

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unofficial Meeting Minutes of May 25, 2016

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

ROLL CALL

Members Present: Bill Ashton, John Shaw, Vern Poppen, Claire Wilson, Budd Wormley, Larry Nelson, Tom Casey, Roger Bledsoe, Angela Zubko

Staff present: John Sterrett, Senior Planner

Members Absent: None

In the Audience: Joe Gomoll; Attorney Kelly Kramer; Ron Walker; Tom Schnabel, Jr.; Jessica Frieders; Attorney George Mahoney; Vicky Schnabel

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Zubko made a motion, seconded by Mr. Nelson, to approve the April 27, 2016 regular meeting minutes with a correction regarding a typo in the petition section. With a voice vote of all ayes, the motion carried.

PETITIONS

16-09 Joe Gomoll

Request: Special Use to allow the production and sale of items utilizing crops grown on site and in combination with crops grown off site as well as ancillary items and products related to crops and products produced on site

Location: 10151 Lisbon Road in Fox Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use for production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises as well as the tasting of and wholesale or retail sale of items produced on site and the sales of ancillary items and products related to crops and products produced on site at the property at 10151 Lisbon Road in Fox Township. Retail sales will take place out of an existing 4,800 square foot building occupying 1,000 square feet for retail space.

The petitioners have provided details regarding the operation of the roadside stand. The operation will have no employees and will be open eight (8) hours a day, 1-3 days per week. The petitioner intends for the roadside stand to be open throughout the year for each season. The petitioner has begun working with the Health Department on producing and selling sweet cider and anticipates selling sweet cider in fall 2016. The petitioner has indicated the possibility of producing and selling hard cider as a future endeavor. Fox Township is a dry township and therefore the County cannot issue a liquor license to sell hard cider or any other type of alcohol.

A Change of Occupancy permit will be required for the portion of the structure being used for the retail sales area. The purpose of this permit is to evaluate the structure for proper ingress/egress, occupant load, life safety

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and health. Compliance with 2012 IBC existing structure provisions must be met. The petitioner is working closely with the Health Department. The petitioner will operate through a temporary permit in 2016 as they are getting the business off the ground. Health Department staff will be available for consultation and will provide inspection as part of that permit.

Section 7.01.D.32 requires that at least five (5) parking stalls be provided for the roadside stand locate at least ninety (90) from the centerline of all adjacent roadways. The petitioner is proposing four (4) 9'x20' parking stalls and one (1) 16'x20' parking stall reserved for ADA accessibility. These stalls will be located 130' from the centerline of Lisbon Road in compliance with the above referenced section. There is ample space next to the building if additional parking is needed for overflow. No new lighting is proposed on the property. The petitioner has indicated that signage will limited to a single sign at the store front. Two points of access onto Lisbon Road exist with no additional points of access proposed.

Mr. Sterrett stated that as a future endeavor the petitioner is interested in producing and selling hard cider. The selling of this hard cider at retail would require a Kendall County Liquor License. Fox Township is a dry township and therefore a liquor license cannot be obtained.

If approved, staff recommends the following conditions, as well as any recommended conditions from the KCRPC, be placed on the special use:

1. The property shall be developed in substantial compliance with the submitted site plan
2. Parking stalls reserved for ADA access shall be paved with a hard surface and identified as such
3. A change of occupancy permit shall be secured for the portion of the structure that will be used for a retail sales area within sixty (60) days upon approval of the special use
4. All proposed signage shall comply with Section 12 of the Zoning Ordinance
5. No lighting associated with the special use shall be installed
6. No alcohol shall be offered for retail sale on the property until such time that a liquor license is permitted to be issued in Fox Township and until said liquor license has been approved by Kendall County. All regulations of the Kendall County Liquor Control Ordinance shall be followed.
7. A temporary permit from the Health Department shall be secured prior to the sale of sweet cider

Mr. Ashton stated that a condition should be added restricting any cars from being parked within the road right-of-way of Lisbon Road.

Mr. Nelson made a motion, seconded by Mr. Shaw, to forward the petition onto the Special Use Hearing Officer with a favorable recommendation and incorporate staff's recommended conditions and amend condition #7 to read as "All regulations of the Kendall County Liquor Control Ordinance shall be complied with" Chairman Ashton asked for a roll call. Mr. Nelson – Aye; Mr. Shaw – Aye; Mr. Ashton – Aye; Mr. Bledsoe – Aye; Mr. Casey – Aye; Ms. Zubko – Aye; Mr. Poppen – Aye; Ms. Wilson – Aye; Mr. Wormley – Aye. With a vote of 8-0, the motion carried.

Mr. Sterrett stated that the petition will be heard by the Special Use Hearing Officer on Tuesday, May 31, 2016 at 7:00pm in the County Board Room.

16-10 Whitetail Ridge, LLC

Request: Special Use to allow a banquet facility

Location: 9111 Ashley Road in Fox Township

Whitetail Ridge Golf Club LLC is requesting an A-1 Special Use to operate a banquet facility at the subject property and has indicated that all existing structures on the property will be used. This type of use is permitted as a special use on an A-1 property with certain conditions. The petitioners have indicated that the property will be used primarily for weddings but that other events may take place including bridal and baby showers. It is anticipated that 40-50 weddings will occur from Mid-April to Mid November on Fridays, Saturdays, and some Sundays from 3:00pm to 12:00am. Food and beverage will be catered by Whitetail Ridge. No alcohol sales will take place on the property and no liquor license will be sought.

The large rounded roof barn will be used for dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies. Rest rooms and food prep will take place in the steel barn to the south. The current owners of the property will reside in the two-story framed house until a new residence can be found. A portion of the downstairs of the house will be used as a bridal room and an office to meet with clients. The petitioner is proposing one (1) directional sign for each of the two (2) access points. These signs are exempt from requirements of Section 12 of the Zoning Ordinance except for the maximum square footage of six (6) feet and maximum height of two and one-half (2.5) feet. The petitioner has indicated that an existing silo may be used for signage along Ashley Road. This would be considered a wall sign and may not exceed thirty-two (32) square feet in size. A proposed free-standing sign is identified on the site plan. If the petitioner chooses to install a free-standing sign rather than a wall sign, the maximum size may not exceed (32) square feet and may not exceed eight (8) feet in height from surrounding grade to the tallest point of the sign. Only one sign, however, is permitted on the property, excluding directional signage.

Mr. Sterrett informed the Commission that while the Kendall Township Board did discuss the request at their May 17th meeting, they continued the discussion to their June 21st meeting at which point they anticipate a vote on the request. There was a consensus from the Plan Commission to continue the petition to the June Plan Commission meeting to give the Township Board time to vote and send comments to the County. The Plan Commission heard from the petitioner and from the public regarding the petition.

Attorney Kelly Helland, representing the petitioner, further explained the intended hours of operation. Ron Walker of Whitetail Ridge, described the intent of the using the farm property for weddings and wedding receptions and that there will be music inside and outside for receptions. Mr. Sterrett reviewed the noise regulations for banquet facilities. There will be no liquor license sought for the property and no liquor will be sold at retail.

Tom Schnabel, Jr. lives directly across the street from the subject property. Mr. Schnabel had concerns about the number of events that will take place as well as the noise carrying from the property. Jessica Frieders, nearby resident, brought up concerns over parking along the road and trash from events. Attorney George Mahoney representing the Block family made comments asking the petitioner to respect the permitted uses in nearby agricultural properties including harvesting crops, spraying, etc. Vicky Schnabel lives directly across the street from the subject property and raised concerns from the view of the events from her home as well as headlights from the cars. Ms. Schnabel also brought up the noise concerns and traffic safety.

Mr. Nelson made a motion, seconded by Ms. Zubko, to continue the petition pending a response from Kendall Township. With a voice vote of all ayes, the motion carried.

16-02 Dumpsters in Residential Zoning Districts

Request: Zoning Text Amendment

Mr. Sterrett explained the Planning, Building, and Zoning Committee recently discussed potential requirements and restrictions regarding dumpsters in residential zoning districts to prevent the permanent placement of unscreened dumpsters on residential zoned properties. This topic was brought forward to the Committee after receiving complaints from residents about a dumpster on a property in an R-2 zoned subdivision. After discussion on the matter, the Committee felt that only dumpsters that are of a temporary nature for a specific timeframe and only for personal uses should be permitted to be located on residentially zoned properties. The Committee directed staff to draft provisions that deal with reasons and timeframes for what can be considered a temporary dumpster and for scenarios of when a property owner may have a dumpster on his or her property. Two scenarios exist when a dumpster may be permitted in all residentially zoned properties on a temporary basis:

- 1) It is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. This does not include waste generated off-site.
- 2) It is for temporary use by the property owners. Such uses are those that will generate waste on the property requiring a dumpster. This does not include waste generated off-site.

The Zoning and Platting Advisory Committee recommended that the setback of ten (10) feet from a property line should be revised to five (5) feet. The Plan Commission felt that further edits needed to take place regarding the definition of a dumpster to provide a more efficient way to enforce the new rule. Mr. Nelson made a motion, seconded by Ms. Zubko, to continue the matter pending further revisions.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

16-05 – Brad and Treva Mathre – A-1 Special Use – Banquet Facility – 13889 Hughes Road, Fox Township – Approved by the County Board on May 17, 2016

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

None

ADJOURNMENT

Ms. Zubko made the motion, seconded by Mr. Poppen, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 8:21 pm.

Respectfully submitted by,
John H. Sterrett, Senior Planner