

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of July 22, 2020 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (Attended Remotely Starting at 7:25 p.m.), Dave Hamman, Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Bob Stewart, and Claire Wilson (Attended Remotely)

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Mary Murray (Attended Remotely), Dan Kramer, and Mike Hoffman

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Nelson, to approve the agenda.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (1): Casey

The motion carried.

APPROVAL OF MINUTES

Member Rodriguez made a motion, seconded by Member Hamman, to approve the minutes of the February 26, 2020, meeting and June 29, 2020, special meeting.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (1): Casey

The motion carried.

PETITIONS

19-39 John Dollinger on Behalf of Hansel Ridge, LLC, Jason Shelly on Behalf of Goprobball, LLC, and James and Denise Maffeo

Mr. Asselmeier summarized the request.

Goprobball, LLC would like to sell the northeastern portion of the subject property to James and Denise Maffeo for an indoor and outdoor storage business called Four Seasons Storage and market the frontage along County Line Road for future commercial development.

The site plan, landscaping plan, and lighting plan were provided.

In March 2020, the County Board approved Resolution 2020-18, reclassifying the subject property on the Future Land Use Map as Commercial. At the same meeting, the County Board approved Ordinance 2020-02 rezoning the northwestern portion of the subject property to B-4 Commercial Recreation District in order to facilitate the construction of an indoor athletic facility.

The Petitioners are working on preliminary and final plats for a four (4) lot commercial subdivision which is still under review.

The application materials were provided.

The adjacent land uses were agricultural or agricultural related. The adjacent zonings were agricultural, agricultural with a special use permit, or B-4 Commercial Recreation District. The Land Resource Management Plan calls for the area to be Commercial. The zonings within one half (1/2) mile were agricultural, agricultural with a special use permit, or B-4 Commercial Recreation District,

Pictures of the property were provided.

Minooka School District 111 owns the adjacent properties to the north and west of the subject property.

The A-1 special use to the north is for a church. The A-1 special use to the south is for a fertilizer and grain storage operation. The A-1 special use to the west appears to be for an airstrip. The property at 276 Route 52 has a special use permit for a landscaping business.

Seven (7) existing houses are within one half (1/2) mile of the subject property.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 217 indicating a medium level of protection. The NRI Report was provided.

The original petition information was sent to Seward Township on October 25, 2019. The Seward Township Planning Commission reviewed this request at their meeting on January 14, 2020. Concerns were expressed regarding traffic congestion and the potential for increased vehicular accidents. Discussion also occurred regarding drainage. The property's proximity to Shorewood and its location were the reasons for seeking the change to the Land Resource Management Plan and for the requested map amendments and special use permits. The Seward Township Planning Commission recommended approval of the request. The minutes of this meeting were provided.

The Seward Township Board reviewed the original request at their meeting on January 14, 2020. They echoed the concerns of the Seward Township Planning Commission regarding traffic and drainage. The Seward Township Board recommended approval of the request. The minutes of this meeting were provided.

The original petition information was sent to the Village of Shorewood on October 25, 2019. The Village of Shorewood submitted an email on January 6, 2020, stating that they were in discussions with the Petitioner and would have further review at upcoming Village Zoning Commission meeting. This email was provided.

The Village of Shorewood held a public hearing for a proposed annexation agreement on July 14, 2020. As of the date of this memo, the Village is still waiting on a traffic study, signage information, and information regarding the private road in the proposed Go Pro Subdivision. The draft annexation agreement was provided.

The Troy Fire Protection District has no objections to commercial uses at this location.

ZPAC reviewed the original proposal at their meetings on November 5, 2019, and January 7, 2020. At the November 5th meeting, discussion occurred regarding well and septic service at the site. The Petitioner agreed to a right-of-way dedication along the County Line Road frontage. At the January 7th meeting, the Petitioner provided updated septic information and updated traffic information. The final size of the detention pond had yet been determined. The Petitioner was working on a pre-annexation agreement with Shorewood that would allow the Village to annex the property when the property becomes contiguous to the Village. It was noted that the Village of Shorewood would like the special use to apply to only the storage portion of the property and that the acreage between the storage units and County Line Road be zoned business without a special use permit and that a formal subdivision occur. The Petitioner agreed to a sixty foot (60') right-of-way dedication as measured from the centerline of County Line Road including a ten foot (10') dedication for utilities. It was also noted that the Village of Shorewood requested the removal of some fencing and the reorientation of some of the storage buildings. It was noted that the landscaping plan and signage plan required more definition. ZPAC recommended forwarding the proposal to the Kendall County Regional Planning Commission without objection; two (2) members were absent. The minutes of these meetings were provided.

Per State law, the rezoning portion of the request cannot be conditioned. However, the special use portion of the request could be conditioned.

According to the revised site plan, a strip of land would remain east of the proposed indoor and outdoor storage area that would be used for future commercial and/or retail development, which is the B-2 map amendment portion of the request.

According to the proposed site plan, Mr. and Mrs. Maffeo would like to construct one (1) three thousand two hundred sixty-four (3,264) square foot metal storage and office building, eight (8) four thousand eight hundred (4,800) square foot storage buildings, four (4) three thousand two hundred (3,200) square foot storage buildings, one (1) four thousand two hundred fifty (4,250) square foot storage building, and one (1) five thousand (5,000) square foot storage building. The storage buildings on the periphery of the site are planned to face inward and substitute as part of the fencing.

The office building will contain offices, restrooms, and inside storage for vehicles. The facility will be used for general storage uses; no illegal or flammable materials will be stored or distributed out of the facility. No other active businesses will be operated out of the storage facility.

The renderings of the office building and other storage buildings were provided

Originally, the Petitioners planned to develop the site in two phases. Phase I will commence in Summer 2020 and consists of the metal storage and office building, the storage buildings along the periphery, paved parking area, and the six foot (6') privacy fence. Phase II will commence in Spring 2023 and will consist of the remaining metal storage buildings.

The outdoor storage area would be placed where the Phase II structures are planned. The outdoor storage area would be removed upon construction the Phase II structures. The outdoor parking area would be asphalt.

Mr. and Mrs. Maffeo anticipate employing between one (1) and five (5) part-time employees. One (1) employee would be for maintenance and the remaining employees would staff the office on a shift-basis to ensure that at least one (1) employee was onsite during business hours.

Access to the facility would be twenty-four (24) hours via access through the security gate between the office building and southern most storage building. Hours of operation are 7:00 a.m. until 7:00 p.m. daily.

All structures constructed on the site will require building and occupancy permits.

The proposed facilities would be served by well and septic. The Petitioner provided septic plan information. According to the site plan, the septic area would be south and west of the proposed office building.

According to the proposed site plan, one (1) approximately ninety thousand, five hundred (90,500) square foot wet bottom stormwater detention pond is planned for the property. The pond would be approximately eleven feet (11') feet deep at its deepest area. The pond is sized to handle runoff from future commercial development on the proposed B-2 portion of the site.

The Petitioners have applied for a stormwater management permit.

The property fronts County Line Road. As noted at the ZPAC meeting, the Petitioners were agreeable to a right-of-way dedication.

As part of the subdivision, the Petitioners will create a private road connecting County Line Road to the entrance of the storage facility.

The site plan shows three (3) parking spaces, including one (1) handicapped accessible parking space.

Based on the original lighting plan, there will be lights on all of the buildings and lights between buildings. The total number of lights on buildings is sixty-three (63) with eleven (11) additional lights throughout the property. None of the lighting will leave the site.

One (1) monument sign was shown on the landscaping plan. Pictures of the signs similar to the Petitioners' proposal were presented. The sign would be ten feet (10') tall and twelve feet (12') wide. No information regarding the height of the supporting poles was provided. A variance to the sign height restrictions might be required. The sign would be illuminated with a message board at the bottom.

Access to the storage area will be through a gate with a key pad. No information was provided regarding the dimensions of the gate. The gate width was not provided. One (1) four foot (4') wide gate is located on the northeast corner of the site.

Some of the lighting will be for security purposes and security cameras will be provided.

The proposal calls for six foot (6') privacy fence around most of the perimeter of the property. A six foot (6') ornamental fence is shown on the site plan on the eastern side of the site. Pictures of the ornamental fence were provided.

The Petitioners' Attorney indicated that the fence will be installed as part of Phase I.

No fencing is planned along the detention ponds.

Based on the landscaping plan, twelve (12) shade trees, three (3) evergreen shrubs, seventeen (17) deciduous shrubs, and ten (10) perennials would be planted on the property. The trees would be between twelve feet and fifteen feet (12'-15') in height at the time of planting and would grow between thirty feet and sixty feet (30'-60') in height. Based on the information, no trees or bushes would be planted north of the storage area. The balance of the site would be covered in lawn.

Little noise is anticipated from the proposed operations.

The site plan called for dumpsters to be provided onsite.

If approved, this would be the second active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

Existing uses of property within the general area of the property in question. **The surrounding properties are used agricultural or uses similar to agricultural uses such as farmsteads and fertilizer operations.**

The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1, A-1 with a special use, or B-4.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently zoned A-1 and can be used for farming.**

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. **The trend of development in the area is stable with residential growth and special uses normally found in agricultural zoned areas.**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The Future Land Use Map was amended earlier in 2020 to reclassify the subject property as Commercial. The property to the west is planned to be used for recreational purposes. Minooka School District #111 plans to construct a school in the area. The Village of Shorewood's Future Land Use Map calls for this property to be Commercial and Government/Institutional. The proposed map amendments are consistent with the purpose and objectives of the Land Resource Management Plan.**

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan and landscaping plan, dedicates land for right-of-way, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances.**

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values

*within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The proposed use will be a low utility user and adequate utilities are planned for the development of the site. A private road is planned from County Line Road to the subject use. A right-of-way dedication is planned along County Line Road. The Petitioners will have to secure a stormwater management permit.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **This is true.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents” through the encouragement “. . . of locally owned businesses.”***

Staff recommends approval of the requested map amendments.

Staff also recommends approval of the requested special use permits for an outdoor storage business and a self-service storage facility subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and lighting plan.
2. The operator(s) of the businesses allowed by this special use permit shall plant the vegetation and install the fencing identified in the landscaping plan within ninety (90) days of the approval of the special use permit ordinance. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department. The trees shown on the landscaping plan shall be between twelve feet and fifteen feet (12'-15') in height at the time of planting.
3. One (1) two (2)-sided illuminated sign may be installed on the subject property in substantially the location shown on the landscaping plan. The sign shall be **Insert Dimensions**.
4. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land along the entire length of County Line Road side of the property at a depth of sixty feet (60') as measured from the centerline of County Line Road to Seward Township for County Line Road right-of-way.
5. The owners of the business allowed by this special use permit shall construct all of the storage buildings shown on the attached site plan on or before December 31, 2023. Either December 31, 2023, or upon completion of the final self-service storage building, whichever occurs first, the special use permit for an outdoor storage business shall automatically cease. The final self-service storage building shall be

considered complete when all occupancy permits for the self-service storage buildings are issued. The completion and expiration dates listed in this condition may be extended upon approval by the Kendall County Planning, Building and Zoning Committee.

6. A maximum of twelve (12) items, including, but not limited to, boats, trailers, and motor vehicles may be stored outdoors as part of the outdoor storage business special use permit.
7. None of the vehicles stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
8. All of the vehicles stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. The hours of operation for the businesses allowed by these special use permits shall be daily from 7:00 a.m. until 7:00 p.m. The operator(s) of the businesses allowed by these special use permit may reduce these hours of operation. Patrons may access the storage area at any time.
10. The total maximum number of employees combined for the businesses allowed by these special use permit shall be five (5), including the business owners.
11. The owners of the businesses allowed by these special use permits shall diligently monitor the property for leaks from items stored on the premises and shall promptly clean up the site if leaks occur.
12. The operator(s) of the business allowed by this special use permit shall provide the Kendall County Sheriff's Department and Troy Fire Protection District with passcodes to the gate upon the request of these agencies.
13. The operator(s) of the businesses allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
14. The operator(s) of the businesses allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Dan Kramer, Attorney for the Petitioners, provided background of the proposal regarding both the proposed athletic facility and storage business. The Petitioners were working on an annexation agreement with the Village of Shorewood and were working on a plat for the subdivision. The traffic study for the proposed subdivision was underway. The Petitioners agreed with all of the proposed conditions except they requested that the number of items allowed stored outdoors be raised to twenty-five (25).

Member Hamman asked if the B-2 property would remain farmed. Mr. Kramer said the undeveloped lot would remain farmed.

Member Rodriguez asked about how the original twelve (12) vehicle limit was reached. Mr. Kramer responded that the figure was the Petitioners' original figure, but they would like increased outdoor storage space because of the financing issues with the bank regarding the timing of the indoor storage buildings.

Tom Casey joined the meeting remotely at this time (7:25 p.m.).

The existing property is currently vacant; there is a farmstead located on the property south of the subject property.

Mr. Asselmeier asked about the sign height. The Petitioners will supply additional signage information at the Kendall County Zoning Board of Appeals hearing. A variance to the sign height requirements could be required.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the requested map amendments and special use permits with an amendment changing the number of stored outdoors from twelve (12) to twenty-five (25).

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (0): None

The motion carried. This proposal goes to the Kendall County Zoning Board of Appeals on July 27, 2020.

20-14 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the proposal.

The summary of the proposed changes to the Zoning Ordinance incorporating the changes made at the June 29, 2020, special meeting of the advisory boards and the July 7, 2020, ZPAC, meeting were provided.

Only those sections of the Zoning Ordinance with significant proposed changes were provided. Most of the sections with minor changes (i.e. typographical corrections, citation corrections, renumbering, adding of acronyms, etc.) that did not alter the meaning or intent of the regulations were not provided. Some sections with minor changes were provided for illustrative purposes. Section 14 was not provided because no changes were proposed to that Section.

Also, language was added allowing the Kendall County Regional Planning Commission to establish bylaws.

The townships were notified of this proposal on July 1, 2020. To date, no township has provided comments.

At the July 7, 2020, ZPAC meeting, ZPAC added language to Section 13:09.C.1 pertaining to the 200 foot grid soil survey and soils classified as unsuitable for conventional septic systems when considering open space. The minutes from the July 7th ZPAC meeting were provided.

The Comprehensive Land Plan and Ordinance Committee reviewed the proposal on July 22, 2020, and recommended approval of the proposal with no additional suggestions.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of the requested text amendments.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson

Nays (0): None

Absent (0): None

The motion carried. This proposal goes to the Kendall County Zoning Board of Appeals on July 27, 2020.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Mr. Asselmeier noted that the proposed preliminary and final plats for the Go Pro Subdivision would be on the August Commission agenda. Due to renovations of the County Board Room, the hearing will occur in the Historic Courthouse. Commissioners would be informed of the specific room closer to the date of the hearing.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petition 19-34, regarding an outdoor storage business at 7821 Route 71, was withdrawn by the Petitioner.

Petition 19-37 and 19-38, regarding the LRMP amendment and map amendment for the indoor athletic facility at the northwestern corner of 195 Route 52, were approved by the County Board.

Petition 19-41 regarding citation authority, was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Member Casey asked about activity at the farmstead at 195 Route 52. Mr. Asselmeier responded that a warning notice would be sent on July 27, 2020, advising the property owner that a special use permit was required to operate a landscaping business at the subject property and that a stormwater permit was necessary to have the piles of material in the heights observed. Regarding the asphalt grindings, the contractor for the athletic facility started placing materials on the site before securing site plan approval. They will cease placing the grindings until site plan approval is secured.

ADJOURNMENT

Member Stewart made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

- Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
- Nays (0): None
- Absent (0): None

The motion carried.

The Kendall County Regional Plan Commission meeting adjourned at 7:41 p.m.

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

Enc.

