

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Approved - Meeting Minutes of September 25, 2024 - 7:00 p.m.**

Chairman Bill Ashton called the meeting to order at 7:05 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange and Bob Stewart

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Dan Kramer, Leo Phillipp, and David Priegel

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Member Wilson requested clarification regarding outdoor storage at the property as described in the minutes. Mr. Asselmeier explained that no outdoor storage of materials would occur at the property, but equipment would be stored outdoors. Member Wilson requested that the third (3<sup>rd</sup>) paragraph on page seven (7) of the minutes be clarified to say “no outdoor storage of materials”.

Member Bernacki made a motion, seconded by Member Rodriguez, to approve the minutes of the August 28, 2024, meeting with the correction described in the previous paragraph. With a voice vote of eight (8) ayes, the motion carried.

**PETITIONS**

**Petition 24-22 Leo M. Phillipp**

Mr. Asselmeier summarized the request.

The Petitioners would like a map amendment rezoning approximately eleven point six more or less (11.6 +/-) acres of the approximately fifteen (15) acres located at the northeast corner of Legion and East Highpoint Roads in order to construct approximately three (3) houses.

The application materials and zoning plat were provided.

The property is located at 10835 Legion Road.

In 1984, through Ordinance 84-06, the southwest corner of the property was rezoned to R-1.

In 1987, through Ordinance 87-27, the southwest corner of the property was rezoned back to A-1 and approximately three point three more or less (3.3 +/-) acres, where the current house, is placed was rezoned to R-1.

The total size of the property is approximately fifteen (15) acres.

The existing land use for the proposed rezoned portion of the property is Wooded.

The County's Land Resource Management Plan calls for the property to be Suburban Residential and Yorkville's Plan calls for the property to be Estate/Conservation Residential.

East Highpoint Road and Legion Road are Township maintained Minor Collectors.

Yorkville has a trail planned along East Highpoint Road.

There are no floodplains or wetlands on the property.

The current land uses of the adjacent properties are Agricultural and Single-Family Residential.

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

The County's Future Land Use Map calls for the area to be Suburban Residential (Max 1.0 DU/Acre) and Rural Residential (Max 0.65 DU/Acre). Yorkville's Future Land Use Map calls for the area to be Estate/Conservation Residential.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, R-1, R-2, R-3, RPD-2, RPD-3, and B-4.

The A-1 special use permits to the east are for communication towers.

The A-1 special use permit to the west is for boarding horses.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on July 19, 2024. The LESA Score was 133 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Kendall Township on July 30, 2024. The Kendall Township Planning Commission reviewed the proposal at their meeting on September 16, 2024, and the Kendall Township Board reviewed the proposal at their meeting on September 17, 2024. Discussion occurred regarding the number of houses, the number and location of driveway cuts, rights-of-way dedications, and the development of houses without doing a subdivision. The Kendall Township Planning Commission and Kendall Township Board recommended approval of the proposal with the caveats that driveway placements require prior approval by the Kendall Township Highway Commissioner and that right-of-way dedications forty feet (40') in depth from the centerlines of both Legion and East Highpoint Roads occur. An email outlining the Township's position was provided.

Petition information was sent to the United City of Yorkville on July 30, 2024. The Yorkville Planning and Zoning Commission reviewed the proposal at their meeting on September 11, 2024. The Yorkville Planning and Zoning Commission had no objections to the proposal. The Yorkville City Council reviewed the proposal on September 24, 2024, and expressed no objections to the proposal.

Petition information was sent to the Bristol-Kendall Fire Protection District on July 30, 2024. No comments received.

ZPAC reviewed this proposal at their meeting on August 6, 2024. Discussion occurred about rights-of-way dedications since the proposal would not involve a subdivision. The Petitioner's Attorney was agreeable to submitting a letter dedicating rights-of-way forty feet (40') in depth from the centerlines of East Highpoint and

Legions Roads. ZPAC recommended approval of the map amendment by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

On August 21, 2024, the Petitioner's Attorney submitted an email requesting this proposal be continued to the September 25, 2024, Kendall County Regional Planning Commission meeting. At their meeting on August 28, 2024, the Kendall County Regional Planning Commission voted to continue this proposal as requested by the Petitioner. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on September 3, 2024. The Petition was continued to September 30, 2024, as requested by the Petitioner. The minutes of this hearing were provided.

The Petitioners would like to rezone the property in order to build a maximum of three (3) houses on the rezoned portion of the property. Since the property already has frontage along East Highpoint and Legion Roads, a Plat Act Exemption may be used instead of doing a subdivision.

The site is currently mostly wooded with one (1) single-family home. Any future buildings would have to meet applicable building codes.

The wooded area is not presently served by utilities.

The property fronts East Highpoint and Legion Roads. Kendall Township has permitting authority over access at the property.

No information was provided regarding parking.

Based on the proposed uses, no new odors are foreseen.

Lighting would be for residential purposes and would have to follow applicable ordinances.

Landscaping would be for residential uses.

No non-residential signage is planned.

The owners of the property would have to follow applicable noise control regulations based on residential uses.

Stormwater control would be evaluated as part of the building permit.

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 and single-family residential purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned agricultural and some form of single-family residential.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property consists of a large wooded area and, due to its size, it is not eligible for residential uses without a map amendment.

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.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property is classified as Suburban Residential on the Future Land Use Map and the R-1 Zoning District is consistent with this land classification.

Staff recommended approval of the proposed map amendment.

Member Landovitz asked about the status of the right-of-way dedication and the understanding with the Kendall Township Highway Commissioner regarding access to the property. Dan Kramer, Attorney for the Petitioner, responded that the Petitioner agreed to the request of Fran Klaas and Kendall Township for a forty foot (40') dedication which would occur after approval of the map amendment. Mr. Kramer explained the location of the existing of the house and the location of new driveways. He noted the hill on Legion Road and having the driveway be as close to the existing house as possible. The driveway would be around two hundred fifty feet (250') east of the intersection.

Mr. Kramer said that three (3) houses would be the maximum, but there could be less houses.

Mr. Kramer explained the future land use maps of the County and Yorkville. The smallest lot size for the County was two point nine-nine (2.99) acres. He also explained that Estate/Conservation designation of Yorkville; those areas where Yorkville had not studied greatly for future land uses.

Mr. Asselmeier requested clarification regarding Maple Lane. Mr. Kramer responded that Maple Lane was a private road and the Petitioner did possess any rights of access to Maple Lane. Discussion occurred regarding ownership of Maple Lane.

Member Bernacki asked about the locations of future homes on the property. Mr. Kramer said that no specific lot dimensions were proposed. Leo Phillipp, Petitioner, explained the history of ownership of property and his original plans for his family to live at the property, which was unlikely. Mr. Phillipp explained the topography of the site; one (1) house would be flat and two (2) houses could have walk-out basements.

It was noted that, if the map amendment were approved, the entire property would be zoned R-1.

Discussion occurred regarding the Plat Act requirements for division of properties and the County's minimum lot size and frontage requirements.

David Priegel asked what the public interest was in approving the map amendment. Mr. Asselmeier responded that Kendall Township and the United City of Yorkville had not objected to the proposal. Also, if homes were constructed on the property, the property would pay more in property taxes. Member Wormley also noted that the Petitioner would have neighbors and the proposal provides needed homes. Member Wilson said that, if a traditional subdivision were proposed, more homes could go on the property; the proposal limits the number of houses on the property. Discussion occurred regarding tree removal related to development.

Member Hamman asked how many homes were served by Maple Lane and the size of the lots on Maple Lane. Mr. Priegel responded seven (7) house and lots were three (3) acres in size. Member Hamman noted that the lots on the subject property would be comparable to the lots on Maple Lane.

Member Landovitz noted that, if the proposal was approved, the zoning of the subject property would be consistent with the zoning in larger neighborhood.

Mr. Kramer discussed the LaSalle and Sinclair factors regarding counties and municipalities having plans and following plans. He discussed the lot sizes in the Tanglewood Trails and Matlock subdivisions.

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

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, Landovitz, Rodriguez, Wilson, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): McCarthy-Lange and Stewart

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 30, 2024.

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

None

#### **NEW BUSINESS**

##### **Approval of Fiscal Year 2024-2025 Meeting Calendar**

Mr. Asselmeier stated that the County Office Building will be renovated at some point and the meetings will be held in the courtroom in the Historic Courthouse. Member Wilson requested notification of the meeting location change, when it occurs. Member Rodriguez discussed the renovations to the building. Member Wormley noted that the money was in the proposed budget to cover the food for the Annual Meeting.

Member Wilson made a motion, seconded by Member Hamman, to approve the meeting calendar.

With a voice vote of eight (8) ayes, the motion carried.

##### **Discussion of Scenic Routes; Commission Could Initiate an Amendment to the LRMP**

##### **Discussion of Amendments to the Kendall County Zoning Ordinance Pertaining to Obstructions and Parking in Required Setbacks; Commission Could Initiate Text Amendments**

Mr. Asselmeier summarized the issues.

The Comprehensive Land and Ordinance Committee had been investigating allowing parking and obstructions in the front yard setback, specifically in the A-1 where setback prevented parking within one hundred fifty feet (150') from the centerline of the road.

The Committee was investigating having different setbacks for properties located along scenic routes as defined by the Land Resource Management Plan; the map showing the scenic routes was provided. The Committee was  
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considering reviewing the list of scenic routes, the criteria for Kane County's rustic roads program, the federal criteria for national scenic byways, and the definition of scenic; this information was provided. At their meeting in July, the Committee was going to contact the Kendall County Historic Preservation Commission regarding scenic routes and drive the routes listed as scenic in the Land Resource Management Plan.

Regarding parking in the front yard setbacks, a redlined proposal was prepared and provided with information regarding municipal setbacks and existing County regulations and plans.

The Committee placed the setback discussion on hold until a definition of scenic routes was determined.

Chairman Ashton said "scenic" was a subjective term; people will have different definitions of the word scenic.

Member Wilson asked if the proposal would also cover structures. Mr. Asselmeier said that the Comprehensive Land Plan and Ordinance Committee was only looking at parking setbacks and not structures.

Member Landovitz asked if the current regulations connected to parking setbacks with scenic route designation. Mr. Asselmeier responded that no such designation exists.

Discussion occurred regarding the history of the designation of scenic routes.

Member Wilson suggested looking at the regulations regarding placing other items in the setback. Accessory structures cannot be placed in the front yard setback.

Mr. Asselmeier noted that funding for the update to Land Resource Management Plan was in the proposed budget. Scenic routes could be examined during the update. The County's fiscal year is December 1<sup>st</sup> through November 30<sup>th</sup>.

Member Wilson asked if this would impact a private home in which the residents park in the driveway. Mr. Asselmeier stated that this pertains to business parking on scenic roads. The A-1, the business districts and the three (3) manufacturing districts.

Member Rodriguez asked about the residents of Millbrook. Their homes are very close to the road. Chairman Ashton stated that Jughandle Road has homes one (1) side, but still considered a scenic road.

Member Landovitz asked if there was a demand for relaxing the parking setbacks on scenic roads. Chairman Ashton stated that one (1) parcel caused the examination of parking in setbacks.

Member Landovitz stated that he felt a one hundred fifty foot (150') setback was too much.

Member Wormley stated there could be a variance but does not want to set a precedent for others to also receive a variance.

Discussion occurred regarding roads that have dedicated right-of-way and those that lack dedication.

Member Wilson asked if the Commission is being asked to make a recommendation for a setback at this time. Mr. Asselmeier stated that this was left unresolved on the Comprehensive Land Plan agenda.

Member Wilson asked if the scenic road setback could be part of the Land Resource Management Plan update. Chairman Ashton stated that it could be part of the update. Mr. Asselmeier also responded that the scenic road designation could be part of the update. The only potential problem was there could be different rules for

setbacks and obstructions on scenic routes vs non-scenic routes. Updating the Land Resource Management Plan may take up to a year before the scenic routes were approved.

Member Landovitz stated he would be in favor of one hundred fifty feet (150') setback and possibly relaxing it, without reference to scenic routes in A-1 districts.

Member Bernacki asked if the County has a purpose to designate scenic routes, i.e. would the routes be marked. Mr. Asselmeier stated the County has no markers designating scenic routes. In order to obtain markers, the County Board would have to approve the funds for them.

Member Hamman stated the setback distance should be relaxed. Uses along the roads are changing every day and would the same route be scenic in five (5) years. Member Hamman stated he felt seventy-five feet (75') would be enough setback.

Member Wormley stated he doesn't want to over prioritize scenic routes in the A-1 districts because a lot of A-1 is marked as scenic but properties may not be zoned A-1 in the future. Member Wormley favored a seventy-five foot (75') setback.

Chairman Ashton asked if the map could stay the same and reduce the setback to seventy-five feet (75'). Mr. Asselmeier clarified that the setbacks in all the of the B districts was one hundred feet (100') from centerline and fifty feet (50') from right of way. Chairman Ashton mentioned that there should be a note stating that it's for two (2) lane roads. Mr. Asselmeier mentioned four (4) lane arterial roads, and those would be a lot wider setbacks because the setbacks were measured from the right-of-way.

Member Wormley stated to make it seventy-five feet (75') from the centerline and fifty (50') from the right of way.

Mr. Asselmeier stated that if this is the intent he will clean up the redlined language and return next month and make sure the language for the proposal was correct. It will be seventy-five feet (75') from the centerline and fifty feet (50') from right-of-way or whichever is greater. The M-1 and M-2 will remain as they are because parking is allowed in the setbacks.

### **Discussion of Setback from Pipelines; Commission County Initiate Text Amendments to the Zoning Ordinance**

Mr. Asselmeier summarized the issue.

Section 6:07.G.1 of the Kendall County Zoning Ordinance requires all pipelines greater than ten inches (10") in diameter that carry/conduct flammable or hazardous material be setback a minimum five hundred feet (500') from an occupied principal structure.

At their meeting in July, the Commission requested Staff to contact the municipalities and adjacent counties to see what their regulations were and if a rationale existed behind their regulations. That information was provided.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email was provided.

Chairman Ashton noted that a five hundred foot (500') setback would not be large enough, if a catastrophic failure occurred.

Member Wormley felt five hundred foot (500') was too large because the setback eliminates the ability to use the property and pipelines are safe. A property owner already cannot be built on the easement. He also questioned whether or not the existing regulation provides safety for the public.

Member Hamman felt the depth requirements were more important than setback.

Discussion occurred regarding the frequency of pipeline companies flying over properties and the response from the pipeline companies if they see activity near the pipeline.

Discussion occurred regarding the widths of a standard pipeline easement. Older pipeline easements tended to be smaller than modern easements.

Member Wilson favored a fifty-foot (50') setback or the width of the easement.

Member Landovitz discussed his research and found fifty feet (50') on either side of the pipeline was the industry standard. He said the setback was created to stop people from doing things to the pipeline and to minimize impacts if the pipeline blew. He did not find a professional source advocating a five hundred foot (500') setback; four hundred fifty feet (450') was the largest setback that he found. This setback on both sides of the pipeline. He did not see the value of having setbacks larger than fifty feet (50').

Member Hamman discussed railroads carrying hazardous materials and the setbacks of homes from railroads. He stated that hauling hazardous materials by pipeline was safer than hauling hazardous material by railroad.

Discussion occurred regarding the release of pressure at the Sandwich Compressor; pipelines don't blow up unless someone messes with them.

Member Bernacki made a motion to set the setback at fifty feet (50') on both sides. He withdrew his motion.

The consensus of the Commission was to set the regulation at twenty-five feet (25') on both sides instead of fifty feet (50') on both sides after discussing the industry standard for a setback of fifty feet (50') total.

Member Hamman made a motion, seconded by Member Wormley, to reduce the setback to twenty-five feet (25') from an occupied structure.

With a voice vote of eight (8) ayes, the motion carried.

The motion carried.

The proposal will go on the December meeting agendas, if there are other agenda items. Otherwise, the proposal will be reviewed in January.

Chairman Ashton asked Commissioners how they wanted to handle the update to the Land Resource Management Plan. He was concerned about lengthy Planning Commission meetings. Discussion occurred regarding meetings with the townships. The likely solution will be to have additional meetings each month while working on the Land Resource Management Plan.

## **OLD BUSINESS**

None



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

Mr. Asselmeier reported that Petitions 24-17 was approved by the County Board. Petition 24-21 will go to the County Board in October. Petition 24-23 was approved by the Village of Millbrook. The solar project on Simons Road has been laid over until January at the Zoning Board of Appeals.

### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported a rezoning request on River Road and a major amendment to the special use permit for a banquet facility at 1998 Johnson Road were on the agenda items for the October meeting.

Member Wilson discussed a proposed data center in Shorewood's plan area in Seward Township. Discussion occurred regarding data centers in Plano and Yorkville.

Discussion occurred regarding solar projects near the Village of Lisbon.

### **ADJOURNMENT**

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

The Kendall County Regional Planning Commission meeting adjourned at 8:45 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM, Director

Enc.



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
SEPTEMBER 25, 2024**

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)
<i>Don Krane</i>		