



KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

March 1, 2022 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: County Board: Scott Gengler, PBZ Committee Chair; County Highway Department: Fran Klaas, County Engineer; **WBK Engineering, LLC:** Greg Chismark, Stormwater Consultant; County Health Department: Aaron Rybski, Director Environmental Health; Forest Preserve District: David Guritz, Director; **SWCD:** Alyse Olson, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Meagan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of January 4, 2022 ZPAC Meeting Minutes (Pages 2-25)

PETITIONS:

1. **Petition 22 – 05 – Seward Township (Pages 26-35)**
Request: Establishment of a Moratorium on the Acceptance and Processing of Applications for Map Amendments, New Special Use Permits and Variances within Seward Township for a Period of One Year
Purpose: Petitioner Wants a Pause on the Issuance of Map Amendments, New Special Use Permits, and Variances While the Township Prepares a Township Comprehensive Plan

2. **Petition 22 – 06 – Kendall County Planning, Building and Zoning Committee (Page 36)**
Request: Text Amendment to Section 3:02 (Definitions) of Kendall County Zoning Ordinance Adding Definitions of “Landscaping Business” and “Excavating Business” to the Kendall County Zoning Ordinance
Purpose: Petitioner Wants to Add Definitions of Landscaping Business and Excavating Business to the Kendall County Zoning Ordinance

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 21-37 Text Amendment Regarding Vegetable Gardens
2. Petition 21-38 Text Amendment Regarding Agricultural Experiences
3. Petition 21-40 LRMP Amendment for Land West of 16924 O'Brien Road
4. Petition 21-41 Rezoning of Land West of 16924 O'Brien Road
5. Petition 21-46 Special Use Permit Amendment at 3485 Route 126

OLD BUSINESS/ NEW BUSINESS

1. Follow-Up from the February 5th Kendall County Regional Planning Commission Annual Meeting (Pages 37-42)

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT- Next meeting on April 5, 2022

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 4, 2022 – Unapproved Meeting Minutes**

PBZ Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Undersheriff Bobby Richardson – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve

Audience:

Judd Lofchie, Andrew Doyle, Kelley Chrissie, Patti Bernhard, and Tom Green

AGENDA

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

With a voice vote of seven (7) ayes, the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the December 7, 2021, meeting minutes with the correction to show that Brian Holdiman was absent and to correct the information on page 7 of the minutes that incorrectly stated that the property involved in Petition 21-49 was part of a formal subdivision.

With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier summarized the request.

In 2018, the Planning, Building and Zoning Department started investigating a landscaping business operating at the subject property without a special use permit. On February 23, 2021, the court imposed a fine of Thirty-Two Thousand, Eight Hundred Dollars (\$32,800) against the Petitioners for operating a landscaping business without a special use permit, installing the southern driveway without a permit, Junk and Debris Ordinance violations, and related court costs. The discovery of assets portion of the case has been continued with the hope that the Petitioners will apply for the applicable special use permit and variance.

The Petitioners purchased the property in 2018.

On December 9, 2021, the Petitioner submitted the necessary application for a special use permit for a landscaping business, a variance to allow a landscaping business on a non-State, County or Collector roadway as defined by the Kendall County Land Resource Management Plan, and a variance to allow the southern driveway to be within five feet (5') of the side yard property line.

The application materials, survey of the property, landscaping plan, NRI Report, and aerial of the property were provided.

The property is located at 1038 Harvey Road.

The property is approximately three (3) acres.

The existing land use is Single-Family Residential.

The Future Land Use Map calls for the area to be Suburban Residential (Max 1.0 DU/Acre). Oswego's Future Land Use Map calls for the area to be Industrial.

Harvey Road is classified as a Collector by the Village of Oswego in this area and is not classified as such in the Land Resource Management Plan.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land use are Comed Right-of-Way, Industrial, Stormwater Pond, and Single-Family Residential.

The adjacent properties are zoned R-2, M-1, and M-2 by the Village of Oswego.

Oswego's Future Land Use Map calls for the area to be Agricultural, Single-Family Residential, and Light Industrial.

The zoning districts within one half (1/2) mile are A-1, A-1 SU, R-1, R-3, B-3, B-3 SU, and M-1 in the County and R-1, R-2, R-4, B-3, M-1, and M-2 inside the Village of Oswego.

Oswego East High School is located within one half (1/2) mile of the property.

The A-1 special use permits to the north are for a landscaping business and a cemetery. The B-3 special use permit to the east is for a watchman's quarters.

EcoCAT Report was submitted on December 9, 2021, and consultation was terminated.

The LESA Score was 124 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2021.

Petition information was sent to the Village of Oswego on December 22, 2021.

Petition information was sent to the Oswego Fire Protection District on December 22, 2021.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials and the variance to the requirement to be located on a State, County or Collector Highway, the above conditions have been met.

According to the business plan, the business has four (4) employees. Employees arrive at the property at approximately 6:30 a.m., go to work sites, and return to the property and leave to go home by 7:00 p.m. No information was provided regarding days of operation. However, the business originally planned to operate from April 15th until Thanksgiving. Mr. Asselmeier read an email requesting that the business be allowed to open for the season on March 1st Business equipment presently consists of three (3) trucks.

The landscaping business area on the southwest corner of the site will be of gravel and will be approximately thirteen thousand, two hundred fifty (13,250) square feet in size. If there is a motor vehicle or equipment related leak, the area impacted gravel will be removed and replaced with clean gravel.

One (1) one (1) story, approximately two thousand nine hundred (2,900) square foot house, constructed in 1955 with a two (2) story garage is located on the property. There is also one (1) approximately two hundred forty-five (245) square foot shed frame shed on the property near the landscaping storage area. There is also one (1) chicken coop and one (1)

additional shed on the northeast corner of the property not associated with the landscaping business. The picture of the house was provided.

According to the landscaping plan, the Petitioners plan to install open storage areas, one (1) for grass and brush clippings at twenty feet wide by approximately one hundred twenty feet in depth (20' X 120'), one (1) for mulch, and one (1) for sand. There would also be storage areas for brick pallets. No information was provided on the dimensions for the storage areas for mulch, sand, and brick pallets. There would also be four (4) truck storage areas measured at fifteen feet wide by twenty-eight feet in depth (15' X 28'). According to the business plan, no piles of materials would exceed three feet (3') in height.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Per the site survey, the property is served by a septic system. No information was provided regarding a well.

No information was provided regarding whether or not employees or customers would use restroom or water facilities on the property.

One six foot by five foot (6' X 5') dumpster was shown on the landscaping plan in the landscaping business area.

The property drains to the southeast and northeast.

Per the survey and landscaping plan, the house is served by an existing driveway with two (2) access points off of Harvey Road. One (1) twenty foot (20') wide gravel driveway provides access from the landscaping storage area to Harvey Road; this access was installed without proper permits and will need to secure applicable permits. The southern driveway is also too close to the side yard property line and will need a variance. A picture of the southern driveway was provided.

The Village of Oswego provided information regarding driveway standards; this information was provided.

According to the plat of survey, the Petitioners plan to have two (2) parking spaces and one (1) handicapped accessible parking space to the west of the garage. The parking spaces will be of brick pavers. It was unclear if the parking spaces serve employees, customers or both employees and customers.

The plat of survey shows two existing light poles. Existing lighting is used for residential purposes only. The Petitioners are not proposing any additional lighting.

The Petitioners are not proposing any business related signage.

The landscaping plan shows one (1) solid fence eight feet (8') in height along the east, west, and south sides of the landscaping business area. One (1) security gate is also shown on the landscaping plan.

The landscaping plan shows three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property. No information was provided regarding the vegetation along the southern property line. A picture of the landscaping was provided. The vegetation along the southern property line can be seen in the picture of the southern driveway. The Village of Oswego also requested landscaping, but did not provide details on type or nature of landscaping.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the nineteenth (19th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact for the special use permit were as follows:

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. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the driveway, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. Conditions may be placed in the special use permit ordinance to address hours and seasons of operation.

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. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If the Village of Oswego approves the new access point for the southern driveway and if a variance is granted for the location of the southern driveway, then adequate points of ingress and egress will be provided. The owners of the business allowed by the special use permit have agreed not pile materials in excess of three feet (3') in height.

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. Provided a variance is granted for the location of the driveway, the special use shall conform to the applicable regulations of the district.

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".

The proposed Findings of Fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. There are no topographic conditions or other outstanding conditions not caused by the Petitioner that created a particular hardship or difficulty upon the owner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It is unknown the exact number of A-1 zoned properties that could ask for similar variances. There are no unique conditions that caused the driveway to be located on the southern property line. The Village of Oswego defines Harvey Road as a Collector while the Kendall County Land Resource Management Plan does not define Harvey Road as a Collector; it is unique to have this difference in classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners created the hardship by installing the driveway without proper permits and operating the business at the subject property. The owners were not responsible in the differences in classification for Harvey Road.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, provided the Village of Oswego grants access to Harvey Road at the location shown on the landscaping plan.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the driveway to be on the property line and allowing the business to operate on a non-State, County, or Collector Highway will not impair any of the above items.

Staff believed that a landscaping business could operate at the subject property with reasonable restrictions. However, Staff had concerns, given the Petitioner's previous behavior, that reasonable restrictions will be followed. Staff believed the

following conditions and restrictions were necessary for the operation of a special use permit at the subject property. The Petitioner had not agreed to these conditions prior to the meeting:

1. The site shall be developed substantially in accordance with the plat of survey and landscaping plan.
2. The existing house, garage, chicken coop, swimming pool, and shed located on the northwest corner of the property shall be used for residential purposes only and shall be exempt from the site development conditions of the special use permit. The locations of these structures may change without requiring an amendment to the special use permit.
3. A variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance shall be granted allowing off-street parking and southern driveway to be no closer than zero feet (0') from the southern property line as shown on the landscaping plan. The driveway shall be a maximum of twenty feet (20') in width and shall be gravel.
4. A variance to Section 7:01.D.30.b of the Kendall County Zoning Ordinance shall be granted allowing the operation of a landscaping business at a property not located on and not having direct access to a State, County, or Collector highway as designed in the County's Land Resource Management Plan.
5. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the plat of survey. The parking area shall be brick pavers.
6. The owners of the business allowed by the special use permit shall maintain the landscaping business area on the southwest corner of the site as depicted on the landscaping plan. This area shall be gravel.
7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. Any new structures constructed or installed related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
9. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
10. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
11. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
12. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the landscaping plan. The maximum height of the piles of landscaping related material shall be less than three feet (3') in height.
13. No signage advertising or promoting the business shall be installed on the subject property. The owner of the business allowed by this special use permit may install appropriate handicapped parking signs and other directional signs within the fenced landscaping business area as shown on the landscaping plan.
14. Three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property shall be installed and maintained on the property in substantially the locations shown on the landscaping plan. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
15. No landscape waste generated off the property can be burned on the subject property.
16. A maximum of four (4) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
17. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.

18. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:30 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation. The business allowed by this special use permit may operate at the subject property starting March 1st and ending November 30th of each year.
19. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
20. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
21. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
22. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
24. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
26. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Mr. Klaas asked if the Village of Oswego submitted any comments. Mr. Asselmeier responded that they submitted an email regarding access standards, landscaping, and screening. Mr. Klaas questioned why the property would not be annexed into Oswego.

Mr. Rybski asked if a change of use process would occur; the septic system would have to be evaluated. No customers would be invited onsite and workers onsite would not use restroom facilities onsite.

Mr. Asselmeier asked if the County has reviewed a special use permit where the Petitioner had started a business without proper zoning, been found guilty by the court, fined by the court, and then applied for a special use permit after the fact. Nobody on the Committee had ever seen a case like this one (1). Mr. Asselmeier expressed concerns that the Petitioner would follow through with the conditions.

Judd Lofchie, Attorney for Petitioner, said the Petitioner had difficulty finding a Spanish speaking zoning attorney. He noted the Petitioner lived at the site. There would no members of the public invited onto the property and no retail sales of landscaping materials would occur. Mr. Lofchie did not know why the Petitioner had pursued annexation to Oswego. The Petitioner has been responsive since he started working with Mr. Lofchie. The Petitioner was agreeable to the proposed conditions as amended to allow operations to start on March 1st. The business is presently closed.

Mr. Holdiman asked about the revocation process for the special use permit. Mr. Asselmeier explained the process.

Mr. Klaas made a motion, seconded by Undersheriff Richardson, to recommend approval of the special use permit and variances with the conditions proposed by Staff as amended to allow the business to start operating on March 1st.

The votes were follows

Ayes (5): Briganti, Klaas, Olson, Richardson, and Rybski
Nays (2): Asselmeier and Holdiman
Abstain (0): None
Absent (3): Chismark, Gengler, and Guritz

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on January 26, 2022.

Petition 22-03 Executive Pastor Sean Mabee on Behalf of Grace Bible Church of Shorewood and Fire Chief Andrew Doyle on Behalf of the Troy Fire Protection District

Mr. Asselmeier summarized the request.

In July 2004, the Kendall County Board granted a special use permit for a church at the subject property. The property was for sale and the Troy Fire Protection District would like to purchase the property in order to construct a new fire station and training facility.

The application materials, plat of survey, site plan, renderings of some of the proposed buildings, Ordinance 2004-24 and the aerial of the property were provided.

The property is located at 748 Jones Road.

The property is approximately twenty-five (25) acres in size.

The Future Land Use Map calls for this area to be Suburban Residential (Max 1.00 DU/Acre). The Village of Shorewood's Future Land Use Map calls for this area to be Residential.

Jones Road is maintained by the City of Joliet at this property. Jones Road is Minor Collector maintained by Seward Township in the unincorporated area. Shorewood has a north-south road planned near the subject property.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned R-1 B Single-Family Residential inside Joliet and A-1 in the unincorporated area.

The Land Resource Management Plan calls for the area to be Suburban Residential. Shorewood's Future Land Use Map calls for this area to be Residential and Commercial. Joliet's Future Land Use Map calls for this area to Residential with 2.5 DU/Acre for single-family and 3.0 DU/Acre for mixed use.

The zoning districts within one half (1/2) mile are R-1 B, B-2 and B-3 inside Joliet and A-1 in the unincorporated area.

Six homes plus several homes in the Hunters Ridge Subdivision inside the City of Joliet are located within one half (1/2) mile of the property.

EcoCAT Report was submitted on December 17, 2021, and consultation was terminated.

The NRI application was submitted on December 17, 2021.

Petition information was sent to Seward Township on December 23, 2021.

Petition information was sent to the Village of Shorewood on December 23, 2021. In the special use permit for the church, condition 3 required an annexation agreement with Shorewood that did not occur.

Petition information was sent to the City of Joliet on December 23, 2021. In the special use permit for the church, condition 4 required the church to develop a time table for improvements to Jones Road. Discussions have occurred regarding improvements to Jones Road.

Petition information was sent to the Troy Fire Protection District on December 23, 2021.

According to the information provided, the Troy Fire Protection District plans to convert the property into a fire station and training facility. The fire station would be staffed twenty-four (24) hours per day and would serve as the District's third (3rd) fire station. The station would have a maximum of eight (8) firefighters.

The indoor training facility would be housed in the existing four thousand five hundred (4,500) square foot building. The building will have four (4) classrooms and one (1) office. Three (3) of the classrooms can hold twenty (20) students and the other classroom can hold fifty-two (52) students. The total number of students and instructors would be a maximum of one hundred twenty (120). Hours of operations would be Monday through Friday from 8:00 a.m. until 10:00 p.m. and Saturdays and Sundays from 8:00 a.m. until 5:00 p.m.

The outside training area and tower would be used for live fire training, non-live fire training, search and rescue, and technical rescue. The hours of operation for this site would be the same as the hours of operation for the indoor training facility. The total number of students and instructors at this site would be twenty (20).

The total maximum occupancy of all of the classrooms, training tower site, and fire station employees would be one hundred forty-eight (140).

The District currently holds a Basic Operations Fire Academy in partnership with Joliet Junior College at Fire Station #1. This course would be moved to the subject property.

According to the site plan, a proposed boat dock for water training is planned south of the retention pond. No information was provided regarding any trainings that may occur at this portion of the property.

According to the site plan, the property presently consists of one (1) one (1) story eighteen thousand two hundred (18,200) square foot building used as a church. This building would be converted to the fire station. One (1) one (1) story four thousand five hundred (4,500) square foot accessory building will be converted to office and classrooms. One (1) pre-engineered building presently located on the southwest corner of the property would be moved next to the outdoor training area.

The renderings for the fire station and office classroom building were provided. At its highest point, the façade of the fire station will be fifty-four feet (54') tall. Three (3) bays will exist for fire apparatus. There will also be at least one (1) door on each side of the building. There will not be any windows on the east side of the building except by the door. The office/training building will have one (1) door on the east side of the building and windows on all sides.

The site plan calls for a training pad area west of the existing main building. This area will have a forty foot (40') tall training tower, a storage area, fire investigation area, and a SCBA trailer. The training tower will be approximately sixty feet (60') long and thirty feet (30') feet wide. The rendering of the training tower were provided. The storage area will be an open area for the storage of pallets and straw bales and will be approximately sixteen feet (16') in length, forty feet (40') wide and eight feet (8') feet in height. The fire investigation area will also be an open area for trainings/scenarios. This area will be approximately sixteen feet (16') long, twenty feet (20') wide, and eight feet (8') feet in height. The trailer will be used to breathing apparatus and will be approximately eight feet (8') wide, fifty-three feet (53') long, and fourteen feet (14') in height.

Any structures related to the proposed operations would be required to obtain applicable building permits.

The property is served by well and septic.

One (1) trash enclosure area is shown on the site plan. The Petitioners' intent would be to use this area to house one (1) four (4) yard dumpster and one (1) four (4) yard recycling dumpster.

Per, the plat of survey, most of the property drains to the south. The area north of the existing church building drains towards the retention pond. Mr. Asselmeier noted that Greg Chismark had concerns regarding the low area on the southeast corner of the site.

The site plan calls for the enlargement of the retention pond. The exact enlargement of the pond has not been determined and will be based on the ground and earth in the area. A stormwater management permit will be required for the expansion.

Per the plat of survey, the property has two access points off of Jones Road. The eastern drive is asphalt and the western drive is gravel. Per the site plan, the eastern drive will be concrete from Jones Road to the vehicle turnaround area; the remainder of the eastern drive will be asphalt. The western drive will be concrete.

According to the site plan, one (1) three hundred (300) parking space asphalt parking lot is located on the property. Per the Americans with Disabilities Act, seven (7) handicapped parking spaces are required for a parking lot with this number of parking spaces; one (1) additional handicapped parking space is needed. The Petitioners indicated that seven (7) handicapped parking spaces presently exist at the property. The parking lot will be resurfaced.

