

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

*Kendall County Historic Courthouse  
Third Floor Courtroom  
110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois*

**Meeting Minutes of April 28, 2021 - 7:00 p.m. (Hybrid Meeting)**

Chairman Ashton called the meeting to order at 7:02 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (Started Attending Remotely at 7:04 p.m.), Dave Hamman (Arrived at 7:06 p.m.), Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Claire Wilson (Attended Remotely), and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Laura Denges (Attended Remotely) and Luke Robinson (Attended Remotely)

**APPROVAL OF AGENDA**

Member Rodriguez made a motion, seconded by Member Wilson, to approve the agenda.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (3): Casey, Hamman, and Stewart

The motion carried.

**APPROVAL OF MINUTES**

Member Wilson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the March 24, 2021, meeting.

Member Casey started attending remotely at this time (7:04 p.m.).

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Hamman and Stewart

The motion carried.

**PETITIONS**

**Petition 21-14 Laura Denges**

Mr. Asselmeier summarized the request.

Member Hamman arrived at this time (7:06 p.m.).

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. The LESA score was 199 indicating a low level of protection. The NRI was provided.

Lisbon Township was emailed information on March 23, 2021. The Lisbon Township Planning Commission did not have a quorum for their meeting on April 13, 2021. The members in attendance did not have any objections to the proposal.

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

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021. The Fire District had no objections to the proposal. They did request to do a life safety inspection of the property. The email stating their opinion was provided.

ZPAC reviewed this proposal at their meeting on April 6, 2021. The Petitioner agreed to meet with the Kendall County Health Department regarding well, septic, and food permits. The Petitioner agreed that the business would not start before Noon any day of the week. The business would normally operate between March and December. Grapes would be grown on the property. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes were provided.

Though not required by the Kendall County Zoning Ordinance, the Kendall County Historic Preservation reviewed this proposal at their meeting on April 19, 2021. The Petitioner indicated that she will not be making any structural changes to the barn. The Petitioner has installed interior walls and insulation. The Petitioner plans to replace some windows; the windows are not the original windows to the barn. The Petitioner planned to install an entry door where the double doors are located. The Petitioner indicated that her objective was to preserve the rustic atmosphere of the property. The Kendall County Historic Preservation Commission recommended approval of the special use permit with the condition that the barn be preserved by vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting were provided.

According to the site plan, the Petitioner plans to operate the Gilded 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. A picture of the barn was provided.

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

Based on the square footage of the barn and the current Building Code, the maximum number of people allowed in the barn is sixty (60). The Petitioner indicated that they were aiming for twenty (20) to forty (40) people on the property.

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 (3<sup>rd</sup>) special use permit for this type of use in the unincorporated area.

According to the business plan, 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 gravel 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.

The proposed Findings of Fact 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. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan and conditions are placed in the special use permit governing hours of operation, noise levels, and number of people allowed on the property.

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. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise created from the proposed use. However, these negative impacts could be mitigated by restrictions related to hours of operation, noise regulations, and setting the maximum number of people allowed on the property.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the property has appropriate access from Plattville Road. The Petitioners are planning to install the necessary utilities. Drainage will not be an issue based on the proposed use and site plan.

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. This is true. The Petitioner is not requesting any variances.

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 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

Staff recommended approval of the request special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan. An overflow parking lot may be installed east of the red barn.
2. The parking lot shown on the site plan 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 earlier than Noon and 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 outside the hours of operation. 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 maximum number of people allowed on the property in relation to the business allowed by this special use permit at any given time shall be sixty (60).
10. 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.
11. 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.
12. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
13. 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.

14. 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.
15. 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.
16. The owner(s) or operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The owner(s) or 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.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Nelson suggested that Petitioner be allowed to have a lighted sign because the hours of operation will have the business open after dark.

Member Nelson asked if the Petitioner was agreeable to annex the property, or at least the portion of the property where sales occurred, into the Village of Plattville. Laura Denges, Petitioner, responded that she would not be opposed to annexation, but she would like more information. Member Nelson did not want the Petitioner to pay any costs associated with the annexation. Member Wilson expressed concerns regarding the Village of Plattville implementing property taxes in the future. Members Nelson and Wilson favored Plattville offering less restrictive zoning regulations for the business than if the property remained in the unincorporated area.

Member Casey asked if there had been a proposal for a bed and breakfast at this property in the past. Chairman Ashton responded that the request had been for a wedding venue. The property does not presently have any special use permits and the previous request was not connected to this request.

Member Wilson expressed concerns about the request that the barn be preserved. This request was not the same as listing the property on the National Register of Historic Places. Member Wilson expressed concerns about burdening the Petitioner with this type of requirement.

Member Wilson questioned the requirement regarding agricultural exempt structures. Mr. Asselmeier clarified the restriction applies only to buildings where the proposed use would occur. As proposed, the use would only apply to the one (1) barn. The other buildings on the property would remain agricultural exempt unless the winery use expanded to those structures in the future.

Mr. Asselmeier stated that the reason the special use was required was because the Petitioner planned to make and sell wine using grapes not grown on the premises. If the Petitioner sold wine using grapes grown the premises, a special use permit would not be required and the use would be exempt from zoning as an agricultural purpose.

Ms. Denges explained that the main (red) barn was divided into two (2) areas, a retail area and tasting room area and a fermenting and bottling area. None of the other buildings on the property would be used for any business related activities, including business related storage.

Member Wilson asked where the bathrooms would be located. Ms. Denges responded that two (2) unisex bathrooms would be located inside the red barn, just off the retail space area.

Member Wilson asked if a group meeting space area would be located on the premises. Ms. Denges responded having that type of meeting space was not her intention.

Member Rodriguez asked if the barn would be insulated. Ms. Denges responded that a heating system would be installed; they were still looking at the HVAC system. Ms. Denges believed that the barn was well insulated. A heating system would be installed in the barn at some point in the future.

The barn was not served with a septic system; that system will be installed per the site plan.

Chairman Ashton asked about the timeline for planting grapes on the property. Ms. Denges responded that grapes were a three (3) year project because of the time needed to get good yields. She hoped to plant within the next two (2) or three (3) years.

Chairman Ashton asked about the impact of spraying impacting the grapes. Ms. Denges stated that she talked to the neighboring farmer. She stated that growing grapes in this area is not always successful; that was why they were importing grapes from the west coast. The grape growing area would be away from the field.

Member Wilson asked about the overflow parking area. Ms. Denges responded that the overflow parking area would be installed east of the barn. The parking lot would be limestone compact of the same type as the main parking area.

Member Rodriguez asked about blend wines. Ms. Denges explained the various types of wines; there wine would not be blended which is unique in this market. Merlots produced on premises will be made from one hundred percent (100%) merlot grapes.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the requested special use permit.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley  
Nays (0): None  
Absent (1): Stewart

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on May 3, 2021.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

**NEW BUSINESS**

**Appointment of Matthew Prochaska to the Comprehensive Land Plan and Ordinance Committee**

Chairman Ashton announced the appointment of Matthew Prochaska to the Comprehensive Land Plan and Ordinance Committee.

**OLD BUSINESS**

None

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petitions 20-32, 21-06, 21-08, and 21-10 were approved at the County Board. Petition 21-07 was withdrawn, but the Petitioner indicated that she would reapply.

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier said the Commission's meetings will be held in the County Board Room at 111 W. Fox Street starting with the next meeting. There are no Petitions for the May meeting.

Member Casey expressed concerns regarding the large pile of material at 195 Route 52. Mr. Asselmeier explained the investigation that has occurred at the property. Discussion occurred regarding the potential fire hazard of the mulch pile.

**ADJOURNMENT**

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley  
Nays (0): None  
Absent (1): Stewart

The motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:48 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner