



Village Hall Board Room
121 McEvilly Rd, Minooka, IL 60447

PLANNING & ZONING COMMISSION MEETING MINUTES

Tuesday, April 9, 2024

1. CALL TO ORDER

Meeting was called to order by Chairman Dan Friant at 6:00 PM.

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was led by Chairman Friant.

3. ROLL CALL

Present: Chairman Dan Friant, Commissioners DeDe Clennon, Casey McCollom, Mark Skwarczynski, Bob White, and Dan Wittenkeller

Absent: Commissioner Bob Wilson

Also Present: Building Officer Gabe Friend, Deputy Clerk Jessica Harvey and Village Attorneys Michael Santschi and Aly Harms

4. REVIEW OF PREVIOUS PLANNING & ZONING COMMISSION MEETING MINUTES

Motion was made by Commissioner McCollom to approve the March 12, 2024 Planning and Zoning Commission Meeting Minutes.

Commissioner White seconds.

Ayes: Clennon, McCollom, Skwarczynski, White, Wittenkeller

Nays: None

Abstain: None

Absent: Wilson

Motion carried.

5. BRIEFING ON VILLAGE UPCOMING AGENDA ITEMS

Building Officer Friend and Attorney Santschi provided an update that there are several projects in the works that will be coming for the Commission's review in the coming months.

6. OLD BUSINESS

None.

7. NEW BUSINESS

a) Public Hearing & Consideration of whether to amend the Minooka Zoning Ordinance as follows:

- **To clarify the procedures for issuance of permanent and temporary occupancy permits; and**
- **To define various automobile, truck and cargo container maintenance and storage uses; and**
- **To clarify what automobile, truck and cargo container maintenance and storage uses are permitted in the Village's "B" and "M" districts.**

Motion was made by Commissioner McCollom to open the Public Hearing.

Commissioner White seconds.

Ayes: Clennon, McCollom, Skwarczynski, White, Wittenkeller

Nays: None

Abstain: None

Absent: Wilson

Motion carried. Public Hearing opened at 6:05 PM.

Public Notice was published on March 20, 2024 in the Morris Herald News and Joliet Herald News and on March 21, 2024 in the Kendall County Record.

There were no interested persons wishing to provide testimony.

Attorney Santschi provided an overview. The changes presented for the occupancy permits are designed to explicitly require full inspections and compliance with all building codes prior to issuance of permanent occupancy permits. It would clarify the parameters of temporary occupancy permits and create an enforcement mechanism for situations where a property owner fails to complete the outstanding work necessary to convert a temporary occupancy permit into a permanent occupancy permit prior to the expiration of the temporary permit.

The changes presented for automobile and truck maintenance garages are designed to create a distinction between “automobile” and “truck” (generally commercial vehicles over 15 tons) facilities in the code. It would allow automobile storage and maintenance garages as conditional uses in the B1 district and permitted uses in the B2 and M districts and require conditional permitted use approval for truck maintenance and storage garages, as well as truck parking facilities in the M districts. The amendment also clarifies that cargo container storage facilities must receive approval as a conditional permitted use in the M2 district, and that container stacking is not permitted.

Chairman Friant asked if there were any questions or comments. The Commission expressed hope that the Village would remain friendly to permit pullers. Attorney Santschi stated the language did provide some flexibility for the Building Officer in regards to discretion and leniency on a case by case basis. No additional comments or questions were received.

Motion was made by Commissioner Skwarczynski to close the Public Hearing & Consideration of whether to amend the Minooka Zoning Ordinance as follows:

- To clarify the procedures for issuance of permanent and temporary occupancy permits; and
- To define various automobile, truck and cargo container maintenance and storage uses; and
- To clarify what automobile, truck and cargo container maintenance and storage uses are permitted in the Village’s “B” and “M” districts.

Commissioner Clennon seconds.

Ayes: Clennon, McCollom, Skwarczynski, White, Wittenkeller

Nays: None

Abstain: None

Absent: Wilson

Motion carried. Public Hearing closed at 6:26 PM.

Commissioner Skwarczynski noted an error on Page 6, B1, line 7 of the draft ordinance amending it to read “*allowing temporary occupancy*”. Attorney Santschi will amend the draft ordinance. Based on the evidence presented and the reasons set forth in the Planning and Zoning Meeting,

Commissioner McCollom motioned to recommend to the Village Board the approval of amending the Minooka Zoning Ordinance to clarify the procedures for issuance of permanent and temporary occupancy permits; and to define various automobile, truck and cargo container maintenance and storage uses; and to clarify what automobile, truck and cargo container maintenance and storage uses are permitted in the Village's "B" and "M" districts as corrected, pending legal, final engineering and site plan review.

