

**MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING**

111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560

December 16, 2024 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

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

Members Absent: None

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

Others Present: Michael Faulkner and Miranda Marshall-Faulkner

MINUTES:

Member Prodehl made a motion, seconded by Member LeCuyer, to approve the minutes of the October 28, 2024, hearing/meeting.

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

PETITIONS:

The Zoning Board of Appeals started their reviews of Petitions 24-30 and 24-35 and opened the public hearings for both at 7:01 p.m.

Petition 24 – 30 – Nicholas S. Bellone on Behalf of Ament Solar 1, LLC (Tenant) and Janet M. Dhuse on Behalf of the Janet Dhuse Declaration of Family Trust Dated March 1, 2013 (Owner)

Request: Special Use Permit for a Commercial Solar Energy Facility and Variance to Section 36-282(17)(a) of the Kendall County Code to Allow a Commercial Solar Energy Facility on Land within One Point Five (1.5) Miles of Municipality without an Annexation Agreement

PINs: 05-16-300-006 and 05-17-400-005

Location: South of 9949 and 10021 Ament Road, Yorkville in Kendall Township

Purpose: Petitioner Would Like to Install a Commercial Solar Energy Facility; Property is Zoned A-1

Petition 24 – 35 – Kendall County Regional Planning Commission

Request: Text Amendment to the Kendall County Code Amending the Parking Regulations in Front Yard Setbacks

Purpose: Petitioner Would Like to Allow Parking in the Interior ½ of the Front Yard Setback on Properties Zoned A-1

At the request of the Petitioners, Chairman Mohr stated that Petition 24 – 30 and Petition 24 – 35 will be continued until the January 27, 2025, meeting, at 7:00 p.m., at the Historic Courthouse.

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

The Zoning Board of Appeals completed their reviews and recessed the public hearings for Petition 24-30 and 24-35 at 7:02 p.m.

The Zoning Board of Appeals started their review of Petition 24-31 and opened the public hearing at 7:02 p.m.

Petition 24 – 31 – Kendall County Zoning Administrator

Request: Text Amendments to Sections 36-282(20)(j), 36-282(32)(b), and 36-282(54) of the Kendall County Code by Increasing the Road Weight Limit Requirements from 73,280 Pounds to 80,000 Pounds in the Zoning Regulation Requirements for Composting Facilities, Landscaping Businesses, and Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles

Purpose: Petitioner Would Like to Increase the Weight Requirement to Match State Law

Mr. Asselmeier summarized the request.

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ eighty thousand (80,000) pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to

accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding why the text had not been changed previously. Discussion also occurred regarding input from the Highway Engineer; the Highway Engineer had brought up this issue previously when evaluating special use permits for landscaping business. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Member Thompson made a motion, seconded by Member Fox, to recommend approval of the proposed text amendments.

The votes were as follows:

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

The motion carried.

The townships will be notified of the results of the public hearing.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on January 13, 2025, at 6:30 p.m. at the Historic Courthouse.

The Zoning Board of Appeals completed their review of Petition 24-31 and adjourned the public hearing at 7:03 p.m.

The Zoning Board of Appeals started their review of Petition 24-32 and opened the public hearing at 7:04 p.m.

Petition 24 – 32 – Kendall County Zoning Administrator

Request: Text Amendment to Section 36-1051(12) of the Kendall County Code by Transferring the Enforcement Authority of Window Sign Zoning Regulations from the County Sheriff or Designee to the Zoning Administrator or Designee

Purpose: Petitioner Would Like Consistent Regulatory Authority Throughout the Entire Zoning Portion of the Kendall County Code

Mr. Asselmeier summarized the request.

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The **County Sheriff Zoning Administrator** or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Member Whitfield made a motion, seconded by Member Cherry, to recommend approval of the proposed text amendments.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The townships will be notified of the results of the public hearing.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on January 13, 2025, at 6:30 p.m. at the Historic Courthouse.

The Zoning Board of Appeals completed their review of Petition 24-32 and adjourned the public hearing at 7:06 p.m.

The Zoning Board of Appeals started their review of Petition 24-33 and opened the public hearing at 7:07 p.m.

Petition 24 – 33 – Kendall County Zoning Administrator

Request: Text Amendments to the Kendall County Code by Adding Parks to the Appropriate Place Alphabetically in the List of Permitted Uses in the R-4, R-5, R-6, and R-7 Zoning Districts and Related Text Changes

Purpose: Petitioner Would Like to Add Parks to the List of Permitted Uses in the R-4, R-5, R-6, and R-7 Zoning Districts

Mr. Asselmeier summarized the request.

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Member Fox asked, if any of the parks would like to make major improvements or changes, would they have to be up to code. Mr. Asselmeier responded that one (1) of the parks previously proposed to do a building addition. Without this amendment, the addition might not conform to the zoning regulations. This proposal will ensure that all work would be done in compliance with the zoning regulations.

Member Fox made a motion, seconded by Member Cherry, to recommend approval of the proposed text amendments.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The townships will be notified of the results of the public hearing.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on January 13, 2025, at 6:30 p.m. at the Historic Courthouse.

The Zoning Board of Appeals completed their review of Petition 24-33 and adjourned the public hearing at 7:10 p.m.

The Zoning Board of Appeals started their review of Petition 24-34 and opened the public hearing at 7:11 p.m.

Petition 24 – 34 – Kendall County Regional Planning Commission

Request: Text Amendment to Section 36-247(7)(a) of the Kendall County Code by Reducing the Setback from Pipelines to Occupied Principal Structures

Purpose: Petitioner Would Like to Reduce the Setback for Pipeline Greater Than 10 Inches in Diameter which Carry/Conduct Flammable or Hazardous Material from 500 Feet from Occupied Principal Structures to 25 Feet from Occupied Principal Structures

Mr. Asselmeier summarized the request.

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information was provided.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email was provided.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission’s reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner’s ability to use their land by consuming too much land for setback purposes.

2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent with the suggestion that the setback be five feet (5') as measured from the permanent easement line instead of being measured from the pipeline. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding the measurement and the suggestion from ZPAC. It was noted that the width of easements and the placement of pipelines within easements also differed. The Kendall County Regional Planning Commission recommended approval of the original proposal by a vote of seven (7) in favor and two (2) in opposition with one (1) member absent. Chairman Ashton and Tom Casey voted no because they believed that five hundred feet (500') was excessive and twenty-five feet (25') was insufficient. The minutes of the meeting were provided.

Member LeCuyer asked, if the pipeline company went to twenty-five feet (25'), could the area be fenced. Mr. Asselmeier stated the setback was twenty-five feet (25') from the principal structure.

Chairman Mohr asked Member Prodehl what a home would be worth if it was twenty-five feet (25') from a pipeline. Member Prodehl stated that it would be detrimental to the value of the property and the distance is extensive from five hundred feet (500') to twenty-five feet (25').

Chairman Mohr stated that many times the pipelines have hazardous chemicals which are detrimental if someone is exposed to them.

Member LeCuyer asked who made this recommendation. Mr. Asselmeier stated that members of the Planning Commission made the recommendation.

Member LeCuyer asked if the proposal came from a pipeline company. Mr. Asselmeier stated that the pipeline companies provided temporary easements which are traditionally fifty feet (50'). Attendees reviewed the email from the pipeline company representative included in the packet. Member LeCuyer stated he would be in favor of fifty feet (50').

Member Prodehl stated that they don't have enough information to be able to make an informed decision.

Chairman Mohr asked if he could build a house next to an easement. Mr. Asselmeier stated that under normal circumstances he could.

Attendees reviewed the table of information with the setbacks of other municipalities and neighboring counties. It was noted that Yorkville was using the pipeline's recommendation of a fifty foot (50') setback for any building because the IEPA issued a recommendation in some of their handouts that fifty feet (50') off the easement was recommended and no blasting or explosive excavation within three hundred twenty-five feet (325') of the easement.

Member LeCuyer made a motion, seconded by Member Prodehl, to recommend approval of the proposed text amendments.

The votes were as follows:

Ayes (0): None

Nays (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Abstain (0): None

Absent (0): None

The motion carried.

The Board felt twenty-five feet (25') is too close and they were open to seeing a revised proposal.

The townships will be notified of the results of the public hearing.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on January 13, 2025, at 6:30 p.m. at the Historic Courthouse.

The Zoning Board of Appeals completed their review of Petition 24-34 and adjourned the public hearing at 7:23 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 24-26 and 24-28 were approved by the County Board. The Petitioner in Petition 24-28 was required to submit a photometric plan and an ADA plan prior to the issuance of a building permit.

PUBLIC COMMENTS

Mr. Asselmeier reported that the next application deadline was December 24, 2024. The only petitions, to date, for the January hearing are the solar project on Simons Road and the solar project on Ament

Road and the two (2) petitions continued at tonight's meeting.

Michael Faulkner, a property owner in the A-1 district, wanted to speak about Petition 24-35, the parking regulations in the front yard setbacks.

Mr. Asselmeier spoke regarding the issue with the setbacks. It was noted that at their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Mr. Faulkner asked why he could not park within the first twenty-five feet (25') of the road if he is a owns property zoned A-1. Mr. Asselmeier stated that Mr. Faulkner is not allowed to count that parking spot as his principal, required parking spot.

Miranda Marshall-Faulkner discussed the situation at 1539 Collins Road regarding the demolition of the house and their concerns about setbacks at the property.

The reasoning behind this proposal was because there was a landscaping business that wanted to have their required parking spaces in the front yard setback and that is against regulation.

Chairman Mohr asked Mr. and Mrs. Faulkner to attend the January 27, 2025, meeting, at 7:00 p.m., at the Historic Courthouse.

Starting in January, the meetings will be in the Historic Courthouse.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:33 p.m.

The next regularly scheduled meeting/hearing will be on Monday, January 27, 2025, in the Historic Courthouse.

Respectfully submitted by,
Wanda A Rolf
Planning, Building and Zoning Part-Time Administrative Assistant

Exhibits

1. Memo on Petition 24-30 Dated December 12, 2024

2. Certificate of Publication and Green Cards from Mailing for Petition 24-30 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 24-31 Dated December 12, 2024
4. Certificate of Publication for Petition 24-31 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 24-32 Dated December 12, 2024
6. Certificate of Publication for Petition 24-32 (Not Included with Report but on file in Planning, Building and Zoning Office)
7. Memo on Petition 24-33 Dated December 12, 2024
8. Certificate of Publication for Petition 24-33 (Not Included with Report but on file in Planning, Building and Zoning Office)
9. Memo on Petition 24-34 Dated December 12, 2024
10. Certificate of Publication for Petition 24-34 (Not Included with Report but on file in Planning, Building and Zoning Office)
11. Memo on Petition 24-35 Dated December 12, 2024
12. Certificate of Publication for Petition 24-35 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 12, 2024
Re: Proposed Commercial Solar Energy Facility South of 9949 and 10021 Ament Road
(PINs: 05-16-300-006 and 05-17-400-005), Yorkville in Kendall Township (Petition 24-30)

In October 2024, the County received an application for a special use permit and variance to allow a commercial solar energy facility on the subject property.

When Kendall Township reviewed the proposal in November, the Kendall Township Board had the following concerns:

1. "That it appears specifically and in writing that any fiduciary instrument (i.e. Bond) be attached to the Title and or abstract of the Subject Property presently identified as *AMENT ROAD SOLAR FARM*. In so much as that responsibility will pass to any and all owners until the end of the deconstruction phase of the project.
2. That the concerns expressed above regarding the subsoil drainage issues be specifically addressed in any SUP, and failure to do so will result in a violation of the terms of the agreement and a monetary penalty will be applied.
3. That the concerns regarding the noxious weeds shall be specifically spelled out in the SUP and future agreements."

In an effort to work with Kendall Township, the Petitioner submitted a request for a continuance to the January 2025 Kendall County Regional Planning Commission meeting and the January 2025 Kendall County Zoning Board of Appeals hearing. The Petitioner's cover email and cover letter, not including attachments, are attached to this memo.

The next Kendall Township Planning Commission meeting is December 16, 2024, and the next Kendall Township Board meeting is December 17, 2024.

The Kendall County Regional Planning Commission met on this proposal on December 11, 2024.

The complete record of this Petition can be found on the County's website at <https://www.kendallcountyil.gov/home/showpublisheddocument/31510/638665763806870000>.

If you have any questions regarding this memo, please let me know.

MHA

Enc.: December 3, 2024, Email and Letter from Nicholas Bellone and Tom Ryan (Cover Letter and Email Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Regarding Road Weight Classification for Siting of Composting Facilities, Landscaping Businesses, and Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreation Vehicles (Petition 24-31)

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the

proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding why the text had not been changed previously. Discussion also occurred regarding input from the Highway Engineer; the Highway Engineer had brought up this issue previously when evaluating special use permits for landscaping business. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

If you have any questions regarding this memo, please let me know.

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes

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

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-31 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

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Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024. No comments received.

Mr. Guritz made a motion, seconded by Commander Langston, to forward the proposal to the Kendall County Regional Planning Commission.

The votes were follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:31 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

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

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-31 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ eighty thousand (80,000) pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Landovitz asked if it was an oversight that some roads were not updated to eighty thousand (80,000) pounds. Mr. Asselmeier stated that was correct.

Member Bernacki asked if there would be any pushback from the County Engineer if local townships changed the weight class to eighty thousand (80,000) pounds. Mr. Asselmeier stated pushback would arise potentially for individual road situations, which is not a zoning question. Mr. Asselmeier stated he cannot speak for the Highway Commissioners.

Member Rodriguez asked if Mr. Asselmeier had a discussion with the Highway Engineer. Mr. Asselmeier stated he has not spoken to the Highway Engineer. However, in the past, Mr. Asselmeier stated he had a discussion with the Highway Engineer, particularly with special use permits for landscaping businesses, and the Highway Engineer brought up the weight discrepancy.

Member Stewart made a motion, seconded by Member Hamman, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

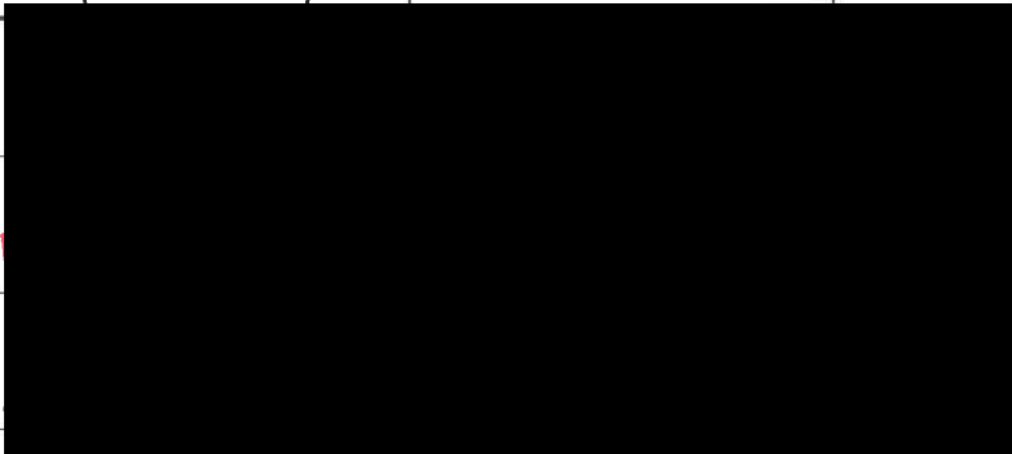
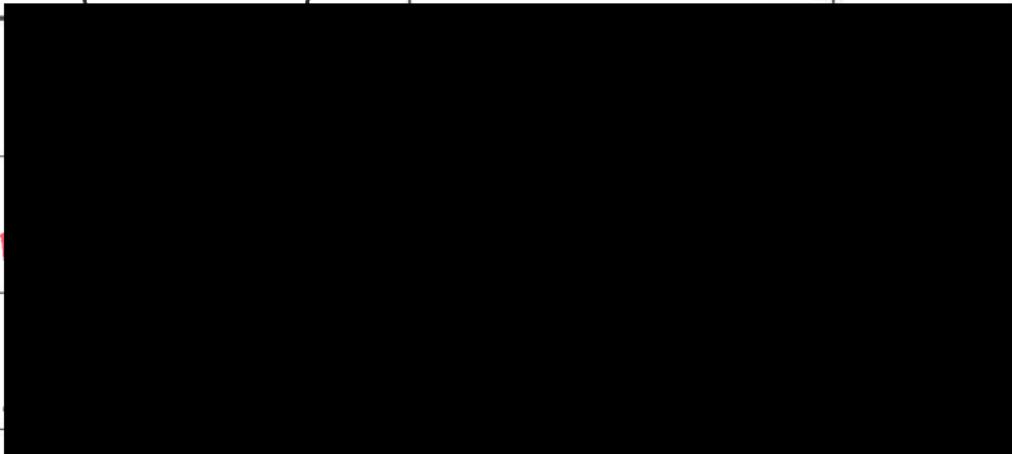
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.

10

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE
MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR
ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Enforcement of Window Sign Regulations
(Petition 24-32)

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The **County Sheriff Zoning Administrator** or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

If you have any questions regarding this memo, please let me know.

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-32 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The **County Sheriff Zoning Administrator** or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024. No comments received.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the proposal to the Kendall County Regional Planning Commission.

The votes were follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:31 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

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

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-32 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The ~~County Sheriff Zoning Administrator~~ or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Wilson made a motion, seconded by Member Landovitz, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart and

