

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**

*Kendall County Office Building*

*Rooms 209 and 210*

*111 W. Fox Street, Yorkville, Illinois*

**6:30 p.m.**

**Hybrid Attendance**

**Meeting Minutes of March 8, 2021**

**CALL TO ORDER**

The meeting was called to order by Chairman Gengler at 6:31 p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers (Attended Remotely), Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Matt Kellogg, and Dan Koukol

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Scott Koeppel (County Administrator Attended Remotely), Doug Nelson, Gregg Ingemunson, Greg Dady, and Dan Kramer (Attended Remotely)

**APPROVAL OF AGENDA**

Member Kellogg made a motion, seconded by Member Koukol, to approve the agenda as presented.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

**APPROVAL OF MINUTES**

Member Gilmour made a motion, seconded by Member Flowers, to approve the minutes of the February 8, 2021, meeting.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

**PUBLIC COMMENT**

None

## **EXPENDITURE REPORT**

The Committee reviewed the expenditure report from February 2021.

## **PETITIONS**

### **Petition 21-03 Larry Nelson on Behalf of the L and P Nelson Trust 103**

Member Kellogg made a motion, seconded by Member Koukol, to recommend approval of the Petition.

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021. The LESA Score was 188 indicating a low level of protection. The NRI Report was provided.

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. The Township was working on a letter officially stating their position.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. One (1) neighbor, Robert Long, stated that he was concerned about noise and the preservation of the Little Rock Creek watershed, but was generally in favor of the proposal. The Petitioner stated that they would abide by the County's noise regulations. The Petitioner was unsure if outdoor music would occur at the property as part of banquets. The Petitioner requested that the noise regulations apply only to the homes in existence at the time of the issuance of the special use permit. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the amendment regarding the noise regulations as requested by the Petitioner by a vote of eight (8) in favor and zero (0) in opposition, one (1) Commissioner recused himself. The minutes were provided.

The Kendall Zoning Board of Appeals held a public hearing on this proposal on March 1, 2021. The Petitioner provided a history of the review of the project by other boards. Information was provided regarding the impacts of temperature and need for adequate land to make the business successful. The Petitioner noted that the City of Plano already zoned a nearby property as commercial and listed uses that were allowed by Plano in that zoning district. The Petitioner's opinion was that some of these uses would generate more noise and traffic than the proposed expansion. The Petitioner reiterated his request that the noise regulations apply only to those homes in existence or permitted at the time of the issuance of the special use permit. Other than the Petitioner's son, no other members of the public testified at the public hearing. The Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff and the clarification of the noise regulations as requested by the Petitioner by

a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were provided.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand (30,000) square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
  - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.

9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00

p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

The findings of fact for the special use permit were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True. Conditions were included in the original special use permit ordinance that will regulate noise, lighting, and sanitation provisions.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents” through the encouragement “. . . of locally owned businesses.”

The findings of fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate

truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

Staff recommended approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
  - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
  - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan. No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance



regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.

5. Condition 8 of Ordinance 2016-21 shall be interpreted to apply only to those receiving residential lands with home constructed or permitted (under construction) on them as of the date of the issuance of this major amendment to an existing special use permit.
6. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
7. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
8. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
9. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
10. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The draft ordinance was provided.

Member Kellogg asked if the amendment to the noise regulations would apply to residential lots that were already platted, but did not have any structures. Mr. Asselmeier responded that the noise regulations would apply to those lots that had homes, had homes under constructed, or had building permits issued. Member Kellogg favored having the noise regulations apply to all residentially platted lots.

Member Flowers did not favor the proposed amendment related to the noise regulations.

Member Koukol did not think the proposed generate much noise. He was also impressed with the parking layout.

Member Gilmour noted that the proposed use included a banquet hall which could include noise in addition to the noise related to the orchard. Member Gilmour asked if the request related to the noise regulations was a new request. Mr. Asselmeier said this type of request related to the noise ordinance is new. The noise regulations historically have applied to homes constructed after a special use permit is issued.

Member Gilmour asked about Plano's request for a traffic study. The requested traffic study has not occurred. Mr. Asselmeier read Plano's letter regarding the traffic study. Nothing was specified regarding the type of traffic study or what entity would pay for the traffic study. The County has not required traffic studies as part of similar special use permits.

Doug Nelson expressed concerns that the adjoining land could be developed residentially at some point in the future with prospective buyers not doing their due diligence when buying the property. He did not believe the existing noise generated by the property violated the noise regulations and that the noise generated from the existing traffic was louder than the noise generated by the existing land uses. No noise complaints have been filed against Woody's.

Chairman Gengler asked about the maximum number of people on the property for Woody's. Mr. Nelson responded that the maximum number of people was between five hundred (500) and six hundred (600).

Member Gilmour asked about the anticipated number of events at the banquet center. Mr. Nelson responded that events would not occur during the fall. Mr. Nelson discussed how the topography impacted the number of apple trees placed on the property and the layout of the site. He said the focus would be renting the facility for corporate events and less of a focus for weddings.

Mr. Nelson discussed the plan to move people across Creek Road. Patrons would use a people mover to traverse Creek Road.

Member Flowers asked how changing the noise requirements allowed the Petitioner to be a good neighbor. Mr. Nelson expressed concerns that properties currently zoned agricultural could be rezoned to residential in the future.

Discussion occurred regarding a traffic study. Member Kellogg requested that the traffic study be referred to the Highway Department for a recommendation. It was noted that the northeast corner of Creek and Little Rock Roads was already zoned commercial. The proposal would not be held up while the Highway Department examined the traffic study.

Member Gilmour made a motion, seconded by Member Kellogg, to delete the proposed condition regarding the noise regulations.

The votes were as follows:

Yeas (4): Flowers, Gengler, Gilmour, and Kellogg  
Nays (1): Koukol  
Abstain (0): None  
Absent (0): None

The motion carried.

Member Kellogg revised his previous motion to recommend approval of the Petition with the noise condition deleted and that the proposal be sent to the Committee of the Whole. Member Koukol revised his second.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal goes to the Committee of the Whole on March 11, 2021.

*Petition 21-09 Librado Joaquin*

Mr. Asselmeier summarized the request.

On August 17, 1999, the Kendall County Board granted a special use permit for the sale of agricultural products not grown on the premises at 2543 Simons Road, Oswego. Ordinance 1999-24, which granted the special use permit, was provided.

The property owner no longer wishes to retain the special use permit and on February 17, 2021, submitted a request for revocation of the special use permit.

The draft revocation ordinance was provided.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

Staff recommends approval of the proposed special use permit revocation.

Member Koukol asked why the property owner was making this request. Mr. Asselmeier responded that the property owner was doing something new on the property and did not want a conflicting site plan and they were not using the special use permit.

Member Kellogg made a motion, seconded by Member Gilmour, to recommend approval of the requested revocation.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal goes to the County Board on the consent agenda on March 16, 2021.

### **NEW BUSINESS**

Approval of Request from Greg Dady on Behalf of DTG Investments, LLC for a Maximum One Hundred Twenty (120) Day Warning Period to Remove the Truck Parking Area and Yard Business at 3485 Route 126 (PIN: 06-09-400-005) in Na-Au-Say Township and Establishing a Procedure for Placing Tenants at the Property

Mr. Asselmeier read the request.

Member Kellogg asked when the one hundred days would start. Mr. Asselmeier responded that warning time could start whenever the Committee wished; the Requestor would like the warning period to start upon Committee approval.

Gregg Ingemunson reported that the trucking company has a signed lease at the Caterpillar property. They are working on the renovating the space at Caterpillar.

Member Kellogg made a motion, seconded by Member Koukol, to set the warning period at ninety (90) days.

Member Flowers asked why the motion was to shorten the timeframe. Member Kellogg responded that the requestor has known for some time that the tenant needed to find an

alternative location. Member Kellogg noted that another traffic accident nearly occurred at the property over the weekend. Discussion occurred regarding the previous uses at the property.

The votes were as follows:

Yeas (4): Flowers, Gengler, Gilmour, and Kellogg

Nays (0): None

Abstain (1): Koukol

Absent (0): None

The motion carried.

Mr. Ingemunson offered to come before the Committee when a prospective tenant is known. Member Kellogg advised that landscaping and signage be addressed. Member Koukol requested that the address be addressed.

*Approval of a Request from the Ministry of Reconciliation for a Waiver of the Requirement to Submit a Site Plan with an Application for Special Use Permit for a Place of Worship at the Property Located Between 5375 and 5313 Route 34 (PIN: 03-18-403-016) in Oswego Township; Property is Zoned B-2 General Business District*

Mr. Asselmeier summarized the request.

On February 9, 2021, the Planning, Building and Zoning Department received the attached request for a waiver of the requirement to submit a site plan with a special use permit application for property located between 5375 and 5313 Route 34 (PIN: 03-18-403-016) in Oswego Township. The Ministry of Reconciliation would like to submit an application for a special use permit for a place of worship at this property which is zoned B-2. The Ministry of Reconciliation would like to submit a site plan when they are ready to start construction.

Elevations of the proposed church were provided.

The aerial of the property was also provided.

Normally, a condition is placed in special use permits that the site be developed in accordance to the site plan.

Staff requests guidance as to how to proceed.

Dan Kramer, Attorney for the Requestor, said that they did not need a total waiver, but they were unable to get the soil information for the septic system. They would be able to submit a preliminary site plan.

Member Kellogg asked how many times a waiver has been granted. Mr. Asselmeier said that he was not aware of any such waivers.

Member Koukol asked for clarification on the request. Mr. Kramer noted that the site plan could change from the time of submittal to approval. Member Koukol asked about approval timeline. Mr. Kramer said his client is going through the preliminary process. The church is probably a year out before opening, but the national church has to know that the zoning has been approved.

Discussion occurred about people using the church's parking lot and walking across the street.

Member Koukol voiced his support for the request.

Member Gilmour noted that the request was for a special use permit and not a rezoning request.

Discussion occurred regarding setting a precedent.

Member Kellogg requested input from the State's Attorney's Office and the Health Department.

Member Kellogg made a motion, seconded by Member Koukol, to forward the matter to the Committee of the Whole with a neutral recommendation.

Mr. Asselmeier noted that this type of issue does not normally go to the Committee of the Whole.

The Committee was officially requesting legal review from the State's Attorney's Office.

The consensus of the Committee was to request legal review and invite the Health Department to the April Committee meeting.

Member Kellogg rescinded his motion and Member Koukol rescinded his second.

This will be on the April Planning, Building and Zoning Committee agenda.

### **OLD BUSINESS**

#### **2020 County-Wide Building Permit Memo**

Mr. Asselmeier read the memo.

#### **Discussion of the Abandoned Property Program from the Illinois Housing Development Authority; Committee Could Approve a Letter to Local Legislators**

Mr. Asselmeier read the draft letter.

Without objection, the letter was approved.

#### **Discussion of Inoperable Vehicle Ordinance in Relation to Towing Procedures; Committee Could Refer the Matter to the State's Attorney's Office**

Mr. Asselmeier summarized the issue.

Staff received a request from some residents in Boulder Hill asking that the County strengthen the Inoperable Vehicle Ordinance by allowing the County to tow vehicles.

When the Inoperable Vehicle Ordinance was passed, the PBZ Committee chose not to have a towing provision in the regulation.

At the February Committee meeting, the Committee requested Staff to see how many properties would be impacted if towing procedures were implemented. Presently, the properties that were the cause for the request no longer have inoperable vehicles and zero (0) properties would be impacted.

A copy of the Inoperable Vehicle Ordinance was provided.

Staff requests guidance as to how to proceed.

Discussion occurred regarding the Sheriff's Department serving citations.

The consensus of the Committee was to continue to monitor the situation.

### **REVIEW VIOLATION REPORT**

The Committee reviewed the violation report.

#### **Update on 1038 Harvey Road**

Mr. Asselmeier reported the property owner had been found guilty and the court fined the property owner Thirty-Two Thousand Eight Hundred Dollars (\$32,800).

#### **Update on 2511 Wildy Road**

Mr. Asselmeier provided an updated on the Wildy Road property. Administration is working on setting up a meeting with the State's Attorney's Office and Sheriff's Department to discuss the definition of business and strategies for ordinance enforcement.

### **REVIEW NON-VIOLATION REPORT**

The Committee reviewed the non-violation report.

### **UPDATE FOR HISTORIC PRESERVATION COMMISSION**

#### **Follow-Up on February 10, 2021, Meeting with Local Historic Preservation Organizations**

Mr. Asselmeier reported that approximately fifteen (15) people attended the event in addition to Historic Preservation Commissioners.

#### **February 10, 2021, Letter to Colleen Callahan from Megan J. Brown Regarding Kendall County's Certified Local Government Program Application**

Mr. Asselmeier read the letter.

### **REVIEW PERMIT REPORT**

The Committee reviewed the report.

### **REVIEW REVENUE REPORT**

The Committee reviewed the report.

### **CORRESPONDENCE**

None

### **COMMENTS FROM THE PRESS**

None

### **EXECUTIVE SESSION**

None

### **ADJOURNMENT**

Member Kellogg made a motion, seconded by Member Koukol, to adjourn.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.


Chairman Gengler adjourned the meeting at 8:08 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.

**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
MARCH 8, 2021**

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)
Doug Nelson		
Grey J. Dady		
Grey Thompson		