

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of March 9, 2020

CALL TO ORDER

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

ROLL CALL

Committee Members Present: Elizabeth Flowers, Scott Gengler, Judy Gilmour, and Matthew Prochaska (Chairman)

Committee Members Absent: Matt Kellogg (Vice-Chairman)

Also Present: Matt Asselmeier (Senior Planner), Ron Smrz, Laurie Pfaff, Len Pfaff, Margaret Rul, and Ron Zier

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Gengler, to approve the agenda as presented. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Flowers, to approve the minutes of the February 10, 2020, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

Laurie Pfaff expressed her opposition to Petition 19-34. She noted that the Kendall County Zoning Board of Appeals said that the proposed use would be substantially injurious to the use and enjoyment of property in the immediate vicinity and would diminish property values. She also noted that the proposed use was inconsistent with other adopted plans. She also expressed concerns regarding the precedent of allowing outdoor storage. She expressed concerns regarding light pollution. She was also concerned that the special use could be amended and the use expanded in the future. She noted that Zoning Board of Appeals Chairman Randy Mohr believed that the proposal only benefits the Petitioner. She was concerned that the use would turn into a dumping ground.

Margaret Rul expressed concerns regarding the neighborhood around the property subject to Petition 19-34 looking like a junkyard. She noted that her property values declined since she purchased her property and the road widening will further devalue her property. She favored a residential use of the property.

Ron Zier agreed with the previous speakers regarding Petition 19-34. He does not favor any commercial developments.

Len Pfaff noted the increases in his property taxes. He liked the area. He was concerned about property devaluation if Petition 19-34 was approved.

Without objection, the Committee accepted a letter from Pam Herber expressing her opposition to Petition 19-34.

EXPENDITURE REPORT

The Committee reviewed the expenditure report. Mr. Asselmeier noted that the Department is up and running in MUNIS and the invoices for WBK have been paid. Member Gilmour made a motion, seconded by Member Gengler, to forward the expenditures to the Finance Committee. With a voice vote of four (4) ayes, the motion carried.

PETITIONS

19 – 34 – Ronald Smrz on Behalf of the Bank of Lyon Trust

Mr. Asselmeier summarized the request.

Ron Smrz, on behalf of Bank of Lyon Trust, would like to establish a storage business for boats and RVs at the subject property. The amended site plan was created after the Kendall County Regional Planning Commission meeting. The Petitioner updated the site plan to reflect concerns expressed by neighbors.

The property was granted a special use permit for the retail sale of nursery stock through Ordinance 1985-10. This proposal will not impact the existing special use permit.

The property is approximately seventeen (17) acres in size, but the special use area is approximately one (1) acre in size.

The current land use is agricultural. The future land use is rural residential. Route 71 is a State maintained highway and is considered a Scenic Route at the subject property. Yorkville has a trail planned along Route 71. There is a farmable wetland on the property consisting of approximately a tenth (0.1) of an acre. The adjacent land uses are agricultural, single-family residential, and farmstead. The adjacent zonings are A-1, A-1 SU, R-1, R-3, and R-3 PUD. The Land Resource Management Plan calls for the area to be rural residential. The nearby zonings are A-1, A-1 SU, A-1 BP, R-3, RPD-2, and R-3 PUD.

The special use permit to the north is for a campground. The special use permit to the east is for a landscaping business.

Lyon Farm is located south of the subject property.

The Richard Young and Lyon Forest Preserves are in the vicinity.

The aerial of the property was provided.

Pictures of the property were provided.

EcoCat submitted on June 6, 2019, as part of the Wetland Delineation Report and found the Fox River INAI Site and Yorkville Seep INAI Site in the area. The entire Wetland Delineation Report was provided. The Petitioner submitted a formal EcoCat on December 23, 2019, and no negative impacts were foreseen.

NRI application submitted on August 2, 2019. The NRI Report was not available.

Oswego Township was emailed the original information on September 24, 2019. The revised site plan was emailed on February 19, 2020.

The Bristol-Kendall Fire Protection District was emailed the original information on September 24, 2019. They submitted on comments on January 31, 2020, which were provided. The revised site plan was emailed on February 19, 2020.

