



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, February 22, 2017 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and one vacancy (Big Grove Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of minutes from January 25, 2017

PETITIONS

1. **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) PIN 02-06-300-009 and -010
Bristol Township
Purpose: Request to Rezone to Allow Petitioner to Operate a Towing and Truck Storage Business.

OLD BUSINESS

1. Memorandum from Mike Hoffman Re: Spot Zoning
2. Annual Meeting-February 25, 2017, at 9 a.m.

NEW BUSINESS

1. Election of Officers- Chair, Vice-Chair, Secretary, Treasurer & Recording Secretary

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

OTHER BUSINESS/ANNOUNCEMENTS

1. **16-26 John and Sharon Pagel Living Trust** – The petitioner requested the ZBA Hearing for the proposed rezoning from R-3 to R-1 be delayed until May.
2. The Plan Commission of the City of Plano will hold a public hearing on their proposed Comprehensive Plan Update on March 6, 2017, at 7:00 p.m., at Plano City Hall.

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, March 22, 2017

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unofficial Meeting Minutes of January 25, 2017

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Larry Nelson, Ruben Rodriguez, John Shaw, Budd Wormley, and Angela Zubko

Staff present: Matthew H. Asselmeier, Senior Planner

Members Absent: Tom Casey and Claire Wilson

In the Audience: Dan Kramer (Representing the John and Sharon Pagel Living Trust), Bob Parnass, Melvin Hummel, Darrin Hummel, Debbie Wotski, and Rich Carter

APPROVAL OF AGENDA

Mr. Shaw made a motion, seconded by Mr. Nelson, to approve the agenda. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the November 30, 2016 minutes. With a voice vote of all ayes, the motion carried.

Mr. Ashton introduced Matt Asselmeier, the new Senior Planner for Kendall County, and Ruben Rodriguez, a new Commissioner.

PETITIONS

16-26 John and Sharon Pagel Living Trust

Mr. Asselmeier briefly reviewed the case, summarizing the staff memorandum. Mr. Kramer then presented information on behalf of the petitioner. Mr. Kramer stated Ms. Pagel desired to subdivide the property because she wanted to build a smaller home, which would not be allowed in the existing R-1 District because of minimum lot size. The estimated square footage of the proposed house was 1,600 square feet. Mr. Kramer said that the soils were suitable for septic and that the new construction would not negatively create additional stormwater issues. The proposal would not create any setback issues.

Ms. Zubko asked about the creation of the subdivision. Mr. Kramer stated that it was an old assessor's plat.

Ms. Zubko asked if any water issues existed. Mr. Kramer said that drain tile was in place and that the existing septic system was located near the existing house.

Mr. Wormley expressed concerns about bad soils which causes two (2) demolitions in the area because of foundation issues. Mr. Kramer stated that a foundation study occurred and that the proposed house would be built without a basement.

Mr. Rodriguez asked about current conditions during heavy rain events. Mr. Kramer said minimum elevation changes occurred on the property, with no floodplain or wetland in the area, and that the Kendall County

Planning, Building & Zoning Department would have to review and approve the grading plans for the proposed house.

Mr. Nelson stated that any new stormwater issues created by the proposed home would be minimal.

Mr. Ashton discussed the berm on the west side of the new lot.

Bob Parness, 2350 Douglas Road, expressed concerns about high water and poor drainage in the area.

Mevlin Hummel, 18 Ingleshire Road, provided a history of the area and stated that high water had been a problem in the area for a long period of time. Mr. Hummel's family owned the property at 2507 Douglas since 1893. Mr. Hummel stated that he opposed the subdivision until the installation of necessary tiles.

Debbie Wotski, 2374 Wolf Road, discussed stormwater issues. Ms. Wotski also requested improvements to Wolf Road before new houses are constructed in the area.

Rich Carter, 2507 Douglas, also explained stormwater issues in the area.

Ms. Zubko expressed concerns about the precedent of placing R-3 zoning on the east side of Douglas Road.

Mr. Kramer discussed the topography of the area and the stormwater management facilities needed if Wolf Road is widened as proposed. Mr. Kramer stated that a new house would not impact water volume and that any water issues would be addressed as part of the building permit review process.

Mr. Nelson expressed concerns regarding spot zoning and that new structures, both primary and accessory, could be constructed on the property by successive property owners in the future.

Ms. Zubko stated that she did not believe the proposal was consistent with the development trend in the area.

Ms. Zubko moved to approve, seconded by Mr Shaw. With a roll call vote:

Yes – None (0)

No – Ashton, Bledsoe, Nelson, Rodriguez, Shaw, Wormley, and Zubko (7)

The motion failed.

The Commission requested that Mike Hoffman prepare a memo regarding zoning breaks.

OLD BUSINESS

None

NEW BUSINESS

Mr. Asselmeier requested the Commission's opinion of the Annual Meeting. The Commissioners agreed by consensus to hold the Annual Meeting on February 25th at 9:00 a.m. in the Board Room. Media contacts should be added to the list of invitees.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

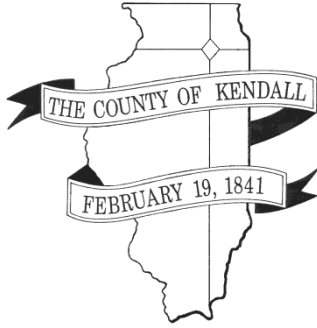
CITIZENS TO BE HEARD/ PUBLIC COMMENT

Rich Carter asked to be informed of future meetings regarding the Pagel proposal and asked for the County to investigate the existing retention ponds near the Pagel property to ensure that they were being properly maintained.

ADJOURNMENT

Ms. Zubko made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 8:20 p.m.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 16-22

**JA Schleining LLC d/b/a Jets Towing and Services
Zoning Map Amendment – A-1 (Agricultural) to M-1 (Limited
Manufacturing)**

SITE INFORMATION

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

ADDRESS 790 Eldamain Road

LOCATION East side of Eldamain Road; 1/3 mile south of Galena Road



TOWNSHIP Bristol

PARCEL # 02-06-300-009; -010

LOT SIZE 8.8 acres

EXITING LAND USE Towing Service, Truck Storage, Residential

ZONING A-1 (Agricultural)

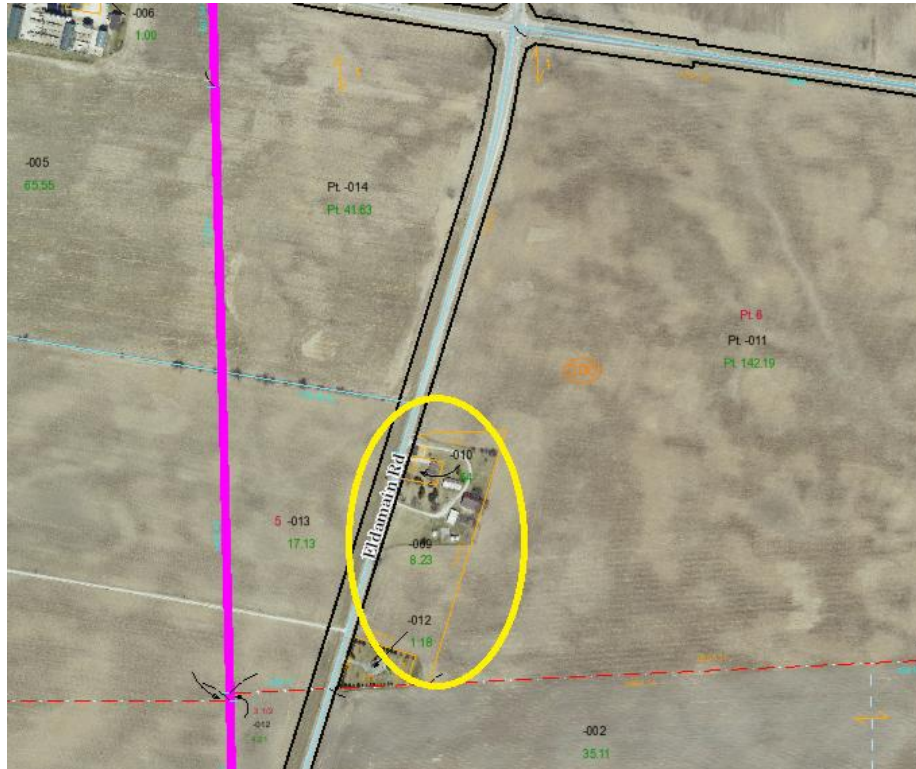
LRMP	Land Use	Mixed Use Business
	Roads	Eldmain Road is a County Road classified as a Minor Collector Roadway
	Trails	Proposed Local Yorkville Trail
	Floodplain/ Wetlands	None

REQUESTED ACTION Zoning Map Amendment to rezone from A-1 (Agricultural) to M-1 (Limited Manufacturing)

APPLICABLE REGULATIONS Section 13.07 – Zoning Map Amendments

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Mixed Use Business	A-1
South	Residential	A-1	Mixed Use Business	A-1; R-1
East	Agricultural	A-1	Mixed Use Business	A-1
West	Agricultural	A-1	Mixed Use Business	A-1



PHYSICAL DATA

ENDANGERED SPECIES REPORT

None received. Required prior to RPC.

NATURAL RESOURCES INVENTORY

An Executive Summary was issued by the Kendall County Soil & Water Conservation District in September 2015. This report indicated a LESA score of 181 – a low level of protection with 100% of the soils being somewhat limited for small commercial buildings

ACTION SUMMARY

BRISTOL TOWNSHIP

No Comments have been received.

UNITED CITY OF YORKVILLE

On August 23, 2016, The United City of Yorkville voted to oppose the proposed rezoning because the proposed new zoning district (M-1) was inconsistent with their proposed Comprehensive Plan. Staff would like to note that the United City of Yorkville did not adopt their proposed Comprehensive Plan until after the submittal of this application. This proposal was consistent with Yorkville's previous Future Land Use Map.

ZPAC

ZPAC reviewed this proposal on August 2, 2016. Staff recommended denial of the variance for the parking surface requirement; they would like to see a hard surfaced parking area because gravel could be dragged onto Eldamain Road which could damage the road. ZPAC voted 4-1 in favor of a positive recommendation of this proposal.

GENERAL

The subject property was placed in violation by the PBZ Department for operating a truck storage and towing service company in the A-1 Agricultural District. This type of use is not permitted in the A-1 Agricultural District with or without a special use. The property owners were notified that the only zoning district that would allow this type of use is the M-1 Manufacturing District. The property owners currently reside on the property.

The proposed rezoning would not necessarily be an example of spot zoning because the County's Land Resource Management Plan calls for this area to be Mixed Use Business in future. While the current petitioners may be the first to request a rezoning, if the area develops as the Land Resource Management Plan indicates, they will not be the last petitioners to request rezoning. The Zoning Ordinance does not have a minimum acreage requirement for the M-1 Zoning District.

MAP AMENDMENT

The petitioner is requesting a zoning map amendment to rezone the 8.8 acre subject property from A-1 to M-1 so that the existing use may comply with the zoning designation. The County's Land Use Plan indicates this area as Mixed Use Business. M-1 zoning is considered an appropriate zoning for this category in this. The United City of Yorkville's previous Future Land Use Map indicated this area as Industrial.

BUILDING CODES

Structures that are used in conjunction with the truck storage and towing service operation will require a change of occupancy permit because the use of these buildings originally constructed for agricultural uses has changed. The buildings that are currently being used for the operation of the business should be noted for building code and fire code evaluations.

SCREENING

Section 10.01.A.2 of the Zoning ordinance states that all business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district,

RPC Memo – Prepared by John Sterrett – 8.2.16 Revised by Matt Asselmeier – 2.15.17 Page 3 of 5

except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00. The petitioner is requesting a variance to plant evergreens in lieu of fencing to provide screening. Staff requested a landscaping plan. To date, Staff has not received the requested document.

Although the outdoor storage taking place on the property is at least 150' from residential districts, the petitioner will need to supply information addressing how storage of trucks will effectively be screened from adjacent properties with fencing and suitable landscaping.

PARKING

Section 11.02.F.2 of the Zoning ordinance requires all parking and drive aisles constructed or reconstructed to be improved with "permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent." Currently, a gravel parking area and a gravel drive exists on the property.

The petitioner is seeking a variance for this requirement. Due to the intense use of trucks entering and exiting the site, staff does not recommend that the gravel drive and gravel parking area remain and recommends a hard surface be constructed for the parking and drive areas to prevent gravel being dragged out onto the roadway causing damage.

In addition, the petitioner is requesting a variance to the parking of vehicles and trailers in the side yard setback. Provided that the vehicles are operable and that the trailers and vehicles are parked in a manner that allows them to be moved quickly in the event of an emergency, Staff has no objections to this request.

LIGHTING

Information should be submitted in lighting is provided on the site for the operation. All lighting must comply with Section 11 of the Zoning Ordinance.

FINDINGS OF FACT-MAP AMENDMENT

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. The findings of fact submitted with the application are included with exhibits. The petitioner & staff have answered as follows:

*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, the existing residential use would become lawfully non-conforming.***

*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.***

*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.***

*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 Eldmain 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.***

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.**

CONCLUSION

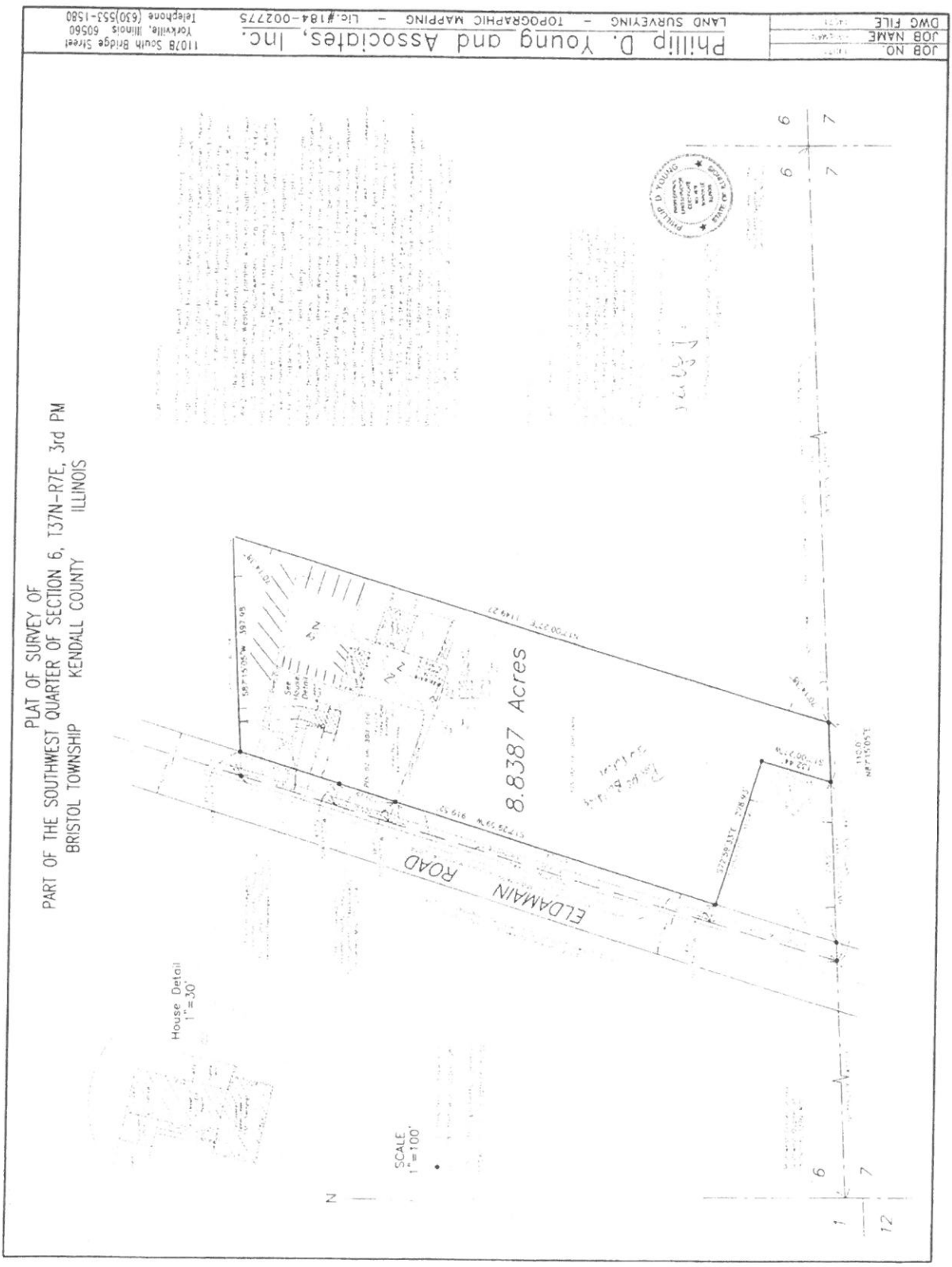
The rezoning of the subject property from A-1 (Agricultural) to M-1 (Limited Manufacturing) is consistent with the County’s Land Use Plan as well as the United City of Yorkville’s former Future Land Use Map. If rezoned to an M-1 zoning district, the property is required to be up to the standards of the M-1 district including required parking areas be constructed with a hard surface and proper fencing and screening of outdoor storage from adjacent properties.

RECOMMENDATION

Staff recommends approval of the rezoning portion of the request, subject to submission of the EcoCAT report.

ATTACHMENTS

1. Plat of Survey
2. Finding of Fact (Petitioner Submitted)
3. ZPAC Minutes 8.2.16
4. United City of Yorkville’s Opposition Report
5. Natural Resource Information
6. Jet Towing Aerial
7. Driveway Looking West
8. Driveway Looking East
9. East Parking Area
10. Northeast Corner
11. Existing House
12. Looking South
13. Looking East (South of the House)
14. Looking North
15. Parking Material



LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldaman Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning, EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldaman Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning, AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois

-R7E, 3rd PM
ILINOIS

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet; thence Westerly, parallel with said South Line, 443.0 feet to said centerline; thence Southwesterly, along said centerline, 1149.27 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning;

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet; thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline; thence Southwesterly, along said centerline, 245.0 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning;

AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014; all in Bristol Township, Kendall County, Illinois.

Attachment 2-Findings of Fact (Petitioner Submitted)

Petitioners are a young family which operate a truck hauling and off-site towing business. The general trend in development along Eldamain Road is industrial. There is the presence of high detention wires, a waste transfer station, the Menards Distribution Center, and other heavy industrial uses. Furthermore, the subject property is surrounded by vacant farmland and adjoins the major collector road for Eldamian Road. Given the size of the property and the trend of development the property owner would incur a tremendous cost with no benefit to the community if they were required to pave the property with a hard surface and fence in the entire property.

Given the size of the property and location of the buildings and existing home and agricultural buildings on the property the Petitioner would be unable to utilize any trailer parking if they were prohibited from parking trailers in the side yard setbacks. The requested variations from the Code would not be applicable generally to other manufacturing uses. There are several other Manufacturing Businesses located along Eldamain Rd. that are not completely fenced in, not paved with hard surface and have parking lots located in the front yard setbacks. The Variances are unique to this parcel.

The size of the parcel, location of the existing home, and agricultural buildings and the cost involved in fencing the property and paving the property are not hardships created by the Petitioner. The property is surrounded by vacant land that is currently being farmed and there is no benefit to the community to require the property to be fenced in or paved. As stated above most of the industrial uses along Eldamain Road are not fenced in, have parking within the front yard or side yard setbacks and several businesses do not have paved parking/loading areas.

The size of the parcel, location of the existing home, and agricultural buildings and the cost involved in fencing the property and paving the property are not hardships created by the Petitioner. The property is surrounded by vacant land that is currently being farmed and there is no benefit to the community to require the property to be fenced in or paved. As stated above most of the industrial uses along Eldamain Road are not fenced in, have parking within the front yard or side yard setbacks and several businesses do not have paved parking/loading areas.

The granting of the variation will not materially be detrimental to the public welfare and there will be virtually no impact on the public whatsoever as the property is surrounded by vacant farmland and heavy industrial uses. Additionally, Eldamain Road is a heavily travelled collector road with ComEd high tension wires running in the area. The likelihood of the Eldamain Corridor being with anything but Manufacturing is highly unlikely.

The Eldamain Corridor is an industrial corridor with heavy industrial uses and there will be no damage to any surrounding landowner or their safety.

Attachment 3
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 2, 2016 – Meeting Minutes

Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

Present:

Scott Gryder – PBZ Committee Chair (Arrived)
Fran Klaas – Highway Department
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
Megan Andrews – Soil & Water Conservation District
John Sterrett – PBZ Department

Absent:

David Guritz- Forest Preserve
Brian Holdiman- PBZ Department
Greg Chismark – WBK Engineering, LLC

Audience: Attorney Dan Kramer; Attorney Kelly Helland

AGENDA

Mr. Klaas made a motion, seconded by Ms. Andrews, to amend the agenda to move public comment before approval of the minutes. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

Dariusz Kozinski, VP of Service Employees International Union Local 1 appeared with employees of Cleaner Leading Services, the cleaning service for Kendall County buildings as well as others. Mr. Kozinski stated that employees with this company make low wages with no benefits and he would like to see the County look into using a responsible cleaning company.

MINUTES

Mr. Gryder made a motion, seconded by Mr. Klaas, to approve the July 12, 2016 meeting minutes with a correction to wording regarding class v injection requirements. With a voice vote of all ayes the motion carried.

PETITIONS

16-18 LRMP Amendment

The Kendall County Planning, Building, and Zoning Department was approached by a property owner located at the northwest corner of State Route 31 and Light Road regarding a proposed expansion of an existing indoor self-service storage facility. The expansion would consist of the construction of a 8,400sf self-service storage building as well as a proposed outdoor storage area. The existing facility is zoned as B-2 (General Business) with a special use to operate the indoor self-service storage facility. The special use was granted for the indoor self-service storage facility in 1976. The parcel immediately to the south of the existing facility, where the expansion is proposed, is zoned as B-1 (Local Shopping). The B-1 district does not permit indoor self-service storage facilities nor does it allow outdoor storage either by right or by special use. The B-2 district allows for an indoor self-service storage facility as a conditional use and allows for outdoor storage as a special use. The property owner therefore will need to seek a rezoning of the current B-1 zoned property to B-2 for this expansion.

When reviewing proposed zoning map amendments, the County's Land Use Plan is taken into consideration to determine the proper zoning and uses for a specific area. The County's Land Use Plan currently identifies the subject area at the northwest corner of State Route 31 and Light Road as suburban residential (max density 1.00 du/acre). The existing zoning in the subject area consists of a mix of commercial zoning: B-1 (Local Shopping), B-2 (General Business), B-3 (Highway Commercial) with the existing uses of a gas station, a commercial strip mall, the self-service storage facility, a decommissioned water treatment facility, and stormwater detention facilities to serve these commercial uses. The area totals 10.5 acres.

Staff is of the opinion that given the existing zoning classifications and existing commercial uses in this area that the County's Land Use plan be amended to reflect commercial development for consistency with existing zoning and uses. Attached is a draft amendment to this portion of the Land Use Plan identifying the area as commercial. Per State Statute, a public hearing must take place as part of amending the County's Land Use Plan. This public hearing will occur at the next Regional Plan Commission meeting in August.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-20 – Stor-Mor, Inc. – Zoning Map Amendment – B-1 to B-2

Mr. Sterrett outlined the request for a zoning map amendment for the property at 1317 Route 31 in Oswego Twnshp. Stor Mor Inc is requesting a zoning map amendment to rezone the 3.2 acre property from B-1 to B-2 to allow for an expansion of the enclosed self service storage facility and to allow outdoor storage. The county's Land Use Plan identifies this area as Suburban Residential. A rezoning of this property will require an amendment to the County's Land Use Plan to allow for commercial development. The County's Regional Plan Commission discussed this potential change at their June and July meetings and will hold a public hearing on the amendment in August. The existing zoning classifications and land uses in the area are consistent with a commercial category and would benefit from a change in the land use plan to accommodate any future commercial redevelopment at the intersection.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-20 – Stor-Mor, Inc. – B-2 Special Use – Outdoor Storage and Enclosed Self-Service Storage

Mr. Sterrett outlined the request for a special use for an outdoor storage as well as enclosed self-service storage for the property at 1317 Route 31 in Oswego Township. Stor Mor Inc intends to construct a 8,400sf enclosed self-storage facility just south of the three existing buildings. In addition to this enclosed structure, twenty-nine (29) angled parking stalls are proposed for RV storage outdoors. Staff notes that the drive aisle leading to twelve (12) of these parking stalls is a dead end and the angled parking stalls will require any vehicle stored to be backed out completely down the access aisle. Prior to construction, approval from the Oswego Fire Protection District should be received that this dead end access drive will not require a turnaround for emergency vehicles.

To address the screening of the outdoor storage area from adjacent properties, the petitioner is proposing to install emerald green arborvitae along the south and west property line. Evergreen trees along a portion of the east property line will be installed to screen from State Route 31. The storage area will be completely fenced in. The petitioner has indicated that no vehicle will be accepted to store on site that is not in working condition. The hours of operation would remain the same as they are currently for the existing self-service storage facility which has office hours of 8:00am to 5:00pm and gate hours of 7:00am to 7:00pm.

If the Land Use plan is amended to commercial for the subject parcel and immediately surrounding properties and approval is granted for the zoning map amendment request from B-1 to B-2, staff recommends the following conditions be placed on the controlling ordinance for the especial use:

- The property will be developed in accordance with the site plan
- A building permit shall be secured prior to construction of the proposed storage building
- A stormwater management permit shall be secured prior to the development of the property
- The outdoor storage and expansion of the enclosed self-service storage facility shall be effectively screened from adjacent properties.
- Office hours of operation shall be limited to 8:00am to 5:00pm and gate hours of operation shall be limited to 7:00am to 7:00pm
- No more than twenty-nine (29) vehicles may be stored on site at a time
- All vehicles stored on site shall be located within a designated stall
- All lighting shall comply with Section 11 of the Kendall County Zoning Ordinance

Mr. Gryder made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-21 – High Grove Subdivision – Zoning Map Amendment – RPD-2 to R-2

Mr. Sterrett outlined the request for a zoning map amendment for the property on the west side of Grove Road, approximately 1 mile north of Route 52 in Seward Township. The petitioners, Tom and Suzanne Casey, are requesting a zoning map amendment to rezone the 9.9 acres from RPD-2 to R-2. The County Land Use Plan identifies this area as Rural Residential with a maximum density of 0.65 dwelling units per acre. With a proposed four (4) lot subdivision, the property will have a density of 0.40 dwelling units per acre. This is less than the proposed density of the original 48 lot development on the 109 acre tract of land. The Village of Plattville's Comprehensive Plan identifies this area as low density residential with a maximum density equivalent to the County of 0.65 dwelling units per acre. The City of Joliet identifies this area as residential with a maximum density of 2.5 dwelling units per acre. The property was originally approved in 2006 as a 48 lot single family home subdivision with lots of open space on an overall 109 acre tract of land. The final plat of subdivision was not recorded thus voiding the approval. Since that time the Joliet Park District has acquired 97 of the 109 acres from the petitioners. Of the remaining 12 acres from the original development, the petitioner is requesting to rezone 9.9 acres to R-2 Single-family Residential.

Ms. Andrews made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-21 – High Grove Subdivision – Preliminary and Final Plat of Subdivision

Mr. Sterrett explained that the petitioner's have contemporaneously submitted a Preliminary and Final Plat for a four (4) lot subdivision. Additional information that should be included on the Preliminary Plat. Four residential lots are proposed on the Preliminary and Final Plat. Each of the four lots has a lot size of 97,379 square feet. These lot sizes meet the minimum lot size requirement of 90,000 square feet of the R-2 district. Grove Road currently has a seventy (70) foot right-of-way. As a major collector roadway, 120' of right-of-way is required. An additional twenty-five (25) feet of ROW should be dedicated on the west side of Grove Road for future widening. This additional right-of-way dedication should be identified on the Preliminary and Final Plat. This dedication will alter the proposed lot sizes for lots 1 and 2.

