

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
March 1, 2022 – Approved 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

**AGENDA**

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

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

**MINUTES**

Mr. Guritz made a motion, seconded by Mr. Klaas, to approve the January 4, 2022, meeting minutes.

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

**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 existed, efforts were

underway to help fund a code enforcement officer, and protecting farm land was an objective. 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.

#### **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.

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

Mr. Asselmeier reported that Petitions 21-37, 21-38, 21-40, 21-41, and 21-46 were approved by the County Board.

**OLD BUSINESS/NEW BUSINESS**

**Follow-Up from February 5<sup>th</sup> Kendall County Regional Planning Commission Annual Meeting**

This item was laid over until the next meeting.

**CORRESPONDENCE**

None

**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