



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

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

AGENDA (REVISED)

January 29, 2024 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

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

MINUTES: Approval of Minutes from the December 18, 2023, Zoning Board of Appeals Hearing/Meeting (Pages 2-10)

PETITION:

1. **Petition 23 – 35 – Tyler Arbeen on Behalf of Arbeen, LLC (Page 11)**

Request: Special Use Permit for a Landscaping Business and Variances to Section 7:01.G.2.b and 11:02.F.7.a of the Kendall County Zoning Ordinance to Allow Parking and Accessory Structures within Fifty-One Feet of the Center Line of Stewart Road

PIN: 03-24-400-011

Location: Between 3900 and 3716 Stewart Road on the East Side of Stewart Road, Oswego, in Oswego Township

Purpose: Petitioner Wishes to Operate a Landscaping Business and Have Parking and Accessory Structures Inside the Front Yard Setback; Property is Zoned A-1

NEW BUSINESS/ OLD BUSINESS

1. Kendall County Regional Planning Commission Annual Meeting on February 3, 2024, at 9:00 a.m. (Page 12)

2. Anti-Harassment Training

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on March 4, 2024

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
December 18, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner

MINUTES:

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the minutes of the October 30, 2023, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petitions 23-32 and 23-33 at 7:03 p.m.

Petition 23 – 32 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Request: Amendment to the Future Land Use Map in the Land Resource Management Plan Reclassifying the Subject Parcels from Transportation Corridor to Mixed Use Business

PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020

Location: 8115 Route 47, Yorkville, in Kendall Township

Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

Petition 23 – 33 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Request: Map Amendment Rezoning the Subject Parcels from A-1 Agricultural District and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020

Location: 8115 Route 47, Yorkville, in Kendall Township

Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

Mr. Asselmeier summarized the request.

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the requests. The Kendall Township Board was still reviewing the proposals.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposals in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on December 13, 2023. Other than the Petitioner's Attorney, nobody from the public testified at the public hearing. He explained the proposed land transaction and proposed uses at the property. He also believed the reclassification and rezoning more closely matches the uses in the area. Discussion occurred about reclassifying and rezoning other non-agricultural properties in the area. It was the Petitioner's Attorney's understanding that underground fuel tanks had been removed. Discussion occurred regarding obtaining an A-1 special use instead of a map amendment; Commissioners reviewed the list of allowable uses in the M-1. It was noted that most of the more objectionable uses in the M-1 have to occur entirely indoors. Discussion occurred about possible annexations to Yorkville; annexations were considered doubtful. Future buildings would be based on market demand. Site development, including stormwater development, would be reviewed when the site is altered. The existing fuel tanks will remain. The Kendall County Regional Planning Commission recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front

yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023. The LESA Score was 184 indicating a low level of protection. The NRI Report was provided.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural, storage and warehousing, and other light industrial type uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Transportation Corridor. The United City of Yorkville's Plan

calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

Staff recommended approval of the requested amendment to the Future Land Use Map.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff also recommended approval of the proposed map amendment.

Chairman Mohr opened the public hearing at 7:12 p.m.

Chairman Mohr swore in Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner.

Dan Kramer, Attorney for the Petitioners, stated that GrainCo is going to remain as a tenant for their LP and some of their gas businesses for home delivery. There are some empty buildings on the property; the new owners have the opportunity to rent these buildings. Mr. Kramer stated that the Petitioners are requesting that future land use be changed to Mixed Use Business. Currently the property is classified as Transportation Corridor and zoned A-1 Agricultural. The surrounding businesses might submit the same reclassification request in the future. No changes are being made at this time to the property or existing buildings.

Member Thompson asked if the proposed business was a field tile business. Mr. Kramer responded that yes, the proposed business is a field tile business. The current owner has been doing this for many years and has quite a bit of experience in this field.

Steve Grebner, Clerk for Kendall Township asked about the future land use map change. Mr. Asselmeier stated that, since the tiling is not allowed in the B-3 zoning district, the only option was to rezone to M-1 and the Petitioners couldn't rezone to M-1 and be consistent with the comprehensive plan unless they asked for the reclassification.

