

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 and 210
111 W. Fox Street, Yorkville, Illinois*

Approved - Meeting Minutes of July 24, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:04 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Dave Hamman, Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Dan Kramer and Mitchell Schaben

APPROVAL OF AGENDA

Member Bernacki made a motion, seconded by Member Wormley, to approve the agenda. With a voice vote of six (6) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Wilson, to approve the minutes of the June 25, 2024, meeting. With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petition 24-07 Jerry Styrzula 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 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. outlines landscaping requirements; these requirements can be reduced upon approval of the Regional Planning Commission. The landscaping requirements are as follows:

“On each side adjacent to any property situated in a residential district, business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, a wall, fence, or densely planted compact hedge no less than three (3) feet in height across 100% of the length of the parking area is required. However, if the property owner can provide clear evidence indicating

that less screening is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee.”

On each side across a public right-of-way from any property situated in a residential district, business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, the landscaping shall consist of one of the following options:

- i. A berm that is at least two (2) feet higher than the finished elevation of the parking lot (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design. All berms shall maintain a ten (10) foot setback from the edge of the existing or future R.O.W. whichever is greater.
- ii. A minimum two foot (2’) grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and 10 shrubs 11-6 for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
- iii. A wall, fence or natural vegetative screening no less than three feet (3’) in height along the length of the parking area.”

The proposed use involves sales and the Petitioner does not want to install any berm or other planting that would block people driving on Route 47 from seeing the trailers.

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.

ZPAC reviewed the proposal at their meeting on July 2, 2024. Discussion occurred regarding the placement of the gate off of Conservation Drive; the gate would be on private property. The Petitioner's Attorney indicated that the Petitioner had already entered into an agreement with Kendall Township regarding the use of Conservation Drive. The Petitioner had already submitted an application for a stormwater management permit. Discussion occurred regarding the number of people at the property and the impact of those people on the well and septic systems. The proposed addition was part of a five (5) year plan. The Petitioner would pay sales tax in Kendall County. ZPAC voted to forward the proposal for approval to the Regional Planning Commission with an addition condition incorporating the agreement between the Petitioner and Kendall Township regarding the use of Conservation Drive into the list of conditions by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The design standards 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 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.

Staff recommended approval 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.
10. The owner of the business shall comply with the attached agreement between the Petitioner and Kendall Township pertaining to the use of Conservation Drive.

The draft approval letter was provided.

Member Wilson asked if the asphalt grindings on the lot north of Conservation Drive was part of the current Petition. Dan Kramer, Attorney for the Petitioner, responded that the present Petition was for landscaping approval on the land parallel to Route 47. The Petitioner had no objection to the deciduous trees, but did not want a berm to block the view of motorists on Route 47 of the Petitioner's business. Lot 2 would not be fenced unless the lot was used for truck storage.

Mr. Kramer said the Petitioner was ready to do site work. All sales tax at this location would go to Kendall County.

Member Wilson asked if the existing access from Conservation Drive would be eliminated. Mr. Kramer discussed the agreement between the Petitioner and Kendall Township which said that the heavier vehicles would not access the property by Conservation Drive, but the driveway would remain off of Conservation Drive.

Member Bernacki asked if there would be a sign off of Route 47. Mr. Kramer said there would be a landscaped sign.

Member Bernacki made a motion, seconded by Member Wilson, to approve the landscaping and screening as proposed.

The votes were as follows:

Ayes (6): Ashton, Bernacki, Casey, Nelson, Wilson, and Wormley

Nays (0): None

Absent (4): Hamman, McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

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

Mr. Asselmeier summarized the request.

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)** inches.

The proposal was sent to the townships and fire protection districts on June 10, 2024. Steve Knutson submitted an email stating that the Fox Township Planning Commission informally found the proposal uncontroversial. This email was provided. No other comments were received.

ZPAC reviewed this proposal at their meeting on July 2, 2024. Discussion occurred regarding the reasons for selecting five feet (5') as the requirement; these included safety, room to bury other infrastructure below the freeze line, and concerns about pipelines flexing. Discussion occurred regarding federal regulations and whether any other counties had similar regulations; it was determined that other counties do not have these regulations because Kendall County was unique with the number of pipelines underground. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal on July 24, 2024, and recommended approval by vote of six (6) in favor and zero (0) in opposition with three (3) members absent. Member Nelson noted that the County Stormwater Engineer would inspect pipelines for compliance and the pipeline pays the bill for the inspections.

