install a traditional septic system on the subject property because the property was wooded. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Petitioner desires to rezone the subject property in order to build one (1) house on the subject property and to have consistent zoning throughout the property.

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

No public or private utilities are onsite.

The property fronts Route 52. Staff has no concerns regarding the ability of Route 52 to support the proposed map amendment. The Illinois Department of Transportation submitted an email with no comments on the proposal. The email was provided.

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 are 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 the 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 split zoned A-1 and R-1. The property is presently heavily wooded and having a single zoning classification for the property is desirable.

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 is consistent with the Land Resource Management Plan.

Member Nelson asked if the County received a plan from Seward Township showing everything classified as agriculture. Mr. Asselmeier responded that the County did not receive a plan from Seward Township.

The Commission reviewed the zoning and ownership of properties in the vicinity of the subject property.

Jairo Ortega, Petitioner, discussed the zoning of the property. He would like to construct one (1) home for his family on the property.

The Commission reviewed the floodplain and wetland maps in the area.

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

The votes on were as follows:

Ayes (8): Ashton, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (1): Stewart

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on October 3, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Recommendation of Fiscal Year 2022-2023 Meeting Calendar

Mr. Asselmeier presented the calendar.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the calendar. With a voice vote of eight (8) ayes, the motion carried.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 22-14 and 22-16 were approved by the County Board. Petition 22-01 was referred to the Committee of the Whole for their October 13, 2022, meeting and the fines have been filed as liens against the property.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that, for the October meeting, the major amendment to the Yogi Bear Campground special use permit will be on the agenda. Discussion occurred regarding the number conditions on the proposed special use permit. It was noted that Millbrook would have to live with the development.

Discussion also occurred regarding reviewing the notification distance requirements for special use permit, map amendment, and variance applications.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:37 p.m.

Respectfully submitted by,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

KCRPC Meeting Minutes 09.28.22