

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

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

AGENDA

April 3, 2017 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of Minutes from the February 27, 2017 Zoning Board of Appeals Hearing

PETITIONS:

1. **16-22 – JA Schleining LLC d/b/a Jets Towing and Services**
Request : Rezoning from A-1 (Agricultural) to M-1 (Limited Manufacturing)
Location: 790 Eldamain Road (1/3 Mile South of Galena Road) PIN 02-06-300-009 and -010
Bristol Township
Purpose: Request to Rezone to Allow Petitioner to Operate a Towing and Truck Storage Business.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

NEW BUSINESS/ OLD BUSINESS

1. The Plan Commission of the City of Plano held a public hearing on their proposed Comprehensive Plan Update on March 6, 2017.

PUBLIC COMMENT

ANNOUNCEMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on May 1, 2017

**KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
February 27, 2017 – 7:00 p.m.
Unapproved Minutes**

CALL TO ORDER

Due to the absence of Chairman Mohr, the call for nominations for Act Chairperson was opened. Mr. Whitfield nominated Ms. Clementi to be Act Chairwomen, seconded by Mr. LeCuyer. There were no other nominations. With a voice vote of all ayes, the motion carried.

At 7:01 p.m., Acting Chairwoman Clementi called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members present: Karen Clementi, Tom LeCuyer, Dick Thompson, and Dick Whitfield

Members absent: Randy Mohr (Chairman), Donna McKay, and Scott Cherry

Staff present: Matthew H Asselmeier, AICP, Senior Planner

Public: Patrick Bond (Representing Mike and Cherie Bond) and Bob Davidson

MINUTES

Mr. Thompson made a motion, seconded by Mr. LeCuyer, to approve the October 3, 2016, meeting minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

16-26 John and Sharon Pagel Living Trust

Request: Rezoning from R-1 to R-3

Location: 2380 Douglas Road (Northeast Corner of Douglas Road and Burkhart Drive)

PIN: 03-15-251-009, Oswego Township

Purpose: Request to Rezone to Allow Petitioner to Subdivide the Property

Due to concerns regarding stormwater issues raised at the January 25, 2017, Regional Planning Commission meeting, the petitioner requests a layover to May 2017.

Mr. LeCuyer made a motion to layover the petition until May 2017. Mr. Whitfield seconded. With a voice vote of all ayes, the motion carried.

17-01 Mike and Cherie Bond

Request: Variance to Zoning Ordinance Section 7.01.G.2.b (A-1 Agricultural District – Site and Structure Requirements – Setbacks – Accessory Structures) Reducing the Front Yard Setback from 150 feet to 119.14 feet

Location: 232 Creek Road, Plano (Southeast Corner of Galena Road and Creek Road)

PIN: 01-05-176-005, Little Rock Township

Purpose: Petitioners Desire to Construct a Three Stall Horse Barn (1152 Square Feet in Size) within the Front Yard Setback

The petitioners, Mike and Cherie Bond, are requesting a variance to the required front yard setback for accessory structures to locate an accessory building (a horse barn) one hundred nineteen point one four feet (119.14') from the centerline of Creek Road on the northwest corner of their property. This will encroach into the required front yard setback of one hundred fifty feet (150') by just over thirty feet (30'). A large portion of the petitioners' property is in the flood zone for Little Rock Creek and the petitioners have few options for constructing the barn on their property.

Staff recommends approval of the variance request.

Patrick Bond, Attorney for the petitioners was duly sworn. Mr. Bond stated that the floodway greatly encumbered the ability of the petitioners to site the barn on the property. He argued that the proposal will not impact anyone else.

Mr. Whitfield asked if Little Rock Township submitted any comments. Mr. Asselmeier stated that no comments from the township have been received.

Acting Chairwomen Clementi asked if PBZ received any calls or letters. Mr. Asselmeier reported that no letters were received and a few calls requesting clarification on the proposal had been received.

Mr. Davidson asked about the location of the house and septic field in relation to the proposed barn. The house was existing and the proposed barn would not impact the septic field.

Mr. LeCuyer made a motion to approve the findings of fact with the amendment that the reference to the horses being properly care for be removed from the fourth finding of fact. Mr. Whitfield seconded. The findings of fact are as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **A large percentage of the petitioners' property is located within the flood zone of Little Rock Creek, which severely limits the potential locations for the proposed structure on the petitioners' property.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **True, the creek cutting through the property creates a unique case.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **True, the petitioners did not create the flood area or creek that prevents them from constructing the proposed accessory structure in other locations on the property.***

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is

located. Provided that the proposed barn is constructed in the location and to the dimension provided in the application, the granting of this variation will not negatively impact the public welfare or be injurious to other properties in the area.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed barn is for an agricultural use and meets all other required setback distances. The location is a sufficient distance away from public roadway intersections and will not interfere with lines of sight on Creek Road. Provided the barn is constructed to all applicable building codes, no threat exists to public health and safety by the granting of this variance.

By a voice vote of all ayes, the findings of fact were approved.

Mr. LeCuyer made a motion to approve the variance on the condition that the variance applied only to the construction of the horse barn as proposed by the petitioners. Mr. Whitfield seconded the motion.

Acting Chairwoman Clementi called for a vote. Mr. Asselmeier called the roll: Ms. Clementi – Yes, Mr. LeCuyer – Yes, Mr. Thompson – Yes, Mr. Whitfield – Yes. The motion carried 4-0.

REVIEW PETITIONS THAT WENT TO COUNTY BOARD None

NEW BUSINESS/OLD BUSINESS

Acting Chairwoman Clementi asked about cases coming to the Board next month.

Mr. Asselmeier reported that the petitioner's attorney for the gun range on Church Road would likely ask for an additional extension.

The request for rezoning and variances at 790 Eldamain Road was postponed at the Regional Planning Commission meeting on February 22, 2017. The petitioner and Staff will finalize parking and fencing requirements before the matter is sent to the Zoning Board of Appeals. Bristol Township will meet regarding 790 Eldamain Road on March 1, 2017.

The Pagel rezoning proposal was postponed until May because of drainage concerns at the property.

As part of the U.S. 34 widening project, IDOT needed to relocate Kingmoor Lane because of the location of a portion of the stormwater infrastructure. The Zoning Ordinance said private drives cannot be longer than 500 feet; the relocated Kingmoor Lane would be longer than 500 feet. To date, no variance application has been submitted.

PUBLIC COMMENT

Discussion occurred regarding 790 Eldamain Road.

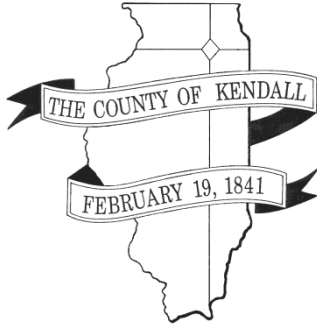
ANNOUNCEMENT

The Plan Commission of the City of Plano will hold a public hearing on their proposed Comprehensive Plan Update on March 6, 2017, at 7:00 p.m., at Plano City Hall.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Mr. Whitfield made a motion to adjourn the Zoning Board of Appeals meeting, Mr. LeCuyer seconded the motion. With a voice vote of all ayes, the motion carried. Acting Chairwoman Clementi adjourned the Zoning Board of Appeals meeting at 7:42 p.m.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

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Petition 16-22**JA Schleining LLC d/b/a Jets Towing and Services
Zoning Map Amendment – A-1 (Agricultural) to M-1 (Limited
Manufacturing)****SITE INFORMATION**

PETITIONER JA Schleining LLC d/b/a Jets Towing and Services

ADDRESS 790 Eldamain Road

LOCATION East side of Eldamain Road; 1/3 mile south of Galena Road



TOWNSHIP Bristol

PARCEL # 02-06-300-009; -010

LOT SIZE 8.8 acres +/-

EXITING LAND Towing Service, Truck Storage, Residential
USE

ZONING A-1 (Agricultural)

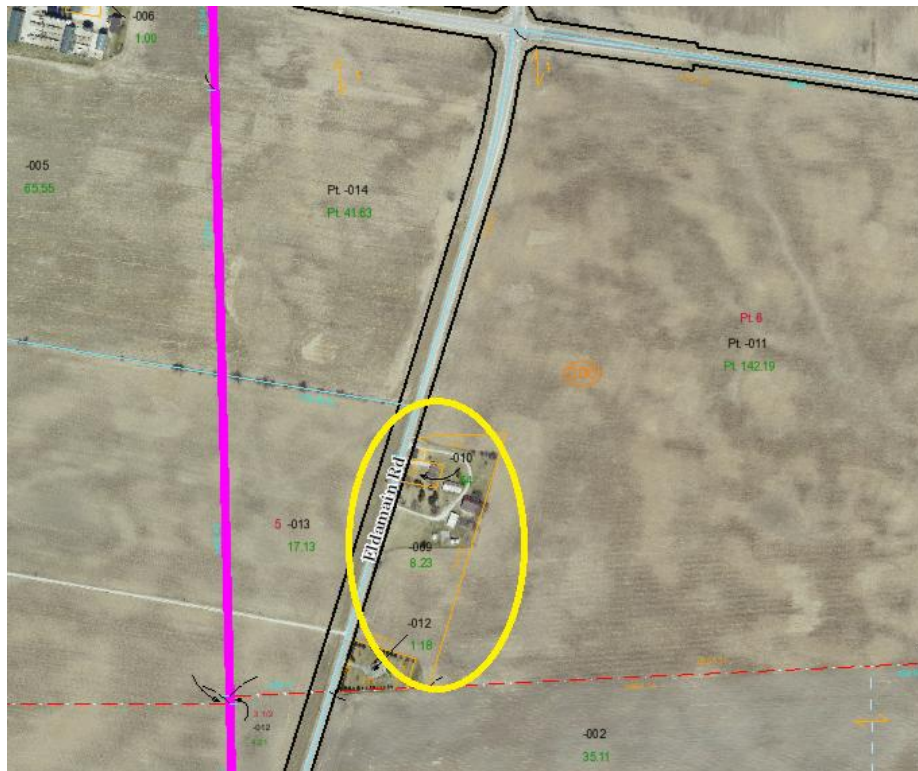
LRMP	Land Use	Mixed Use Business
	Roads	Eldmain Road is a County Road classified as a Minor Collector Roadway
	Trails	Proposed Local Yorkville Trail
	Floodplain/ Wetlands	None

REQUESTED ACTION Zoning Map Amendment to rezone from A-1 (Agricultural) to M-1 (Limited Manufacturing)

APPLICABLE REGULATIONS Section 13.07 – Zoning Map Amendments
Section 11.02.F.6 – Parking in Side Yard Setback (Withdrawn)
Section 11.02.F.2 – Design and Maintenance, Surfacing (Withdrawn)
Section 10.01.A.2 – Conditions of Use (Withdrawn)

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Mixed Use Business	A-1
South	Residential	A-1	Mixed Use Business	A-1; R-1
East	Agricultural	A-1	Mixed Use Business	A-1
West	Agricultural	A-1	Mixed Use Business	A-1



PHYSICAL DATA

ENDANGERED SPECIES REPORT

Consultation was terminated; please see Attachment 17.

NATURAL RESOURCES INVENTORY

An Executive Summary was issued by the Kendall County Soil & Water Conservation District in September 2015. This report indicated a LESA score of 181 – a low level of protection with 100% of the soils being somewhat limited for small commercial buildings; please see Attachment 5 for the Natural Resource Inventory information.

ACTION SUMMARY

BRISTOL TOWNSHIP

Bristol Township met on this matter on March 1, 2017. They decided to table this matter until after the ZBA ruling.

UNITED CITY OF YORKVILLE

On August 23, 2016, The United City of Yorkville voted to oppose the proposed rezoning because the proposed new zoning district (M-1) was inconsistent with their proposed Comprehensive Plan. The United City of Yorkville's opposition information is included as Attachment 4. Staff would like to note that the United City of Yorkville did not adopt their proposed Comprehensive Plan until after the submittal of this application. This proposal was consistent with Yorkville's previous Future Land Use Map.

ZPAC

ZPAC reviewed this proposal on August 2, 2016. Staff recommended denial of the variance for the parking surface requirement; they would like to see a hard surfaced parking area because gravel could be dragged onto Eldamain Road which could damage the road. ZPAC voted 4-1 in favor of a positive recommendation of this proposal.

RPC

RPC reviewed the map amendment portion of this proposal on February 22, 2017. The petitioner agreed to work with Staff to finalize the variance requests. The matter was laid over at the petitioner's request. RPC reviewed the map amendment portion again on March 22, 2017. The petitioner informed RPC that they were withdrawing their variance requests. The letter withdrawing the variance requests is included as Attachment 19. RPC unanimously recommended approval of the proposed map amendment.

GENERAL

The subject property was placed in violation by the PBZ Department for operating a truck storage and towing service company in the A-1 Agricultural District. This type of use is not permitted in the A-1 Agricultural District with or without a special use. The property owners were notified that the only zoning district that would allow this type of use is the M-1 Manufacturing District. The home on the property is currently used as offices; if the proposed map amendment is approved, the home cannot be put into residential use.

The proposed rezoning would not necessarily be an example of spot zoning because the County's Land Resource Management Plan calls for this area to be Mixed Use Business in future. While the current petitioners may be the first to request a rezoning, if the area develops as the Land Resource Management Plan indicates, they will not be the last petitioners to request rezoning. The Zoning Ordinance does not have a minimum acreage requirement for the M-1 Zoning District.

MAP AMEDEMMENT

The petitioner is requesting a zoning map amendment to rezone the 8.8 acre subject property from A-1 to M-1 so that the existing use may comply with the zoning designation. The County's Land Use Plan indicates this area as Mixed Use Business. M-1 zoning is considered an appropriate zoning for this category in this. The United City of Yorkville's previous Future Land Use Map indicated this area as Industrial.

BUILDING CODES

Structures that are used in conjunction with the truck storage and towing service operation will require a ZBA Memo – Prepared by John Sterrett – 8.2.16 Revised by Matt Asselmeier – 3.24.17 Page 3 of 5

change of occupancy permit because the use of these buildings originally constructed for agricultural uses has changed. The buildings that are currently being used for the operation of the business should be noted for building code and fire code evaluations.

SCREENING

Section 10.01.A.2 of the Zoning ordinance states that all business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00.

The petitioner plans to construct a cedar board-on-board fence eight (8) feet high around the entire property.

PARKING

Section 11.02.F.2 of the Zoning ordinance requires all parking and drive aisles constructed or reconstructed to be improved with "permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent." Currently, a gravel parking area and a gravel drive exists on the property. The petitioners plan to install asphalt shavings (tar and chip) within one hundred twenty days (120) of the approval of the map amendment. The petitioners also plan to adjust their parking alignment so that no trucks or trailers are parked within the setback.

All of the trailers currently onsite are plated through the Secretary of State's Office. There is an inoperable bus onsite which the petitioner hopes to remove after they secure their rebuilders' license later this year. The petitioners cannot obtain this license until they are in compliance with local zoning regulations.

LIGHTING

All lighting must comply with Section 11 of the Zoning Ordinance.

FINDINGS OF FACT-MAP AMENDMENT

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. The findings of fact submitted with the application are included with exhibits. The petitioner & staff have answered as follows:

Existing uses of property within the general area of the property in question. **The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal.**

The Zoning classification of property within the general area of the property in question. **The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this type of business at the subject property.**

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. Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property and adjoining properties are identified as Mixed Use Business on the Future Land Use & Transportation Map of the Land Resource Management Plan. In addition, recommendation 3 (b) on page 6-34 of the Land Resource Management Plan states: "Ensure Lisbon/Eldamain Road is maintained as a commercial-industrial corridor." The proposed map amendment would assist in implementing this recommendation. However, the proposal is inconsistent with the Comprehensive Plan of the United City of Yorkville, adopted in 2016. Yorkville identified the area as Estate Residential in their new Comprehensive Plan. Yorkville previously identified the area as industrial in their previous Comprehensive Plan.

CONCLUSION

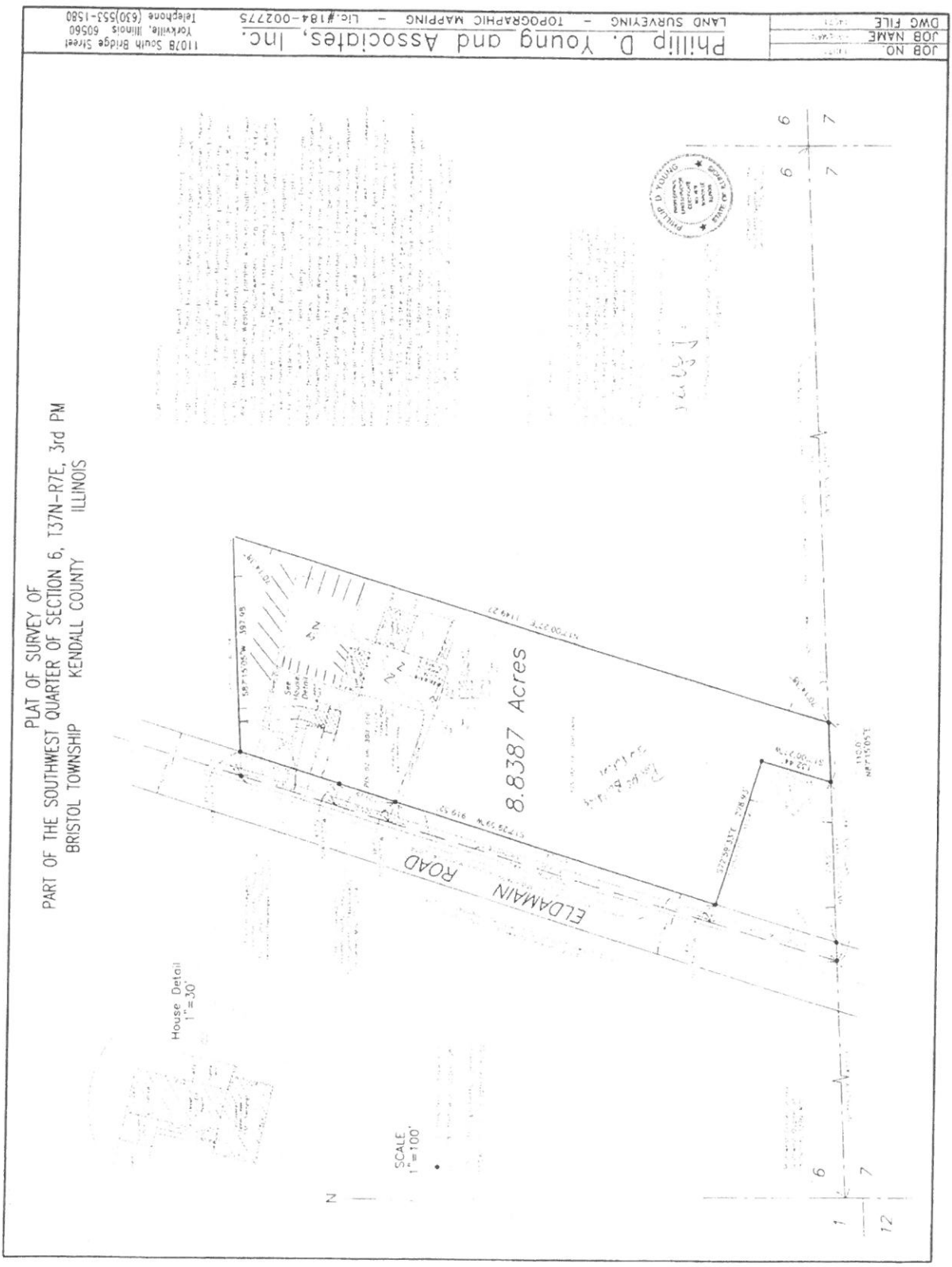
The rezoning of the subject property from A-1 (Agricultural) to M-1 (Limited Manufacturing) is consistent with the County's Land Use Plan as well as the United City of Yorkville's former Future Land Use Map. If rezoned to an M-1 zoning district, the property is required to be up to the standards of the M-1 district including required parking areas be constructed with a hard surface and proper fencing and screening of outdoor storage from adjacent properties.

RECOMMENDATION

Staff recommends approval of the map amendment as presented.

ATTACHMENTS

1. Plat of Survey
2. Finding of Fact (Petitioner Submitted)
3. ZPAC Minutes 8.2.16
4. United City of Yorkville's Opposition Report
5. Natural Resource Information
6. Jet Towing Aerial
7. Driveway Looking West
8. Driveway Looking East
9. East Parking Area
10. Northeast Corner
11. Existing House
12. Looking South
13. Looking East (South of the House)
14. Looking North
15. Parking Material
16. RPC Minutes 2.22.17
17. EcoCat Report
18. RPC Minutes 3.22.17
19. Variance Withdrawal Letter



LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning, EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning, AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois

-R7E, 3rd PM

ILINOIS

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet; thence Westerly, parallel with said South Line, 443.0 feet to said centerline; thence Southwesterly, along said centerline, 1149.27 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning;

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet; thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline; thence Southwesterly, along said centerline, 245.0 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning;

AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014; all in Bristol Township, Kendall County, Illinois.

Attachment 2-Findings of Fact (Petitioner Submitted)

Petitioners are a young family which operate a truck hauling and off-site towing business. The general trend in development along Eldamain Road is industrial. There is the presence of high detention wires, a waste transfer station, the Menards Distribution Center, and other heavy industrial uses. Furthermore, the subject property is surrounded by vacant farmland and adjoins the major collector road for Eldamian Road. Given the size of the property and the trend of development the property owner would incur a tremendous cost with no benefit to the community if they were required to pave the property with a hard surface and fence in the entire property.

Given the size of the property and location of the buildings and existing home and agricultural buildings on the property the Petitioner would be unable to utilize any trailer parking if they were prohibited from parking trailers in the side yard setbacks. The requested variations from the Code would not be applicable generally to other manufacturing uses. There are several other Manufacturing Businesses located along Eldamain Rd. that are not completely fenced in, not paved with hard surface and have parking lots located in the front yard setbacks. The Variances are unique to this parcel.

The size of the parcel, location of the existing home, and agricultural buildings and the cost involved in fencing the property and paving the property are not hardships created by the Petitioner. The property is surrounded by vacant land that is currently being farmed and there is no benefit to the community to require the property to be fenced in or paved. As stated above most of the industrial uses along Eldamain Road are not fenced in, have parking within the front yard or side yard setbacks and several businesses do not have paved parking/loading areas.

The size of the parcel, location of the existing home, and agricultural buildings and the cost involved in fencing the property and paving the property are not hardships created by the Petitioner. The property is surrounded by vacant land that is currently being farmed and there is no benefit to the community to require the property to be fenced in or paved. As stated above most of the industrial uses along Eldamain Road are not fenced in, have parking within the front yard or side yard setbacks and several businesses do not have paved parking/loading areas.

The granting of the variation will not materially be detrimental to the public welfare and there will be virtually no impact on the public whatsoever as the property is surrounded by vacant farmland and heavy industrial uses. Additionally, Eldamain Road is a heavily travelled collector road with ComEd high tension wires running in the area. The likelihood of the Eldamain Corridor being with anything but Manufacturing is highly unlikely.

The Eldamain Corridor is an industrial corridor with heavy industrial uses and there will be no damage to any surrounding landowner or their safety.

Attachment 3
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 2, 2016 – Meeting Minutes

Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

Present:

Scott Gryder – PBZ Committee Chair (Arrived)
Fran Klaas – Highway Department
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
Megan Andrews – Soil & Water Conservation District
John Sterrett – PBZ Department

Absent:

David Guritz- Forest Preserve
Brian Holdiman- PBZ Department
Greg Chismark – WBK Engineering, LLC

Audience: Attorney Dan Kramer; Attorney Kelly Helland

AGENDA

Mr. Klaas made a motion, seconded by Ms. Andrews, to amend the agenda to move public comment before approval of the minutes. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

Dariusz Kozinski, VP of Service Employees International Union Local 1 appeared with employees of Cleaner Leading Services, the cleaning service for Kendall County buildings as well as others. Mr. Kozinski stated that employees with this company make low wages with no benefits and he would like to see the County look into using a responsible cleaning company.

MINUTES

Mr. Gryder made a motion, seconded by Mr. Klaas, to approve the July 12, 2016 meeting minutes with a correction to wording regarding class v injection requirements. With a voice vote of all ayes the motion carried.

PETITIONS

16-18 LRMP Amendment

The Kendall County Planning, Building, and Zoning Department was approached by a property owner located at the northwest corner of State Route 31 and Light Road regarding a proposed expansion of an existing indoor self-service storage facility. The expansion would consist of the construction of a 8,400sf self-service storage building as well as a proposed outdoor storage area. The existing facility is zoned as B-2 (General Business) with a special use to operate the indoor self-service storage facility. The special use was granted for the indoor self-service storage facility in 1976. The parcel immediately to the south of the existing facility, where the expansion is proposed, is zoned as B-1 (Local Shopping). The B-1 district does not permit indoor self-service storage facilities nor does it allow outdoor storage either by right or by special use. The B-2 district allows for an indoor self-service storage facility as a conditional use and allows for outdoor storage as a special use. The property owner therefore will need to seek a rezoning of the current B-1 zoned property to B-2 for this expansion.

When reviewing proposed zoning map amendments, the County's Land Use Plan is taken into consideration to determine the proper zoning and uses for a specific area. The County's Land Use Plan currently identifies the subject area at the northwest corner of State Route 31 and Light Road as suburban residential (max density 1.00 du/acre). The existing zoning in the subject area consists of a mix of commercial zoning: B-1 (Local Shopping), B-2 (General Business), B-3 (Highway Commercial) with the existing uses of a gas station, a commercial strip mall, the self-service storage facility, a decommissioned water treatment facility, and stormwater detention facilities to serve these commercial uses. The area totals 10.5 acres.

Staff is of the opinion that given the existing zoning classifications and existing commercial uses in this area that the County's Land Use plan be amended to reflect commercial development for consistency with existing zoning and uses. Attached is a draft amendment to this portion of the Land Use Plan identifying the area as commercial. Per State Statute, a public hearing must take place as part of amending the County's Land Use Plan. This public hearing will occur at the next Regional Plan Commission meeting in August.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-20 – Stor-Mor, Inc. – Zoning Map Amendment – B-1 to B-2

Mr. Sterrett outlined the request for a zoning map amendment for the property at 1317 Route 31 in Oswego Twnshp. Stor Mor Inc is requesting a zoning map amendment to rezone the 3.2 acre property from B-1 to B-2 to allow for an expansion of the enclosed self service storage facility and to allow outdoor storage. The county's Land Use Plan identifies this area as Suburban Residential. A rezoning of this property will require an amendment to the County's Land Use Plan to allow for commercial development. The County's Regional Plan Commission discussed this potential change at their June and July meetings and will hold a public hearing on the amendment in August. The existing zoning classifications and land uses in the area are consistent with a commercial category and would benefit from a change in the land use plan to accommodate any future commercial redevelopment at the intersection.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-20 – Stor-Mor, Inc. – B-2 Special Use – Outdoor Storage and Enclosed Self-Service Storage

Mr. Sterrett outlined the request for a special use for an outdoor storage as well as enclosed self-service storage for the property at 1317 Route 31 in Oswego Township. Stor Mor Inc intends to construct a 8,400sf enclosed self-storage facility just south of the three existing buildings. In addition to this enclosed structure, twenty-nine (29) angled parking stalls are proposed for RV storage outdoors. Staff notes that the drive aisle leading to twelve (12) of these parking stalls is a dead end and the angled parking stalls will require any vehicle stored to be backed out completely down the access aisle. Prior to construction, approval from the Oswego Fire Protection District should be received that this dead end access drive will not require a turnaround for emergency vehicles.

To address the screening of the outdoor storage area from adjacent properties, the petitioner is proposing to install emerald green arborvitae along the south and west property line. Evergreen trees along a portion of the east property line will be installed to screen from State Route 31. The storage area will be completely fenced in. The petitioner has indicated that no vehicle will be accepted to store on site that is not in working condition. The hours of operation would remain the same as they are currently for the existing self-service storage facility which has office hours of 8:00am to 5:00pm and gate hours of 7:00am to 7:00pm.

If the Land Use plan is amended to commercial for the subject parcel and immediately surrounding properties and approval is granted for the zoning map amendment request from B-1 to B-2, staff recommends the following conditions be placed on the controlling ordinance for the especial use:

- The property will be developed in accordance with the site plan
- A building permit shall be secured prior to construction of the proposed storage building
- A stormwater management permit shall be secured prior to the development of the property
- The outdoor storage and expansion of the enclosed self-service storage facility shall be effectively screened from adjacent properties.
- Office hours of operation shall be limited to 8:00am to 5:00pm and gate hours of operation shall be limited to 7:00am to 7:00pm
- No more than twenty-nine (29) vehicles may be stored on site at a time
- All vehicles stored on site shall be located within a designated stall
- All lighting shall comply with Section 11 of the Kendall County Zoning Ordinance

Mr. Gryder made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-21 – High Grove Subdivision – Zoning Map Amendment – RPD-2 to R-2

Mr. Sterrett outlined the request for a zoning map amendment for the property on the west side of Grove Road, approximately 1 mile north of Route 52 in Seward Township. The petitioners, Tom and Suzanne Casey, are requesting a zoning map amendment to rezone the 9.9 acres from RPD-2 to R-2. The County Land Use Plan identifies this area as Rural Residential with a maximum density of 0.65 dwelling units per acre. With a proposed four (4) lot subdivision, the property will have a density of 0.40 dwelling units per acre. This is less than the proposed density of the original 48 lot development on the 109 acre tract of land. The Village of Plattville's Comprehensive Plan identifies this area as low density residential with a maximum density equivalent to the County of 0.65 dwelling units per acre. The City of Joliet identifies this area as residential with a maximum density of 2.5 dwelling units per acre. The property was originally approved in 2006 as a 48 lot single family home subdivision with lots of open space on an overall 109 acre tract of land. The final plat of subdivision was not recorded thus voiding the approval. Since that time the Joliet Park District has acquired 97 of the 109 acres from the petitioners. Of the remaining 12 acres from the original development, the petitioner is requesting to rezone 9.9 acres to R-2 Single-family Residential.

Ms. Andrews made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-21 – High Grove Subdivision – Preliminary and Final Plat of Subdivision

Mr. Sterrett explained that the petitioner's have contemporaneously submitted a Preliminary and Final Plat for a four (4) lot subdivision. Additional information that should be included on the Preliminary Plat. Four residential lots are proposed on the Preliminary and Final Plat. Each of the four lots has a lot size of 97,379 square feet. These lot sizes meet the minimum lot size requirement of 90,000 square feet of the R-2 district. Grove Road currently has a seventy (70) foot right-of-way. As a major collector roadway, 120' of right-of-way is required. An additional twenty-five (25) feet of ROW should be dedicated on the west side of Grove Road for future widening. This additional right-of-way dedication should be identified on the Preliminary and Final Plat. This dedication will alter the proposed lot sizes for lots 1 and 2.

The four (4) lots are proposed to be served by a private road within proposed lot 5 having a width of 33'. Private drives serving three or more residential lots must demonstrate that the site could not otherwise be preserved if a public road was provided such as significant trees, topography, water features, historic sites, rural character, etc. It is staff's understanding that the private road has an easement for ingress and egress granted to the Joliet Park District for access to a future park site. A maximum distance for a shared private drive serving three or more residential lots from a public road ROW is 500'. Staff recommends the Preliminary and Final Plat be revised to indicate lot 5 containing the private road be extended no more than 50' from the edge of the future dedicate road right-of-way to serve the four (4) residential lots. A proposed ten (10) foot public utility and drainage easement is located along the front of the proposed lots. Section 9.04 of the Subdivision Control Ordinance requires utility and drainage easements be provided at the rear of all residential lots and along the side lot lines where required. Such utility easement shall be a minimum five (5) feet wide, ten (10) feet on the rear of each lot or a minimum to maintain the utility or drainage function of the property in accordance with the size and depth of utility or drainage route. The Preliminary and Final Plat should be revised to reflect these required easement locations and sizes.

The Preliminary and Final Plat must include the location and orientation of septic system envelopes on each individual residential lot as well as the location of well envelopes on each individual residential lot. Soil classifications were included on a submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. A soil analysis is required as part of the preliminary plat. Topography for the site has been included on the submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. Information should also be included to show the intent of surface drainage. Mr. Klaas recommended that an additional 15' of ROW be dedicated on the west side of Grove Road with Additional dedication of 15' along Grove Road including the 2 acres to the north outside of the proposed development to total a 50' right-of-way

Recording of a no access easement along Grove Road on lots 1 and 2 and the 2 acres to the north outside of the proposed development. Mr. Klaas also recommended that the private road lot be revised with a width of forty (40) feet rather than thirty-three (33) feet.

Mr. Rybski stated that a soil analysis is needed and should be submitted to the Health Department for review. Septic envelopes and soils classifications should also be included on the Preliminary Plat.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

16-22 – JA Schleining LLC d/b/a Jet's Towing Service

Mr. Sterrett stated that the subject property was placed in violation by the PBZ Department for operating a truck storage and towing service company in the A-1 Agricultural District. This type of use is not permitted in the A-1 Agricultural district with or without a special use. The property owners were notified that the only zoning district that would allow this type of use is the M-1 Manufacturing District. The property owners currently reside on the property.

The petitioner is requesting a zoning map amendment to rezone the 8.8 acre subject property from A-1 to M-1 so that the existing use may comply with the zoning designation. The County's Land Use Plan indicates this area as Mixed Use Business. M-1 zoning is considered an appropriate zoning for this category in this. The United City of Yorkville indicates this area as Industrial.

Structures that are used in conjunction with the truck storage and towing service operation will require a change of occupancy permit because the use of these buildings originally constructed for agricultural uses has changed. The buildings that are currently being used for the operation of the business should be noted for building code and fire code evaluations.

Section 10.01.A.2 of the Zoning ordinance states that all business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11.00.

Although the outdoor storage taking place on the property is at least 150' from residential districts, the petitioner will need to supply information addressing how storage of trucks will effectively be screened from adjacent properties with fencing and suitable landscaping. Section 11.02.F.2 of the Zoning ordinance requires all parking and drive aisles constructed or reconstructed to be improved with "permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent." Currently, a gravel parking area and a gravel drive exists on the property.

It is staff's understanding that a variance may be sought from the petitioner for this requirement. Due to the intense use of trucks entering and exiting the site, staff does not recommend that the gravel drive and gravel parking area remain and recommends a hard surface be constructed for the parking and drive areas to prevent gravel being dragged out onto the roadway causing damage. Information should be submitted in lighting is provided on the site for the operation. All lighting must comply with Section 11 of the Zoning Ordinance.

Prior to a recommendation, staff requests that the petitioner provide staff with the variance requests that will be sought from the requirements of the M-1 zoning districts standards. A completed EcoCAT report must also be submitted. Staff is of the opinion that comments from the United City of Yorkville and Bristol Township should be received prior to the County's Regional Plan Commission meeting.

Mr. Gryder made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation pending resolution of the items noted by Staff. Mr. Sterrett called the roll. Gryder – Aye, Rybski- Aye, Langston – Aye, Klaas – No.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Langston, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:07am, adjourned.

Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

PZC #2

PZC 2016-02

See attached memo and report.

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville,
tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php



Memorandum

To: City Council
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: August 15, 2016
Subject: **Kendall County Case #16-22 – Jet's Towing (Rezoning Request)
1.5 Mile Review**

Staff Recommendation Summary:

Staff has reviewed the request from Kendall County Planning & Zoning Department along with the subsequent documents attached. This subject property is located within one and a half miles of the planning boundary for Yorkville allowing us the opportunity to review and provide comments to Kendall County. The petitioner, J.A. Schleining, LLC, d/b/a Jets Towing and Services, is requesting a Zoning Map Amendment (rezoning) from the A-1 Agricultural District to the M-1 Limited Manufacturing District to operate a towing and truck storage area on an approximately 8.8-acre parcel located about one (1) mile north of Corneils Road and just south of Galena Road in Bristol Township. The location of the proposed towing operation will be at 9790 Eldamain Road which currently has five (5) existing barn-type buildings and structures.

This item was delivered to the City on July 26, 2016. This item was heard at the August 2, 2016 Kendall County Zoning, Platting & Advisory Committee (ZPAC) meeting at the County Office Building and was not unanimously recommended but moved forward to the County's Plan Commission. The petition is tentatively scheduled to be heard at the September 28th Kendall County Plan Commission meeting. It is then scheduled for a public hearing at the County's Zoning Board of Appeals meeting on October 3, 2016 and then to the full County Board on October 18, 2016.

Plan Commission Recommendation:

Upon the review of the Planning and Zoning Commission with regards to the proposed future comprehensive plan designation of this property, they expressed some objections to the petitioners' request since it is a currently operating land use in violation of the existing Kendall County A-1 zoning district. Furthermore, the Planning and Zoning Commission felt that the proposed M-1 Limited Manufacturing District is inappropriate for the surrounding land area and may require further variances from the County's standards with regards to fencing (landscaping) and parking surface.

While the proposed manufacturing use is consistent with the City's current future land use plan, it is noted that the proposed Comprehensive Plan Update has designated this area for Estate/Conservation Residential – inconsistent with the proposed use requested. Finally, the Commission recommended having all semi-truck towing and repair operations happen in a completely enclosed building/structure and not allow any storage of vehicles on gravel surfaces, should the County permit the proposed rezoning.

It was the recommendation of the Planning and Zoning Commission that the City Council file a *formal objection* to Kendall County regarding the petition with the following vote:

Action Item:

Harker-aye; Vinyard-aye; Olson-aye; Horaz-aye; Goins – aye; Gockman-aye; Marcum-aye

7 ayes; 0 no

Attachments:

1. Staff memorandum to the Planning and Zoning Commission dated August 2, 2016.
2. Kendall County Planning and Zoning Memo with Attachments.

Resolution No. 2016-_____

**A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
RECOMMENDING DENIAL AND FILING OF A WRITTEN PROTEST TO THE PROPOSED
REZONING REQUEST IN PETITION NUMBER 16-22 FOR THE PROPERTY AT
790 ELDAMAIN ROAD IN BRISTOL TOWNSHIP**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, J. A. Schleining LLC (the “Applicant”) has filed an application with the County of Kendall for the rezoning of its property at 790 Eldamain Road from A-1 Agricultural to M-1 Limited Manufacturing for a truck towing and truck storage business that is within 1.5 miles of the corporate limits of the City; and,

WHEREAS, the City has adopted a Comprehensive Plan that includes the Applicant’s property which update designated this property for estate/conservation residential uses; and,

WHEREAS, the City’s Planning and Zoning Commission considered the rezoning petition at its public meeting on August 15, 2016 and recommended by a 7 aye and 0 no vote to the City Council that such request be denied and a formal objection by written protest be filed by the City in that the proposed manufacturing use is currently being operated in violation of the existing Kendall County zoning regulations, that it was inappropriate when compared to the surrounding agricultural zoned uses and that it is inconsistent with the City’s Comprehensive Plan Update; and,

WHEREAS, the Mayor and City Council (the “Corporate Authorities”) have considered the recommendation of the Planning and Zoning Commission and agree that the rezoning does not meet the factors established by the Illinois Supreme Court in the *LaSalle National Bank* and *Sinclair Pipe Line* cases in that:

1. The existing uses and zoning of the nearby property are agricultural and the rezoning would create spot zoning of incompatible uses,
2. The property values of the adjacent property would be diminished by the rezoning allowing such dissimilar uses to be adjacent,
3. The reduction of adjacent property values would not promote the health, safety, morals and general welfare of the public,
4. There is no relative gain for such a business that is lawfully permitted in many other locations in the County compared to the potential hardships of adjoining property owners,
5. The suitability of the property for this use cannot be assumed because such a use is currently in violation of the county’s zoning regulations and rezoning will not change the reason that it is currently in violation,
6. The property has not been vacant considering the land use in the area,
7. There is no community need for such a use as such a use is permitted in many other locations in the County, and

8. The City has undertaken much review and care in the adoption of its Zoning Ordinance and Comprehensive Plan Update that makes the rezoning uses inconsistent with those regulations; and,

WHEREAS, the Corporate Authorities concur with the recommendation of the Planning and Zoning Commission for the denial of this rezoning and the filing of this written protest requiring the favorable vote of $\frac{3}{4}$ of all members of the County Board if such application was considered for approval pursuant to Section 5-12014 of the Counties Code (55 ILCS 5/5-12014).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Resolution.

Section 2: That the Corporate Authorities hereby request that the Kendall County Board deny the rezoning application, Petition Number 16-22, for 790 Eldamain Road or in the alternative not approve without a $\frac{3}{4}$ vote of the County Board and require all business operations to be within enclosed buildings and not allow any storage on gravel surfaces.

Section 3: That the City Clerk shall send a certified copy of this Resolution to the Kendall County Department of Planning, Building & Zoning and to the Kendall County Clerk. The City Clerk shall also send a copy by certified mail to the applicant and applicant's attorney.

Section 4: This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVAR TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____, 2016.

MAYOR



Memorandum

To: Planning and Zoning Commission
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: August 2, 2016
Subject: **Kendall County Case #16-22 – Jet's Towing (Rezoning Request)
1.5 Mile Review**

Proposal Summary

Staff has reviewed the request from Kendall County Planning & Zoning Department along with the subsequent documents attached. This subject property is located within one and a half miles of the planning boundary for Yorkville allowing us the opportunity to review and provide comments to Kendall County. The petitioner, J.A. Schleining, LLC, d/b/a Jets Towing and Services, is requesting a Zoning Map Amendment (rezoning) from the A-1 Agricultural District to the M-1 Limited Manufacturing District to operate a towing and truck storage area on an approximately 8.8-acre parcel located about one (1) mile north of Corneils Road and just south of Galena Road in Bristol Township. The location of the proposed towing operation will be at 9790 Eldamain Road which currently has five (5) existing barn-type buildings and structures.

According to information obtained from the County and the petitioner's attorney, the proposed towing and truck storage area use is currently operating on the site and the request for rezoning stemmed from a compliance violation. The owners propose to still maintain the existing home on the property as their primary residence and conduct their semi-truck towing and minor repair business in one or more of the out buildings on site. In addition, temporary outdoor storage of the semi-trucks is also proposed.

There will be no outside employees as part of the proposed towing operation, other than the current owners of the property. The property owners will seek a fence variance and may seek a variance to allow the vehicles to be stored on the existing gravel driveway surface rather than a hard surface (i.e., concrete or asphalt) as required by County code.



Kendall County's M-1 Limited Manufacturing District does allow for residences, termed "watchman quarters", within this zoning classification. However, the county's Future Land Use designation for this area is Mixed-Use Business which provides for land uses that create employment opportunities for County residents while providing a balanced tax base. Further, this land use category overlaps with the County's Office and Research Park District as well as

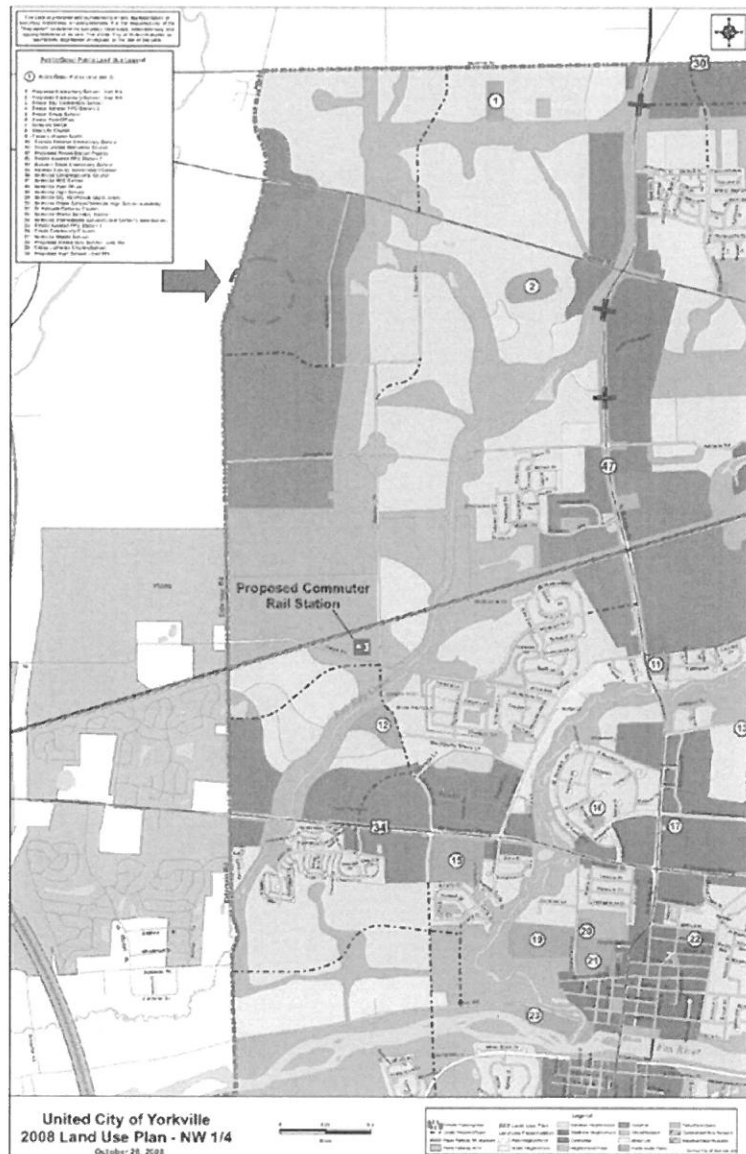
the County's three (3) manufacturing district. According to Kendall County's Land Resource Management Plan, buildings and land in the Mixed Use Business land use category should be properly landscaped and developed in an orderly manner that conveys a well-maintained environment.

Yorkville Comprehensive Plan

Yorkville's current 2008 Comprehensive Plan designation for this property is Industrial which is intended to "allow limited and general manufacturing, assembly, wholesale and warehouse uses in distinct areas that can be adequately served by transportation and other infrastructure.

In addition to the location need determined by infrastructure, these areas should also locate where truck and/or rail traffic and hours of operation would not serve as a nuisance to their surrounding neighbors." A specific location identified in the 2008 Comprehensive Plan for Industrial Land Uses were the Eldamain Corridor between the BNSF railroad and Galena Road.

However, according to the proposed Comprehensive Plan Update which is up for consideration at tonight's Planning and Zoning Commission, the recommended future land use designation for this property is Estate/Conservation Residential. This land use designation is primarily intended low-density detached single family housing with sensitive environmental or scenic features with preserving, but allows for flexibility in residential design. Manufacturing or any business uses are not included in this future land use designation description.



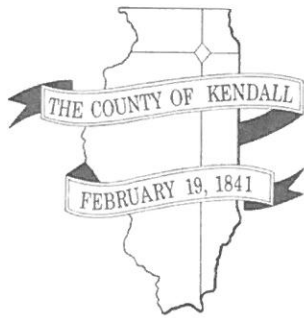
Staff Recommendation & Comments

Staff has reviewed the comprehensive plan designation and has some objections to the petitioners' request since it is a currently operating land use in violation of the existing Kendall County A-1 zoning district. Furthermore, it is staff's opinion that the proposed M-1 Limited Manufacturing District is inappropriate for the surrounding land area and may require further variances from the County's standards with regards to fencing (landscaping) and parking surface. While the proposed manufacturing use is consistent with the City's current future land use plan, it is noted that the proposed Comprehensive Plan Update has designated this area for Estate/Conservation Residential – inconsistent with the proposed use requested. Should the County permit the proposed rezoning, staff would recommend having all semi-truck towing and repair operations happen in a completely enclosed building/structure and not allow any storage of vehicles on gravel surfaces.

Staff will be available to answer any questions the Planning and Zoning Commission may have regarding the County Petition. This item was delivered to the City on July 26, 2016 with feedback requested prior to Kendall County Board consideration. This item was heard at the August 2, 2016 Zoning and Platting Advisory Committee conducted by Kendall County.

Attachments:

1. Kendall County Planning and Zoning Memo with Attachments.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: WBK Engineering, LLC –Greg Chismark
Highway Department- Fran Klaas
Kendall County Forest Preserve- David Guritz
Kendall County Health Department- Aaron Rybski
Bristol-Kendall Fire Protection District- Chief Mike Torrence
GIS Mapping Department- Chris Balog
Building Department- Brian Holdiman
United City of Yorkville – Krysti Barksdale-Noble
Soil & Water Conservation District- Megan Andrews
Sheriff's Office- Commander Mike Peters
Bristol Township- Robert Walker, Supervisor
Bristol Township – Julie Bennett, Clerk
Bristol Township Road District- Jeff Corneils, Commissioner
PBZ Committee- Scott Gryder, Chair
File

From: Kendall County Planning, Building & Zoning Department

Date: July 26, 2016

Re: Petition #16-22 – Jet's Towing – 790 Eldamain Road, Bristol Township (PIN 02-06-300-009; -010)
Attached is information received for a request for a Zoning Map Amendment from A-1 Agricultural to M-1 Limited Manufacturing. The property is currently being use for a towing and truck storage area.

Please send questions or comments to:
Kendall County
Planning, Building & Zoning Department
Attn: John Sterrett
111 West Fox Street, Room 203
Yorkville, IL 60560
jsterrett@co.kendall.il.us

A Zoning and Platting Advisory Committee meeting will be held on Tuesday, August 2, 2016 at 9:00am at the Kendall County Office Building.

**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT

J.A. Schleining LLC d/b/a Jets Towing and Services

CURRENT LANDOWNER/NAME(s)

Joshua Schleining and Tammi Schleining

SITE INFORMATION

ACRES

SITE ADDRESS OR LOCATION

8.8387 Acres

790 Eldamain Road, Plano, Illinois 60545

ASSESSOR'S ID NUMBER (PIN)

02-06-300-009/02-06-300-010

EXISTING LAND USE

A-1

CURRENT ZONING

A-1

LAND CLASSIFICATION ON LRMP**REQUESTED ACTION (Check All That Apply):**☐ SPECIAL USE☒ MAP AMENDMENT (Rezone to **M-1**)☒ VARIANCE☐ ADMINISTRATIVE VARIANCE☐ A-1 CONDITIONAL USE for: _____☐ SITE PLAN REVIEW☐ TEXT AMENDMENT☐ PRELIMINARY PLAT

etc.)

☐ RPD (☐ Concept; ☐ Preliminary; ☐ Final)☐ ADMINISTRATIVE APPEAL☐ FINAL PLAT☐ OTHER PLAT (Vacation, Dedication,☐ AMENDMENT TO A SPECIAL USE (☐ Major; ☐ Minor)**PRIMARY CONTACT**

Kelly A. Kramer

PRIMARY CONTACT MAILING ADDRESS

1107A South Bridge St., Yorkville, IL 60560

PRIMARY CONTACT EMAIL

kkramer@dankramerlaw.com

PRIMARY CONTACT PHONE #

630-553-9500

PRIMARY CONTACT FAX #

630-553-5764

PRIMARY CONTACT OTHER # (Cell, etc.)**ENGINEER CONTACT****ENGINEER MAILING ADDRESS****ENGINEER EMAIL****ENGINEER PHONE #****ENGINEER FAX #****ENGINEER OTHER # (Cell, etc.)**

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.

SIGNATURE OF APPLICANT**DATE**

FEE PAID: \$ _____

CHECK #: _____

¹Primary Contact will receive all correspondence from County²Engineering Contact will receive all correspondence from the County's Engineering Consultants

PLAT OF SURVEY OF

KENDALL COUNTY

ILLINOIS

House Detail
1"=30'

SCALE
1" = 100'

8.8387 Acres

EL DAMAIN ROAD

July 17

JOB NO.	
JOB NAME	Phillip D. Young and Associates, Inc.
DWG FILE	LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002275

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of $70^{\circ}14'38''$ with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline, thence Southwesterly, along said centerline, 1149.27 feet to said South Line, thence Easterly, along said South Line which forms an angle of $70^{\circ}14'38''$ with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning, EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of $70^{\circ}14'38''$ with the last described course (measured counterclockwise therefrom), 132.44 feet, thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline, thence Southwesterly, along said centerline, 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of $70^{\circ}14'38''$ with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning, AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014, all in Bristol Township, Kendall County, Illinois

-R7E, 3rd PM
ILINOIS

LEGAL DESCRIPTION:

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 1149.27 feet; thence Westerly, parallel with said South Line, 443.0 feet to said centerline; thence Southwesterly, along said centerline, 1149.27 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning;

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence Westerly, along the South Line of said Southwest Quarter, 2365.11 feet for the point of beginning; thence Northeasterly, parallel with the centerline of Eldamain Road, which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet; thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline; thence Southwesterly, along said centerline, 245.0 feet to said South Line; thence Easterly, along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning;

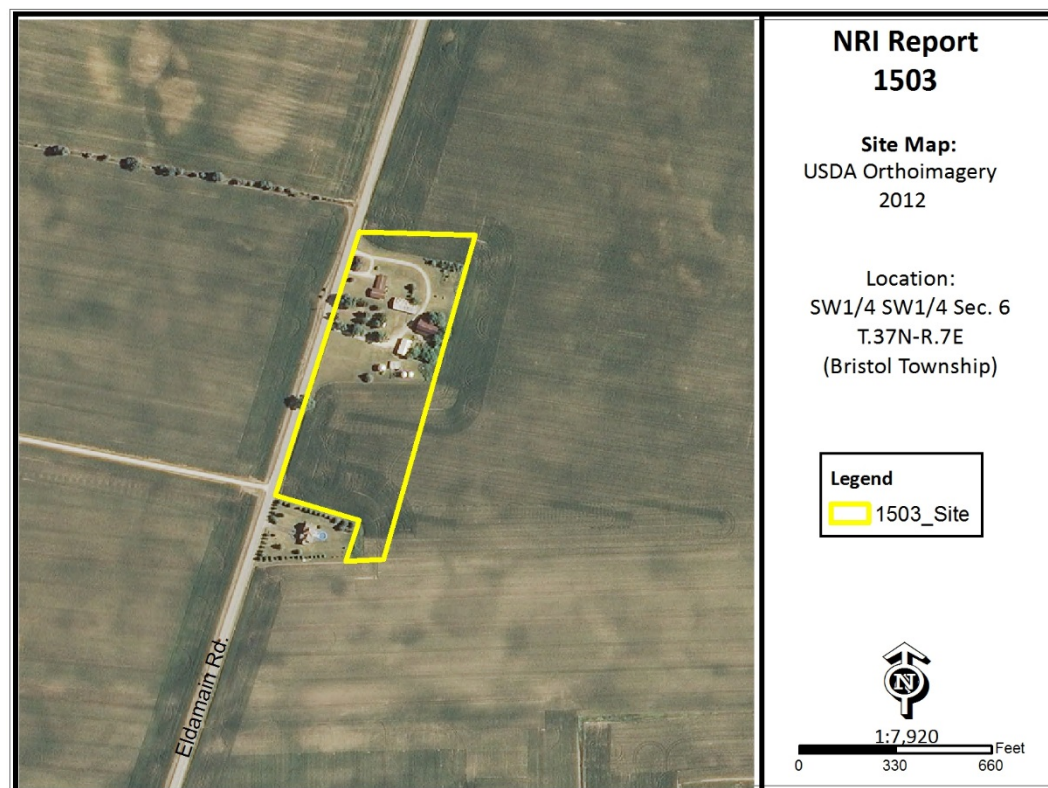
AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12, 2010 and by Document 201400006872 recorded May 27, 2014; all in Bristol Township, Kendall County, Illinois.

Zoning Map Amendment – A-1 Agricultural to M-1 Limited Manufacturing

Jet's Towing Services – 790 Eldmain Road – Bristol Township



NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1503



September
2015

Petitioner: Joshua Schleining / Tammi Schleining
Contact: Attorney Kelly Helland

Prepared by:



**Kendall County Soil & Water
Conservation District**

7775A Route 47 • Yorkville, Illinois 60560
Phone: (630)553-5821 x3 • Fax: (630)553-7442
www.kendallswcd.org

Petitioner: Joshua Schleining / Tammi Schleining

Contact Person: Attorney Kelly Helland

County or Municipality the petition is filled with: Kendall County

Location of Parcel: SW¼ SW¼ Section 6, T.37N.-R.7E. (Bristol Township) of the 3rd Principal Meridian in Kendall County, IL

Project or Subdivision Name: Jets Towing and Services

Existing Zoning & Land Use: A-1 (Agricultural); Row Crop Production, Farmstead

Proposed Zoning & Land Use: A-1 Special Use, Trucking and Towing Service

Proposed Water Source: Well

Proposed Type of Sewage Disposal System: Septic

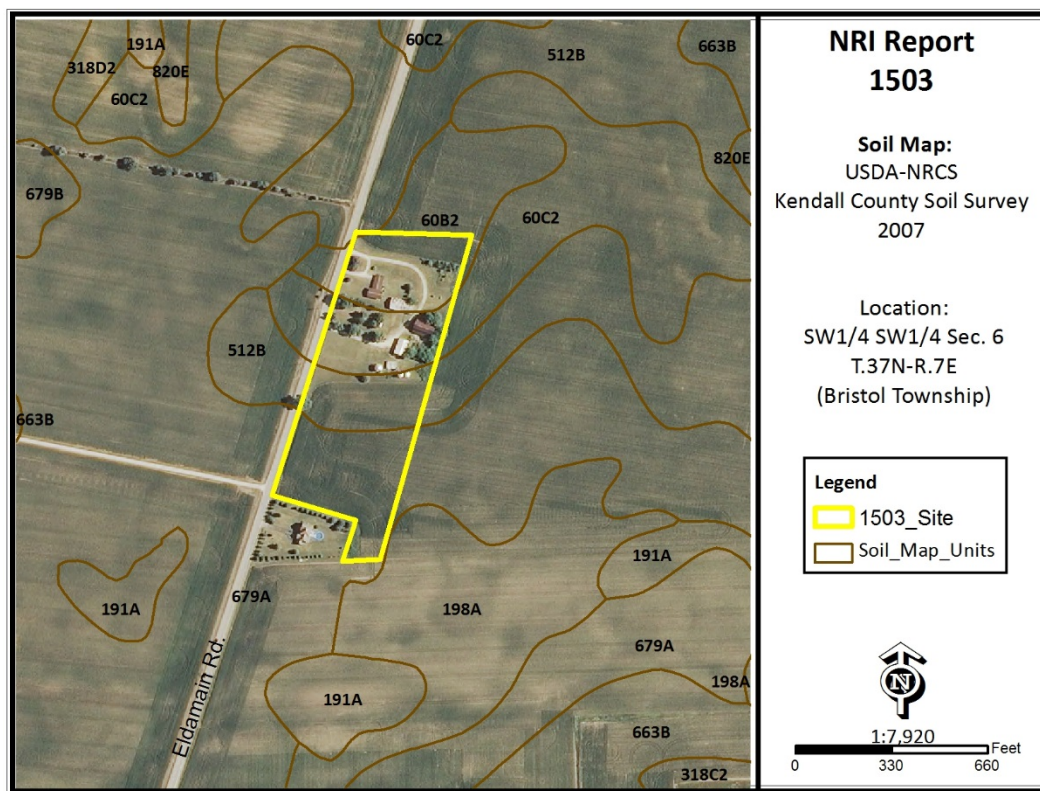
Proposed Type of Storm Water Management: Not required

Size of Site: 8.8

Land Evaluation Site Assessment Score: 181

Natural Resource Concerns

Soil Map:



SOIL INFORMATION:

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2007 Kendall County Soil Survey, this parcel contains the following soil types:

Table 1:

Map Unit	Soil Name	Hydrologic Group	Hydric Designation	Farmland Designation
60B2	La Rose silt loam, 2-5% slopes, eroded	C	Non-hydric	Prime Farmland
60C2	La Rose silt loam, 5-10% slopes, eroded	C	Non-hydric	Statewide Importance
512B	Danabrook silt loam, 2-5% slopes	B	Non-hydric	Prime Farmland
679A	Blackberry silt loam, 0-2% slopes	B	Non-hydric	Prime Farmland

Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- ✓ **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- ✓ **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- ✓ **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- ✓ **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Hydric Soils: A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, none are classified as a hydric soil. Additionally, none of the soils onsite are likely to have hydric inclusions.

Prime Farmland: Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Three of the soils found onsite are designated as prime farmland and one is designated as farmland of statewide importance.

Table 2:

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60B2	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	February – April: None	February – April: None
60C2	High	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.4'	February – April: None	February – April: None
512B	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 3.0'-5.0'	February – April: None	February – April: None
679A	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: >6.0'	February – April: None	February – April: None

Surface Runoff: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).

Ponding: Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

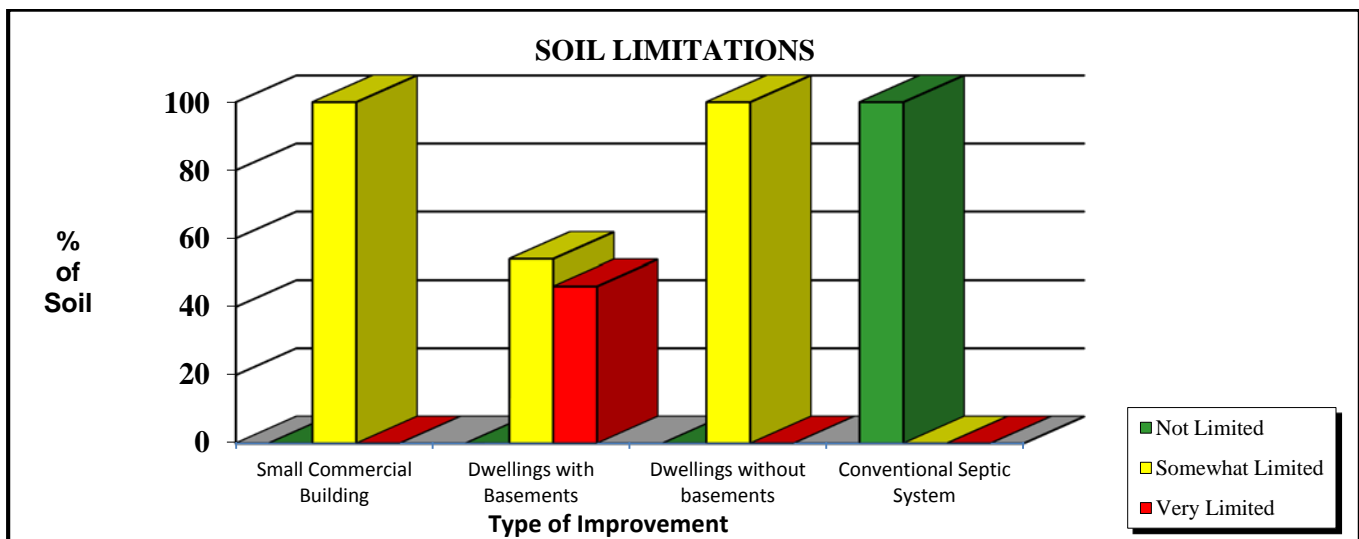
Flooding: Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration expressed as brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

SOIL LIMITATIONS: Limitations for small commercial building, dwellings with basements, dwellings without basements and conventional sewage disposal systems. Please note this information is based on information compiled as part of the USDA-NRCS 2007 Soil Survey of Kendall County, IL and does not replace site specific soil testing.

Table 2a:

Soil Type	Small Commercial Building	Dwellings with Basements	Dwellings without Basements	Conventional Sewage Disposal System
60B2	Somewhat Limited: Depth to saturated zone	Very Limited: Depth to saturated zone	Somewhat limited: Depth to saturated zone	Suitable
60C2	Somewhat Limited: Slope Depth to saturated zone	Very Limited: Depth to saturated zone	Somewhat limited: Depth to saturated zone	Suitable
512B	Somewhat limited: Shrink-swell	Somewhat Limited: Shrink-swell Depth to saturated zone	Somewhat limited: Shrink-swell	Suitable
679A	Somewhat limited: Shrink-swell	Somewhat Limited: Shrink-swell Depth to saturated zone	Somewhat limited: Shrink-swell	Suitable

Septic Systems: The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026).



Kendall County Land Evaluation and Site Assessment (LESA):

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
60B2	4	79	2.1	165.9
60C2	5	82	1.9	155.8
512B	2	94	1.8	169.2
679A	1	100	3.0	300.0
Totals			8.8	790.9
LE Score		LE= 790.9/8.8		LE=90

The Land Evaluation score for this site is **90**, indicating that this site is **well suited** for agricultural uses.

Table 4b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	10
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	91

Land Evaluation Value: 90 + Site Assessment Value: 91 = LESA Score: 181

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score for this site is 181 which indicates a Low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Wetlands: The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the presence of a wetland. Additionally, the USDA-NRCS 1984 Aerial Wetland Map **does not indicate** the presence of a wetland. If a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

Floodplain: The parcel is not located within the floodplain.

Sediment and Erosion Control: Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://aiswcd.org/IUM/>) for appropriate best management practices.

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Joshua Schleining / Tammi Schleining for the proposed A-1 Special Use. This parcel is located in the SW¼ SW¼ of Section 6 in Bristol Township (T.37N.-R.7E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 90 out of a possible 100 points indicating the soils are well suited for agricultural uses. Additionally, three of the soils found onsite are classified as prime farmland and the remaining soil is classified as farmland of statewide importance.

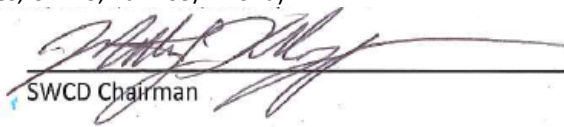
In addition, soils can have potential limitations for development. This report indicates that for soils located on the parcel, 100% are somewhat limited for dwellings without basements and small commercial building; 53% are very limited for dwellings with basements. This information is based on the soil in an undisturbed state. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development with significant limitations. Additionally, since the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Rob Roy Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

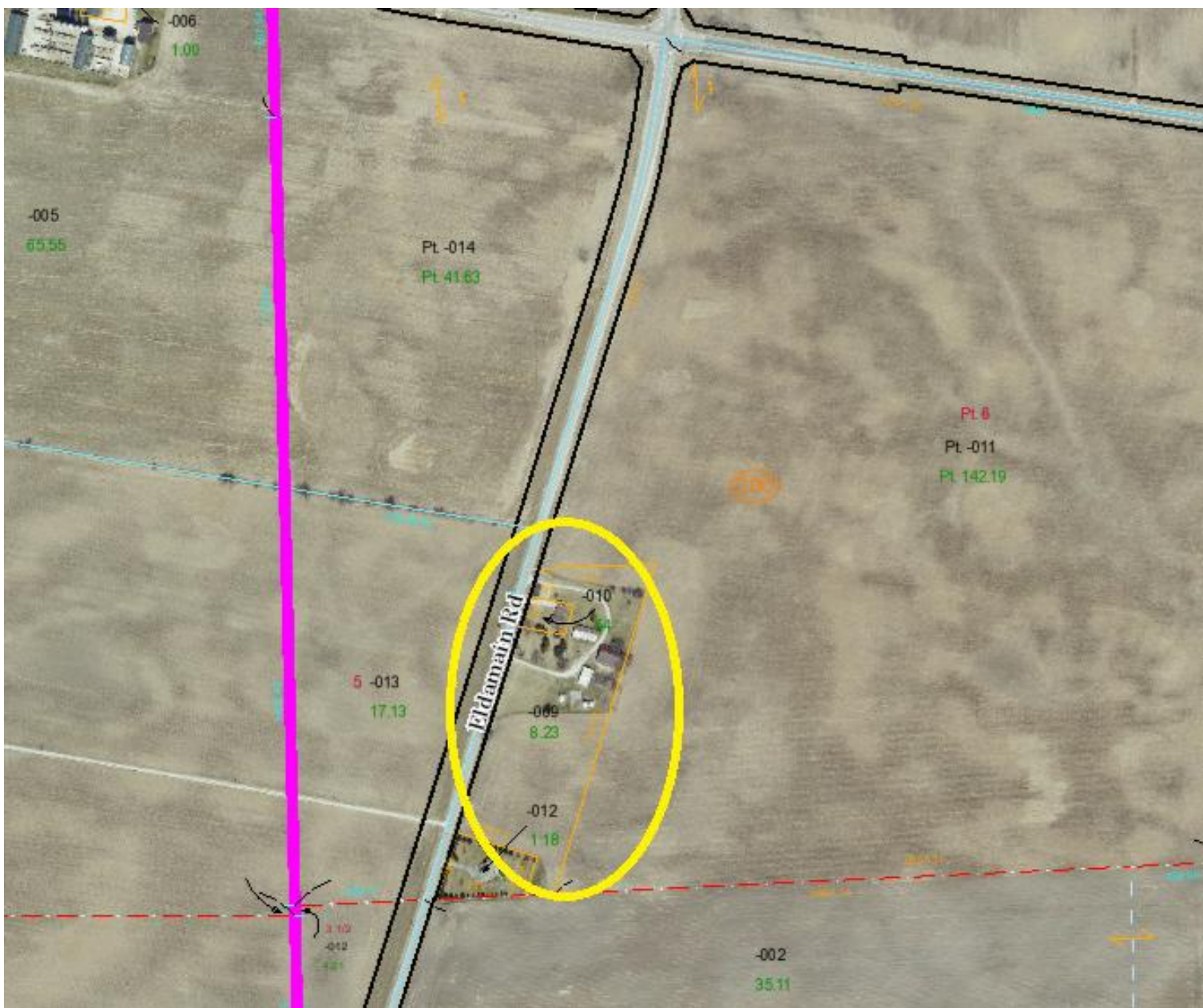
The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


SWCD Chairman


Date

Zoning Map Amendment – A-1 Agricultural to M-1 Limited Manufacturing

Jet's Towing Services – 790 Eldamain Road – Bristol Township





Attachment 8-Driveway Looking East

















**ATTACHMENT 16
KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of February 22, 2017

Chairman Bill Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Larry Nelson, John Shaw, Claire Wilson, and Budd Wormley

Staff Present: Matthew H. Asselmeier, Senior Planner

Members Absent: Roger Bledsoe, Ruben Rodriguez, and Angela Zubko

In the Audience: Kelly Helland (Representing JA Schleining LLC d/b/a Jets Towing and Services)

APPROVAL OF AGENDA

Mr. Wilson made a motion, seconded by Mr. Wormley, to approve the agenda. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Shaw, to approve the January 25, 2017, minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

16-22 JA Schleining LLC d/b/a Jets Towing and Services

Mr. Asselmeier briefly reviewed the case, summarizing the staff memorandum. In addition to the request for a map amendment, the petitioner is asking for variances related to paving material, parking in the side yard setback, and using evergreens instead of fencing for screening. Ms. Helland then presented information on behalf of the petitioner.

Mr. Nelson questioned the application in relation to Yorkville's new Comprehensive Plan. Mr. Asselmeier stated that Yorkville amended their Future Land Use Map in the area to residential. Yorkville's previous Future Land Use Map indicated the area to be industrial. Yorkville amended their Comprehensive Plan after the petitioner submitted the application.

Ms. Helland stated that the petitioner originally wanted to add this use to the list of special uses within the A-1 District. However, after discussions with Staff and PBZ Committee, the decision was made to apply for a map amendment. The petitioner has one (1) wrecker and (3) trucks located on the property. The petitioner does not tow to the property or store towed vehicle on the property. The petitioner is attempting to get a rebuilders license, but needs the proper zoning. The petitioner had no objections to planting evergreens as requested.

Mr. Nelson asked about the long-term plans for the business. Ms. Helland stated that the petitioner, his father, and two (2) independent contractors are the only people associated with the business at this site. The business does not have the clientele to use all of the trailers located on the property. The business hopes to have ten (10)-twelve (12) employees in the future.

Discussion occurred regarding the property turning into an eyesore. Mr. Wormley asked if PBZ received any complaints on this property. Mr. Asselmeier reported that PBZ received no comments on this proposal. Discussion occurred regarding the possibility of gas, oil, hydraulic fuel, and other chemical leaking. Mr. Wormley noted that the health department raised no concerns on this topic.

Discussion occurred about setting a maximum number of trailers allowed on the property in exchange for the gravel parking variance.

Mr. Wormley noted that a similar situation existed on Light Road involving the placement of fifteen (15)-eighteen (18) construction trailers. Several Commissioners voiced concerns about the petitioner scrapping the trailers or using them for storage.

Ms. Wilson asked about the storage of trailers. Mr. Asselmeier stated that all work on the trailers had to occur inside a building and inoperable trucks must be stored in a building.

Ms. Helland noted that the EcoCat report had not been terminated because of the potential existence of an endangered fish in the area.

Mr. Ashton asked if the petitioner wanted the rezoning if the variances were not approved. Ms. Helland stated failure to secure the variances could impact the petitioner financially and could hamper his ability to remain at that location.

Commissioners discussed planting three (3) to four (4) foot tall evergreens on the north and south sides of the property, limiting the number of trailers, and keeping inoperable vehicles offsite or indoors.

Ms. Helland indicated that no one was living in the house; the petitioner is using the house as an office.

Ms. Helland agreed to work with Staff to finalize the variance requests; the petition was tabled at the petitioner's request.

OLD BUSINESS

Mr. Asselmeier presented a memorandum from Mike Hoffman regarding spot zoning.

Discussion occurred regarding reconsidering the Pagel Case. No motion was made to reconsider the matter.

Mr. Ashton reminded everyone that the Annual Meeting is Saturday, February 25th, at 9:00 a.m.

NEW BUSINESS

Mr. Nelson moved to open the floor for nominations for officers and nominated Bill Ashton for Chairman, Budd Wormley for Vice-Chairman, Larry Nelson for Secretary, and Matt Asselmeier for Recording Secretary. There were no additional nominees. The call for nominations was closed. With a voice vote of all ayes, the motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Petition 16-26, John and Sharon Pagel Living Trust, the petitioner requested the ZBA hearing for the proposed rezoning from R-3 to R-1 be postponed until May so that they can obtain images of the property draining stormwater.

The Plan Commission of the City of Plano will hold a public hearing on their proposed Comprehensive Plan Update on March 6th at 7:00 p.m., at Plano City Hall.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Mr. Wormley made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 7:56 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Bruce Rauner, Governor

Wayne Rosenthal, Director

February 28, 2017

Daniel J. Kramer
Attorney Kelly A. Helland
1107A South Bridge Street
Yorkville, IL 60560

RE: Jets Towings
Project Number(s): 1706394
County: Kendall

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Keith Shank
Division of Ecosystems and Environment
217-785-5500

**ATTACHMENT 18
KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of March 22, 2017

Vice-Chairman Wormley called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko

Staff Present: Matthew H. Asselmeier, Senior Planner

Members Absent: Bill Ashton and Roger Bledsoe

In the Audience: Kelly Helland (Representing JA Schleining LLC d/b/a Jets Towing and Services), Josh Schleining, and Tammi Schleining

APPROVAL OF AGENDA

Ms. Zubko made a motion, seconded by Mr. Nelson, to approve the agenda. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Casey made a motion, seconded by Mr. Rodriguez, to approve the February 22, 2017, minutes with the amendment that the Schleining petition was laid over at the previous meeting and not tabled. With a voice vote of all ayes, the motion carried.

Ms. Zubko made a motion, seconded by Mr. Casey, to approve the February 25, 2017, Annual Meeting minutes. With a voice vote of all ayes, the motion carried.

Ms. Wilson arrived at 7:04 p.m.

PETITIONS

16-22 JA Schleining LLC d/b/a Jets Towing and Services

Ms. Helland presented information on behalf of the petitioner. She stated the petitioners are withdrawing the request for variances to the Zoning Ordinance pertaining to fencing, parking in the setback, and parking material. The petitioners are requesting a rezoning (map amendment) only. The petitioners shall construct a cedar board-on-board fence eight (8) feet in height. They will not park in the setbacks and they will use asphalt shavings (tar and chip) in the trailer parking area. The petitioners hope to have the parking area asphalted within one hundred twenty (120) days.

Ms. Zubko asked if the EcoCat had been resolved. Ms. Helland said that the EcoCat consultation had been terminated.

Mr. Nelson asked Mr. Asselmeier if any other changes to the property would be required if the rezoning was approved. Mr. Asselmeier stated that he was not aware of any additional required changes.

Ms. Helland noted that, after the rezoning, the owners cannot lease the home for a residential purpose or reside in the home.

Mr. Nelson asked what the Land Resource Management Plan classified this area. Mr. Asselmeier stated that the Land Resource Management Plan called for the area to be Mixed Use Business. The proposed rezoning meets the criteria of Mixed Use Business.

Mr. Rodriguez asked if the number of trailers could be limited on the property. Ms. Helland responded that, because this is a straight rezoning request with no variances, no limitations on the number of trailers could be placed on the property.

Ms. Helland reported that the fencing would go around the entire property, not just the area where the trailers and trucks were parked.

Mr. Wormley asked if there were any issues regarding inoperable vehicles. Ms. Helland stated that all of the trailers were plated. The petitioners were working on their rebuilders' license; they cannot get this license until they secured the appropriate zoning. Discussion occurred regarding the inoperable bus. Ms. Schleining said that they would resolve the bus issue after they get their rebuilders license, which could be within sixty (60) days depending on the State's timeline for processing the application.

Ms. Wilson asked if the petitioner plans to install signage. The petitioners would be required to follow the signage regulations in the Zoning Ordinance.

Mr. Nelson asked why Bristol Township wants to wait with commenting until after the Zoning Board of Appeals hearing. Mr. Asselmeier responded that Bristol Township wants to wait because, if they oppose this proposal, a supermajority would be required at the County Board for approval. Discussion occurred regarding Yorkville's official opposition to the proposal.

Ms. Zubko asked if the site plan for the project would change. Mr. Wormley asked if any stormwater issues existed. Mr. Asselmeier responded that the site plan would not change unless the petitioner changed their footprint.

Ms. Wilson made a motion to approve the petition rezoning 790 Eldmain Road from A-1 Agricultural to M-1 Limited Manufacturing with the knowledge that the variance requests have been withdrawn, seconded by Mr. Nelson.

Yes – Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (7)

No – None

The motion passed. This proposal will go to the Zoning Board of Appeals on April 3, 2017.

OLD BUSINESS

Mr. Asselmeier presented the proposed letter from the Kendall County Regional Planning Commission to the Kendall County Forest Preserve District regarding the Forest Preserve's compliance with the Zoning Ordinance.

Ms. Zubko suggested that Chairman Ashton be the only person to sign the letter.

Discussion occurred regarding the primary addressees of the letter. The consensus was that President Gilmour should be the first addressee and Director Guritz should be the second addressee. Each member of the Forest Preserve District should receive the letter.

Ms. Zubko made a motion to approve the letter with the following amendments:

1. Chairman Ashton shall be the only Commission member to sign the letter.
2. The letter should be addressed to President Gilmour and Director Guritz and in that order.
3. The other members of the Kendall County Forest Preserve District Board shall be given copies of the letter.

Ms. Wilson seconded the motion.

With a voice vote of all ayes, the motion carried.

NEW BUSINESS

Mr. Nelson provided an update from the Ad-Hoc Zoning Ordinance Committee. The City of Plano will submit an application for a variance to the Stormwater Ordinance for their project at Foli Park. Ad-Hoc is also looking at updating the regulations for the Hearing Officer, including possibly partnering with one (1) of the municipalities. Ad-Hoc recommended that the Planning, Building and Zoning Committee explore a six (6) month moratorium on outdoor shooting ranges to allow for a review of outdoor shooting range regulations. Discussion also occurred regarding different future land uses in Plano's Comprehensive Plan, Yorkville's Comprehensive Plan, and the County's Comprehensive Plan. Ad-Hoc will also work on noise regulations in the future.

Discussion occurred regarding sending Yorkville a letter regarding the changes in their future land use map. The consensus was to wait until the future land use map had been evaluated. Mr. Asselmeier will check to see if Yorkville has an annual meeting on planning issues and if Yorkville filed a formal objection regarding the rezoning at 790 Eldamain Road.

Mr. Asselmeier presented a memo regarding the special use permit identification and tracking project. This project will build on the work previously done in this area.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Petition 16-14, Robert Delaney's request for an Outdoor Shooting Range, this petition will be heard by the Special Use Hearing Officer on April 3, 2017.

Petition 16-26, John and Sharon Pagel Living Trust, the petitioner requested the ZBA hearing for the proposed rezoning from R-3 to R-1 be postponed until May so that they can obtain images of the property draining stormwater.

The Plan Commission of the City of Plano held a public hearing on their proposed Comprehensive Plan Update on March 6th at 7:00 p.m., at Plano City Hall. Mr. Asselmeier presented a memo regarding differences in Plano's proposed Comprehensive Plan and the existing Kendall County Land Resource Management Plan. The Commission requested a similar memo in relation to Yorkville's Comprehensive Plan.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Ms. Zubko to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 7:50 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

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KELLY A. HELLAND
D.J. KRAMER

March 24, 2017

Matt Asselmeier, Senior Planner
Kendall County Building & Zoning
111 W. Fox St.
Yorkville, IL 60560

VIA E-Mail: masselmeier@co.kendall.il.us

Re: Jets Towing (Petition #16-22)

Dear Matt:

Please be advised that my clients, JA Schleining, LLC d/b/a Jets Towing and Services, hereby withdraw the three (3) variance requests for the above referenced project.

My clients are proceeding with the request to rezone the property to M-1 Manufacturing only.

Should you have any questions or wish to further discuss this matter, please feel free to contact me.

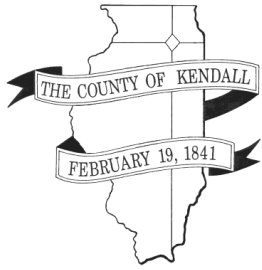
Very truly yours,

Kelly A. Helland

Kelly A. Helland
Attorney at Law

KAH/lgc

Cc Josh & Tammi Schleining



DEPARTMENT OF PLANNING, BUILDING & ZONING

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(630) 553-4141

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MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 28, 2017
Re: Proposed Plano Comprehensive Plan

The Planning Commission for the City of Plano held a public hearing on a proposed Comprehensive Plan Update on March 6, 2017. As currently proposed, the Plano Comprehensive Plan differs from the Land Resource Management Plan in the following ways:

1. The Land Resource Management Plan calls for Whitfield Road to be extended from Millhurst Road to Griswold Spring at Little Rock Road. A residential development currently exists at the southern terminus of Little Rock Road which will prevent a direct connection at that location. Plano's proposal removes the extension from their Future Land Use Map, but they retained the recommendation in the narrative portion of the proposal.
2. At the intersection of Little Rock Road and Galena Road, the Land Resource Management Plan calls for this area to be Rural Estate Residential (maximum density 0.45 DU acres) and Agricultural. Plano's proposal calls for the area to be General Business.
3. At the intersection of Vilmin Road and Galena Road on the Kendall County side of the road, the Land Resource Management Plan calls for this area to be Countryside Residential (maximum density 0.33 DU acres). Plano's proposal calls for the area to be General Business.
4. At the intersection of Rock Creek Road and Galena Road on the south side of the road, the Land Resource Management Plan calls for this area to be Countryside Residential (maximum density 0.33 DU acres). Plano's proposal calls for the area to be General Business.
5. At the southwest corner of intersection of Eldmain Road and Galena Road, the Land Resource Management Plan calls for this area to be Mixed Use Business. Plano's proposal calls for the area to be General Business.
6. The land bounded by Big Rock Creek to the west, Galena Road to the north, Eldmain Road to the east, and the Miller/Corneils Road extension to the south, the Land Resource Management Plan calls for this area to be Countryside Residential (maximum density 0.33 DU acres). With the exception of the southwest corner of Eldmain Road and Galena Road as noted in comment 5 above, Plano's proposal calls for Industrial/Office/Research in this area with Open Space/Conservation along Big Rock.

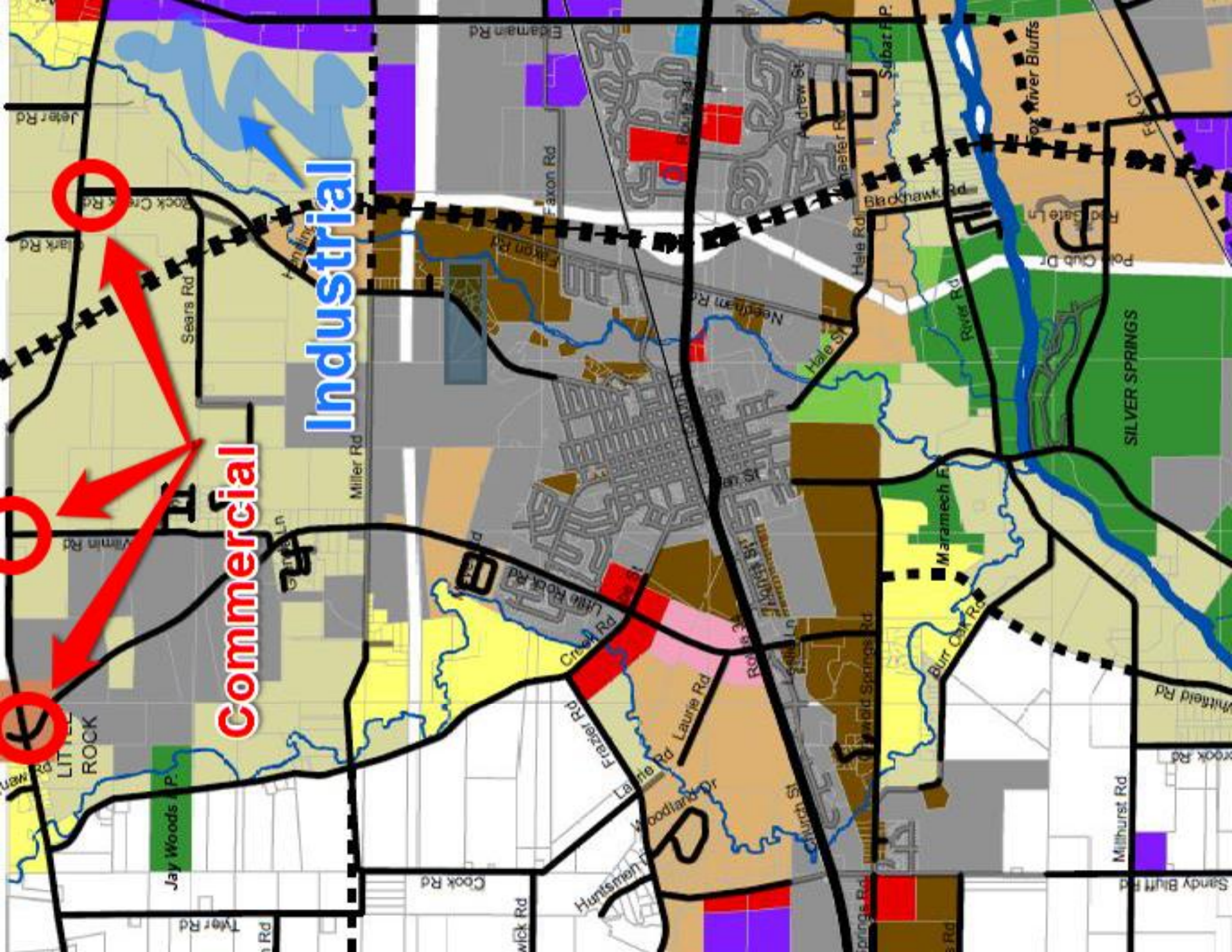
Mike Hoffman sent me the attached image showing the proposed changes.

ZBA Memo
March 28, 2017

Per State law, the Plano City Council has 90 days from the date of the Plan Commission recommendation to take action on the proposal.

MHA

ENC: Plano Future Land Use Map Changes



Industrial

Commercial

SILVER SPRINGS