Member Nelson asked who TC Energy was legally. Mitchell Schaben, TC Energy, responded they were TransCanada Energy.

Mr. Asselmeier asked if Mr. Schaben had an opinion of the proposal. Mr. Schaben responded that he had no opinion.

Member Nelson asked about pipeline depth requirements in other counties where this project was occurring. Mr. Schaben said the Kendall County proposal would match those depths.

Member Wilson asked why five feet (5') was common. Mr. Schaben said the depths have changed as new, large pipes have been installed.

Mr. Asselmeier discussed the variance process.

Member Wilson asked about safety considerations for burying pipelines deeper in the ground. Mr. Schaben responded yes, to get below the permafrost line.

Member Nelson asked about the width of pipeline rights-of-way. Mr. Schaben responded fifty feet (50') on either side. Discussion occurred about changing the Kendall County setback requirements for primary structures around pipelines. The present regulation is five hundred feet (500') from certain pipelines. Mr. Asselmeier will contact the municipalities and neighboring counties regarding their regulations, including the rationale for their regulations, and bring that information to the August Comprehensive Land Plan and Ordinance Committee. The pipeline did not have an additional restriction on setbacks beyond the pipeline right-of-way. Discussion also occurred regarding what constituted a safe distance from pipelines to build structures and reasons for setbacks.

Member Nelson made a motion, seconded by Member Bernacki, to recommend approval of the text amendment and have Staff conduct research regarding pipeline setbacks and rationale for those setbacks.

The votes were as follows:

Ayes (6): Ashton, Bernacki, Casey, Nelson, Wilson, and Wormley

Nays (0): None

Absent (4): Hamman, McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on July 29, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

Mitchell Schaben announced a public hearing will occur on August 6, 2024, between 4:00 p.m. and 6:30 p.m., at the Yorkville Public Library, regarding the pipeline project. This public hearing is occurring as part of the NEPA Report by the Federal Energy Regulatory Commission. The notice will be mailed to impacted landowners and adjacent landowners. Member Nelson requested a copy of that notice be sent to the Planning, Building and Zoning Department.

NEW BUSINESS

None

OLD BUSINESS

Update from the Comprehensive Land Plan and Ordinance Committee Regarding Potential Amendments to the Kendall County Zoning Ordinance Pertaining to Obstructions and Parking Lots in Required Setbacks

The Comprehensive Land and Ordinance Committee spent most of their meeting reviewing LiDAR information. They were working on a definition of "scenic". After that term is defined, they will examine the setback regulations.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 24-10 and 24-11 were approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the Village of Plainfield will have an open house regarding their comprehensive plan update on July 30, 2024, between 6:30 p.m. and 8:30 p.m., at the Plainfield Village Hall.

Mr. Asselmeier reported there will be a map amendment for a property on Miller Road, a map amendment for a property on Legion Road, and a special use permit application for a landscaping business in Millbrook on the August agenda.

Chairman Ashton requested an update on the investigation of the asphalt business on Route 52. Mr. Asselmeier will check the status of the investigation.

Mr. Asselmeier reported that the Village of Millington has annexed the banquet facility at 10978 Crimmin Road and the Village was still working on the paperwork for recording purposes.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Casey, to adjourn. With a voice vote of six (6) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:41 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director
Encs.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JULY 24, 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)
Dan Keane		
Mitchell Schaben		

Matt Asselmeier

From: Stephen knutson <[REDACTED]>
Sent: Monday, July 22, 2024 9:32 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 24-17

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt,

I am very sorry, but I have missed the deadline to respond.

However, an informal survey of the Fox Township Plan Commission found that the change in pipeline depth seemed uncontroversial. we had no comment.

I will try to be more responsive in the future.

Stephen Knutson

Fox Township Plan Commission

On Jun 25, 2024, at 4:01 PM, Matt Asselmeier <masselmeier@kendallcountyl.gov> wrote:

Dear Township Officials:

Please see the attached public notice and memo regarding Petition 24-17.

The Kendall County ZPAC will meet on this proposal on July 2nd at 9:00 a.m., in the County Boardroom at 111 W. Fox Street, Yorkville.

Thanks,

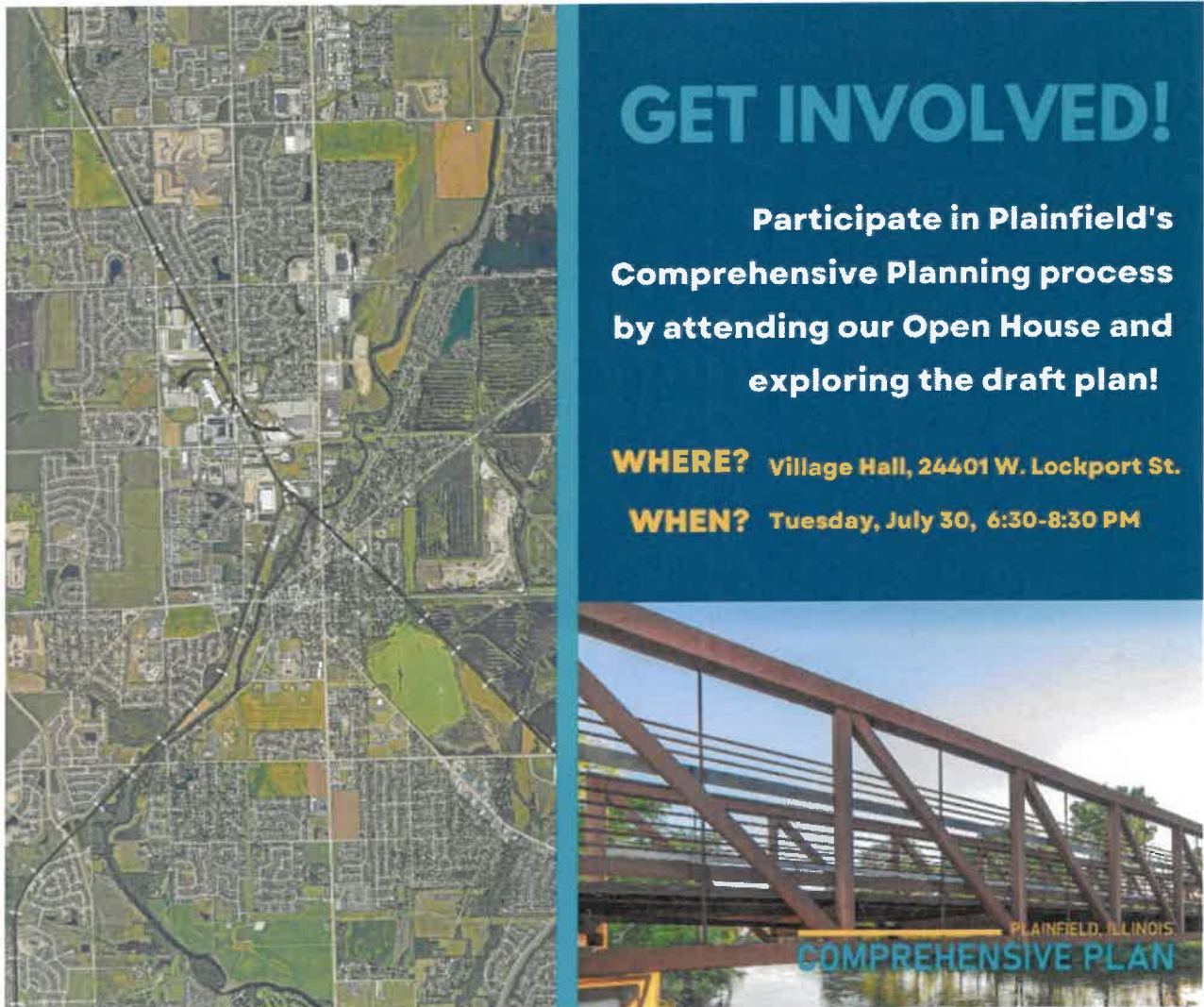
Matthew H. Asselmeier, AICP, CFM
Director
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

<24-17 Public Notice.pdf><24-17 ZPAC Memo.pdf>

Matt Asselmeier

From: Jake Melrose <jmelrose@goplainfield.com>
Sent: Monday, July 22, 2024 4:16 PM
Subject: [External]Village of Plainfield Comprehensive Plan Open House - July 30

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



The Village is nearing the final stages of its update to the Comprehensive Land Use Plan and is holding an Open House on Tuesday, July 30, to garner feedback on new exhibits for the plan created by the Village's consultant, Houseal Lavigne.

The open house is informal, stop by Village Hall any time between 6:30 and 8:30 p.m. to share your input.

We look forward to seeing you!

If you have any questions about the Open House, please contact the Planning Department at planning@goplainfield.com.

Regards -

Jake Melrose, AICP
Economic Development Director
Village of Plainfield, IL
815.439.2826