

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 4, 2020 – Approved Meeting Minutes**

PBZ Chairman Matthew Prochaska called the meeting to order at 9:01 a.m.

Present Via Teleconference:

Matt Asselmeier – PBZ Department
Greg Chismark – WBK Engineering, LLC (Attended Remotely) (Arrived at 9:03 a.m.)
David Guritz – Forest Preserve (Arrived at 9:17 a.m.)
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department (Attended Remotely)
Matthew Prochaska – PBZ Committee Chair
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Alyse Olson – Soil and Water Conservation District

Audience:

Dan Kramer and Kelley Chrisse

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Klaas, Langston, Prochaska, and Rybski
Nays (0): None
Present (0): None
Absent (4): Briganti, Chismark, Guritz, and Olson

The motion passed.

MINUTES

Mr. Rybski made a motion, seconded by Mr. Holdiman, to approve the July 7, 2020, meeting minutes.

Mr. Chismark started attending the meeting remotely at this time (9:03 a.m.).

The votes were as follows:

Ayes (7): Asselmeier, Chismark, Holdiman, Klaas, Langston, Prochaska, and Rybski
Nays (0): None
Present (0): None
Absent (3): Briganti, Guritz, and Olson

The motion passed.

PETITIONS

Petition 20-15 Jason Shelley on Behalf of Go Pro Ball, LLC and James and Denise Maffeo on Behalf of Four Seasons Storage, LLC

Dan Kramer, Attorney for the Petitioners, provided a history of the project.

Mr. Kramer noted that the COVID shutdown negatively impacted the athletic facility's business. Groundbreaking for the athletic facility is slated for October, if all financing and zoning approvals are secured.

Mr. Kramer noted that financing for the first phase of the storage business has been secured. Mr. Kramer described the landscaping and site plan of the storage business.

Development of Lot 3 is not anticipated until municipal utilities reach the property.

All three (3) lots will have their main entrances on the private road (Lot 4). The private road could be expanded if the property south of the proposed subdivision developed. The private road could be extended if/when the Minooka School District constructs a school on the property west of the subject property.

Mr. Kramer noted that the Petitioners had no objections to the recommended changes to the final plat. The dedication of right-of-way will be sixty feet (60') from the center of County Line Road. The Petitioners are also waiting on the traffic study before finalizing the plat.

Mr. Asselmeier summarized the request.

The Petitioners would like to establish a four (4) lot commercial subdivision on the northern approximately nineteen (19) acres of the subject property. The Petitioners would also like relief from the requirements in the Kendall County Subdivision Control Ordinance pertaining to soil mapping for subdivisions utilizing septic systems for sewer service.

The preliminary plat application, variance request, proposed final plat, and the engineering plans were provided.

The proposed subdivision is located on the northern eighteen point seven plus or minus (18.7+/-) acres 195 Route 52 located at the northwest corner of Route 52 and County Line Road in Seward Township.

The Future Land Use Map calls for the property to be commercial. Lots 1 and 4 have already been rezoned to B-4 Commercial Recreation District. A petition is ongoing to rezone Lot 2 to B-3 Highway Commercial District and for special use permits for indoor and outdoor storage. The same petition also calls for Lot 3 to be rezoned to B-2 General Commercial District for future commercial uses.

County Line Road is a Township maintained arterial road. No trails are planned for the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural or agricultural related. The adjacent zone classifications are also Agricultural. The zoning classifications within one half (1/2) mile are also Agricultural. The Future Land Use Map calls for Residential and Public/Institutional uses around the property.

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.

Petition information was sent to Seward Township on July 28, 2020.

Petition information was sent to the Village of Shorewood on July 28, 2020. An annexation agreement is under review between the Petitioners and the Village.

Petition information was sent to the Troy Fire Protection District on July 28, 2020. The Troy Fire Protection submitted a response, which was provided. The Petitioners submitted comments on the response, which were provided.

According to the information provided to the County in the application materials and the materials provided previously for Petitions 19-38 and 19-39, the proposed Go Pro Sports Subdivision would consist of four (4) lots as described as follows:

Lot 1 would be approximately eight point six-nine (8.69) acres in size. Per Ordinance 2020-02, the property is zoned B-4 Commercial Recreation District. Per Petition 20-16, the property owner, Goprobball, LLC plans to construct an approximately seventy thousand (70,000) square foot indoor athletic facility with parking and an approximately seven thousand five (7,500) square foot eating area. The property would also have one (1) approximately ninety thousand, five hundred (90,500) square foot wet bottom stormwater detention pond. The pond would be approximately eleven feet (11') feet deep at its deepest area.

Lot 2 would be approximately four point zero-one (4.01) acres in size. Per Petition 19-39, Four Seasons Storage, LLC plans 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 construction would occur in two (2) phases. The area without buildings in the first phase would be used for outdoor storage. If Petition 19-39 is approved, the property would be zoned B-3 Highway Business District with special use permits for indoor and outdoor storage.

Lot 3 would be four point six-seven (4.67) acres in size and would have one (1) approximately ninety thousand, five hundred (90,500) square foot wet bottom stormwater detention pond similar to the pond located on Lot 1. The balance of the site is reserved for future commercial development. Based on discussion with the Petitioner, development of this site is unlikely until public water and sewer service becomes available. If Petition 19-39 is approved, the property would be zoned B-2 General Business District. Per the Kendall County Zoning Ordinance, the site plan for any commercial development would be approved upon application for building permits or special use permits.

Lot 4 is approximately zero point five (0.5) acres and will be used as a private road maintained by the owners of Lots 1, 2, and 3. The road will be forty feet (40') wide and asphalt. The road will be named Go Pro Boulevard. Per Ordinance 2020-02, the property is zoned B-4 Commercial Recreation District.

In addition to the lots, land along the eastern side of the Subdivision will be dedicated to Seward Township for County Line Road Right-of-Way at a depth of fifty feet (50') as measured from the centerline of County Line Road. Also, a ten foot (10') public utility easement for Kendall County and Village of Shorewood is planned along County Line Road and Go Pro Boulevard.

All structures constructed in the Subdivision will require building and occupancy permits.

Until public utilities from the Village of Shorewood are extended to the property, the athletic facility and storage businesses will be served by well and septic.

The engineering plans were provided.

The property fronts County Line Road. A traffic study is underway.

Parking facilities would be determined by individual site plans for the various lots.

Lighting would be determined by individual site plans for the various lots.

Signage would be determined by individual uses and site plans for the various lots.

Landscaping would be determined by individual site plans for the various lots. Other than the private road, no additional common areas are planned.

At their meeting on June 8, 2020, the Kendall County Planning, Building and Zoning Committee approved a ninety (90) day waiver on the payment of application fees. Unless further waived, all application fees would be due prior to recording the final plat.

As noted in the variance request, due to the size of the proposed subdivision and related costs, the Petitioners do not believe the required soil map required in Section 7.03.A.7.c is necessary.

§ 11.00.A.2 of the Subdivision Control Ordinance outlines findings that the Plat Officer must make in order recommend in favor of the applicant on variation applications. The recommended findings are as follows:

Because of the particular physical surroundings, shape or topography conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

The proposed subdivision consists of four (4) lots, one (1) of which is a private road. The maximum number of users will be two (2) until such time as public utilities are available.

The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property, and have not been created by any person having an interest in the property.

The conditions are unique in that the proposed subdivision is small, consisting of two (2) proposed users at the time of platting. The Petitioners did create the hardship by desiring to have a subdivision at this location.

The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
The purpose of the variation is based on the size of the development and number of proposed lots.

The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

Provided the subdivision is developed as proposed and that reasonable restrictions are placed on special uses that could be placed inside the subdivision, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood.

Before issuing a recommendation, Staff would like input from Seward Township, the Village of Shorewood, and ZPAC members. Staff would also like to review the traffic study.

At this time, Staff proposed the following conditions and restrictions:

1. The following defects on the final plat require correction:
 - A. Provide the required date of drawing.
 - B. Provide the setback lines for principal buildings on Lot 2.
 - C. Provide the southern and western setback lines for principal buildings on Lot 3.
 - D. Provide the eastern setback lines for principal buildings on Lot 1.
 - E. Adjust the building setback line along the northern boundary of the entire subdivision to reflect that no building can be constructed in the drainage and detention easement.
 - F. Remove the reference to the City of Joliet having filed an official plan.
 - G. Provide a signature line for the Surveyor.
2. A variance to Section 7.03.A.7.c of the Kendall County Subdivision Control Ordinance requiring a soil map and related soil studies is granted.
3. Unless further waived by the Planning, Building and Zoning Committee, all applicable application fees for review of the preliminary and final plats and variance shall be paid in full prior to the recording of the final plat.

David Guritz arrived at this time (9:17 a.m.).

Kelley Chrise, Economic Development Director for the Village of Shorewood, provided an update on the status of the annexation agreement. Ms. Chrise requested that the setback lines be removed because of potential differences in the setback requirements of the County and Shorewood. Ms. Chrise noted that the Village is waiting for a traffic study. Ms. Chrise expressed concerns regarding the long-term maintenance of the pond serving Lots 2 and 3; Shorewood would like to see documentation detailing maintenance of the pond. Ms. Chrise requested a copy of the maintenance agreement for Lot 4.

Mr. Guritz asked about setback differences between Shorewood and the County. Ms. Chrise was not aware of differences. Mr. Asselmeier noted that the Petitioners are required to notify Shorewood of all building permits. If something is constructed and Shorewood's requirements were stricter than the County's requirements and if the property was annexed into Shorewood, the building would be grandfathered.

Mr. Kramer was agreeable with removing the setback lines. Mr. Kramer anticipated the traffic study would be completed in the near future. Mr. Kramer noted the creation of a non-profit to maintain the private road on Lot 4. No spite strip would be allowed at the west end of Lot 4.

Mr. Rybski noted that the Health Department had no objections to the requested exception.

Mr. Rybski made a motion, seconded by Mr. Holdiman, to recommend approval of the preliminary and final plats with the conditions proposed by Staff, except that the setback lines shall be removed from the plat, and to recommend approval of the requested exception.

The votes were as follows:

Ayes (8): Asselmeier, Chismark, Guritz, Holdiman, Klaas, Langston, Prochaska, and Rybski
Nays (0): None
Present (0): None
Absent (2): Briganti and Olson

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission for a public hearing on August 26, 2020.

Petition 20-16 Jason Shelley on Behalf of Go Pro Ball, LLC

Mr. Asselmeier summarized the request.

In March 2020, the Kendall County Board approved Ordinance 20-02, rezoning the northwestern nine plus (9+) acres of the northwest corner of Route 52 and County Line Road in Seward Township from A-1 Agricultural to B-4 Commercial Recreation District in order for the Petition to have proper zoning to construct an athletic facility.

Per Section 13:10 of the Kendall County Zoning Ordinance, site plan approval is required prior to securing an applicable permits related to constructing this facility.

A separate petition (Petition 19-39) has been filed to rezone the northeastern corner of the larger property from A-1 to B-3 and obtain a special use permit for the storage business and to B-2 for future commercial development. This petition is currently under review.

A separate petition (Petition 20-15) has also been filed creating a four (4) lot Go Pro Subdivision. The proposed athletic facility would be located on Lot 1 and the private access road would be located on Lot 4. The stormwater detention ponds would be located on Lots 1 and 3. This petition is also under review.

The application materials, site plan, proposed plat for the Go Pro Subdivision, renderings of the proposed structure, landscaping plan, illumination plan, and engineering plans were provided.

The proposed athletic facility would be on approximately eight point six-nine (8.69) acres.

County Line Road is a Township maintained arterial road. No trails are planned for the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural or agricultural related. The adjacent zone classifications are also Agricultural. The zoning classifications within one half (1/2) mile are also Agricultural. The Future Land Use Map calls for Residential, Commercial and Public/Institutional uses around the property.

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 Seward Township Planning Commission and Seward Township Board expressed concerns regarding traffic and drainage when they reviewed the map amendment application earlier in 2020. Both Boards recommended approval of the map amendment.

Site plan information was sent to Seward Township on July 27, 2020.

Site plan information was send to the Village of Shorewood on July 27, 2020. The Petitioner and Village were negotiating an annexation agreement that would allow Shorewood to annex the property when the property became contiguous with the Village.

Site plan information was sent to the Troy Fire Protection District on July 27, 2020. The Fire District had no objections to the map amendment. The Troy Fire Protection submitted a response, which was provided. The Petitioners submitted comments on the response, which were provided.

Goprobball, LLC provided a business plan which was provided. As noted in the business plan, they would have between twenty (20) and forty (40) part-time employees with no more than four (4) to six (6) employees onsite. They have fifteen (15) existing traveling baseball teams and hope to expand to twenty-five (25) teams within the next five (5) years. They would also like to use the facility to attract other sports including girls soccer and softball. They would have a concession area and rehabilitation services would be provided onsite. The proposed hours of operation are between 8:00 a.m. and midnight. The proposed facility is approximately sixty-nine thousand, three hundred (69,300) square feet and will have a parking area to the east and a seven thousand five hundred (7,500) square foot eating area with a patio area. The maximum peak of the facility is sixty-seven feet (67').

The Petitioner provided updated engineering plans on July 22, 2020. To date, WBK has not provided comments regarding these plans.

At their meeting on June 8, 2020, the Kendall County Planning, Building and Zoning Committee approved a ninety (90) day waiver on the payment of application fees. Unless further waived, all application fees would be due prior to recording the final plat.

Pursuant to § 13.10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans:

*Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. **The subject property was used for crop production prior to the proposed use. No areas of environmental sensitivity, wetlands, or floodplains exist on the subject property. No excessive slopes exist on the subject property. If necessary, the Petitioners will pursue variances to building height, sign dimensions and height, and the soil mapping requirements contained in the Kendall County Subdivision Control Ordinance.***

*Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. **The engineering plans (Attachment 7) show a one hundred and five (105) space parking lot to the east of the proposed use. The parking lot includes five (5) handicapped accessible parking stalls. A forty foot (40') wide private road is planned to connect the subject the property to County Line Road. A twenty foot (20') wide fire access drive is planned along the periphery of the proposed facility. As of the date of this memo, a traffic study is underway. The pavement for the driving aisles and parking lot will be asphalt. The fire access road around the building will be asphalt grindings or gravel.***

*Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. **No conflicts are foreseen. Parking lots will be paved as required.***

*Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. **A stormwater permit must be secured prior to the issuance of any building permits. No issues surrounding shadow, noise, odor, utilities are foreseen.***

*Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. **This is true.***

*Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. **Provided the property is developed as proposed, this should not be an issue. No other structure like the proposed currently exists in this portion of Kendall County. The building is proposed to be sixty-five feet (65') in height, which will require a variance.***

*Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. **The proposed site development is in harmony with the existing use and proposed uses of the area for educational and commercial purposes.***

*Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. **No pedestrian circulation is planned for pedestrians coming from County Line Road. No sidewalks are planned for the private road entering the site.***

*Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. **The landscaping plan calls for fourteen (14) shade trees of various types, five (5) evergreen shrubs, forty (40) deciduous shrubs of various types, and one hundred nineteen (119) perennials, ornamental grasses, and groundcovers of various types.***

*Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. **Staff would like comments from the Kendall County Sheriff's Department and Troy Fire Protection District on this issue.***

*Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. **Not applicable.***

*Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. **According to the engineering plans, three (3) light poles are planned on the subject property and will be twenty feet (20') in height. Additional lighting is planned for the building. The provided illumination plan shows no lighting crossing property lines.***

*Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. **A proposed dumpster is shown on the southwest corner of the parking lot.***

Pending comments from ZPAC members, Staff recommends approval of the proposed site plan as proposed with the following four (4) conditions:

1. The site shall be developed substantial in conformance with the submitted site plan, renderings, landscaping plan, illumination plan, and engineering plans. 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.
2. The Petitioner may seek applicable variances regarding building height, number of parking spaces, and height and dimensions of signage without seeking an amendment to this site plan.

3. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development and the type of business proposed for the site, including, but, not limited to, securing the applicable stormwater management permit.
4. The site plan shall not become effective and no building permits will be issued until all applicable fees that were previously waived by the Kendall County Planning, Building and Zoning Committee are paid in full.

Ms. Chrissie expressed concerns about overflow parking. Mr. Kramer responded that no parking will be allowed on Lot 4. Mr. Asselmeier noted that he was waiting for the Troy Fire Protection to state the capacity of the facility which is necessary to determine the number of parking spaces. A reader board is planned for the sign to let people know if games are delayed.

Mr. Rybski encouraged Mr. Kramer to keep the Health Department informed of activities.

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the site plan with the conditions proposed by Staff. It was noted that a variance to the parking requirements might be needed.

The votes were as follows:

Ayes (8): Asselmeier, Chismark, Guritz, Holdiman, Klaas, Langston, Prochaska, and Rybski
Nays (0): None
Present (0): None
Absent (2): Briganti and Olson

The motion passed.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier requested Committee members to send him copies of their Open Meetings Act Certificate of Completion.

Mr. Asselmeier informed the Committee that upcoming meetings will be at the Historic Courthouse because of renovations to the County Board Room.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.

The votes were as follows:

Ayes (8): Asselmeier, Chismark, Guritz, Holdiman, Klaas, Langston, Prochaska, and Rybski
Nays (0): None
Present (0): None
Absent (2): Briganti and Olson

The motion passed.

The ZPAC, at 9:42 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Enc.