

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
110 WEST MADISON STREET (109 WEST RIDGE STREET), EAST WING CONFERENCE ROOM
YORKVILLE, IL 60560
NOVEMBER 2, 2020 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: Karen Clementi and Tom LeCuyer

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Paul Martin

Chairman Mohr swore in Paul Martin for both Petitions.

PETITIONS

The Zoning Board of Appeals started their review of Petition 20-24 at 7:01 p.m.

Petition 20-24 – Grainco FS, Inc.

Request: Amendment to the Future Land Use Map in the Kendall County Land Resource Management Plan Changing the Classification of the Subject Property from Agricultural to Mixed Use Business

PIN: 09-36-400-002

Location: 17854 N. Wabena Avenue, Minooka, Seward Township

Purpose: Petitioner Wants to Rezone Property to M-1 Limited Manufacturing District

Mr. Asselmeier summarized the request.

Grainco FS, Inc. would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately three point two more or less (3.2 +/-) acres located at 17854 N. Wabena Avenue. If approved, the Petitioner would like to rezone the property to allow the operation of a company that performs construction and maintenance work for gas utilities. This use is not allowed on property zoned A-1 Agricultural. This use and the previous uses at the property (i.e. fertilizer plant) are either permitted or special uses on M-1 Limited Manufacturing zoned property.

The application materials and aerial were provided.

The property is approximately three (3) acres in size.

The existing land use is classified as Commercial. The future land use is classified as Agricultural.

Wabena Avenue is a Township maintained local road. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are railroad/public utility and agricultural. The adjacent zoning districts are A-1 in the County and M-1 in the Village of Minooka. The Land Resource Management Plan calls for the area to be Mixed Use Business in the County and Light Industrial in the Village of Minooka. Zoning districts within a half mile in the County include A-1 and B-3 and M-1 and R-2 inside the Village of Minooka.

Pictures of the property were provided.

The existing special use permit was granted in 1966 for the mixing, blending, and manufacturing of fertilizers. A copy of the special use permit was provided. This special use permit is the second oldest active special use permit in unincorporated Kendall County.

Petition information was sent to Seward Township on September 23, 2020. To date, no response has been received.

Petition information was sent to the Village of Minooka on September 23, 2020. To date, no response has been received.

Petition information was sent to the Minooka Fire Protection on September 23, 2020. To date, no response has been received.

ZPAC reviewed this proposal at their meeting on October 6, 2020. Mr. Klaas asked why the property was not proposed for annexation into Minooka. Mr. Asselmeier responded that the Village of Minooka had not provided any comments on the proposal and the proposed change in the Future Land Use Map and map amendment would make the property compliant with County zoning. Mr. Klaas noted that jurisdiction of N. Wabena Avenue changes frequently in that area. Ms. Belville noted that the septic system would need to be evaluated if the uses change. Ms. Olson noted the limitations on development at the site caused by the soils. Mr. Asselmeier asked about the location of utilities from the Village of Minooka. The attorney for the Petitioner responded that Minooka had not offered to extend municipal services to the property. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on October 28, 2020. Discussion occurred regarding the differences between this Petition and the requests related to 3485 Route 126. Several Commissioners expressed their dismay that the Petitioner allowed the company to start operations at the property before securing necessary zoning approvals. Several Commissioners also noted that the proposed use would fit the surrounding neighborhood. Other than the Petitioner, nobody else from the public attended the hearing. The Kendall County Regional Planning Commission recommended approval of the request by a vote of five (5) in favor and zero (0) in opposition. Four (4) Commissioners were absent. The minutes of this hearing were provided.

The Village of Minooka's Future Land Use Map calls for this property to be Light Industrial.

The subject property has been used as a fertilizer plant since at least 1966. The proposed use and previous uses at the property since 1966 would be allowed by either permitted or special use on M-1 zoned property.

The Future Land Use Maps of both Kendall County and the Village of Minooka call for industrial related uses in the vicinity of the subject property.

A railroad is also located adjacent to the subject property.

Upon initial analysis, Staff has no objections to the proposed amendment.

Paul Martin, Attorney for the Petitioner, described the property and previous uses at the property. He explained that the requests are to bring the property into compliance with the Village of Minooka's plans and the County's zoning requirements. He explained the work that Pipe Strong, LLC does at the property.

Chairman Mohr asked if the site would be used for storage and parking. Mr. Martin responded, yes. The property has a fence along the Wabena Avenue side of the property.

Chairman Mohr asked if the Village of Minooka has provided comments. Mr. Asselmeier stated, to his knowledge, the Village of Minooka does not have any municipal utilities near the property. If the Petitioner or a successive property wanted municipal utilities, they could negotiate with the Village of Minooka as part of an annexation agreement. Mr. Asselmeier responded, to date, Minooka has not submitted comments. Mr. Martin concurred with Mr. Asselmeier. Mr. Asselmeier noted that Minooka and Seward Township have the right to object to the map amendment portion of the request within thirty (30) days of the zoning hearing.

Member Whitfield made a motion, seconded by Member Cherry, to recommend approval of the requested amendment to the Future Land Use Map in the Kendall County Land Resource Management Plan.

