

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 and 210
111 W. Fox Street, Yorkville, Illinois*

Meeting Minutes of May 25, 2022 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Dave Hamman (arrived at 7:02 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Suzanne Casey, Samantha Dippold, Jeremy Dippold, Joe Frescura, Tim O'Brien, Anne Vickery, Robert Delaney, Pat Frescura, Jim Martin, Dave Shively, Tony Guzman, Kim Larkin, and Steve Papaeliou

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the of the April 27, 2022, meeting.

With a voice vote of seven (7) ayes, the motion carried.

Member Hamman arrived at this time 7:02 p.m.

Mr. Asselmeier noted that Member Casey had asked about a property on the south side of Route 52 east of Arbeiter Road at the April Planning Commission meeting. Mr. Asselmeier said that four (4) agricultural accessory building permits and a driveway permit have been issued at that property. The owner comes out to the property on weekends to work on the property.

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier provided several emails related to this Petition. The Petitioners' Attorney requested the proposal be continued to June. Without objection, the proposal was continued as requested.

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. The NRI Report was provided.

Petition information was sent to Seward Township on April 25, 2022. The Seward Township Planning Commission reviewed the proposal in May 2022. They expressed concerns about the location of lighting with respect to the adjacent homes. The Seward Township Planning Commission recommended approval of the request. An email to that effect was provided.

Petition information was sent to the Village of Shorewood on April 25, 2022. On May 4, 2022, the Village of Shorewood submitted an email saying they did not want to request a right-of-way dedication for a biking/walking trail. This email was provided.

Petition information was sent to the Minooka Fire Protection District on April 25, 2022. On May 5 and 6, 2022, the Minooka Fire Protection District submitted a letter and email requesting a fire alarm system that meets

applicable codes, no smoking signs near the mulch pile, a dry fire hydrant, and signage properly marking the address of the property. The letter and email were provided. The Petitioners were agreeable to this request.

The Kendall County ZPAC reviewed this Petition at their meeting on May 3, 2022. Mr. Klaas asked if the six inch (6") pipe shown on the plans went to Route 52. John Tebrugge, Petitioners' Engineer, said the pipe goes almost to Route 52. The Petitioners had not received final access approval from the Illinois Department of Transportation; they will not get final approval until they (the Dippolds) own the property. The Petitioners understood that any buildings constructed on the property would not be eligible for agricultural building permit exemptions. Based on the information provided, the well would not be a non-community well. The Petitioners were advised to design the septic system for maximum load. 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. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes were provided.

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 provided rendering. 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.

WBK Engineering submitted comments on the proposal. This letter was provided. These comments will have to be addressed prior to the issuance of a stormwater management permit.

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.

At the time of the ZPAC meeting and Seward Township Planning Commission meeting, the Petitioners had not submitted a lighting plan. The lighting plan shows one (1) free standing light near the south parking lot and six (6) lights on the building. Based on the photometrics provided, no light would cross the property lines. The lighting plan was provided.

Per Section 11:02.F.12.e, of the Kendall County Zoning Ordinance, the maximum height for the freestanding light is twenty feet (20').

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. Per Section 12:08.A. of the Kendall County Zoning Ordinance, the total maximum allowable signage is thirty-two (32) square feet of gross surface area.

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, lighting, 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 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 submitted site plan, landscaping plan, and lighting plan (**amended after ZPAC**).
2. The gravel area shown on the submitted 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 submitted 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 submitted site plan. No business operations may commence at the subject property until the parking stalls, dumpster enclosure, and wet bottom pond shown on the submitted site plan are installed. Business operations may commence at the subject property prior to the installation of vegetation shown on the submitted 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 submitted site plan.
13. At least two (2) no smoking signs shall be installed near the piles of landscaping related materials. **(added after ZPAC)**
14. One hundred fifty (150) white pines shall be installed in substantially the locations shown on the submitted 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.
15. Ten (10) deciduous trees shall be installed in substantially the locations shown on the submitted 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.
16. The seed mix called for in the submitted 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.
17. No landscape waste generated off the property can be burned on the subject property.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.
23. One dry hydrant shall be placed on the property **(added after ZPAC)**.
24. The maximum height of the light pole shown in the lighting plan shall be twenty feet (20') **(added after ZPAC)**.
25. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
26. 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.
27. 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.
28. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
29. 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.

Chairman Ashton asked if the Minooka Fire Protection District wanted just an alarm system or if the request was to have the building sprinklered. Mr. Asselmeier responded just an alarm system.

Member Wilson asked how the Petitioners were going to manage the mulch pile and if mulch would be sold. Jeremy Dippold, Petitioner, said the mulch would be installed on off-site locations. They would have several small piles. The maximum height of the mulch piles would be twelve feet (12') because of the company's equipment.

Member Casey asked where the business was currently located. Mr. Dippold responded Renwick Road and Interstate 55. Mr. Dippold said the proposed location would look better than the existing location because no inside storage exists at their current location.

Mr. Dippold wanted the business setback from the neighbors and Route 52.

Member Casey asked about possible expansion. Mr. Asselmeier said, if the Petitioners expanded into the farmland beyond the area identified on the site plan, an amendment to the special use permit would be required.

Discussion occurred regarding the access point off of Arbeiter Road. The access would remain to allow a farmer to get their equipment into the field. Based on the plans, it appeared difficult for a farmer to get equipment to north portion of the property using the access off of Route 52. Equipment could be driven through the parking lot. The current owner would continue to farm the property after the Dippolds acquire the property.

Joe Frescura requested that the proposal be denied for the following reasons:

1. The business has no noise control plan; wood chippers would exceed the noise requirements in the proposed special use permit. He provided pictures of the height of mulch piles at the business' current location. The trees proposed on the site plan will not reach full height for ten (10) years and will not provide a full noise buffer until that time.
2. The dyed mulch will jeopardize local wells, waterways, and wetlands.
3. Inclusion of access to Arbeiter Road; he would like to see the access point removed. He also discussed burning at other landscaping businesses.
4. There are several containers at the Petitioners' current operating location. He was concerned about the placement of the containers turning the area into an industrial park and cause a decrease in property values in the area.
5. He noted that five (5) landscaping business have special use permits in Seward Township. These existing special uses are not located near homes like the proposed special use.
6. He expressed concerns regarding the soils to support a septic system.
7. He expressed concerns regarding burning on the property and the possible inter-mingling of onsite and offsite generated materials in a burn pile.
8. He noted that the LESA Score was 210. He argued the property should be retained for farming.

Mr. Dippold said chippers would not be used onsite; they would be at customers' homes. He explained the mulch dyeing process; the dyed mulch is not hazardous. He did not want burning on the property. He has three (3) containers which are used for storage; the containers would be replaced with the building. He was agreeable to a condition not allowing shipping containers on the property. He did not anticipate operating at the site until July 2023. He has no interest in using Arbeiter Road to access the property for the business.

The wet bottom pond is for stormwater only.

Member Rodriguez asked about having stone holding areas. Mr. Dippold explained why he did not want holding areas.

Anne Vickery noted this proposal would be the sixth (6th) landscaping special use in Seward Township. She asked if anyone on the Board would like to live next to this type of use. She also noted that the property was planned to be residential. She asked who would enforce the regulations; she noted the burning at another landscaping business.

Member Nelson expressed concerns about restricting containers in relation to agricultural uses.

Robert Delaney said the area was a residential area and should remain a residential area. He questioned the need to have a large amount of acreage used for the proposed use.

Pat Frescura said that she has lived in the area for over fifty (50) years. She noted the time, investment, and pride in her property. She was against having the proposed use near her property. She wanted to keep the land as farmland. She said that she was unaware of the Seward Township Planning Commission's meeting.

Jim Martin, Seward Township Trustee, said the Seward Township Planning Commission did not forward a recommendation to the Township Board. The Township Board did not vote on this proposal.

Tim O'Brien, Seward Township Supervisor, said the Seward Township Planning Commission did not forward a recommendation to the Township Board.

