

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 August 9, 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), Dan Koukol, and Robyn Vickers

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Kurt Buhle, Jeanette Buhle, John Vogt, and Steve Graves

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Vickers, to approve the agenda with an amendment laying over Petition 21-26 until the September meeting. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Koukol made a motion, seconded by Member Vickers, to approve the minutes of the July 12, 2021, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

Kurt Buhle distributed a handout outlining his concerns regarding the proposed amendment to the special use permit at 10978 Crimmin Road. In addition to the concern, the handout included violations to the existing special use permit. He expressed concerns about enforcement of the existing rules and concerns that the owners at 10978 Crimmin Road will not follow the new and existing rules.

John Vogt felt that the proposed changes to the special use permit at 10978 Crimmin Road would create a nuisance and depreciate the value of his property. He expressed concerns about disc jockeys controlling the sound level at the property; the owners at 10978 Crimmin Road did not have control the noise level. He stated that sound carries in the area.

Jeanette Buhle noted that the owners at 10978 Crimmin Road realize that they were being watched and they were on their best behavior.

Steve Graves expressed concerns about safety on Crimmin Road. He felt that Crimmin Road was an unsafe road and that increasing traffic on Crimmin Road was not a good idea.

EXPENDITURE REPORT

The Committee reviewed the expenditure report from July 2021. Member Koukol made a motion, seconded by Member Gilmour, to forward the bills to the Finance Committee. With a voice vote of four (4) ayes, the motion carried.

PETITIONS

Petition 21-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. Restriction Number 2.C of the 2019 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years. The site plan and picture of the sign were provided.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township. The property is zoned M-2.

The Land Resource Management Plan calls for the property to be commercial and suburban residential. Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is maintained by IDOT. Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township. Aurora has a trail planned along Hafenrichter.

There were no wetlands or floodplain on the property.

The adjacent land uses were agricultural, residential, commercial, and industrial.

The adjacent zoning districts were M-2 in the County and R-1 (S), R-5 (S), and B-2 (S) in Aurora.

Aurora's Future Land Use Map called for the area to be Low- and Medium-Density Residential, Commercial, Light Industrial, and Industrial.

Nearby zoning districts included A-1, R-3, B-3, M-1 SU, M-2 SU, in Kendall County and various districts in Aurora, Kane County, Will County, and DuPage County.

EocCat and Natural Resource Inventory not required.

Petition information was sent to Oswego Township on June 10, 2021. No comments were received.

Petition information was sent to the City of Aurora on June 10, 2021. The property owner was in annexation negotiations with the City of Aurora. Aurora sent an email on June 10, 2021, expressing no objections, but the sign would be removed upon annexation into Aurora. This email was provided.

Petition information was sent to Oswego Fire Protection District on June 10, 2021. Oswego Fire Protection District submitted an email on June 10, 2021, stating they had no comments regarding the request. This email was provided.

ZPAC reviewed this proposal at their meeting on July 6, 2021. ZPAC recommended approval of the request by vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. There were no comments or questions regarding the proposal. The Kendall County Regional Planning Commission recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 2, 2021. No members of the public testified in favor or in opposition to this request. To date, there have been no complaints regarding this billboard. The Kendall County Zoning Board of Appeals recommended approval with conditions by a vote four (4) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) were provided.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. These ordinances were provided.

The restrictions imposed by Ordinance 2019-22 include:

1. The sign shall look substantially in the form as shown in the attached Exhibit.
2. The sign shall be located substantially in the location depicted on the attached Site Plan.
3. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
4. The sign will not be illuminated.
5. The advertising on the sign is restricted to Pulte Group's residential development.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The appearance of the signs was included as Exhibits C and D in Ordinance 2019-22.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign was provided.

Since the sign was pre-existing, a building permit would not be required.

Access concerns, parking concerns, and screening concerns were not applicable.

A trail was planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

The sign will not be illuminated.

No portion of the property was in a flood area and no wetlands existed on the property. No stormwater issues were anticipated by the proposal.

No easements were believed to be impacted by the proposed sign.

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. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

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, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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. True, the proposed special use shall conform to the applicable regulations of the district.

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 special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommended the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. 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.

Chairman Gengler asked if this was the only billboard in the County. Mr. Asselmeier responded this was the only billboard that falls under these regulations. There were approximately six (6) billboards in the unincorporated area.

Member Koukol made a motion, seconded by Member Vickers, to recommend approval of the proposal to the County Board.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on August 17, 2021, on the consent agenda.

Member Gilmour asked if they will need permission from both Aurora and Kendall County if the property is annexed to Aurora. Mr. Asselmeier responded that it was his understanding that the billboard will be removed upon annexation to Aurora.

NEW BUSINESS

Approval of a Request from Mark Nichols for a Refund in the Amount of \$388.00 for an Unused Garage Addition Permit at 6145 Whitetail Ridge Drive (PIN: 05-12-226-013) in Kendall Township

Mr. Asselmeier summarized the request. The Petitioner no longer wishes to construct the garage as originally planned.

Member Vickers made a motion, seconded by Member Gilmour, to approve the refund as requested. With a voice vote of four (4) ayes, the motion carried.

Approval of a Request from Michael Isadore to Renew the Special Use Permit for Swimming Lessons Granted by Ordinance 1982-02 at 15331 Burr Oak Road, Plano

Mr. Asselmeier summarized the request.

In 1982, the Kendall County Board granted a special use permit for swimming lessons at 15331 Burr Oak Road (Ordinance 1982-2). Restriction #1 of this special use permit required annual renewal by the County Board/Committee.

On July 12, 2021, the property owner, Michael Isadore, submitted an email requesting the special use permit be renewed.

Member Vickers made a motion, seconded by Member Koukol, to approve the renewal as requested.

Chairman Gengler asked if this request was one (1) of the few that have to be renewed annually. Mr. Asselmeier responded that this request was the only special use permit that had to be renewed in this manner because of the language in the special use permit. Chairman Gengler asked why the Petitioner did not request to amend the special use permit to remove the requirement. Mr. Asselmeier responded that the cost of amending the special use permit compared with the cost in time to send an email requesting annual renewal made it cheaper for the Petitioner to simply ask for renewal every year.

With a voice vote of four (4) ayes, the motion carried.

Approval of an Approval of an Intergovernmental Agreement between the Village of Millbrook and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control, Comprehensive Plan, and Stormwater Management within the Jurisdiction of the Village of Millbrook for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Millbrook to the County of Kendall

Mr. Asselmeier summarized the request.

The agreement between the Village of Millbrook and Kendall County allowing the County to provide Planning, Building and Zoning Department related services expires in September.

No changes from the previous contract are proposed.

During the current agreement period, the County conducted 2 investigations in Millbrook and issued 4 permits with 9 inspections.

The Village of Millbrook approved the proposal at their meeting in July.

A copy of the proposed Intergovernmental Agreement was provided.

Member Koukol made a motion, seconded by Member Vickers, to approve the renewal as requested. With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on August 17, 2021, on the consent agenda.

NPDES Survey Results

Mr. Asselmeier noted that only three (3) townships responded, Na-Au-Say, Oswego, and Lisbon, compared to four (4) last year. He also noted that none of the townships utilize the County's website for stormwater information or volunteer opportunities. He stated river cleanups were not a popular choice for volunteer opportunities. The townships felt that the County does not provide adequate training and that the County was not doing the necessary steps to reduce flooding.

The surveys were mailed to Township Clerks with copies emailed to Township Supervisors.

Member Gilmour suggested emailing the surveys to Township Trustees and Highway Commissioners.

July 31, 2021 Meet the Code Official Event

Mr. Asselmeier reported that Brian Holdiman held an event at the Ace Hardware in Oswego. Approximately twelve (12) people met with him. This was the first time that this event occurred in the Village of Oswego; a similar event occurred previously in Yorkville.

OLD BUSINESS

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 and reported that Oswego Township had no objections with using their building provided the meeting date did not conflict the regular Oswego Township Board meeting.

Discussion occurred regarding having the meeting coincide with the Boulder Hill Neighborhood Watch meeting.

The consensus of the Committee was to have the meeting on October 21, 2021, at 6:30 p.m., at the Oswego Township Hall on Boulder Hill Pass. The meeting would be held in addition to the Committee's regular meeting.

Mr. Asselmeier will confirm the date and time with Oswego Township. Mr. Asselmeier will see if Oswego Township Inspector Rob DeLong is available to attend to discuss Township regulations and enforcement.

Member Vickers suggested discussing Oswego Townships towing regulations when snow storms occur.

Discussion occurred regarding gardening regulations. This item will be discussed at the September Planning, Building and Zoning Committee agenda.

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

August 16, 2021 Meeting at Lyon Farm

Mr. Asselmeier provided the invitation letter for the August 16th meeting.

Changing the Start Time of Meetings from 6:30 p.m. to 6:00 p.m.

Mr. Asselmeier report the Commission was considering changing the start time of their meetings.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report.

CORRESPONDENCE

July 16, 2021, Letter from Bright Farms Regarding Annexation Hearing for PIN: 01-12-400-006 Into the City of Plano

The Committee reviewed the letter.

COMMENTS FROM THE PRESS

None

Member Koukol thanked Mr. Asselmeier and Brian Holdiman for their work addressing some zoning issues.

Member Koukol asked Mr. Asselmeier about addressing issues at Caterpillar. Mr. Asselmeier explained the assignment of addresses using information from KenCom and the Oswego Fire Protection District. GIS was examining the issue.

EXECUTIVE SESSION

None

ADJOURNMENT

Member Vickers made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of four ayes, the motion carried.

Chairman Gengler adjourned the meeting at 7:20 p.m.

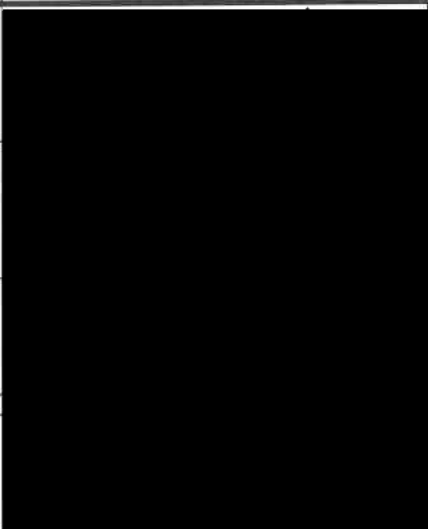
Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.



**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
AUGUST 9, 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)
KURT BUHLE		
John Vog		
Janette White		
Steve Graves		



Petition 19-12, A-1 Special Use – Banquet Facility

My 5 Major Concerns:

1. **Security** – When having events and large crowds, you do not know all of the attendees and you never know what type of people the event will draw. I don't want to worry about the safety of my family, my daughter, or my property. When there is alcohol involved, the concern is even greater.
2. **Compliance/enforcement** – There are a number of rules laid out in the permit proposal. How is compliance to those rules enforced? Do the current zoning regulations allow for events such as weddings to be held? If not, those current regulations are not being adhered to now. Why is there reason to believe that future regulations would be adhered to? What are the repercussions of not adhering to the regulations of the permit? How many violations before action is taken? Can a permit be revoked? Can a permit be denied renewal? My family's lifestyle will be directly, negatively impacted by every single event that is held.
3. **Negative impact to my land value** – This is one of our largest investments. We've invested a lot in a beautiful, peaceful country way of life. This is why we moved to an AG zoned area. I do not want my investment negatively impacted due to noise every weekend, security concerns and increased traffic on a dangerous road.

4. **Noise** - I want my daughter to have the opportunity to experience, appreciate and respect the country way of life, as I did when I was growing up. We moved here to enjoy the peace & quiet. If there are 30 events estimated, those are condensed into 7 working months of the year, which is more than 4 events/month. That is an event at least every weekend which would be a major disturbance to the peace & quiet. With commuting to work every day during the week, our only downtime for decompression is on the weekends. I do not want to hear an event every weekend. We have observed an event (I assume a wedding) on Saturday, June 8. Standing in front of my garage I could hear every word of every song. The DJ speaking was even louder than the music. The barn doors were open. When we turned off the TV to go to bed at 10:30pm, we could hear the music inside our house. **To have to deal with that every week in an AG zoned area is ridiculous.** I want to sit by my campfire with my family, listening to the crickets, coyotes and owls.

5. **Traffic** – I have major concern regarding the increase in traffic. Crimmin is a dangerous road for people who know it, let alone folks unfamiliar. It's already clear from the previous events, that the attendees and vendors are not familiar with this road. Night time is very risky with deer and bad visibility. We already have issues with people blowing by the stopped school bus with the existing amount of traffic. **In less than 5 years my daughter will be a new driver on the road and I don't want her to have to deal with this traffic on our road...it's zoned AG!** During the event that took place on June 8, I witnessed a new black Dodge Challenger pass the driveway and back up in the middle of the road when approaching from the South. I also witnessed a silver F150 do the same when approaching from the North. I also witnessed a Famous Daves catering truck back out of the driveway onto the road because someone else was coming out of the driveway. My wife saw the shuttle bus pull out across both lanes because it was too large to stay in it's lane. All of this in just one single event! A previous event had a stretch Hummer limo close the road for a good 10 minutes trying to pull in, before moving on to the North entrance. **I don't**

want provisions to make the increased traffic safer, I want to prevent the increased traffic this is zoned AG!

6. ***What next/the unknown*** – It has been my experience that messing with the zoning is always the first domino to fall. What comes next road changes due to increased traffic? Liquor license and intoxicated drivers? Zoning changes from AG? We moved out here for peaceful country living and I don't want to see it changed. It should remain that way.

I grew up on a small farm in a very rural area in southern Kendall County. Looking for an AG zoned property, we moved to our current home so I could provide my family with the peaceful country living that I was able to experience, appreciate and respect. We've invested a lot to be here and our Return On Investment (ROI) is our peace and quiet we get to come home to every day. I do not want my investment and return negatively impacted when the existing AG zoning ensures it should not be. It is for these stated reasons that I must STRONGLY oppose this petition for a special use permit.

Thank you for your time and consideration.

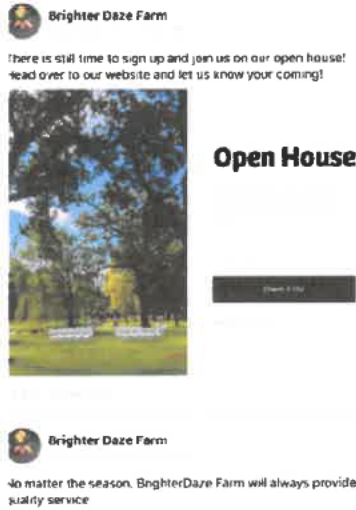
Sincerely,

Kurt Buhle

PERMIT VIOLATIONS 28JULY2021

Season 1:

1. Barn doors were never closed (North Side) during events with music.
2. Events were held beyond November 1st.



Season 2:

1. Barn doors were never closed (North Side) during events with music.
2. Multiple events have not concluded until 11:00pm.
3. Multiple events currently scheduled until 11:00pm.

*MfcgzGkZZqbDXmcsvpMvXSsRxbWchhN?projec



OCTOBER 2021						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

CASA GALA -
 11:00pm - 11:00pm
 BrighterDaze Farm
 10978 Crimmon Road
 Newark, IL 60541
 United States
 Benefit for CASA Kendall
 County



JULY 2021						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

ELIZABETH & KEVIN -
 11:00am - 11:00pm
 BrighterDaze Farm
 10978 Crimmon Road
 Newark, IL 60541
 United States

4. Currently more than 1 event scheduled on weekend of 10/31/2021.



OCTOBER 2021						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Questions:

1. Why are the North barn doors never closed as the rules state?
2. Why was there an event on 11/14/2020?
3. Why have there been multiple events ending at 11pm?
4. Why are there multiple events scheduled to end at 11pm?
5. Why are there multiple events scheduled on the weekend of 10/31/2021?

Brigher Daze Permit Violations

SEASON	DATE	VIOLATION
Season 1:	Every event with music	NEVER closed barn doors.
	11/6 (Wedding? Craft Fair?)	After Season close.
	11/14 Open House	After Season close.
Season 2:	5/21 Wedding (called Sheriff)	Noise level
		Barn doors not closed
		Did not end by 10:00pm (11:04pm DJ stopped)
	5/29 Wedding	Barn doors not closed
	6/5 Wedding	Barn doors not closed
	6/26 Wedding	Barn doors not closed
		Did not end by 10:00pm (10:50pm DJ stopped)