The votes were as follows:

Ayes (5): Cherry, Fox, Mohr, Thompson, and Whitfield

Nays (0): None

Absent (2): Clementi and LeCuyer

The motion passed.

This proposal will go to the Kendall County Planning, Building and Zoning Committee on November 9, 2020.

The Zoning Board of Appeals completed their review of Petition 20-24 at 7:12 p.m.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Fox made a motion, seconded by Member Thompson, to adjourn. With a voice vote of five (5) ayes, the motion carried.

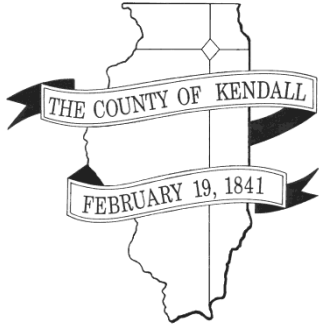
The Zoning Board of Appeals meeting adjourned at 7:17 p.m.

The next hearing/meeting will be on December 14, 2020.

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

Exhibits

1. Memo on Petition 20-24 Dated October 29, 2020
2. Certificate of Publication for Petition 20-24 (Not Included with Report but on file in Planning, Building and Zoning Office).



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 20-24

Grainco FS, Inc.

**Amendment to Future Land Use Map in Land Resource
Management Plan**

Agricultural to Mixed Use Business

INTRODUCTION

Grainco FS, Inc. would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately three point two more or less (3.2 +/-) acres located 17854 N. Wabena Avenue. If approved, the Petitioner would like to rezone the property to allow the operation of a company that performs construction and maintenance work for gas utilities. This use is not allowed on property zoned A-1 Agricultural. This use and the previous uses at the property (i.e. fertilizer plant) are either permitted or special uses on M-1 Limited Manufacturing zoned property.

The application materials are included as Attachment 1. An aerial of the property is included as Attachment 2.

The map amendment request is a separate petition (Petition 20-25).

SITE INFORMATION

PETITIONER: Grainco FS, Inc.

ADDRESS: 17854 N. Wabena Avenue, Minooka

LOCATION: East Side of Wabena Avenue Approximately 500 Feet North of Interstate 80



TOWNSHIP: Seward

PARCEL #: 09-36-400-002

LOT SIZE: 3.2 +/- Acres

EXISTING LAND USE: Commercial

ZONING: A-1 Agricultural District With a Special Use Permit for Mixing, Blending, and Manufacturing of Fertilizers

LRMP: Future Land Use	Agricultural (Petitioner is Requesting a Change to Mixed Use Business)
Roads	Wabena Avenue is a Township Maintained Local Road.
Trails	None
Floodplain/Wetlands	None

REQUESTED ACTION: Amendment to Future Land Use Map from Agricultural to Mixed Use Business
Map Amendment Rezoning Property from A-1 Agricultural to M-1 Limited Manufacturing

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Railroad/Public Utility	A-1	Mixed Use Business and ComEd (Kendall County) Light Industrial (Minooka)	A-1 (Kendall County) M-1 (Minooka)
South	Agricultural	M-1 (Minooka)	Light Industrial (Minooka)	R-2 and M-1 (Minooka)
East	Agricultural	M-1 (Minooka)	Mixed Use Business (Kendall County) Light Industrial Minooka	A-1 (Kendall County) A-1 (Will County) M-1 (Minooka)
West	Agricultural	A-1	Mixed Use Business and ComEd	A-1 and B-3

Pictures of the property are included as Attachments 3-7.

The existing special use permit was granted in 1966 for the mixing, blending, and manufacturing of fertilizers. A copy of the special use permit is included as Attachment 8. This special use permit is the second oldest

active special use permit in unincorporated Kendall County.

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on September 23, 2020. To date, no comments have been received.

VILLAGE OF MINOOKA

Petition information was sent to the Village of Minooka on September 23, 2020. To date, no comments have been received.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection on September 23, 2020. To date, no comments have been received.

ZPAC

ZPAC reviewed this proposal at their meeting on October 6, 2020. Mr. Klaas asked why the property was not proposed for annexation into Minooka. Mr. Asselmeier responded that the Village of Minooka had not provided any comments on the proposal and the proposed change in the Future Land Use Map and map amendment would make the property compliant with County zoning. Mr. Klaas noted that jurisdiction of N. Wabena Avenue changes frequently in that area. Ms. Belville noted that the septic system would need to be evaluated if the uses change. Ms. Olson noted the limitations on development at the site caused by the soils. Mr. Asselmeier asked about the location of utilities from the Village of Minooka. The attorney for the Petitioner responded that Minooka had not offered to extend municipal services to the property. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of this meeting are included as Attachment 9.

RPC

The Kendall County Regional Planning Commission held a public hearing on this proposal on October 28, 2020. Discussion occurred regarding the differences between this Petition and the requests related to 3485 Route 126. Several Commissioners expressed their dismay that the Petitioner allowed the company to start operations at the property before securing necessary zoning approvals. Several Commissioners also noted that the proposed use would fit the surrounding neighborhood. Other than the Petitioner, nobody else from the public attended the hearing. The Kendall County Regional Planning Commission recommended approval of the request by a vote of five (5) in favor and zero (0) in opposition. Four (4) Commissioners were absent. The minutes of this hearing are included as Attachment 10.

