



**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

**AGENDA**

March 28, 2022 – 7:00 p.m.

**CALL TO ORDER – ZONING BOARD OF APPEALS**

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Cliff Fox, Tom LeCuyer, Dick Thompson, Anne Vickery, and Dick Whitfield

MINUTES: Approval of Minutes from the February 28, 2022, Zoning Board of Appeals Hearing/Meeting (Pages 2-24)

PETITIONS:

1. **Petition 22 – 01 – Jose and Silvia Martinez (Pages 25-28)**  
Request: Special Use Permit for a Landscaping Business, Variance to Section 7:01.D.30.b to Allow a Landscaping Business a Non-State, County, or Collector Highway as Defined by the Kendall County Land Resource Management Plan, and Variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance to Allow a Driveway Zero Feet from the Southern Property Line  
PINs: 03-12-100-004 and 03-12-100-013  
Location: 1038 Harvey Road, Oswego Township  
Purpose: Petitioner Wants to Operate a Landscaping Business at the Subject Property; Property is Zoned A-1
  
2. **Petition 22 – 05 – Seward Township (Pages 29-56)**  
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
  
3. **Petition 22 – 06 – Kendall County Planning, Building and Zoning Committee (Pages 57-64)**  
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

NEW BUSINESS/ OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 22-03 Special Use Permit for Fire Station at 748 Jones Road
2. Petition 22-04 Major Amendment to Special Use Permit for Kennel at 3601 Plainfield Road

PUBLIC COMMENT:

**ADJOURN ZONING BOARD OF APPEALS**- Next hearing/meeting on May 2, 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.

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)  
YORKVILLE, IL 60560  
**February 28, 2022 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

**ROLL CALL:**

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, and Anne Vickery

Members Absent: Dick Thompson and Dick Whitfield

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

Others Present: Andrew Doyle and Patti Bernhard

Chairman Mohr swore in Andrew Doyle and Patti Bernhard prior to the start of the public hearings.

**PETITIONS**

Without objections, Chairman Mohr continued Petition 21-49 until May 2, 2022, and Petition 22-01 until after the Petitioner resolved the access permit issues with the Village of Oswego.

The Zoning Board of Appeals started their review of Petition 22-03 at 7:01 p.m.

**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**

**Request:** Special Use Permit for a Governmental Building or Facility (Fire Station) and the Revocation of a Special Use Permit for a Church Granted by Ordinance 2004-24

**PIN:** 09-12-300-017

**Location:** 748 Jones Road, Seward Township

**Purpose:** Petitioners Want to Operate a Fire Station and Remove the Special Use Permit for a Church at the Subject Property; Property is Zoned A-1

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 a 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 be 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. The LESA Score was 183 indicating low level of protection. The NRI Report was provided.

Petition information was sent to Seward Township on December 23, 2021. The Seward Township Planning Commission reviewed this proposal on January 4, 2022. They recommended approval by a vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting were provided.

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. At the ZPAC meeting, the Village of Shorewood requested an annexation agreement with the Petitioners; the Petitioners were agreeable to the request. At the Kendall County Regional Planning Commission meeting, an email from the Petitioner was read explaining that an annexation agreement could be not secured until the Fire District owned the property. The email was included in the minutes of the February 23, 2022, Kendall County Regional Planning Commission meeting.

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. The City of Joliet supplied information regarding planned improvements to Jones Road. This information

was provided. The Petitioners agreed to establish an escrow account with the City of Joliet to cover the cost for some of the improvements to Jones Road. At the Kendall County Regional Planning Commission meeting, an email from the Petitioner was read explaining that the City of Joliet had no record of the establishment of an escrow with the church and the Fire District would be required to establish an escrow, if the Fire District could not provide information to the contrary. The email was included in the minutes of the February 23, 2022, Kendall County Regional Planning Commission meeting.

ZPAC reviewed the proposal on January 4, 2022. The Health Department noted a change of use would be necessary for the property. They requested the septic area be protected and to secure appropriate permits for the well based on the usage of the property. A fire suppression system would be installed in the existing buildings. The Petitioners would provide information regarding the brightness of lights. The fire equipment would not use their horns at night unless there were vehicles on the road. ZPAC recommended approval of the proposal with the conditions proposed by Staff, a requirement that an escrow be paid to Joliet and an annexation agreement was secured with Shorewood by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 23, 2022. Discussion occurred about having an antenna at the property and reducing the brightness of the sign to match the ambient light of the area instead of a 10:00 p.m. reduction. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and changing the time the brightness of the sign was reduced by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of the January 26, 2022, gathering and the February 23, 2022 meeting were provided.

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on January 31, 2022. The hearing was continued to February 28, 2022. The minutes of the January 31, 2022, meeting were 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 (3<sup>rd</sup>) 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 was provided. The storage area will be an open area for the storage of pallets and straw bales and will be approximately sixteen feet (16') long, 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 store 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.

The site plan called 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 was originally planned to 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. The Kendall County Regional Planning Commission requested that the reduction time be adjusted to reflect changes in sunset times and ambient light levels. Staff has concerns regarding having a rotating reduction time for the lighting of the sign.

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. Section 11:02.F.8 provides screening requirements for parking lots with more than twenty (20) parking spaces. These requirements are presently met. 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.

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 (1<sup>st</sup>) special use permit for a fire station in the unincorporated area. This would be the fifth (5<sup>th</sup>) 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 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 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:

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 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 screened 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. Within one (1) year of the approval of this special use permit ordinance, the owners of the subject property shall submit an escrow payment to the City of Joliet for improvements to Jones Road. The Kendall County Planning, Building and Zoning Committee may extend the deadline for payment of the escrow funds.
24. Within one (1) year of the approval of this special use permit ordinance, the owners of the subject property shall enter into an annexation agreement with the Village of Shorewood. The Kendall County Planning, Building and Zoning Committee may extend the deadline for the creation of the annexation agreement.
25. 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.
26. 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.

27. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

28. 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.

Member Cherry requested clarification on the location of the subject property.

Chairman Mohr asked if the classrooms were inside the training tower. The classrooms were inside the accessory building.

Chairman Mohr asked why the berms were proposed. Mr. Asselmeier said the berms were placed to screen the site. Fire Chief Andrew Doyle said the dirt from the berms would be come from the pond work. The eastern berm would be used to block lights from the apparatus coming out of the building. The Fire District wanted the berms.

Member Vickery asked if the Fire District had enlarged. Chief Doyle responded no. Member Vickery questioned why the church had wanted such a large piece of property. Discussion occurred regarding the site plan connected to the special use permit for the church.

Chairman Mohr opened the public hearing at 7:21 p.m.

Chief Doyle said the parking lot was built for the church. He discussed the original plans of the church.

Member Vickery asked about coverage in the area around Grove Road and Route 52. Chief Doyle responded that the Troy Fire Protection District covers that area. He also discussed the mutual aid agreement with the Lisbon Seward Fire Protection District related to ambulance service.

Member Vickery asked where the Troy Fire Protection District would be dispatched. Chief Doyle responded they would be dispatched from their dispatch center, but KENCOM would handle calls from Kendall County. Discussion occurred on the differences of receiving calls from land lines and cell phones.

Member Vickery expressed concerns regarding traffic during training events. The training center would be used by multiple jurisdictions.

Chairman Mohr asked if the station would be a live-in situation or shifts. Chief Doyle responded the fire fighters would be on for twenty-four (24) hours and off forty-eight (48) hours. The building would meet applicable codes.

Chief Doyle said the goal was to go out to bid in the fall of 2022 for inside work and bids for outside work would be in the spring of 2023. They hope to occupy the building by fall 2023.

Chairman Mohr closed the public hearing at 7:27 p.m.

Member Vickery made a motion, seconded by Member LeCuyer, to approve the Findings of Fact for the special use permit.

The votes were as follows:

Ayes (5): Cherry, Fox, LeCuyer, Mohr, and Vickery  
Nays (0): None  
Abstain (0): None  
Absent (2): Thompson and Whitfield

The motion passed.

Member LeCuyer made a motion, seconded by Member Fox, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (5): Cherry, Fox, LeCuyer, Mohr, and Vickery  
Nays (0): None  
Abstain (0): None  
Absent (2): Thompson and Whitfield

The motion passed.

The proposal will go to the Kendall County Planning, Building and Zoning Committee on Monday, March 7, 2022.

The Zoning Board of Appeals completed their review of Petition 22-03 at 7:29 p.m.

The Zoning Board of Appeals started their review of Petition 22-04 at 7:29 p.m.

**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  
PIN: 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

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, building elevations, and updated landscaping plan were provided.

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 Map 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. On January 3, 2022, the Oswego Fire Protection District submitted an email noting that the building had to be alarmed and have sprinklers. The email also requested an auto-turn exhibit and that the proposed turnaround area was sixty feet (60') short on the right side. The Petitioners submitted an auto-turn exhibit on January 19, 2022. The Oswego Fire Protection District requested that no landscaping or obstructions be in the

area, a block or stop be installed to prevent apparatus from falling off the hard surfaced area, low growth or height landscaping in the area beyond the parking stop, and “No Parking-Fire Lane” markings or signage in the area. The Petitioners submitted updated plans on February 2, 2022, and the Oswego Fire Protection District approved them on February 3, 2022. The emails and exhibit were provided.

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

ZPAC reviewed the proposal on January 4, 2022. Discussion occurred regarding the new driveway. It was clarified that the existing eastern access point would be removed. The Petitioners’ Engineer agreed to provide the information requested by the Oswego Fire Protection District. The Sheriff’s Department expressed concerns regarding traffic congestion and that the sign be placed in an appropriate location to prevent lines-of-sight issues. The septic system was still under design. The Planning, Building and Zoning Department requested improved area calculations because, based on the information provided, the area of improvement was close to the threshold for requiring a stormwater permit, if the berms were not installed. ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 23, 2022. The Petitioners were offering grooming and daycare services on the property presently. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of the January 26, 2022, gathering and the February 23, 2022 meeting were provided.

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on January 31, 2022. The hearing was continued to February 28, 2022. The minutes of the January 31, 2022, meeting were provided.

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 had 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 to 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 plans show the removal of the existing southeastern access point.

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 install one (1) light along the driveway and in the parking lot. This lights will be twelve feet (12') in height. Two (2) wall packs 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.

The Petitioners plan to have one (1) non-illuminated sign along Plainfield Road. The sign location is shown on the landscaping plan. The Petitioners were allowed to have one (1) sign per their original special use permit.

The Petitioners plan to install approximately eight (8) canopy trees, six (6) deciduous shrubs, twenty-eight (28) evergreen shrubs, and six (6) groundcovers, grass, and perennials in substantially the sizes and locations as shown on the landscaping plan. The landscaping plan also shows one (1) approximately four foot (4') tall berm and a retention pond. All landscaping was planned to be installed by June 1, 2022.

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

Per the Kendall County Stormwater Management Ordinance, a stormwater permit will be required for the project. The stormwater related correspondence was provided.

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.

One (1) future gate is planned near the entrance to the property as shown on the landscaping plan.

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 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 vegetation and berm outlined in the landscaping plan shall be installed in the quantities outlined and described in the landscaping plan and shall be installed by June 1, 2022. The Planning, Building and Zoning Committee may extend this deadline upon the request of the property owner. Damaged or dead vegetation shall be replaced on a timeframe approved by the Planning, Building and Zoning Department.
3. The remaining conditions and restrictions contained in Ordinance 2019-33 shall remain effective.
4. 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.
5. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
6. 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.

Chairman Mohr clarified that the proposal only addressed the site layout. He noted that the building was more centered on the property.

Chairman Mohr asked how far the outdoor play area would be located from the neighboring house. Mr. Asselmeier noted the variance for the original special use permit. Chairman Mohr was concerned that the outdoor area was facing the neighboring property to the south. Discussion occurred about dogs barking outdoors versus barking indoors.

Chairman Mohr opened the public hearing at 7:45 p.m.

Patti Bernhard, Attorney for the Petitioner, noted the proposed changes. She also said that notices were mailed as required, but to date, nobody has commented on the proposal. She noted a smaller run had been proposed on the south side of the property. She discussed the Petitioner's vehicle that will be used to pick up and drop off pets. The Petitioner agreed to all of the conditions proposed in the amendment and the existing conditions on the special use permit.

Chairman Mohr asked why the Petitioner proposed the amendment. Ms. Bernhard responded that the Petitioner ran into cost issues and operational concerns by sharing the driveway with the house and kennel.

Chairman Mohr closed the public hearing at 7:49 p.m.

Chairman Mohr asked if any neighbors had commented on the proposal. Mr. Asselmeier responded that no comments have been received from neighbors.

Member Vickery made a motion, seconded by Member LeCuyer, to approve the Findings of Fact for the amendment to the special use permit.

The votes were as follows:

Ayes (5): Cherry, Fox, LeCuyer, Mohr, and Vickery  
Nays (0): None  
Abstain (0): None  
Absent (2): Thompson and Whitfield

The motion passed.

Member LeCuyer made a motion, seconded by Member Fox, to recommend approval of the amendment to an existing special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (5): Cherry, Fox, LeCuyer, Mohr, and Vickery  
Nays (0): None  
Abstain (0): None  
Absent (2): Thompson and Whitfield

The motion passed.

The proposal will go to the Kendall County Planning, Building and Zoning Committee on Monday, March 7, 2022.

The Zoning Board of Appeals completed their review of Petition 22-04 at 7:53 p.m.

**MINUTES:**

Member Fox made a motion, seconded by Member Vickery, to approve the minutes of the January 31, 2022, hearing/meeting.

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

**NEW BUSINESS/OLD BUSINESS**

Follow-up from Kendall County Regional Planning Commission Annual Meeting  
Mr. Asselmeier provided a follow-up.

Mr. Asselmeier reported the summary for 2021 and 2022 future projects and goals.

Fifty-one (51) petitions filed in 2021; thirty-two (32); petitions filed in 2020; forty-six (46) petitions filed in 2019; thirty-three (33) petitions filed in 2018 and 2017.

Thirty-two (32) new housing starts in 2021; thirty-four (34) new housing starts in 2020; twenty (20) new housing starts in 2019.

Three hundred fifty-four (354) Total Permits in 2021; three hundred twenty-six (326) total Permits in 2020; two fifty-seven (257) Total Permits in 2019.

Total deposits (Building Fees, Zoning Fees, Land Cash Fees, and Off-Site Roadway) for the FY2021 were Two Hundred Ninety-Three Thousand, Nine Hundred Forty-One Dollars (\$293,941), the Highest Since 2006.

Department had two (2) months (June and November) with revenues in excess of Forty-Two Thousand Dollars (\$42,000); in 2020, the Department had one (1) month (June) with revenues in excess of Forty Thousand Dollars (\$40,000); this was the first time monthly revenues had exceeded Forty Thousand Dollars (\$40,000) since the mid-2000s.

Kendall County's population increased to one hundred thirty-one thousand, eight hundred sixty-nine (131,869) in the 2020 Census, an increase of approximately fourteen point nine percent (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 twenty-four thousand, one hundred thirty-eight (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 including the following:

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.

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.

There were eight (8) new special use permits.

There were two (2) major amendments to existing special use permits.

There were three (3) minor amendments to existing special use permits.

There was one (1) revocation of an existing special use permit.

There was one (1) special use permit renewal.

There were (4) variances not part of a special use permit.

There eight (8) administrative variances.

There was one (1) variance to the Stormwater Management Ordinance.

There were zero (0) conditional use permits.

There were zero (0) temporary use permits.

There were six (6) site plan reviews.

There zero (0) plats of vacation, preliminary plats, or final plats.

There were three (3) text amendments.

There were two (2) amendments to the Land Resource Management Plan.

There were nine (9) map amendments.

There was one (1) Stormwater Ordinance related amendment.

There were zero (0) amendments to the Historic Preservation Ordinance and zero (0) landmarks.

There was one (1) other for historic preservation, the tax freeze for historic properties.

There was one (1) building and zoning other, the amendment to the citation form.

There were fifty-one (51) petitions in 2021.

There were eleven (11) ZPAC meetings.

There were eleven (11) Regional Planning Commission meetings.

There were nine (9) Zoning Board of Appeals meetings.

There were twelve (12) Historic Preservation Commission meetings.

There was one (1) Stormwater Management Oversight Committee meeting.

There were six (6) Comprehensive Land Plan and Ordinance Committee meetings.

There were thirteen (13) Planning, Building and Zoning Committee meetings.

Of the thirty-five (35) ordinances approved by the County Board in 2021, nineteen (19) were Planning, Building and Zoning related. Of the twenty-six (26) ordinances approved by the County Board in 2020, thirteen (13) were Planning, Building and Zoning related. Of the thirty-nine (39) ordinances approved by the County Board in 2019, twenty-two (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.

There were thirty-two (32) single-family dwelling units permitted in 2021. The breakdowns by township and subdivision were provided.

The Code Officials conducted nine hundred eighty-three (983) field visits and inspections. A breakdown of inspections was provided.

The Code Officials reviewed and issued thirty hundred sixty-five (365) permits and ninety-six (96) plumbing inspections occurred.

The Code Official's goals for 2022 include:

Renew International Code Council Certifications.

Test and implement permit tracking site created by GIS.

Provide an education program during the Kendall County Fair.

Mr. Asselmeier presented information on the various tabs in the GIS.

Member Vickery asked about abandoned property regulations. Mr. Asselmeier explained the grant program and explained that the State has rules related to declaring something abandoned. Discussion occurred about agricultural exemptions for zoning and building permits.

Discussion occurred regarding noxious weed reports and the thistle commissioners.

Discussion occurred regarding the expanded activities of the Historic Preservation Commission.

Mr. Asselmeier reported that the Comprehensive Land Plan and Ordinance Committee decided not to pursue changing the regulations related to home décor not produced on the premises.

Discussion occurred regarding working with Oswego and Seward Townships on increased code enforcement.

#### **REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD**

None

#### **PUBLIC COMMENTS**

For the March hearing, there will be a request from Seward Township for a moratorium on certain applications and a request from the Kendall County Planning, Building and Zoning Committee adding definitions of landscaping businesses and excavating businesses to the Zoning Ordinance.

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

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

The Zoning Board of Appeals meeting adjourned at 8:19 p.m.

The next hearing/meeting will be on March 28, 2022.

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

Exhibits

1. Memo on Petition 21-49 Dated February 14, 2022
2. Certificate of Publication for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 22-01 Dated February 24, 2022
4. Certificate of Publication and Certified Mail Receipts for Petition 22-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 22-03 Dated February 24, 2022
6. Certificate of Publication and Certified Mail Receipts for Petition 22-03 (Not Included with Report but on file in Planning, Building and Zoning Office)
7. Memo on Petition 22-04 Dated February 24, 2022
8. Certificate of Publication and Certified Mail Receipts for Petition 22-04 (Not Included with Report but on file in Planning, Building and Zoning Office)





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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To: Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: March 24, 2022  
Re: Petition 22-01 Request for a Special Use Permit and Variances for a Landscaping Business at 1038 Harvey Road in Oswego Township

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At their meeting on February 23, 2022, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent, voted to table Petition 22-01 until the Petitioner secured an access permit from the Village of Oswego for the southern driveway at the property or amended their site plan to remove the driveway, if the access permit was denied.

To date, the Petitioners have not provided proof that the Village of Oswego would approve the access permit and the Petitioners have not provided a site plan showing the location of the driveway in relation to the southern property line.

Neither the Petitioners nor their Attorney attended the March 23, 2022, Kendall County Regional Planning Commission and the Kendall County Regional Planning Commission voted to continue keeping the item on the table by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent.

The Petitioners' Attorney claimed that they were unaware of the March 23<sup>rd</sup> Kendall County Regional Planning Commission. Staff informed the Petitioners' Attorney on March 17<sup>th</sup> of the Kendall County Regional Planning Commission meeting. The related emails are attached.

Accordingly, Staff requests that the Kendall County Zoning Board of Appeals vote to continue the public hearing on this Petition until such time as either the Petitioners submit an approved access permit from the Village of Oswego or the Petitioners submits an amended site plan showing the southern driveway removed from the property or the Petitioners submit a site plan showing the location of the southern driveway in relation to the southern property line.

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

MHA

Encs.: Meeting Notification Emails

## Matt Asselmeier

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**From:** Matt Asselmeier  
**Sent:** Thursday, March 24, 2022 12:09 PM  
**To:** judd lofchie  
**Cc:** Scott Koeppel; Scott Gengler; Ruben Rodriguez; Faith D. Hook  
**Subject:** FW: March 23rd Kendall County Regional Planning Commission Meeting

Judd:

Please see the following email that was sent to you on March 17<sup>th</sup>.

The subject heading clearly states the meeting will be March 23<sup>rd</sup>. Also, the first page of the linked document clearly states the meeting is March 23<sup>rd</sup> at 7:00 p.m.

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

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**From:** Matt Asselmeier  
**Sent:** Thursday, March 17, 2022 11:40 AM  
**To:** judd lofchie <[REDACTED]>  
**Subject:** FW: March 23rd Kendall County Regional Planning Commission Meeting

Judd:

The following email was sent to the Kendall County Regional Planning Commission this morning.

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:** Matt Asselmeier  
**Sent:** Thursday, March 17, 2022 11:35 AM  
**To:** Bill Ashton; Bob Stewart; Claire Wilson; Dave Hamman; Karin McCarthy-Lange; Larry Nelson; Ruben Rodriguez; Scott Gengler; Scott Koeppel; Seth Wormley; Tom Casey  
**Subject:** March 23rd Kendall County Regional Planning Commission Meeting

Members of the Kendall County Regional Planning Commission:

Here is the link to the packet for the March 23<sup>rd</sup> meeting,  
<https://www.co.kendall.il.us/home/showpublisheddocument/23364>.

For Petition 22-01, the updates since the February meeting are on page 85 and the site plan is on pages 103 and 104.

For the item of new business, the subject properties are highlighted on the map on page 204.

Please let me know if you will be in attendance for the meeting.

If you have any questions, please let me know.

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

## Matt Asselmeier

---

**From:** judd lofchie <[REDACTED]>  
**Sent:** Thursday, March 24, 2022 12:01 PM  
**To:** Matt Asselmeier  
**Subject:** Fwd: [External]Fwd: 1038 Harvey Rd.

You had a meeting last night? We thought it was next Monday per your email below. Please advise.

Judd

----- Forwarded message -----

**From:** Matt Asselmeier <[masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us)>  
**Date:** Fri, Mar 11, 2022 at 12:14 PM  
**Subject:** RE: [External]Fwd: 1038 Harvey Rd.  
**To:** judd lofchie <[REDACTED]>  
**Cc:** Scott Koeppel <[skoepfel@co.kendall.il.us](mailto:skoepfel@co.kendall.il.us)>, Scott Gengler <[sgengler@co.kendall.il.us](mailto:sgengler@co.kendall.il.us)>

Judd:

I have been instructed to put this special use permit request on the March 28<sup>th</sup> Kendall County Zoning Board of Appeals agenda.

If the issue with the Village of Oswego has not been resolved by the 28<sup>th</sup>, the hearing will be continued again.

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



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

---

To: Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: March 24, 2022  
Re: Seward Township Moratorium

This proposal was tabled at the Kendall County Regional Planning Commission on March 23, 2022, by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The consensus of the Commission was that the Commission supported the Seward Township Planning Commission's efforts, but had concerns about the legalities, precedent, and need for a moratorium. The minutes of the meeting are attached.

Following the Kendall County Regional Planning Commission meeting, Staff sent an email to the Seward Township Supervisor requesting guidance regarding whether or not the Township wanted to pursue the moratorium request.

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.

Staff originally had concerns regarding a lack of timeline or benchmarks justifying the length of the moratorium. After the original application was filed, Seward Township submitted additional information, including a timeline which is attached.

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.

ZPAC reviewed this proposal at their meeting on March 1, 2022. It was noted that this was the first time that the County had received this type of request from a township. Discussion occurred regarding setting a precedent. Jillian Prodehl explained the need for a moratorium and the Township’s strategy for updating their plan. Jessica Nelson discussed having a holistic examination of Seward Township. Anne Vickery stated that the rural residential areas were creating problems including flooding, unenforced special use provisions existed, efforts were underway to help fund a code enforcement officer, and the Township desired to protect farm land. Staff noted that approximately ten (10) petitions, not including text amendment requests, had been filed in Seward Township over the past year. Mr. Klaas agreed that examining the township’s plan was a good idea. However, the future land uses in Seward Township will be determined by nearby municipalities. Mr. Klaas also felt that the request was a policy question and not a technical question, which is ZPAC’s normal scope of examination. Mr. Guritz agreed with Mr. Klaas. ZPAC voted to issue a neutral recommendation by a vote of four (4) in favor and two (2) in opposition with four (4) members absent. The minutes of the meeting were attached.

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

Thanks,

MHA

Encs.: Application

Seward Township Information Dated February 20, 2022.

March 1, 2022 ZPAC Minutes (This Petition Only)

March 23, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)

**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.**

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**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.**

**[Redacted Signature]**

**Tim O'Brien**

**Supervisor**

**Attest:**

**[Redacted Signature]**

**Sheila Trost**

**Clerk**



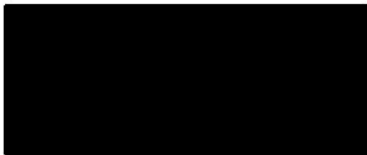
## Seward Township Board Recommendation

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

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**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

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**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

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**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

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**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 #: \_\_\_\_\_

<b>NAME OF APPLICANT</b> Seward Township		
<b>CURRENT LANDOWNER/NAME(s)</b> Irma Loya Quezada		
<b>SITE INFORMATION</b>	<b>SITE ADDRESS OR LOCATION</b>	<b>ASSESSOR'S ID NUMBER (PIN)</b>
ACRES 6.48	Across from 14859 and 14975 Brisbin Rd	09-18-300-018 & 09-18-300-19
<b>EXISTING LAND USE</b>	<b>CURRENT ZONING</b>	<b>LAND CLASSIFICATION ON LRMP</b>
Agricultural	A-1	Agricultural
<b>REQUESTED ACTION</b> (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)		
<b><sup>1</sup>PRIMARY CONTACT</b> Tim O'Brien	<b>PRIMARY CONTACT MAILING ADDRESS</b> 14719 Obrien Rd, Minooka IL 60447	<b>PRIMARY CONTACT EMAIL</b> sewtow@aol.com
<b>PRIMARY CONTACT PHONE #</b> 815-791-2290	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b> 1-19-2022

FEE PAID: \$ 500.00  
 CHECK #: 1023

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering 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.

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)**

# SEWARD TOWNSHIP

## CURRENT STATUS

And

## DEFINITION OF PROCESS

IN THE

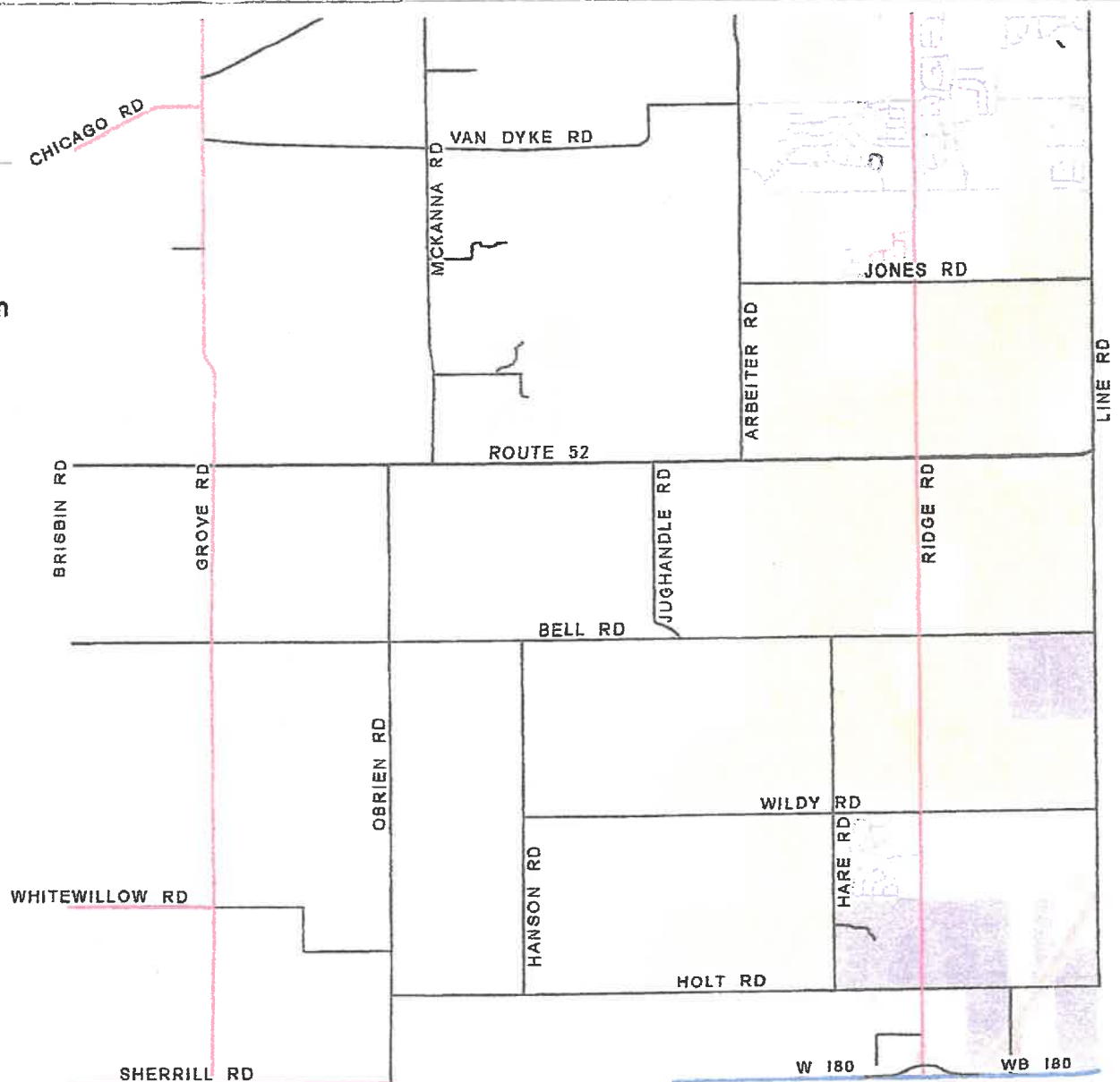
## DEVELOPMENT OF

## A COMPREHENSIVE PLAN

## FOR THE FUTURE

### Future Land Use

- Agriculture
- Commercial
- Commonwealth Edison
- Countryside Res
- Forest Preserve
- Mining
- Mixed Use Business
- Open Space
- Potential Mining
- Public/Institutional
- Rural Estate Res
- Rural Residential
- Suburban Residential
- Trans Corridors
- Unknown
- Urban Areas



February 20, 2022

**TIMELINE FOR RESEARCH AND DEVELOPMENT**  
**OF THE SEWARD TOWNSHIP**  
**LAND REVIEW**  
**COMPREHENSIVE PLAN RECOMMENDATIONS**

**2022**

**Land Review Meetings to Date:**

February 9, 2022

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February 16, 2022

February 23, 2022 (rescheduled to attend County Meeting)

**Current Process:**

- Individual committee members are researching and attending other village meetings to collect data, while also collecting data within the township.
- A Facebook page specific to the Plan Commission work has been created for Seward Township Plan Commission updates, including invitations for input.
- Meetings are routinely posted several days prior to meetings at the Township Hall, inviting the public to participate. These invitations will be more vigorously extended as a plan has developed.
- Intended timeline for completion of a Draft Township Land Review, with comprehensive plan recommendations is August, 2022.

**Timelines:**

The Seward Township Plan Commission is a volunteer committee, with the intention to review all relevant data that is available, by May, 2022. At that time, the data that applies to the production of a Comprehensive Plan for the Township is planned to have been received. The work that will follow will involve the organization of the data and the production of a final plan, which may include additional research that is revealed as the summary is completed. The committee believes that they will begin the assembly and research of any additional needed data, and plan to complete their “ DRAFT ” Comprehensive Plan recommendations for Board consideration no later than August, 2022. Should any additional research or writing be needed, those dates could change.



# **Seward Township/Kendall County Draft Vision and Mission**

**1/12/2022**

Prior to initiating a review of the data, The Plan Commission drafted a vision and mission statement as follows:

## **VISION STATEMENT: (Draft)**

Our vision is for a well-balanced community in the Township, that is reflective of the most desired use of the land.

## **MISSION STATEMENT: (Draft)**

Our mission is to design a township map for Seward Township, (through the Land Resource Management Plan Process), that provides a balanced community of family, businesses and daily living, while respecting the land and the history of the land.

**\*PLEASE NOTE:** The Seward Township vision and mission statements will be revised and/or enhanced as the planning process proceeds. Details will be included as they are identified. The above statements are working drafts developed in January and confirmed at our first meeting.

## **Seward Plan Commission Members**

Jessica Nelsen, Chair

Suzanne Casey, Secretary

Jill Prodehl

Joan Soltwisch

**SEWARD TOWNSHIP LAND RESOURCE PLAN OF REVIEW 2022 (currently unfolding)**

The Committee is currently involved in the following work.

- **Reviewing the most recent Land Resource Management Plan for Seward Township from 2005, the Township is including an analysis of similar categories for drawing conclusions on future land use categories.(Municipalities, Agricultural, Planned Rural Estate Residential, and Planned Rural Residential, (.45 and .65 dwelling units per gross buildable acres).**
- **Reviewing the recently completed and adopted Village of Minooka Comprehensive Plan. (Oct, 2021).**
- **Monitoring the currently initiated Shorewood Comprehensive Plan Process, (attended their visioning session in February, 2022).**
- **Gathering data and analyzing similar factors as both Villages have done.**
- **Completing a detailed review of the current status of what exists in Seward Township. (on-site visits, reviews, and data analysis on what has been observed.) This includes residential, commercial, and recreational facilities, as well as future major road plans that cross the Township.**
- **Completing onsite and narrative reviews of the AuxSable Creek Watershed, and other drainage issues related to the Township.**
- **Reviewing Planned Rural Estate Residential, (.45 dwelling units per gross buildable acre) and Planned Rural Residential,( not to exceed .65 dwelling units per gross buildable acre.)**
- **Reviewing Suburban Residential (1.0 dwelling units per gross buildable acres).**
- **Reviewing Commercial, Mixed Use, Public/Institutional and Public Recreation/Parks.**
- **Identifying and defining Open Space.**
- **Conservation Design, (protecting open space), will be recommended.**

## SUMMARY STATEMENT

### LAND USE REVIEW

### SEWARD TOWNSHIP

2022

The following data was collected via three methods: Direct visual inspection by driving the Township, study of photographs taken of properties, as well as study of Google maps to confirm observations. It is believed that the collected data is 95% correct, allowing for any recording errors.

Following are some summary statements regarding the collected data.

- Most Densely Populated roads in the Township:  
Density is strongest for residences on McKanna and Jughandle Roads. This is a separate density from the PUD's that exist in the Eastern half of the township, particularly along the Ridge Road corridor.
- Least Densely Populated areas of the Township:  
Density is significantly less in the Southwest portion of the following roads in the Township. (Bell, Hansen, O'Brien, Whitewillow and Sherrill Roads.)
- Concentration of Agricultural Land:  
The approximate 20,097.7 acres of agricultural or agricultural farmstead is located throughout the Township, and can be viewed as open space, and/or between or behind housing/farm houses.
- Areas of Concern to watch in the future: (for density, annexation, further housing expansion)  
County Line Road  
Ridge Road  
McKanna Road  
Jughandle Road
- Kendall Power Plant  
The Power Plant, just as any other business/property in the Township might be, has been annexed into neighboring Minooka.
- Pre-annexation agreements with Shorewood  
Pre-annexation agreements are already in place for the Storage Units and Gro-Pro Sports Dome at County Line Road, as well as the Grace Bible Church on Jones Road.
- Watershed  
The Watershed comprises .14 square miles or .40% water.
- Size  
The township has a total area of 35.11 square miles, of which 34.97 square miles is land and 0.14 square miles is water.

## TOP 10 PRIORITIES

The following table identifies the Village's top 10 priorities for implementation from the Minooka Comprehensive Plan. These priorities were selected due to their high levels of impact with near term timeframes. Each have been matched with related Key Recommendations of the Plan for reference.

