

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
May 3, 2022 – Approved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Commander Jason Langston – Sheriff's Department

Audience:

Jeremy Dippold, Samantha Dippold, and John Tebrugge

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

With a voice vote of six (6) ayes, the motion carried.

MINUTES

Mr. Rybski made a motion, seconded by Mr. Klaas, to approve the April 5, 2022, meeting minutes.

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

PETITIONS

Petition 22-10 Mark Fecht on Behalf of Fecht Brothers, Inc. (Property Owner) and Jeremy and Samantha Dippold on Behalf of Best Budget Tree, LLC (Contract Purchaser)

Mr. Asselmeier summarized the request.

Best Budget Tree, LLC would like to purchase the subject property from Fecht Brothers Inc. in order to operate a tree and landscaping business at the property.

Best Budget Tree, LLC has been in existence for over ten (10) years.

The application materials, site plan, landscaping plan, stormwater plans, and renderings of the proposed building were provided.

The property is on the north side of Route 52 across from 2190 and 2200 Route 52.

The property is approximately forty-eight (48) acres in size.

The property is zoned A-1 Agricultural.

The County's Future Land Use Map calls for the property to be Rural Residential (Max 0.65 Du/Acre). Shorewood's Future Land Use Map calls for the property to be Residential and Commercial.

Route 52 is a State maintained Arterial road.

Joliet has a trail planned along Route 52, but Joliet does not want a right-of-way dedication at this time; an email to that effect was provided.

There are no floodplains on the property. There is a wetland near the northwest corner of the property.

The adjacent land uses are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1 and R-3.

The County's Future Land Use Map calls for the area to be Commercial, Rural Residential, and Suburban Residential. Joliet's Future Land Use Map calls for the area to be Residential. Shorewood's Future Land Use Map calls for the area to be Residential and Commercial.

The nearby properties are zoned A-1, A-1 SU, and R-1, and R-3.

The A-1 special use permit to the west is for the sale of agricultural products not grown on the premises.

EcoCAT Report was submitted on April 15, 2022, and indicated the following protected resources:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

The Illinois Department of Conservation determined that negative impacts were unlikely and consultation was terminated on April 18, 2022.

The application for NRI was submitted April 21, 2022. The LESA Score was 210 indicating a medium level of protection.

Petition information was sent to Seward Township on April 25, 2022.

Petition information was sent to the Village of Shorewood on April 25, 2022.

Petition information was sent to the Minooka Fire Protection District on April 25, 2022.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned 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 seventy-three thousand, two hundred eighty pounds (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 business plan, the business currently operates two (2) four (4) employee crews in April through October and one (1) four (4) employee crew in November through March. The Petitioners plan to hire four (4) additional employees, if business increases. Employees arrive at the property at approximately 7:30 a.m., go to work sites, and return to the property between 3:30 p.m. and 4:00 p.m. Employees unload equipment and materials and leave between 4:30 p.m. and 5:00 p.m. The business operates on Monday through Fridays with an occasional Saturday.

Business equipment presently consists of two (2) bucket trucks, two (2) wood chippers, two (2) one (1) ton pickup trucks, two (2) utility trailers, two (2) spare pick-up trucks, and one (1) wheel leader tractor. When not in operation, the Petitioners plan to house vehicles and equipment inside the proposed approximately nine thousand six hundred (9,600) square foot building. Mulch and firewood piles would be placed on the gravel area as shown on the site plan and landscaping plan and would be piled a maximum twelve feet (12') in height. The Petitioners do not plan to store stone, brick, or rock at the property. Per the site plan, the gravel area is approximately ten point five (10.5) acres in size. If there is a motor vehicle or equipment related leak, the impacted gravel will be removed and replaced with clean gravel.

No retail services will be available at the property and retail customers will not be invited onto the property.

If approved, the Petitioners plan to start operations as quickly as possible.

One (1) approximately nine thousand six hundred (9,600) square foot building is proposed for the site in the location depicted on the site plan and landscaping plan. The building will look substantially like the rendering provided. The walls will be approximately sixteen feet (16') feet tall and the doors will be fourteen feet (14') in height. The peak of the building will be a maximum twenty-four feet (24').

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

No well or septic system presently exists on the property. No other utilities are located on the property.

One (1) ten foot by ten foot (10' X 10') dumpster enclosure was shown on the site plan and landscaping plan east of the vehicle parking area.

The property drains to the south.

There is one (1) wetland located near the northwest corner of the property.

The site plan and landscaping plan show a proposed seventy-three thousand, nine hundred eighty-four (73,984) square foot wet bottom pond. At the deepest point, the pond will be sixteen feet (16') deep. The stormwater plan information was provided.

Per the site plan and landscaping plan, the Petitioners plan to install one (1) thirty foot (30') wide gravel driveway. The driveway will be approximately forty-eight feet (48') from the western property line.

According to site plan and landscaping plan, the Petitioners plan to install two (2) parking areas. One (1) parking area is planned south of the building and the other parking area is planned west of the building. The total number of parking spaces is twenty-one (21) including one (1) handicapped accessible parking space.

Three (3) pipeline easements exist on the property.

No existing lighting is located on the property. The Petitioners plan to install security lighting. No information was provided regarding lighting type or location.

According to the site plan and landscaping plan, one (1) non-illuminated sign is proposed between the gravel driveway and the western property line. No information was provided regarding sign dimensions or height.

No security information was provided.

The landscaping plan shows one hundred fifty (150) white pines along the perimeter of the property. The white pines will be three (3') feet at the time of planting and will grow to between fifty feet (50') and eighty feet (80'). Ten (10) deciduous trees are planned along the perimeter of the pond. The trees will be one and one half inches (1.5") at the time of planting. The landscaping plan also calls for a seed mix of Kentucky blue grass and turf type perennial grass around the pond and along the gravel driveway. Vegetation will be installed after the gravel and pond are installed.

The portion of the property not used for storage, building, driveway, or the pond will remain farmed. Most of the property will be farmed in 2022, which will delay the installation of the landscaping until 2023.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the nineteenth (19th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and landscaping plan, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. Conditions may be placed in the special use permit ordinance to address hours of operation.

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 a stormwater management permit is issued based on the submitted materials, drainage should not be an issue. If the Illinois Department of Transportation approves the access, ingress and egress should not be an issue. Utilities will need to be extended and/or installed on the property.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. No variances are required.

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". Also, the Kendall County Future Land Use Map and the Village of Shorewood's Future Land Use Map call for commercial uses near the intersection of Route 52 and Arbeiter Road.

Staff recommends 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 landscaping plan.
2. The gravel area shown on the site plan and landscaping plan shall not exceed ten point five (10.5) acres in size. The owners of the business allowed by this special use permit may reduce the amount of acreage covered by gravel.
3. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
4. One (1) approximately nine thousand six hundred (9,600) square foot building may be installed on the subject property in substantially the location shown on the site plan. The building shall look substantially like the building depicted in the rendering. The maximum height of the building shall be twenty-four feet (24').
5. Any new structures constructed or installed related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. No business operations may commence at the subject property until an occupancy permit is issued for the building shown on the site plan. No business operations may commence at the subject property until the parking stalls, dumpster enclosure, and wet bottom pond shown on the site plan are installed. Business operations may commence at the subject property prior to the installation of vegetation shown on the landscaping plan.
7. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property during the hours the business is open and shall be stored indoors during non-business hours.
8. 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.
9. 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.
10. All landscape related materials shall be stored indoors or on the gravel area depicted on the site plan. The maximum

height of the piles of landscaping related material shall be twelve feet (12') in height, unless otherwise restricted by a stormwater management permit. Stone, brick, and rock shall not be stored outdoors.

11. The size and depth of the wet bottom pond shall be governed by the stormwater management permit issued for the subject property.
12. One (1) two (2) sided non-illuminated sign may be installed on the location depicted on the site plan.
13. One hundred fifty (150) white pines shall be installed in substantially the locations shown on the landscaping plan. The white pines shall be a minimum of three feet (3') in height at the time of planting. The white pines shall be installed by June 30, 2023. Damaged or dead white pines shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the white pines.
14. Ten (10) deciduous trees shall be installed in substantially the locations shown on the landscaping plan. The deciduous trees shall be a minimum one point five inches (1.5") in diameter at the time of planting. The deciduous trees shall be installed by June 30, 2023. Damaged or dead deciduous trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the deciduous trees.
15. The seed mix called for in the landscaping plan shall be installed by June 30, 2023. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the seed mix.
16. No landscape waste generated off the property can be burned on the subject property.
17. A maximum of twenty (20) 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.
18. No retail 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.
19. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 7:30 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
20. 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.
21. 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.
22. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. 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.

- 24. 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.
- 25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 26. 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.

Mr. Gengler asked how long the business had been operating. Jeremy Dippold responded that he had been working in the area since the 1990s.

Mr. Klaas asked if the six inch (6") pipe went to Route 52. John Tebrugge, Petitioners' Engineer, said the pipe goes almost to Route 52.

Mr. Holdiman asked if the Petitioners had discussed access with the Illinois Department of Transportation. Mr. Dippold favored having a wider driveway. Samantha Dippold said final approval of the access would not occur until they (the Dippolds) own the property.

Mr. Holdiman discussed the applicable building code. He advised the Petitioners to tell their builders that the building would not be agricultural use.

Mr. Rybski asked about bathrooms and sinks. Based on current information, the well would not be a non-community well. He advised the Petitioners to design the septic system for maximum load.

Discussion occurred about the size of the gravel area. The stormwater calculations will be based on the ten point five (10.5) acre maximum, but the Petitioners do not have to construct a gravel area of that size.

The business is currently located at Interstate 55 and Renwick Road.

The Petitioners have not had any correspondence with Seward Township. They were advised to contact Seward Township.

The Petitioners had not talked to any neighbors. They were advised to talk to neighbors.

Discussion occurred about lighting. The Petitioners were advised to identify on the site plan where lights would be placed.

The Petitioners had no plans to use the access off of Arbeiter Road.

The land comes with building allocations.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the requested special use permit with the condition proposed by Staff.

With a voice vote of six (6) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on May 25, 2022.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-08 was approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Klaas, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:29 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner