

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Historic Court House
Court Room
110 W. Madison Street, Yorkville, Illinois*

Approved - Meeting Minutes of August 27, 2025 - 7:00 p.m.

Chairman Keith Landovitz called the meeting to order at 7:20 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: None

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

Others Present: Mike Hoffman, Joan Soltwisch, JoBeth Larkin, Dan Larkin, and Fran Miller

APPROVAL OF AGENDA

Chairman Landovitz announced that the Petitioners for Petition 25-08 failed to post notice in a timely manner.

Member Wormley made a motion, seconded by Member Rodriguez, to approve the agenda with an amendment removing Petition 25-08 from the agenda.

Member Wilson stated that she had evidence that the Petitioners for Petition 25-08 were not operating a forestry business. She was asked to provide that information to Mr. Asselmeier. She encouraged Commissioners to visit the property and neighbors.

With a voice vote of ten (10) ayes, the motion carried.

APPROVAL OF MINUTES

Member McCarthy-Lange made a motion, seconded by Member Hamman, to approve the minutes of the June 25, 2025, meeting, July 14, 2025, gathering, and August 13, 2025, gathering. With a voice vote of ten (10) ayes, the motion carried.

PETITIONS

Petitions 25-09 and 25-10 Irma Loya Quezada

Without objections, Chairman Landovitz combined Petitions 25-09 and 25-10.

Mr. Asselmeier summarized the request.

The Petitioner is requesting a map amendment rezoning approximately three point two (3.2) acres of the northwest corner of 14874 Brisbin Road, Minooka from A-1 Agricultural District to R-1 One Family Residential District in order to construct one (1) house. The Petitioner is also requesting a map amendment rezoning approximately three point two (3.2) acres of the southwest corner of 14918 Brisbin Road, Minooka from A-1 Agricultural District to R-1 One Family Residential District in order to construct one (1) house.

The Petitioner plans to use Plat Act exemptions to divide the larger parcel.

The agricultural building permits for the parcels were used in 2003 and 2004. The only way houses can be constructed on the subject parcels is by obtaining the requested map amendment.

The southwest corner of the parcel was rezoned to R-1 in 2022 by Ordinance 2022-15.

The application materials, plat of survey, and Ordinance 2022-15 were provided.

The property at 14874 Brisbin Road is approximately ten point three-seven more or less (10.37 +/-) acres total with approximately three point two plus or minus (3.2 +/-) acres proposed for rezoning. The property at 14918 Brisbin Road is approximately ten point four-two plus or minus (10.42 +/-) acres total with approximately three point two plus or minus (3.2 +/-) acres proposed for rezoning.

The existing land uses are Agricultural and Single-Family Residential.

The future land use is Rural Estate Residential (Max 0.45 Du/Acre).

Brisbin Road is a Township maintained Major Collector.

There are no trails planned for the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural, Farmstead, Single-Family Residential, and Hogan's Market.

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

The County's plan calls for the area to be Agricultural and Rural Estate Residential. The Village of Plattville's plan calls for the area to be Low Density Residential.

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

The A-1 special use to the west is for the sale of agricultural products, art, pottery, and home décor not produced on the premises (Hogan's Market).

EcoCat submitted on July 22, 2025, and consultation was terminated.

NRI application submitted as part of the rezoning request in 2022. The LESA Score was 199 indicating a low level of protection. The NRI Summary Report was provided.

Seward Township was emailed information on July 24, 2025. The Seward Township Planning Commission met on August 5, 2025, and recommended denial of the proposal by a vote of three (3) against the proposal and one (1) in favor of the proposal. The reasons for denial were as follows: The same family rezoned their original ten (10) acres three (3) years ago to allow for two (2) residential homes and now they are re-zoning once again on the two (2) remaining properties. Row after row of houses rezoned to residential along rural roads was not the intention of the residential plan put in place by the county in the Comprehensive Plan and Seward Township approved a new Comprehensive Plan that shows the area as Agricultural and not Residential. An email with this information was provided.

The Seward Township Board met on August 12, 2025, reviewed the proposal on August 12, 2025, and recommended approval by a vote of three (3) in favor and two (2) in opposition. The minutes of the meeting were provided.

The Village of Plattville was emailed information on July 24, 2025. No comments received.

The Lisbon-Seward Fire Protection District was emailed information on July 24, 2025. No comments received.

ZPAC reviewed this proposal at their meeting on August 6, 2025. Discussion occurred regarding the conflict between the Seward Township Plan and the County Land Resource Management Plan. ZPAC voted to forward 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.

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

No public or private utilities are onsite.

The property fronts Brisbin Road. Staff has no concerns regarding the ability of Brisbin Road 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 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 is anticipated.

Any new homes would have to be constructed per the Kendall County Code.

The proposed findings of fact are 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 R-1, A-1, or A-1 SU for the sale of agricultural products, art, pottery, and home décor not produced on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently mostly zoned A-1 with the southwest corner zoned R-1. The agricultural housing allocations for the subject property have already been used and no new single-family homes can be constructed on the subject property without a map amendment and division of the property.

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 Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

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

Member Wilson recused herself at this time (7:32 p.m.).

Member Bernacki requested clarification regarding which portions of the subject properties were already zoned R-1.

Member Wilson stated that she represented the Petitioner. She stated the proposal was consistent with the County's Future Land Use Map and the LaSalle Factors.

Joan Soltwisch said that the property is very wet. She said there were different interpretations to the LaSalle Factors. She discussed the care for planning the County has taken in this area. She believed the Petitioner was told incorrect information when she purchased the property. Member Wilson stated that the Petitioner was misled by their Realtor. Member Wilson also noted that Seward Township changed their plan after the Petitioner purchased the property.

JoBeth Larkin stated that she and her family own property adjacent to the subject properties. She said the land was not well drained. She discussed the layout of drain tile in the area. She expressed concerns regarding placing more houses in the area and the impact on the draining. She said that Realtors still say that people can build houses on smaller lots. She asked if other properties in the area could ask for the same request; she believes the flooding will get worse. She asked how the eastern portions of the subject properties would be farmed.

Dan Larkin discussed the drainage in area. He believed that building more houses will make drainage worse.

Chairman Landovitz asked Mr. Asselmeier about the drainage aspect of the request. Mr. Asselmeier said the proposal was a rezoning request. Rezoning the property does not guarantee buildability. Drainage issues would have to be addressed during the building permitting review process, including field tile review.

Member Ashton did not agree with Mr. Asselmeier; he asked why would a property be rezoned if they could not use it a certain way. Mr. Asselmeier responded that zoning allows people to lawfully engage in certain activities on their property, but it does not guarantee use. There are other parcels zoned for residential uses that have not had houses constructed on them because of drainage and other issues. Mr. Asselmeier also noted that, if the subject properties are rezoned to R-1, they cannot be rezoned back to A-1, unless the new Future Land Use Map is amended. Member Ashton felt this type of rezoning contradicted the forty (40) acre rule. Mr. Asselmeier stated that the new plan could change the classification of the properties in this area so they could not be rezoned to R-1. Mr. Asselmeier also said the division of land by five (5) acre is allowed by the Plat Act, but building on those properties is determined by the zoning of the property.

Member Wilson said the property is too small to farm. Member Ashton felt the Petitioner made the property too small to farm. Member Wilson said that the Petitioner must fix tiles if damaged. Member Ashton discussed a case where someone did not repair the tiles; he also discussed a time when people water-skied on Route 52 in the area.

Member Stewart expressed concerns regarding additional driveways on Brisbin Road. He felt this might be a case of spot zoning because it would no longer be country living.

Member Casey asked how many houses could be built if the proposals were approved. Mr. Asselmeier that a total of four (4) houses on the two (2) parcels.

Discussion occurred regarding sump pump usage in the area.

Ms. Soltwisch said she was not against the Quezadas; they are good people. She discussed the drainage of the property.

Member Wormley had a question regarding why the Seward Township Board voted for the proposal while the Seward Township Planning Commission voted against the proposal. Ms. Soltwisch discussed the LaSalle Factors as they related to what was best for the community. The Seward Township Attorney felt the County would not win a court case if they voted against the proposal. Member Wormley discussed the legal ramifications of voting against the proposal. Fran Miller discussed the legal precedent of approving rezonings in the area; she felt that the threat of litigation should prevent taking certain votes.

Chairman Landovitz asked if there was a request to rezone a property to a residential zoning classification that was consistent with the Comprehensive Plan that was denied by the County Board. Mr. Asselmeier discussed the mining cases, the rezoning of the Estates of Millbrook, and a rezoning in Oswego Township that were denied by the County Board, but were overturned by the court.

Chairman Landovitz asked if anyone felt that the request was inconsistent with the County's plan as it currently exists.

Member Wormley asked if Seward Township would assist the County financially in the court case. Ms. Miller felt that fear should dictate action. Chairman Landovitz discussed the potential for litigation in any case and the consequences of voting against the Comprehensive Plan. Chairman Landovitz noted that the rezoning might not be a good idea for the Petitioner because of potential basement flooding problems; he also wanted to make sure the building permit review process was followed correctly.

Member Bernacki discussed the need for following the plan.

Ms. Larkin discussed the drainage in area and the impact of a culvert under Brisbin Road that was installed by Seward Township in the area. The Seward Township Highway Commissioner did not submit any comments on the proposal. She also said that the eastern parts of the properties could be farmed. She asked what the residents could do to prevent future developments. She was advised to attend Vision Kendall meetings.

Discussion occurred regarding why the County was updating the Land Resource Management Plan at this time; the timing was based on the census and timing of municipalities updating their plans.

Ms. Larkin asked if she should attend the Zoning Board of Appeals. The response was that she should attend future meetings and get her information on record.

Member Wormley discussed the impact of State law on his decision-making process.

Ms. Larkin asked if the Petitioner could ask to rezone the eastern portion of the property. The properties would not have access to Brisbin Road.

Chairman Landovitz hoped that conflicts between the County's plan and Seward Township's plan are resolved.

Ms. Larkin said that she did not receive notice in the mail. Mr. Asselmeier said a notice was mailed to her; he would check on the status of the mailing.

Member Bernacki noted that the repairing of drain tile is a civil matter.

Member Wormley made a motion, seconded by Member Rodriguez, to forward the proposals to the Kendall County Zoning Board of Appeals.

The votes were as follows:

Ayes (5): Hamman, Landovitz, McCarthy-Lange, Rodriguez, and Wormley

Nays (4): Ashton, Bernacki, Casey and Stewart

Absent (0): None

Abstain (1): Wilson

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 2, 2025.

Member Wormley said the Zoning Board of Appeals hearing is the legal hearing. Chairman Landovitz discussed the findings of fact made by the Zoning Board of Appeals.

Member Ashton discussed the importance of residents attending meetings.

Chairman Landovitz discussed the importance of the Future Land Use Map.

Member Stewart questioned jumping over farmland to rezone a parcel away from a municipality or other residential development. Discussion occurred regarding incorporating primary and secondary growth areas in the new plan and not allowing rezoning in secondary growth areas until a certain percentage of the primary growth area is rezoned.

Discussion occurred regarding the residential zoning districts currently in existence in the County.

Discussion occurred regarding the differences between the A-1 and R-1 districts.

Discussion occurred regarding the exemptions in the Plat Act.

Member Wilson returned to the meeting at this (9:07 p.m.).

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 25-05 and 25-06 were approved by the County Board.

Mr. Asselmeier stated, that due to the passage of Petition 25-06 and the change to application calendar, the new application deadline would be after the monthly Regional Planning Commission meeting. To date, assuming that proper notice occurs, Petition 25-08 and a proposed text amendment related to short-term rental zoning regulations were the only agenda items for the September meeting.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Member Hamman made a motion, seconded by Member Rodriguez, to adjourn. With a voice vote of ten (10) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 9:10 p.m.

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

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
AUGUST 27, 2025**

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)
Joan Soltunich		
Harbin family Gabriel + Dan Leska		
Diane M. Wilson		
Fran Miller		

STATE OF ILLINOIS
Kendall County
Seward Township

The board of trustees met at the office of the Town Clerk at Seward Town Hall on August 12th, 2025 for a regularly scheduled board meeting. The meeting started at 7:30 p.m.

Present:

Tim O'Brien, Supervisor
Jim Martin, Trustee
Fran Miller, Trustee
Dan Roberts, Trustee
Sharleen Smith, Trustee
Michelle Salato, Clerk
Megan Lamb - Attorney

The pledge of allegiance was said.

Trustee Miller made a motion to approve the minutes from last month's meeting held on July 8th, 2025. Second by Trustee Martin, motion carried - 4 yes, 1 abstain, 0 no.