The four (4) lots are proposed to be served by a private road within proposed lot 5 having a width of 33'. Private drives serving three or more residential lots must demonstrate that the site could not otherwise be preserved if a public road was provided such as significant trees, topography, water features, historic sites, rural character, etc. It is staff's understanding that the private road has an easement for ingress and egress granted to the Joliet Park District for access to a future park site. A maximum distance for a shared private drive serving three or more residential lots from a public road ROW is 500'. Staff recommends the Preliminary and Final Plat be revised to indicate lot 5 containing the private road be extended no more than 50' from the edge of the future dedicate road right-of-way to serve the four (4) residential lots. A proposed ten (10) foot public utility and drainage easement is located along the front of the proposed lots. Section 9.04 of the Subdivision Control Ordinance requires utility and drainage easements be provided at the rear of all residential lots and along the side lot lines where required. Such utility easement shall be a minimum five (5) feet wide, ten (10) feet on the rear of each lot or a minimum to maintain the utility or drainage function of the property in accordance with the size and depth of utility or drainage route. The Preliminary and Final Plat should be revised to reflect these required easement locations and sizes.

The Preliminary and Final Plat must include the location and orientation of septic system envelopes on each individual residential lot as well as the location of well envelopes on each individual residential lot. Soil classifications were included on a submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. A soil analysis is required as part of the preliminary plat. Topography for the site has been included on the submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. Information should also be included to show the intent of surface drainage. Mr. Klaas recommended that an additional 15' of ROW be dedicated on the west side of Grove Road with Additional dedication of 15' along Grove Road including the 2 acres to the north outside of the proposed development to total a 50' right-of-way

Recording of a no access easement along Grove Road on lots 1 and 2 and the 2 acres to the north outside of the proposed development. Mr. Klaas also recommended that the private road lot be revised with a width of forty (40) feet rather than thirty-three (33) feet.

Mr. Rybski stated that a soil analysis is needed and should be submitted to the Health Department for review. Septic envelopes and soils classifications should also be included on the Preliminary Plat.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-22 – JA Schleining LLC d/b/a Jet’s Towing Service

Mr. Sterrett stated that the subject property was placed in violation by the PBZ Department for operating a truck storage and towing service company in the A-1 Agricultural District. This type of use is not permitted in the A-1 Agricultural district with or without a special use. The property owners were notified that the only zoning district that would allow this type of use is the M-1 Manufacturing District. The property owners currently reside on the property.

The petitioner is requesting a zoning map amendment to rezone the 8.8 acre subject property from A-1 to M-1 so that the existing use may comply with the zoning designation. The County’s Land Use Plan indicates this area as Mixed Use Business. M-1 zoning is considered an appropriate zoning for this category in this. The United City of Yorkville indicates this area as Industrial.

Structures that are used in conjunction with the truck storage and towing service operation will require a change of occupancy permit because the use of these buildings originally constructed for agricultural uses has changed. The buildings that are currently being used for the operation of the business should be noted for building code and fire code evaluations.

Section 10.01.A.2 of the Zoning ordinance states that all business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00.

Although the outdoor storage taking place on the property is at least 150’ from residential districts, the petitioner will need to supply information addressing how storage of trucks will effectively be screened from adjacent properties with fencing and suitable landscaping. Section 11.02.F.2 of the Zoning ordinance requires all parking and drive aisles constructed or reconstructed to be improved with “permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9” compacted gravel base and 3” asphalt covering, or equivalent.” Currently, a gravel parking area and a gravel drive exists on the property.

It is staff’s understanding that a variance may be sought from the petitioner for this requirement. Due to the intense use of trucks entering and exiting the site, staff does not recommend that the gravel drive and gravel parking area remain and recommends a hard surface be constructed for the parking and drive areas to prevent gravel being dragged out onto the roadway causing damage. Information should be submitted in lighting is provided on the site for the operation. All lighting must comply with Section 11 of the Zoning Ordinance.

Prior to a recommendation, staff requests that the petitioner provide staff with the variance requests that will be sought from the requirements of the M-1 zoning districts standards. A completed EcoCAT report must also be submitted. Staff is of the opinion that comments from the United City of Yorkville and Bristol Township should be received prior to the County’s Regional Plan Commission meeting.

Mr. Gryder made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation pending resolution of the items noted by Staff. Mr. Sterrett called the roll. Gryder – Aye, Rybski- Aye, Langston – Aye, Klaas – No.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Langston, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:07am, adjourned.



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

PZC #2

Tracking Number

PZC 2016-02

Agenda Item Summary Memo

Title: Kendall County Case #16-22 Jet's Towing – Rezoning Request (1.5 Mile Review)

Meeting and Date: City Council – August 23, 2016

Synopsis: Rezoning request from A-1 to M-1 in Kendall County for a truck towing and truck storage operation.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Formal Objection

Submitted by: Krysti J. Barksdale-Noble, AICP Community Development
Name Department

Agenda Item Notes:

See attached memo and report.



Memorandum

To: City Council
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: August 15, 2016
Subject: **Kendall County Case #16-22 – Jet’s Towing (Rezoning Request)
1.5 Mile Review**

Staff Recommendation Summary:

Staff has reviewed the request from Kendall County Planning & Zoning Department along with the subsequent documents attached. This subject property is located within one and a half miles of the planning boundary for Yorkville allowing us the opportunity to review and provide comments to Kendall County. The petitioner, J.A. Schleining, LLC, d/b/a Jets Towing and Services, is requesting a Zoning Map Amendment (rezoning) from the A-1 Agricultural District to the M-1 Limited Manufacturing District to operate a towing and truck storage area on an approximately 8.8-acre parcel located about one (1) mile north of Corneils Road and just south of Galena Road in Bristol Township. The location of the proposed towing operation will be at 9790 Eldamain Road which currently has five (5) existing barn-type buildings and structures.

This item was delivered to the City on July 26, 2016. This item was heard at the August 2, 2016 Kendall County Zoning, Platting & Advisory Committee (ZPAC) meeting at the County Office Building and was not unanimously recommended but moved forward to the County’s Plan Commission. The petition is tentatively scheduled to be heard at the September 28th Kendall County Plan Commission meeting. It is then scheduled for a public hearing at the County’s Zoning Board of Appeals meeting on October 3, 2016 and then to the full County Board on October 18, 2016.

Plan Commission Recommendation:

Upon the review of the Planning and Zoning Commission with regards to the proposed future comprehensive plan designation of this property, they expressed some objections to the petitioners’ request since it is a currently operating land use in violation of the existing Kendall County A-1 zoning district. Furthermore, the Planning and Zoning Commission felt that the proposed M-1 Limited Manufacturing District is inappropriate for the surrounding land area and may require further variances from the County’s standards with regards to fencing (landscaping) and parking surface.

While the proposed manufacturing use is consistent with the City’s current future land use plan, it is noted that the proposed Comprehensive Plan Update has designated this area for Estate/Conservation Residential – inconsistent with the proposed use requested. Finally, the Commission recommended having all semi-truck towing and repair operations happen in a completely enclosed building/structure and not allow any storage of vehicles on gravel surfaces, should the County permit the proposed rezoning.

It was the recommendation of the Planning and Zoning Commission that the City Council file a **formal objection** to Kendall County regarding the petition with the following vote:

Action Item:

Harker-aye; Vinyard-aye; Olson-aye; Horaz-aye; Goins – aye; Gockman-aye; Marcum-aye

7 ayes; 0 no

Attachments:

1. Staff memorandum to the Planning and Zoning Commission dated August 2, 2016.
2. Kendall County Planning and Zoning Memo with Attachments.

Resolution No. 2016-_____

**A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
RECOMMENDING DENIAL AND FILING OF A WRITTEN PROTEST TO THE PROPOSED
REZONING REQUEST IN PETITION NUMBER 16-22 FOR THE PROPERTY AT
790 EL DAMAIN ROAD IN BRISTOL TOWNSHIP**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, J. A. Schleining LLC (the “Applicant”) has filed an application with the County of Kendall for the rezoning of its property at 790 Eldamain Road from A-1 Agricultural to M-1 Limited Manufacturing for a truck towing and truck storage business that is within 1.5 miles of the corporate limits of the City; and,

WHEREAS, the City has adopted a Comprehensive Plan that includes the Applicant’s property which update designated this property for estate/conservation residential uses; and,

WHEREAS, the City’s Planning and Zoning Commission considered the rezoning petition at its public meeting on August 15, 2016 and recommended by a 7 aye and 0 no vote to the City Council that such request be denied and a formal objection by written protest be filed by the City in that the proposed manufacturing use is currently being operated in violation of the existing Kendall County zoning regulations, that it was inappropriate when compared to the surrounding agricultural zoned uses and that it is inconsistent with the City’s Comprehensive Plan Update; and,

WHEREAS, the Mayor and City Council (the “Corporate Authorities”) have considered the recommendation of the Planning and Zoning Commission and agree that the rezoning does not meet the factors established by the Illinois Supreme Court in the *LaSalle National Bank* and *Sinclair Pipe Line* cases in that:

1. The existing uses and zoning of the nearby property are agricultural and the rezoning would create spot zoning of incompatible uses,
2. The property values of the adjacent property would be diminished by the rezoning allowing such dissimilar uses to be adjacent,
3. The reduction of adjacent property values would not promote the health, safety, morals and general welfare of the public,
4. There is no relative gain for such a business that is lawfully permitted in many other locations in the County compared to the potential hardships of adjoining property owners,
5. The suitability of the property for this use cannot be assumed because such a use is currently in violation of the county’s zoning regulations and rezoning will not change the reason that it is currently in violation,
6. The property has not been vacant considering the land use in the area,
7. There is no community need for such a use as such a use is permitted in many other locations in the County, and

8. The City has undertaken much review and care in the adoption of its Zoning Ordinance and Comprehensive Plan Update that makes the rezoning uses inconsistent with those regulations; and,

WHEREAS, the Corporate Authorities concur with the recommendation of the Planning and Zoning Commission for the denial of this rezoning and the filing of this written protest requiring the favorable vote of $\frac{3}{4}$ of all members of the County Board if such application was considered for approval pursuant to Section 5-12014 of the Counties Code (55 ILCS 5/5-12014).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Resolution.

