

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
June 7, 2022 – Approved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff’s Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

John Tebrugge

AGENDA

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

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

MINUTES

Mr. Rybski made a motion, seconded by Mr. Asselmeier, to approve the May 3, 2022, meeting minutes.

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

PETITIONS

Petition 22-11 Tim Raymond on Behalf of TMF Plastic Solutions, LLC

Mr. Asselmeier summarized the request.

In December 2021, the Petitioner received approval to construct an approximately twenty thousand six hundred thirty (20,630) square foot addition to the north and east of the existing approximately forty-five thousand six hundred ninety-two (45,692) square foot building located on Parcel One of the subject property. The proposal also called for a stormwater pond north of the proposed addition. The addition will consist of two (2) new loading docks on the on the southeast side of the addition.

In April 2022, the Petitioner submitted a revised site plan showing a two thousand, eight hundred thirty-two (2,832) square foot addition to the southern parking lot. The proposal also increases the number of parking spaces in the southern parking lot from thirty-eight (38) to sixty-four (64), including increasing the number of handicapped accessible stalls from two (2) to three (3).

Section 13:10 of the Zoning Ordinance requires site plan review for structures on properties zoned M-1.

The property has been zoned M-1 since 1966.

The property received site plan approval for the construction of an approximately thirty-four thousand (34,000) square foot storage facility in 2008.

The revised site plan, stormwater calculations, WBK Engineering’s comments, and the site plan that was approved in December 2021 were provided.

The property is located at 12127 B Galena Road.

The property is approximately six (6) acres.

Galena Road is a County maintained Major Collector Road.

The County has a trail planned along Galena Road.

There is no floodplain on the property. There are no wetlands on the property.

The adjacent land uses are Single-Family Residential, Wooded, Industrial, and Agricultural.

The adjacent properties are zoned A-1, A-1 BP, and M-1.

The future land use map calls for the area to be Rural Estate Residential.

The subject property is not located within any municipal planning jurisdiction.

Petition information was sent to Little Rock Township on May 16, 2022.

Petition information was sent to the Little Rock-Fox Fire Protection District on May 16, 2022.

The proposed findings were as follows:

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The majority of the subject property is already an improved industrial use. The only new landscaping will be around the pond. No floodplains or wetlands are located on the property. No excessive slopes exist on the property. A stormwater management permit will be required for the pond. The Petitioners are proposing to pay a fee-in-lieu as allowed by the Kendall County Stormwater Management Ordinance.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The property already possesses access off of Galena. The property presently has thirty-eight (38) parking spaces including two (2) handicapped parking space which will be increased to sixty-four (64) parking spaces including three (3) handicapped parking spaces

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. No conflicts are foreseen. The parking lot will meet applicable surfacing requirements.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. Improvements are laid out to avoid adversely impacting ground water, avoid unnecessary impervious cover, prevent flooding and pollution, mitigate adverse effects of shadow, noise odor, traffic, drainage, and utilities on neighboring properties.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true because the use is existing.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. Not applicable as part of this amendment.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed pavement addition and parking layout is in harmony with the existing use.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not an issue.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. Because the use is already in existence, there are no concerns regarding noise, smoke, vapors, fumes, dusts, odors or glare. The stormwater management permit will address any concerns regarding stormwater.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. Circulation already exists in the property for emergency vehicles.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. Not applicable as part of this amendment.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. Lighting was addressed as part of the December 2021 site plan approval.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. Not applicable as part of this amendment.

Pending comments from ZPAC members, Staff recommended approval of the proposed amendment to an existing site plan as proposed with the following conditions:

1. The site plan approved on December 7, 2021, shall be amended to incorporate the subject site plan.
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development and the type of use proposed for the site, including, but not limited to, securing the applicable building and stormwater permits.

Members reviewed WBK's comments and it was noted that a fee-in-lieu of Two Thousand Seven Hundred Dollars (\$2,700) was required.

John Tebrugge, Petitioner's Engineer, discussed the septic system onsite. Discussion occurred about sampling of the water well; these items were addressed during the review of the building addition. The present proposal deals with the parking lot addition only and not the previously approved site plan.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the amended site plan with the conditions proposed by Staff.

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

The approval letters will be sent and the fee-in-lieu payment is required.

Petition 22-12 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

On March 3, 2022, the County received a complaint regarding lights not working on the tower at Legion and Immanuel Roads. The tower owner agreed to fix the matter.

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Upon additional discussions, the suggestion was made to change the present language contained in Section 6:06.B.3.b, pertaining to design guidelines (lighting requirements) of telecommunication carrier facilities as follows:

"Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, **which shall be conventional red lighting at night and may be white strobe during the day (unless required by the FAA or FCC to be white strobe at night)**, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility."

At their meeting on March 23, 2022, the Kendall County Comprehensive Land Plan and Ordinance Committee voted to forward a request to the Kendall County Regional Planning Commission to initiate a text amendment to the Zoning Ordinance as described in the above paragraph.

At their meeting on April 27, 2022, the Kendall County Regional Planning Commission voted to initiate the text amendment to the Zoning Ordinance as described in the above paragraph.

Mr. Asselmeier noted that the townships were previously sent information, but, to date, no comments were received.

The County would enforce the zoning ordinance aspect. If someone provided information from the FCC or FAA requiring different lighting requirements, the federal regulations would supersede County regulations.

Mr. Asselmeier recommended approval of the proposal.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the text amendment.

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

The proposal goes to the Kendall County Regional Planning Commission on June 22, 2022.

Petition 22-13 Joe Slivka and Kevin Kunkel on Behalf of Lisbon Township

Mr. Asselmeier summarized the request.

Lisbon Township would like to construct a seven thousand four hundred eighty-eight (7,488) square foot garage on the subject property, located at 15759 Route 47, Newark.

The application materials, plat of survey, existing conditions survey, site plan, landscaping plan, building elevations were provided.

The property is approximately two point zero four (2.04) acres in size.

The existing land use is Institutional, Transportation and Agricultural.

The zoning is A-1.

The County's Future Land Use Map called for the property to be Agricultural. The Village of Lisbon's Future Land Use Map called for the property to be Commercial.

Route 47 is a State maintained Arterial.

The County has a trail planned along Route 47.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural, Farmstead and Comed Right-of-Way.

The nearby properties in the unincorporated area are zoned A-1. The property to the west and south is inside the Village of Lisbon and is zoned Mining.

The County's Future Land Use Map called for the area to be Agricultural, Comed Right-of-Way and Mining. The Village of Lisbon's Future Land Use Map called for the area to Agricultural, Commercial, Mixed Use Business, and Mining.

The property to the southwest is owned by Vulcan Lands, Inc.

EcoCAT Report was submitted on May 12, 2022, and consultation was terminated.

The NRI application was submitted on May 4, 2022.

Petition information was sent to Lisbon Township on May 26, 2022.

Petition information was sent to the Village of Lisbon on May 26, 2022.

Petition information was sent to the Lisbon-Seward Fire Protection District on May 26, 2022.

According to the information provided, Lisbon Township plans to construct a garage facility to store township vehicles and equipment. The building will not have an office. The maximum number of employees at the property will be three (3).

According to the site plan, Lisbon Township plans to construct one (1) seven thousand four hundred eighty-eight (7,488) square foot building on the property.

According to the building elevations, the building will be twenty-six feet (26') in height at its highest point. Four (4) doors to drive in vehicles and equipment would be located on the east side of the building and these doors would be sixteen feet, four inches (16' 4") in height. The elevations also show one (1) man door on the east side of the building and one (1) man door on the west side of the building. It should be noted that on the building elevations South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.

The site plan shows an existing metal building and salt storage shelter. The metal building would be demolished in the future; no date has been provided for demolition.

The property is served by a well, but does not have a septic system.

One (1) trash enclosure area is shown on the site plan at the location of the existing metal building. This trash enclosure will be installed after the metal building is demolished. Until the metal building is demolished, there will not be a refuse area on the property.

Per the site plan, most of the property drains to the south.

The project does not meet the disturbance or lot coverage requirements needed for a stormwater permit.

Per the site plan, the property will utilize one (1) approximately twenty-five foot (25') wide driveway to access Route 47. The existing conditions survey showed three (3) access points onto Route 47.

According to the site plan, there are six (6) proposed parking stalls, including one (1) handicapped accessible parking stall, located north of the proposed building.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per each employee is required for public service uses.

According to the site plan, the building will have wall pak lighting. No information was provided regarding the location or number of lights.

According to the site plan, one monument sign shall be placed on the subject property. The sign will not be illuminated.

According to the site plan, no fencing will be installed on the property. No other security information was provided.

According to the landscaping plan, one (1) Autumn Blaze Maple, two (2) Northern Catalpa, and three (3) Redwood American Linden will be planted on the property. The trees will be three inch (3") BB. One (1) Sargent Crabapple will also be planted and will be six foot (6') BB. No information was provided regarding the timing of planting.

The existing turf would remain.

No information was provided regarding noise control.

No odor causing activities are foreseen at the property.

If approved, this would be the sixth (6th) special use permit for a government facility in the unincorporated area.

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 landscaping plan, the proposed use should not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.

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. The subject property is located along a four (4) lane highway with agricultural uses on all sides. Few residential uses are located in the vicinity. Provided the site is developed in accordance with the submitted site plan and landscaping plan, the proposed use will not be substantially injurious to neighboring properties and or adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities, points of ingress/egress, drainage, and other necessary facilities have been or will be provided.

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 a goal found on page 9-20 of the Kendall County Land Resource Management Plan call for "Mutually supportive, non-adversarial team of municipal, township, school, park, county, and other governments working toward the benefit of everyone in Kendall County." Also, land next to an arterial highway is a logical location for a township highway facility.

Staff recommended approval of the request special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan. Lisbon Township may demolish the one (1) story metal building shown on the site plan without seeking an amendment to this special use permit.
2. The botanicals shown on the landscaping plan shall be installed by June 30, 2024. This deadline may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. Damaged or dead botanicals shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
3. The seven thousand four hundred eighty-eight (7,488) square foot building shall be developed substantially in accordance with the attached elevations (Attachment 6) with a maximum building height of twenty-six feet (26'). On the elevations, South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.
4. Any structures constructed, installed, or demolished 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.
5. One (1) free standing monument sign may be installed in substantially the location shown on the site plan. The sign shall not be illuminated.
6. The trash enclosure shall be placed in substantially the location shown on the site plan, upon demolition of the one (1) story metal building. The enclosure shall be screened per the requirements of the Kendall County Zoning Ordinance. The property owners shall ensure that the site is kept free of litter and debris.
7. The owners of the uses 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.
8. 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.

9. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
10. 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.
11. 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.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. 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.

Discussion occurred regarding screening. Mr. Asselmeier noted that no berms or fencing was proposed. The only screening would be the vegetation shown in the landscaping plan.

Mr. Rybski requested confirmation that no sinks or bathroom facilities would be located in the facility. Mr. Asselmeier said that it was his understanding that no sinks or bathroom facilities would be located in the facility. The facility would be for storage purposes only. Mr. Holdiman said that offices might go in the facility in the future and the Petitioners were aware that a septic facility would be required at that time. The Petitioners might need to purchase additional property to have room for a septic system.

Mr. Gengler asked about the handling of oil waste. Mr. Holdiman said no discussion has occurred regarding maintenance of vehicles and related requirements including oil interceptor and septic system requirements.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to recommend approval of the special use permit with conditions proposed by Staff with the correction of the missing word contained in condition 9.

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

The proposal goes to the Kendall County Regional Planning Commission on June 22, 2022.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-09 was approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Discussion occurred regarding changing the date of the July meeting. The consensus of the Committee was to have Mr. Asselmeier poll Members after the application deadline to see if the date should be changed. Officially, the meeting date will remain July 5th at this time.

ADJOURNMENT

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

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

The ZPAC, at 9:27 a.m., adjourned.

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