

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

CALL TO ORDER

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

ROLL CALL:

Members Present: Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, Anne Vickery, and Dick Whitfield

Members Absent: Scott Cherry

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

Others Present: Andrew R. Smith, Jeremy Dippold, and Mark Fecht

The Zoning Board of Appeals started their review of Petition 22-05 at 7:01 p.m.

PETITIONS

Petition 22 – 05 – Seward Township

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

Discussion occurred regarding the length of time of the moratorium requested by Seward Township as Petition 22-05. The question was if the moratorium was for one (1) year or six (6) months. Clarification will be sought from Seward Township regarding their request. The proposal was tabled at the March 23, 2022, Kendall County Regional Planning Commission meeting.

Discussion occurred regarding the impact of the moratorium on an application for a special use permit for a landscaping business in Seward Township.

Mark Fecht asked if there was precedence for having such a moratorium. The response was that the County has approved moratoria on other, specific issues. The details on the Seward Township moratorium need to be clarified.

Andrew R. Smith requested clarification on the earliest the moratorium would start. The earliest the moratorium could become effective is June 21, 2022. Completed applications submitted prior to the June date would be process under current rules.

Chairman Mohr stated that Petition 22-05 was tabled at the request of the Kendall County Regional Planning Commission.

This matter will go to the Kendall County Regional Planning Commission on April 27, 2022, and return to the Zoning Board of Appeals on May 2, 2022.

The Zoning Board of Appeals completed their review of Petition 22-05 at 7:09 p.m.

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the February 28, 2022, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petition 22-01 at 7:10 p.m.

Petition 22 – 01 – Jose and Silvia Martinez

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

Mr. Asselmeier provided a history of the Petition. The Kendall County Regional Planning requested a revised site plan showing the location of the southern driveway and documentation from the Village of Oswego approving the access point on Harvey Road. Neither the Petitioners nor their Attorney attended the March 23, 2022, Kendall County Regional Planning Commission meeting and the Kendall County Regional Planning Commission voted to continue the tabling of the Petition. Mr. Asselmeier discussed the impact of an involuntary annexation of the subject property. The next court date for this case is April 12, 2022.

Discussion occurred regarding the impact of annexation or the issuance of the special use permit on the fines.

Member Vickery made a motion, seconded by Member Whitfield, to table the Petition.

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

If the Petitioners submit the revised site plan and access approval from the Village of Oswego, the proposal will go back to the Kendall County Regional Planning Commission on April 27, 2022, and will return to the Zoning Board of Appeals on May 2, 2022.

The Zoning Board of Appeals completed their review of Petition 22-01 at 7:14 p.m.

The Zoning Board of Appeals started their review of Petition 22-06 at 7:14 p.m.

Petition 22 – 06 – Kendall County Planning, Building and Zoning Committee

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

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. To date, no comments were received from the Townships.

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.

The Kendall County Regional Planning Commission reviewed the proposal on March 23, 2022. Discussion occurred regarding businesses engaged only in design of landscapes. If they had no outside storage, they could be considered home occupations on A-1 zoned property and offices on Business or Manufacturing zoned property. The following amendment to the definition of excavating business was proposed:

“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 Kendall County Regional Planning Commission recommended approval of the requested text amendment with the amendment to the definition of excavating business listed above in red by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the Kendall County Regional Planning Commission meeting were provided.

Staff had concerns regarding obtaining the weights of various pieces of equipment.

Chairman Mohr questioned the thirty-thousand pound (30,000 lbs.) proposal. Mr. Asselmeier explained that the Kendall County Regional Planning Commission wanted the weight to be high enough so that businesses that rented small equipment were not considered excavating businesses. Member LeCuyer was agreeable to the weight restriction.

Member Vickery questioned the activities of certain businesses, including a business that has a large mound of dirt on County Line Road north of Route 52. Mr. Asselmeier explained that the business with the mound of dirt claimed to be a forester and the State does not have a definition of forester; this business was also using an agricultural exemption in the Stormwater Management Ordinance. Mr. Asselmeier noted that Illinois Drainage Law still applied to the property.

Mr. Asselmeier stated that landscaping businesses currently have to obtain a special use permit and a stormwater permit if they pile materials taller than three feet (3'). Under the subject proposal, excavating businesses would not be allowed in the A-1 District, would not be considered agricultural, and would need to obtain a stormwater permit if they met the thresholds of the Stormwater Management Ordinance.

Discussion occurred about landscaping design businesses. If a business engaged in landscaping design does not have outside storage, they could be a home occupation in the A-1 District. Architects and

other professional services are required to get special use permits in the A-1 District if the property does not meet the home occupation requirements.

Chairman Mohr opened the public hearing at 7:30 p.m.

No members of the public testified regarding the proposal.

Chairman Mohr closed the public hearing at 7:30 p.m.

Member LeCuyer made a motion, seconded by Member Thompson, to recommend approval of the text amendment with the thirty-thousand pound (30,000 lbs.) amendment.

The votes were as follows:

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

Nays (1): Vickery

Abstain (0): None

Absent (1): Cherry

The motion passed.

Member Vickery voted no because she felt the proposal would open a can of worms.

Member LeCuyer felt the proposal was an attempt to fix some issues.

The townships will be notified of the results of the public hearing.

The proposal will go to the Kendall County Planning, Building and Zoning Committee on Monday, May 9, 2022.

The Zoning Board of Appeals completed their review of Petition 22-06 at 7:32 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 22-03 and 22-04 were approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported that, for the May hearing, there will be a Petition regarding changing the Future Land Use Map for the properties near 12565 Fox Road and a requested map amendment rezoning property along Brisbin Road in Seward Township from A-1 to R-1. The Seward Township moratorium and special use permit request for 1038 Harvey could also be on the agenda.

Mr. Asselmeier also reported that the County Board will recognize Karen Clementi at their meeting on April 5, 2022, at 6:00 p.m.

Mr. Asselmeier said the Village of Oswego Planning and Zoning Commission will hold a public hearing on April 7, 2022, at 7:00 p.m., to consider annexing the Hide-A-Way Lakes Campground.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:46 p.m.

The next hearing/meeting will be on May 2, 2022.

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


Exhibits

1. Memo on Petition 22-01 Dated March 24, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 22-05 Dated March 24, 2022
4. Certificate of Publication for Petition 22-05 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 22-06 Dated March 24, 2022
6. Certificate of Publication for Petition 22-06 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
ZONING BOARD OF APPEALS
MARCH 28, 2022**

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Andrew P Smyth		
Best Budget Tree Jeremy Diopold		
Mark Fechr		



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: Petition 22-01 Request for a Special Use Permit and Variances for a Landscaping Business at 1038 Harvey Road in Oswego Township

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 23rd Kendall County Regional Planning Commission. Staff informed the Petitioners' Attorney on March 17th 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

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 17th.

The subject heading clearly states the meeting will be March 23rd. Also, the first page of the linked document clearly states the meeting is March 23rd 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

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 23rd 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>
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>, Scott Gengler <sgengler@co.kendall.il.us>

Judd:

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

If the issue with the Village of Oswego has not been resolved by the 28th, 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



DEPARTMENT OF PLANNING, BUILDING & ZONING

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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.

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

Tim O'Brien – Supervisor

Tom Fleming - Trustee

Sheila Trost – Clerk

Jim Martin - Trustee

Scott Cryder – Highway Commissioner

Dan Roberts - Trustee

Sharleen Smith - Trustee

January 11, 2022

To: Kendall County Board

From: Seward Township

Re: Legal Objection

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

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

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



Tim O'Brien

Supervisor

Attest:



Sheila Trost

Clerk

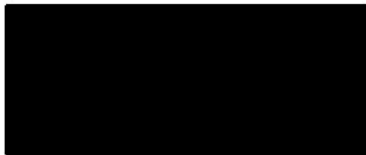
Seward Township Board Recommendation

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

Dated January 11, 2022



Jim Martin – Trustee



Dan Roberts – Trustee



Sharleen Smith – Trustee



Tom Fleming - Trustee

Matt Asselmeier

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

Matt,

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

Thank you,
Lorien

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

Lorien:

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

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

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

Thanks,

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

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

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

Matt Asselmeier

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

Matt,

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

Thank you,
Lorien

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

Lorien:

So, no rezoning will occur during the moratorium.

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

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

Thanks,

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

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

Matt,

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

Lorien

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

Tim and Lorien:

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

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

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

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

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

Thanks,

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ FILE #: _____

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

FEE PAID: \$ 500.00
 CHECK #: 1023

¹Primary Contact will receive all correspondence from County

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

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

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

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

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

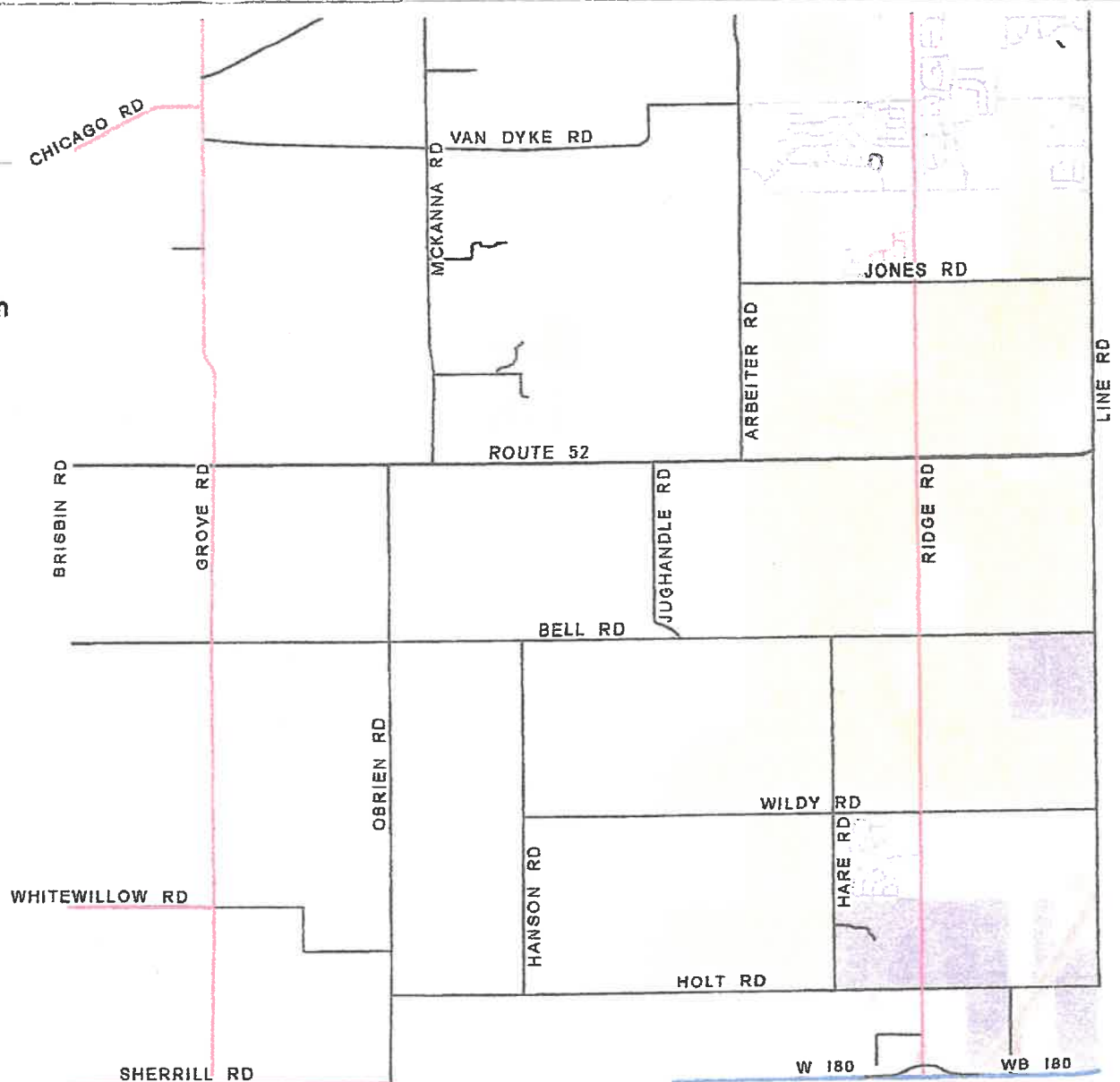
DEVELOPMENT OF

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

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	1.2 1.4	Support infill opportunities with context-sensitive higher density residential development. Prioritize future residential development in targeted growth areas near existing infrastructure.
2	Increase utility capacity north of I-80.	Economic Development	2.1 2.2	Prioritize infill development of industrial and other employment-generating uses where land has been platted and prepared with infrastructure. 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.
3	Widen Ridge Road south to Route 6.	Community Facilities and Infrastructure	2.4 2.5	In coordination with existing plans and studies, evaluate the Village's sanitary infrastructure to meet current and future demands. Explore public-private partnerships and cost-share incentives to help off-set the cost on the Village's end for future infrastructure improvements/expansions.
4	Continue open space preservation and park land acquisition throughout the Village.	Transportation and Mobility	1.1 1.5 1.1 1.2 1.4	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. 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.	Parks, Agriculture, and Natural Areas	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."



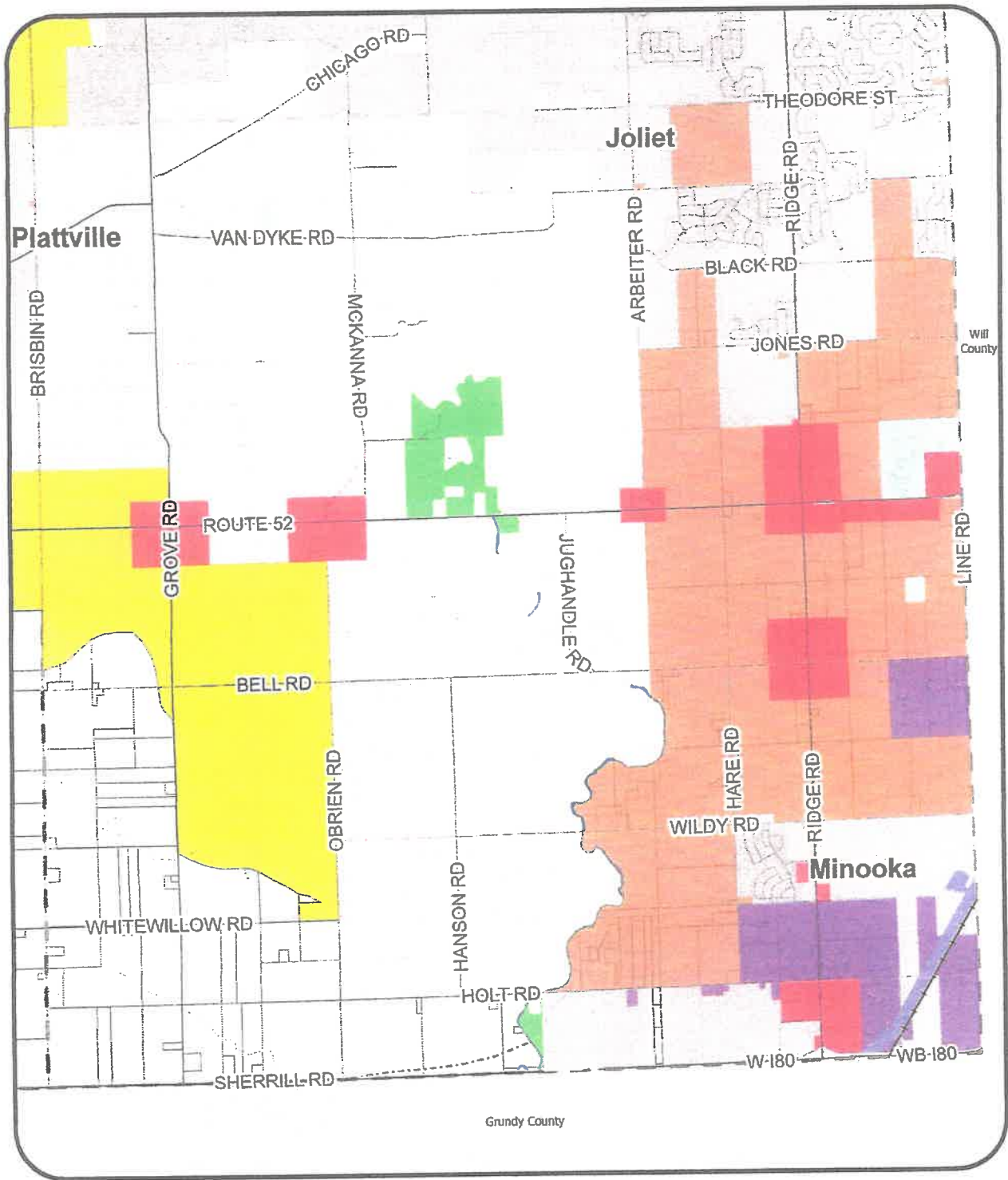
1900



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>Aim O'Brien</i>		
<i>Pete Fenley</i>		
<i>Jilligan Prodehl</i>		



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: 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>Aem O'Brien</i>		
<i>Pete Fenley</i>		
<i>Jilligan Prodehl</i>		