

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
March 7, 2017 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Fran Klaas – Highway Department
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Megan Andrews – Soil & Water Conservation District
Matt Asselmeier – PBZ Department

Absent:

Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department
Greg Chismark – WBK Engineering, LLC

Audience: Doug Westphal, Jack Westphal, Attorney Tom Osterberger, Kevin Manning, Attorney Dan Kramer, and John Shaw

AGENDA

Mr. Guritz made a motion, seconded by Ms. Andrews, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the December 6, 2016 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-05 DKR Group and Keith and Kathleen Warpinski – Special Use Request for a Landscaping Business at the Property 0.31 Miles East of Route 47 on the North Side of Walker Road (PIN 05-21-400-011)

Mr. Asselmeier provided a summary of the request. DKR Group, Inc. would like to purchase the subject property from the Warpinskis in order to seasonally store equipment for K & D Enterprise Landscape Management, Inc. at the property. DKR Group, Inc. and K & D Enterprise Landscape Management, Inc. are both owned by Kevin Manning. The petitioner would continue to operate the main portion of his business from Rockdale. The petitioner plans to construct an approximately 5,800 square foot building on the site with a home planned for the future. The hours of operation for the business would be from 7:00 a.m. until 5:00 p.m., Monday through Friday with no landscaping work occurring on the premises. Elevations of the proposed building were provided to the Committee.

The subject property is zoned A-1 Agricultural and several farmsteads and farm fields are located around the subject property. Middle Aux Sable Creek runs along the northern boundary of the property. No business operations or buildings could be located in the flood zone.

Discussion occurred regarding the ROW dedication for the multi-use trails. The consensus was to have the trail along Walker Road and wait until the area is subdivided for the trail along the Middle Aux Sable Creek.

Doug Westphal stated that this portion of Walker Road has a six ton capacity from February 15th to April 30th. He would like to see a 50 foot wide ROW easement from the centerline. It was also noted that the home size was a typo.

Attorney Tom Osterberger presented information on behalf of Kevin Manning and DKR Group, Inc. He stated that the petitioner desired to use the property for cold storage. The inability to obtain a house could be an issue. Getting equipment out in April could also be an issue. Mr. Osterberger stated that the petitioner intended to operate two (2) crews out of the property and one (1) or two (2) other employees may be onsite. There are four (4) people on a crew.

Mr. Langston requested clarification of “no work on the premises.” Mr. Osterberger stated that no work would occur outside. Equipment would be pulled out and used offsite. All vehicle maintenance would occur indoors.

Mr. Rybski requested separate septic systems for the residential and business components of the site. He also requested that a restriction be added regarding the maintenance of vehicles.

Ms. Andrews reported that the NRI should be available next week.

The petitioners agreed to move the building fifteen feet (15') to the west in order not to encroach on the side yard setback. The petitioners also agreed to do a vegetative buffer with the adjoining properties.

Based on the discussion, the following restrictions would be placed on the special use permit:

1. The granting of this special use is only for a landscape operation.
2. No outside storage of vehicles, equipment, or materials is allowed. All vehicles and equipment associated with the business must be parked indoors during non-business hours.
3. Landscape plantings, permanent, and temporary structures shall not be installed in the floodplain without the issuance of a permit from the County. To assist with compliance with this restriction, the petitioners shall install posts every fifty feet (50') along the floodplain with signage indicating that a floodplain exists at that location. The posts and signage shall be erected within thirty (30) days of the petitioner acquiring the property. Thereafter, the posts and signage shall remain on the property for the duration of the special use permit.
4. No commercial related signage shall be allowed on the property.
5. The maximum number of employees for the business allowed on the property at one time by this special use permit shall be ten (10).
6. The hours of operation for the business allowed by this special use permit shall be restricted to Monday-Friday between the hours of 7:00 A.M. and 5:00 P.M. local time.
7. No maintenance of vehicles shall occur onsite unless maintenance occurs completely inside a building with the necessary infrastructure to properly capture oils and other mechanical fluids.
8. Upon the transfer of title on the property, the new owner shall deed a fifty foot (50') wide right-of-way easement along the entire frontage of Walker Road side to Kendall Township.
9. Landscaping for Neighboring Structure requires clarification.
10. The owner of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws as they relate to this type of business.
11. Failure to follow the above restrictions could result in the revocation of the special use permit as allowed by the Zoning Ordinance of Kendall County.

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

UPDATES OF PETITIONS

Mr. Asselmeier reported that the Delaney Gun Range Case will be heard by the Special Use Hearing Officer in April. The proposed rezoning and variances for Jets Towing on Eldamain Road will go back to the Plan Commission on March 22nd. If the Plan Commission issues a recommendation, the Zoning Board of Appeals will hear the petition in April. The Plan Commission unanimously recommended denial of the Pagel rezoning. The petitioners are gathering images of the property draining to address concerns that the Plan Commission had. This proposal goes before the ZBA in May.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Ms. Andres, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:27 a.m., adjourned.