

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

*Kendall County Office Building
County Board Room (Rooms 209 and 210)
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of December 8, 2021*

Chairman Larry Nelson called the meeting to order at 5:02 p.m.

Members Present: Bill Ashton, Scott Gengler, Larry Nelson, Matthew Prochaska, and Jeff Wehrli

Member Absent: Scott Gryder, Alyse Olson, and Randy Mohr

Others Present: Matt Asselmeier, Phil Corrington, Jeff Spang, Todd Milliron, Roger Blomgren, Mark McKibbon, and Steve Karasch

APPROVAL OF AGENDA

Mr. Gengler made a motion, seconded by Mr. Wehrli, to approve the agenda. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Ashton made a motion, seconded by Mr. Gengler, to approve the minutes of the October 27, 2021, meeting. With a voice vote of five (5) ayes, the motion carried.

NEW/OLD BUSINESS

1. Discussion of Future Land Uses Along the Eldamain Road Corridor Between the Fox River and Route 71

Chairman Nelson noted that the proposed map was not received favorably at the October 27th meeting. He requested comments from Committee members.

Mr. Wehrli said that Mixed Use Business should not be placed among the residences, but he favored getting businesses in the area. He favored controlled growth.

Mr. Asselmeier noted that most people previously spoke of removing the Mixed Use Business proposal from Fox Station and the residential subdivision south of Route 71. The areas in question for Mixed Use Business were on Eldamain Road between Fox Road and Route 71 on the east side of the road and immediately south of the railroad tracks on the west side of Fox Road/Eldamain Road.

Chairman Nelson explained the reasons why businesses might locate to the corridor, specifically referencing the railroad tracks.

Mr. Wehrli asked if the relocation of Fox Road into Eldamain Road was a given. The relocation was not shown on proposal and nobody was aware of the relocation. The money was probably approved for this relocation.

There has been no correspondence from the railroad.

There was no zoning information available for properties inside Yorkville.

Todd Milliron provided a history of zonings inside Yorkville in the corridor.

Discussion occurred regarding the possibility of the land in area being annexed to Yorkville.

Mr. Wehrli expressed concerns regarding increased truck traffic on Highpoint; leaving the area residential would require changing the plan first and then doing a rezoning.

Chairman Nelson advocated keeping the proposed change to Mixed Use Business for the land along the railroad tracks for potential non-residential uses.

The consensus of the Committee was to remove the proposed Mixed Use Business in the residential subdivision south of Route 71 and Fox Station.

The impacted parcels south of the railroad tracks for changing would be 04-02-400-002, 04-02-400-003, and 04-01-301-005. The owners of these parcels have not comments on the proposal, to date. No other properties would be proposed for changing.

Phil Corrington asked that the property at 6837 W. Highpoint be removed from the existing Mixed Use Business. No proposal exists to shrink or remove the existing the Mixed Use Business currently in the Land Resource Management Plan.

Jeff Spang asked if Eldamain Road would be a limited access road. Chairman Nelson responded yes according to the County's definition of limited access. Mr. Spang asked how prospective businesses would access Eldamain Road if it had limited access. Chairman Nelson responded that existing accesses would be grandfathered. New cuts would require approval with the County's access ordinance; the specific distance for access points could be answered by the Highway Department. Mr. Asselmeier said Mixed Use Business equates to B-6, M-1, and M-2 and does not include mining.

Discussion occurred Millbrook possibly annexing land in the area for business/manufacturing purposes. Millbrook was exploring a boundary agreement with Yorkville and Plano.

Todd Milliron said the Mixed Use Business area was planned because of the Prairie Parkway and that roadway will not materialize. Chairman Nelson said the Prairie Parkway planned to have exits at Route 71 and Route 34. The plan always thought that Eldamain Road would be improved to serve the area as a commercial road.

Mr. Milliron expressed concerns regarding runoff and access to utilities; he wondered if the County was going to provide these services. Chairman Nelson noted that Comed has plans to

upgrade in the area and he noted the County has a countywide stormwater ordinance and plan. Mr. Wehrli provided a history of the development of the County's stormwater ordinance; the stormwater ordinance were similar between the County and various municipalities. Mr. Milliron had concerns about the County setting up an industrial park in the area when other land is available. Mr. Milliron requested that no changes be made to the County's plan in this area.

Roger Blomgren agreed with Mr. Milliron. He saw no economic benefit to rezoning the area for manufacturing. There were other areas of the County already planned and zoned for manufacturing and there is no market for manufacturing in this area. Mr. Wehrli noted the area around Morris and DeKalb. Mr. Blomgren noted those areas are for distribution. He also noted the difference between Kendall and DeKalb Counties; no TIF incentives are available in this area of Kendall County. Property taxes will increase and property values will be negatively impacted. Mr. Blomgren noted Yorkville's memo that was in the packet; it was unknown if Yorkville has plans to annex the area where his home was located. Discussion occurred regarding the terminal point of Highpoint and Lisbon Road. He did not want any additional manufacturing in the area.

Mark McKibbin requested additional time on the mailing of notices. He requested that the east side of Eldamain Road remain Residential. The west side of the Eldamain Road has been Mixed Use Business for over ten (10) years.

Chairman Nelson explained the map making process. He noted the funds the County received related to the Eldamain Road bridge. The municipal boundary agreements were discussed. The surrounding zoning would be impacted if a non-residential developer moved into the area.

The new proposed map would only be would be 04-02-400-002, 04-02-400-003, and 04-01-301-005 and only south of the railroad tracks. Mr. Asselmeier will contact the impacted property owners and invite them to the January committee meeting.

Mr. Wehrli reiterated his concerns regarding truck traffic on Highpoint Road south of Route 71. Discussion occurred regarding weight restrictions in the area and enforcement of weight restrictions.

Steve Karasch discussed truck traffic on Highpoint Road. He recommended no truck signs. He was advised to call the Sheriff to report violations and to request a weight restrictions sign. He requested that the area stay agricultural and residential. Discussion occurred regarding weight restriction violations.

Mr. Asselmeier will send a letter to Fran Klaas requesting no truck and weight restriction signs on Highpoint Road south of Route 71.

Mr. Asselmeier will have the map updated to focus only on the areas proposed for change in classification.

Todd Milliron asked about the Mixed Use Business south of Highpoint Road. This area was already planned to be Mixed Use Business; no change was proposed to this area at this time.

2. Discussion of Sign Regulations

Mr. Asselmeier provided the sign regulations for unincorporated Kendall County focusing on the exemption for public and quasi-public signs. He noted the regulations only apply in the unincorporated areas.

The issue centers on having welcoming signs at the entrances to the County.

The County controlled County owned rights-of-way, but not the zoning inside a municipality. The State controlled the rights-of-way that it owns.

Discussion occurred regarding similar public and quasi-public signs; those similar signs have to meeting dimension requirements contained in the Zoning Ordinance.

Chairman Nelson provided a background for the reason wanting to have welcome signs for branding purposes. He would like similar signs at the heavily trafficked entrances to the County.

A picture of the Plainfield's sign was provided. The picture was discussed.

Chairman Nelson liked "Welcome to the Kendall County Community".

Discussion occurred regarding public message signs like "Kendall County has Zoning".

The seal was selected by the County Board Chairman and reviewed by the Committee of the Whole.

The existing green sign state erected sign could be removed.

Mr. Prochaska provided a history regarding the placement of the County highway signs.

The consensus of the Committee was to have Mr. Asselmeier send a letter or email to Dan Koukol regarding the placement of signs. The email or letter should include the Plainfield sign example and should carbon copy Scott Gryder and Scott Koeppel.

3. Discussion of Future Land Uses Along Route 47 in Kendall and Lisbon Townships

At the October 2021 Kendall County Economic Development Committee meeting, the Committee started a discussion about updating the Future Land Use Map along Route 47 in Kendall and Lisbon Townships.

At their November meeting, the Committee voted to forward the discussion to the Committee of the Whole in January 2022.

The email from the City of Morris' engineers noting the locations of municipal water and sewer services was provided. As noted in the email, sanitary sewers have been extended to Airport Road while water service has been extended to Minooka Road.

The City of Morris' Future Land Use Map, the Village of Plattville's Future Land Use Map, the Village of Lisbon's Future Land Use Map, the current Future Land Use Map for Lisbon Township, and the final proposed Future Land Use Map for Lisbon Township from 2019 were also provided.

Mr. Asselmeier explained the amendment process.

Some of the residents in Lisbon Township were aware that the project was getting revisited.

Chairman Nelson noted that the Mayor of Plattville favored commercial uses at Route 47 and Plattville Road.

Discussion occurred regarding new commercial developments in Morris, Minooka, and DeKalb.

The consensus of the Committee was to wait to see the action the Committee of the Whole takes; the Committee saw no reason to waste people's time, if the County Board was against the proposal.

4. Discussion of Illinois Department of Transportation Owned Land Near the Former Prairie Parkway Right-of-Way

Mr. Asselmeier presented maps of the properties owned by the Illinois Department of Transportation.

The Committee had hoped a corridor could exist for trails, but a corridor did not appear to exist.

The State has not determined what will happen to those properties.

The consensus of the Committee was to take no actions.

5. Discussion of Similar and Compatible Uses to Those Allowed As Permitted and Conditional Uses in the A-1 Zoning District as Special Uses in the A-1 Zoning District

Mr. Asselmeier summarized the issue.

From approximately 2000 until the summer of 2006, "similar and compatible uses to those allowed as permitted and conditional uses in the A-1 Zoning District" was included in the list of special uses in the A-1 District.

At the September 27, 2021, Kendall County Regional Planning Commission meeting, Dan Kramer suggested that the County consider returning this use to the list of special uses in the A-1 District.

As best as Staff can tell, the use was removed from the list of special uses as part of a larger text amendment to the Zoning Ordinance in response to the Chicago Heights v. Living Word Outreach Full Gospel Church case. This case ruled that special uses permits had to be approved if the use met the criteria listed in a zoning ordinance unless there was a demonstrated threat to the public health, safety, or welfare. At the same time as this use was removed, the Zoning

Ordinance was amended to incorporate conditions and restrictions on several special uses in the A-1 District.

Because of the rules governing the issuance of special use permits found in State law and applicable court decisions, most notably *People ex rel. Klaeren v. Village of Lisle*, Staff is inclined to oppose returning similar and compatible uses as other uses permitted or conditioned in the A-1 District to list of special uses in the A-1 District for the following reasons:

1. Similar and compatible uses is not specifically defined which means the terms can be open to broad interpretation. The terms “similar” and “compatible” may change depending on the opinions of the Zoning Administrator, County Board Members, and judges tasked to review such cases.
2. There are no restrictions or conditions for these types of uses in the Zoning Ordinance and no clear reasons for denying such special use permits exist.
3. The County is exposing itself to litigation if a Petitioner is denied at the County Board without cause.
4. If new uses arise or if existing uses need to be refined in the Zoning Ordinance, a legislative procedure, the text amendment process, already exists for Petitioners seeking to use their properties for uses not presently allowed.

Staff cautioned adding similar and compatible uses back to the list of the list of uses in the A-1 District without clear definition and restrictions of the nature of these types of uses.

The consensus of the Committee was not to make any changes at this time for concerns that any use would have to be approved.

OTHER BUSINESS/ANNOUNCEMENTS

Discussion occurred about a township asking the County to review the Land Resource Management Plan for that township. The consensus of the Committee was to wait for a request from a township board.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT:

The next meeting will be January 26, 2022. Mr. Ashton made a motion to adjourn the meeting, seconded by Mr. Gengler. With a voice vote of five (5) ayes, the motion carried.

The meeting adjourned at 6:54 p.m.

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