#	Top 10 Priorities	Chapter	Related Goals and Key Recommendations	Key Recommendation
1	Prioritize infill development to develop pockets of undeveloped areas inside Minooka.	Housing and Neighborhoods Economic Development	1.2 1.4 2.1	Support infill opportunities with context-sensitive higher density residential development. Prioritize future residential development in targeted growth areas near existing infrastructure. Prioritize infill development of industrial and other employment-generating uses where land has been platted and prepared with infrastructure.
2	Increase utility capacity north of I-80.	Community Facilities and Infrastructure	2.2 2.4	Proactively plan for the Village's water infrastructure in coordination with regional partners and existing plans; and studies to accommodate current residents and facilitate new growth. In coordination with existing plans and studies, evaluate the Village's sanitary infrastructure to meet current and future demands.
3	Widen Ridge Road south to Route 6.	Transportation and Mobility Housing and Neighborhoods	2.5 1.1 1.5	Explore public-private partnerships and cost-share incentives to help off-set the cost on the Village's end for future infrastructure improvements/expansions. As new roadways are constructed and the existing network is expanded to support future growth, ensure proper functional classification, design, and traffic control. Promote the use of conservation design and low impact development strategies to protect the Village's natural resources.
4	Continue open space preservation and park land acquisition throughout the Village.	Parks, Agriculture, and Natural Areas	1.1 1.2 1.4	Continue to maintain and enhance existing parks, updating aging facilities as necessary and exploring opportunities to provide a variety of recreational amenities for all ages. Ensure new residential growth areas have access to park facilities. Improve long-term funding for the management of parks including considering the establishment of a local park tax levy or partnering with the Channahon Park District
5	Annex unincorporated land surrounding the Brislin Road interchange to encourage development in the far west growth area.	Economic Development Transportation and Mobility Community Facilities and Infrastructure	1.5 1.6 1.3 2.2 1.1 2.3	Promote the preservation of natural areas including the tree canopy during the site design and approval process; to integrate these features as amenities for residents or employees. Protect the Village's water resources by enforcing sustainable development controls and working with regional partners to improve water quality. Reinforce existing commercial areas along Ridge Road to increase local commercial businesses. Proactively prepare for industrial expansion in Minooka's future growth areas. As Minooka's As new roadways are constructed and the existing network is expanded to support future growth, ensure proper functional classification, design, and traffic control. Explore partnering with Channahon to provide water and sewer services in the far west area surrounding the Brislin interchange.

#	Top 10 Priorities	Chapter	Related Goals and Key Recommendations	Key Recommendation
6	Purchase land for the new waste water treatment plant west and build the batch plant.	Community Facilities and Infrastructure	1.4	In coordination with existing plans and studies, evaluate the Village's sanitary infrastructure to meet current and future demands.
7	Provide a spectrum of affordable housing for current and future residents	Housing and Neighborhoods	1.3	Foster greater housing diversity in new residential development.
8	Identify future municipal water source.	Community Facilities and Infrastructure	1.2	Proactively plan for the Village's water infrastructure in coordination with regional partners and existing plans and studies to accommodate current residents and facilitate new growth.
9	Continue to expand Minooka's trail system to support alternative modes of transportation (e.g., DuPage River Walk).	Parks, Agriculture, and Natural Areas	1.3	Invest in the expansion of Minooka's trail network to ensure the park system is highly connected and accessible for all residents.
		Transportation and Mobility	2.2	Expand and connect the trail network throughout the Village.
			2.3	Establish development ordinances that further non-motorized modes of transportation.
10	Protect the 100 feet buffer along the Aux Sable Creek to create the Aux Sable Creek Greenway.	Parks, Agriculture, and Natural Areas	1.5	Promote the preservation of natural areas including the tree canopy during the site design and approval process to integrate these features as amenities for residents or employees.

**THE PAST, THE PRESENT AND THE FUTURE....**



**1900**



**AUXSABLE**

**CREEK**



**1950'S**

**1970'S**

**"Planning the future by preserving the present and learning from the past."**



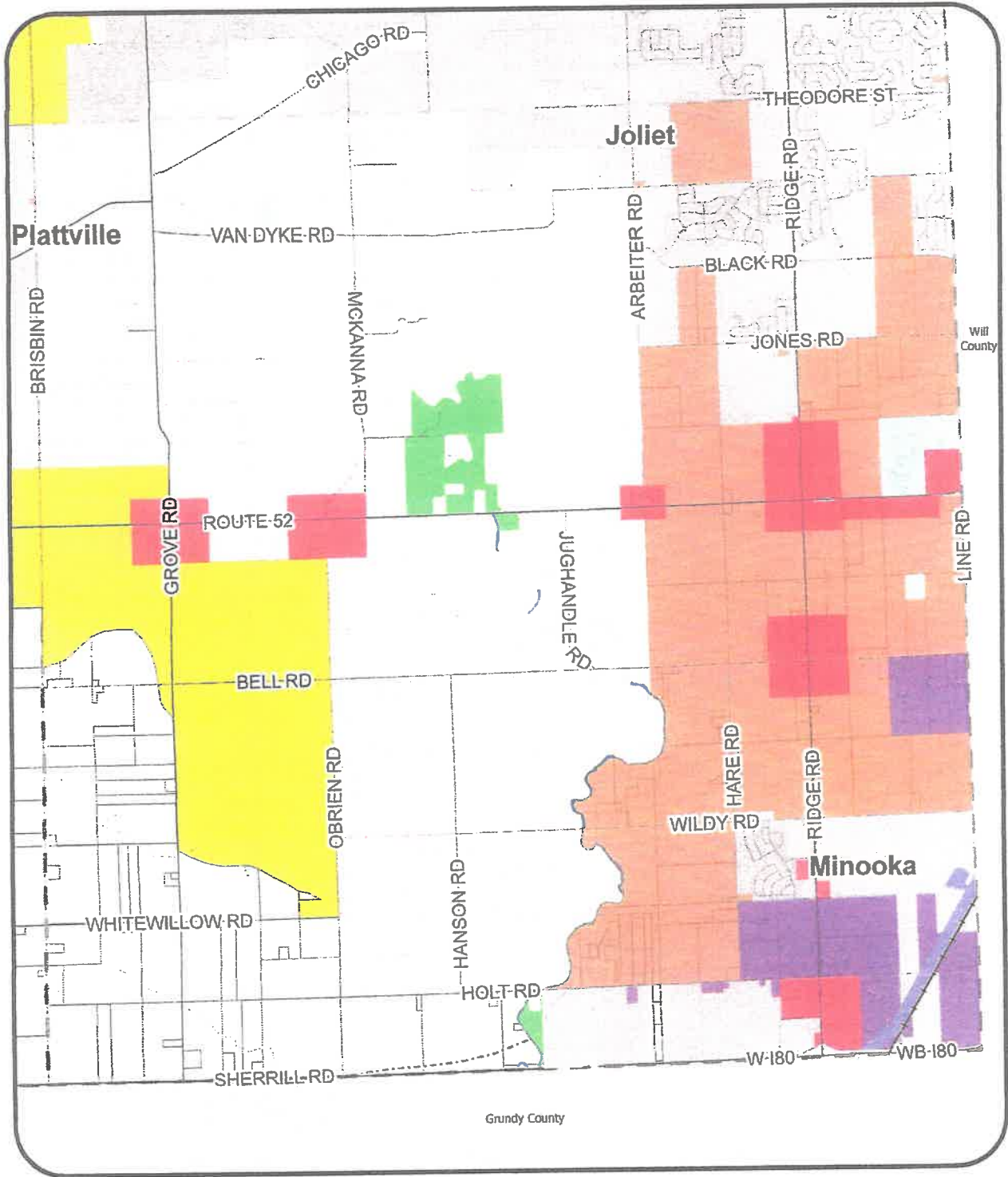
1900



2022

**THE PEOPLE AND  
THE BUILDINGS CHANGE,  
BUT THE LAND REMAINS...**

# Future Land Use Plan



- PROPOSED ROADWAY IMPROVEMENTS
- ▬ TOWNSHIPS
- SUBURBAN RESIDENTIAL - MAX DENSITY 1.00 DU ACRES
- RURAL RESIDENTIAL MAX DENSITY 0.65 DU ACRES
- RURAL ESTATE RESIDENTIAL MAX DENSITY 0.45 DU ACRE
- COMMERCIAL
- MIXED USE BUSINESS
- COMMONWEALTH EDISON PUBLIC/INSTITUTIONAL
- AGRICULTURE
- FOREST PRESERVES
- URBAN AREAS - INCORPORATED
- UNKNOWN
- INACTIVE





**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
March 1, 2022 – Unapproved Meeting Minutes**

PBZ Senior Planner Matt Asselmeier called the meeting to order at 9:02 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Alyse Olson – Soil and Water Conservation District

Absent:

Greg Chismark – WBK Engineering, LLC  
Scott Gengler – PBZ Committee Chair  
Commander Jason Langston – Sheriff's Department  
Aaron Rybski – Health Department

Audience:

Tim O'Brien, Jillian Prodehl, Jessica Nelson, and Anne Vickery

**PETITIONS**

**Petition 22-05 Seward Township**

Mr. Asselmeier summarized the request.

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 an 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. The application was provided.

Staff recommended 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. At the time of application submittal, the Township had not submitted information, like a timeline, explaining why one (1) year is necessary for a moratorium. The Township has since submitted information stating they hoped to have a proposal to the Township Board by August 2022.

If the County Board would like to approve the request, Staff suggested 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. To date, no township has submitted comments.

Mr. Asselmeier asked if the County had previously approved a moratorium similar to the one requested by Seward Township. Mr. Klaas responded, not to his knowledge.

Mr. Asselmeier asked if another Township had requested to update their Township Plan in the last thirty (30) or so years. The consensus was that no other Township had submitted a previous request recently.

Mr. Guritz asked about giving away authority. Mr. Asselmeier noted that other townships could ask for similar moratoriums. Mr. Asselmeier noted that townships are not required to review applications; they have a right to review certain requests.

Jillian Prodehl, Seward Township Planning Commissioner, and Jessica Nelson, Seward Township Planning Commission Chairwoman explained the need for the request. Ms. Prodehl said the Commission was researching and gathering information for the plan update; the Commission has met several times to review information. Ms. Prodehl also noted that Planning Commissioners attended meetings with Shorewood and they were reviewing the plans of Minooka and the existing Land Resource Management Plan for Seward Township. Ms. Prodehl discussed the Commission's research of drainage issues in Seward Township and community engagement strategies. The intended completion date is August 2022.

Mr. Asselmeier discussed the potential changes to the Future Land Use Map. He noted that, if the moratorium was approved, new applications subject to the moratorium would be put on hold until the expiration of the moratorium. Completed applications that were submitted prior to the approval of the moratorium would still be processed. The moratorium would only apply to Seward Township.

Ms. Prodehl stated that no conclusions related to possible changes to the Future Land Use Map. The Commission would like the plan to remain static while the Commission completed its research because changes to the plan would slow down the Commission's work and could delay the completion of the project. The Commission's intent was not to block growth.

Property owners could still do annexation agreements with municipalities.

Ms. Nelson noted the Commission wanted to look at the Township holistically.

Ms. Briganti asked how many petitions occurred in Seward Township in recent years. Mr. Asselmeier responded that, in the past year, there were ten (10) petitions, not including text amendments, that occurred in Seward Township. A special use permit normally takes two to three (2-3) months to obtain approval. Mr. Asselmeier listed the types of petitions that have occurred in Seward Township.

Mr. Klaas asked when the last rural residential subdivision occurred in Seward Township. Mr. Asselmeier responded 2016 for a five (5) lot subdivision.

Mr. Asselmeier asked why a moratorium was needed for variances. Ms. Prodehl said a variance request or any request could cause take the Commission's focus off of the plan and slow down the process.

Anne Vickery, Seward Township Resident, said the Planning Commission was not trying to stop annexations. The Township Planning Commission wanted to re-engage with the County and the Regional Planning Commission. She said that rural residential areas were creating problems including flooding, unenforced special use provisions, efforts to help fund a code enforcement officer, and protecting farm land. She also noted that Seward Township had the largest percentage increase in population of any township in Kendall County.

Mr. Klaas agreed that examining the township's plan was a good idea. However, the future land uses in Seward Township will be determined by nearby municipalities.

Mr. Klaas felt that the request was a policy question and not a technical question, which is ZPAC's normal scope of examination. Mr. Guritz agreed with Mr. Klaas.

Mr. Guritz made a motion, seconded by Mr. Klaas, to issue a neutral recommendation of the requested text amendment.

The votes were follows

Ayes (4): Briganti, Klaas, Olson, and Guritz  
Nays (2): Asselmeier and Holdiman  
Abstain (0): None  
Absent (4): Chismark, Gengler, Langston, and Rybski

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 23, 2022.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

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

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:36 a.m., adjourned.

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

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of March 23, 2022 - 7:00 p.m.**

Vice Chairman Rodriguez called the meeting to order at 7:03 p.m.

**ROLL CALL**

Members Present: Tom Casey, Dave Hamman (Arrived at 7:06 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bill Ashton and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Scott Gengler, Tim O'Brien, Jillian Prodehl, Pete Fleming, and Suzanne Casey

**PETITIONS**

**Petition 22-05 Seward Township**

Mr. Asselmeier summarized the request.

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 an 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 recommended 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 was Staff's understanding that Seward Township was only looking to change the Future Land Use Map and not the text of the Zoning Ordinance. As such, Staff did 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.

Staff originally had concerns regarding a lack of timeline or benchmarks justifying the length of the moratorium. After the original application was filed, Seward Township submitted additional information, including a timeline which was provided.

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.

ZPAC reviewed this proposal at their meeting on March 1, 2022. It was noted that this was the first time that the County had received this type of request from a township. Discussion occurred regarding setting a precedent. Jillian Prodehl explained the need for a moratorium and the Township’s strategy for updating their plan. Jessica Nelson discussed having a holistic examination of Seward Township. Anne Vickery stated that the rural residential areas were creating problems including flooding, unenforced special use provisions existed, efforts were underway to help fund a code enforcement officer, and the Township desired to protect farm land. Staff noted that approximately ten (10) petitions, not including text amendment requests, had been filed in Seward Township over the past year. Mr. Klaas agreed that examining the township’s plan was a good idea. However, the future land uses in Seward Township will be determined by nearby municipalities. Mr. Klaas also felt that the request was a policy question and not a technical question, which is ZPAC’s normal scope of examination. Mr. Guritz agreed with Mr. Klaas. ZPAC voted to issue a neutral recommendation by a vote of four (4) in favor and two (2) in opposition with four (4) members absent. The minutes of the meeting were provided.

Jillian Prodehl, Acting Chair of the Seward Township Planning Commission, and Pete Fleming, Seward Township Planning Commissioner, explained the reasons for the moratorium. They were not trying to stall development in the Township. They would like time to examine the various pieces of data and research needed to prepare a plan. They noted that the Future Land Use Map was from 2005 and they would like the opportunity to adjust the Future Land Use Map based on current information. It was noted that the Seward Township Planning Commission members were volunteers and the Commission was meeting frequently, including meeting with the Chicago Metropolitan Agency for Planning.

Member Wilson asked if Seward Township had sought a legal opinion regarding having moratorium. Seward Township did not provide a legal opinion. Member Wilson expressed concerns regarding potential litigation coming from instituting a moratorium. Discussion occurred regarding previous moratoriums instituted by the County. Member Wilson discussed the factors courts used to evaluate moratorium requests. Mr. Asselmeier said the issuance of moratorium was at the discretion of the County Board.

Member Nelson expressed concerns about completing and adopting changes to the Land Resource Management Plan within six (6) months; he felt that the timeline seemed fast.

Member Nelson asked if the moratorium was necessary for all categories. Mr. Asselmeier said that, as a volunteer board, if the Seward Township Planning Commission has to stop and review a Petition, the time to review a Petition could not be used to work on the Township Plan, which could delay completion of the planning process.

Member Nelson thought that most of the issues in Seward Township was related to lack of obtaining special use permits. Mr. Fleming discussed map amendment requests as a way to go around the forty (40) acre rule. Ms. Prodehl discussed the floodplains in the area.

Discussion occurred regarding updating the Land Resource Management Plan. Member Nelson noted that a request would be submitted for funds to pay to update the Land Resource Management Plan. Mr. Asselmeier explained the process for securing funding to update the Land Resource Management Plan.

Member Nelson discussed property rights and temporary takings. He felt the project should move forward without a moratorium.

Discussion occurred regarding Chatham zoning and the LaSalle Factors.

Mr. Asselmeier explained the process for updating the Land Resource Management Plan. The process was similar to the process for obtaining a special use permit.

Several Commissioners expressed their support of Seward Township in updating their Plan, but felt that a moratorium was problematic and precedent setting.

Member Rodriguez expressed concerns about businesses being shut down because of the moratorium.

Discussion occurred regarding rescinding the Petition and tabling the request.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to table the proposal.

The votes were as follows:

Ayes (7): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Ashton and Stewart

Abstain (0): None

The motion carried.

The Kendall County Zoning Board of Appeals will be notified that the proposal was tabled.

Tim O'Brien, Seward Township Supervisor, thanked the Commission.

### **CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

### **NEW BUSINESS**

### **ADJOURNMENT**

Member Wilson made a motion, seconded by Member Casey, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:10 p.m.

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

Enc.



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
MARCH 23, 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)
<i>Tom O'Brien</i>		
<i>Pete Fenley</i>		
<i>Jilligan Prodehl</i>		





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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

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To: Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: March 24, 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.

ZPAC reviewed this proposal at their meeting on March 1, 2022. ZPAC recommended approval of the request by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 23, 2022. Discussion occurred about requiring businesses that engage in designs of

landscapes only to obtain a special use permit. These types of office businesses would be allowed in the B-3 without a special use permit and could be allowed as a home occupation if the other home occupation rules were met. The Kendall County Regional Planning Commission, by vote of seven (7) in favor and zero (0) in opposition with two (2) members absent voted to recommend approval of the text amendments with a change to the proposed definition of excavating business as shown below in red:

**“EXCAVATING BUSINESS. A business engaged in site preparation activities including grading, earthmoving, and land clearing and businesses that rent equipment weighing over thirty thousand pounds (30,000 lbs.) for such purposes. For the purposes of this Ordinance, an excavating business shall be considered a contractors’ office or shop.”**

The minutes of the Kendall County Regional Planning Commission meeting are attached.

Staff has concerns regarding obtain the weights of various pieces of equipment.

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

Thanks,

MHA

Encs. March 1, 2022 ZPAC Meeting Minutes (This Petition Only)  
March 23, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
March 1, 2022 – Unapproved Meeting Minutes**

PBZ Senior Planner Matt Asselmeier called the meeting to order at 9:02 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Alyse Olson – Soil and Water Conservation District

Absent:

Greg Chismark – WBK Engineering, LLC  
Scott Gengler – PBZ Committee Chair  
Commander Jason Langston – Sheriff's Department  
Aaron Rybski – Health Department

Audience:

Tim O'Brien, Jillian Prodehl, Jessica Nelson, and Anne Vickery

**PETITIONS**

**Petition 22-06 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

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 was 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” did not appear in the Zoning Ordinance. Accordingly, Staff proposed 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. To date, no Townships have submitted comments.

Mr. Klaas asked if the Planning, Building and Zoning Department approved of this language. Mr. Asselmeier responded yes.

No definition of landscaping business presently exists in the Zoning Ordinance

Mr. Guritz made a motion, seconded by Ms. Briganti, to recommend approval of the requested text amendment.

The votes were follows

Ayes (6): Asselmeier, Briganti, Holdiman, Klaas, Olson, and Guritz

Nays (0): None

Abstain (0): None

Absent (4): Chismark, Gengler, Langston, and Rybski

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 23, 2022.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

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

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:36 a.m., adjourned.

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

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of March 23, 2022 - 7:00 p.m.**

Vice Chairman Rodriguez called the meeting to order at 7:03 p.m.

**ROLL CALL**

**Members Present:** Tom Casey, Dave Hamman (Arrived at 7:06 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

**Members Absent:** Bill Ashton and Bob Stewart

**Staff Present:** Matthew H. Asselmeier, Senior Planner

**Others Present:** Scott Gengler, Tim O'Brien, Jillian Prodehl, Pete Fleming, and Suzanne Casey

**PETITIONS**

**Petition 22-06 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

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 was 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 proposed 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.

ZPAC reviewed this proposal at their meeting on March 1, 2022. ZPAC recommended approval of the request by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Member Wilson asked why businesses that rent excavating equipment were considered excavating businesses. Mr. Asselmeier said that, if a business has the equipment, they might use the equipment and be an excavating business.

Discussion occurred about setting a weight limit for businesses that rent excavating equipment. Equipment weights can be found online.

Discussion occurred regarding businesses that are run out of houses in the designing of landscaping plans business. The belief was that these types businesses would be considered home occupations if they met the home occupation requirements. Companies engaged in designing landscaping only would be allowed on properties with business zoning classifications.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the requested text amendments with the following amendment:

“EXCAVATING BUSINESS. A business engaged in site preparation activities including grading, earthmoving, and land clearing and businesses that rent equipment **weighing over thirty thousand pounds (30,000 lbs.)** for such purposes. For the purposes of this Ordinance, an excavating business shall be considered a contractors’ office or shop.”

The votes were as follows:

Ayes (7): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley  
Nays (0): None  
Absent (2): Ashton and Stewart  
Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on March 28, 2022.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**ADJOURNMENT**

Member Wilson made a motion, seconded by Member Casey, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:10 p.m.

Respectfully submitted by,  
KCRPC Meeting Minutes 03.23.22

Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Enc.



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
MARCH 23, 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)
<i>Tom O'Brien</i>		
<i>Pete Fenley</i>		
<i>Jilligan Prodehl</i>		