OTHER PLANS

VILLAGE OF MINOOKA

The Village of Minooka's Future Land Use Map calls for this property to be Light Industrial.

ANALYSIS

The subject property has been used as a fertilizer plant since at least 1966. The proposed use and previous uses at the property since 1966 would be allowed by either permitted or special use on M-1 zoned property.

The Future Land Use Maps of both Kendall County and the Village of Minooka call for industrial related uses in the vicinity of the subject property.

A railroad is also located adjacent to the subject property.

Upon initial analysis, Staff has no objections to the proposed amendment.

RECOMMENDATION

Staff recommends approval of the requested amendment.

ATTACHMENTS

1. Application Materials
2. Aerial
3. Main Building
4. Parking Lot
5. Looking North
6. Looking South
7. Looking West
8. 1966 Special Use Permit
9. October 6, 2020 ZPAC Minutes
10. October 28, 2020 Kendall County Regional Planning Commission Minutes

“Justification of Reasons for Requested Re-Zoning from Agricultural to M1”


This property has belonged to Grainco FS, Inc., or its predecessors, Kendall Grundy FS, Kendall Farmers Oil Company, and F.S. Services, Inc. acquired it in 1970. It was used for a number of years as a fertilizer plant, and when that use ceased, nothing further was done regarding the zoning classification. Beginning about two years ago, a tenant Pipe Strong LLC of Schaumburg, Illinois entered into a one year renewable lease to use the property as an “operations center for utility construction service company”.

Pipe Strong LLC performs construction and maintenance for gas utilities. Pipe Strong established a partnership with Nicor Gas for ongoing construction and maintenance work. Union led workforce uses show-up yards for pre-job safety checks and re-tooling of supplies. The property in Minooka on Wabena Road is being used as their southern show-up yard on the Nicor system. The warehouse is used to inventory all sorts of pipe fittings and safety supplies. The typical vehicle utilized from the yard is a Ford F-450.

No configuration to the property has been changed or contemplated, and they continue to use it as is on a day-to-day basis. Upon notification by the Kendall County Zoning administrator that the agricultural zoning was no longer appropriate, the property owner has filed this application. The long term usage of the property has not been identified further as either agricultural or this current usage, but the current tenant is expected to remain for at least an additional year.

On a going forward basis, the M1 classification appears most appropriate to this property which is bordered by Wabena Avenue, the Elgin Joliet and Eastern railroad, and farmland. The Minooka Zoning Map (2019) projects the property on the North and South of the subject property as M-1 Manufacturing as per the attachment. Petitioner, Grainco FS, Inc. respectfully requests that this property be re-zoned as M-1 to conform to the Kendall County zoning ordinance, and the adjoining properties zoned uses pursuant to the Minooka Zoning Map as identified on the map of 2019.

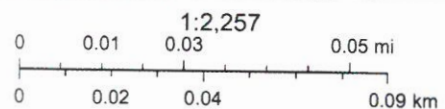
Grainco FS, Inc.,


By: Paul V. Martin, Its Attorney

ArcGIS Web Map



9/9/2020, 10:54:26 AM



Current Parcels

Municipalities

 UNINCORPORATED

 VILLAGE OF MINOOKA

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Attachment 3, Main Building



09/21/2020 08:26

Attachment 4 North Parking Area



09/21/2020 08:26



17854
WABENA

09/21/2020 08:26

Attachment 6 Looking South



09/21/2020 08:26

Attachment 7 Looking West



09/21/2020 08:26

KENDALL COUNTY ZONING
BOARD OF APPEALS

Pursuant to a notice published in the Kendall County Record and herewith attached the Kendall County Zoning Board of Appeals met on the site therein described to consider the petition of Cora Kay for a "Special Use Permit" under "A" Agriculture for the Monsanto Co. Said permit to allow for the mixing, blending and manufacture of fertilizers.

The meeting was called to order on February 28 at 10 A.M. by chairman Larson with members Langeland, Thurow, Kennedy and Scheidecker answering present at roll call.

Orville Norman of 202 Forest Park Place, Ottawa, Illinois (DS) testified as to the dimensions of the property containing 3.202 A. and described the buildings (office, and warehouse) they proposed for the site. He said the plant will be owned by the Monsanto Co. with a local operator.

There were no objectors present and the board recessed to consider and discuss the petition.

On reconvening Scheidecker made a motion seconded by Langeland that the board recommend the granting of the petition. On roll call the members voted as follows: Langeland, yes; Scheidecker, yes; Thurow, yes; Kennedy, yes; and Larson, yes.

On a motion by Kennedy the board adjourned.

172.19 feet; thence East for a distance of 306.84 feet; thence north for a distance of 699.73 feet to a point which falls on the said southeasterly right-of-way line of the E. J. & E. Railroad; thence Southwesterly along the said southeasterly right-of-way line for a distance of 618.24 feet to the point of beginning, containing 3.202 acres, more or less, all located in Kendall County, Illinois.

