

**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 November 8, 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), Aaron Rybski, Boyd Ingemunson, Kurt Buhle, Jeanette Buhle, Steve Graves, Dan Kramer, and Brenda Zeiter

**APPROVAL OF AGENDA**

Member Koukol made a motion, seconded by Member Flowers, 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 October 12, 2021, meeting. With a voice vote of five (5) ayes, the motion carried.

Member Koukol made a motion, seconded by Member Vickers, to approve the minutes of the October 21, 2021, meeting in Boulder Hill. With a voice vote of five (5) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from October 2021. Mr. Asselmeier noted invoices from WBK Engineering related to stormwater investigations in Fox River Gardens and Whitetail Ridge.

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

**PETITIONS**

Petition 21-26 Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis

Mr. Asselmeier stated that two (2) issues needed to be addressed.

The first issue is the septic system has been installed.

The second issue is the Petitioners wanted to amend the landscaping plan by planting six (6) white pine trees and six (6) blue spruce trees instead of twelve (12) cedar trees. The trees

shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021.

Mr. Asselmeier noted that the Sheriff's Department received a complaint stating that an event occurred on November 6, 2021, which was beyond the operating season of the current special use permit. Mr. Asselmeier also provided information from Kurt Buhle regarding traffic issues on Crimmin Road, the barns doors being open, events occurring after 11:00 p.m., multiple events per weekend, loss of property values, and code enforcement.

Aaron Rybski, Kendall County Health Department, said the septic system is sized to support six (6) employees and two hundred eighty (280) guests per day. The system was installed in October.

Member Koukol noted how quickly the Petitioners installed the septic system.

The system was sized to meet the needs of the Petitioners proposed operations.

Kurt Buhle questioned the enforcement of the rules. He noted the closure of barn doors makes a difference.

Member Koukol requested clarifications regarding the pictures provided. Mr. Buhle explained the traffic jams on Crimmin Road.

Chairman Gengler asked about events running after hours. Mr. Asselmeier said the most recent complaints occurred after the special use permit amendment application occurred.

Mr. Asselmeier explained enforcement procedures, the process for fining in cases of violation, and revocation of special use permits. The Department, historically, has not prosecuted people for violations when they were pursuing zoning actions through the County Board.

Steven Graves and his wife stand behind the Buhles.

Jeannette Buhle said enforcement needed to be addressed; the Petitioners should follow the rules in place. She expressed concerns that the Petitioners will not follow the amended restrictions.

Member Koukol discussed the wedding venue on Walker Road and the neighboring property that sold for good money. He asked if the Buhles hired an appraisal. The response was no.

Member Flowers asked about the frequency of amendments to special use permits. Mr. Asselmeier responded there have been two (2) or three (3) minor amendments and approximately two (2) major amendments. Member Flowers asked, in those cases, were people following the rules of their special use permits. Mr. Asselmeier said yes.

It was noted that the existing season was from April 1<sup>st</sup> to November 1<sup>st</sup>. The Petitioners applied in June for the amendments to the special use permit.

Boyd Ingemunson, Attorney for the Petitioners, noted the disparity between his clients' special use permit and the special use permits for similar uses. He felt that his clients were not in a position to object to the conditions of their special use permit at the time the special use permit was originally issued. He noted that no noise violations have occurred. He also noted that every Committee, until the Planning, Building and Zoning Committee voted favorably for the project. He discussed the septic situation. He also discussed the need to reschedule events due to COVID. He felt the conditions were unreasonable.

Member Flowers asked about the septic system in relation to the original operations. Mr. Asselmeier said they had to follow all applicable laws. Mr. Ingemunson felt that the septic issue fell through the cracks and was not evaluated at the time the special use permit was issued.

Member Gilmour appreciated the Petitioners efforts to install the septic system. She noted safety concerns on Crimmin Road. Mr. Ingemunson noted that the Petitioners donated land for right-of-way. She encouraged the Petitioners to be good neighbors. She felt the noise ordinance should be corrected. Mr. Ingemunson said the Petitioners reached out the neighbors and the Petitioners are monitoring the noise levels.

Chairman Gengler expressed trust issues. He noted the trails on Forest Preserve property. The Petitioners had events before the special use permit was issued. He noted the balanced between peace and quiet and business growth. He expressed concerns about taxing the resources of the Planning, Building and Zoning Department and Sheriff's Department. Mr. Ingemunson said he clients were doing the County a favor with regards to access through his clients' property. The County has not any complaints on the other wedding venues for a couple years.

Mr. Buhle said the Petitioners have not tried to work with their neighbors.

Ms. Buhle said if the other venues were following their special use permits, then no call should be occurring. She would like to see the amendment be delayed until the Petitioners showed they were willing to comply with the existing rules.

Chairmen Gengler suggested placing a term limit on the special use permit.

Member Koukol made motion to recommend approval of the request and that the proposal go to the County Board. The motion died for lack of a second.

Member Gilmour made motion, seconded by Member Koukol, to send the proposal to the Committee of the Whole.

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

The proposal goes to the Committee of the Whole on November 10, 2021.

Member Koukol asked what the Petitioners need to do to obtain approval. He noted the septic issue. Member Flowers expressed concerns regarding the impact of the doors and sound on neighbors. Member Vickers wanted the other County Board members to review the proposal.

Member Koukol expressed concerns about the Petitioners ability to book their calendar while the County reviews the proposal.

*Petitions 21-32 Gilbert Niznik on Behalf of the Gilbert L. Niznik Revocable Trust Dated September 15, 2017 and Michael and Eryn Ruffatto*

Mr. Asselmeier summarized the request.

Michael and Eryn Ruffatto would like to purchase the subject property from the Gilbert L. Niznik Trust Dated September 15, 2017 and construct one (1) house.

The western one hundred feet (100') of the subject property was part of a landing strip per Ordinance 1992-6 and was not part of the rezoning request.

The application materials, aerial of the property, plat of survey, and Ordinance 1992-6 were provided.

The property was approximately twenty-seven (27) acres.

The Future Land Use Map called for the property to be Suburban Residential (Max 1.00 DU/Acre).

Route 126 was a State maintained Arterial.

The County had a trail planned along Route 126.

There is no floodplain on the property. There is a riverine wetland along the southeast corner of the property.

The adjacent land uses were Agricultural, Single-Family Residential, and an Airstrip.

The adjacent zoning districts were A-1, R-1 SU, and R-3.

The County's Future Land Use Map called for the area to be Suburban Residential (Max 1.00 DU/Acre) and Commercial. The Village of Plainfield's Future Land Use Map called for the area to be Medium Density Residential, Village Residential, and Low Density Residential.

The nearby zoning districts in the unincorporated area were A-1, A-1 SU, R-1 SU, and R-3. The nearby zoning districts in the Village of Plainfield were Low Density Single-Family Residential PUD.

The A-1 special use permit to the west was for professional offices. The R-1 special use to the west was for an airstrip.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on August 12, 2021. The LESA Score was 185 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Na-Au-Say Township on August 27, 2021. The Na-Au-Say Township Planning Commission met on October 14, 2021, and unanimously recommended approval of the request.

Petition information was sent to the Village of Plainfield on August 27, 2021. The Village of Plainfield Planning Department submitted an email on November 4, 2021, stating that they had no objections to the request.

Petition information was sent to the Plainfield Fire Protection District on August 27, 2021, and they had no concerns about the request; their email was provided.

ZPAC reviewed this proposal at their meeting on September 7, 2021. 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. Neighbors David Cline, William Sales, Robert VanderBeek, and June Alice spoke in favor of the request. The Kendall County Regional Planning Commission recommended approval of the request 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. Other than the Petitioner's Attorney, no one testified at the public hearing regarding the proposed map amendment. The Kendall County Zoning Board of Appeals recommended approval of the request 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 desired to rezone the subject property in order to build one (1) house on the subject property.

Any new homes or accessory structures would be required to meet applicable building codes.

No public or private utilities were onsite.

The property fronted Route 126. Staff had no concerns regarding the ability of Route 126 to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors are foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The Findings of Fact 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 larger lot single-family residential uses. An airstrip is located on the subject property.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1, R-3, and R-1 with a special use permit. Nearby properties inside the Village of Plainfield also have residential zoning.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. Due to the property's size, a single-family home cannot be constructed on the property under A-1 zoning regulations.

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 single-family residential uses found in rural settings.

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 Suburban Residential. The R-1 One Family Residential District is consistent with the Suburban Residential classification.

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

The draft ordinance was provided.

The location of the proposed house was highlighted.

Dan Kramer, Attorney for the Petitioner, explained the eastern access would be used for a driveway. The western access is an airstrip. Mr. Kramer explained the reasons why the Petitioners pursued a map amendment; the property did not qualify for a house under the A-1 rules. The balance of the farm will remain in farming. There will not be any additional residential lots on the property.

Chairman Gengler made a motion, seconded by Member Vickers, to recommend approval of the map amendment.

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

The proposal goes to the County Board on November 16, 2021, on the regular agenda.

*Petition 21-36 Brenda and Gary Zeiter and Devan and Brady Woolverton*

Mr. Asselmeier summarized the request.

The Petitioners would like to operate a landscaping business, Zeiter Landscaping, Inc., at the subject property.

The application materials, NRI Report, site plan, topographic survey, pictures of the proposed landscaping and the aerial of the property were provided.

In 2000, Brenda and Gary Zeiter were awarded a special use permit at 16765 Hanson Road for their landscaping business. While they indicated their plans include moving the business from Hanson Road to the subject property, they would like to retain a special use permit at the Hanson Road property. The special use permit for the property on Hanson Road was provided. Since 2000, neither the Sheriff's Department nor the Planning, Building and Zoning Department have received any complaints regarding the landscaping business on Hanson Road.

If approved, the landscaping business would be addressed as 3549 Bell Road. A house for the owner/operator of the business is planned on the southern portion of the property and would be addressed as 3527 Bell Road.

The property was approximately ten (10) acres in size.

The County's Future Land Use Map called for the property to be Rural Residential (Max 0.65 DU/acre). Shorewood's Future Land Use Map called for the property to be Residential.

Bell Road is a Township maintained Minor Collector.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses were agricultural and farmstead.

The adjacent properties were zoned A-1.

Kendall County's Future Land Use Map called for the area to be Rural Residential.

Shorewood's Future Land Use Map called for the area to be Residential.

The nearby properties were zoned A-1, A-1 SU and R-1.

The A-1 special use permit to the north is horse related and the special use permit to west is for an agricultural helipad.

EcoCAT Report was submitted and consultation was terminated.

The NRI application was submitted and the LESA Score was 233 indicating a high level of protection. The NRI Report was provided.

The Seward Township Planning Commission reviewed this proposal on May 13, 2021, and recommended the project move forward. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on September 24, 2021. Since the property was greater than one point five (1.5) miles from the Village, Shorewood declined to comment on the proposal. The email stating their position was provided.

Petition information was sent to the Lisbon-Seward Fire Protection District on September 24, 2021. The Lisbon-Seward Fire Protection District submitted an email on October 6, 2021, requesting at least one (1) fire extinguisher and one (1) first aid kit on the property. The email was provided. The Petitioners were agreeable to this request.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred regarding having landscaping businesses on minor collector roads. The Kendall County Soil and Water Conservation District requested a soil erosion and sediment control plan in place during construction and the need to secure a NPDES Permit if one (1) acre or more land was disturbed. The Petitioner has secured applicable building permits for the house from the Kendall County Planning, Building and Zoning Department and the Kendall County Health Department. The Kendall County ZPAC recommended approval of the proposal with the conditions proposed by Staff 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 Regional Planning Commission reviewed this proposal at their meeting on October 27, 2021. Ron and Fran Miller were concerned about the lack of landscaping on the north side of the subject property. They noted that landscaping was planned on the west and east sides of the subject property. They were concerned about the storage of debris and equipment north of the metal building. They requested a berm and trees north of the metal building. They also provided pictures of tires laying in the field. The Petitioners were agreeable to the addition of a restriction stating that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only. This line was approximately five hundred fifty feet (550') south of the northern property line. The special use would run with the land and a future property could operate a landscaping business under the same conditions as approved by the County Board. No other business could go on the property without securing proper zoning; a trucking company could not locate on the property. Member Wilson noted that the Petitioners transformed the property on Hanson Road into a showcase. The Kendall County Regional Planning Commission recommended approval of the requested special use permit with the conditions proposed by Staff and the added condition that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only by vote of six (6) in favor and zero (0) in opposition with three (3) members absent. Member Wilson recused herself. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on November 1, 2021. Discussion occurred regarding weight restrictions on Bell Road. The home on the site was properly permitted. The Kendall County Zoning Board of Appeals recommended approval with the conditions proposed by Staff 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.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zone property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials, the above conditions have been met.



According to the submitted business plan, Zeiter Landscaping, Inc. has been in business over twenty-five (25) years. The business operates from March through November and employs ten (10) people. The business is operational Monday through Saturday. Employees arrive at the property between 6:15 a.m. and 7:00 a.m., gather supplies and equipment, and leave the property for job site by 7:30 a.m. Employees return to the property between 5:00 p.m. and 6:00 p.m., unload equipment and supplies, and leave the property.

All business related vehicles and equipment would be parked inside overnight and trailers would be parked in the rear of the property.

Employee's personal vehicles would remain on the property during business hours.

Deliveries of landscaping materials by semis would occur no more than two to three (2-3) times per week.

If approved, the Petitioners plan to start operations immediately.

According to the site plan and the topographic survey, one (1) approximately two thousand four hundred (2,400) square foot house for the operators of the landscaping business is planned on the south side of the property. One (1) approximately twelve thousand (12,000) square foot metal building would be also be placed on the property. This building will be one (1) story with two (2) canopies.

According to the site plan, four (4) storage bins for landscaping materials would be located northeast of the metal building. These bins would be approximately ten feet (10') west of the eastern property line. The bins would be a total of ninety-six feet (96') wide, eighteen feet (18') in depth, and materials as high as eight feet (8') in height.

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

Per the site plan and the topographic survey, the property is served by septic. The property also has a well. Electricity will be onsite.

Employees will be able to use the restroom inside the metal building.

There is also a propane tank on the premises located north of the metal building.

Though not shown on the site plan or topographic survey, a dumpster is planned north of the metal building.

There are three (3) natural gas pipelines going through the property.

The Petitioners plan to construct the metal building on one (1) of the highest points of the property. The northern portion of the property drains to the northwest and the southern portion of the property drains to the southeast.

The topographic survey shows several temporary dirt berms around the house. These berms will be removed when construction of the house is complete.

A stormwater management permit will be required.

WBK submitted a letter requesting additional information; the letter was provided.

Per the site plan and topographic survey, access from Bell Road to the business operation will be by a twenty foot (20') wide driveway located approximately twenty-five feet (25') off of the eastern property line. The driveway will be constructed of asphalt grindings. The new house will also utilize the driveway.

According to the site plan the Petitioners plan to install an area around the metal building with asphalt grindings. There are five (5) parking spaces available on the east side of the area for employee parking. Trailers would be parked north of the metal building.

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

No handicapped parking spaces were planned.

If there is a motor vehicle or equipment related leak, the area impacted would be cleaned.

The Petitioners indicated that they plan to install one (1) light in the middle of the metal building facing east, one (1) on the metal building facing north, and three (3) can lights under the office and garage area. Because the number of parking spaces was under thirty (30), a photometric plan was not required, but the Petitioners will be required to follow the applicable lighting regulations in the Kendall County Zoning Ordinance.

Though not shown on the site plan or the topographic survey, the Petitioners would like to install one (1) two (2)-faced sign on the east side of the driveway. The sign will not be illuminated.

No fencing is planned.

The topographic survey shows one (1) area south of the employee parking with mulch and evergreens. A second mulch and evergreen area is shown northwest of the metal building. Pictures of the type of vegetation that would be installed were provided. The plantings will consist of nine (9) eight foot (8') Colorado Blue Spruce and five (5) maple trees between two point five inches and three inches (2.5" and 3") caliber. The plantings would be installed by the end of 2021.

One (1) berm south of the metal building is shown on the topographic survey. The berm will have landscaping and evergreens. The berm shall be two point five feet (2.5') in height and five feet (5') wide.

One (1) gravel mound is shown on the topographic survey. The Petitioners plan to have it leveled by the end of November.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the eighteenth (18<sup>th</sup>) special use permit for a landscaping business in unincorporated Kendall County.

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 the site is developed in accordance with the submitted site plan and topographic plan and provided the business plan is followed regarding hours of operation and business related deliveries, 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 Seward 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 be able to use the restroom facilities inside the metal building. 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. The special use shall conform to the applicable regulations of the district and no variances were requested.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 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”.

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 and topographic survey. A refuse area may be installed north of the metal building. One (1) two (2)-faced sign may be installed east of the driveway. The sign shall not be illuminated.

2. No storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only.
3. The owners of the business allowed by the special use permit shall maintain the parking area and driveway shown on the site plan and in substantially the same locations as depicted on the site plan and topographic survey. The parking area and driveway shall be asphalt grindings.
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 items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures, signs, or lights constructed or installed on the property related to the operations of the business allowed by this special use permit 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 must be stored indoors during non-operational business hours. This condition does not extend to trailers; they may be stored outdoors in the trailer parking area designated on the site plan.
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 site plan. The maximum height of the piles of landscaping related material shall be eight feet (8'), provided a Stormwater Management Permit is issued.
10. Nine (9) Colorado Blue Spruce, a minimum of eight feet (8') in height, and five (5) maple trees at least two point five inch (2.5") caliber at the time of planting shall be planted in the areas identified as landscaping and areas with mulch and evergreens and on the dirt berm as identified in the topographic survey and as visually depicted on the landscaping submitted images. Damaged or dead trees or Colorado Blue Spruces shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The landscaping shall be installed by December 31, 2021. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
11. No landscape waste generated off the property can be burned on the subject property.
12. A maximum of ten (10) 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.

13. 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.
14. 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.
15. Deliveries of materials related to the business allowed by the special use permit by semis or tractor trailers shall be restricted to a maximum of three (3) in a seven (7) day period. There shall be no cap on the number of deliveries of materials related to the business allowed by the special use permit by non-semis or non-tractor trailers.
16. 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.
17. 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.
18. The owners or operators of the business allowed by this special use shall reside at the subject property as their primary place of residence.
19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
20. 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.
21. 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.
22. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

23. 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.

Member Gilmour asked about the tires. Brenda Zeiter, Petitioner, said the tires were removed the following day. Prior to the Planning Commission meeting, she was unaware the tires were on the property.

Member Koukol thanked the Petitioner for working with her neighbors.

Member Koukol made a motion, seconded by Member Vickers, to recommend approval of the special use permit.

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

The proposal goes to the County Board on November 16, 2021, on the regular agenda.

### **NEW BUSINESS**

#### **Recommendation on 2021 Noxious Weed Annual Report**

Mr. Asselmeier presented the report.

Kendall County is required by Illinois law to submit a Noxious Weed Annual Report to the State by December 1st of each year. Attached please find the proposed 2021 Noxious Weed Annual Report.

During 2021, the Kendall County, Planning, Building and Zoning Department received zero complaints of noxious weeds. In 2020, the Department also received zero complaints.

Chairman Gengler made a motion, seconded by Member Koukol, to forward the 2021 Noxious Weed Annual Report to the County Board.

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

The proposal goes to the County Board on November 16, 2021, on the consent agenda.

#### **Approval to Change the December 2021 Planning, Building and Zoning Committee Meeting Date and Time**

Mr. Asselmeier stated that the Zoning Board of Appeals will be holding a public hearing on December 13<sup>th</sup>.

The consensus of the Committee was to meet on December 14, 2021, at 5:30 p.m.

Member Gilmour asked about fines for special use permit violations. Mr. Asselmeier said no special use permit holder has been fined for violating a special use permit. Mr. Asselmeier explained the enforcement and fine mechanism through the court. She favored increased enforcement. She expressed concerns for the neighbors. Member Vickers noted the neighbors moved in before the business started.

## **OLD BUSINESS**

### **Follow-Up Discussion of October 21, 2021, Kendall County Planning, Building Meeting in Boulder Hill**

The consensus of the Committee was that residents like the meeting, but future meetings should be a more question and answer format.

The suggestion was made to use the Church of the Brethren, if they did not charge a large cleaning fee.

The consensus of the Committee was to have a town hall type meeting in April or May 2022 and invite the Sheriff's Department.

## **REVIEW VIOLATION REPORT**

The Committee reviewed the violation report and the report from Brian Holdiman regarding complaints in Boulder Hill.

## **REVIEW NON-VIOLATION REPORT**

The Committee reviewed the non-violation report.

## **UPDATE FROM HISTORIC PRESERVATION COMMISSION**

Mr. Asselmeier report that the Certified Local Government Grant has been submitted.

## **REVIEW PERMIT REPORT**

The Committee reviewed the report.

## **REVIEW REVENUE REPORT**

The Committee reviewed the report.

Discussion occurred regarding setting up a Planning, Building and Zoning fund.

## **CORRESPONDENCE**

None

## **COMMENTS FROM THE PRESS**

None

## **EXECUTIVE SESSION**

None

## **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 8:31 p.m.

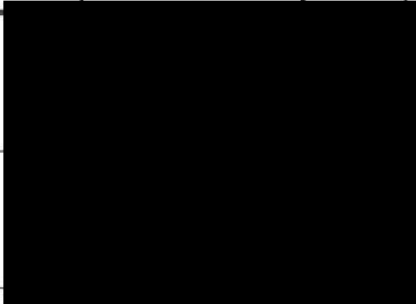
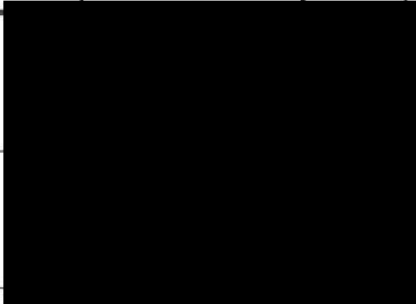


Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.



**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
NOVEMBER 8, 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)
DAN KRAM		Pet 21-32
KURT BUEHLER		
Steve Graves		
JEANNE BUEHLER		
Boyd Ingemansen		





10/2/2021: Woman in black crossing the road with a walker, from motorcoach bus



#### Questions:

1. Why are the North barn doors never closed as the rules state?
2. Why were there events held after 11/1/2020?
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?
6. Why is a commercial business being allowed in an AG zoned area?
7. If I cannot get fair market value for my property, who will make that right and pay the difference?
8. Given the current history of violations, how are the rules of the permit going to be enforced?

## **Matt Asselmeier**

---

**From:** Brian Holdiman  
**Sent:** Sunday, November 7, 2021 4:12 AM  
**To:** Matt Asselmeier; Scott Koeppel; Scott Gengler  
**Subject:** Fwd: 10978 Crimmin Rd. Newark

FYI

[Get Outlook for iOS](#)

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**From:** Brian Holdiman <BHoldiman@co.kendall.il.us>  
**Sent:** Sunday, November 7, 2021 4:11:06 AM  
**To:** Braden Lentini <blentini@co.kendall.il.us>  
**Subject:** Re: 10978 Crimmin Rd. Newark

Thanks for the information. I'll pass the information on the my supervisors for appropriate action.

Brian Holdiman

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**From:** Braden Lentini <blentini@co.kendall.il.us>  
**Sent:** Sunday, November 7, 2021 1:12:39 AM  
**To:** Brian Holdiman <BHoldiman@co.kendall.il.us>  
**Subject:** 10978 Crimmin Rd. Newark

Good Morning,

On 11/6/2021 at 1744 hours we responded to 10978 Crimmin Rd. for a complaint made by Kurt Buhle about the BrighterDaze Farm holding an event when their special use permit was believe to be up on 10/31/2021. Contact was made with Adam Theis of BrightDaze Farm who advised that they were holding an event and that they have a hearing on 11/7/2021 to extend their special use permit.

Respectfully,

Deputy Lentini #62

## **Matt Asselmeier**

---

**From:** Jonathan Proulx <jproulx@goplainfield.com>  
**Sent:** Thursday, November 4, 2021 3:17 PM  
**To:** Matt Asselmeier  
**Subject:** [External]RE: Kendall County Zoning Petition 21-32

Hi, Matt –

The Village of Plainfield Planning Department has no objection to the proposed single-family residence at this location. Let me know if you'd like anything more formal to confirm Plainfield's consent.

Best regards,  
Jon

Jonathan Proulx  
Director of Planning  
**VILLAGE OF PLAINFIELD**  
24401 W. Lockport St.  
Plainfield, IL 60544  
(815) 609-6139  
jproulx@goplainfield.com

Boulder Hill Meeting Reported Violations

ADDRESS	VIOLATION TYPE	INVESTIGATION DATES	ACTION
146 Boulder Hill Pass	Enclosed Trailer	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Removed
170 Boulder Hill Pass	Pop Up Camper	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Removed
303 Boulder Hill Pass	ATV Trailer Trash	(9/21/21) (11/3/21)	(Warning 9/27/21) (Prep Citation 11/15/21)
30 Durango	Camper	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Removed
44 Hampton	Camper	(9/21/21) (9/20/21) (11/3/21)	(Warning 8/11/21) (9/22/21) (Prep Citation 11/15/21)
26 Circle Dr. East	Boat	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Boat Removed from Setback
43 Saugatuck Rd.	Junk & Debris under tarp	(9/21/21) (10/18/21)	(closed 10/15/21) Not Able to Determine Items under Tarp are Junk & Debris
70 Saugatuck Rd.	Boat	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) Boat Removed from Setback
3 Wembley	Car Trailer/Car	(9/20/21) (11/3/21)	(Warning 9/23/21) (closed 11/3/21) - Removed
80 Springdale	Junk/Debris	(9/21/21) (10/18/21) (11/3/21)	(Prep Warning 11/8/21) - Issue VIN on Motorcycle Delay
142 Longbeach	Jet Skis	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Removed
53 Eastfield	Pop Up Camper on lawn	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Boat Removed from Setback
72 Paddock	Boat	(9/20/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Removed
59 Sheffield	Camper Trailer	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Removed from Setback
63 Sheffield	ATV Trailer	(9/21/21) (11/3/21)	(Warning 10/5/21) (F/U 11/9/21) - Address Issue
26 Winrock	Boat	(9/20/21) (11/3/21)	(Warning 9/22/21) (scheduled for Removal 11/7/21) (F/U 11/9/21)
16 Winrock	2 car inoperable	(9/20/21) (11/3/21)	(Warning 9/22/21) (Prep Citation 11/15/21)
200 Fernwood	Camper	(9/20/21) (11/3/21)	(Warning 9/22/21) (closed 11/3/21) - Removed
235 Fernwood	Car on lawn + RV Added 10/24/21	(9/20/21) (11/3/21)	(Warning Grass Burning 9/22/21) (closed 11/3/21) - Removed (Warning Notice - RV 11/9/21)
24 Spring Garden	2 cars on lawn	(9/21/21) (11/3/21)	(Warning 9/27/21) (closed 11/3/21) - Removed
15 Old Post Rd	Boat	(9/20/21) (11/3/21)	(Warning 9/23/21) (closed 11/3/21) - Removed
3 Cebold	Boat	(9/20/21) (11/3/21)	(Warning 9/23/21) (closed 11/3/21) - Removed
102 Circle Dr West	Enclosed Trailer	(9/20/21) (11/3/21)	(Warning 9/23/21) (closed 11/3/21) - Removed
57 Circle Drive East	Junk & Debris	(9/20/21)	(closed 9/20/21) - No Evidence Found
6 Winrock	Pigs	(9/20/21)	(closed 9/21/21) - No Evidence Found
105 Saugatuck Rd	Trailer	(10/5/21) (11/3/21)	(Warning 10/12/21) (closed 11/3/21) - Removed
9 Guilford	Camper	(9/20/21)	(sent to Sheriff's Office 9/21/21 + closed)
49 Fieldpoint	Junk & Debris	(9/20/21)	(closed 9/21/21) - No Evidence Found