

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 October 12, 2021

CALL TO ORDER

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

ROLL CALL

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

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Scott Richmond, Lorena Gutierrez, and John Tebrugge

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Koukol, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Vickers, to approve the minutes of the September 13, 2021, meeting. With a voice vote of five (5) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from September 2021.

PETITIONS

Petition 21-29 Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC

Mr. Asselmeier summarized the request.

In January 2021, Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez purchased the subject property and wished to operate JJ Gutierrez Lawn Care, LLC at the property.

The application materials, survey of the property, site plan, aerial of the property with site plan superimposed, and topographic survey were provided.

Based on the information provided, a variance to allow parking in the front yard setback was also required.

The property was located at 12830 Ashley Road and consisted of approximately one point five (1.5) acres.

The existing land use was Agricultural/Farmstead and the property was zoned A-1.

The Land Resource Management Plan called for the property to be Agriculture in the County and Plattville's Future Land Use Map called for the property to be Low Density Residential.

Ashley Road was a Township maintained major collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent lands were zoned either A-1 in the County or A-1 inside the Village of Plattville.

The Land Resource Management Plan called for the area to the west to be Agricultural. Plattville's Future Land Use Map called for the area to be Low Density Residential.

The zoning districts within one half (1/2) mile were A-1, A-1 SU, and R-1 in the County and A-1 and R-1 inside the Village of Plattville.

Pictures of the property were provided.

The A-1 special use permit to the west is for electromagnetic compatibility testing.

EcoCAT Report was submitted on July 7, 2021, and consultation was terminated.

The NRI application was submitted on July 16, 2021. The LESA Score was 193 indicating a low level of protection.

Petition information was sent to Lisbon Township on August 5, 2021. The Lisbon Township Planning Commission reviewed this proposal at their meeting on September 14, 2021. The Commission voted to approve the proposal by a vote of three (3) in favor and one (1) in opposition. The Lisbon Township Board reviewed this proposal at their meeting on September 14, 2021. The motion to approve the proposal with the condition that the culvert be inspected by the Township Highway Commissioner was rejected by a vote of one (1) in favor and three (3) in opposition. The draft minutes of the Lisbon Township Board meeting were provided.

Petition information was sent to the Village of Plattville on August 5, 2021.

Petition information was sent to the Lisbon-Seward Fire Protection District on August 5, 2021. The Fire District sent an email on August 30, 2021 requesting one (1) fire extinguisher and one (1) first aid kit with applicable signage. The email was provided. The Petitioners were agreeable to this request.

ZPAC reviewed this proposal at their meeting on September 7, 2021. The Kendall County Soil and Water Conservation District noted the location of hydric soils on the property. The Kendall County Health Department stated their preference to have a dedicated well on the site or have clear language in any easements related to the well regarding usage of the well. The Petitioners indicated they were working on addressing the stormwater detention requirements. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 22, 2021. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and one (1) in opposition with one (1) member absent. Chairman Ashton voted no because the Petitioner previously started

operations at the property without securing proper zoning. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on September 27, 2021. Other than the Petitioners and the Petitioners' Attorney, no members of the public testified at the public hearing. Member Cherry questioned the County's ability to enforce the restrictions contained in the special use permit. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing were provided.

The Petitioners purchased the property in 2021 and started running a landscaping business on the premises without proper zoning. Upon receiving the warning letter, the Petitioners ceased operations of the business and started applying for the special use permit. The Petitioners continue to live at the property.

According to the business plan, JJ Gutierrez Lawn Care has been in business since 2016. The business has five (5) employees. Employees arrive at the property at approximately 6:00 a.m., go to work sites by 7:00 a.m., finish at work sites by 4:00 p.m., and return to the property and leave to go home by 6:00 p.m. The business operates Monday through Saturday. Business equipment presently consists of three (3) six (6) wheel dump trucks, one (1) pickup truck, and five (5) trailers for carrying lawn equipment. The Petitioners did not anticipate adding additional employees or equipment.

If approved, the Petitioners plan to start operations immediately.

One (1) two (2) story, approximately two thousand (2,000) square foot house, constructed in 1936 was located on the property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install one (1) forty foot by eight foot by six foot (40'X8'X6') storage container. The container would be used to store small landscaping equipment such as weed trimmers, power washers, ladders, blowers, and similar equipment.

The site plan and aerial also showed three (3) open storage areas; one (1) for gravel, one (1) for mulch, and one (1) for compost. The storage areas individually were ten feet (10') wide and eighteen feet (18') in depth. The piles of materials stored in these areas would be a maximum of seven feet (7') height.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Per the site survey, the property was served by a shared well. The well was located northwest of the existing house. There was a septic system on the premises. Employees would not be able to use the well on the property and no onsite restrooms would be provided.

There was also a propane tank on the premises located northeast of the house.

No outdoor refuse area was planned as part of the special use.