Per the site plan, a portion of the eastern drive will be turned to concrete, a new apron will be installed, and the drive will be altered to provide direct access to the fire apparatus bays.

According to the plat of survey, there are four (4) existing light poles in the parking lot. Each pole has four (4) lights. There is also one (1) additional light pole by the northeast corner of the existing church. There are also lights pointing downwards above each door of the existing church.

According to the site plan, one (1) digital ground sign is proposed west of the eastern entrance. This sign will be a maximum of ten feet (10') in length and a maximum five feet (5') tall. The sign will be lit from dusk until dawn. However, the lighting output will be reduced to fifty percent (50%) at 10:00 p.m. Per Section 12:08.A.2.a, signs at public safety facilities are exempt from the requirement to turn off illuminated signs at 11:00 p.m.

Per the renderings, the number 3 will be placed above the bays for the fire apparatus on the north side of the building and a Troy FPD 3 sign will be installed on the west side of building. The letters will be three feet (3') tall and the signs will be backlit with LED lights.

The site plan shows one (1) new steel double gate at the entrance of the western driveway. The site plan also shows the western end of parking lot fenced and gated. This fence will be chain link with slats at six feet (6') in height.

Both the plat of survey and the site plan show numerous existing trees, arborvitae, and other vegetation throughout the property. No information was provided regarding the types or numbers of the various plantings currently placed on the property and whether or not these plantings will remain. Section 11:02.F.8 provides screening requirements for parking lots with more than twenty (20) parking spaces. These requirements are presently met, but the Petitioners have not indicated if they intend to keep the screening as it currently exists. The Petitioners' intention is to keep all of the existing vegetation onsite except for those plantings in the new concrete apron area, new training pad area, and pond extension area.

The site plan shows five (5) new turf berms. The berms would be a maximum slope of three to one (3:1). The minimum height of the berms shall be five feet (5'). The trees planted on top of the berms would be arborvitae, spruce, or other similar tree. The berms would be installed at the same time the pond is dug with trees planted after completion of the berms.

The Petitioners plan to have emergency dispatch horns, strobes, and speakers on the property. These items will not be broadcast or used outside of the buildings between 10:00 p.m. and 8:00 a.m. Fire trucks leaving the property responding to an emergency would also make noise.

All training burns should occur inside the training tower. No other burning or odor causing activities are foreseen at the property.

If approved, this would be the first (1st) special use permit for a fire station in the unincorporated area. This would be the fifth (5th) special use permit for a government facility in the unincorporated area; the others are highway related or government office related.

The proposed Findings of Fact are as follows:

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. Provided the site is developed in accordance with the submitted site plan and provided that conditions are included in the special use permit to mitigate outside noise, odor, and lighting, the proposed

use should not be detrimental or endanger the public health, safety, morals, comfort, or general welfare. Placing a fire station at this location, with trained first responders, should enhance the public safety of the area.

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. Appropriate restrictions should be placed in the special use permit to regulate outside noise, odors, and lighting. It is acknowledged that a fire station could produce noise, particularly sirens, at any point in time. Landscaping is incorporated in the controlling site plan for the property. Presently, very few house are located within a half mile of the property. The neighboring property owners should not suffer loss in property values caused by the placement of this use.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Provided the City of Joliet and Seward Township have no concerns regarding the use of Jones Road for the purposes of a fire station, adequate roads are provided. Adequate utilities are onsite or will be upgraded. Drainage issues shall be addressed as part of the stormwater management permit for the property.

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; no variances are needed.

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 proposal is consistent with the goals and objectives included in the Public Safety section found on pages 4-10 and 4-11 of the Kendall County Land Resource Management Plan.

Staff recommended approval of the request special use permit subject to the following conditions and restrictions. The Petitioners have not agreed to these conditions prior to the meeting:

1. The special use permit granted by Ordinance 2004-24 is hereby revoked and Ordinance 2004-24 is repealed in its entirety.
2. The site shall be developed substantially in accordance with the plat of survey and site plan. The exact size of the retention pond expansion shall be determined by the stormwater management permit related to that expansion. The pond expansion must occur within two (2) years of the issuance of the special use permit. The Kendall County Planning, Building and Zoning Committee may extend this deadline upon request by the property owner.
3. The vegetation presently shown on the plat of survey and site plan shall remain in substantially the same locations as shown on these documents with the exception that the vegetation around the concrete apron, training pad area, and pond extension may be removed.
4. The berms shown on the site plan shall be a minimum of five feet (5') in height. Evergreen type vegetation shall be planted on top of the berms. The berms and evergreens must be installed within two (2) years of the issuance of the special use permit. The Kendall County Planning, Building and Zoning Committee may extend this deadline upon request by the property owner.
5. Damaged or dead plantings related to the landscaping of the property shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
6. The fire station, four thousand five hundred (4,500) square foot training building, and fire tower, shall be developed substantially in accordance with the elevations.
7. Any new structures constructed or installed related to the use allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
8. The training tower shown on the site plan shall be approximately sixty feet (60') in length, thirty feet (30') in width, and forty feet (40') in height.
9. The storage area shown on the site plan shall be an open area for outdoor storage approximately sixteen feet (16') in length and forty feet (40') in width. The maximum height of materials stored in this area shall be eight feet (8').
10. The fire investigation area shown on the site plan shall be an open area used for trainings and shall be approximately

sixteen feet (16') in length, twenty feet (20') in width, and eight feet (8') in height.

11. The SCBA trailer shown on the site plan shall be approximately eight feet (8') in width and fifty-three feet (53') in length. The trailer shall be approximately fourteen feet (14') in height.
12. The eastern driveway shall be concrete from Jones Road to the vehicle turnaround around area as shown on the site plan. The remainder of the eastern driveway shall be asphalt.
13. The parking area shall be maintained in substantially the same location as shown on the site plan with approximately three hundred (300) parking spaces. The property owners shall ensure that handicapped parking spaces required by the Americans with Disabilities Act are provided. Per the site plan, seven (7) handicapped accessible parking spaces with applicable signage shall be provided for the three hundred (300) spaced parking lot.
14. The fence around the western portion of the parking lot shall be chain link with slats added. The maximum height of the fence shall be six feet (6').
15. One (1) free standing sign may be installed in substantially the location shown on the site plan. The sign shall be a maximum ten feet (10') in length and a maximum five feet (5') in height. The sign may be lit from dusk until dawn. However, the lighting output of the sign shall be set to a maximum of fifty percent (50%) of capabilities between 10:00 p.m. and dawn.
16. Wall signage on the building shall be installed in the substantially the locations and sizes as shown on the renderings. These signs may be back lit.
17. The trash enclosure shall be placed in substantially the location shown on the site plan and shall be large enough to hold one (1) four (4) yard dumpster and one (1) four (4) yard recycling dumpster. The enclosure shall be screen per the requirements of the Kendall County Zoning Ordinance.
18. No burning, other than burning normally allowed on A-1 zoned property, may occur outdoors at the subject property.
19. Emergency dispatch horns, strobes, and speakers shall not broadcast or be used outdoors at the subject property between the hours of 10:00 p.m. and 8:00 a.m.
20. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment, vehicles, and materials parked and stored on the subject property and shall promptly clean up the site if leaks occur.
21. None of the vehicles or equipment parked or stored on the subject property related to the use allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
22. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
24. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
26. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Mr. Rybski said a change of use would be necessary. He noted the septic system was very large for the site. He wanted to make sure the septic system area would be protected. He also stated a non-community well may be necessary depending on the number of activities on the site. Fire Chief Andrew Doyle noted that the septic area or septic tanks will be protected. The Fire District will secure the necessary permits for the well. The Fire District would not have as many people onsite as the church proposed.

Chief Doyle said the pond would be expanded for training purposes and to use water out of the pond for trainings.

Mr. Klaas asked about the church. Chief Doyle said the church has returned to their original location in Shorewood.

Discussion occurred regarding the improvements to Jones Road. Chief Doyle said that Joliet was requesting escrow funds for improvements to Jones Road along the property's perimeter. Joliet classified the road as a Collector.

The current structures do not have a fire suppression system. A fire suppression system will be installed and will be inspected by a third party.

Chief Doyle was agreeable to the conditions as proposed.

Mr. Asselmeier asked about light brightness. Chief Doyle did not have information on brightness. The berms would block some lights.

Chief Doyle said fire trucks will not sound their horns at night unless there was a vehicle on the road. The lights on the fire trucks would flash.

Chief Doyle said all burning would be inside the training tower.

Kelley Chrise, Village of Shorewood, requested a condition be added for an annexation agreement. An annexation agreement should be finalized within one (1) year of approval of the special use permit by the County Board. Shorewood favored the proposed use; other concerns would be addressed as part of an annexation agreement.

Mr. Klaas asked how far the Village limits were from the property. The response was approximately one point five (1.5) miles. Discussion occurred regarding how the Shorewood municipal boundary could be extended to reach the property.

Jones Road is the boundary between Joliet and Shorewood.

Mr Rybski made a motion, seconded by Mr. Holdiman, to recommend approval of the special use permit with the conditions proposed by Staff, a condition be added regarding an annexation agreement with Shorewood within one (1) year of approval of the special use permit, and a condition requiring the Fire District to submit an escrow payment to Joliet for improvements to Jones Road.

The votes were follows

Ayes (7): Asselmeier, Briganti, Holdiman, Klaas, Olson, Richardson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Chismark, Gengler, and Guritz

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on January 26, 2022.

Petition 22-04 John and Laura Gay

Mr. Asselmeier summarized the request.

In November 2019, the County Board approved a special use permit and related variance to allow a kennel at the subject property through Ordinance 2019-33. This Ordinance required that the site be developed substantial in accordance with an attached site plan.

On December 21, 2021, the Petitioners submitted a major amendment to the existing special use permit altering the site plan in the following ways:

1. Shifting the building orientation; the proposed building size remains the same.
2. Shifting the access for the special use slightly southeast to provide separation between the residence and business.
3. Moving the parking area from the northwest side of the building to the southwest side of the building; the number of parking spaces remains unchanged.
4. Modifying the emergency access road to include a one hundred percent (100%) concrete surface area and hammerhead turnaround.

The application materials, Engineering Plans, Ordinance 2019-33, survey, and building elevations were provided. An updated landscaping plan was distributed.

The property is located at 3601 Plainfield Road.

The area for the special use is approximately four point seven (4.7) acres.

The Future Land Use calls for the property to be Suburban Residential (Max 1.0 DU/Acre).

Plainfield Road is a County Road Classified as a Major Collector.

No trails are planned in the area.

There are no floodplains or wetlands on the property, but Morgan Creek runs along the northeastern boundary of the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned A-1.

The Future Land Use Map calls for this area to be Suburban Residential and Commercial.

Zoning Districts within one half (1/2) mile include A-1 and R-1 in the County and R-2 inside the Village of Oswego.

The Ashcroft Place subdivision is located within one half mile (1/2) to the north.

The Deerpath Trails and Morgan Crossing subdivisions are located within one half (1/2) mile to the west.

EcoCat submitted on December 21, 2021, and consultation was terminated.

NRI application submitted on September 12, 2019, as part of the original application for special use. The LESA Score was 170 indicating a low level of protection. The NRI Report was provided.

Oswego Township was emailed information on December 23, 2021.

Oswego Fire Protection District was emailed information on December 23, 2021. Mr. Asselmeier read an email from the Fire Protection District regarding sprinkling and alarming the building. The Fire Protection District also requested an auto-turn exhibit and noted that the right side of the turnaround area was sixty feet (60') short of the required distance.

The Village of Oswego was emailed information on December 23, 2021.

The Petitioners currently reside in the one-story frame house on the property.

Because of the shape of the property, a variance was required to the distance from the kennel to non-residentially zoned property.

The conditions placed in Ordinance 2019-33 were as follows:

- A. The site shall be developed substantially in accordance with the attached site plan, security plan, landscaping plan, and lighting plan attached hereto as Exhibit C. The previously listed plans may be slightly altered to meet the right-of-way dedication mentioned in Condition B.
- B. Within one hundred eighty (180) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire Plainfield Road portion of the property to Kendall County to be used as Plainfield Road right-of-way. This dedication shall have a depth of fifteen feet (15') as measured from the right-of-way line that existed on the date of adoption of this special use permit ordinance.
- C. A variance is granted to Section 7.01.D.27 of the Kendall County Zoning Ordinance allowing the kennel operation granted by this special use permit to be placed thirty feet, six and one half inches (30' 6 1/2") at its closest point to lot lines of properties zoned other than residential or shown on the Land Resource Management Plan (LRMP) map as non-residential.

- D. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map.
- E. One (1) non-illuminated sign may be installed on the subject property in substantially the location shown on the site plan attached hereto as Exhibit C. The specific location of the sign may be adjusted slightly to reflect the right-of-way dedication in Condition B.
- F. A maximum of one hundred (100) pets may be on the subject property at any time.
- G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
- H. The hours of operation for the business allowed by this special use permit shall be Monday through Sunday from 6:00 a.m. until 6:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies may be tended to outside the hours of operation.
- I. The maximum number of employees for the business allowed by this special use permit shall be seven (7), including the business owners.
- J. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
- K. Any construction on the property related to the use allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
- L. The operator(s) of the kennel allowed by this special use permit may sell ancillary items related to their kennel operations.
- M. The operator(s) of the kennel acknowledge and agree to follow Kendall County's Right to Farm Clause.
- N. The operator(s) of the kennel allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- O. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- P. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Petitioners dedicated the land for a right-of-way as outlined in condition 2.

Neither the Sheriff's Department nor the Planning, Building and Zoning Department have received complaints against the kennel operation at this property.

According to the information provided to the County in 2019, the Petitioners plan to offer pet daycare, boarding, and grooming services. The proposed hours of operation are Monday through Sunday from 6:00 a.m. until 6:00 p.m. However, the Petitioners would like to have the option to be closed on weekends and to allow boarders to drop-off and pick-up pets on the weekends on a pre-scheduled basis. The Petitioners plan to hire five (5) employees. The maximum number of pets planned for the site is one hundred (100). Per the Kendall County Zoning Ordinance, all animals will be indoors by sunset. The Petitioners believe the area is lacking this type of service.

As noted in the engineering plans, the Petitioners plan to construct an approximately four thousand, one hundred fifty (4,150) square foot building southeast of the existing home on the property. A six foot (6') tall wood fence would be located approximately fifteen feet (15') from the building to the northeast and twenty-four (24') from the building to the southeast. The fenced area would be approximately three thousand two hundred thirty (3,230) square feet in size and serve as a play area for the dogs and other pets at the facility.

According the building elevations, the building shall consist of multiple rooms including a lobby, manager's office, restroom, bathroom, laundry, pet bathing room, three (3) pet suites, and pet areas for small, medium, and large pets.

Building and Occupancy Permits will be required for the new building.

The well would be located northeast of the building. The septic field would be located southeast of the building and turnaround area. The Petitioners indicated that they were working with the Health Department regarding well and septic facilities.

The property fronts Plainfield Road. As part of the proposed amendment, a new driveway would connect Plainfield Road and the kennel. The width of the entrance is twenty-two feet (22').

The Petitioners believe most of the traffic generated by the proposed business will occur in the morning and early evening when patrons drop-off and pick-up their pets.

The Petitioners propose to install an eleven (11) spot parking lot. One (1) of the spaces would be handicapped accessible.

The turnaround around would be twenty feet (20') wide.

The Petitioners plan to installed one (1) light along the driveway and in the parking lot. This lights will be twelve feet (12') in height. Two (2) wall pack will be installed along the east side of the building. Eleven (11) wall lights will be installed on the building; three (3) will be on the north side of the building and one (1) will be on the east side of the building. The description of the types of lighting that location of these lights can be found on the elevations. The exact light fixtures are not known.

According to the landscaping plan, the Petitioners plan to have one (1) sign along Plainfield Road.

According to the landscaping plan, the Petitioners plan to install eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials.

Seven (7) existing trees in front of the house will be protected with fencing. One (1) tree will be removed.

The Petitioners believe the distance of their facility to existing houses combined with having the pets indoors by sunset will prevent any noise issues.

The Petitioners plan to install a four foot by eight foot (4' X 8') refuse enclosure to the northeast of the parking lot southwest of the building. The enclosure is proposed to be fenced with a six feet (6') tall wood board privacy fence with double gates.

According to the landscaping plan, the Petitioners plan to install a security gate near the entrance to the property.

The proposed Findings of Fact were as follows:

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. Provided the Oswego Fire Protection District approves the new turnaround area and the Kendall County Highway Department approves the new access point, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.

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. As noted in the previous finding, the proposed special use will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and appropriate lighting. The Petitioners agreed to have animals indoors by sunset. The proposed of hours of operation will also prevent injury to neighboring land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related to stormwater, drainage, well, septic systems, and the new driveway access.

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. Kendall County previously granted a variance regarding distance to non-residentially zoned or use properties through Ordinance 2019-33 at this property. No variances are necessary for the proposed amendment and the special use would otherwise conform to the applicable regulations of the district.

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 recommended approval of the requested amendment to an existing special use permit for a kennel subject to the following conditions:

1. The site plan, security plan, landscaping plan, and lighting plan referenced as Exhibit C in Ordinance 2019-33 is replaced with the site plan, elevations, and landscaping plan.
2. The remaining conditions and restrictions contained in Ordinance 2019-33 shall remain effective.
3. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-33 could result in the amendment or revocation of the special use permit.
4. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
5. This special use permit and major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Mr. Rybski noted this special use permit was previously approved.

Mr. Klaas noted the new access would run afoul of the County's Access Ordinance. Discussion occurred regarding the procedure for obtaining a variance to the Access Ordinance. A variance would not be required if one (1) of the existing access points were removed. Tom Green, Engineer for the Petitioners, noted that the eastern access point to the existing home would be removed. A small turnaround would be created for mail delivery. Mr. Klaas requested the plans be amended to more clearly reflect the elimination of the southern access.

Mr. Green said that he did the analysis for the Fire District and he would provide that information.

Undersheriff Richardson expressed concerns about increased traffic on Plainfield and that the sign be located in a manner that does impact lines of sight.

Mr. Asselmeier noted that the berms would require a stormwater permit. Greg Chismark requested a calculation showing that the disturbed area did not exceed the threshold for requiring a stormwater permit. Mr. Green asked if the septic field would be counted towards disturbed area. Mr. Asselmeier said Mr. Chismark believed that the septic field was part of the disturbed area. Mr. Green said the disturbed area would be large enough to require a stormwater permit and he would provide those calculations.

Mr. Rybski asked if a septic permit had been pulled. Mr. Green said no septic design exists.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the major amendment of an existing special use permit with the conditions proposed by Staff.

The votes were follows

Ayes (7): Asselmeier, Briganti, Holdiman, Klaas, Olson, Richardson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Chismark, Gengler, and Guritz

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on January 26, 2022.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-26 was approved by the County Board.

Mr. Asselmeier reported that Petition 21-48 was withdrawn by the Petitioner at the Zoning Board of Appeals.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier reported that the Kendall County Regional Planning Commission Annual Meeting will be Saturday, February 5, 2022, at 9:00 a.m.

ADJOURNMENT

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

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 10:16 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
JANUARY 4, 2022**

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)
Judd Lofchie	1999 W. Galena	Judd1299@ gmail.com
ANDREW DOYLE	700 COTTAGE ST SHOREWOOD, IL	adoyle@trayfpd.com
Kelley Chrissie	One Towne Center Blvd. Shorewood, IL	kchrissie@vil.shorewood.il.us
Patti A. Bernhard	122 Aurora Ave Naperville, IL	patti@rw-attorneys.com
Tom Green		tgreen@cecinc.com

Matt Asselmeier

From: judd lofchie <judd1299@gmail.com>
Sent: Tuesday, January 4, 2022 8:06 AM
To: Matt Asselmeier
Subject: [External]Re: Natural World

Hey Matt

Just heard from my client who is out of the country. He is ok with your conditions but said he would like the right to start his business March 1 instead of April 1. He said with the warming temperatures, he might be able to start earlier. Hope we can amend this.

See you soon.

JUDD

On Mon, Jan 3, 2022 at 2:58 PM judd lofchie <judd1299@gmail.com> wrote:
Hey Matt

Received info on your questions.

1. Pool was in place when my client bought the house, and its an above-ground removable pool, so hopefully he does not need a permit
2. He is registered with the IL Sec of State. See attached.
3. He will get a deck permit upon return

See you tomorrow a.m.

Judd Lofchie, LLM, P.C.
Attorneys at Law
1999 W. Galena Blvd.
Aurora, IL 60506
fax 630-236-3525
630-236-3600
www.AuroraPropertyLaw.com

Judd Lofchie is a Rotarian and the founder of StreetWise Magazine in Chicago; please buy it, take it, read it, share it, and leave it on your work coffee table. Thank you!

Matt Asselmeier

From: Todorovic, Milos <mtodorovic@joliet.gov>
Sent: Wednesday, December 29, 2021 8:55 AM
To: Matt Asselmeier; Torri, James N
Cc: Scott Koepfel; Scott Gengler; Ruddy, Gregory P
Subject: RE: [External]RE: 748 Jones Road Questions
Attachments: Kendall County Comprehensive Plan.pdf

Please see sheet 61 of attached plan.

R/

Mike

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Tuesday, December 28, 2021 10:52 AM
To: Todorovic, Milos <mtodorovic@joliet.gov>; Torri, James N <jtorri@joliet.gov>
Cc: Scott Koepfel <skoepfel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Ruddy, Gregory P <gruddy@joliet.gov>
Subject: RE: [External]RE: 748 Jones Road Questions

[EXTERNAL EMAIL] This message originated outside of the organization.

Mike:

The Fire District would like to have more specific information regarding Joliet's expectations for road improvements. Could you elaborate on would be expected of the Fire District?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Todorovic, Milos [<mailto:mtodorovic@joliet.gov>]
Sent: Monday, December 27, 2021 10:09 AM
To: Torri, James N <jtorri@joliet.gov>; Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Scott Koepfel <skoepfel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Ruddy, Gregory P <gruddy@joliet.gov>
Subject: [External]RE: 748 Jones Road Questions

Hi Matt,

1. We have no internal (COJ Public Works) planned trails along the roadway.

2. We cannot confirm the Church worked with staff for road improvements. Current staff has no knowledge of how this may have been tracked. However, would like to ask for a similar requirement to ensure road construction standards are in accordance with the details in the Kendall Co. Comp Plan.

Thanks.

R/

Mike

From: Torri, James N <jtorri@joliet.gov>
Sent: Wednesday, December 22, 2021 10:16 AM
To: 'Matt Asselmeier' <masselmeier@co.kendall.il.us>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Todorovic, Milos <mtodorovic@joliet.gov>; Ruddy, Gregory P <gruddy@joliet.gov>
Subject: RE: 748 Jones Road Questions

Matt,

The TFD reached out to me about this and in these cases we would typically defer to Shorewood since it is in their Planning Area. I have Mike (Milos) and Greg from our Public Works Division copied in here in case they need something for roadway or trails that I am unaware of.

Thanks for reaching out though and Happy Holidays!

James N. Torri
City of Joliet
Planning Director
150 W. Jefferson Street
Joliet, IL 60432
(815) 724-4049
Fax: (815) 724-4056
www.joliet.gov
jtorri@joliet.gov

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Wednesday, December 22, 2021 9:31 AM
To: Torri, James N <jtorri@joliet.gov>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>
Subject: 748 Jones Road Questions

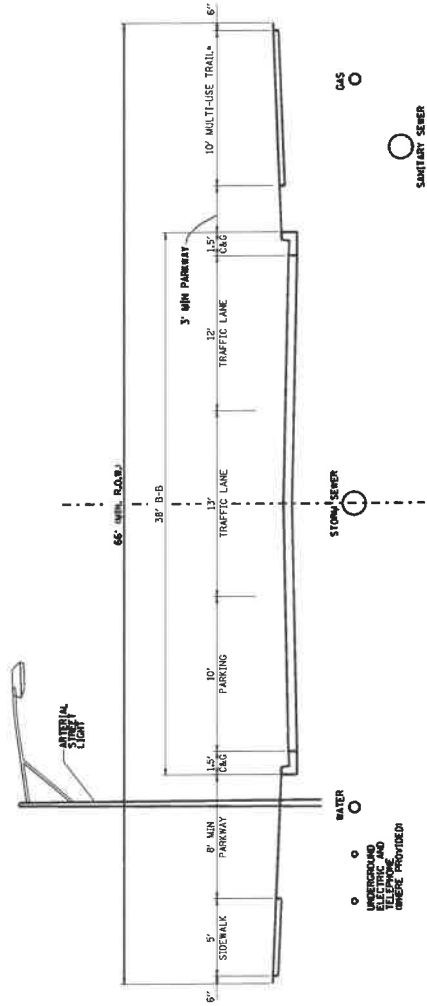
[EXTERNAL EMAIL] This message originated outside of the organization.

Jim:

Kendall County received a request from the Troy Fire Protection District for a special use permit for a fire station at 748 Jones Road and to revoke the existing special use permit for a church at the property.

What does Joliet's future land use map call for this area to be? Does Joliet have any trails planned in this area?

Also, the special use permit for the church required the church to work with Joliet for improvements to Jones Road. Did this occur? Do you want a similar requirement to be placed on the Fire Protection District's special use permit?



**COLLECTION
JONES VAN DYKE ROADS**

• PROVIDE MULTI-USE TRAIL AT LOCATIONS SHOWN ON THE OPEN SPACE RECREATION AND NATURAL RESOURCES PLAN

EXHIBIT 4-2
TYPICAL CROSS SECTIONS
PROPOSED STREETS
SHEET 4 OF 4
NOT TO SCALE

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Monday, January 3, 2022 9:19 AM
To: Matt Asselmeier
Subject: [External]RE: Kendall County Zoning Petition 22-04
Attachments: 3601 Plainfield Rd. Special Use Fire Protection Comments; OSWEGO FIRE PREVENTION BUREAU

Matt,

As described back in 2019, its imperative that it is not overlooked that the structure shall be fully fire alarmed and sprinklered.

With respect to the re-orientation and access, the FD does not foresee an issue with those changes. The change to the "hammerhead" turnaround will require an auto-turn exhibit however to depict fire apparatus's ability to navigate that modified turnaround. I say modified because a 120' hammerhead consists of 60' on either side of the middle of the lane, and in this case the right side is short of the 60', so we need to see that this is still navigable.

Regards,

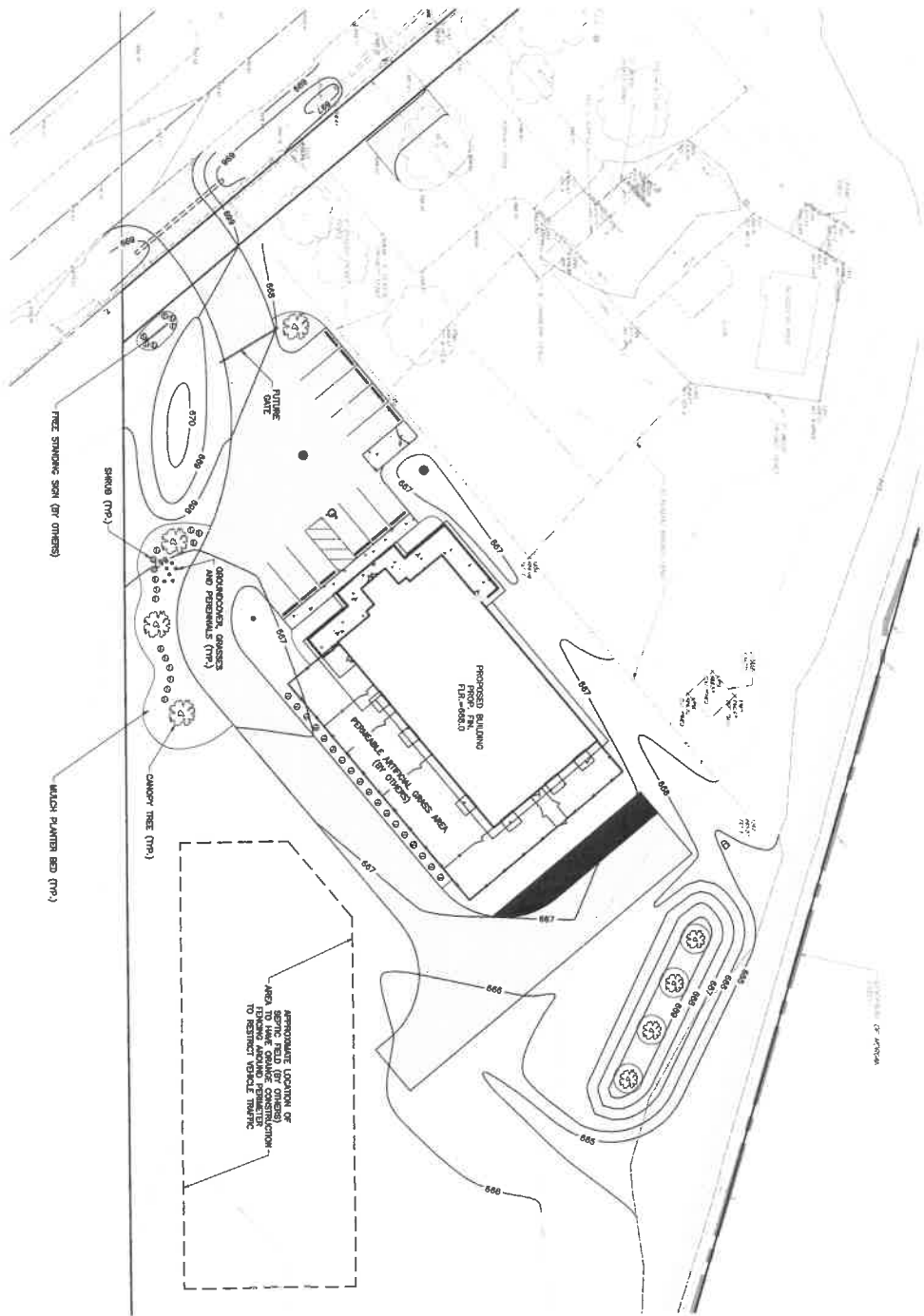
Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Thursday, December 23, 2021 3:01 PM
To: Alec Keenum <akeenum@oswegofire.com>; Claude Ainsworth (cainsworth@oswegotownship.com) <cainsworth@oswegotownship.com>; Joe West (jwest@oswegotownship.com) <jwest@oswegotownship.com>; FireChief <firechief@oswegofire.com>; Kenneth Holmstrom <ken.holmstrom@oswegotownship.com>; Les Was <wcginc@aol.com>; Rod Zinner (rzenner@oswegoil.org) <rzenner@oswegoil.org>; ttouchette@oswegoil.org
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>
Subject: Kendall County Zoning Petition 22-04

To All:

The Kendall County ZPAC will meet on Tuesday, January 4th, at 9:00 a.m., in the County Boardroom, at 111 W. Fox Street, Yorkville, to consider the following Petition:

- Petition 22 – 04 – John and Laura Gay**
Request: Major Amendment to an Existing Special Use Permit for a Kennel Granted by Ordinance 2019-33 by Changing the Site Plan
PINs: 03-28-100-004
Location: 3601 Plainfield Road, Oswego Township
Purpose: Petitioner Wants to Change the Orientation of the Building, Change the Access Point on Plainfield Road, Move the Parking Area, and Change the Layout of the Turnaround Area; Property is Zoned A-1



PLANT LIST
 CANOPY TREES - 8 TOTAL
 FOUR (4) - 3" CALIBER
 FOUR (4) - 2" CALIBER
 SHRUBS
 34 TOTAL - 18" - 24" SIZE
 GRASSES, PERENNIALS, AND PERENNIALS
 NOTE: THE PLANT LIST, LOCATION, AND THE SPECIES TYPE WILL BE REVISIONED ON THE FINAL LANDSCAPING PLANS FOR CONSTRUCTION BY THE LANDSCAPE DESIGN PROFESSIONAL

APPROXIMATE LOCATION OF SEPTIC FIELD (OR OTHERS) WHICH ARE TO BE EXCAVATED AND REINSTALLED TO RESTRICT VEHICLE TRAFFIC



SCALE IN FEET
 0 25 50
 Drawing No. **LS-1.0**
 SHEET 7 OF 18

LANDSCAPING PLAN

DATE	12/22/2021	DRAWN BY	MAJ
DWG SCALE	1" = 30'	CHECKED BY	TAG
PROJECT NO.	31252	DATE	12/22/2021
APPROVED BY		DATE	

LINDBLAD CONSTRUCTION CO. OF JOILET, INC
THE PETS HOME PET RESORT & SPA
3601 PLAINFIELD ROAD
OSWEGO, ILLINOIS 60543



Civil & Environmental Consultants, Inc.
 1230 East Orend Road, Suite 200 - Naperville, IL 60563
 630-965-6026 • 877-965-6028
 www.cecinc.com

REVISION RECORD

NO.	DATE	BY	REVISION PER CLIENT	DESCRIPTION



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: ZPAC
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: February 15, 2022
Re: Seward Township Moratorium

The Seward Township Planning Commission is working on amendments to the Township's Comprehensive Plan. The Township would like to incorporate these amendments in the Kendall County Land Resource Management Plan. It is Staff's understanding that the Seward Township Planning Commission is examining shrinking the areas designated as Residential in the Land Resource Management Plan and changing them to Agriculture.

Seward Township submitted the attached application requesting a moratorium on map amendments, new special use permits, and variances for a period of one (1) year from May 17, 2022, which is the earliest date that the County Board could approve the request.

Staff recommends denial of the requested text amendment for the following reasons:

1. From an economic development perspective, the County should not restrict possible development in the unincorporated area.
2. A moratorium would not prevent property owners from securing annexation agreements with municipalities.
3. It is Staff's understanding that Seward Township is only looking to change the Future Land Use Map and not the text of the Zoning Ordinance. As such, Staff does not see how the Township's work on a Future Land Use Map would be impacted by the issuance of new special use permits.
4. Similar to number 3 above, the Township's work on a Future Land Use Map would not be impacted by the issuance of new variances.
5. From an administrative perspective, the County should be cautious about giving away authority.
6. The Township has not submitted information, like a timeline, explaining why one (1) year is necessary for a moratorium. No benchmarks were provided explaining the steps and milestones the Township will use to complete the project.

If the County Board would like to approve the request, Staff suggests that Section 13:01.A.2 of the Kendall County Zoning Ordinance, pertaining to the duties of the Zoning Administrator, be amended as follows:

"n. Withhold the acceptance and processing of applications for map amendments, new special use permits, and variances on properties located within the Township of Seward for a period one (1) year commencing on May 17, 2022, and ending May 17, 2023."

This proposal was sent to the Townships on February 15, 2022.

If you have any questions regarding this memo, please let me know.

Thanks,

MHA

Enc. Application

NEW BUSINESS

A. Motion to approve the submission of a moratorium application to Kendall County in order for the Township Board to prepare a comprehensive plan for future development in Seward Township. *✓ APPROVE THE EXPENSE OF \$500 FOR THE APPLICATION.*

B. Motion to approve the legal objection for Petition 21-49, Irma Quezada, Parcels 09-18-300-018 and 09-18-300-019 requesting rezoning from A-1 to R1.

Scanned with CamScanner

**Seward Township
14719 O'Brien Road
Minooka, Illinois 60447**

Tim O'Brien – Supervisor

Tom Fleming - Trustee

Sheila Trost – Clerk

Jim Martin - Trustee

Scott Cryder – Highway Commissioner

Dan Roberts - Trustee

Sharleen Smith - Trustee

January 11, 2022

To: Kendall County Board

From: Seward Township

Re: Legal Objection

At the January 11, 2022 meeting of Seward Township the Township Board of Trustees reviewed the moratorium.

On January 11, 2022 the Seward Township Board of Trustees voted unanimously to approve the moratorium.

If you have further questions, please feel free to me.



Tim O'Brien

Supervisor

Attest:



Sheila Trost

Clerk

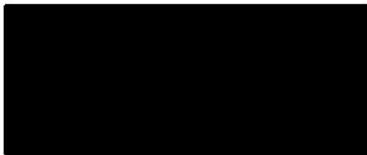
Seward Township Board Recommendation

The Seward Township Board of Trustees unanimously voted to approve the moratorium on January 11, 2022.

Dated January 11, 2022



Jim Martin – Trustee



Dan Roberts – Trustee



Sharleen Smith – Trustee



Tom Fleming - Trustee

Matt Asselmeier

From: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>
Sent: Monday, February 14, 2022 3:04 PM
To: Matt Asselmeier; Tim O'Brien
Cc: scasey1948@sbcglobal.net (Seward Planning Commission); Scott Koeppel; Scott Gengler; Carl Buck
Subject: RE: [External]RE: Seward Township Moratorium

Matt,

The Township would request that the moratorium be in effect for a period of up to one year from May 17, 2022.