Wilson
Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

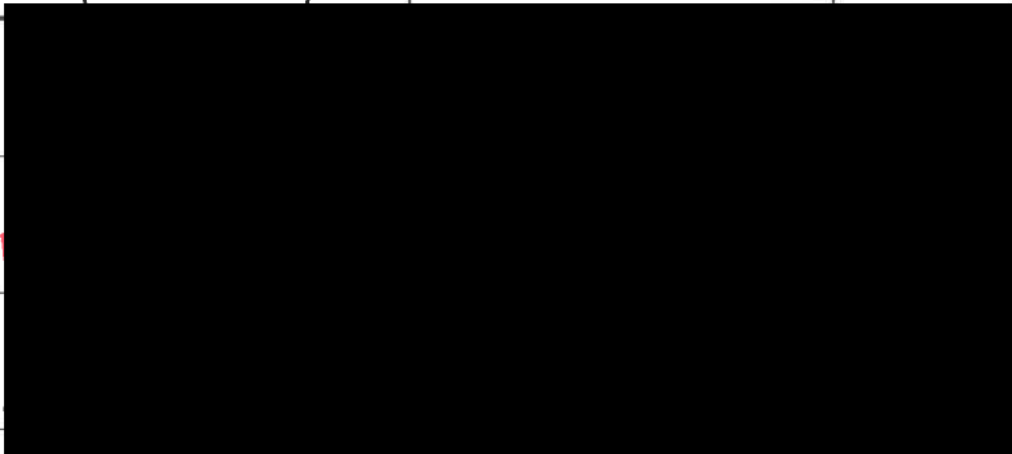
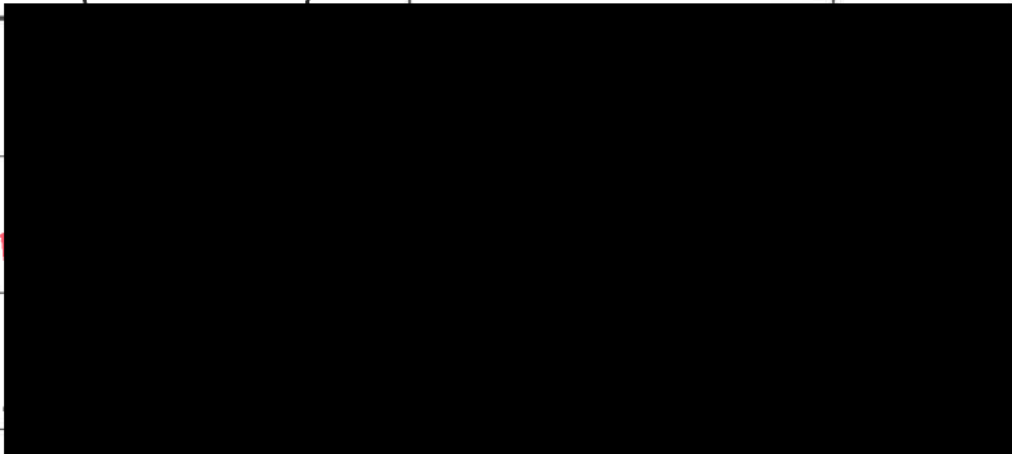
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.

10

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE
MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR
ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Parks in the R-4, R-5, R-6, and R-7 Districts
(Petition 24-33)

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

If you have any questions regarding this memo, please let me know.

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes

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

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-33 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024. No comments received.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the proposal to the Kendall County Regional Planning Commission.

The votes were follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:31 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

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

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-33 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Stewart made a motion, seconded by Member McCarthy-Lange, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart and Wilson

Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

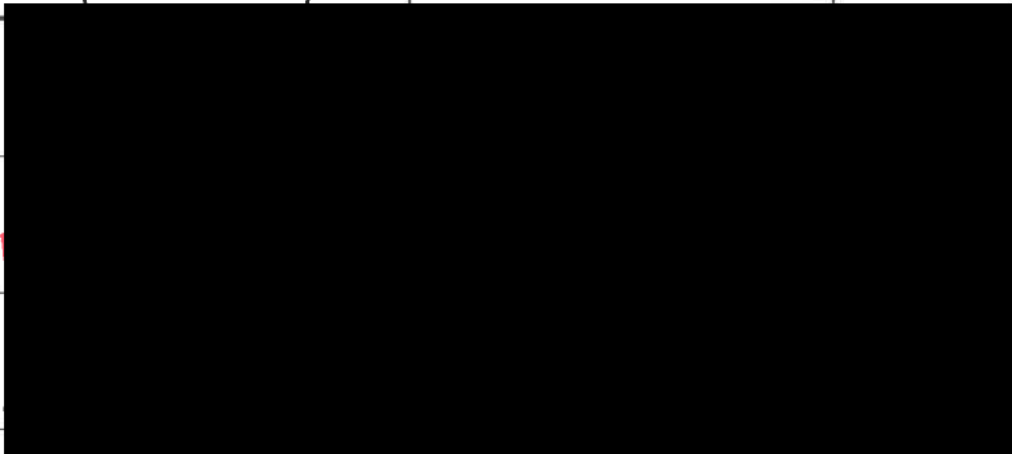
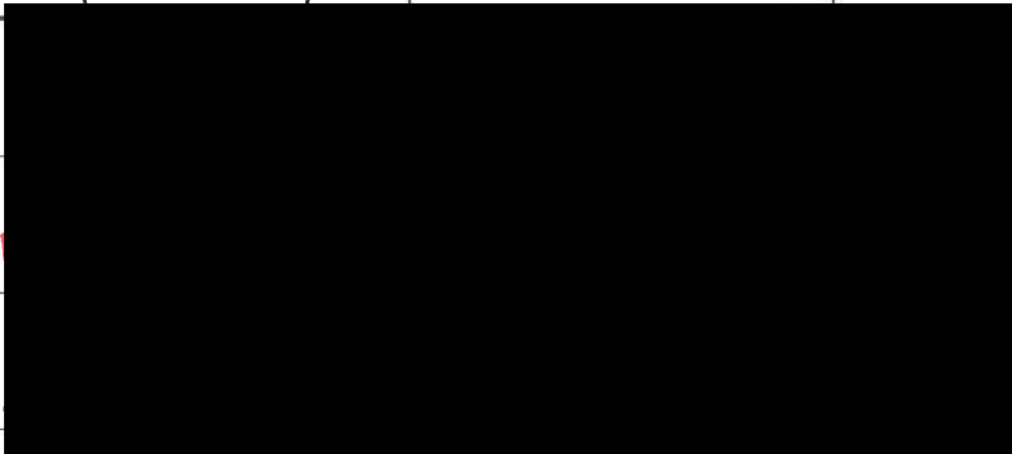
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.

10

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE
MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR
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NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Setbacks of Pipelines from Occupied Principal Structures (Petition 24-34)

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information is attached.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email is attached.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission’s reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner’s ability to use their land by consuming too much land for setback purposes.
2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent with the suggestion that the setback be five feet

(5') as measured from the permanent easement line instead of being measured from the pipeline. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding the measurement and the suggestion from ZPAC. It was noted that the width of easements and the placement of pipelines within easements also differed. The Kendall County Regional Planning Commission recommended approval of the original proposal by a vote of seven (7) in favor and two (2) in opposition with one (1) member absent. Chairman Ashton and Tom Casey voted no because they believed that five hundred feet (500') was excess and twenty-five feet (25') was insufficient. The minutes of the meeting are provided.

If you have any questions regarding this memo, please let me know.

MHA

Encs.: Comparison Table

August 20, 2024, Email from Andrew Black

November 5, 2024, ZPAC Meeting Minutes (This Petition Only)

December 11, 2024, RPC Meeting Minutes (This Petition Only)

Municipality	Distance	Reason
Aurora	N/A	
Joliet	N/A	
Lisbon		
Millbrook		See Kendall County
Millington	N/A	
Minooka		
Montgomery	N/A	
Newark	N/A	
Oswego	N/A	Pipeline are in ROWs or easements and cannot build a home on easement.
Plainfield	N/A	
Plano	N/A	
Plattville		See Kendall County
Sandwich	N/A	
Shorewood	N/A	
Yorkville	50'	The pipeline industry has a recommended 50' setback for any building. This is measured from the end off of the easement in which the pipeline is placed. This only applies to "high Hazard" pipelines. The IEPA has issued a recommendation in some of their handout that 50' off the easement is recommended and no blasting or explosive excavation with in 325' of the easement. That is the standard we would use in Yorkville unless the Illinois Environmental Protection Agency were to provide use with a different standard.

County	Distance	Reason
DeKalb	N/A	Regulations repealed in 2009.
Kane	3'	The 3' rule is for any easement.
DuPage	N/A	
Will	N/A	
Grundy	500'	Unsure Why that Distance is Used
LaSalle	N/A	
Kendall	500'	

N/A=No regulation

Matt Asselmeier

From: Andrew Black <andrewblack@ohiovalleyacquisition.com>
Sent: Tuesday, August 20, 2024 1:09 PM
To: Matt Asselmeier
Subject: [External]RE: Pipeline Easement Question

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

Matt

The temporary construction workspace is traditionally 50' but it can vary. ANR has 50' on one side of the easement and 10' on the opposite side overlapping our existing easement. There is also Additional Temporary Workspace, for this project it is an additional 25-50' depending on the location and the purpose for the workspace. Both the temporary and additional temporary workspace revert to the landowner upon project completion. After project completion ANR will only maintain the permanent easement, mowing will be done on a scheduled basis determined by operations. Residential and agricultural areas will not be maintained by the company.

Andrew D Black

Non-Environmental Permit Coordinator
Ohio Valley Acquisition
Representing Columbia Gas Transmission, ANR Pipeline Subsidiaries of TC Energy
AndrewBlack@ohiovalleyacquisition.com



From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Monday, August 19, 2024 8:35 AM
To: Andrew Black <andrewblack@ohiovalleyacquisition.com>
Cc: Aaron Thompson <aaron_thompson@tcenergy.com>
Subject: Pipeline Easement Question

Andrew:

What is the industry standard for the width of a temporary construction easement for general upkeep and maintenance of a pipeline?

Thanks,

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

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes

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

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-34 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information was provided.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email was provided.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission's reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner's ability to use their land by consuming too much land for setback purposes.
2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequately addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024. No comments received.

Chairman Wormley noted that most pipeline easement are fifty (50) feet, unless there is a unique issue.

The proposal originally started at the Comprehensive Land Plan and Ordinance Committee.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to forward the proposal to the Kendall County Regional Planning Commission.

Mr. Guritz asked why the distance from the pipeline was selected as the starting point of the setback measurement instead of starting the measurement at the easement line. Chairman Wormley explained that some members of the Kendall County Regional Planning Commission favored smaller setbacks and some that favored larger setbacks as outlined by the Federal Energy Regulatory Commission.

Mr. Guritz discussed building next to the easement; he felt a setback from the easement was more appropriate instead of a setback from the pipeline. The setback would be from a permanent easement.

The depth requirement was five (5) feet, older depths ranged.

Mr. Guritz suggested a five (5) foot setback from the permanent easement line.

The votes were follows:

Ayes (7):	Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley
Nays (0):	None
Abstain (0):	None
Absent (3):	Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:31 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

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

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-34 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information was provided.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email was provided.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission’s reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner’s ability to use their land by consuming too much land for setback purposes.

2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero in opposition with three (3) members absent with the suggestion that the setback be five feet (5') as measured from the permanent easement line instead of being measured from the pipeline. The minutes of the meeting were provided.

Chairman Ashton requested clarification on the measurement. Mr. Asselmeier stated twenty-five (25') feet from any occupied principal structure.

Member Stewart asked if it was twenty-five (25') feet in either direction. Mr. Asselmeier stated it was twenty-five feet (25') in either direction.

Member Wilson asked if pipe distance was measured from the boundary of the easement. Mr. Asselmeier stated pipelines would be measured a minimum of twenty-five (25') feet from any occupied principal structure.

Member Casey asked if there was a reason for making it much smaller than it was previously. Member Hamman stated that five hundred feet (500') was excessive.

Member Landovitz requested clarification on ZPAC's suggestion. Mr. Asselmeier stated the suggestion was made by Dave Guritz from The Forest Preserve District. He felt that it would be more appropriate to have the setback be five feet (5') measured from the permanent easement line instead of measuring the setback from a house. This idea was a suggestion not a recommendation.

Member Wilson asked if the house must be five (5') feet from the boundary of the easement. Mr. Asselmeier stated that was correct. Mr. Asselmeier stated that Mr. Guritz was looking at the easement instead of the location of the house.

Member Landovitz stated that it is understood that the easement would typically provide twenty-five feet (25') on either side. He stated that the wording for the requirement should be the distance from the easement rather than the distance from the pipeline. Member Wilson stated there was no assurance that the pipeline would be laying in the center of the easement. Mr. Asselmeier stated that there was no assurance that all pipeline easements would be the same widths. Member Landovitz stated he would like the wording to be kept the same as it was originally.

Member Hamman made a motion, seconded by Member Rodriguez, to recommend approval of the text amendment.

The votes were as follows:

Ayes (7): Bernacki, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson

Nays (2): Ashton and Casey

Absent (1): Wormley

Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

Chairman Ashton stated that he felt twenty-five feet (25') is too close but five hundred feet (500') is excessive. He would like something in between. Member Casey agreed with Chairman Ashton.

Member Wilson stated that she didn't think that private pipeline companies have eminent domain. Member Stewart stated the pipelines were trying to obtain eminent domain.

Member Rodriguez asked if some of the current pipelines would be grandfathered. Mr. Asselmeier stated that if the older pipelines did not meet the requirements they would be grandfathered. Any new pipelines would have to meet the new requirements.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.



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

Enc.

10

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE
MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR
ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Allowing Parking in the Front Yard Setback of A-1 Zoned Properties (Petition 24-35)

Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

“No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District.”

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Accordingly, the redlined version of the text is as follows:

“No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District.”

Information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024. Discussion occurred regarding the history of front yard setback regulations. ZPAC voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition (0) with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding grandfathering and the applicability of the standards if a road is widened. The Commission wanted the setback distances of seventy-five feet (75') and fifty (50') emphasized in the regulation. Staff was requested to update the proposal to reflect this emphasis. The Kendall County Regional Planning Commission voted to continue this proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

If you have any questions regarding this memo, please let me know.

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes

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

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-35 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

"No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District."

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Accordingly, the redlined version of the text is as follows:

"No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District."

Information was sent to the Townships on October 25, 2024. No comments received.

Mr. Holdiman asked if the setback was whichever was greater. Mr. Asselmeier said that, in terms of the setback, the whichever was greater language had been removed from the zoning regulations.

Mr. Guritz asked why the current provisions were in place and what about the impact of changing the regulations. Mr. Asselmeier explained that the requirement of not allowing parking in front yard setbacks had been in the Zoning Ordinance for a long time. However, the setback in the A-1 District had increased over time. Mr. Holdiman noted the increase of

businesses in the agricultural district, like landscaping businesses, that have the need for parking. Mr. Asselmeier said the ordinance already sets the number of parking spaces based on use; stormwater regulations would also apply.

Mr. Guritz made a motion, seconded by Ms. Belville, to recommend approval of the proposal to the Kendall County Regional Planning Commission.

The votes were follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:31 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

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

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-35 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

“No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District.”

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Accordingly, the redlined version of the text is as follows:

“No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District.”

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024. Discussion occurred regarding the history of front yard setback regulations. ZPAC voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Landovitz stated that the dimensions are not clearly stated. Mr. Asselmeier stated the parking is permitted in a required front setback except the interior one-half (½) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District. Member Landovitz favored more explicitly stating the seventy-five foot (75') and fifty foot (50') requirement.

The amendment would read “No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District. **Specifically, for properties located in the A-1 Agricultural District, parking and driving aisles are permitted within the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.**”

Member Wilson asked if the proposal applied to all roads or rights-of-way. Mr. Asselmeier responded that, if a road authority widened a road, the property would be grandfathered. The property owner could also pursue a variance under the argument that the State created the hardship/non-conformity. Member Wilson discussed a case in Channahon where a restaurant could not be rebuilt.

Member Landovitz made a motion, seconded by Member Bernacki, to continue the Petition to the January 22, 2025, meeting at the Historic Courthouse.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal returns to the Kendall County Regional Planning Commission on January 22, 2025.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes,

the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

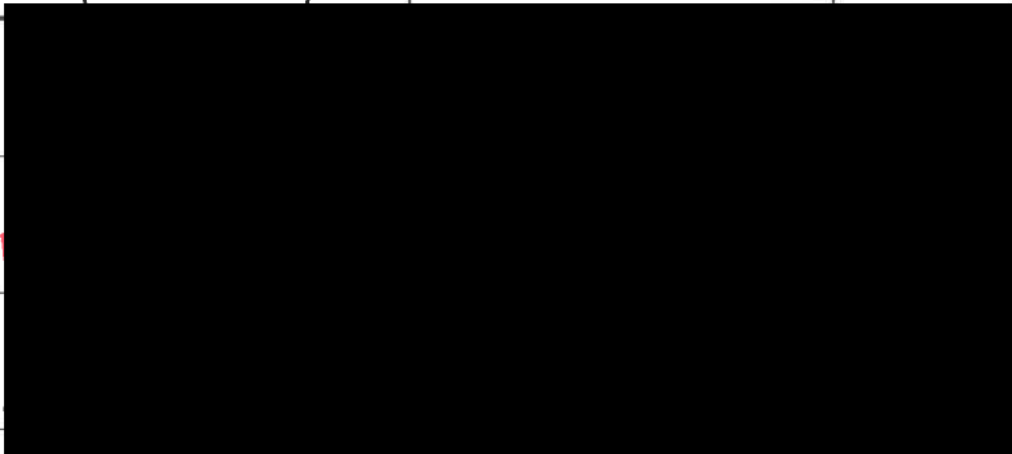
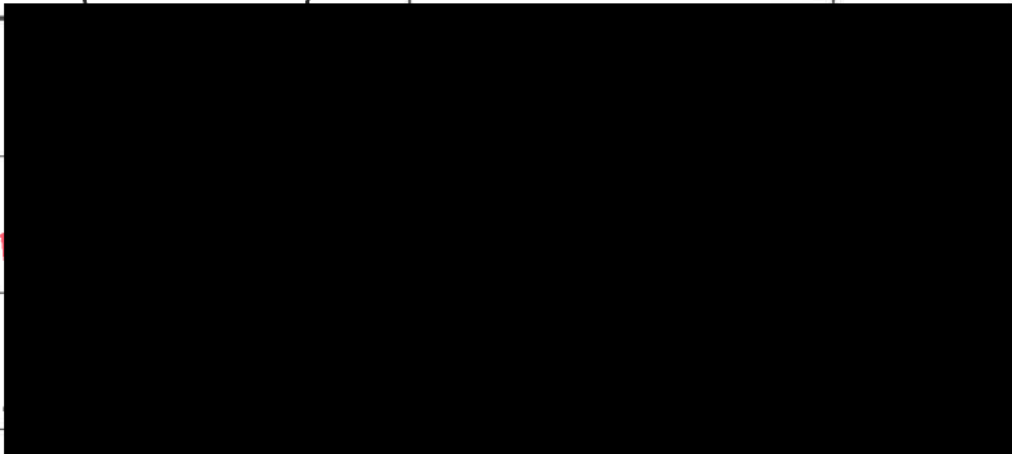
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.

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**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE
MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR
ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Ryan		
Juan Hernandez		
Steve Gengler		