

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of June 23, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Wanda Hogan, Michael Mattingly, Tom Anzelc, Cathleen Anzelc, and Joe Slivka

APPROVAL OF AGENDA

Member McCarthy-Lange made a motion, seconded by Member Wilson, to approve the agenda. With a voice of ten (10) ayes, the motion carried.

APPROVAL OF MINUTES

Member Casey made a motion, seconded by Member Hamman, to approve the minutes of the April 28, 2021, meeting. With a voice of ten (10) ayes, the motion carried.

PETITIONS

Petition 21-19 Wanda and Thomas Hogan

Mr. Asselmeier summarized the request.

In March 2021, the Petitioners submitted an application for a market at the subject property. At the Kendall County Regional Planning Commission meeting, Kendall County Zoning Board of Appeals hearing, and Kendall County Planning, Building and Zoning Committee meeting, concerns were raised about the intensity of the use, the compatibility of the use in relation to adjacent agricultural uses, the impact of the proposed use on property values, safety at the property and along Brisbin Road, and the appearance of the property. After receiving negative recommendations at the above meetings and hearing, the Petitioner withdrew the original Petition.

On May 13, 2021, the Petitioners submitted a revised Petition. According to the information provided to the County, the Petitioners would like to offer an outdoor, twenty (20) stall market on the subject property with food. The market would feature vendors, including the Petitioners, their family members, and other vendors, that would sell goods not produced on the premises. The Petitioners have removed some items from the property and have agreed to install a four foot (4') snow fence around the ponds when the market is occurring.

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

The property is located at 14975 Brisbin Road.

The property is approximately three point eight (3.8) acres.

The current land use is Agricultural. The future land use is Rural Estate Residential.

Brisbin Road is a township maintained Major Collector.

There are no trails planned along Brisbin Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent zoning districts are A-1.

The Future Land Use Map calls for the area to be Agricultural and Rural Estate Residential. The Village of Plattville's Future Land Use Map calls for the property to be Low Density Residential. The subject property is greater than one point five (1.5) miles from the Village of Lisbon. However, the Village of Lisbon's Future Land Use Map calls for this property to be Mixed Use Business and Agricultural.

The A-1 special use to the west is for an indoor storage facility of boats, trailers, recreational vehicles and classic cars.

EcoCat submitted on February 2, 2021, and consultation was terminated.

NRI application submitted on January 28, 2021 as part of the original application. A revised application was submitted on May 13, 2021. The LESA Scores from both the original and revised applications was 190 indicating a low level of protection. The revised NRI Report was provided.

Lisbon Township was emailed information on May 18, 2021.

The property is in Lisbon Township, but Seward Township maintains Brisbin Road in this area. Seward Township was emailed information on May 18, 2021. Mr. Asselmeier read a letter from Seward Township Highway Commissioner Scott Cryder stating that he was withdrawing the objection of the previous Township Highway Commissioner and recommending approval of the requested special use permit.

The Village of Plattville was emailed information on May 18, 2021.

Lisbon-Seward Fire Protection District was emailed information on May 18, 2021. The Fire Protection District requested two (2) fire extinguishers and two (2) basic first aid kits, one (1) at the entrance and one (1) in the middle of the market. The Fire Protection District's email was provided.

ZPAC reviewed this proposal at their meeting on June 1, 2021. The Petitioner stated the food vendor would be similar to a food truck. The Petitioner agreed to install hand washing stations near the restrooms. Given the number of events, the use would not meet the requirements for testing under the State's non-community well program. The Petitioner reiterated that no parking would occur along Brisbin Road. The Petitioner's Attorney invited everyone onto the site and asked if something needed to be removed or relocated, to let the Petitioner know. ZPAC voted to recommend approval of the proposal by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. The minutes of the meeting were provided.

According to the plat of survey and the site plan, the site will consist of twenty (20) outdoor vendor stations plus one (1) additional food vendor located along the western and southwestern portion of the property near the

existing approximately forty foot by eighty foot (40'X80') steel barn. A food area will be located north of the barn. An existing red storage trailer is located north of the existing gravel drive.

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

One (1) four foot (4') temporary snow fence will be installed around the ponds when the market is occurring.

Section 7:01.D.48 places several conditions and restrictions on special use permits regarding the sale of pottery, art, and home décor. These include:

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.
4. Is located in an area not designated as Agricultural on the Land Resource Management Plan.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
6. Must serve as a transitional use between agricultural areas and advancing suburban development.
7. Must serve to prevent spot zoning.
8. Retail and wholesale must occur in an existing building, unless otherwise approved by the County Board.
9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.
11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

Assuming the County Board approves sales outside existing buildings, all of the above requirements of the Zoning Ordinance are addressed.

If approved, this would be the tenth (10th) special use permit for the sale of products not grown on the premises in the unincorporated area.