Thank you,
Lorien

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Tuesday, February 8, 2022 2:53 PM
To: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>; Tim O'Brien <sewtow@aol.com>
Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Carl Buck <cbuck@rcklawfirm.com>
Subject: RE: [External]RE: Seward Township Moratorium

Lorien:

Below please find the proposed text that will be inserted into the Kendall County Zoning Ordinance, if the moratorium is approved. I am putting the moratorium under the duties of the Zoning Administrator

While the Planning, Building and Zoning Department has not yet taken an official position on this request, I will be advocating that the term of the moratorium be more clearly defined.

Please let me know if you are agreeable to the following language.

Thanks,

Amended Text: Section 13:01.A.2 is amended by adding the following text:

“n. Withhold the acceptance and processing of applications for map amendments, new special use permits, and variances on properties located within the Township of Seward for a period commencing on May 17, 2022, and ending X months from that date.”

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

Matt Asselmeier

From: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>
Sent: Friday, February 4, 2022 4:35 PM
To: Matt Asselmeier; Tim O'Brien
Cc: scasey1948@sbcglobal.net (Seward Planning Commission); Scott Koepfel; Scott Gengler; Carl Buck
Subject: RE: [External]RE: Seward Township Moratorium

Matt,

Following up on your email, the Township does want applications for new SUPs, amendments, and variances to be subject to the moratorium.

Thank you,
Lorien

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Monday, January 31, 2022 4:08 PM
To: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>; Tim O'Brien <sewtow@aol.com>
Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koepfel <skoepfel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Carl Buck <cbuck@rcklawfirm.com>
Subject: RE: [External]RE: Seward Township Moratorium

Lorien:

So, no rezoning will occur during the moratorium.

Applications for new special use permits, amendments to existing special use permits, and variances will not be subject to the moratorium, correct?

The moratorium will last until the Seward Township Planning Commission submits a proposed Comprehensive Plan to the Township Board, correct?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Lorien E. Schoenstedt [<mailto:lschoenstedt@rcklawfirm.com>]
Sent: Monday, January 31, 2022 4:00 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Tim O'Brien <sewtow@aol.com>
Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koepfel <skoepfel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Carl Buck <cbuck@rcklawfirm.com>
Subject: [External]RE: Seward Township Moratorium

Matt,

As a follow up to our call, Seward Township would like the moratorium on rezoning agricultural property to apply to residential, commercial, and industrial.

Lorien

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Thursday, January 20, 2022 8:20 AM
To: Tim O'Brien <sewtow@aol.com>; Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>
Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>
Subject: Seward Township Moratorium

Tim and Lorien:

Attached please find the information that the County has received thus far related to the Seward Township moratorium request.

As noted on the first page of the attachment in letter A, the Seward Township Board approved “. . . the submission of a moratorium application (emphasis added) to Kendall County . . .”. The moratorium would also be in place until Seward Township prepares (emphasis added) a comprehensive plan. It should be noted the motion uses the word “prepares” and not the word “adopts.” On page five of the attachment, the moratorium application says the moratorium is on map amendments rezoning agricultural property to residential.

Based on the written information contained in the attachment, my interpretation is that this an application for a moratorium on rezoning agricultural property to residential only. Other map amendment applications (i.e. rezoning agricultural property to commercial or industrial) would still be processed. Also, other zoning related requests (i.e. new special use permits, amendments to existing special use permits, variances, etc.) would also still be processed. The moratorium would be in place until the Seward Township Planning Commission issues a recommendation on the comprehensive plan (at that point, the plan has been “prepared” and is an official proposal for the Township Board’s consideration).

Is the above interpretation the intent of the Seward Township Board?

I am still waiting to see if we will process this request for the February meetings or the March meetings.

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT Seward Township		
CURRENT LANDOWNER/NAME(s) Irma Loya Quezada		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 6.48	Across from 14859 and 14975 Brisbin Rd	09-18-300-018 & 09-18-300-19
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Agricultural	A-1	Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input checked="" type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT Tim O'Brien	PRIMARY CONTACT MAILING ADDRESS 14719 Obrien Rd, Minooka IL 60447	PRIMARY CONTACT EMAIL sewtow@aol.com
PRIMARY CONTACT PHONE # 815-791-2290	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE 1-19-2022

FEE PAID: \$ 500.00
 CHECK #: 1023

¹Primary Contact will receive all correspondence from County

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

PUBLIC NOTICE
KENDALL COUNTY
****KENDALL COUNTY REGIONAL PLANNING COMMISSION****
****KENDALL COUNTY ZONING BOARD OF APPEALS****

Notice is hereby given that the Kendall County Regional Planning Commission will hold a public meeting on _____ at 7:00 p.m. and the Zoning Board of Appeals will hold a public hearing on _____ at 7:00 p.m. at the Kendall County Office Building, Room 209 & 210 at 111 West Fox Street, Yorkville, IL.

The purpose of this meeting and hearing is to consider comments and make a recommendation regarding Petition # 21-49
(Application #)

Seward Township
(Name(s) of Applicant)

is/are seeking a text amendment to

place a moratorium on a map amendment rezoning agricultural property to residential

(Description of Request)

This petition and related documents may be reviewed at the Planning, Building and Zoning Department, Room 203, 111 West Fox Street, Yorkville, IL 60560 or the Kendall County Website: <http://www.co.kendall.il.us/planning-building-zoning/petitions>. Questions can be directed to the same department at phone number (630) 553-4139.

All interested persons may attend and be heard. Written testimony should be directed to the Department but shall only be entered as part of the record at the discretion of the Kendall County Regional Planning Commission and Kendall County Zoning Board of Appeals.

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.



Name(s) of Applicant

(ATTACH LEGAL DESCRIPTION ON A SEPARATE PAGE)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: ZPAC
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: February 15, 2022
Re: Definitions of Landscaping and Excavating Businesses

At the December 14, 2021, Planning, Building and Zoning Committee meeting, the Planning, Building and Zoning Committee requested Staff to prepare definitions for landscaping businesses and excavating businesses.

For preparing the proposed definition of landscaping business, Staff used the definition found in the North American Industrial Classification System as published by the United States Census Bureau. The proposed definition of landscaping business is as follows:

“LANDSCAPING BUSINESS. A business engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and businesses primarily engaged in providing these services along with the design of landscape plans and/or the construction and installation of walkways, retaining walls, decks, fences, ponds, and similar structures.”

Landscaping businesses are special uses in the A-1, B-3, M-1 and M-2 Districts.

When considering a definition of excavating businesses, the North American Industrial Classification System grouped excavating businesses with other site preparing contractors including dirt movers, trenching, and foundation drilling. Also, the terms “excavating business” and “excavator” do not appear in the Zoning Ordinance. Accordingly, Staff proposes the following definition of excavating business:

“EXCAVATING BUSINESS. A business engaged in site preparation activities including grading, earthmoving, and land clearing and businesses that rent equipment for such purposes. For the purposes of this Ordinance, an excavating business shall be considered a contractors’ office or shop.”

Contractor and Contractor Offices and Shops are conditional uses in the B-2 and B-3 Districts and permitted uses in the M-1 and M-2 Districts. In the B-2 and B-3 Districts, all work and storage must be inside buildings.

On January 25, 2022, the Kendall County Planning, Building and Zoning Committee unanimously voted to initiate a text amendment to the Kendall County Zoning Ordinances adding the above definitions as proposed by Staff.

This proposal was sent to the Townships on February 15, 2022.

If you have any questions regarding this memo, please let me know.

Thanks,

MHA

Kendall County Regional Plan Commission

2022 Annual Workshop Meeting

February 5, 2022



**Prepared by
Planning, Building and Zoning Department**

2021 Summary

News and Noteworthy Items

- 51 Petitions Filed in 2021; 32 Petitions Filed in 2020; 46 Petitions Filed in 2019; 33 Petitions Filed in 2018; 33 Petitions Filed in 2017
- 32 New Housing Starts in 2021; 34 New Housing Starts in 2020; 20 New Housing Starts in 2019
- 354 Total Permits in 2021; 326 Total Permits in 2020; 257 Total Permits in 2019
- Total Deposits (Building Fees, Zoning Fees, Land Cash Fees, and Off-Site Roadway) for the FY2021 Were \$293,941, the Highest Since 2006
- Department Had 2 Months (June and November) with Revenues in Excess of \$42,000; in 2020, the Department Had 1 Month (June) with Revenues in Excess of \$40,000; This Was the First Time Monthly Revenues Had Exceed \$40,000 Since the Mid-2000s
- Kendall County's Population Increased to 131,869 in the 2020 Census, an Increase of Approximately 14.9% from the 2010 Census making Kendall County the Fastest Growing County in Illinois by Percent Change
- The Census Stated that the Population of the Unincorporated Area was 24,138
- County Board Approved the Update to the Transportation Plan in Land Resource Management Plan to Match the Long Range Transportation Plan
- County Submitted the Notice of Intent for Renewal of General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's)
- WBK Engineering Reviewed FEMA Floodplain Management Bulletin P-2140 Floodplain Management Requirements for Agricultural Structures and Accessory Structures and Recommended No Changes to Kendall County's Stormwater Management Ordinance
- County Board Approved Amendments to the Kendall County Stormwater Management Ordinance Related to Bulletin 75
- Continued Doing Annual NPDES Surveys to the Townships
- Noxious Weed Related Documents and Notices Drafted and Approved by the County Board
- Soils Information Added to the GIS
- Planning, Building and Zoning Committee Reaffirmed the Department's Voluntary Compliance Policy in Cases of Ordinance Violations
- Planning, Building and Zoning Committee Held a Special Committee Meeting in Boulder Hill
- Kendall County Became a Certified Local Government
- County Board Requested and the State Approved the Certification of the Kendall County Historic Preservation Ordinance for the Purposes of the Property Tax Freeze Assessment Program Through the Illinois Department of Natural Resources
- Kendall County Historic Preservation Commission Held a Special Meeting at Lyon Farm
- Submitted Certified Local Government Grant for Historic Structure Survey in Unincorporated Kendall and Bristol Townships
- Continued Historic Preservation Commission Awards
- Senior Planner Assisted with the Codification Process
- Senior Planner Drafted a Letter to Local Legislators Requesting that Townships Be Allowed to Apply for Grants Through the Abandoned Property Program if the Illinois Housing Development Authority Offers Grants in the Future.
- Reviewed Future Land Uses Along Eldamain Road from the Fox River to Route 71
- Reviewed Future Land Uses Along Route 47 in Kendall and Lisbon Townships

- Continued Adjustments of Departmental Operations Due to the COVID-19 Pandemic, Including the Issuance of Permits and the Performance of Inspections
- Code Compliance Official Issued Permits at the Former CAT Property, ANR Pipeline, Go Pro Sports Dome, and Four Seasons Storage
- Code Compliance Official Held a Community Event at Ace Hardware in Oswego

Items for 2022

- Continue to Assist with the Codification Process
- Continue to Implement the Citation Policies for the Various Ordinances
- Work with the Village of Montgomery to Ensure that Information Related to the Former CAT Property is Transferred to the Village, if the Annexation is Approved
- Assist with the Historic Structure Survey in Unincorporated Kendall and Bristol Townships if Grant Funding is Approved
- Work with Kendall County EMA to Pursue Disaster Related Grants and Other Funding
- Continue to Meet with Townships Regarding Their Role in the Development Approval Process
- Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations
- Continue to Monitor Changes to Zoning Related Regulations at the State Level
- Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel
- Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances
- Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner
- Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner
- Work with the Illinois Historic Preservation Agency and Historic Preservation Commission on Certified Local Government Projects
- Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events
- Continue Working with the Northwest Water Planning Alliance
- Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region
- Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency

Zoning Petitions Initiations

New Special Use Permits – 8; 1 Property Owner Applied Twice (2020: 5 Including 2 On-Hold Cannabis Related SUs)

Major Special Use Amendments – 2 (2020: 0)

Minor Special Use Amendments – 3; 1 Property Owner Had 2 Minor Amendments (2020: 1)

Special Use Permit Revocations – 1 (2020: 1)

Special Use Renewal – 1 (2020: 0)
Variances Not Part of Special Use Permit – 4; 1 Denied (2020: 5)
Administrative Variances – 8; 1 Denied (2020: 2)
Stormwater Ordinance Variances – 1 (2020: 0)
Conditional Use Permits – 0 (2020: 1)
Temporary Use Permit – 0 (2020: 1)
Site Plan Review – 6 (2020: 1)
Plat of Vacation – 0 (2020: 2)
Preliminary and Final Plats – 0 (2020: 1)

Amendments Initiations

Text Amendments – 3; 1 Withdrawn (2020: 4)
Land Use Plan Amendments – 2 (2020: 2; 1 Approved and 1 Withdrawn)
Map Amendments – 9; 1 Withdrawn (2020: 2)
Stormwater Ordinance Related Amendments – 1 (2020: 2)

Historic Preservation

Landmarks – 0 (2020: 0)
Text Amendment to Ordinance – 0 (2020: 2)
Other – 1 (Tax Freeze for Historic Properties)

OTHER

Citation Form Amendment – 1

TOTAL PETITIONS – 51 (2020: 32)

Meetings

ZPAC – 11 (2020: 9)
RPC – 11 Including Annual Meeting (2020: 8)
ZBA – 9 (2020: 8)
HPC – 12 (2020: 8)
Stormwater Management Oversight Committee – 1 (2020: 1)

**Comprehensive Land Plan and Ordinance Committee – 6 (2020: 6)
 PBZ – 13 (2020: 13)**

Of the 35 ordinances approved by the County Board in 2021, 19 were Planning, Building and Zoning related. Of the 26 ordinances approved by the County Board in 2020, 13 were Planning, Building and Zoning related. Of the 39 ordinances approved by the County Board in 2019, 22 were Planning, Building and Zoning related.

The Department investigated zero (0) noxious weed violations in 2021 compared to zero (0) noxious weed violation investigation in 2020 and 2019.

Construction Activity

Single-Family Dwelling Units – 32 (34 approved in 2020)

New Homes by Township 2021 (2020)

Kendall Township – 6 (12)	Bristol Township – 1 (0)	Na-Au-Say Township – 17 (7)
Fox Township – 2 (5)	Little Rock Township – 0 (2)	Oswego Township – 2 (4)
Lisbon Township – 3 (0)	Seward Township – 1 (1)	Big Grove – 0 (3)

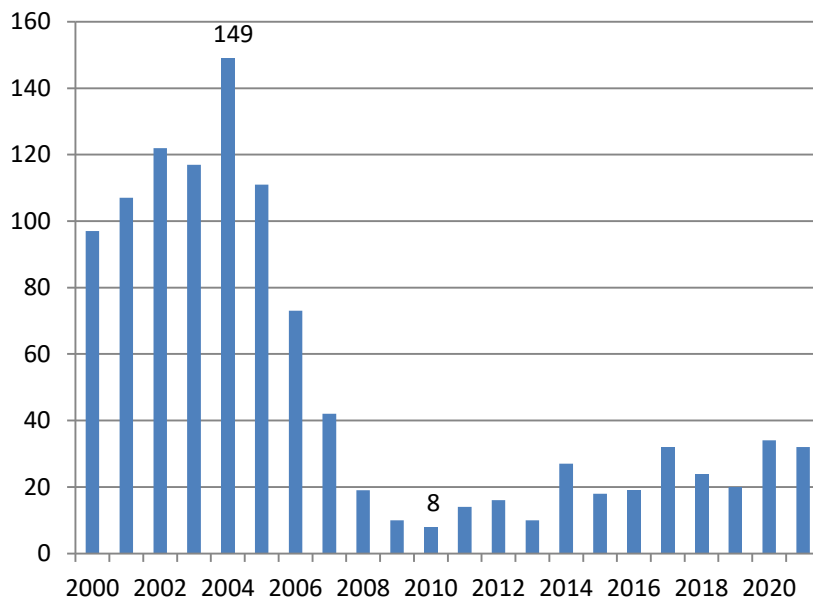
New Homes by Subdivision (Approximate Number of Vacant/Total Lots)

Whitetail Ridge – 13 (189/244)	Grove Estates – 4 (40/50)	Fields of Farm Colony – 1 (17/159)
Estates of Millbrook – 2 (75/175)	Tanglewood Trails – 1 (28/38)	Henneberry Woods – 3 (63/352)
Southfield Estates – 1 (2/36)	Rosehill – 1 (8/57)	Other (Not in Subdivision): 6 (N/A)

Average New Single Family Home Permits Since 2000 – 50

Average New Single Family Home Permits Since 2010 – 21

Single Family Homes 2000-2021



Available Lots in RPD Subdivisions (Total Platted Lots)

- Deere Crossing – 15 (18)
- Whitetail Ridge – 189 (244)
- Brighton Oaks – 11 (20)
- Equestrian Estates – 9 (16)
- Grove Estates – 40 (50)
- Henneberry Woods – 63 (352)
- Rosehill – 8 (57)
- *Schaefer Glen – 6 (6)
- Tanglewood Trails – 28 (38)
- *Highpoint Meadows – 23 (23)
- Highpoint – 2 (4)

Total Platted RPD Lots – 828 Total Available RPD Lots – 395 Total Developed RPD Lots - 433

**Open Subdivisions*

Available Lots in other Subdivisions (Total Platted Lots)

- Estates of Millbrook – 75 (175)
- Shadow Creek – 19 (29)
- *Matlock – 12 (12)
- Fields of Farm Colony – 17 (159)

Total Platted Lots – 375 Total Available Lots – 118 Total Developed Lots - 257

**Open Subdivisions*

Fiscal Year 2021 Detailed Inspection Report

Site Visit	200 (2020: 213)
Footing	97 (2020: 83)
Backfill	25 (2020: 20)
Wall	13 (2020: 22)
Slab	37 (2020: 37)
Electric Service	16 (2020: 14)
Frame/Wire	86 (2020: 101)
Insulation	23 (2020: 24)
Final	132 (2020: 185)
Red Tag	0 (2020: 0)
Hearing Signs	20 (2020: 6)
Meetings in Field	83 (2020: 85)
Violation Investigations	225 (2020: 256)
NPDES	0 (2020: 0)
Yorkville Back for County	10 (2020: 3)
Zoning Issues	16 (2020: 14)

Total Field Visits and Investigations: 983 (2020: 1063)
 Total Permit Reviewed and Issued: 365; 11 Void (2020: 330; 6 Void)
 Contracted Plumbing Inspections: 96 (2020: 101)
 Inspections for Yorkville per IGA: 0 (2020: 0)

2022 Goals of Code Official

1. Renew International Code Council Certifications
2. Test and Implement Permit Tracking Site Created by GIS
3. Provide an Education Program During the Kendall County Fair