

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 and 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of July 12, 2021

CALL TO ORDER

The meeting was called to order by Chairman Gengler at 6:30 p.m.

ROLL CALL

Committee Members Present: Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), and Dan Koukol

Committee Members Absent: Elizabeth Flowers and Robyn Vickers

Also Present: Matt Asselmeier (Senior Planner), Wanda Hogan, and Michael Mattingly

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Koukol, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Koukol, to approve the minutes of the June 7, 2021, meeting. With a voice vote of three (3) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from June 2021. Member Gilmour made a motion, seconded by Member Koukol, to forward the bills to the County Board. With a voice vote of three (3) 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 Petitioners 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, aerial of the property were provided and updated site plan 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. To date, no comments were received.

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

The Village of Plattville was emailed information on May 18, 2021. To date, no comments were received.

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.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 23, 2021. The Petitioners clarified that the individual vendor stalls would be approximately fifteen feet by twenty feet (15'X20'). The Petitioners agreed that the request by the Lisbon-Seward Fire Protection District be added as a condition of the special use permit. Discussion occurred regarding overflow parking and the Petitioners agreed to amend the site plan showing additional parking to the west of the market area. Commissioners wanted to see no parking/tow zone signs installed by the Township in front of the subject property, if the Township could lawfully install such signs. Tom Anzelc felt the proposal was not the right fit for Lisbon Township. Cathleen Anzelc expressed concerns about precedent, noted that another market was in the area, felt that property values would be negatively impacted, asked who would monitor the property for setup and teardown, and was concerned that the use will be incompatible with agricultural uses. Letters of support from neighbors Don and Jacque Schuck, Brenda and Dustin Walzer, and Carla and Sherman Tweet, Jr. were read. The Kendall County Regional Planning Commission voted to recommend approval of the proposal with the conditions proposed by Staff and that the Petitioners 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 recommended that the applicable Township examine establishing a no parking or tow-away zone along Brisbin Road at the subject property. The vote was eight (8) in favor and two (2) in opposition. Chairman Ashton voted no because he was unsure if the Petitioners would install the extra parking. Member Stewart voted no because he did not believe the site had been satisfactorily cleaned up. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on June 28, 2021. Discussion occurred regarding the procedures for new special use permits, major amendments to special use permits and minor amendments to special use permits. The revised site plan was presented and discussed. It was noted that parking spaces 14-47 would be installed by April 2022. Chairman Mohr noted that the property did not stand out on Brisbin Road; someone had to look to find the property. Discussion occurred regarding having the fire extinguishers examined by the Lisbon-Seward Fire Protection District. A letter of support from neighbor Jose Oliveres Guzman was read into the record. No one from the public spoke in opposition to the request. The Kendall County Zoning Board of Appeals recommended approval with the conditions proposed by Staff and timetable for installing parking spaces 14-47 by vote of six (6) in favor and zero (0) in opposition. Member Whitfield was absent. The minutes of the hearing were provided.

According to the plat of survey, the original site plan, and the revised 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 and revised 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.

Following the Regional Planning Commission meeting, the Petitioners updated the parking layout on the site plan. The site plan showed two (2) parking areas. The parking area by the existing steel barn consists of eight (8) parking spaces including three (3) handicapped accessible parking spaces. The eight (8) parking stalls would be eight feet by fifteen feet (8'X15'). The three (3) handicapped parking spaces would be ten feet by fifteen feet (10'X15') with a five foot (5') landing area. An additional forty-seven (47) parking spaces were planned along the north and west sides of the site. Originally, the Petitioners planned to install thirteen (13) parking spaces along the north property line, but the Regional Planning Commission was concerned about overflow parking for patrons and vendor parking. The number of available parking spaces could be reduced if vendors with larger vehicles and trailers occupy the parking spaces along the western end of the site. The parking spaces would be gravel, hay, or grass with the exception of the three (3) 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 Petitioner 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 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 recommended 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. The parking spaces identified as spaces 14-47 on the site plan shall be installed by April 2022. **(Clarified at the Zoning Board of Appeals)**
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. On the days when the uses allowed by this special use permit are open to the public, two (2) fully functioning fire extinguishers and two (2) basic first aid kits shall be available, one (1) set of these items shall be located at the entrance to the market and the other set shall be located in the middle of the market. **(Added at Regional Planning Commission)**
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. 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.
19. 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 Koukol asked about the location and use of the propane tank. Ms. Hogan said the propane tank was for the whole property.

Member Koukol asked which committees changed their minds and the reasons for the change in minds. Mr. Asselmeier responded that the Regional Planning Commission originally opposed the proposal unanimously. The second time through the process, the Regional Planning Commission voted eight (8) in favor and two (2) in opposition. Mr. Asselmeier noted that the new Seward Township Highway Commissioner did not oppose the project, the Petitioners did cleanup the property, the Petitioners added the snow fence, the Petitioners increased the number of parking spaces, and the Petitioners also agreed to a sunset provision.

Member Koukol noted the property had been cleaned up.

Member Koukol asked if the semi would be parked in the open during the market. Ms. Hogan responded the semi would be parked inside the building and would not be accessible to the public.

Member Gilmour asked about insurance. Ms. Hogan said the vendors will carry insurance in the amount customarily required for this type of function. Ms. Hogan also stated that the they (the Hogans) will also carry insurance.

Chairman Gengler asked about lighting plans, particularly in October. Ms. Hogan did not plan to have permanent lighting other than the existing solar powered lights.

Member Gilmour made a motion, seconded by Member Koukol, to forward the proposal to the County Board. With a voice vote of three (3) ayes, the motion carried.

The proposal goes to the County Board on July 20, 2021, on the regular agenda.

Member Koukol asked if the Hogans would be operational this year. Ms. Hogan said that she was doubtful they would be operational until October 2021.

NEW BUSINESS

Approval of a Request from Vivint Solar, Inc. for a Refund in the Amount of \$200.00 for an Unused Solar Permit at 22 Gastville Street (PIN: 03-12-204-004) in Oswego Township

Mr. Asselmeier summarized the request.

Member Koukol asked if the ownership of the property had changed. Mr. Asselmeier stated that he was unaware if the property ownership had changed.

Member Koukol made a motion, seconded by Member Gilmour, to approve the refund as requested. With a voice vote of three (3) ayes, the motion carried.

Discussion of Scheduling a Special Planning, Building and Zoning Committee Meeting in Boulder Hill; Committee Could Select a Date, Time, Location, and Agenda Items for the Special Meeting

Mr. Asselmeier presented a draft agenda for the meeting.

The intent of the meeting was to inform people in Boulder Hill of the various ordinances, introduce staff, and explain applicable enforcement procedures.

Member Gilmour asked how the meeting would be advertised. Mr. Asselmeier said a notice would be run in the newspaper and the notice would be posted on the Boulder Hill Facebook page. Also, depending on timing, the notice might run in the Oswego Township newsletter.

The consensus of the Committee was to use the Oswego Township building or another building, provided a fee was not charged. Mr. Asselmeier will check with Oswego Township Joe West to see if the building was available and if a fee would be charged. September or October at 6:30 p.m. would be the target month and time.

The Committee will discuss this further at the August meeting.

OLD BUSINESS

Discussion of Placing Zoning Related Signs at Various Entrances to Kendall County; Committee Could Approve Placing Signs at a Cost of \$100.00 Per Sign

Mr. Asselmeier read an email from Fran Klaas on the subject.

Chairman Gengler favored other avenues, like posting on social media pages, that the County has zoning compared to installing signs. He also favored targeting certain townships where the issues were prevalent.

Member Koukol noted there were several properties advertised online as having business potential.

The consensus of the Committee was to layover this matter.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier reported that the Commission met with a consultant to explore doing surveys of historic structures. The Commission needs to determine which township to survey. The Commission would apply for a Certified Local Government grant to cover the cost of most of the project.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

Member Gilmour requested an update on Hide-A-Way Lakes. Mr. Asselmeier said that Mr. Holdiman conducted an inspection at the property and the property has been cleaned up under the new ownership. The Department has not verified that people were still living at the property. The new owner has not submitted any requests to amend the special use permit at the property. Member Gilmour noted that the Health and Environment Committee received information that people were still living at the property. She also noted that the Health Department has assisted several people in finding housing that previously lived at the camp.

EXECUTIVE SESSION

None

ADJOURNMENT

Member Koukol made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of three (3) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 7:16 p.m.

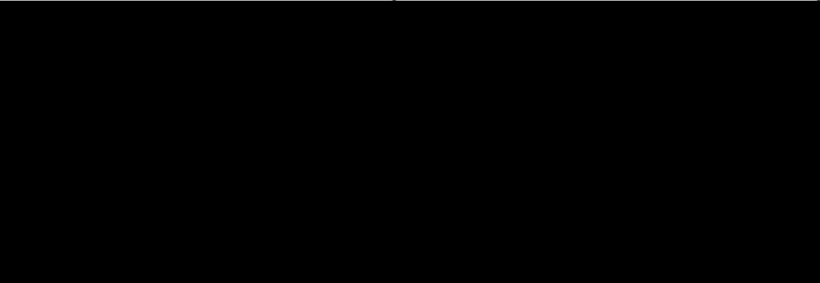
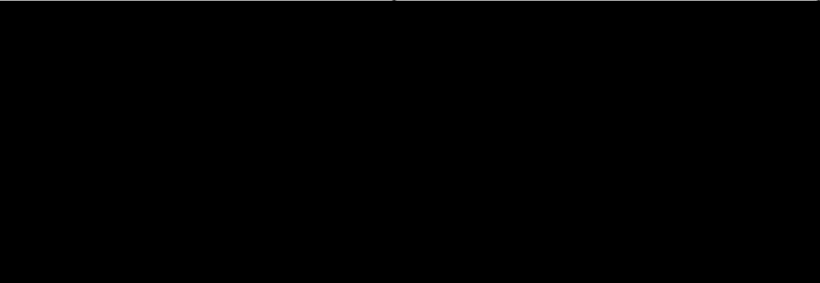
Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.



**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JULY 12, 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)
<i>Mike M. King</i>		
<i>Wanda Hoyer</i>		