

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 2, 2024 – Approved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Dan Kramer

AGENDA

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

With a voice vote of nine (9) ayes, the motion carried.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the May 7, 2024, meeting minutes.

With a voice vote of nine (9) ayes, the motion carried.

PETITIONS

Petition 24-07 Jerry Styrzcula on Behalf of A&D Properties, LLC

Mr. Asselmeier summarized the request.

A&D Properties, LLC would like site plan approval in order to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors, and similar uses at 7789 Route 47.

The County Board approved the rezoning of this property to M-1 in June 2024.

The application materials, proposed site plan, and proposed landscaping plan were provided.

The property is addressed as 7789 Route 47, Yorkville.

The property is approximately sixteen (16) acres in size.

The current land use is Vacant and Improved Commercial.

The County's Future Land Use Map calls for this property to be Mixed Use Business. Yorkville Future Land Use Map calls for the property to be Estate/Conservation Residential.

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, Single-Family Residential, Agricultural, and Vacant Manufacturing.

The adjacent properties are zoned A-1 and M-1 in the unincorporated area and R-2 and R-3 inside Yorkville.

The County's Future Land Use Map calls for the area to be Rural Residential and Mixed Use Business. Yorkville's Future Land Use Map calls for the area to be Agricultural, Suburban Neighborhoods, and Estate/Conservation Residential.

The properties within one point five (1.5) miles are zoned A-1, A-1 SU, R-1, R-4, B-3, and M-1 in the County and R-2, R-3, B-1, and B-3 in Yorkville.

The A-1 special use permit to the north is for a landscaping business.

EcoCAT Report submitted and consultation was terminated.

Petition information was sent to Kendall Township on June 26, 2024. No comments received.

Petition information was sent to the United City of Yorkville on June 26, 2024. No comments received.

Petition information was sent to the Bristol-Kendall Fire Protection District on June 26, 2024. No comments received.

Pursuant to Section 13:10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans:

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 property has been zoned B-3 since 1975 and the main building has been on the property since approximately 1977. The property was rezoned to M-1 in 2024. The property was previously used for an agricultural implement sales business. The construction of the new building is an area that is already paved. There are no floodplains or wetlands on the property. There are no excessive slopes on the property.

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 site plan shows one (1) access from Route 47 and one (1) access from Conservation Drive. There will be a maximum of four (4) employees at the property. Based on the approximately fifteen thousand (15,000) square feet of buildings presently onsite and the requirement in Section 11:04 of one (1) parking space per six hundred (600) square feet of floor area plus one (1) parking space per employees, the property meets the parking requirements contained in the Zoning Ordinance without the construction of the new building. The site plan shows five (5) customer parking spaces, including two (2) handicapped accessible parking space, twenty-four (24) employee parking spaces, and fifty-eight (58) parking spaces for trailers.

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.

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. The proposal should not impact, shadow, noise, odor, traffic, or utilities on neighboring properties. Drainage concerns can be addressed in the stormwater management permit. The proposed septic field is located south of the access drive and southern most future parking area.

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.

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. No rendering was provided.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. This is not an issue.

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. The Petitioner proposes a seven foot (7') tall iron looking fence across the front (east) side of the property and an eight foot (8') tall solid fence along sides and rear of the property. The Petitioner also proposes a slide gate at the main entrance off of Route 47 and a gate off of Conservation Drive. The landscaping plan proposes four (4) Autumn Blaze Maples, four (4) Thornless Honeylocusts, eighteen (18) Neon Flash Spirea, eighteen (18) Chicagoland Green Boxwoods, Kentucky Bluegrass, and Wet Mesic Prairie Mix. The Petitioner also proposes to keep the existing trees within ten feet (10') of the southern and western property lines, except for dead trees brush. The area around the sign would also be landscaped. Section 11:02.F.8 of the Zoning Ordinance discussing the planting of hedges, installation of berms, and the planting of natural vegetation. This Section also gives the Regional Planning Commission the ability to reduce buffering requirements. The Petitioner would like to ask the Regional Planning Commission for a reduction in the buffering requirement.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. The Petitioner proposes to provide the Bristol-Kendall Fire Protection District and Sheriff's Department with the combination to the gate. Beyond that information, Staff would like comments from the Fire Protection District and Sheriff's Department on this matter.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The HVAC system is along the northside of the building at ground level. The proposed fences should screen adjoining properties from the mechanical systems.

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. The Petitioner does not propose any additional exterior lighting other than the battery packs on the building for security purposes. The parking area for inventory would not be illuminated and the sign would not be illuminated. There would be an illuminated sign on the building.

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. One (1) twelve foot by twenty-five foot (12X25') concrete dumpster area is shown west of the eastern most building. This area would be inside a wooden fence. The refuse area would be moved, if the new building was constructed.

Pending review by ZPAC and the Kendall County Regional Planning Commission, Staff recommended approval of the site plan subject to the following conditions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan.
2. An eight foot (8') tall solid fence shall be added along the north, west, and south property lines in addition to the seven foot (7') tall iron looking fence depicted on the site plan.
3. One (1) gate made of the same material and size of the eight foot (8') tall fence shall be placed along the entrance of the property at Conservation Drive.
4. The Kendall County Sheriff's Department and the Bristol-Kendall Fire Protection District shall be provided a

passcode to at least one (1) of the gates.

5. The fencing and landscaping shall be installed by December 31, 2024. The Planning, Building and Zoning Department may grant an extension to this deadline.
6. Dead trees and scrub growth located within ten feet (10') of the southern and western property lines may be removed.
7. If additional lighting is proposed in the future, an amendment to the site plan will be required.
8. If the building addition shown on the site plan is constructed, an amendment to the site plan will be required.
9. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development.

Mr. Klaas asked about the fencing on the west side of the property, given that the property to the west is agricultural. Dan Kramer, Attorney for the Petitioner, responded that the Petitioner was agreeable to the fencing requirement in the County Ordinance.

Mr. Klaas asked about the location of the gate blocking access from Conservation Drive. Mr. Asselmeier responded that the gate was not shown on the site plan. Mr. Kramer said the gate will be located along the driveway from Conservation Drive. The gate will be on the Petitioner's property. A written agreement has been between the Petitioner and Kendall Township regarding the use of Conservation Drive; Mr. Kramer will forward that agreement to the Planning, Building and Zoning Department. Mr. Klaas wanted the agreement incorporated into the conditions.

Mr. Kramer said the Petitioner does not plan to build the additional building for about five (5) years. The Petitioner's excavator is ready to start work on the parking lot. The Petitioner was told to make the necessary arrangements with the Department of Revenue to ensure that sales at the subject property go to Kendall County. The Petitioner wanted potential customers driving along Route 47 to see the trailers; that is the reason for the waiver in the landscaping requirement. The Petitioner hopes to increase the number of employees, but four (4) is the maximum number of employees at this time.

Ms. Olson asked about the status of the stormwater management permit. Mr. Asselmeier responded that the Petitioner has applied for a stormwater management permit.

Mr. Rybski discussed the septic system, particularly expansion of the system, if the number of employees increases. He also discussed well requirements, if the number of people at the site increases.

Mr. Guritz made a motion, seconded by Mr Holdiman, to approve forwarding the proposal with an amendment adding the agreement with Kendall County Township regarding Conservation Drive to the list of conditions

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on July 24, 2024.

Petition 24-17 Kendall County Planning, Building and Zoning Committee

Chairman Wormley explained the reason for the proposal. He explained the proposed pipeline projects in Kendall County and making the top of pipe topsoil level at least five feet (5'). He wanted the pipelines below the freeze line. He also discussed federal guidelines.

In 2001, through Ordinance 2001-33, Kendall County established pipeline regulations in the Zoning Ordinance.

In May 2024, TC Energy's ANR Pipeline announced a pipeline project in Kendall County. Concerns were raised regarding the proposed depth of the pipelines.

At their meeting on June 10, 2024, the Kendall County Planning, Building and Zoning Committee voted to initiate an amendment to the pipeline depth requirements contained in Section 6:07 of the Kendall County Zoning Ordinance. The proposed changes are as follows:

A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
 - a. A minimum of five (5) feet of top cover where it crosses cropland.
 - b. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
 - c. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.
 - d. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses wooded/brushy land or other sensitive areas.
 - e. Substantially the same top cover as an existing parallel pipeline, but not less than ~~three (3)~~ **five (5)** feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.

2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding 200 feet in length are encountered, the minimum cover will be ~~30 sixty (60)~~ **60** inches.

Petition information was sent to the townships and fire protection districts on June 25, 2024. No comments received.

Mr. Klaas asked about a national standard for pipeline depth. Chairman Wormley discussed the Federal Energy Regulatory Commission’s rules which might be a lower standard than the proposal.

Mr. Klaas asked if any other counties adopted similar pipeline depth regulations. Mr. Asselmeier was not aware of counties having similar depth requirements as proposed by this Petition. It was noted that many other counties do not have the number of pipelines that were located in Kendall County.

Discussion occurred regarding pipelines flexing, which was a reason for the proposal.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the proposal for approval.

The votes were follows:

- Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley
- Nays (0): None
- Abstain (0): None
- Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on July 24, 2024.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 24-04, 24-05, 24-06, and 24-09 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:23 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
JULY 2, 2024**

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) |
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| <i>Don Krom</i> | | |
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