The United City of Yorkville was emailed the original information on September 24, 2019. The Yorkville Planning Commission reviewed the updated site plan at their meeting on February 12, 2020 and the Yorkville City Council reviewed the proposal at their meeting on February 25, 2020. Yorkville had no objections to the request. The email from Yorkville was provided.

ZPAC met on this proposal on October 1, 2019. Discussion occurred at that meeting regarding obtaining a variance to the Stormwater Management Ordinance. In the ensuing months, the Petitioner decided not to pursue the variance and amended the site plan to meet the requirements of the Kendall County Stormwater Management Ordinance. ZPAC reviewed the revised site plan at their meeting on January 7, 2020, and recommended approval of the proposal with no objections. The minutes of the October ZPAC meeting and the minutes of the January ZPAC meeting were provided.

The Kendall Regional Planning Commission reviewed this proposal at their meeting on January 22, 2020. Six (6) neighbors expressed opposition to the proposal. They were concerned about increased lighting, traffic safety on Route 71, the desire to keep the area rural, leaks of motor vehicle related fuels and oils, the impact of leaks on local wells, a lack of screening or buffering, and concerns about abandoned vehicles on the property. Discussion occurred about the Scenic Route designation of Route 71 in this area. The suggestion was made to require that the lights be turned off during non-business hours of operation. The suggestion was made to not allow semis, cargo containers, or similar items to be stored on the property. The suggestion was made to have the special use expire when the Petitioner no longer lived on the property; the Petitioner was against this suggestion. It was noted that none of the existing special uses for this type of use in the A-1 District allow outdoor storage. The Kendall County Regional Planning Commission issued a negative recommendation on the proposal with all member present against the proposal; two (2) members were absent. Member Wilson and Chairman Ashton voted against the proposal because they wished that the Petitioner had talked to his neighbors at the beginning of the process. They felt the use was more appropriate in an industrial or business park. They were also concerned about potential leaks at the site. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals started the public hearing on this proposal on January 27, 2020. At the Petitioner's request, the proposal was laid over until March. The Kendall County Zoning Board of Appeals continued the public hearing on March 2, 2020. Four (4) neighbors testified in opposition to the request. They were concerned about the area becoming less residential, less aesthetically attractive, light pollution, the potential for the proposed use to expand, unsanitary waste from trailers, and decreased property values. The Petitioner agreed to a condition that the special use permit would cease when he no longer own the property. The Zoning Board of Appeals recommended approval, by a vote of four (4) in favor and three (3) in opposition, of the requested special use permit provided that a condition be added that the special use permit would end when the current owner no longer owns the property. Member Clementi dissented because of concerns about the environmental impacts and the proposed special use's location in relation to wetlands, forest preserve, Lyon Farm, and the need to preserve the area environmentally. She was also concerned about septic waste from trailers. She stated that the proposed use will substantially diminish property values. She

also felt that the proposed use was inconsistent of the scenic route designation of Route 71 in this area. Member LeCuyer dissented because the Future Land Use Map calls for the subject property to be residential and the proposed use could negatively impact the property values of nearby properties. Chairman Mohr dissented because of the Land Resource Management Plan and setting the precedent for outdoor storage in other A-1 areas. He did not see the proposal helping anyone else except the Petitioner. All of the Zoning Board of Appeals members felt that property values would be negatively impacted by the proposal. The minutes of the hearing were provided.

According to revised site plan, the Petitioner plans to offer rental space for fifty-one (51) parking stalls which is down from the two hundred (200) rental units in the original proposal. The proposed hours of operation are daily from 6:30 a.m. until 9:00 p.m.

Prospective renters would meet with the Petitioner at the property at a pre-arranged time to view the property, sign a contract, and receive their access code. The Petitioner plans to use the existing storage building shown as the office for the business.

The Petitioner and his wife would be the only employees of the business.

Following the Kendall County Regional Planning Commission meeting, the Petitioner was agreeable to not storing cargo containers.

No new structures are planned for the property. A new occupancy permit might be required for the existing storage building.

The location of the well was shown on the proposed site plan south of the existing house. No bathrooms or potable water sources would be available to patrons of the storage business.

The Petitioner indicated that the storage area would have a gravel base.

The site plan shows the proposed use to be away from the farmable wetland.

Following the Kendall County Regional Planning Commission meeting, the Petitioner agreed to only store non-motorized camp vehicles, which would eliminate the concerns regarding motor vehicle related leaks.

The property fronts Route 71 and an existing access point off of Route 71 exists.

The Illinois Department of Transportation provided comments regarding this proposal which were provided. A new access permit will be required.

Parking will occur in the gravel areas east of the existing building.

The Petitioner provided a lighting plan showing six (6) new light poles, each fifteen feet (15') in height. The lighting plan was provided.

At the Kendall County Regional Planning Commission meeting, the Petitioner seemed agreeable to turning off the lights when the business was not operating.

The Petitioner plans to install a sign along Route 71. The sign must meet all of requirements of the Kendall County Zoning Ordinance and must not be illuminated.

The Petitioner plans to remove the three (3) existing Norway Spruce trees shown. The Petitioner plans to plant twenty-two (22) evergreens that will be between approximately four feet and six feet (4'-6') in height at the time of planting. The evergreens will be placed to the west, south, and east of the parking area. The evergreens will be planted by the end of May 2020. A vegetative swale is also planned for south of the parking area.

The Petitioner indicated that the storage area will have a chain-link fence around the storage area. The fence is planned to be six feet (6') in height.

There will be a twenty foot (20') wide automatic gate on the east side of the storage area to control access to the area. The lock on the gate will be timed to prevent patrons from accessing the property during non-business hours. The gate will be adjacent to the shed shown.

A security monitoring system will also be installed with cameras on the shed shown.

The Petitioner agreed to provide the Sheriff's Department and Bristol-Kendall Fire Protection District with a passcode to access the gate.

No information was provided regarding noise control.

No new odors are foreseen.

While very little trash or litter is expected to be generated by the proposal, no plans for litter control were provided.

If approved, this would be the sixth active special use permit for this type of storage in unincorporated Kendall County.

The Petitioner currently resides in the house on the property.

The Petitioner agreed that all items stored on the property would remain licensed and in good working order. The Petitioner agreed to follow the Kendall County Inoperable Vehicle Ordinance and the Junk and Debris Ordinance. The Petitioner also agreed that none of the vehicles stored as part of the special use permit would be for agricultural purposes.

The findings of the Zoning Board of Appeals were:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances. The Board of Appeals approved this finding on a 6-1 vote; Member Clementi dissented.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers,

landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The Board of Appeals said that the special use would be substantially injurious to the use and enjoyment of other property in the immediate vicinity and would diminish and impair property values; this finding was made on a 7-0 vote.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. The Illinois Department of Transportation has not expressed any concerns regarding this use locating at this property. The business will not have any restroom facilities or drinking water facilities for patrons. The Petitioner will have to secure a stormwater management permit. The Board of Appeals approved this finding on a 7-0 vote.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. The Board of Appeals approved this finding on a 7-0 vote.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Board of Appeals rejected this finding by a 3-4 vote on the grounds that the proposed use was inconsistent with the scenic route designation and the area. Concerns were also expressed regarding the precedent of allowing outdoor storage on A-1 zoned property. Members Cherry, Clementi, LeCuyer, and Mohr voted against the positive finding.

Staff recommended approval of the requested special use permit for a storage facility for motor vehicles, boats, trailers, and other recreational vehicles subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and lighting plan. The light poles shall be a maximum fifteen feet (15') in height.
2. The operator(s) of the business allowed by this special use permit shall plant the vegetation identified in the landscaping plan; specifically, a minimum of twenty-two (22) evergreens that will be between approximately four feet and six feet (4'-6') in height at the time of planting will be installed by the end of May 2020.
3. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan.
4. Only non-motorized camp vehicles may be stored on the property. No cargo containers may be stored on the property.
5. The vehicles stored on the premises may be stored outdoors.
6. None of the vehicles stored on premises shall be considered agricultural equipment as they relate to the business allowed by this special use permit.
7. All of the vehicles stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
8. The hours of operation for the business allowed by this special use permit shall be daily

from 6:30 a.m. until 9:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Lights related to the business allowed by this special use permit shall be off during non-business hours.

9. The maximum number of employees for the business allowed by this special use permit shall be two (2), including the business owners.
10. The operator(s) of the business allowed by this special use permit shall provide the Kendall County Sheriff's Department and Bristol-Kendall Fire Protection District with passcodes to the gate upon the request of these agencies.
11. The operator(s) of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
12. The conditions and restrictions contained in Ordinance 1985-10 pertaining to the retail sale of nursery stock shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a storage facility for motor vehicles, boats, trailers, and other recreational vehicles.
13. The special use permit granted by this ordinance shall automatically be revoked when Ron Smrz relinquishes ownership of the property (Added by the ZBA).
14. The operator(s) of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Prochaska requested more definition of the scenic route designation. Mr. Asselmeier said that the Land Resource Management Plan calls for certain roads to be protected as scenic routes. The Land Resource Management Plan does not define a viewshed and the definition of scenic is in the eye of the beholder.

Member Gilmour asked about the locations of other storage facilities. The other storage special use permits in the A-1 are located at 16765 Hanson Road in Seward Township, 15028-15706 Church Road in Lisbon Township, 15475 Route 71 Newark, and 10744 Route 47. There are storage businesses located at Route 31 and Light Road and at 5498 Route 34; these businesses are located on properties with business zoning classification.

Member Flowers asked about the fence height. The fence would be six feet (6') tall per the Zoning Ordinance. Discussion occurred regarding the fence in relation to the scenic route designation.

Ron Smrz noted that he has changed the proposal to address the concerns of the County and neighbors. He noted that he mailed thirty-six (36) letters to neighbors and only a small number of neighbors oppose this proposal. He argued that the area is no longer as rural as it had been previously.

Member Flowers asked about the new trees. Mr. Smrz responded that the trees will be four to six feet (4'-6') in height at the time of planting and they grow one to two feet (1'-2') per year. They grow to about twenty to twenty-five feet (20'-25') in height.

Mr. Smrz noted the other businesses near his property. He also noted other storage yards in the area.

Several Committee members expressed a desire to visit the site.

Member Flowers made a motion, seconded by Member Gilmour, to forward the proposal to the Committee of the Whole with a neutral recommendation.

The votes were as follows:

Yeas (4): Flowers, Gengler, Gilmour, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Kellogg

The motion carried. This matter will go to the Committee of the Whole on March 12, 2020.

NEW BUSINESS

Approval of a Resolution Supporting Illinois SB 2466 Pertaining to an Amendment to the Counties Code Regarding Special Use Permit Revocations

Chairman Prochaska explained the bill.

Member Gilmour made a motion, seconded by Member Flowers, to amend the resolution by deleting the reference to Metro Counties found in the eight (8th) paragraph. With a voice vote of four (4) ayes, the motion carried.

Member Gilmour made a motion, seconded by Member Flowers, to recommend approval of the resolution as amended.

The votes were as follows:

Yeas (3): Flowers, Gilmour, and Prochaska
Nays (1): Gengler
Abstain (0): None
Absent (1): Kellogg

The motion carried. This matter will go to the County Board on March 18, 2020.

OLD BUSINESS

Discussion of Stormwater Planning Committee; Committee Could Initiate Amendment to the Composition of the Stormwater Planning Committee

Chairman Prochaska explained the issue.

The consensus of the Committee was to increase the number of representatives from District 2 to match the number of representatives from District 1.

Member Gengler made a motion, seconded by Member Flowers, to initiate the amendment to the composition of the Stormwater Planning Committee by increasing the number of representatives from District 2. With a voice vote of four (4) ayes, the motion carried. The proposal will return to the Planning, Building and Zoning Committee at the April 13, 2020 meeting.

Discussion of Recreational Vehicle and Campground Regulations; Committee Could Amend Petition 20-01

Chairman Prochaska stated that the Committee of the Whole requested an opinion from the State's Attorney's Office. The State's Attorney's Office has issued their opinion. The question before the Planning, Building and Zoning Committee was does the Committee want to review the legal opinion possibly amend Petition 20-01.

Member Gilmour made a motion, seconded by Chairman Prochaska, request that the Committee of the Whole refer Petition 20-01 back to the Planning, Building and Zoning Committee. With a voice vote of four (4) ayes, the motion carried. This matter will go to the Committee of the Whole on March 18, 2020.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Approval to Forward to the State's Attorney's Office Violation of Section 12.09 of the Kendall County Zoning Ordinance (Illegal Sign in on Residential Zoned Land) at Audrey Avenue and Gilda Court, Yorkville (PIN: 02-35-413-014) in Oswego Township

Approval to Forward to the State's Attorney's Office Violation of Section 12.09 of the Kendall County Zoning Ordinance (Illegal Sign in on Residential Zoned Land) on Lot 50 of Fields of Farm Colony Unit 2, Yorkville (PIN: 02-35-301-007) in Oswego Township

Member Gilmour made a motion, seconded by Member Gengler, to forward the above violations to the State's Attorney's Office.

The votes were as follows:

Yeas (4): Flowers, Gengler, Gilmour, and Prochaska
Nays (0): None
Abstain (0): None
Absent (1): Kellogg

The motion carried.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier stated the Historic Preservation Commission had their meeting with other historic preservation groups in February and approximately nineteen (19) people attended. The Commission received one (1) application for the historic preservation awards. The Historic Preservation Ordinance has been sent to the Illinois Historic Preservation Agency for review.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

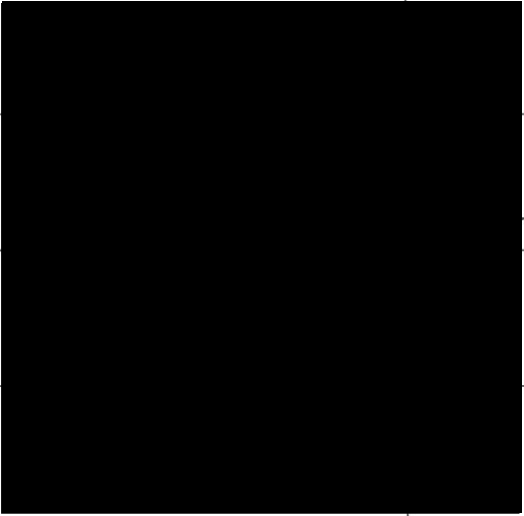
Member Flowers made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 7:47 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
MARCH 9, 2020**

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)
Laurie Pfaff		
MARGARET Ruh		
Ron Zier		
LEN PFAFF		

March 9, 2020

To: Kendall County PBZ Committee

I am writing this letter to voice my concerns regarding Petition #19-34 on behalf of Ron Smrz property at 7821 Route 71 in Oswego Township.

There are a few items that should be considered by the committee as a negative to this Petition.


1st – This Special Use request should NOT be considered because the surrounding areas are Agriculture and Residential and this would impact the aesthetics and beauty of this corridor in a negative way. It will definitely have an immediate negative impact to the neighboring residential properties regarding their resale values. You can not entirely screen a property successfully with a chain link fence and bushes. The trailers, etc. will be visible for the surrounding neighborhoods and from the street, and it will be an eyesore.

2nd – This petition should NOT be approved because if this goes through, the next person who purchases a piece of land along this corridor could potentially want to ... maybe open up a truck parking yard business, or a commercial /industrial business of some kind, and because this special use was allowed, their request for a special use change would have to be considered... and that could become a zoning nightmare and an issue for special use changes in the future.
This area is zoned Residential and Agriculture and that needs to be considered and kept a priority.

3rd – The location of this property is **very close** to the light at Van Emmon/Reservation and Route 71. Trucks and cars are doing between 45 and 55 mph. If people are pulling into this property with trailers or boats or RV's, whatever is allowed by this special use, then this could create a traffic situation that could result in traffic accidents and nightmares on that stretch of the road.
People could potentially want to try to back in or swing out into the coming traffic in order to maneuver their trucks with attached trailers into the petitioner's property.

I wanted my voice to be heard and hope that you will take all these items into consideration along with the other citizens concerns. **It is not a good location for this business.** Please keep this area safe and keep the zoning intact for the future of this corridor.

Thank you for your time,



Pam Herber
Kendall County citizen