

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 and 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of October 7, 2024

CALL TO ORDER

The meeting was called to order by Chairman Wormley at 6:30 p.m.

ROLL CALL

Committee Members Present: Elizabeth Flowers Dan Koukol, Ruben Rodriguez, Brooke Shanley, and Seth Wormley

Committee Members Absent: None

Also Present: Matthew H. Asselmeier, Director, Wanda A. Rolf, Office Assistant, Dan Kramer, Leo Phillip, and Claire Wilson

APPROVAL OF AGENDA

Member Koukol made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Member Rodriguez made a motion, seconded by Member Koukol, to approve the minutes of the September 9, 2024, meeting. With a voice vote of five (5) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

Review of Expenditures from the Previous Month

The Committee reviewed the Expenditure Reports from September 2024.

PETITIONS

Petition 24-14 Tim O'Brien on Behalf of Seward Township

Mr. Asselmeier stated the Committee, at their June 10, 2024, meeting, gave Seward Township an extension to prepare an updated amendment. To date, Seward Township has not amended their original proposal.

The draft resolution was provided.

Member Koukol stated that the original extension was for sixty days (60) and became ninety (90) days; Member Koukol made the proposal to extend to ninety (90) days.

Chairman Wormley agreed with Member Koukol that Seward Township had a ninety (90) day extension to prepare an updated amendment. There was no updated amendment provided.

Chairman Wormley stated that Seward Township's proposal contradicts some of the most important infrastructure improvements the County has made over the last decade. The Ridge Road Corridor, entering in phase three (3), is a commercial corridor and part of Wikaduke Trail. Seward Township's plan did not make room for the advancement of the infrastructure improvements that have been made by the county.

Chairman Wormley would like the Committee to forward this petition to the County Board with a negative opinion.

Member Rodriguez stated that the County has given Seward Township the opportunity to come to a consensus with the County.

Member Koukol stated he would rather see Seward Township put their original proposal on hold or have it withdrawn than to receive a negative vote by the County Board.

Mr. Asselmeier stated that Seward Township voted to have this current proposal as their plan with the understanding that the County Board is going to reject Seward Township's proposal. Seward Township would have their plan and the County would have its plan. Seward Township would be able to use this plan to deny map amendments and variances that go before their board. Also, Seward Township can recommend denial on special use permits. In the case of map amendments and variances, Seward Township may file a formal legal objection based on their plan; it would take a super majority vote by the County Board to overrule Seward Township, which requires eight (8) votes out of (10) votes.

Member Flowers asked Mr. Asselmeier if he could go over the process that Seward Township had to go through to update their land use map. Mr. Asselmeier responded that townships can pass their own plan. The County can also have their own plan. Seward Township held meetings, open forums, and public hearings to make the residents aware of the proposal. At the County level, Seward Township held meetings with ZPAC, Regional Planning Commission, Zoning Board of Appeals and now with Planning, Building and Zoning Committee. Once those are completed, it will go to the County Board for a final vote.

Member Flowers asked if there were any objections prior to coming to the Planning, Building and Zoning Committee. Mr. Asselmeier stated that the Zoning Board of Appeals voted to forward the proposal without issuing a recommendation.

Member Shanley stated that she was not surprised that Seward Township did not have any representation at the Planning, Building and Zoning Committee meeting. The Township was following the proper procedures and received positive feedback until recently. Seward Township was being asked to do things that were not brought up in

prior meetings. Member Shanley stated she would not be in favor of forwarding the petition from Seward Township with a negative recommendation.

Member Flowers stated she would not be in favor of a negative recommendation for Seward Township.

Chairman Wormley spoke about how much the situation has changed since Seward Township's proposal was first proposed. The County instructed Seward Township to create their own map because Seward Township wanted something immediately. At that time, there was no funding available to update the County's plan.

Member Flowers spoke about projects being annexed into the municipalities.

Member Rodriguez made a motion, seconded by Member Koukol, to recommend to forward Seward Township's land use proposal to the County Board with a negative recommendation.

The votes were as follows:

Yeas (3): Koukol, Rodriguez, and Wormley
Nays (2): Flowers and Shanley
Abstain (0): None
Absent (0): None

The motion carried.

The proposal will go to the October 15, 2024, Kendall County Board meeting on the regular agenda.

Member Shanley stated that her purpose was to be an advocate for the county. Seward Township was following the instructions they were given, had several meetings, and until recently, received positive recommendations. The situation seems unfair and not transparent.

Member Koukol spoke about the amount of money spent on the roads. He would like to see more commercial land use classifications. Member Koukol stated that out of state companies look at the County's land use maps and, if they see mostly A-1 zoning, they will locate elsewhere. Member Koukol did not feel the proposal will pass the County Board. He would like to wait until the 2025 plan for the County to create their maps.

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. An email from Yorkville was provided.

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.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission discussed the timing of the right-of-way dedication, the locations of future driveways, and the locations of future homes. It was noted that Maple Lane was a private road and there were seven (7) homes on Maple Lane on approximately three (3) acre sized lots. Discussion occurred regarding Plat Act exemptions for division of properties. Discussion occurred regarding increased tax revenues and an increase in the number of available houses if the proposal was approved. It was also noted that the proposal limits the number of new houses on the property. The Kendall County Regional Planning Commission 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

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. At the continued hearing on September 30, 2024, nobody from the public, other than the Petitioner's Attorney testified. He discussed the layout of driveways for new houses. The Petitioner was agreeable to the rights-of-way dedication. Discussion occurred regarding the classification of the property in the County's and Yorkville's plans. Discussion occurred regarding Plat Act exemptions. There could be a maximum of four (4) houses on the property; three (3) new houses and one (1) existing house. Discussion occurred regarding the history of the zoning property. Discussion occurred regarding the uses of the right-of-way as a bike trail and other utilities. The Kendall County Zoning Board of Appeals recommended approval of the map amendment, but they wanted to note that driveway placements should require prior approval by the Kendall Township Highway Commissioner and that the right-of-way dedications forty feet (40') in depth from the centerlines of both Legion and East Highpoint Roads should occur by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the 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 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. The subject property would generate more in taxes if additional homes were constructed. The map amendment would increase the number of homes for people in the County. The proposed map amendment limits the number of homes that can be constructed on the subject property, if a traditional subdivision is not pursued.

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.

The draft ordinance was provided.

Member Koukol asked Dan Kramer, Attorney for the Petitioner, how long Mr. Phillipp owned the property. Mr. Kramer said that Mr. Phillipp owned the property for thirty-nine (39) years.

Member Koukol asked Mr. Kramer how many acres were on the property to sell. Mr. Kramer stated that the petitioner has approximately three (3) lots to sell. The reason Mr. Phillipp did not do a subdivision plat was because Mr. Phillipp did not know who will buy the land; it might be one (1) buyer or it might be (3) buyers.

Member Koukol asked Mr. Kramer how much Mr. Phillipp paid in property taxes. Mr. Phillipp pays approximately Fourteen Thousand Dollars (\$14,000) for the entire piece of property. Member Koukol stated that, once the land was sold and homes were built, there will be more tax revenue from that property.

At this time Member Rodriguez left the meeting. (7:09 p.m.)

Member Flowers made a motion, seconded by Member Koukol, to recommend approval of the map amendment.

The votes were as follows:

Yeas (4): Flowers, Koukol, Shanley and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Rodriguez

The motion carried.

The proposal will go to the October 15, 2024, Kendall County Board meeting on the consent agenda.

At this time Member Rodriguez returned to the meeting. (7:11 p.m.)

NEW BUSINESS:

Approval of a Request from Michael and Karen Webster to Refund a Fee for an Unused Building Permit at 15751 S. Stonewall Drive, Newark (PIN: 04-21-125-026) in Fox Township in the Amount of One Thousand Nine Hundred Dollars (\$1,900)

Mr. Asselmeier summarized the request.

The owners no longer want to construct a house on the property.

Member Koukol asked if the Department had expended any funds or time on this application. Mr. Asselmeier said no.

Member Flowers made a motion, seconded by Member Rodriguez, to approve the requested refund.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

Update on Planning, Building and Zoning Department Staffing

Mr. Asselmeier stated that the part time inspector resigned and Human Resources has three (3) applicants. Mr. Asselmeier would like to have someone on staff by November 1, 2025.

Follow-Up from September 11, 2024, Boulder Hill Neighborhood Watch Meeting

The Committee reviewed an email from Brian Holdiman regarding the meeting. There

were twenty-six (26) people in attendance. Vernon Fatima, former inspector, presented the new complaint dashboard and answered several questions.

November 14, 2024, Homeowners Association Training Event

The Committee reviewed the agenda for the event. There was a request for a training event for homeowners' associations who are responsible for stormwater maintenance and infrastructure. A representative from WBK will speak on stormwater maintenance matters and Brian Holdiman will speaking about code enforcement procedures.

Recommendation on 2025 Comprehensive Noxious Weed Work Plan

Mr. Asselmeier summarized the request.

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. Attached please find the proposed 2025 Kendall County Noxious Weed Comprehensive Work Plan. Other than changing the year, this proposal is the same as the 2024 Noxious Weed Comprehensive Work Plan.

Member Flowers made a motion, seconded by Member Koukol, to recommend approval of the plan.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal will go to the October 15, 2024, Kendall County Board meeting on the consent agenda.

Recommendation on Fiscal Year 2024-2025 Meeting Calendar

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

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal will go to the October 15, 2024, Kendall County Board meeting on the consent agenda.

Approval to Change the November 2024 Planning, Building and Zoning Committee Meeting Date and Time

After some discussion on other meetings scheduled for November 12, 2024, Member Shanley made a motion, seconded by Member Flowers, to move meeting to November 12, 2024 at 4:30 p.m.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

OLD BUSINESS:

Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township

Mr. Asselmeier stated that WBK is waiting for information from the applicant's engineer.

Approval to Extend or Revoke Building Permit 01-2020-146 for a Single-Family Home at 7782 Tanglewood Trails

Mr. Asselmeier provided an email from Brian Holdiman stating it must be completed by the end of the year or the permit will be revoked.

REVIEW VIOLATION REPORT:

The Committee reviewed the report.

REVIEW PRE-VIOLATION REPORT:

The Committee reviewed the report.

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

Mr. Asselmeier reported that the Commission elected its officers for 2024-2025. The CLG grant is open from October 1, 2024 to November 15, 2024. The maximum award is thirty thousand dollars (\$30,000) per project.

REVIEW PERMIT REPORT:

The Committee reviewed the report.

REVIEW REVENUE REPORT:

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS:

None

EXECUTIVE SESSION

Member Flowers made a motion, seconded by Member Rodriguez, 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 (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The Committee recessed at 7:27 p.m.

The Committee returned from Executive Session at 7:29 p.m.

NEW BUSINESS

Approval to Release Executive Session Minutes of October 7, 2024

The consensus was to release the minutes of the executive session of October 7, 2024.

ADJOURNMENT:

Member Shanley made a motion, seconded by Member Flowers, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 7:29 p.m.


Minutes prepared by Wanda A. Rolf, Part-Time Administrative Assistant

Enc.

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**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
OCTOBER 7, 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)
Don Keom		

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Executive Session Minutes of October 7, 2024

CALL TO ORDER

The executive session was called to order by Chairman Seth Wormley at 7:28 p.m.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Dan Koukol, Ruben Rodriguez (Vice-Chairman), Brooke Shanley, and Seth Wormley (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Director) and Wanda Rolf (Part-Time Administrative Assistant)

The purpose of this executive session was to review minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The Committee reviewed the minutes from the following meetings:

December 19, 2016

August 7, 2017

November 7, 2022

Member Flowers made a motion, seconded by Member Shanley, to release the minutes of October 7, 2024, and keep the other minutes confidential for personnel reasons and litigation reasons. With a voice vote of five (5) ayes, the motion carried.

Motion by Member Shanley, seconded by Member Rodriguez, to adjourn the executive session. With a voice vote of five (5) ayes, the motion carried.

Chairman Wormley adjourned the executive session at 7:29 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM, Director