

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 6, 2021 – Approved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department (Attended Remotely)
Alyse Olson – Soil and Water Conservation District (Attended Remotely)
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Laura Denges (Attended Remotely)

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

MINUTES

Mr. Holdiman made a motion, seconded by Mr. Klaas, to approve the March 2, 2021, meeting minutes.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

PETITIONS

Petition 21-14 Laura Denges

Mr. Asselmeier summarized the request.

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.

The application materials, including the business plan, plat of survey, site plan, and aerial of the property were provided.

The property was located at 9396 Plattville Road and consisted of approximately three point one nine (3.19) acres.

The Future Land Use Map called for the property to be Agricultural.

Plattville Road is a Township maintained Major Collector. There are no trails planned along the road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent lands are zoned A-1.

The Future Land Use Map calls for the area to be Agricultural in the County and Commercial and Business Park/Office in Plattville.

EcoCat submitted on March 19, 2021, and consultation was terminated.

NRI application submitted on March 16, 2021.

Lisbon Township was emailed information on March 23, 2021.

The Village of Plattville was emailed information on March 23, 2021.

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021.

According to the site plan, the Petitioner plans to operate the Gilted Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey. The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3rd) special use permit for this type of use in the unincorporated area.

According to the business plan provided, the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.

According to the site plan, a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

The site plan shows one (1) fourteen (14) stall parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

No additional lighting was planned as part of this project.

The Petitioner plans to have a sign on Plattville Road. A picture of the sign was provided. No information was provided regarding sign dimensions or height. The sign will not be illuminated.

No additional landscaping is planned.

No information regarding noise control was provided.

Before issuing a recommendation, Staff would like comments from ZPAC members, Lisbon Township, Lisbon-Seward Fire Protection District, and the Village of Plattville.

The following were the proposed conditions and restrictions for this special use permit:

1. The site shall be developed substantially in accordance with the site plan.
2. The parking lot shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the site plan is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the site plan.
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance after 9:00 p.m. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the site plan. The sign shall not be illuminated.
10. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.

11. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
12. The noise regulations are as follows:

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 property line of the complainant.

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 property line of the complainant.

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 seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
13. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
14. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
15. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
16. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Gengler asked about restrooms. Laura Denges, Petitioner, said that well and septic would be installed and restrooms would be installed near the retail space.

Mr. Rybski discussed the well, septic, and food permits required. Mr. Rybski requested a visit with the Petitioner to discuss these matters.

Discussion occurred regarding total occupancy of the barn. Mr. Holdiman responded that, based on the Building Code, the maximum occupancy would be sixty (60) people. The Petitioner planned to have between twenty (20) and forty (40) people on the property at a given time.

Discussion occurred regarding overflow parking. If another area was designed for parking, an amendment to the special use permit would be required.

The Petitioner hoped to operate from March through December.

The Petitioner agreed that the business would not open before Noon any day of the week.

The Petitioner plans to grow grapes on the property. Initially, the wines would be sourced from out of state.

Mr. Asselmeier made a motion, seconded by Mr. Klaas, to recommend approval of the Petition with the addition to setting the start of operations at Noon to the list of conditions.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on April 28, 2021.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-03 pertaining to Woody's Orchard was approved at the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Holdiman, to adjourn.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

The ZPAC, at 9:20 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner