

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of August 23, 2017

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:01 p.m.) and Budd Wormley

Members Absent: Angela Zubko

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson, Patrick Cook, Tom McNelis, Janet Seego, Karla Stoedter, Robert Schneider, Alzlisa Torre, Erika Dickens and Vicki Schnabel

APPROVAL OF AGENDA

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

Claire Wilson arrived at this time.

APPROVAL OF MINUTES

Mr. Wormley made a motion, seconded by Mr. Shaw, to approve the July 26, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-19 Pulte Group Representing Dave Hamman

Mr. Asselmeier summarized the request. The Pulte Group would like to renew the special use permit for a billboard at the property identified by parcel identification number 03-01-127-006 and revoke the special use permit for a billboard on the property identified by parcel identification number 03-01-127-004. This proposal applies to the sign advertising the Pulte Development. The proposal does not include the big billboard on the property 03-01-127-004. Staff is still searching for the ordinance that allowed that billboard. The existing special use permit required the sign to be renewed every three (3) years. The sign was moved to get into compliance with the Kendall County signage regulations; the Pulte Group is required to get a building permit because the sign was relocated.

Oswego Township expressed no opposition to this proposal. The City of Aurora has not submitted comments on this proposal. ZPAC unanimously recommended approval of the proposal provided that the placement requirements of the Zoning Ordinance were met.

Patrick Cook, representing Pulte Group, stated that he was in attendance to answer questions.

Ms. Wilson asked if the Planning, Building and Zoning Department received any feedback or objections. Mr. Asselmeier stated that they received general questions, but no objections to the proposal.

Chairman Ashton asked Mr. Cook if he agreed with the restrictions proposed by Staff. Mr. Cook said that he agreed with the proposed restrictions.

Mr. Nelson made a motion to recommend approval of the petition as presented with the restrictions proposed by Staff, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)

No – None (0)

Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

17-21 Tom McNelis

Mr. Asselmeier summarized the request. The petitioner desires to rezone the property from A-1 to R-1 in order to be able to construct a house on the property in the future. No timeline exists for constructing a house and the property is for sale. The property is less than forty (40) acres and does not have a housing allocation; a house cannot be constructed on the property at the present time.

Fox Township expressed no opposition to the proposal. The Village of Millbrook expressed no opposition to the proposal. The United City of Yorkville expressed no opposition to the proposal. ZPAC unanimously recommended approval of the proposal.

Mr. Nelson suggested that the property obtain a conditional use permit because the lot is irregularly shaped and not farmable instead of rezoning the property to R-1. All of the adjoining properties are zoned A-1. Mr. McNelis said that he did not have a preference to the zoning; he liked the A-1 zoning. He wanted the ability to construct a house on the property. No Commissioner expressed opposition to the construction of a house on the property. Staff will work with the petitioner to determine the next steps in the process.

Janet Seego, Oswego, asked if the property sold, would the new owner have the same rights to construct a house. Chairman Ashton responded yes. No timeframe would be placed on the construction of the home.

Karla Stoedter, Budd Road, asked if more than one (1) home could be built on the property. Mr. Asselmeier responded that it was virtually impossible to construct another home on the property. If an additional home was proposed, the proposal would require review by various boards before approval.

Mr. Nelson made a motion to recommend that a conditional use permit be awarded for the construction of house instead of rezoning the property to R-1, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)

No – None (0)

Absent – Zubko (1)

The motion passed. Mr. Asselmeier said that he would inform Mr. McNelis of the next steps. If the proposal requires a public hearing, this public hearing will be at the Zoning Board of Appeals on August 28, 2017 at 7:00 p.m.

17-22 Stor Mor, Inc.

Mr. Asselmeier summarized the request. Stor Mor, Inc., represented by Robert Schneider, requested four (4) amendments to their special use permit. The petitioner would like to construct one (1) 1,650 square foot

building, one (1) 4,300 square foot building, reduce the number of vehicles stored onsite from twenty-nine (29) to sixteen (16) and amend the landscaping plan by removing the proposed vegetation south of the proposed 4,300 square foot building. In addition the restrictions listed in the proposal, Staff requested that a condition be added to the special use permit revoking the special use permit portion of Ordinance 76-6 which granted a special use permit for storage on the northern portion of the property.

Oswego Township had no objections to the proposal. The Village of Montgomery has not submitted any comments on the proposal. ZPAC requested that the petitioner confirm with the Oswego Fire Protection District that sprinklers would not be required in the new building; ZPAC unanimously recommended approval of the proposal.

Robert Schneider, petitioner, stated he constructed the new building proposed in 2016. He would like to substitute some of the RV parking spots in favor of the new, proposed buildings. The building proposed in 2016 was constructed. Mr. Schneider considered the rear of the proposed new building to be screening.

Mr. Nelson asked if the new building constructed in 2016 was constructed without sprinklers. Mr. Schneider said that the new building did not have sprinklers and no utilities run to the building.

Mr. Wormley asked if the retention pond was wet or dry. Mr. Schneider responded that the retention pond is in existence and it is dry.

Ms. Wilson asked for clarification regarding the screening requirement. Mr. Asselmeier said that the restriction was listed as amended because the petitioner is proposing a landscaping plan that differs from the landscaping plan approved in 2016.

Mr. Schneider stated that residential uses were located on three (3) sides of the property.

Ms. Wilson asked if residents or neighbors submitted objections to the proposal. Mr. Asselmeier said that he received general questions about the proposal, but no objections.

Alzisa Torre, Oswego, requested to see the aerial of the property and how the proposal will impact her property. Mr. Schneider showed Ms. Torre the aerial of the property and explained the proposed structures and vegetation locations in relation to her property. Ms. Torre's property is located north of the proposal and none of the proposed buildings, vegetation or lights will impact her property because they are located on the opposite of the property. The property will be fenced.

Mr. Schneider indicated that he did not plan to make additional changes to the site plan in the near future.

Erika Dickens, Oswego, asked about the vegetation on the north side of the property. Mr. Schneider said that he might trim vegetation, but all of the proposed buildings and vegetation work will be on the opposite side of the property.

Mr. Schneider said that his office is located on the property and invited neighbors to come in and discuss any concerns they may have.

Mr. Schneider hopes to start work this fall.

Ms. Wilson asked if an onsite manager was available twenty-four (24) hours a day. Mr. Schneider said that an onsite manager lived in an apartment on the property.

Ms. Wilson made a motion to recommend approval of the petition as presented including the conditions recommended by Staff, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)

No – None (0)

Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

OLD BUSINESS

None

NEW BUSINESS

Discussion of Special Uses within the A-1 Zoning District

Mr. Asselmeier read his memo on the subject. He provided a map of the A-1 zoned properties in Kendall County and the list of special uses currently listed in the A-1 zoning district.

Mr. Davidson suggested the uses listed in the A-1 district should be evaluated. He believed that the land along the major highways should be evaluated for different uses. In particular, he believed that the land along Route 47 in Lisbon Township should be reclassified as commercial because of the widening of Route 47.

Mr. Shaw advised that the widening of Route 47 throughout all of Kendall County will not occur in the near future due to the State's financial situation.

Mr. Nelson agreed that the maps should be updated.

Discussion occurred regarding stakeholder meetings. Chairman Ashton advised having meetings with Lisbon Township, the Village of Lisbon and the Village of Plattville. Draft maps should be prepared and taken to stakeholder meetings.

The consensus of the Commission was that the issue of land use along Route 47 in southern Kendall County should be examined.

Discussion of Amending the Future Land Use Map for Properties Located Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier read his memo on the subject.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-14 failed at the County Board. Petitions 17-15 and 17-20 both passed at the County Board. Petition 17-16 was tabled at the Planning, Building and Zoning Committee.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Vicki Schnabel, Yorkville, stated that her family is moving because of the banquet facility located across the street from her property. She favored distance requirements between businesses and residences in the A-1 district. She also expressed concerns about the noise restrictions placed on the banquet facility; the restrictions were too weak. Her family hears people talking next door, the music from next door and the bass from music.

Chairman Ashton asked if they received decibel readings at the property. Ms. Schnabel said that her family has not called the Sheriff's Department.

Ms. Schnabel said that the berm and trees were inadequate to protect neighbors from noise and lights arising

from the banquet facility or to preserve their privacy. Mr. Davidson explained that the height and width of the berm were not defined. Also, the type, number and location of trees were also not defined in the special use permit for the banquet facility across from her property.

Chairman Ashton asked if Ms. Schnabel had any suggestions for the noise ordinance.

Chairman Ashton asked about the procedure for handling noise complaints. Mr. Asselmeier responded that the Sheriff's Department would prepare a report outlining the violation. The report would be forwarded to the Planning, Building and Zoning Committee to see if the Committee wanted to forward the complaint to the State's Attorney's Office. If a special use permit holder was guilty of violating the noise provisions in their special use permit, the County Board could revoke the special use permit.

Discussion occurred regarding having lower decibel requirements on future special use permits.

Mr. Davidson reported that the Planning, Building and Zoning Department researched machines for recording for decibels. Mr. Asselmeier stated that the company with the technology has not developed a waterproof device. The devices also did not have battery backup; there were electricity access issues.

Chairman Ashton gave Ms. Schnabel his phone number and the information from the Ad-Hoc Zoning Ordinance Committee regarding the noise regulations.

Chairman Ashton discussed the process of creating mining regulations.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reminded Commissioners that he emailed Plan Commission training information to them. This training is offered through the Illinois Chapter of the American Planning Association. If they would like to participate, they should contact the Planning, Building and Zoning Department.

Discussion occurred regarding the State's Attorney's opinion regarding forest preserve districts and zoning regulations. Ms. Wilson said she would do additional research on the topic.

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:46 p.m.

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