The property drained to the southeast.

A stormwater management permit will be required. The topographic survey was provided.

WBK reviewed this proposal and provided comments in a letter dated August 9, 2021, which was provided. The Petitioners amended the site plan from their original submittal to include a raingarden. The Petitioners were also in discussions with the County to pay a fee-in-lieu in addition to the raingarden to address the detention requirements. The specific information regarding the raingarden will be addressed as part of the stormwater management permit.

Member Gilmour asked for a description of the raingarden. Mr. Asselmeier responded that the specific design of the raingarden had not yet been determined. The raingarden would have appropriate plans and soils to absorb, slow, and clean the rainwater. Scott Richmond, Attorney for the Petitioners, confirmed that the raingarden was still under design. The specific layout of the raingarden will be finalized as part of the stormwater management permit. The Petitioners are required to have a raingarden per condition one (1) of the special use permit.

Member Koukol asked the size of the property. Mr. Asselmeier responded approximately one point five (1.5) acres. The Petitioners purchased the property from the property owner to the east and north. The Petitioners did not own the adjoining buildings.

Member Koukol asked, when the Petitioners stopped operations at the subject property, where did they place their equipment. Mr. Richmond responded that the Petitioners rented space from a neighbor. The neighbor's property is not zoned for a landscaping business.

Member Koukol asked about the pallet factory to the east of the subject property. The Petitioner were not associated with the pallet business.

Member Koukol asked if Mr. Richmond had reviewed County regulations. Mr. Richmond responded yes.

Per the survey, access to the existing house was by an easement with the properties to the north and east of the subject property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners proposed to install a new twenty foot (20') wide driveway five (5') feet to the north of the south property line. They also planned to install a culvert under the new driveway. Lisbon Township would have to approve this new access point.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install a gravel area approximately two hundred feet (200') in depth and one hundred fifteen feet (115') wide. There were five (5) parking spaces available on the west side of the gravel area for employee parking. The parking stalls would be ten feet (10') wide by twenty feet (20') long. There would also be a five (5) parking spaces on the east side of the property for trailers and trucks.

According to the site plan and the site plan superimposed over the aerial, the parking lot would be approximately forty-seven feet (47') from the centerline of Ashley Road. The right-of-way for Ashley Road has not been dedicated in this area. Per Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance, the parking area cannot encroach into the required one hundred fifty foot (150') front yard setback. The Petitioners were seeking a variance to allow the parking area as shown on the site plan.

No customers of the business would be invited onto the property.

If there is a motor vehicle or equipment related leak, the area impacted gravel and dirt would be removed and replaced with clean gravel and dirt.

Other than lighting related to signage, no additional lighting was planned as part of the special use.

According to the site plan superimposed over the aerial, the Petitioners planned to install one (1) two (2)-sided sign north of the arborvitae along the west side of the property. The sign would be six feet (6') wide and three feet (3') tall. The sign would be elevated approximately one point five feet (1.5') above grade.

The Petitioners would like the sign to be illuminated. Per Section 12:08.A.2.a of the Kendall County Zoning Ordinance, the sign could be illuminated between 6:00 a.m. and 11:00 p.m.

Two (2) existing A-1 zoned properties with special use permits for landscaping businesses, 1996 Cannonball Trail and 997 Harvey Road, had illuminated signs.

No security gates or fencing were planned as part of the special use.

The Petitioners had already planted sixteen (16) arborvitae on the west side of the property as shown on the site plan and aerial. They were approximately three feet to four feet (3'-4') in height. They would grow to approximately sixteen feet (16') in height.

Fifteen (15) blue spruce trees would be planted near the southern property line in spring of 2022. The height at the time of planting would be five feet to six feet (5'-6') and they would grow to approximately twenty to twenty-five feet (20'-25') in height.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

If approved, this would be the sixteenth (16th) special use permit for a landscaping business in unincorporated Kendall County.

The Findings of Fact for the special use permit are 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 the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The owners of the business allowed by the special use permit will not invite the public onto the property. Only landscape related materials and equipment will be stored at the subject 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. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater 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. Provided a variance is granted for the location of the parking area, the 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 use is consistent with an objective found on Page 9-21 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”.

The Findings of Fact for the variance are as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property is approximately two hundred feet (200') deep as measured from west to east. It would be difficult to have off-street parking and the proposed business on the subject property without a variance for parking.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Most A-1 zoned properties, including properties that have existing special use permits for landscaping businesses, are larger and wider and do not have a need for a variance with regards to parking in the front yard setback.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create the size or configuration of the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the parking encroachment will not impair any of the above items.

Staff recommended approval of the special use permit for a landscaping business and variance to allow parking in the front yard setback subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and aerial showing the site plan, including the addition of a raingarden as shown on the site plan.
2. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
3. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the submitted site plan. The parking area shall be gravel.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the submitted site plan. The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
10. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the submitted site plan. The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.
11. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the submitted site plan. The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

12. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the submitted site plan. The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
15. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. 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.
18. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
19. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. The property owner and operator of the business allowed by this special use permit shall

follow all applicable Federal, State, and Local laws related to the operation of this type of business.

22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The draft ordinance was provided.

Mr. Richmond reiterated that the site is not used for customers coming to the site. Also, the sign will be lit by landscape lights.

Member Gilmour made a motion, seconded by Member Vickers, to recommend approval of the special use permit and variance with the conditions proposed by Staff.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the regular agenda.

Petitions 21-30 and 21-31 Robert Velazquez on Behalf of Always Faithful Properties, LLC

Mr. Asselmeier summarized the request.

Robert Velazquez, on behalf of Always Faithful Properties, LLC, was requesting a map amendment rezoning approximately thirteen point seven (13.7) more or less acres from A-1 Agricultural District with a special use permit to B-3 Highway Business District in order to operate a landscaping business on the subject property after rezoning and after securing a special use permit to operate a landscaping business on the subject property.

The application materials, aerial of the property, plat of survey and site plan, and Ordinance 1982-10, which granted a special use permit for the storage of recreation vehicles, boats, and antique cars, were provided.

Route 47 is a State maintained Arterial Road. Yorkville has a trail planned along Route 47 in this area. IDOT has bicycle accommodations planned on the roadway.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural, Commercial and Utility.

The Future Land Use Map called for the area to be Transportation Corridor and Commercial.

The nearby zoning districts were A-1 and A-1 SU.

The A-1 special use permit to the south is for agricultural implement sales and service. The parcel to the southeast is owned by the Federal Aviation Administration and is used for a communication tower.

The subject property is over two (2) miles from the United City of Yorkville and the Village of Plattville. Yorkville's Comprehensive Plan calls for this area to be Estate/Conservation Residential. Plattville's Comprehensive Plan calls for this area to be commercial.

EcoCAT Report submitted and consultation terminated.

The application for NRI was submitted on July 7, 2021. The LESA Score was 235 indicating a high level of protection. The NRI was provided.

Petition information was sent to Kendall Township on August 27, 2021. The Kendall Township Planning Commission reviewed these proposals at their meeting on September 14, 2021. Discussion centered on stormwater drainage. The Kendall Township Planning Commission recommended approval of the proposal with a request that the County Stormwater Engineer examine the stormwater outlet elevation of the pond with consideration given to the impact of drainage on the surrounding properties by vote of five (5) in favor and zero (0) in opposition. The Kendall Township Board recommended approval of this proposal on September 21, 2021. The email stating their position was provided.

Petition information was sent to the Bristol-Kendall Fire Protection District on August 27, 2021.

ZPAC reviewed these proposals at their meeting on September 7, 2021. The Petitioner requested that the maximum number of employees be increased from forty (40) to fifty (50) and the deadline to install landscaping be extended from May 15th to June 1st. The Kendall County Soil and Water Conservation District requested that the Petitioner install proper soil erosion and sediment control measures during construction and secure an NPDES Permit. The Kendall County Health Department requested that the Petitioner work with them on well and septic information. The Petitioner stated that he planned to consolidate operations and move from his current location on Route 71 to the subject property. ZPAC recommended approval of the requests by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed these proposals at their meeting on September 22, 2021. Discussion occurred regarding having illuminated signage because of the high volume and speed of traffic on Route 47. Discussion also occurred regarding the stormwater drainage plan. The Kendall County Regional Planning Commission recommended approval of the proposals with the change to allow the sign to be illuminated by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 27, 2021. The Petitioner's Attorney was the only person that testified at the public hearing. It was noted that the house and trees along the old driveway had been removed. The Petitioner's Attorney explained the drainage plan. The portion of the property that will not be used for the landscaping business will be used be planted with a low fescue cover crop. The Petitioner has outgrown his current location on Route 71 and wants to consolidate operations at this property. The Kendall County Zoning Board of Appeals recommended approval of the map amendment and special use permit by a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing were provided.

According to the business plan, the business has a maximum of fifty (50) employees during the busy summer season and as few as three (3) employees during the off-season. Of these, approximately four (4) employees would be onsite constantly. The normal anticipated hours of operation for employees would be on Monday through Friday from 5:00 a.m. until 7:00 p.m. and from 7:00 a.m. until 1:00 p.m. on Saturdays. The Petitioner acknowledged that, during the winter, employees may arrive at the property anytime to clear snow from customers' properties. Hours of operation for members of the public would be Monday through Friday from 7:00 a.m. until 5:00 p.m. Hours of operation for deliveries would be Monday through Friday from 7:00 a.m. until 5:00 p.m. with limited Saturday hours.

No information was provided regarding the number of company trucks or other business related equipment that would be stored at the property.

If approved, the Petitioner planned to start construction immediately and start operations as quickly as possible.

According to the site plan, the Petitioner plans to construct the following buildings:

1. One (1) approximately four thousand (4,000) square foot, two (2) story office.
2. Two (2) approximately three thousand one hundred seventy-four (3,174) square foot, three (3) bay garages.
3. One (1) approximately one thousand one hundred fifty (1,150) square foot drive thru maintenance bay.
4. One (1) approximately one thousand two hundred fifty (1,250) square foot storage bay.
5. Three (3) nursery/hoop houses. The hoop houses would be approximately one thousand two hundred (1,200) square feet, one thousand six hundred (1,600) square feet, and two thousand six hundred (2,600) square feet in size respectively.

In addition to the above new structures, the site plan also shows the retention and repurpose of the following structures already located on the property:

1. Two (2) existing barns located near the northeast corner of the site. The barns are approximately nine thousand two hundred sixty-five (9,265) square feet and nine thousand two hundred fifty (9,250) square feet in size respectively. The barns will be used for storage.
2. One (1) existing barn located south of the development area. This barn is approximately one thousand four hundred sixty-five (1,465) square feet in size and will be used for bulk salt storage.

In addition to the proposed and existing buildings, the site plan shows twenty-two (22) concrete block bulk storage bins. The storage bins would be approximately fifteen feet (15') wide, thirty (30') feet deep, and eight feet (8') tall. The materials stored in these bins shall be a maximum ten feet (10') tall.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Electricity is presently onsite.

No information was provided regarding the existing well or septic system. According to the site plan, an approximately five thousand (5,000) square foot septic field was planned northeast of Garage Building 2.

The site plan also showed three (3)-five hundred (500) gallon fuel tanks southeast of Garage Building 1.

One (1) trash dumpster surrounded by a six foot (6') wooden fence was also shown on the site plan southeast of Garage Building 1.

The property drains to the southeast. One (1) stormwater detention pond is planned at the southeast corner of the property.

A stormwater management permit will be required. Stormwater related information is included with the site plan. WBK submitted a comment letter dated September 8, 2021, which was provided. As noted in the letter, WBK was requesting additional information on the pond.

At the Regional Planning Commission meeting, the Petitioner's Attorney noted there would not be a pond per se. A four foot (4') tall berm would be constructed at the southeast corner of the property to manage stormwater flow/evaporation to ensure the neighboring property did not receive additional runoff.

The property fronts Route 47.

According to the site plan, the existing gravel driveway will be removed and a twenty-four foot (24') wide paved drive will be installed.

The Illinois Department of Transportation had no concerns regarding this proposal; the emails regarding this proposal were provided.

According to the site plan, there are (2) two parking lots. The parking lot west of the Office Building has nineteen (19) parking spaces. The parking lot west of Existing Building 2 has sixteen (16) parking spaces. There is one (1) handicapped parking space in each parking lot. The site plan also shows outdoor parking spaces for company vehicles.

The westernmost parking lot is paved and the easternmost parking lot will be composed of limestone or asphalt screenings.

None of the parking areas are located in the required setbacks.

According the photometric plan, there will ten (10) RAR2-320L-165-4K7-4W(1) pole mounted lights located mostly around the perimeter of the developed area. Four (4) RAR2-320L-165-4K7-5QW(1) pole mounted lights will be located west and southwest of Existing Building 2. Three (3) RWL1-48L-25-4K7-4W lights will be located on Existing Storage Buildings 1 and 2. Two (2) RWL2-160L-80-4K7-WW lights will be located on the Garage Buildings 1 and 2. The pole mounted lights will be lowered to twenty feet (20') in height to comply with the Zoning Ordinance.

The anticipated foot-candles at the property lines will be 0.8 which is less than the 5.0 foot-candle maximum allowed by the Zoning Ordinance for adjoining properties planned to be commercial.

According to the site plan, there will be one (1) monument sign located approximately fifteen (15') east of the right-of-way line. The sign will be approximately five feet (5') in height and ten feet (10') feet in width, including supports.

The Kendall County Regional Planning Commission requested that the sign be illuminated. The sign may be lit between the hours of 6:00 a.m. and 8:00 p.m.

According to the site plan, there will be one (1) six foot (6') wooden screen fence located along the northern property line north of the Existing Storage Buildings. The Petitioner also plans to install security cameras and an alarm system in all buildings. The Petitioner may install a gate at the main entrance if necessary.

According to the landscaping plan, the Petitioner plans to install the following landscaping around the western parking lot:

1. Three (3) Red Sunset Maples
2. Two (2) Skyline Honeylocusts
3. Fifteen (15) Annabella Hydrangeas
4. Ten (10) Alpine Currants
5. Twenty (20) Double Knock Out Roses
6. Eight (8) Blue Muffin Viburnum
7. One Hundred Forty (140) Autumn Joy Sedums
8. Three Hundred Eighty (380) Russian Stonecrops
9. Two Hundred Ten (210) Dart's Blue Perwinkle

The Petitioner also plans to install eight (8) Techny Arborvitaes around refuse area.

The shrubs shall be two feet (2') in height at the time of planting. The canopy trees will be two point five inch (2.5") caliber at the time of planting and shall grow to fifty feet (50') in height. The Techny Arborvitaes shall be a minimum six feet (6') in height at the time of planting. The Petitioner plans to install all landscaping by June 1, 2022.

In addition to the landscaping mentioned previously, the Petitioner plans to install two (2) hardscape courtyards and two (2) landscape garden showcase areas on the property as shown on the site plan. The site plan also shows a nursery stock area.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the sixteenth (16th) special use permit for a landscaping business in unincorporated Kendall County.

The Findings of Fact for the map amendment were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or communication purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 with a special use permit for agricultural implement sales and service.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and could be used for many uses presently permitted under the A-1 zoning classification.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and commercial uses. Commercial uses in the area probably will increase as the Illinois Department of Transportation widens Route 47.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Transportation Corridor and Commercial. The B-3 Highway Business Districts is consistent with the Commercial classification. The Land Resource Management Plan calls for limited B-3 Highway Business District zoned property on lands classified as Transportation Corridor.

The Findings of Fact for the special use permit 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 the site is developed in accordance with the submitted site plan, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare.

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. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities are planned for the site. The property has direct access to Route 47 and the Illinois Department of Transportation expressed no concerns regarding the proposed use. A stormwater management permit is required and that permit will address drainage.

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. The Petitioner is not requesting any variances 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 use is consistent with a goal found on Page 7-26 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.” An objective under this goal further states, “Explore economic development opportunities along Route 47 Corridor to enhance the tax base and to encourage local employment and shopping opportunities.”

Staff recommended approval of the proposed map amendment because the proposal was consistent with the Land Resource Management Plan.

Staff recommended approval of the special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan, landscaping plan, and photometric plan, including allowing for illuminated signage. The gravel parking lot noted on the site plan shall be composed of either limestone or asphalt screenings. The fourteen (14) light poles shown on the site plan and mentioned in the photometric plan shall be a maximum twenty feet (20') feet in height. The owner of the business allowed by this special use permit may also install a security gate at the main driveway entrance.
2. All of the structures shown on the site plan shall be constructed and occupied by December 31, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The business allowed by this special use permit may commence operations starting upon approval of the special use permit. However, customers shall not be invited onto the property until an occupancy permit has been issued for the office building.
3. The owners of the business allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored on the subject property and shall promptly clean up the site if leaks occur.
4. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
6. None of the vehicles or equipment parked or stored on the subject property related to

the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.

7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
8. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be ten feet (10'), provided a Stormwater Management Permit is issued.
9. One (1) two (2)-sided business related sign may be installed in substantially the location shown on the site plan. The sign shall be a maximum of ten (10') wide and five feet (5') tall, including supports. The sign may be illuminated between the hours of 6:00 a.m. and 8:00 p.m.
10. The landscaping shown on the landscaping plan shall be installed no later than June 1, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The Red Sunset Maples shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Skyline Honeylocusts shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Techny Arborvitaes shall be a minimum six feet (6') tall at the time of planting. Damaged or dead plants that are part of the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. Nursery stock shall be exempt from this provision.
11. No landscape waste generated off the property can be burned on the subject property.
12. A maximum of fifty (50) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit for the members of the public shall be Monday through Friday from 7:00 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. The hours of operation of the business allowed by this special use permit for employees of the business shall be Monday through Friday from 5:00 a.m. until 7:00 p.m. and Saturday from 7:00 a.m. until 1:00 p.m. The owner of the business allowed by this special use permit may expand these hours of operation for employees to address the needs of customers impacted by snowfall. Business related deliveries may occur during these hours of operation. The owners of the business allowed by this special use permit may reduce these hours of operation.
15. 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.

16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
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.
20. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The draft ordinance was provided.

Chairman Gengler asked about the difference between an A-1 special use permit and a B-3 special use permit. Mr. Asselmeier responded that, if the use were ever to leave the site, the property could be marketed as a commercial site and any use allowed in the B-3 district could be placed on the property. Chairman Gengler felt that having business zoning at that location made sense.

Member Koukol made a motion, seconded by Member Flowers, to recommend approval of the map amendment and special use permit with the conditions proposed by Staff.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the regular agenda.

John Tebrugge, Engineer for the Petitioner, noted their work on the property and they have addressed WBK's concerns related to stormwater.

Member Koukol noted the history and projects of Semper Fi Landscaping. He felt this project would look nice coming into Yorkville.

Petition 21-33 Elizabeth Bowyer on Behalf of Doragon Properties, LLC

Mr. Asselmeier summarized the request.

The Petitioner would like to operate a monthly craft fair (sale of agricultural products not grown on premises and the sale of pottery, art, and home décor not produced on the premises) one (1) Saturday per month between April 1st and November 1st.

The Petitioner has been operating the craft fair without a special use and would like to come into compliance.

The Zoning Ordinance required the sale of pottery, art, and home décor products to be located on properties not designated as Agricultural on the Future Land Use Map. The Petitioners were seeking a variance to this provision.

The application materials, plat of survey, aerial of the entire property, and aerial of the area where craft fair/market would occur were provided.

The property was granted a special use permit for a landscaping business in 2005. This special use permit was also provided.

The property was approximately fifty (50) acres in size.

The Current and Future Land Uses are Agricultural.

Whitewillow Road is a County maintained Major Collector. Brisbin Road is a Township maintained Major Collector.

Minooka has trails planned along Whitewillow and Brisbin Roads.

There were no floodplains or wetlands on the property. The pond was permitted as part of the development of the landscaping business.

The adjacent land uses were Agricultural and Farmstead.

The adjacent zoning districts and nearby zoning districts were A-1.

The County's Future Land Use Map called for the area to be Agricultural. The Village of Minooka's Future Land Use Map called for the area to the north and south to be Traditional Neighborhood and the area to the east to be Light Industrial.

EcoCat submitted on August 24, 2021, and consultation was terminated.

The Petitioner did an NRI application as part of a proposed cannabis business at the subject property in April 2020. The LESA Score was 220 indicating a medium level of protection. The NRI Report was provided.

Seward Township was emailed information on August 27, 2021. Seward Township was emailed information on August 27, 2021. The Seward Township Planning Commission reviewed this proposal at their meeting on September 7, 2021. The Seward Township Planning Commission recommended approval of the request with the amendment to allow the Petitioners to increase the number of vendors to forty (40) upon notice to the Township. The minutes of this meeting were provided. The Seward Township Board concurred with the Seward Township Planning Commission at their meeting on September 14, 2021.

The Village of Minooka was emailed information on August 27, 2021.

Lisbon-Seward Fire Protection District was emailed information on August 27, 2021. They requested two (2) strategically placed fire extinguishers and first aid kits with related signage. The email from the Fire Protection District was provided.

ZPAC reviewed this proposal at their meeting on September 7, 2021. Discussion occurred regarding signage; the Petitioners' Attorney agreed to discuss having one (1) stationary sign only at the corner of Whitewillow and Brisbin Roads with his clients. The number of vendors was increased from thirty-one (31) to thirty-five (35). The Kendall County Health Department requested that the Petitioners contact them regarding the placement of the septic field in relation to the parking lot. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 22, 2021. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and one (1) in opposition with one (1) member absent. Chairman Ashton voted no because the Petitioner previously started operations at the property without securing proper zoning. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 27, 2021. Other than the Petitioners' Attorney, nobody testified at the public hearing. Discussion occurred regarding fencing around the pond. The Kendall County Zoning Board of Appeals recommended approval of this proposal by vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of this hearing were provided.

According to information provided to the County, the Petitioner would like to operate a thirty-five (35) stall craft fair west of the existing main building as identified in the provided aerial. The vendor stalls are approximately twelve foot by fourteen foot (12' X 14'). The stalls are made of wood with an area to erect a tent. The stalls are also numbered; a picture of an example stall was provided. Pictures of the vendor row were provided.

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

Vendors sell a variety of craft products.

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. The Petitioner is seeking a variance to this requirement.
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 to the County, the Petitioner would like to operate the craft fair one (1) Saturday per month between April 1st and November 1st. Vendors start setting up at 6:00 a.m. The craft fair is open to the public from 8:00 a.m. until about 4:00 p.m. Vendors leave the site by 6:00 p.m.

After the Zoning Board of Appeals hearing, the Petitioner requested the option to have a Christmas craft fair. No information was provided on when the Christmas craft fair would occur.

The Petitioner has five (5) full-time employees that monitor the craft fair, including herself and her husband.

The usual number patrons on the property at a given time for the craft fair is approximately fifty (50).

No new structures are planned for the property.

There are existing restrooms inside the building used for the landscaping business. There are two (2) porta-johns available for the vendors and patrons at the craft fair.

There is a private well onsite.

The Petitioner would make accommodations for vendors that want electricity.

The property drains to the southeast.

The Petitioners secured applicable permits in 2004 for the construction of the pond on the premises.

Based on the information provided, no stormwater permits are required because the Petitioner does not plan to add any impervious surface.

The property has access from Whitewillow Road.

According to the provided aerial, there are approximately eighty (80) parking spaces on the property. These include parking spaces east and south of the building used for the landscaping business. There is also parking available for vendors west of the vendor row. There were six (6) identified handicapped parking spaces on the property.

No additional lighting was planned as part of this project. The craft fair ends by dusk. 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 one (1) mobile sign placed at the southeast corner of Whitewillow and Brisbin Roads. A picture of the sign was provided. The Petitioners would like the sign to remain at the intersection between May 1st and December 1st of each year. The sign would not be illuminated.

There are other directional signs located on the property and the landscaping business/nursery has separate signage for that portion of the business.

No additional landscaping is planned. Nursery materials along Whitewillow Road presently serve as screening.

No information regarding noise control was provided.

After the Zoning Board of Appeals hearing, the Petitioner indicated that they may want to have music as part of a Christmas craft fair. Staff responded by saying that, if music was played, the requirements of the Kendall County Noise Ordinance would have to be followed. The Petitioner had not indicated if they were agreeable to following the noise regulations.

The Findings of Fact for the special use permit 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 subject property already has an established landscaping and nursery business. The proposed use will complement the existing special use and will minimally impact the area.

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, site layout, and noise. No new buildings or other significant alterations away from the current appearance of the property or general area 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. Parking areas are already established. 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 provided the variance to allowing the use on property designated as Agricultural on the Land Resource Management Plan is approved.

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 9-21 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.”

The Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. There is no topographical hardship.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Very few A-1 zoned properties have an existing commercial use as intense as the use located on the subject property. Most properties zoned A-1 and classified as Agricultural on the Land Resource Management Plan do not have the existing facilities to support this type of use.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create or request the land designation contained in the Land Resource Management Plan.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The subject property already has a special use permit. The proposed use would only operate for a very brief time of the year. No improvements to the property are planned as part of the proposal. Therefore, no injury to the public welfare or other properties is foreseen.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Because of the limited operations proposed and because no new structures are

planned, the proposal will not impair the supply of light or air to adjacent properties, cause increased congestion on local streets, endanger public safety, or impair property values.

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

1. The site shall be developed substantially in accordance with the submitted aerial. Other than parking and signage, the craft fair shall be limited to area designated as "Vendor Area" on the aerial. 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.
2. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.
3. The subject parcel must remain at least three (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting. To that end, no vendor stall located in the northern row of the vending area shall be open toward the north.
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 of thirty-five (35) vendors may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 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 April 1st and November 1st.
9. A maximum of five (5) people, including the property owner 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 on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in the sign picture. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.
11. 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. Two (2) strategically placed operating fire extinguishers and first aid kits shall be placed on the subject property along with applicable signage for the fire extinguishers and first

aid kits.

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 these types of uses.
16. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.
17. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
19. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The draft ordinance was provided.

Discussion occurred regarding the frequency of events at the subject property compared to the similar use at the Hogan property on Brisbin Road. The Petitioner on Whitewillow Road was asking to operate for one (1) Saturday per month only.

Member Koukol noted all of the activity at the property.

Member Flowers asked how long the activity has been occurring. Mr. Asselmeier said the craft fair has been operation since at least 2020.

Chairman Gengler asked about having multiple signs. Discussion occurred regarding the composition of the signs. Several Members suggested having only one (1) sign at the property. Member Koukol suggested moving the portable sign out of the ditch.

Discussion occurred about restricting garage sales in certain areas. Member Flowers expressed concerns about other property owners engaging in this type of business.

Discussion occurred about having an inclement weather plan and having an emergency meeting spot. The consensus of the Committee was not to include an inclement weather plan.

Member Gilmour made a motion, seconded by Member Koukol, to recommend approval of the special use permit and variance with the conditions proposed by Staff with the changes to allow the northern most vendor stalls to open to the north and to allow the Petitioners to have one (1) additional holiday event in December with music provided that the noise regulations were followed.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the regular agenda.

NEW BUSINESS

Recommendation on Fiscal Year 2021-2022 Meeting Calendar

Mr. Asselmeier presented the proposed calendar. He noted that the December 2021 meeting may need to change if the Zoning Board of Appeals hearing occurs December 13th.

Member Flowers made a motion, seconded by Member Vickers, to recommend approval of the meeting calendar with the October 2022 meeting moved to October 6, 2022.

With a voice vote of five (5) ayes, the motion carried.

Recommendation on the 2021 Comprehensive Noxious Weed Work Plan

Mr. Asselmeier summarized the request.

Kendall County is required by Illinois law to submit an annual Noxious Weed Comprehensive Work Plan to the State by November 1st of each year. This proposal is the same as the 2021 Noxious Weed Comprehensive Work Plan.

Member Koukol made a motion, seconded by Member Vickers, to recommend approval of the meeting work plan.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the consent agenda.

Discussion of Amendments to the Future Land Use Map Regarding Properties Along the Eldamain Road and Highpoint Road Corridors South of the Fox River

Mr. Asselmeier summarized the issue.

Starting in October 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee initiated discussions regarding changing the Future Land Use Map for properties located along the Eldamain Road Corridor south of the Fox River, in light of the funding for the Eldamain Road Bridge and the abandonment of the centerline for the Prairie Parkway. In particular, the Committee discussed possible commercial and/or manufacturing investment in this area. A map showing the access points along the corridor was provided.

The Kendall County Future Land Use Map currently calls for this area to be Rural Residential (Max Density 0.65 DU/Acre) and Mixed Use Business. The Comprehensive Land Plan and Ordinance Committee requested maps be prepared reclassifying most of the Rural Residential lands to Mixed Use Business. Copies of the existing Future Land Use Map and draft Future Land Use Map were provided.

The Yorkville Future Land Use Map currently calls for this area to be Estate Residential. The Millbrook Future Land Use Map currently calls for this area to be Business Park Office and Commercial with Industrial near the former Prairie Parkway alignment. The Plano Future Land Use Map currently calls for the area in their planning jurisdiction to be Estate Residential (0-0.8 DU/Acre). Copies of all of the Future Land Use Maps for this area were provided.

The Comprehensive Land Plan and Ordinance Committee contacted the municipalities and Fox Township. The Village President of Millbrook has attended meetings of the Comprehensive Land Plan and Ordinance Committee and is working with the other impacted municipalities in

the initial discussion of establishing boundary agreements with Millbrook. Staff from Yorkville prepared a memo on the subject which was provided.

At their meeting on October 1, 2021, the Kendall County Economic Development Committee recommended approval of moving forward with the project.

The Comprehensive Land Plan and Ordinance Committee would like to obtain advice from the Kendall County Planning, Building and Zoning Committee regarding whether or not the Comprehensive Land Plan and Ordinance Committee should continue pursuing changing the Future Land Use Map in this area. If no objections to continue the process are raised, the Comprehensive Land Plan and Ordinance Committee's next step is to have a meeting with impacted property owners and other stakeholders on October 27th.

Mr. Asselmeier explained the procedure for amending the Future Land Use Map.

Discussion occurred regarding the alignment of Eldamain Road.

The consensus of the Committee was that the Comprehensive Land Plan and Ordinance Committee should continue their work and meet with the impacted property owners. The Comprehensive Land Plan and Ordinance Committee will meet with impacted property owners at 5:00 p.m. on October 27, 2021.

OLD BUSINESS

Review of Agenda for October 21, 2021 Kendall County Planning, Building and Zoning Committee Meeting in Boulder Hill

The Committee reviewed the draft agenda.

The meeting will cover home occupations, general business regulations, trailer parking regulations, noise regulations, junk and debris regulations, and the rules related to inoperable vehicles.

Discussion occurred regarding the advertising of the meeting.

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

Recommendation on Application for a Certified Local Government Grant from the Illinois Department of Natural Resources to Fund a Structure Survey in Unincorporated Kendall and Bristol Townships in the Amount of \$42,500; The Grant would Reimburse Kendall County 70% of Project Costs and Kendall County Funds the Remaining 30% of Project Costs

Mr. Asselmeier noted that the grant application window had opened and he was working with Ken Itle of WJE on assembling the Certified Local Government Grant application.

If the grant was awarded, the County would start work in February or March and the County has to complete the project by September 30, 2022.

If the County was not awarded the grant, another round of grants would open in January 2022.

Member Gilmour made a motion, seconded by Member Flowers, to recommend approval for applying for the grant.

With a voice vote of five (5) ayes, the motion carried.

The grant application will go to the County Board on November 2, 2021.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

Chairman Gengler made a motion, seconded by Member Koukol, to enter into executive session for the purposes of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The votes were as follows:

Yeas (4): Flowers, Gengler, Koukol, and Vickers

Nays (1): Gilmour

Abstain (0): None

Absent (0): None

The motion carried.

The Committee recessed at 8:02 p.m.

Chairman Gengler called the Committee back to order at 8:05 p.m.

ROLL CALL

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

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner)

NEW BUSINESS

Approval to Release Executive Session Minutes of October 12, 2021

Member Vickers made a motion, seconded by Member Flowers, to recommend approval of the release of the Executive Session Minutes of October 12, 2021.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the consent agenda.

ADJOURNMENT

Member Flowers made a motion, seconded by Member Koukol, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 8:06 p.m.


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

Enc.



**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
OCTOBER 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)
Scott Richmond	 Petition 21-29	

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Executive Session Minutes of October 12, 2021

CALL TO ORDER

The executive session was called to order by Chairman Scott Gengler at 8:04 p.m.

ROLL CALL

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

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner)

The purpose of this executive session was to review minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The Committee reviewed the minutes from the following meetings:

December 19, 2016

August 7, 2017

The consensus of the Committee was to release the minutes of October 12, 2021. The other minutes shall remain confidential for personnel reasons.

Motion by Member Gilmour, seconded by Member Flowers, to adjourn executive session.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Koukol, and Vickers

Nays (0): None

Abstain (0): None

Absent (0): None

Chairman Gengler adjourned the executive session at 8:05 p.m.

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