

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 6, 2022 – Approved Meeting Minutes**

PBZ Senior Planner Matt Asselmeier called the meeting to order at 9:03 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Alyse Olson – Soil and Water Conservation District

Audience:

Boyd Ingemunson

AGENDA

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

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

MINUTES

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

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

PETITIONS

**Petition 22-24 Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement
Dated February 24, 1997 as Trust Number 5191**

Mr. Asselmeier summarized the request.

Mr. Asselmeier provided a correction stating that the housing for the watchman would be on the first floor. The building was constructed in 1960 and rezoned to B-2 in 1976. The dwelling units on the second floor were lawfully non-conforming.

The Petitioner would like to provide housing for a watchman on the first floor of the southern, mixed use building on the subject property at 5375 Route 34 in Oswego Township.

Also, the Petitioner would also like to store boats, recreational vehicles, and granite outdoors at the subject property north of the garage building.

The subject property has been zoned B-2 since 1976.

The application materials, site plan, a picture of the mixed use building, a picture of the garage, a picture of the western fence, a picture of the eastern fence and, a picture of the existing monument sign was provided.

The property is approximately one point six-three (1.63) acres in size.

The existing land use is improved commercial.

The County's Future Land Use Map calls for the property to be Suburban Residential (Max 1 DU/Acre). The Village of Oswego's Future Land Use Map calls for the property to be Downtown.

Route 34 is an Arterial Road maintained by the Illinois Department of Transportation.

The Village of Oswego has a trail planned along Route 34 in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential, vocational school, parking lot, and vacant.

The adjacent properties are zoned R-3, B-2, and B-3.

The County's Future Land Use Map calls for the area to be Suburban Residential.

The Village of Oswego's Future Land Use Maps calls for the area to be Downtown.

Nearby properties are zoned A-1, A-1 SU, R-3, R-3 SU, B-1, B-3 and B-3 SU in the County and R-2, R-3, R-4, and B-2 inside the Village of Oswego.

The R-3 special use to the east is for a church sign. The B-3 special use to south is for outside storage. The A-1 special use to west is for a riding stable, including an apartment.

EcoCAT Report not required because the property was not zoned A-1.

The NRI application was submitted on November 16, 2022. The LESA Score was 133 indicating a low level of protection. The NRI was provided.

Oswego Township was emailed Petition information on November 21, 2022.

The Village of Oswego was emailed Petition information on November 21, 2022.

The Oswego Fire Protection District was emailed Petition information on November 21, 2022. The Oswego Fire Protection District submitted an email clarifying condition 2 regarding the living situation of the watchman. This email was provided.

According to the submitted information, there are four (4) commercial tenants housed on the first floor of the mixed use building. The specific unit where the watchman and their family would live was not identified.

The outside storage would consist of boats, recreational vehicles, and granite. No information was provided regarding the number of boats and recreational vehicles that would be parked on the premises. No information was provided regarding the amount of granite that would be stored outdoors. The materials would be stored outdoors within the fenced area north of the garage.

One (1) two (2) story approximately three thousand eight hundred (3,800) square foot masonry and frame mixed use building is located on the property; this building was constructed in 1960. One (1) approximately three thousand seven hundred fifty (3,750) square foot detached garage is located on the property north of the mixed use building.

The property is served by well and septic.

The driving area perpendicular and south of the garage is asphalt paved.

The site plan showed twenty-three (23) parking spaces around the mixed use building. One (1) parking space was marked onsite as a handicapped accessible parking space.

The storage area within the fence north of the garage is gravel.

The property fronts Route 34.

On November 17, 2022, Staff emailed the Illinois Department of Transportation for comments regarding this proposal; this email was provided. The Illinois Department of Transportation submitted an email stating they were not requesting a right-of-way dedication for a trail and noted that an access permit would be required, if the property owner changed or added entrances. This email was provided.

According to the submitted materials, no additional impervious surface is planned.

No information was provided regarding lights.

One (1) existing monument sign was shown on the site plan. A picture of the sign was provided. The sign was approximately nine feet (9') in width and seven feet (7') in height with a small shake roof. No plans existed to illuminate the sign. Each tenant in the mixed use building has one (1) sign attached to the building. No information was provided regarding whether the storage business would have a sign or the placement of the sign.

No information was provided regarding security of the outdoor storage area. There is one (1) eight foot (8') tall cedar privacy fence around the outdoor storage area.

In addition to the cedar privacy fence, there is one (1) white vinyl fence located east of the mixed use building.

According to the site plan, there are two (2) landscape planters located at the southern end of the property. One (1) of these planters is located in the middle of the access from Route 34 and the other planter is located around the monument sign.

No information was provided regarding noise control.

The site plan showed one (1) dumpster located east of the garage. The dumpster area is six foot by eight foot (6'X8'). The dumpster was visible in the picture of the eastern fence.

If approved, this would be the second (2nd) active special use permit for a dwelling unit for a watchman on non A-1 zoned property in unincorporated Kendall County.

If approved, this would be the third (3rd) active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

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, including the maintenance of the existing vinyl and cedar fences, and the business allowed by the special use permit follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances, the special use permit will not be detrimental to 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. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted. The same is true with allowing a watchman and their immediate family to reside on the premises.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposed uses will be low utility users. Adequate utilities exist for the site. Adequate access exists for the site. Because no additional impervious surfaces are planned, drainage should not be an issue.

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, provided the screening created by the vinyl and cedar fences are maintained.

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. This is true for both proposed uses. The operation of an outdoor storage facility and allowing a dwelling unit for a watchman is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement ". . . of locally owned businesses." Allowing a dwelling unit for a watchman at the property should help ensure that the building continues to be maintained in a manner that attracts and retains quality tenants.

Before issuing a recommendation, Staff requested comments from ZPAC members, the Illinois Department of Transportation, the Village of Oswego, and the Oswego Fire Protection District. If the special use permits were allowed, Staff suggested the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan. Except for loading and

unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on the submitted site plan.

2. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are either employed as a watchman of a business operating on the subject property or are immediate family members of the watchman.
3. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the submitted pictures are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.
4. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
5. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
6. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
7. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
8. The operator(s) of the business allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.
9. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.
10. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
11. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
12. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Mr. Rybski asked if any construction would take place. Boyd Ingemunson, Attorney for the Petitioner, responded no.

Mr. Rybski noted that the existing septic system was located in the front near the sign. The existing septic sign was designed for seven (7) bedrooms in 1987. The Health Department would be notified if any construction occurred, if the sign was removed, or if the number of bedrooms changed.

Mr. Klaas asked what Downtown use was in the Village of Oswego's Plan. Mr. Asselmeier responded that his guess was mixed use building with residential and small office and small retail. The proposed use probably would fit with Oswego's plans.

There have been no complaints regarding the property or proposed use.

Mr. Asselmeier asked if the Petitioner was agreeable to proposed conditions. Mr. Ingemunson responded generally yes. There was a concern regarding providing information to the County yearly as outlined in condition 2.

Mr. Asselmeier emphasized the importance of storing items in the fenced area in order to be in compliance with the Zoning Ordinance and to prevent the property from looking bad.

Mr. Rybski made a motion, seconded by Ms. Briganti, to recommend approval of the proposal with the conditions proposed by Staff.

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

The proposal goes to the Kendall County Regional Planning Commission on December 14, 2022.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-01 was denied by the County Board. Petition 22-19 was approved by the County Board. Petition 22-20 was approved by the Millbrook Village Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Ms. Briganti, to adjourn.

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

The ZPAC, at 9:19 a.m., adjourned.

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