Account Balances

Corporate	\$1,594,684.64
General Assistance	\$4,890.88
Hard Road	\$846,139.45
Road & Bridge	\$802,297.89
Special Bridge	\$1,130,576.05
Cemetery Checking	\$6,518.75
Cemetery COD	\$15,641.62

Motion to accept account balances made by Trustee Martin, second by Trustee Smith, motion carried 5 yes, 0 no.

Expenditures

Corporate Fund	\$18,195.71	motion Roberts, second Smith - carries 5 yes, 0 no
Road & Bridge	\$17,648.58	motion Martin, second Smith - carries 5 yes, 0 no
Special Bridge	\$1075.00	motion Roberts, second Smith - carries 5 yes, 0 no
Permanent Road	\$1098.36	motion Roberts, second Smith - carries 5 yes, 0 no
Cemetery	\$2525.42	motion Martin, second Miller - carries 5 yes, 0 no
Road & Bridge Payroll	\$16,694.00	motion Martin, second Miller - carries 5 yes, 0 no
Reimbursement	\$31.12	motion Smith, second Miller - carries 5 yes, 0 no

Supervisors Report - If anyone wishes to attend the Education Workshop in September/October, I have a form that I can give you and you can register.

A public notice for audit review has been sent for publication to Shaw Media and will appear in the paper on Thursday, August 14th, 2025. If anyone wishes to view, please call me and we can arrange a time to meet.

I discussed with Macchietto the fee for Direct Deposit for the 3 Road & Bridge Employees and also the 3 Township Employees. They confirmed that it's a Quickbooks Charge. If you look at the statement that has been provided it does indicate that the charge is to Quickbooks. The bank statements also show the electronic funds transfer is paid to Quickbooks.

In the books, I have provided Expenses by Vendor Summary to the Trustee & Profit & Loss Budget Overview. Quickbooks has now been amended for these documents to be available.

Highway Commissioner's Report - none

Clerk's Report - none

Trustee's Report - none

Unfinished Business - recommend to put notice for cemetery in Kendall County Record and Joliet Herald News in the public service community news in brief. Let the public know that ownership has switched to the township. Update schedule of fees before we publish.

New Business - Matt Asselmeier - grant for the county historical preservation. The county did a survey in Kendall and Bristol townships. There is a book with narratives and maps. The county was awarded money for structure surveys for Seward and Na-Au-Say townships this year. Asking for volunteers to do surveys. 127 properties in Seward Township.

25-08 Dippold/Tebrugge - Best Budget Tree LLC - want to do boat and RV storage - 35 foot stalls - want to use Arbeiter Road to access the storage area. Phase 1 - 3 acres. Phase 2 - 3 acres. The property is currently zoned age with forestry. Land Resource Plan Committee heard proposal regarding Dippold/Tebrugge. This property was never intended for parking. Access zoned from Route 52 only. Decrease in home value on Arbeiter Road. No lighting. Land resource plan committee made a motion to deny and the motion was carried.

Discussion -

Romero Guzman - Is there any benefit to my property? Lots of noise. Traffic flies down Arbeiter already - this will add more traffic.

Steve Papaeliou - pollution is unbelievable

Ron Miller - it was stated that the boats and RV's would only move about 2-3 times a year. This is just a big parking lot.

Pat Frescura - traffic on Arbeiter is fast - more traffic will make it worse

Anne Vickery - Hope for the sake of the community and Arbeiter Road that Matt Asselmeier will take this to the county board.

Plan commission meeting is August 27th at 7pm.

Board of appeals meeting is September 2nd at 7pm.

Trustee Smith - we are listening, we can make a recommendation, we can make a statement to the county board

Dave Shively - can we invite the voters to come and see what he has going on there?

Trustee Roberts made a motion to not recommend approval of a special use permit. Trustee

Smith 2nd - motion carries 5 yes, 0 no.

25-09/25-10 - petition to rezone from 3 acres of 2 parcels of property. Rezone tract A and tract B to R1. Currently it is zoned agricultural. Planning commission rezoned 3 years ago for R1 and now we are doing it again. Trustee Martin made a motion to recommend the petition as presented. Trustee Roberts - 2nd. Motion carries 3 yes, 2 no.

Trustee Roberts made a motion to rehire Mack and Associates for the next three years. Trustee Smith - 2nd. Motion carries 5 yes, 0 no.

Motion to adjourn by Trustee Martin, second Trustee Smith, motion carried 5 yes, 0 no.

The meeting ended at 9:14 p.m.