Commissioner White seconds.

Ayes: Clennon, McCollom, Skwarczynski, White, Wittenkeller

Nays: None

Abstain: None

Absent: Wilson

Motion carried. Recommendation for Approval attached.

8. AS APPROPRIATE

None.

9. PUBLIC COMMENT

None.

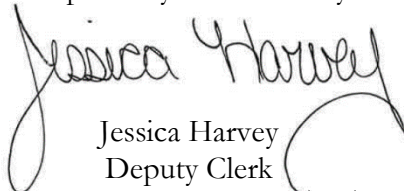
10. ADJOURNMENT

Motion was made by Commissioner McCollom to adjourn the Planning and Zoning Commission meeting.

Commissioner Wittenkeller seconds.

Motion carried with all ayes. Meeting adjourned at 6:29 PM.

Respectfully Submitted By:



Jessica Harvey
Deputy Clerk

Commission Approved: 06/11/2024

VILLAGE OF MINOOKA

ORDINANCE NO. _____

AN ORDINANCE AMENDING PROVISIONS OF THE MINOOKA ZONING ORDINANCE
REGARDING TEMPORARY OCCUPANCY PERMITS, PUBLIC GARAGE USES, AND
TRUCK PARKING USES

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF MINOOKA

THIS _____ DAY OF _____, 2024

Published in pamphlet form by the authority of the Board of Trustees of the Village of Minooka, Will, Grundy, and Kendall Counties, Illinois this ____ day of _____, 2024

ORDINANCE NO. _____

**AN ORDINANCE AMENDING PROVISIONS OF THE MINOOKA ZONING
ORDINANCE REGARDING TEMPORARY OCCUPANCY PERMITS, PUBLIC
GARAGE USES, AND TRUCK PARKING USES**

WHEREAS, the Corporate Authorities of the Village of Minooka, Will, Grundy, and Kendall Counties, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Article 11, Division 13 of the Illinois Municipal Code (65 ILCS 11-13-1, *et seq.*) the Corporate Authorities of the Village have authority to enact zoning ordinances that regulate land use within the Village; and

WHEREAS, the Corporate Authorities of the Village previously exercised this authority, enacting Title 5 (Zoning) of the Minooka Village Code (the “Minooka Zoning Ordinance”); and

WHEREAS, the Village previously proposed amendments to the Minooka Zoning Ordinance that would:

- Clarify the procedures for issuance of permanent and temporary occupancy permits; and
- Define various automobile, truck, and cargo container maintenance and storage uses; and
- Clarify what automobile, truck, and cargo container maintenance and storage uses are permitted in the Village’s “B” and “M” districts (collectively the “Proposed Amendment”); and

WHEREAS, the Proposed Amendment was submitted to the Planning and Zoning Commission (the “Plan Commission”) for its review and consideration and for the purposes of holding a public hearing thereon; and

WHEREAS, the Plan Commission held a public hearing to consider the Proposed Amendment on April 9, 2024, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees amend the Minooka Zoning Ordinance as set forth in this Ordinance (a copy of the Plan Commission’s findings of fact and recommendation of approval, is attached hereto as Exhibit A and fully incorporated herein); and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact and further find and declare that amending the Minooka Zoning Ordinance as set forth in this Ordinance is in the best interests of the Village and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF MINOOKA, WILL, GRUNDY, AND KENDALL COUNTIES, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. Title 5 (Zoning), Chapter 2 (Zoning Purpose, Intent, Definitions), Section 5-2-5 (Definitions) is hereby amended in part to add the underlined text and remove the ~~stricken~~ text, as follows:

5-2-5: DEFINITIONS

* * *

CARGO CONTAINER FACILITY: Land which is improved and used, with or without any principal or accessory structure(s), primarily for the storage of shipping/storage containers, which may be stored on or off tractor trailers, but may not be stacked.

* * *

~~GARAGE, PUBLIC: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing or repairing motor vehicles. Hiring, selling or storing of motor vehicles may be included.~~

GARAGE, PUBLIC (AUTOMOBILE MAINTENANCE): A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, or repairing motor vehicles that are not trucks, truck-trailers, trailers, or semi-trailers. Hiring, selling, or storing of automobiles (not trucks, truck-trailers, trailers, or semi-trailers) may be included.

GARAGE, PUBLIC (TRUCK MAINTENANCE): A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, or repairing trucks, truck-trailers, trailers, and semi-trailers. Hiring, selling, or storing of trucks, truck-trailers, trailers, semi-trailers may be included.

~~GARAGE, STORAGE OR OFF STREET PARKING: A building or portion thereof designed or used or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.~~

GARAGE, STORAGE OR OFF STREET PARKING (AUTOMOBILE): A lot or parcel of land, or a building or portion thereof, designed or used exclusively for the storage of passenger motor vehicles (not trucks, truck-trailers, trailers, semi-trailers, or shipping or storage containers), and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

GARAGE, STORAGE OR OFF STREET PARKING (TRUCK): A lot or parcel of land, or a building or portion thereof designed or used exclusively for storage of motor vehicles (which may include trucks, truck-trailers, trailers, and semi-trailers, but not shipping or storage containers), and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

* * *

OFF STREET PARKING AREA OR LOT (AUTOMOBILE): Land which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles (but not trucks, truck-trailers, trailers, or semi-trailers), either for accessory off street parking spaces or commercial off street parking spaces when permitted herein by district regulations.

OFF STREET PARKING AREA OR LOT (TRUCK): Land which is improved and used or a structure which is designed and used exclusively for the storage of trucks, truck-trailers, trailers,

semi-trailers, semi-trucks, but not storage or shipping containers, either for accessory off street parking spaces or commercial off street parking spaces when permitted herein by district regulations.

* * *

TRUCK: Includes without limitation all semi-trucks, semi-tractors, ten-wheelers, and all similar classes of vehicles, typically weighing in excess of 15 tons when pulling an empty trailer. TRUCK does not include pickup trucks, panel vans, box trucks, tow trucks, and other small passenger and commercial vehicles of a similar nature. TRUCK also does not include garbage trucks.

* * *

SECTION 3. Title 5 (Zoning), Chapter 7 (Business Districts), Section 5-7-3 (B1 Business District), is hereby amended in part to add the underlined text and remove the ~~stricken~~ text, as follows:

5-7-3: B1 BUSINESS DISTRICT:

* * *

B. Conditional Permitted Uses

* * *

Automobile sales establishments for only authorized new passenger automobile sales agencies and accessory open sales lots and public garages (Automobile Maintenance), provided vehicular access to open sales lots and public garages (Automobile Maintenance) is from an alley or service drive at the rear lot line.

* * *

Public Garages (Automobile Maintenance)

* * *

Storage Garages (Automobile), storage or off street parking lots or structures, commercial or governmental.

* * *

SECTION 4: Title 5 (Zoning), Chapter 7 (Business Districts), Section 5-7-4 (B2 Commercial District), is hereby amended in part to add the underlined text and remove the ~~stricken~~ text, as follows:

5-7-4: B2 COMMERCIAL DISTRICT:

A. Permitted Uses:

* * *

Public Garages (Automobile Maintenance), including painting, body and fender work and motor rebuilding.

* * *

SECTION 5: Title 5 (Zoning), Chapter 8 (Manufacturing Districts), Section 5-8-3 (M1 Manufacturing District), is hereby amended in part to add the underlined text and remove the ~~stricken~~ text, as follows:

5-8-3: M1 MANUFACTURING DISTRICT:

A. Permitted Uses:

* * *

Public garage (Automobile Maintenance)

* * *

B. Conditional Permitted Uses

* * *

Storage Garage or Off Street Parking (Truck)

* * *

Off street parking area or lot (Truck).

Public Garage (Truck Maintenance).

* * *

SECTION 6. Title 5 (Zoning), Chapter 8 (Manufacturing Districts), Section 5-8-4 (M2 Manufacturing District), is hereby amended in part to add the underlined text and remove the ~~stricken~~ text, as follows:

5-8-4: M2 MANUFACTURING DISTRICT:

* * *

B. Conditional Permitted Uses:

* * *

Cargo container facilities, for both temporary and permanent uses, contingent upon the approval of a site plan and provided that: 1) the cargo container facility shall not be adjacent to any residential district expressway or main arterial road; 2) the storage of the cargo containers shall have a minimum setback distance of one hundred feet (100'), a minimum side setback distance of thirty feet (30') and a minimum rear setback distance of forty feet (40') from the property lines; 3) the area for the storage of such containers shall be limited to less than thirty five percent (35%) of the buildable area of the site; 4) screening in the form of a berm with a minimum height of six feet (6') and fencing (100 percent opaque) with a minimum height of eight feet (8'), sufficient to shield the containers from the view of the surrounding properties shall be used and continuously maintained on the property; and 5) the containers shall be stored horizontally and may not be stacked greater than two (2) containers in height. Single or multiple cargo containers, temporarily and/or permanently, shall not be used for any purpose within any residential or business district.

* * *

Storage Garage or Off Street Parking (Truck)

* * *

Off street parking area or lot (Truck).

Public Garage (Truck Maintenance).

* * *

SECTION 7. Title 5 (Zoning), Chapter 11 (Administration and Enforcement), Section 5-11-5 (Certificate of Occupancy), is hereby amended and restated in its entirety, as follows:

5-11-5: CERTIFICATE OF OCCUPANCY:

A. Occupancy Permit Required.

1. No land shall be occupied or used in a manner different than that existing on the effective date hereof, and no building or structure hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Officer and Inspector stating that the building, structure or land improvement complies with all the building and health laws and the provisions of this Title.
2. No change of use shall be made in any building, structure or land improvement or part thereof, now or hereafter erected or altered, without an occupancy permit having been issued by the Building Officer and Inspector, and no permit shall be issued to make such change unless it is in conformity with the provisions of this Title and amendments thereto.
3. No zoning certificate or occupancy permit for a change of use in an existing building, structure or land improvement shall be issued until the premises have been inspected and certified by the Building Officer and Inspector to be in compliance with applicable requirements for the zoning district in which it is located.
4. The Building Officer and Inspector shall not issue any permanent occupancy permit for any new construction, whether residential, commercial, industrial, or otherwise, prior to the completion of the construction and installation of all required facilities therein, but the Building Officer and Inspector may issue temporary occupancy permits in as permitted by this Section, below.
5. Nothing in this Chapter shall prevent the continuance of the present occupancy or use of any existing building, structure, or lane improvement, except as may be necessary for the safety of life and property.
6. Application for a certificate of occupancy shall be made coincident with the application for a zoning certificate and shall be issued within ten (10) days after the erection or alteration of the building or structure has been completed. A record of all certificates of occupancy shall be kept on file in the office of the Building Officer and Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the land, building or structure affected. A fee of five dollars (\$5.00) shall be charged for each original certificate, and one dollar (\$1.00) for each copy thereof.

B. Temporary Occupancy Permits. Pending the issuance of a permanent certificate of occupancy, a temporary permit may be issued to be valid for a period not to exceed six (6) months from its date, during the completion of any building, structure or land improvement or during partial occupancy thereof. Application for a temporary permit shall be accompanied with a statement covering the items of work to be completed and the reasons the temporary permit is requested.

1. Upon receipt of an application for a temporary occupancy permit, the Building Officer and Inspector, shall review the application and the status of construction to determine whether permitting temporary occupancy, in light of the outstanding work required to complete construction, would pose a threat to or otherwise affect the health, safety and welfare of the occupants of such buildings or of other persons who may be on the premises and site of such buildings. If the Building Officer and Inspector determines that allowing temporary occupancy would not pose a threat to or otherwise affect the health, safety and welfare of the occupants of such buildings or of other persons who may be on the premises and site of such buildings, he may issue a temporary occupancy permit. Otherwise, he shall deny the application in a writing setting out the reason for the denial. Examples of incomplete items that the Building Officer and Inspector may (but is not required to) consider safe in issuing an occupancy permit when construction is not complete include, but are not limited to, the following: gutters, down spouts, patios, decks, cabinets, fixtures, yard grading, driveways, unfinished bathrooms, unfinished second floors in two (2) story homes, damaged sidewalks, window well drains, exterior caulking and interior trim.
2. No temporary occupancy permit shall be issued unless and until the applicant therefore has provided the Building Officer and Inspector with a complete list of outstanding items necessary for the completion of construction, as well as financial surety to ensure completion of all such items. The financial surety may be in any form acceptable to the Building Officer and Inspector, including without limitation a cash deposit, bond, or letter of credit, and may be required to be in the name or account of the owner of the building, the construction contractor thereof, or both as determined by the Building Officer and Inspector. The amount of the financial surety shall be sufficient to complete the construction of said building, the installation of all required facilities therein, and/or the completion of any and all land improvements required by code, plus twenty five percent (25%). In the case of a cash deposit, said deposit shall be held in a separate account by the Village and shall be returned to the person depositing the same upon the Building Officer and Inspector's written statement that the unfinished construction for which such deposit was required has been completed in accordance with the provisions so stipulated by ordinance. All construction work for which said deposit is being held must be completed no later than six (6) months from date of the temporary occupancy permit. Any portion remaining unfinished after the six (6) month period shall be just cause for the forfeiture of the total amount deposited.
3. In the event that any temporary occupancy permit issued pursuant to this Section expires before all outstanding construction items have been completed and a permanent occupancy permit has been granted, all occupancy of the structure in question must immediately cease. Continued occupancy of the structure following expiration of the temporary occupancy permit and prior to the issuance of a permanent occupancy permit

is a violation of this Code, and the penalty for the same is \$750.00. Each day that the violation continues is and shall be deemed a separate offense.

4. No temporary occupancy permit may be extended beyond six (6) months except upon good cause shown, and then only if approved by resolution of the Corporate Authorities of the Village.

SECTION 8. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 9. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 10. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 11. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

[Intentionally Blank]

PRESENTED and passed by the Board of Trustees on a roll call vote on the _____ day of _____, 2024 with _____ Trustees voting aye, _____ Trustees voting nay, _____ Trustees abstaining, and with _____ Trustees absent, President OFFERMAN voting _____: said vote being: MARTIN _____, THOMPSON _____, HOUCHENS _____, MARTINEZ _____, WHITE _____, and MASON _____.

Orsola Evola, Village Clerk

APPROVED this _____ day of _____, 2024.

Frederic Offerman, Village President

ATTEST:

Orsola Evola, Village Clerk

STATE OF ILLINOIS)
) §§
COUNTIES OF WILL)

I, Orsola Evola, Village Clerk of the Village of Minooka, Counties of Will, Grundy, and Kendall and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number _____, “AN ORDINANCE AMENDING PROVISIONS OF THE MINOOKA ZONING ORDINANCE REGARDING TEMPORARY OCCUPANCY PERMITS, PUBLIC GARAGE USES, AND TRUCK PARKING USES,” which was adopted by the Village Corporate Authorities at a meeting held on the ____ day of _____, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Minooka, Counties of Will, Grundy, and Kendall and State of Illinois, on this ____ day of _____, 2024.

ORSOLA EVOLA, VILLAGE CLERK

(SEAL)

Exhibit A

**Plan Commission's Findings of Fact and
Recommendation of Approval**

**FINDINGS OF FACT AND RECOMMENDATION OF APPROVAL FOR A PROPOSED TEXT
AMENDMENT TO THE MINOOKA ZONING ORDINANCE REGARDING TEMPORARY OCCUPANCY
PERMITS, PUBLIC GARAGES, AND TRUCK PARKING FACILITIES**

On Tuesday, April 9, 2024, at 6:00 P.M. the Village of Minooka Planning and Zoning Commission (the “Plan Commission”) conducted a public hearing, with public notice having been duly given for the same. At said hearing, the Plan Commission considered whether to recommend approval or denial of a proposed text amendment that would:

- Clarify the procedures for issuance of permanent and temporary occupancy permits; and
- Define various automobile, truck, and cargo container maintenance and storage uses; and
- Clarify what automobile, truck, and cargo container maintenance and storage uses are permitted in the Village’s “B” and “M” districts (the “Amendment”).

Having heard and considered all of the evidence presented at the hearing and being fully advised in the premises, the Plan Commission hereby recommends that the Corporate Authorities of the Village approve the text amendment to the Minooka Zoning Ordinance.

PASSED this 9th day of April 2024, by roll call vote.

	Aye	Nay	Absent
Daniel Friant	<u> -- </u>	<u> -- </u>	<u> -- </u>
Casey McCollom	<u> X </u>	<u> </u>	<u> </u>
Robert Wilson	<u> </u>	<u> </u>	<u> X </u>
Daniel Wittenkeller	<u> X </u>	<u> </u>	<u> </u>
Robert White	<u> X </u>	<u> </u>	<u> </u>
Mark Skwarczynski	<u> X </u>	<u> </u>	<u> </u>
DeDe Clennon	<u> X </u>	<u> </u>	<u> </u>