Mr. Grebner asked what does lawfully nonconforming mean. Mr. Asselmeier responded it's the legal way of saying something is grandfathered. A use that is presently on site is allowed to continue operations "as is" and unchanged. An owner cannot expand the existing use even though the property is going to be zoned something other than A-1. If something wasn't allowed to be in M-1, but they were doing it on the property now, they could continue to do it in the M-1. The Zoning Ordinance says that if a use is outdoors and is discontinued for a period of six (6) months they have to cease it permanently. If the use is indoors, the discontinuing period is one (1) year. The same rules apply if there is a natural disaster or a fire.

Mr. Grebner asked if the fuel usage is lawfully nonconforming with M-1 with the LP and propane. Mr. Asselmeier responded that they might need a Special Use Permit. They don't need to secure a special use permit unless they wanted to expand.

Mr. Grebner asked about the rental space and supervision oversight. Mr. Asselmeier stated they need a change of occupancy permit. The Code Official inspects the property and he checks to see if the use is a valid use under the Zoning Ordinance. If the party renting wants to make changes to the building, then they have to come to the County for site plan review; anything zoned M-1 has to have site plan approval from ZPAC.

Chairman Mohr adjourned public hearing at 7:25 p.m.

Member Thompson made a motion, seconded by Member Fox, to approve the findings of fact.

The votes were as follows:

Ayes (7): Thompson, Whitfield, Cherry, Fox, LeCuyer, Mohr, and Prodehl
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Chairman Mohr asked for a motion to approve Petition 23-32 and Petition 23-33.

Member LeCuyer made a motion, seconded by Member Cherry, to recommend approval of the reclassification and map amendment.

The votes were as follows:

Ayes (7): LeCuyer, Mohr, Prodehl, Thompson, Whitfield, Cherry, and Fox.
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

These proposals will go to the Planning, Building and Zoning Committee on February 13, 2024.

The Zoning Board of Appeals completed their review of Petitions 23-32 and 23-33 at 7:24 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO PLANNING BUILDING AND ZONING

Mr. Asselmeier reported that Petition 23-26, the special use permit at 1270 Beecher Road, was approved at the County Board. The host agreement was approved and the owner was given two (2) years to move the materials that were on the property to the east without paying the tipping fee.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:27 p.m.

The next regularly scheduled meeting/hearing will be on January 29, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

1. Memo on Petition 23-32 Dated December 14, 2023
2. Memo on Petition 23-33 Dated December 14, 2023
3. Certificate of Publication and Certified Mail Receipts for Petition 23-33 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY
ZONING BOARD OF APPEALS
DECEMBER 18, 2023**

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
Jack Koon	1707 N 5 Burgo St Jambula, Ill 62560	
Steve Green		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, CFM, Director

Date: 1/25/2024

Subject: Petition 23-35

At the January 24, 2024, meeting of the Kendall County Regional Planning Commission, the Petitioner's Attorney stated that the site plan for this proposal will change to address stormwater measures. The proposal was laid over until the February 28, 2024, Kendall County Regional Planning Commission meeting at the Petitioner's request.

Staff requests that the hearing for this Petition be continued until March 4, 2024.

If you have any questions, please let me know.

MHA



**KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
REGIONAL PLANNING COMMISSION
ANNUAL MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560

AGENDA

February 3, 2024 – 9:00 a.m.

I. Call to Order

II. KCRPC Roll Call

Bill Ashton (Chairman), Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Bob Stewart, Claire Wilson, and Seth Wormley

Planning, Building and Zoning Committee Roll Call

Elizabeth Flowers, Dan Koukol, Ruben Rodriguez (Vice-Chair), Brooke Shanley, and Seth Wormley (Chairman)

III. Welcoming Remarks

Bill Ashton, Kendall County Regional Plan Commission Chairman

IV. Approval of Agenda

V. Review of Minutes from 2023 Annual Meeting

VI. Requests for Plan Amendments

Residents of Kendall County & Staff

- a. Reclassifying Properties Located Between 7775 A/B and 8175 Route 47 from Transportation Corridor to Mixed Use Business on the Future Land Use Map and Related Text Changes
- b. Amendments to the Kendall County Zoning Ordinance Pertaining to Obstructions and Parking Lots in Required Setbacks

VII. 2023 Projects Summary & 2024 Future Projects/Goals

Matthew H. Asselmeier, Planning Director & Others in Attendance

- a. Kendall County
- b. Other Communities and Organizations in Attendance

VIII. Old Business

IX. New Business

X. Other Business

XI. Public Comment

XII. Adjournment for Planning, Building and Zoning Committee

XIII. Adjournment for KCRPC

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.