

MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
April 3, 2017 – 7:00 p.m.

CALL TO ORDER

At 7:00 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members Present: Randy Mohr, Scott Cherry (arrived at 7:01 p.m.), Karen Clementi, Tom LeCuyer, Dick Thompson, and Dick Whitfield.

Members Absent: Donna McKay

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Kelly Helland (Representing JA Schleining LLC d/b/a Jets Towing and Services)

MINUTES

Ms. Clementi noted a typographical error in the first paragraph of the February 27th minutes; she was “Acting Chairwoman” not “Act Chairwomen.” Mr. Whitfield, seconded by Ms. Clementi, moved to approve the February 27, 2017 meeting minutes with Ms. Clementi’s amendment. With a voice vote of all ayes, the motion was approved.

PETITIONS

16-22

JA Schleining LLC d/b/a Jets Towing and Services

Request: Rezoning from A-1 (Agricultural) to M-1 (Limited Manufacturing).

Location: 790 Eldamain Road (1/3 Mile South of Galena Road), Bristol Township

PIN(s): 02-06-300-009 and 02-06-300-010

Purpose: Request to Rezone to Allow Petitioner to Operate a Towing and Truck Storage Business.

Chairman Mohr opened the public hearing and swore in all members of the audience that wished to speak about the map amendment. Chairman Mohr also swore in all members of the audience that wished to speak about the proposed special use permit for an outdoor shooting range at 16502 Church Road.

Mr. Asselmeier summarized the petition and reviewed the Staff Report. Mr. Asselmeier noted that the petitioner originally requested variances to the fencing requirement, parking in the setback, and paving material, but these requests were withdrawn. The proposal before the Board was a request to rezone the subject property from A-1 to M-1.

Chairman Mohr asked why Bristol Township had not commented on the proposal. Mr. Asselmeier reported that Bristol Township wanted to wait until the Board made its ruling. Chairman Mohr requested that the record show that the Board would like opinions from the townships prior to issuing a ruling.

Ms. Clementi asked if the United City of Yorkville’s objection was included in the packet. Mr. Asselmeier stated that it was included in the packet as Attachment 4. Chairman Mohr asked why Yorkville opposed

the request. Mr. Asselmeier stated that Yorkville amended its Future Land Use Map in this area to Estate Residential after the application was submitted. Chairman Mohr asked how Plano classified the area across Eldamain Road from the subject property. Mr. Asselmeier stated that Plano classified the area as Industrial. Chairman Mohr also expressed concerns about Yorkville amending their Comprehensive Plan after the submittal of this application.

Ms. Helland presented information on behalf of the petitioner. She stated that, in her opinion, the objections from Yorkville were unfounded because of the other industrial uses in the area. She stated the petitioners are withdrawing the request for variances to the Zoning Ordinance pertaining to fencing, parking in the setback, and parking material. The petitioners are requesting a rezoning (map amendment) only. The petitioners shall construct a fence eight (8) feet in height. They will not park in the setbacks and they will use asphalt shavings (tar and chip) in the trailer parking area.

Chairman Mohr asked why the petitioners withdrew the variances. Ms. Helland responded that the petitioners priced trees and fencing and the cost of the fence was cheaper than installing trees.

Ms. Helland stated that the petitioners store two big wreckers onsite, but have little storage for other vehicles.

Chairman Mohr asked if the entire property would be fenced. Ms. Helland responded that the entire property would be fenced except for gates located at the two entrances. The fences would be set back from the right-of-way.

Mr. Whitfield asked about the composition of the parking lot. Ms. Helland responded that the parking lot would tar and chip.

Chairman Mohr asked for additional comments from the public. Seeing no one else desiring to speak, Chairman Mohr closed the public hearing.

Chairman Mohr reviewed the Findings of Fact as pertaining to the map amendment request:

1. *Existing uses of property within the general area of the property in question.* The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal.
2. *The Zoning classification of property within the general area of the property in question.* The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.
3. *The suitability of the property in question for the uses permitted under the existing zoning classification.* The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this type of business at the subject property.
4. *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. Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan.

5. *Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* The subject property and adjoining properties are identified as Mixed Use Business on the Future Land Use & Transportation Map of the Land Resource Management Plan. In addition, recommendation 3 (b) on page 6-34 of the Land Resource Management Plan states: "Ensure Lisbon/Eldamain Road is maintained as a commercial-industrial corridor." The proposed map amendment would assist in implementing this recommendation. However, the proposal is inconsistent with the Comprehensive Plan of the United City of Yorkville, adopted in 2016. Yorkville identified the area as Estate Residential in their new Comprehensive Plan. Yorkville previously identified the area as industrial in their previous Comprehensive Plan.

Mr. LeCuyer, seconded by Mr. Thompson, made a motion approve the Findings of Fact as presented. The motion was approved by a vote of 6-0.

Mr. Whitfield, seconded by Ms. Clementi, made a motion to approve the map amendment as requested. The votes were as follows:

Ayes (6): Cherry, Clementi, LeCuyer, Thompson, Whitfield, and Mohr
Nays(0): None
Absent (1): McKay

The motion passed. This proposal shall go to the Planning, Building and Zoning Committee on April 10, 2017 with a positive recommendation from the Zoning Board of Appeals.

Mr. Mohr expressed his opinion that he did not like Yorkville amending their Comprehensive Plan after the submittal of this petition.

REVIEW PETITIONS THAT WENT TO COUNTY BOARD

None

NEW BUSINESS/OLD BUSINESS

The Plan Commission of the City of Plano held a public hearing on their proposed Comprehensive Plan Update on March 6th at 7:00 p.m., at Plano City Hall. Mr. Asselmeier presented a memo regarding differences in Plano's proposed Comprehensive Plan and the existing Kendall County Land Resource Management Plan.

PUBLIC COMMENT

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Chairman Mohr requested a motion to adjourn the Zoning Board of Appeals meeting. Mr. Whitfield made a motion to adjourn. Mr. Thompson seconded the motion. With a voice vote of all ayes, the motion carried. Chairman Mohr adjourned the Zoning Board of Appeals meeting at 7:15 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner