

**VILLAGE OF OSWEGO
MINUTES OF THE PLANNING & ZONING COMMISSION MEETING
100 PARKERS MILL
OSWEGO, ILLINOIS**

April 7, 2022

1. CALL TO ORDER

Chairman Pajor called the Oswego Planning & Zoning Commission Meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Dominick Cirone, Jason Kapus, Rick Kuhn, Andrew McCallum, Charlie Pajor, Judy Sollinger

Absent: Brook Henschen

There was a quorum.

Oswego community representatives in attendance were:

Present: Rod Zenner, Development Services Director; Mary Ellen Bliss, Recording Secretary; William Thomas, Village Attorney

3. MINUTES

Motion: Commissioner Kuhn, second Commissioner Cirone to accept the minutes of the March 10, 2022 Planning & Zoning Commission Meeting

Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger

Nays: None

Absent: Commissioner Henschen

Motion carried

4. PUBLIC HEARINGS

Text Amendment - Campgrounds

Applicant: Village of Oswego

Project #1130.22

Project Manager: Rod Zenner

Motion: Commissioner Sollinger, second Commissioner Kuhn to open the Public Hearing at 7:01 p.m.

Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger

Nays: None

Absent: Commissioner Henschen

Motion carried

Director Zenner stated the Village is currently considering a request to allow for a campground use within the Village of Oswego, and the Zoning Ordinance does not specifically define regulations for campgrounds within the Village. Director Zenner stated this Text Amendment would serve to define campgrounds and to allow them as a Special Use in the Residential District.

Director Zenner stated short term rentals can be described as a residential dwelling unit that is used as a residence, where that dwelling unit is either wholly or partially rented for a short period of time to temporary guests, such as Airbnb and VRBO. Director Zenner stated the Village currently does not specifically regulate short term rentals, as we do not regulate long term rentals either. Director Zenner stated most neighboring communities do not have specific regulations regarding short term rentals, and communities that have looked to ban short term rentals have faced constitutional challenges.

Director Zenner stated several residents have raised concerns regarding short term rentals within the community, and the Village Board discussed short term rentals at the February 15th Village Board meeting. Director Zenner stated the Board discussed potential regulations for short term rentals, which are being brought before the Planning and Zoning Commission for consideration. Director Zenner stated staff is proposing three changes to the Village's Zoning Ordinance regarding short term rentals: 1) establish a minimum length of stay per rental; 2) define them in the Ordinance; and 3) establish a registration requirement.

Director Zenner stated a minimum length of stay would deter the rental of a home for a one-night event, such as a party, and staff is recommending a minimum of a 3-day rental for every short-term rental in the Village.

Director Zenner stated staff is proposing a definition of short term rentals to provide clarity in defining the term and to differentiate it from a bed and breakfast/hotel or a property owner who rents their property for an extended period of time.

Director Zenner stated requiring all short term rentals to be registered with the Village would provide information such as the maximum number of people anticipated for the unit and the name and contact information of the owner in case of emergency. Director Zenner stated registered properties could be required to have an inspection, similar to a final inspection for a new house.

Director Zenner stated the Village currently has a hotel/motel tax rate of 3% of gross revenues that could be applied to short term rentals, but it could be difficult to track. Director Zenner stated in lieu of the tax, staff recommends an annual fee of \$2,000 be assessed as part of the registration process to accommodate the staff time to register the properties and to equate to the potential tax revenue of the rental.

Diane Selmer was sworn in
Oswego, IL

Ms. Selmer stated her concerns regarding short term rentals in residential neighborhoods as they could pose excessive parking, noise, and safety issues.

Susan Shields was sworn in
Oswego, IL

Ms. Shields stated her concerns regarding short term rentals in residential neighborhoods. Ms. Shields stated she supports the registration requirement to allow for monitoring and for safety reasons and suggested that HOAs should be able to cap the number of short term rentals in their community.

No additional audience members wished to speak at the public hearing.

Motion: Commissioner Sollinger, second Commissioner Cirone to close the Public Hearing at 7:56 p.m.
Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger
Nays: None
Absent: Commissioner Henschen
Motion carried

The Commission discussed the use and were in favor of allowing short term rentals in the Village. The Commission discussed benefits and drawbacks of the proposed \$2,000 annual fee; registration of properties and possible inspections; the minimum stay requirement; and the penalty for ongoing violations at a property. The Commission determined that three adjudicated violations on a property was an appropriate level of violations that could constitute denying a request for registration renewal.

Recommendation:

Motion: Commissioner Sollinger, second Commissioner Kapus to recommend approval of the Text Amendments to Sections 3.02 Definitions and 7.01 R-1 Single Family Residence District, with the following conditions: registration with a \$2,000 annual fee; minimum three day length of stay, maximum 30 days; and less than three adjudicated violations annually to maintain registration.
Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger
Nays: None
Absent: Commissioner Henschen
Motion carried

Rezoning Upon Annexation, Special Use and Planned Unit Development

Applicant: LBJMC-RV, LLC
Project #1131.22
Project Manager: Rod Zenner

Motion: Commissioner Kuhn, second Commissioner McCallum to open the Public Hearing at 8:48 p.m.
Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger
Nays: None
Absent: Commissioner Henschen
Motion carried

Director Zenner stated the new owner of Fox Bluff Vacation Cottage and RV Resort, formally known as Hide-A-Way Lakes, is requesting Annexation to the Village of Oswego. Director Zenner stated the 151-acre site is located at 8045 Van Emmon Road in Yorkville and is approved through Kendall County to have up to 1,150 camp sites. Director Zenner stated the property is currently unincorporated and not contiguous to the Village of Oswego, but properties in Kendall County can enter into Annexation Agreements with the Village without being contiguous to the Village.

Director Zenner stated the Village had a boundary agreement with the City of Yorkville that placed this property on the Yorkville side which prevented the property from seeking annexation to any community other than Yorkville. Director Zenner stated the agreement has since expired and the Village is currently negotiating a new agreement with Yorkville which would place the subject property on the Village's side of the new boundary line.

Director Zenner stated the new owner purchased the property in the last year and has been improving the site and creating a new operational model for the grounds. Director Zenner

stated the main structures on site have been remodeled and new amenities will include swimming pools, a playground, and pickleball courts. Director Zenner stated the petitioner has outlined four phases for camping site improvements.

Director Zenner stated the petitioner is requesting approval of a Planned Unit Development for the site to document the existing conditions and allowed uses: the site is allowed to have up to 1,150 RV sites consistent with the current regulations of the County; the internal roadway network can remain as gravel roads; the site can contain a retail store and have a restaurant; the property will be allowed to remain on their well and septic system; the property will be allowed to apply for a liquor license and be subject to the rules and regulations of that license; and outdoor entertainment will be allowed for guests of the park and be subject to the Village requirements for special events including compliance with the Village's noise ordinance.

Director Zenner stated while annexation agreements have a 20-year life span, a PUD agreement does not have a time restriction, therefore, the property will be subject to the Village's requirements as long as it is in operation.

Brian Barnwell was sworn in
Yorkville, IL

Mr. Barnwell states he operates the hunting and fishing club that adjoins this property and requested that future campers be made aware of the noises of the hunt club's activities to eliminate possible complaints, and that the campers adhere to the club's no trespassing signs.

Lance Beatch was sworn in
Bull Valley, IL

Mr. Beatch stated in the 18 months he has owned the campground he has not received any complaints about the hunting and fishing club from campers. Mr. Beatch stated amenities that are added to the campground in the future will be located near the interior of the property, not at the property lines.

No additional audience members wished to speak at the public hearing.

Motion: Commissioner Kuhn, second Commissioner Cirone to close the Public Hearing at 9:12 p.m.
Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger
Nays: None
Absent: Commissioner Henschen
Motion carried

Recommendation:

Motion: Commissioner Kuhn, second Commissioner Sollinger to accept the Finding of Fact for the request to Rezone the property upon Annexation to R-1 Single-Family Residence District for the property located at 8045 Van Emmon Road.
Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger
Nays: None
Absent: Commissioner Henschen
Motion carried

Motion: Commissioner Kuhn, second Commissioner Sollinger to accept the Finding of Fact for the request for a Special Use Permit for a Campground and Planned Unit Development for the property located at 8045 Van Emmon Road.
Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger
Nays: None
Absent: Commissioner Henschen
Motion carried

5. OLD BUSINESS

None.

6. NEW BUSINESS

Concept Plan

Kendall Point Business Park
Applicant: Kendall Bridge LLC
Project #1133.22
Project Manager: Rod Zenner

Director Zenner stated the applicant is requesting approval of a Concept Plan to allow for a reconfiguration of the road network to allow for a cul-de-sac in the Kendall Point Business Park. Director Zenner stated the previously approved plan intended for Wiesbrook Drive to be extended to the east via a bridge over Waubonsie Creek to connect to Kendall Point Drive, however, since the property's annexation 35 years ago, the bridge section has not been completed. Director Zenner stated the proposed plan would replace the bridge improvement with a cul-de-sac design on the north side of Waubonsie Creek. Director Zenner stated the petitioner has indicated the challenges of completing the bridge improvements as originally planned due to increased regulation requirements for the bridge and stormwater improvements.

Director Zenner stated the section of Kendall Point Business Park north of Waubonsie Creek currently has two access points to US Route 30, and the southern portion of the park currently has one access point to US Route 34. Director Zenner stated the Village has a second access point in the Village's Capital Improvement Plan to provide a second access point to US Route 30 at Goodwin Drive (between Sam's Club and the apartment buildings in the Village of Montgomery) to take advantage of the traffic signal at that location.

Director Zenner stated if the Concept Plan receives a positive recommendation, the next process would be a review of a Preliminary and Final PUD Plat and Plan with a public hearing at Planning and Zoning Commission and a final decision at the Village Board.

Discussion took place regarding renaming the roadway of the cul-de-sac from Kendall Point Drive to Wiesbrook Drive.

Motion: Commissioner Sollinger, second Commissioner Cirone to approve a Concept Plan for Kendall Point Business Park to allow for the installation of a cul-de-sac at the eastern end of Wiesbrook Drive.
Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger
Nays: None
Absent: Commissioner Henschen
Motion carried

7. PUBLIC FORUM

None.

8. CHAIRMAN'S REPORT

None.

9. COMMISSIONERS REPORT

Commissioner Kuhn stated he has received requests from a few community members to increase the number of pickleball courts in the Village.

10. HISTORIC PRESERVATION COMMISSIONER REPORT

No report.

11. ECO COMMISSION REPORT

No report.

12. DEVELOPMENT SERVICES DEPARTMENT REPORT

None.

13. OSWEGOLAND PARK DISTRICT REPORT

No report.

14. NEXT MEETING - May 5, 2022

15. ADJOURNMENT

Motion: Commissioner Kapus, second Commissioner Sollinger to adjourn the Planning and Zoning Commission Meeting.

Ayes: Commissioners Cirone, Kapus, Kuhn, McCallum, Pajor, Sollinger

Nays: None

Absent: Commissioner Henschen

Motion carried

Chairman Pajor adjourned the Planning & Zoning Commission Meeting at 9:20 p.m.