According to the business plan provided, the Petitioner would like to operate the market a maximum two (2) weekends per month between April and October. The market would be open from 8:00 a.m. until 5:00 p.m. with vendors given additional time to set-up their spaces. A weekend is considered Saturday and Sunday.

Other than the Petitioners and their family, the business will not have any employees.

All vendors will have necessary insurance.

No new structures are planned for the property.

A barrier will be installed by the propane tank.

According to the site plan, two (2) porta-johns are planned south of the existing red storage trailer.

A potable water source is available in the existing steel barn.

The Petitioners would make accommodations for vendors that want electricity. Solar panels are onsite.

A refuse area is planned east of the porta-johns.

The property drains to the east.

The Petitioners secured stormwater permits in 2000 for the construction of the two (2) ponds on the premises.

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

The property fronts Brisbin Road. Patrons would drive west on the existing gravel driveway and parking in one (1) of the designated areas. Patrons would leave the property on the same gravel driveway.

The site plan shows two (2) parking areas. The parking area by the existing steel barn consists of eight (8) parking spaces including two (2) handicapped accessible parking spaces. The eight (8) parking stalls would be eight feet by fifteen feet (8'X15'). The two handicapped parking spaces would be ten feet by fifteen feet (10'X15') with a five foot (5') landing area. An additional thirteen (13) parking spaces are planned along the north property line. The parking spaces would be gravel with the exception of the two (2) handicapped accessible spaces which would be hard surfaced.

Vendors would park at their vending station.

The Petitioners plan to use cones with chains to keep vehicles away from pedestrians.

No additional lighting was planned as part of this project. If additional lighting were added, a photometric plan would be required because the number of parking spaces exceeds thirty (30).

The Petitioners plans to have a sign at Brisbin Road when the market is open. A picture of the sign was provided. The sign is approximately four feet by six feet (4'X6') in size. While the sign can be illuminated, the Petitioner will not light the sign.

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. True. The Petitioner has submitted a site 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. Conditions may be placed in the special use permit to address hours of operation and signage. The Petitioner agreed to follow all applicable public health and public safety related laws.

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 are proposed that will regulate hours of operation and site layout. No new buildings or other significant alterations away from the appearance of the property as an agricultural related property are planned.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Utilities are already available at the property. The site plan includes a parking plan. The property previously secured a stormwater management permit.

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. No variances have been requested.

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 3-5 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.”

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures. Limited demolition of farmhouse and outbuildings is allowed.
2. The owner(s) or operator(s) of the business allowed by this special use permit must ensure the four foot (4') fence is erected around the ponds as shown on the site plan prior to the opening of the business allowed by this special use permit when the business is open to the public.
3. The subject parcel must remain at least (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing

farmhouse, barns, related structures, and the pastoral setting.

5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
7. A maximum twenty (20) vendors and one (1) additional food vendor may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of two (2) weekends per month. For the purposes of this ordinance, a weekend shall be considered Saturdays and Sundays. The uses may be open for sale between the hours of 8:00 a.m. and 5:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between the months of April and October.
9. Only the owners of the property and their family members shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign along Brisbin Road. The sign shall be a maximum of four feet by six feet (4'X6') in size. The sign shall not be illuminated. The sign may be placed along Brisbin Road on days when the uses allowed by the special use permit are open. The sign may be placed along Brisbin Road the day before the business allowed by this special use permit is open.
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 be generated by the uses allowed this special use permit.
13. The owner(s) or operator(s) of the uses allowed by this special use permit shall live at the subject property as their primary place of residence.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. 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.
16. 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.
17. This special use permit and the ordinance granting this special use permit shall be considered revoked on the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or when Thomas or Wanda Hogan no longer own the subject property, whichever occurs first. If Thomas or Wanda Hogan wish to continue the use allowed by this special use permit after the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or if a subsequent owner of the subject property wishes to operate the use allowed by this special use permit, a new special use permit shall be required. This condition shall not be eligible for a minor amendment.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member McCarthy-Lange asked about the location of the thirteen (13) parking spaces. The parking spaces are located on the north side of the property. The parking spaces are for customers; vendors will park at their vending stations.

Member Rodriguez asked about the differences between the current proposal and the proposal the Petitioner previously submitted. Mr. Asselmeier responded that fencing has been added around the pond, the months of operation were added to the proposal, the condition regarding tying the special use permit with the owner and the special use permit sunset provision.

Member Wilson asked about the location of vendor parking. Michael Mattingly, Attorney for the Petitioners, stated that vendors will park in the vendor area. The vendor area will be fifteen feet by twenty feet (15'X20').

Mr. Mattingly noted that the new Seward Township Highway Commissioner did not object to the proposal.

Mr. Mattingly agreed to the request by the Lisbon-Seward Fire Protection District to install two (2) fire extinguishers and two (2) first aid kits.

Mr. Mattingly noted that Lisbon Township approved the special use request the first time the proposal was submitted. He stated that Lisbon Township did not request a meeting on the proposal.

Chairman Ashton asked about overflow parking, Mr. Mattingly said that the Petitioners will put a chain across the driveway to prevent additional vehicles from entering the site. Discussion occurred about the legality of people parking on Brisbin Road. Further research would be necessary to see if Seward Township can create a no parking/tow away zone. The driveway is wide enough for cars to park and for a fire truck to access the market area.

Member Wormley asked about the progress to clean up the property. Mr. Mattingly reported that the items have been removed. The trees on the side of the hill have been trimmed. The Petitioners were working to get the machinery fixed.

Member Nelson asked if a special use permit can have a sunset provision. Mr. Asselmeier responded yes. Mr. Mattingly stated that the Petitioners were agreeable to that condition. The Petitioners understood that the property could not be sold with the special use permit attached.

Chairman Ashton asked if the Petitioners had an objection to the placement of no parking signs on Brisbin Road, if Seward Township could lawfully place the signs. Wanda Hogan, Petitioner, said she had no objections. Ms. Hogan will count cars and when the parking is full, no one will be allowed onto the property.

Member Nelson stated that it was not usually against the law to park on a public right-of-way. He requested that Seward Township be asked to pass a law preventing parking on Brisbin Road.

Member Wilson asked if it was possible to establish an additional parking area to the west of the market area. Member Rodriguez expressed concerns about vendors having enough space to park in their vending area. The Petitioners own the farmland to the west of market area. The area was currently tilled. Member Wilson suggested turning that area into additional parking starting in 2022. Member Wormley suggested using another acre of the field for farming. The Petitioner was agreeable to this suggestion and would work on a specific site layout. The parking would be grass or hayfield.

Discussion occurred about amending the special use permit in the future. The Petitioner could do a major or minor amendment to the site plan. The Petitioner cannot do a minor amendment regarding the sunset provision only.

Tom Anzelc, Lisbon Township Trustee, said that the Petition has not changed greatly from the previous proposal. He did not believe the proposal was the right fit for the Township.

Cathleen Anzelc expressed concerns about precedent. She noted that another market was in the area. She did not believe property values would increase if this proposal was approved. She questioned the items that would sold at the property. She also questioned who would monitor the site for setup and teardown. She expressed concerns that the use will be incompatible with agricultural uses. She lives in approximately four (4) miles from the subject property.

Joe Slivka, Lisbon Township Supervisor, reviewed the site plan. He did not feel that a snow fence was adequate barrier. He felt that the special use permit placed a liability on Lisbon Township and the County. Member Nelson questioned if the Township or County had liability.

Mr. Asselmeier read letters of support from Don and Jacque Schuck, Brenda and Dustin Walzer, and Carla and Sherman Tweet, Jr.

Member Wilson made a motion, seconded by Member Nelson, to recommend approval of the Petition subject to the conditions proposed by Staff and that the Petitioner developed additional parking west of the site plan for overflow or vendor parking within one (1) year of the approval of the special use permit. The Commission also recommends that the applicable Township examine establishing a no parking or tow-away zone along Brisbin Road at the subject property.

The votes were as follows:

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

Nays (2): Ashton and Stewart

Absent (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on June 28, 2021.

Chairman Ashton voted no because he was unsure if the Petitioner would install the extra parking.

Member Stewart voted no because he did not believe the site had been satisfactorily cleaned up. Mr. Mattingly invited Commissioners onto the property.

Member Wilson questioned whether or not the County can deny a special use permit based on the appearance of a property.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-14 was approved at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier said there are two (2) Petitions for the July meeting, the renewal of the special use permit for a billboard at Route 34 and Hafenrichter and the owners of the banquet facility at 10978 Crimmin Road have proposed some amendments related to banquet center operations.

Member Casey asked about the large pile of dirt at 195 Route 52. Mr. Asselmeier reported that agricultural uses are exempt from the Stormwater Management Ordinance. The property owner was claiming to be a forester, which is an agricultural purpose, per State law. State law did not define a forestry business. The County was still exploring its options.

Chairman Ashton expressed concerns about people operating businesses without proper zoning. He was concerned that some people were following the rules, getting proper zoning, and spending money to be in compliance while others are operating illegally. Mr. Asselmeier provided an update on some zoning cases mentioned and the County's policy of voluntary compliance. He also explained the enforcement procedure. The forty (40) acre rule was also discussed.

ADJOURNMENT

Member Casey made a motion, seconded by Member Wilson, to adjourn. With a voice of ten (10) ayes, the motion carried.

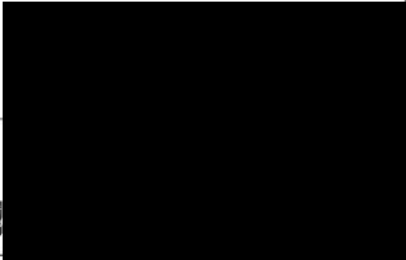
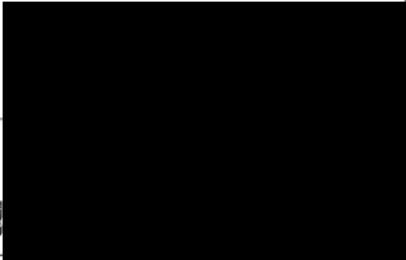
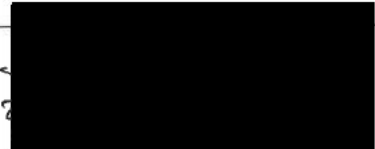
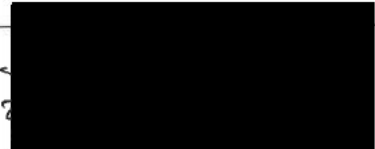


The Kendall County Regional Planning Commission meeting adjourned at 8:28 p.m.

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

Encs.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JUNE 23, 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)
Michael Muttighy		
Cathleen Orzylek		
Tom Anzic	LISBON TOWNSHIP TRUSTEE	
Joe Shrike	Supervisor	
Wanda Hogg		



Seward Township Highway Commissioner
14719 N. O'Brien Rd.
Minooka, IL 60447
(815)267-1011

June 1, 2021

Matthew H. Asselmeier, AICP,CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 W. Fox St.
Yorkville, IL 60560

RE: Thomas & Wanda Hogan
Approval of Special Use Permit

Mr. Asselmeier,

I, Scott Cryder, am the newly elected Seward Township Highway Commissioner. I have reviewed the site plan for the proposed Special Use Permit for Mr. and Mrs. Hogan. My findings indicate that the parking for the Special Use Permit is planned to be on the property site. In no way will this proposed Special Use be a negative impact on Seward Township's road system. All vehicles should be on the homeowners property. Therefore, I withdraw the objection of the former highway commissioner and advise the Kendall County Planning Commission that my office has no objection to the Special Use Permit application for the Hogan property.

Sincerely,


Scott Cryder



To: Kendall County Plan Commission

I am one of the neighbors of Thomas and Wanda Hogan, 14975 Brisbin Road, Minooka, Illinois. I am writing to you regarding the Hogan's request to acquire a special use permit to hold a country market on their property which shall be called Hogan's Haven Country Market. I do not object to the Hogan's site plan or the proposed special use and would hope the board will consider this letter as proof that their neighbors who live on Brisbin Road near the property do not object to the proposed special use permit.

Because of work schedules or health problems, I may not be able to attend these very important meetings but would like the boards that run Kendall County to take my wishes into consideration when making their decisions.

Signature: 

Jacore Schuck

Printed Name: Don Schuck

Address: 

Subscribed and sworn to this 7th day of June, 2021




Notary Public



To: Kendall County Plan Commission

I am one of the neighbors of Thomas and Wanda Hogan, 14975 Brisbin Road, Minooka, Illinois. I am writing to you regarding the Hogan's request to acquire a special use permit to hold a country market on their property which shall be called Hogan's Haven Country Market, I do not object to the Hogan's site plan or the proposed special use and would hope the board will consider this letter as proof that their neighbors who live on Brisbin Road near the property do not object to the proposed special use permit.

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Signature:



Printed Name:

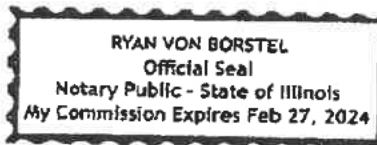
Brenda Walzer and Dustin Walzer

Address:



Subscribed and sworn to this 19th day of June, 2021

Notary Public



To: Kendall County Plan Commission

I am one of the neighbors of Thomas and Wanda Hogan, 14975 Brisbin Road, Minooka, Illinois. I am writing to you regarding the Hogan's request to acquire a special use permit to hold a country market on their property which shall be called Hogan's Haven Country Market, I do not object to the Hogan's site plan or the proposed special use and would hope the board will consider this letter as proof that their neighbors who live on Brisbin Road near the property do not object to the proposed special use permit.

Because of work schedules or health problems, I may not be able to attend these very important meetings but would like the boards that run Kendall County to take my wishes into consideration when making their decisions.

Signature: 

Printed Name: Sherman Tweet JR.
Carla J. Tweet

Address: 

Subscribed and sworn to this 23rd day of June, 2021




Notary Public