Further Notice is Hereby Given that a hearing has been set thereon for Monday, February 28, 1966 at 10:00 a. m. at the above described premises in the Township of Seward, Kendall County, Illinois, said Board of Appeals and be heard.

Dated at Yorkville, Illinois, the 25th day of January, A. D., 1966.

R. N. YOUNG

Secretary of the Zoning Board of Appeals of Kendall County

(Legal Publication)
PUBLIC NOTICE

Notice is Hereby Given that the Monsanto Company has filed a petition with the Zoning Board of Appeals of Kendall county, Illinois, to rezone and reclassify from "A," Agriculture District to a "Special Use" permit the following described real estate, to wit:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-six (36), Township Thirty-(8) East of the Third Principal Meridian, Kendall County, Illinois, more particularly described as follows:

Beginning at the intersection of the southeasterly right-of-way line of the Elgin, Joliet and Eastern Railroad and the East right-of-way line of a township road, said point being 705 feet north of the transit line Station 1736+09, said point being the point of beginning; thence Southeasterly along the said east right-of-way line for a distance of

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 6, 2020 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Matthew Prochaska – PBZ Committee Chair

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Michele Morris, John Seheffer, and Paul Martin

AGENDA

Mr. Klaas made a motion, seconded by Commander Langston, to approve the agenda as presented. With a voice vote of seven (7) ayes, the motion passed.

MINUTES

Mr. Holdiman made a motion, seconded by Ms. Belville, to approve the September 1, 2020, meeting minutes. With a voice vote of seven (7) ayes, the motion passed.

PETITIONS

Petition 20-23 Patrick and Michele Morris

Mr. Asselmeier summarized the request.

A five foot (5') public utility and drainage easement exists on the north and south lot lines of Lots 35, 36, and 37 in the Grove Estates Subdivision.

Patrick and Michele Morris would like to merge the three (3) lots and construct a new house over the easements.

The application materials and plat of vacation were provided.

The property is addressed as 7229, 7251, and 7287 Joyce Court.

The property is approximately two (2) acres in size and is zoned RPD-2.

The current land use is Single-Family Residential. The future land use is Rural Residential.

Joyce Court is a local road maintained by Na-Au-Say Township. No trails are planned for the property.

There are no floodplains or wetlands on the property.

The adjacent land uses are Single-Family Residential. The adjacent zoning is RPD-2. The Land Resource Management Plan calls for the area to Rural Residential. The zoning districts within a half mile are A-1 and RPD-2.

Na-Au-Say Township was emailed information on September 22, 2020.

The Village of Oswego was emailed information on September 22, 2020.

The Oswego Fire Protection District was emailed information on September 22, 2020.

The total area proposed for vacation is approximately one tenth (0.1) of an acre.

The Petitioners provided information stating that none of the utilities or the homeowners' association were in opposition to this request.

Staff recommends that the requested vacation with the following conditions:

1. Lots 35, 36, and 37 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation (Attachment 2). Within ninety (90) days of the effective date of this ordinance, the Petitioner shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation in the timeframe outlined in Section 7.06.H of the Kendall County Subdivision Control Ordinance unless an extension is granted by the Kendall County Board.

Mr. Klaas asked if any utilities were located in the easements. Mr. Asselmeier said no utilities were located in the easements, per JULIE.

Mr. Klaas asked about access. Ms. Morris responded that two (2) driveways would be installed.

Mr. Asselmeier made a motion, seconded by Mr. Klaas, to recommend approval of the requested vacation. With a voice vote of seven (7) ayes, the motion passed.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on October 14, 2020.

Petition 20-24 Grainco FS, Inc.

Mr. Asselmeier summarized the request.

Grainco FS, Inc. would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately three point two more or less (3.2 +/-) acres located 17854 N. Wabena Avenue. If approved, the Petitioner would like to rezone the property to allow the operation of a company that performs construction and maintenance work for gas utilities. This use is not allowed on property zoned A-1 Agricultural. This use and the previous uses at the property (i.e. fertilizer plant) are either permitted or special uses on M-1 Limited Manufacturing zoned property.

The application materials and aerial were provided.

The property is approximately three (3) acres in size.

The existing land use is classified as Commercial. The future land use is classified as Agricultural.

Wabena Avenue is a Township maintained local road. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are railroad/public utility and agricultural. The adjacent zoning districts are A-1 in the County and M-1 in the Village of Minooka. The Land Resource Management Plan calls for the area to be Mixed Use Business in the County and Light Industrial in the Village of Minooka. Zoning districts within a half mile in the County include A-1 and B-3 and M-1 and R-2 inside the Village of Minooka.

Pictures of the property were provided.

The existing special use permit was granted in 1966 for the mixing, blending, and manufacturing of fertilizers. A copy of the special use permit was provided. This special use permit is the second oldest active special use permit in unincorporated Kendall County.

Petition information was sent to Seward Township on September 23, 2020.

Petition information was sent to the Village of Minooka on September 23, 2020.

Petition information was sent to the Minooka Fire Protection on September 23, 2020.

The Village of Minooka's Future Land Use Map calls for this property to be Light Industrial.

The subject property has been used as a fertilizer plant since at least 1966. The proposed use and previous uses at the property since 1966 would be allowed by either permitted or special use on M-1 zoned property.

The Future Land Use Maps of both Kendall County and the Village of Minooka call for industrial related uses in the vicinity of the subject property.

A railroad is also located adjacent to the subject property.

Upon initial analysis, Staff has no objections to the proposed amendment.

Before issuing a final recommendation, Staff would like comments from Seward Township, the Village of Minooka, the Minooka Fire Protection District and ZPAC members.

Mr. Klaas asked why the property is not proposed for annexation into Minooka. Mr. Asselmeier responded that the Village of Minooka has not provided any comments on the proposal and the proposed change in the Future Land Use Map and map amendment would make the property compliant with County zoning. Mr. Klaas noted that jurisdiction of N. Wabena Avenue changes frequently in that area.

Ms. Belville noted that the septic system would need to be evaluated if the uses change.

Ms. Olson noted the limitations on development caused by the soils.

Mr. Asselmeier asked about the location utilities from the Village of Minooka. Mr. Martin responded that Minooka had not offered to extend municipal services to the property.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to recommend approval of the requested amendment to the Kendall County Land Resource Management Plan. With a voice vote of seven (7) ayes, the motion passed.

The proposal goes to the Kendall County Regional Planning Commission on October 28, 2020.

Petition 20-05 Grainco FS, Inc.

Mr. Asselmeier summarized the request.

Grainco FS, Inc. leased the subject property to Pipe Strong, LLC, a company that performs construction and maintenance for gas utilities. This use is not a permitted or special use on A-1 zoned property, but is a permitted use on M-1 Limited Manufacturing zoned property. The main previous use at the property, a fertilizer plant, is a special use on M-1 Limited Manufacturing zoned property. Accordingly, the Petitioner would like to rezone the property to the M-1 Limited Manufacturing District.

The Petitioner is also pursuing an amendment to the Future Land Use Map reclassifying the subject property as Mixed Use Business.

The application materials and aerial of the property are provided.

The property is approximately three (3) acres in size.

The existing land use is classified as Commercial. The future land use is classified as Agricultural.

Wabena Avenue is a Township maintained local road. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are railroad/public utility and agricultural. The adjacent zoning districts are A-1 in the County and M-1 in the Village of Minooka. The Land Resource Management Plan calls for the area to be Mixed Use Business in the County and Light Industrial in the Village of Minooka. Zoning districts within a half mile in the County include A-1 and B-3 and M-1 and R-2 inside the Village of Minooka.

Pictures of the property were provided.

The existing special use permit was granted in 1966 for the mixing, blending, and manufacturing of fertilizers. A copy of the special use permit was provided. This special use permit is the second oldest active special use permit in unincorporated Kendall County.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 17, 2020.

Petition information was sent to Seward Township on September 23, 2020.

Petition information was sent to the Village of Minooka on September 23, 2020.

Petition information was sent to the Minooka Fire Protection on September 23, 2020.

Per State law, map amendments cannot be conditioned. However, Section 13:10 of the Kendall County Zoning Ordinance requires that manufacturing site plans be approved by the Kendall County ZPAC.

The Petitioner desires the map amendment in order to lease the property to a construction and maintenance company for gas utilities.

According to the application materials, Pipe Strong, LLC uses the subject property as a show-up yard for pre-job safety checks and re-tooling of supplies. The site is also used to store pipe fittings and safety supplies.

The Petitioner also indicated that a long-term use of the property has not been identified.

Any new structures would require applicable building permits. No new structures are planned at this time.

The property access North Wabena Avenue. North Wabena Avenue has an eight (8) ton weight restriction.

No new odors are foreseen, but the site plan for future commercial/industrial activities on the site should be examined to address odors.

Security lights are located on several of the structures. The site plan for future commercial/industrial establishments should be evaluated to address lighting.

Any fencing or buffering should be evaluated as part of the site plan review process.

Future development on the site could require stormwater management permits, depending on the nature of development.

Electricity is onsite. New well and septic information would have to be evaluated as part of a building permit process, if new construction is planned.

Before issuing a final recommendation, Staff would like comments from Seward Township, the Village of Minooka, the Minooka Fire Protection District, and ZPAC members.

Mr. Holdiman made a motion, seconded by Commander Langston, to recommend approval of the map amendment. With a voice vote of seven (7) ayes, the motion passed.

The proposal goes to the Kendall County Regional Planning Commission on October 28, 2020.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier stated that Petition 19-39 Map Amendment and Special Use Permit for Four Seasons Storage and Petition 20-15 Final Plat Approval for the Go Pro Sports Subdivision passed at the County Board.

Mr. Asselmeier stated that Petition 20-14 Zoning Ordinance Project passed at the County Board with an amendment removing the language regarding research related home occupations and an amendment removing the soils requiring non-traditional septic systems from the calculation of open space.

Mr. Asselmeier reported that Petition 20-21 Fee Schedule Amendment passed at the County Board. The fee for conditional use permits for beekeeping would be One Hundred Dollars (\$100), the same as other conditional use permits. The annual permit renewal fee for beekeeping was removed.

OLD BUSINESS/NEW BUSINESS

Recommendation on Fiscal Year 2020-2021 Meeting Calendar

Mr. Klaas made a motion, seconded by Commander Langston to recommend approval of the meeting calendar as presented. With a voice vote of seven (7) ayes, the motion passed.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Ms. Olson made a motion, seconded by Commander Langston, to adjourn. With a voice vote of seven (7) ayes, the motion passed.

The ZPAC, at 9:17 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
OCTOBER 6, 2020**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Paul Martin</i>	<i>For Grainco F.S.</i>	[REDACTED]
<i>John Schepfel</i>	<i>For Grainco F.S.</i>	
<i>Michele Morris</i>		[REDACTED]

Attachment 10, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Historic Courthouse
East Wing Conference Room
110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois

Unapproved - Meeting Minutes of October 28, 2020 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Karin McCarthy-Lange, Ruben Rodriguez, and Claire Wilson

Members Absent: Tom Casey, Dave Hamman, Larry Nelson, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Paul Martin

APPROVAL OF AGENDA

Member Bledsoe made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve the minutes of the September 23, 2020, meeting. With a voice vote of five (5) ayes, the motion carried.

PUBLIC HEARING

Petition 20-24 Grainco FS, Inc.

The Kendall County Regional Planning Commission started their review of Petition 20-24 at 7:02 p.m.

Mr. Asselmeier summarized the request.

Grainco FS, Inc. would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately three point two more or less (3.2 +/-) acres located 17854 N. Wabena Avenue. If approved, the Petitioner would like to rezone the property to allow the operation of a company that performs construction and maintenance work for gas utilities. This use is not allowed on property zoned A-1 Agricultural. This use and the previous uses at the property (i.e. fertilizer plant) are either permitted or special uses on M-1 Limited Manufacturing zoned property.

The application materials and aerial were provided.

The property is approximately three (3) acres in size.

The existing land use is classified as Commercial. The future land use is classified as Agricultural.

Wabena Avenue is a Township maintained local road. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are railroad/public utility and agricultural. The adjacent zoning districts are A-1 in the County and M-1 in the Village of Minooka. The Land Resource Management Plan calls for the area to be Mixed Use Business in the County and Light Industrial in the Village of Minooka. Zoning districts within a half mile in the County include A-1 and B-3 and M-1 and R-2 inside the Village of Minooka.

Pictures of the property were provided.

The existing special use permit was granted in 1966 for the mixing, blending, and manufacturing of fertilizers. A copy of the special use permit was provided. This special use permit is the second oldest active special use permit in unincorporated Kendall County.

Petition information was sent to Seward Township on September 23, 2020. To date, no response has been received.

Petition information was sent to the Village of Minooka on September 23, 2020. To date, no response has been received.

Petition information was sent to the Minooka Fire Protection on September 23, 2020. To date, no response has been received.

ZPAC reviewed this proposal at their meeting on October 6, 2020. Mr. Klaas asked why the property was not proposed for annexation into Minooka. Mr. Asselmeier responded that the Village of Minooka had not provided any comments on the proposal and the proposed change in the Future Land Use Map and map amendment would make the property compliant with County zoning. Mr. Klaas noted that jurisdiction of N. Wabena Avenue changes frequently in that area. Ms. Belville noted that the septic system would need to be evaluated if the uses change. Ms. Olson noted the limitations on development at the site caused by the soils. Mr. Asselmeier asked about the location of utilities from the Village of Minooka. The attorney for the Petitioner responded that Minooka had not offered to extend municipal services to the property. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of this meeting were provided.

The Village of Minooka's Future Land Use Map calls for this property to be Light Industrial.

The subject property has been used as a fertilizer plant since at least 1966. The proposed use and previous uses at the property since 1966 would be allowed by either permitted or special use on M-1 zoned property.

The Future Land Use Maps of both Kendall County and the Village of Minooka call for industrial related uses in the vicinity of the subject property.

A railroad is also located adjacent to the subject property.

Upon initial analysis, Staff has no objections to the proposed amendment.

Chairman Ashton opened the public hearing at 7:06 p.m.

Member McCarthy-Lange asked how this proposal differs from the request at 3485 Route 126 that the Commission reviewed in September 2020. Mr. Asselmeier responded that, in the case of 3485 Route 126, the Petitioner requested a use be added to the list of special uses in the A-1 district and for a special use at that property. The property on Route 126 would retain a base zoning of A-1. In the case of the Petition on Wabena Avenue, the Petitioner requested that the base zoning change from A-1 to M-1. If the map amendment is approved, the Petitioner on Wabena Avenue would not be able to engage in the uses allowed in the A-1 district and would be allowed to engage in the other uses allowed in the M-1 district.

Member McCarthy-Lange noted that the location and area of the subject property seemed compatible with the requested amendment because of the proximity of the railroad tracks and interstate.

Member Wilson noted that the Pipe Strong, LLC was already operating at the subject. Member Wilson why the proposal was under review at this time. Mr. Asselmeier responded that the Planning, Building and Zoning Department received a complaint about the business operating at the property and met with the Petitioner. The Petitioner started preparing the application and then the COVID shutdown slowed down the Petitioner's submittal. The Planning, Building and Zoning Department did not do active code enforcement, unless it was an emergency situation, during the COVID shutdown.

Member Wilson expressed dismay that the Petitioner allowed the business to locate at the property without securing the appropriate zoning. Chairman Ashton echoed this opinion and thought that the people at Grainco FS should have known that a zoning change was necessary before allowing Pipe Strong, LLC to move into the property.

Chairman Ashton asked if Pipe Strong, LLC was purchasing the property. Paul Martin, Attorney for the Petitioner, stated that Grainco FS was retaining ownership of the property.

Mr. Martin stated that, in his opinion, Grainco FS was not aware that they needed to secure a zoning change or the detailed needed for a zoning application. Mr. Martin stated that he originally approached Minooka regarding the zoning change, until he found out that the property was in the unincorporated area. He noted that the Village of Minooka has manufacturing zoning around the subject property.

Chairman Ashton asked why the Village of Minooka did not annex the property. The response was that no municipal utilities were in the area.

Member Wilson asked for clarification regarding Pipe Strong, LLC's operations. Mr. Martin responded that the company works with NICOR Gas and this site is an outpost where workers will arrive, get job assignments for work with NICOR, and dispatch crews to do the work. The number of employees onsite was not specified. Related equipment will be stored on the property. Member Wilson noted that roughly twenty (20) cars were parked at the property when she drove past the site. Chairman Ashton said that he saw about six (6) trucks at the property.

Member McCarthy-Lange asked if the Petitioner applied for changes to the special use permit. Mr. Asselmeier responded that the Petitioner secured a setback variance several years ago, but the special use permit did not have any review or renewal requirements.

Member Rodriguez asked how long Pipe Strong, LLC was operating at the property. Mr. Martin responded that the company has been at the property approximately one (1) year.

Mr. Martin expressed the Petitioner's desire to bring the property into compliance.

Member Wilson stated that she believed that the proposed use fits with the M-1 district. Chairman Ashton agreed and said that the amount of manufacturing onsite will be minimal and the proposed use will not have the negative impacts that previous uses had on the surrounding area.

Chairman Ashton closed the public hearing at 7:24 p.m.

Member Wilson made a motion, seconded by Member Bledsoe, to recommend approval of the requested amendment to the Future Land Use Map in the Kendall County Land Resource Management Plan.

The votes were as follows:

Ayes (5): Ashton, Bledsoe, McCarthy-Lange, Rodriguez, and Wilson

Nays (0): None
Absent (4): Casey, Hamman, Nelson, and Stewart

The motion carried.

This proposal goes to the Kendall County Zoning Board of Appeals on November 2, 2020.

The Kendall County Regional Planning Commission completed their review of Petition 20-24 at 7:25 p.m.

PETITIONS

Petition 20-05 Grainco FS, Inc.

Mr. Asselmeier summarized the request.

Grainco FS, Inc. leased the subject property to Pipe Strong, LLC, a company that performs construction and maintenance for gas utilities. This use is not a permitted or special use on A-1 zoned property, but is a permitted use on M-1 Limited Manufacturing zoned property. The main previous use at the property, a fertilizer plant, is a special use on M-1 Limited Manufacturing zoned property. Accordingly, the Petitioner would like to rezone the property to the M-1 Limited Manufacturing District.

The Petitioner is also pursuing an amendment to the Future Land Use Map reclassifying the subject property as Mixed Use Business.

The application materials and aerial of the property are provided.

The property is approximately three (3) acres in size.

The existing land use is classified as Commercial. The future land use is classified as Agricultural.

Wabena Avenue is a Township maintained local road. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are railroad/public utility and agricultural. The adjacent zoning districts are A-1 in the County and M-1 in the Village of Minooka. The Land Resource Management Plan calls for the area to be Mixed Use Business in the County and Light Industrial in the Village of Minooka. Zoning districts within a half mile in the County include A-1 and B-3 and M-1 and R-2 inside the Village of Minooka.

Pictures of the property were provided.

The existing special use permit was granted in 1966 for the mixing, blending, and manufacturing of fertilizers. A copy of the special use permit was provided. This special use permit is the second oldest active special use permit in unincorporated Kendall County.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 17, 2020. The LESA Score was 178 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Seward Township on September 23, 2020. To date, no response has been received.

Petition information was sent to the Village of Minooka on September 23, 2020. To date, no response has been received.

Petition information was sent to the Minooka Fire Protection on September 23, 2020. To date, no response has been received.

ZPAC reviewed this proposal at their meeting on October 6, 2020. Mr. Klaas asked why the property was not proposed for annexation into Minooka. Mr. Asselmeier responded that the Village of Minooka had not provided any comments on the proposal and the proposed change in the Future Land Use Map and map amendment would make the property compliant with County zoning. Mr. Klaas noted that jurisdiction of N. Wabena Avenue changes frequently in that area. Ms. Belville noted that the septic system would need to be evaluated if the uses change. Ms. Olson noted the limitations on development at the site caused by the soils. Mr. Asselmeier asked about the location of utilities from the Village of Minooka. The attorney for the Petitioner responded that Minooka had not offered to extend municipal services to the property. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of this meeting were provided.

Per State law, map amendments cannot be conditioned. However, Section 13:10 of the Kendall County Zoning Ordinance requires that manufacturing site plans be approved by the Kendall County ZPAC.

The Petitioner desires the map amendment in order to lease the property to a construction and maintenance company for gas utilities.

According to the application materials, Pipe Strong, LLC uses the subject property as a show-up yard for pre-job safety checks and re-tooling of supplies. The site is also used to store pipe fittings and safety supplies.

The Petitioner also indicated that a long-term use of the property has not been identified.

Any new structures would require applicable building permits. No new structures are planned at this time.

The property accesses North Wabena Avenue. North Wabena Avenue has an eight (8) ton weight restriction.

No new odors are foreseen, but the site plan for future commercial/industrial activities on the site should be examined to address odors.

Security lights are located on several of the structures. The site plan for future commercial/industrial establishments should be evaluated to address lighting.

Any fencing or buffering should be evaluated as part of the site plan review process.

Future development on the site could require stormwater management permits, depending on the nature of development.

Electricity is onsite. New well and septic information would have to be evaluated as part of a building permit process, if new construction is planned.

The proposed Findings of Fact are as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used agricultural for agricultural purposes. Some of the adjacent properties already possess manufacturing zoning and almost all of the adjoining properties are planned to have manufacturing uses in applicable Future Land Use Maps.

The Zoning classification of property within the general area of the property in question. The surrounding properties in the unincorporated area are zoned A-1. The surrounding properties inside the Village of Minooka are M-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 with a special use permit for fertilizer related operations. Fertilizer related operations are special uses in the M-1 Limited Manufacturing District. The existing use as a company performing construction and maintenance for gas utilities is a permitted use in the M-1 Limited Manufacturing District.

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. Per the existing Future Land Use Maps of Kendall County and the Village of Minooka, the trend of development in the area is manufacturing and light industrial uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. If the Petitioner's request for a reclassification of their property from Agricultural to Mixed Use Business is approved, the requested map amendment would be consistent with the purposes and objectives of the Land Resource Management Plan.

If the proposed change to the Future Land Use Map in the Land Resource Management Plan is approved, Staff recommends approval of the requested map amendment.

Chairman Ashton stated that the Petitioner had previously secured zoning permits at other properties they owned and should have secured the necessary zoning permits before leasing the property.

Member Wilson stated that the proposed use was probably safer for the neighborhood compared to previous uses at the site.

Member Rodriguez made a motion, seconded by Member Bledsoe, to recommend approval of the requested map amendment.

Member Wilson asked if the site complied with the Zoning Ordinance. Mr. Asselmeier responded yes.

The votes were as follows:

Ayes (5): Ashton, Bledsoe, McCarthy-Lange, Rodriguez, and Wilson

Nays (0): None

Absent (4): Casey, Hamman, Nelson, and Stewart

The motion carried.

This proposal goes to the Kendall County Zoning Board of Appeals on November 2, 2020.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Approval of a Motion by Commissioners Wilson, McCarthy-Lange, and Casey to Amend Article IX of the Kendall County Regional Planning Commission's Bylaws Deleting the Location of the Annual Meeting of the Election of Officers

The meeting location would have to comply with the requirements of the Open Meetings Act.

With a voice vote of five (5) ayes, the motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

Chairman Ashton asked about the status of the Petitions related to 3485 Route 126. Mr. Asselmeier responded that the Kendall County Zoning Board of Appeals recommended approval of the text amendment and special use permit. The Na-Au-Say Township Board discussed the proposals at their October meeting and emailed four (4) negative comments regarding the proposal. Na-Au-Say Township did not formally vote on the comments and the Na-Au-Say Township Planning Commission did not meet to review the proposal. No other township filed a formal objection. The proposals go to the Planning, Building and Zoning Committee in November. Mr. Asselmeier noted that no member of the public has attended a meeting in opposition to the requests.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier said that the landscaping business at 9000 Route 34 is working on an application for a map amendment and special use permit for their property. The Petitioners are still working on the stormwater information for the application.

Mr. Asselmeier noted that the next meeting would be Wednesday, December 9, 2020, and the next application deadline is November 17, 2020.

Mr. Asselmeier noted that Teska is finalizing some of the links in the Zoning Ordinance and the project should be completed shortly.

Mr. Asselmeier noted that the Comprehensive Land Plan and Ordinance Committee is working on changes to the transportation plan and the initiation of the Petition for those changes could be on the next Commission agenda.

ADJOURNMENT

Member Wilson made a motion, seconded by Member McCarthy-Lange to adjourn. With a voice vote of five (5) ayes, the motion carried.

The Kendall County Regional Plan Commission meeting adjourned at 7:42 p.m.

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

Encs.: Memo on Petition 20-24 Dated October 21, 2020
Certificate of Publication and Mailings for Petition 20-24 (Not Included with Report but on file in Planning, Building and Zoning Office).



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
OCTOBER 28, 2020**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Paul Martin</i>		