Section 2: That the Corporate Authorities hereby request that the Kendall County Board deny the rezoning application, Petition Number 16-22, for 790 Eldamain Road or in the alternative not approve without a $\frac{3}{4}$ vote of the County Board and require all business operations to be within enclosed buildings and not allow any storage on gravel surfaces.

Section 3: That the City Clerk shall send a certified copy of this Resolution to the Kendall County Department of Planning, Building & Zoning and to the Kendall County Clerk. The City Clerk shall also send a copy by certified mail to the applicant and applicant's attorney.

Section 4: This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVER TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____, 2016.

MAYOR



Memorandum

To: Planning and Zoning Commission
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: August 2, 2016
Subject: **Kendall County Case #16-22 – Jet’s Towing (Rezoning Request)
1.5 Mile Review**

Proposal Summary

Staff has reviewed the request from Kendall County Planning & Zoning Department along with the subsequent documents attached. This subject property is located within one and a half miles of the planning boundary for Yorkville allowing us the opportunity to review and provide comments to Kendall County. The petitioner, J.A. Schleining, LLC, d/b/a Jets Towing and Services, is requesting a Zoning Map Amendment (rezoning) from the A-1 Agricultural District to the M-1 Limited Manufacturing District to operate a towing and truck storage area on an approximately 8.8-acre parcel located about one (1) mile north of Corneils Road and just south of Galena Road in Bristol Township. The location of the proposed towing operation will be at 9790 Eldamain Road which currently has five (5) existing barn-type buildings and structures.

According to information obtained from the County and the petitioner’s attorney, the proposed towing and truck storage area use is currently operating on the site and the request for rezoning stemmed from a compliance violation. The owners propose to still maintain the existing home on the property as their primary residence and conduct their semi-truck towing and minor repair business in one or more of the out buildings on site. In addition, temporary outdoor storage of the semi-trucks is also proposed.

There will be no outside employees as part of the proposed towing operation, other than the current owners of the property. The property owners will seek a fence variance and may seek a variance to allow the vehicles to be stored on the existing gravel driveway surface rather than a hard surface (i.e., concrete or asphalt) as required by County code.



Kendall County’s M-1 Limited Manufacturing District does allow for residences, termed “watchman quarters”, within this zoning classification. However, the county’s Future Land Use designation for this area is Mixed-Use Business which provides for land uses that create employment opportunities for County residents while providing a balanced tax base. Further, this land use category overlaps with the County’s Office and Research Park District as well as

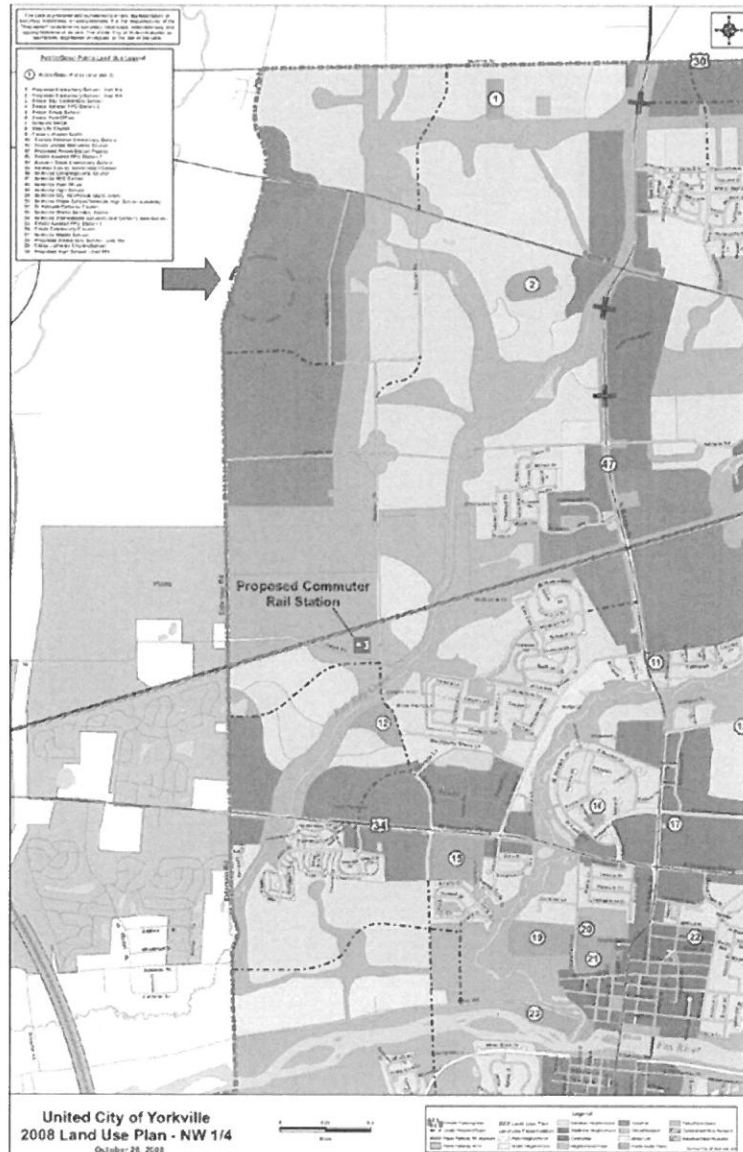
the County's three (3) manufacturing district. According to Kendall County's Land Resource Management Plan, buildings and land in the Mixed Use Business land use category should be properly landscaped and developed in an orderly manner that conveys a well-maintained environment.

Yorkville Comprehensive Plan

Yorkville's current 2008 Comprehensive Plan designation for this property is Industrial which is intended to "allow limited and general manufacturing, assembly, wholesale and warehouse uses in distinct areas that can be adequately served by transportation and other infrastructure.

In addition to the location need determined by infrastructure, these areas should also locate where truck and/or rail traffic and hours of operation would not serve as a nuisance to their surrounding neighbors." A specific location identified in the 2008 Comprehensive Plan for Industrial Land Uses were the Eldamain Corridor between the BNSF railroad and Galena Road.

However, according to the proposed Comprehensive Plan Update which is up for consideration at tonight's Planning and Zoning Commission, the recommended future land use designation for this property is Estate/Conservation Residential. This land use designation is primarily intended low-density detached single family housing with sensitive environmental or scenic features with preserving, but allows for flexibility in residential design. Manufacturing or any business uses are not included in this future land use designation description.



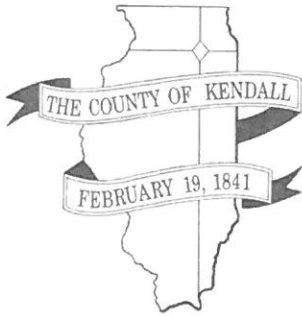
Staff Recommendation & Comments

Staff has reviewed the comprehensive plan designation and has some objections to the petitioners' request since it is a currently operating land use in violation of the existing Kendall County A-1 zoning district. Furthermore, it is staff's opinion that the proposed M-1 Limited Manufacturing District is inappropriate for the surrounding land area and may require further variances from the County's standards with regards to fencing (landscaping) and parking surface. While the proposed manufacturing use is consistent with the City's current future land use plan, it is noted that the proposed Comprehensive Plan Update has designated this area for Estate/Conservation Residential – inconsistent with the proposed use requested. Should the County permit the proposed rezoning, staff would recommend having all semi-truck towing and repair operations happen in a completely enclosed building/structure and not allow any storage of vehicles on gravel surfaces.

Staff will be available to answer any questions the Planning and Zoning Commission may have regarding the County Petition. This item was delivered to the City on July 26, 2016 with feedback requested prior to Kendall County Board consideration. This item was heard at the August 2, 2016 Zoning and Platting Advisory Committee conducted by Kendall County.

Attachments:

1. Kendall County Planning and Zoning Memo with Attachments.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: WBK Engineering, LLC –Greg Chismark
Highway Department- Fran Klaas
Kendall County Forest Preserve- David Guritz
Kendall County Health Department- Aaron Rybski
Bristol-Kendall Fire Protection District- Chief Mike Torrence
GIS Mapping Department- Chris Balog
Building Department- Brian Holdiman
United City of Yorkville – Krysti Barksdale-Noble
Soil & Water Conservation District- Megan Andrews
Sheriff's Office- Commander Mike Peters
Bristol Township- Robert Walker, Supervisor
Bristol Township – Julie Bennett, Clerk
Bristol Township Road District- Jeff Corneils, Commissioner
PBZ Committee- Scott Gryder, Chair
File

From: Kendall County Planning, Building & Zoning Department

Date: July 26, 2016

Re: Petition #16-22 – Jet's Towing – 790 Eldamain Road, Bristol Township (PIN 02-06-300-009; -010)
Attached is information received for a request for a Zoning Map Amendment from A-1 Agricultural to M-1 Limited Manufacturing. The property is currently being use for a towing and truck storage area.

Please send questions or comments to:
Kendall County
Planning, Building & Zoning Department
Attn: John Sterrett
111 West Fox Street, Room 203
Yorkville, IL 60560
jsterrett@co.kendall.il.us

A Zoning and Platting Advisory Committee meeting will be held on Tuesday, August 2, 2016 at 9:00am at the Kendall County Office Building.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT		
J.A. Schleining LLC d/b/a Jets Towing and Services		
CURRENT LANDOWNER/NAME(s)		
Joshua Schleining and Tammi Schleining		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 8.8387 Acres	790 Eldamain Road, Plano, Illinois 60545	02-06-300-009/02-06-300-010
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
A-1	A-1	
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M-1</u>)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT (etc.)	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Kelly A. Kramer	1107A South Bridge St., Yorkville, IL 60560	kkramer@dankramerlaw.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
630-553-9500	630-553-5764	
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE
		
FEE PAID: \$ _____		
CHECK #: _____		

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

PLAT OF SURVEY OF
 PART OF THE SOUTHWEST QUARTER OF SECTION 6, T37N-R7E, 3rd PM
 BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS

JOB NO. _____
 JOB NAME _____
 DWG FILE _____
 Phillip D. Young and Associates, Inc.
 LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic. #184-002775
 Yorkville, Illinois 60560
 Telephone (630)553-1580
 11078 South Bridge Street



LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning, EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning, AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois

-R7E, 3rd PM
ILINOIS

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet; thence Westerly, parallel with said South Line, 443.0 feet to said centerline; thence Southwesterly, along said centerline, 1149.27 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning;

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet; thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline; thence Southwesterly, along said centerline, 245.0 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning;

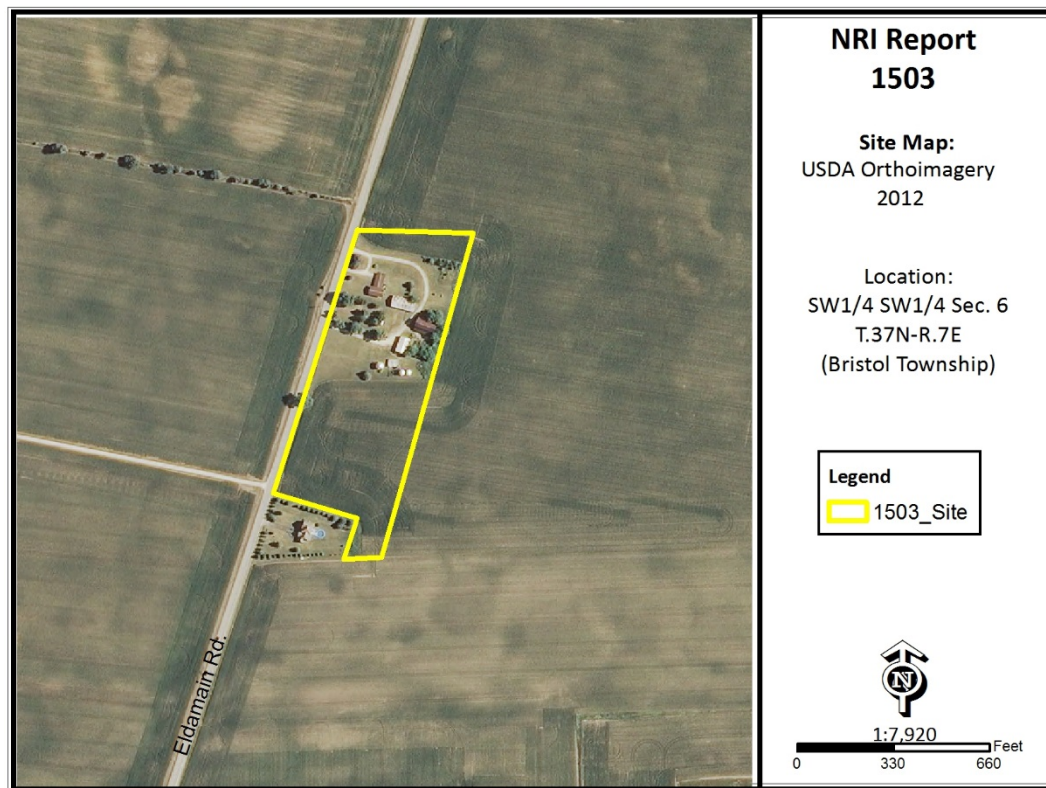
AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014; all in Bristol Township, Kendall County, Illinois.

Zoning Map Amendment – A-1 Agricultural to M-1 Limited Manufacturing

Jet's Towing Services – 790 Eldmain Road – Bristol Township



NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1503



September
2015

Petitioner: Joshua Schleining / Tammi Schleining
Contact: Attorney Kelly Helland

Prepared by:



**Kendall County Soil & Water
Conservation District**

7775A Route 47 • Yorkville, Illinois 60560
Phone: (630)553-5821 x3 • Fax: (630)553-7442
www.kendallswcd.org

Petitioner: Joshua Schleining / Tammi Schleining

Contact Person: Attorney Kelly Helland

County or Municipality the petition is filled with: Kendall County

Location of Parcel: SW¼ SW¼ Section 6, T.37N.-R.7E. (Bristol Township) of the 3rd Principal Meridian in Kendall County, IL

Project or Subdivision Name: Jets Towing and Services

Existing Zoning & Land Use: A-1 (Agricultural); Row Crop Production, Farmstead

Proposed Zoning & Land Use: A-1 Special Use, Trucking and Towing Service

Proposed Water Source: Well

Proposed Type of Sewage Disposal System: Septic

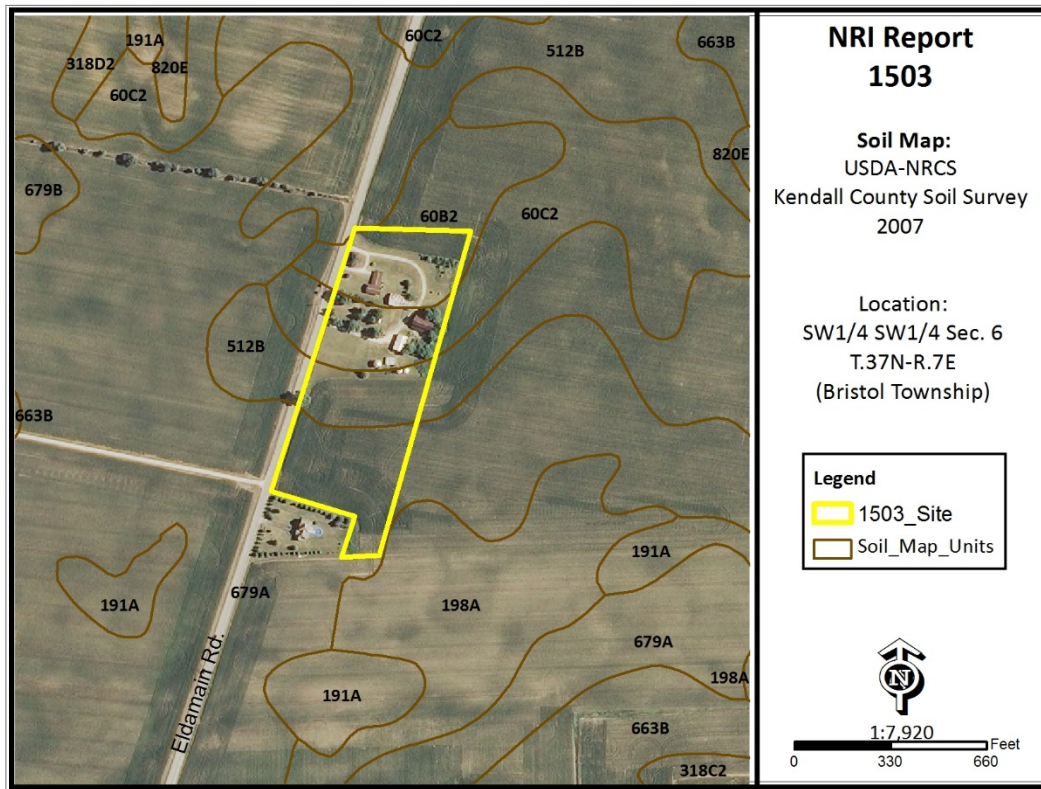
Proposed Type of Storm Water Management: Not required

Size of Site: 8.8

Land Evaluation Site Assessment Score: 181

Natural Resource Concerns

Soil Map:



SOIL INFORMATION:

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2007 Kendall County Soil Survey, this parcel contains the following soil types:

Table 1:

Map Unit	Soil Name	Hydrologic Group	Hydric Designation	Farmland Designation
60B2	La Rose silt loam, 2-5% slopes, eroded	C	Non-hydric	Prime Farmland
60C2	La Rose silt loam, 5-10% slopes, eroded	C	Non-hydric	Statewide Importance
512B	Danabrook silt loam, 2-5% slopes	B	Non-hydric	Prime Farmland
679A	Blackberry silt loam, 0-2% slopes	B	Non-hydric	Prime Farmland

Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- ✓ **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- ✓ **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- ✓ **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- ✓ **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Hydric Soils: A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, none are classified as a hydric soil. Additionally, none of the soils onsite are likely to have hydric inclusions.

Prime Farmland: Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Three of the soils found onsite are designated as prime farmland and one is designated as farmland of statewide importance.

Table 2:

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60B2	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	February – April: None	February – April: None
60C2	High	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.4'	February – April: None	February – April: None
512B	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 3.0'-5.0'	February – April: None	February – April: None
679A	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: >6.0'	February – April: None	February – April: None

Surface Runoff: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).

Ponding: Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

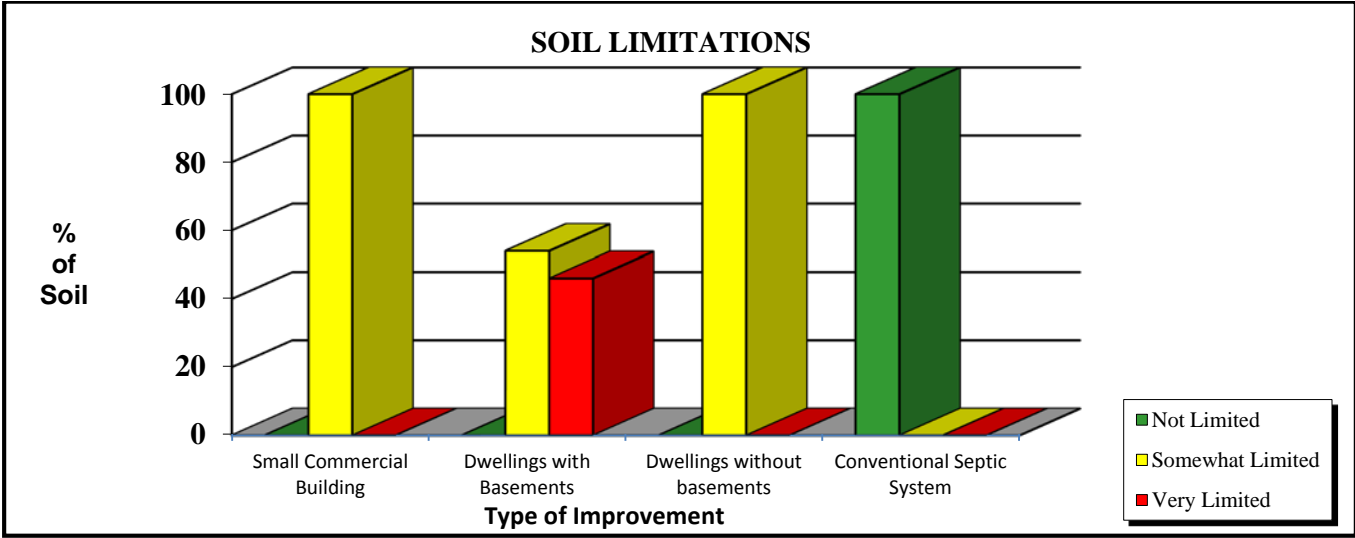
Flooding: Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration expressed as brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

SOIL LIMITATIONS: Limitations for small commercial building, dwellings with basements, dwellings without basements and conventional sewage disposal systems. Please note this information is based on information compiled as part of the USDA-NRCS 2007 Soil Survey of Kendall County, IL and does not replace site specific soil testing.

Table 2a:

Soil Type	Small Commercial Building	Dwellings with Basements	Dwellings without Basements	Conventional Sewage Disposal System
60B2	Somewhat Limited: Depth to saturated zone	Very Limited: Depth to saturated zone	Somewhat limited: Depth to saturated zone	Suitable
60C2	Somewhat Limited: Slope Depth to saturated zone	Very Limited: Depth to saturated zone	Somewhat limited: Depth to saturated zone	Suitable
512B	Somewhat limited: Shrink-swell	Somewhat Limited: Shrink-swell Depth to saturated zone	Somewhat limited: Shrink-swell	Suitable
679A	Somewhat limited: Shrink-swell	Somewhat Limited: Shrink-swell Depth to saturated zone	Somewhat limited: Shrink-swell	Suitable

Septic Systems: The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026).



Kendall County Land Evaluation and Site Assessment (LESA):

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
60B2	4	79	2.1	165.9
60C2	5	82	1.9	155.8
512B	2	94	1.8	169.2
679A	1	100	3.0	300.0
Totals			8.8	790.9
LE Score		LE= 790.9/8.8		LE=90

The Land Evaluation score for this site is **90**, indicating that this site is **well suited** for agricultural uses.

Table 4b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	10
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	91

Land Evaluation Value: 90 + Site Assessment Value: 91 = LESA Score: 181

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score for this site is 181 which indicates a Low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Wetlands: The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the presence of a wetland. Additionally, the USDA-NRCS 1984 Aerial Wetland Map **does not indicate** the presence of a wetland. If a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

Floodplain: The parcel is not located within the floodplain.

Sediment and Erosion Control: Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://aiswcd.org/IUM/>) for appropriate best management practices.

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Joshua Schleining / Tammi Schleining for the proposed A-1 Special Use. This parcel is located in the SW¼ SW¼ of Section 6 in Bristol Township (T.37N.-R.7E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 90 out of a possible 100 points indicating the soils are well suited for agricultural uses. Additionally, three of the soils found onsite are classified as prime farmland and the remaining soil is classified as farmland of statewide importance.

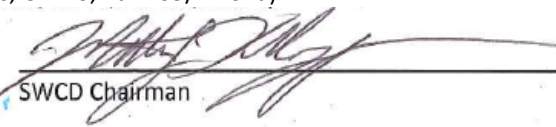
In addition, soils can have potential limitations for development. This report indicates that for soils located on the parcel, 100% are somewhat limited for dwellings without basements and small commercial building; 53% are very limited for dwellings with basements. This information is based on the soil in an undisturbed state. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development with significant limitations. Additionally, since the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Rob Roy Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

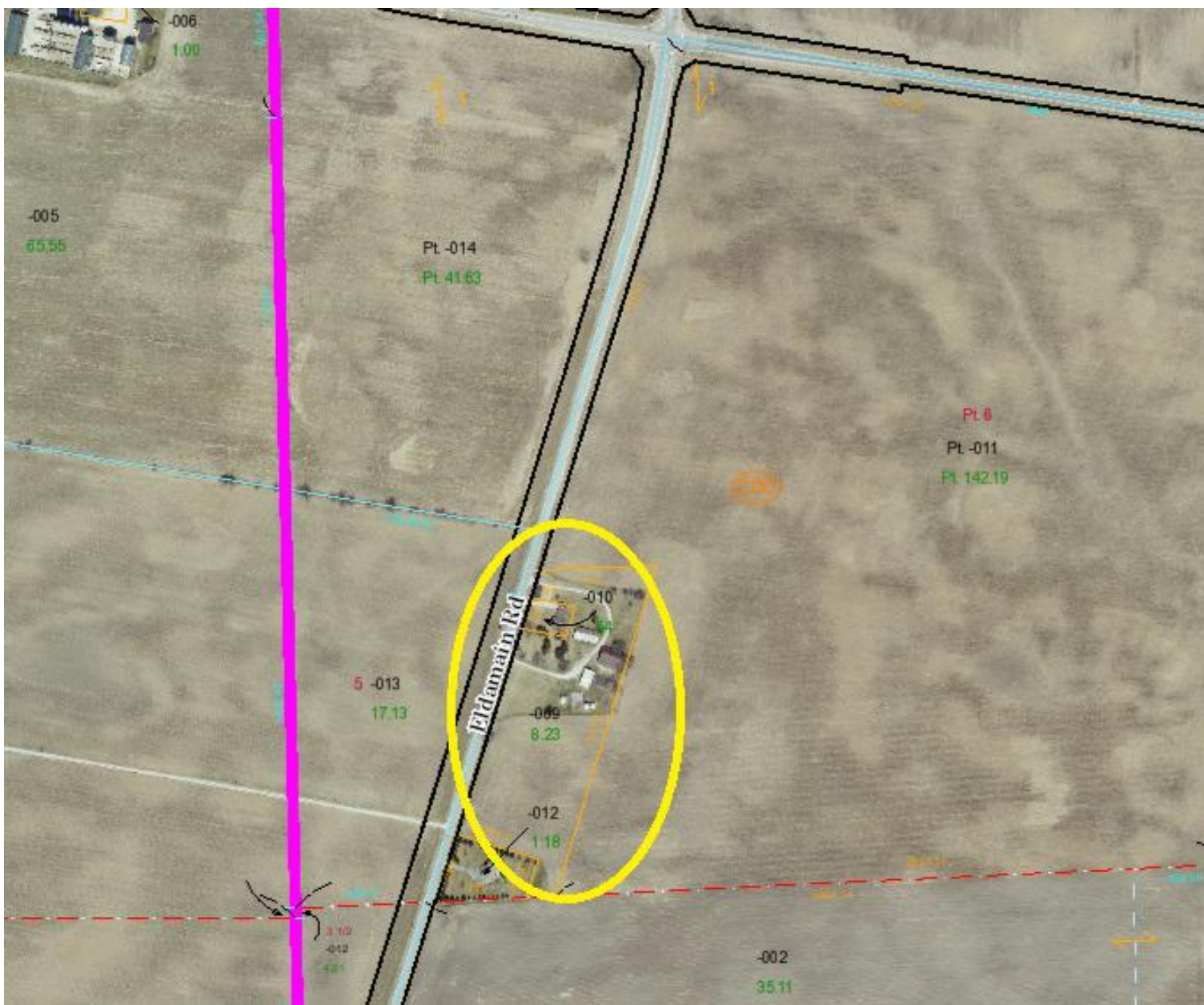
The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


SWCD Chairman


Date

Zoning Map Amendment – A-1 Agricultural to M-1 Limited Manufacturing

Jet's Towing Services – 790 Eldmain Road – Bristol Township



Attachment 7-Driveway Looking West



Attachment 8-Driveway Looking East



















MEMORANDUM

TO: Matthew H. Asselmeier, AICP
FROM: Mike Hoffman, AICP, PLA and Mike Janusek
DATE: February 9, 2017
SUBJECT: **Spot Zoning**

Based on issues and concerns that came up at the January Regional Planning Commission meeting, we have been asked to provide some background on the issue of spot zoning. Spot zoning is **“the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.”**¹ (see attached article).

Moreover, the Illinois Zoning Handbook for Municipal Officials (2012), emphasizes that two criteria must coexist in order for spot zoning to occur:

- 1) A zone change to a small area
- 2) A zone change that is out of harmony with comprehensive planning

The first criterion is problematic because small is a relative term. What is a small area? According to case law, *FIFTEEN FIFTY STATE ST. BUILDING CORP. v. City of Chicago* states, “While inconsistent zoning of small parcels is not to be encouraged, this does not mean that every reclassification of a single tract is void.” Therefore, a single tract zone change alone does not constitute spot zoning. The second criterion – that the zone change is not harmonious with comprehensive planning for the good of the community – must also occur regardless of the size of the zone change. Harmony should be based on:²

- 1) Surrounding land uses
- 2) The relationship of the zone change to comprehensive planning
- 3) Anticipated public benefit

For example, zoning a parcel industrial or commercial when all surrounding property is zoned residential would generally be considered spot zoning. However, if the commercial zoning was on a busy corner that was shown for commercial use on the Comprehensive Plan (LRMP in Kendall County), then it would not be spot zoning as there would be consistency with the Comprehensive Plan and a clear public benefit provided through enhanced access to goods and services.

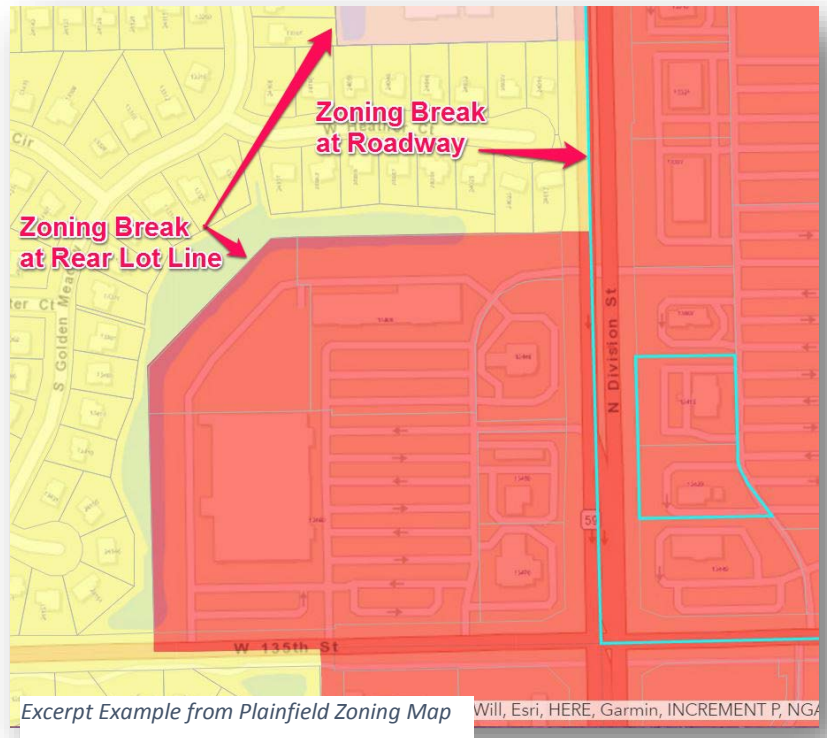
Generally, the best place to make a zoning change is along a stream, rear property line, or in some cases a roadway. Let’s look at each of these options briefly:

¹ Anderson's American Law of Zoning, 4th Edition, § 5.12 (1995).

² Cope, Ronald S., (2012). Zoning Handbook for Municipal Officials. 2012 Edition. Illinois Municipal Zoning League.

- Streams – Rivers, creeks, and other water bodies can be excellent breakpoints for zoning. These natural amenities often provide buffers between different uses, and need to be protected to minimize flooding, protect natural habitats, and support a sustainable ecosystem.

- Rear property line – A rear property line is another appropriate place to create a breakpoint between zoning districts. For example, along a busy road commercial use may be appropriate on the frontage, while residential uses may be more appropriate off the main road. However, exceptions to this rule often occur on corner lots where splitting zoning categories along a side property line may be appropriate depending on lot depth, building orientation, and land use (see commercial example above).



- Roadway – Major roadways are sometimes used to separate zoning districts. The wide right-of-way of these roadways forms a natural separation between uses. However, zoning may still cross a major roadway, like the example above at the corner of 135th Street and Route 59. Roadways like collectors or local streets are generally not zoning break points, as it is common to have the same type of use on both sides of a street with lower traffic volumes.

Relevance to Pagel-Case #16-26

A zoning map change was requested on a corner parcel in a residential area. The current zoning of the subject property is R-1. An R-3 designation is proposed. The property is surrounded by R-1 zoning to the north, east and south, and R-3 zoning to the west across Douglas Road. The property is designated for Suburban Residential land use under the LRMP, with a density not to exceed 1.00 dwelling unit per acre. Both R-1 and R-3 are consistent with the Suburban Residential land use category density. As such, because of the adjacency of R-3 zoning on the west side of Douglas Road, and the above noted consistency with the Comprehensive Plan (LRMP), in our opinion the proposed zone change does not constitute spot zoning. Douglas Road would not necessarily constitute a zoning break point and the R-3 Zoning District could be extended east of Douglas Road without constituting spot zoning.

Attachments: *Understanding Spot Zoning*, article by Daniel Shapiro, Esq. and posted on Planners Web

Understanding Spot Zoning

by Daniel Shapiro, Esq.

Editor's note: We're pleased to continue offering articles providing an overview of some of the key zoning and land use law issues planners and planning commissioners face. As with all such articles, we encourage you to consult with your municipal attorney as laws and legal practice vary from state to state.

Occasionally, planning boards or commissions are faced with a petitioner's request to re-zone property only to be challenged with an objector's claim that doing so would constitute illegal spot zoning. The plan commission often has a quandary; approve the development and risk making an improper, if not illegal decision, or deny the development which would have financially improved the community. To better assist with this difficult decision, it is beneficial for the commission to understand exactly what "spot zoning" is.

What Constitutes Spot Zoning

The "classic" definition of spot zoning is **"the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."**¹

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning.² When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include: the characteristics of the land, the size of the parcel, and the degree of the "public benefit." **Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality's comprehensive plan.**

Counties and municipalities both adopt comprehensive plans for the purposes of stating their long term planning objectives, and addressing the needs of the community in one comprehensive document that can be referred to in making many zoning decisions over time.

Comprehensive plans also typically map out the types (and locations) of future land use patterns which the municipality (or county) would like see -- again, these provide guidance for changes in the zoning ordinance and zoning district maps.

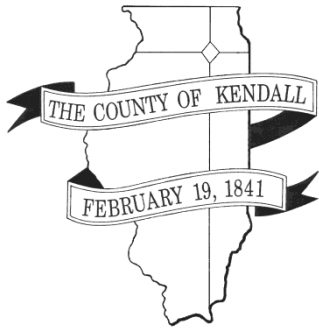
The key point: rezonings should be consistent with the policies and land use designations set out in the comprehensive plan.

Importantly, each claim of spot zoning must be considered based upon its own factual scenario. Indeed, some courts engage in a cost/benefit analysis to determine whether the challenged zoning is spot zoning.

For instance, in *Griswold v. Homer*,³ the Alaska Supreme Court found spot zoning to exist by considering a cost benefit analysis, as well as the size of the parcel in question and the rezoning in relationship to the comprehensive plan. Critically, it found that the spot zoning was absent because, among other things, the underlying ordinance resulted in genuine benefits to the City of Homer as a whole, and not just to the particular land owner.

Although courts often find spot zoning where the challenged zone is surrounded by other incompatible zones, spot zoning is less likely to occur when the rezoning has "slopped over" by the extension of the perimeter of an existing zone to include the rezoned area.

Additionally, improper spot zoning is less likely when the disputed area is characterized by mixed uses or transitional areas. In other words, spot zoning is more frequently found in residential than in commercial neighborhoods.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
ANNUAL MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560

AGENDA

February 25, 2017 – 9:00 a.m.

- I. Call to Order**
- II. KCRPC Roll Call**
Bill Ashton (Chairman), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley (Vice-Chair), Angela Zubko, and 1 vacancy (Big Grove Township)
- III. Welcoming Remarks**
Bill Ashton, Kendall County Regional Plan Commission Chairman
- IV. Approval of Agenda**
- V. Requests for Plan Amendments**
Residents of Kendall County & Staff
- VI. 2016 Projects Summary & 2017 Future Projects/Goals**
Matthew H. Asselmeier, Senior Planner & Others in Attendance
- VII. Old Business**
- VIII. New Business**
- IX. Other Business**
- X. Public Comment**
- XI. Adjournment**