Commissioners reviewed the Future Land Use Map for the area. Discussion also occurred regarding the KCRPC Meeting Minutes 05.25.22

number of houses that could be placed on the property. The estimate was forty (40) houses could be placed on the property with access for the subdivision from both Route 52 and Arbeiter Road. It was noted that the proposal would preserve agricultural uses on the majority of the property.

Dave Shively asked what A-1 meant. A-1 means agricultural. He discussed the repaving of Arbeiter Road. He asked about enforcement of burning regulations. Mr. Asselmeier explained that burning items brought onto the property was against State law. Mr. Shively favored keeping the property in farming. He favored a housing development instead of the proposed use. Member Wilson favored having the proposal over houses.

It was noted that a house exists between Pat Frescura's property and the proposed use.

Tony Guzman said that he bought his property because it was a residential area. He would like to see the property become a park. He likes the wildlife in the area. He felt the use was an industrial use.

Mr. Dippold asked if his proposal was any different than a farmer building grain bins with related noise and odors.

Logs are cut on the customers' properties and stored on the property. Mr. Dippold sells the logs.

Mr. Dippold noted that he was pursuing the zoning on the property the correct way.

Kim Larkin said that she did not want to look at this use in her backyard. She said that mulch has an odor. Discussion occurred regarding the smell of mulch. She expressed concerns about diminished property values.

Steve Papaeliou expressed his opposition to the containers on the property. He also said that the farmer damaged his fence. Chairman Ashton questioned the connection to Mr. Fecht's actions and the proposal.

Mr. O'Brien requested the proposal be tabled proposal and sent back to Seward Township. Member Wilson wanted to know the opinion of the Township Board. Member Nelson noted the Petitioners followed the proper procedures to get to this point. Mr. Dippold opposed tabling the proposal because Mr. Fecht wants to close on the property quickly.

Member Nelson did not see much of a difference between the proposal and farming uses.

Member Wormley noted that a subdivision could be placed on the property at some point in the future, even if the special use permit was approved. He thought the proposal was a good proposal compared to other uses that could go on the property.

Member Hamman made a motion, seconded by Member Wormley, to approve the requested special use permit.

Member Wilson made a motion, seconded by Member Nelson, to add a condition stating that no storage containers would be allowed onsite. The Petitioners had no objections to the amendment. Members Hamman and Wormley had no objections to the amendment.

It was noted that the residents in the area do not favor the proposal.

Member Wilson noted the issues related to the Seward Township Board and lack of transparency in Seward Township.

The Seward Township Board may have a special meeting on this proposal prior to the May 31st zoning hearing.

The votes on the amendment were as follows:

Ayes (7): Ashton, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (1): Casey
Absent (1): Stewart
Abstain (0): None

The motion carried.

The votes on the original motion as amended were as follows:

Ayes (7): Ashton, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (1): Casey
Absent (1): Stewart
Abstain (0): None

The motion carried.

The proposal will go to the Kendall County Zoning Board of Appeals on May 31, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Recommendation on a Proposal from Teska Associates, Inc. to Update the Kendall County Land Resource Management Plan in Its Entirety

Commissioners reviewed the proposal and it was noted that the Comprehensive Land Plan and Ordinance Committee recommended approval of the proposal.

Member Nelson discussed the law governing review and approval of special use permits. Discussion occurred regarding the court ordering special use permits and the potential issuance of special use permits without conditions.

Member Wilson requested clarification on the clusters. The clusters would be the eastern three (3) townships combined, the middle three (3) townships combined, and the final cluster would be the western three (3) townships combined. The Commission favored starting with the eastern three (3) townships.

Suzanne Casey offered to give materials from her work on the Seward Township Plan to Teska.

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

The votes were as follows:

Ayes (8): Ashton, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (1): Stewart
Abstain (0): None

The motion carried.

The County Board will be notified of the recommendation.

Discussion of Oswego Township Junk and Debris Ordinance and Recreational Vehicle and Trailer Parking Ordinance

Commissioners reviewed the ordinances.

Member Nelson had concerns regarding a lack of agricultural exemptions.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-09 was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the special use permit at 1038 Harvey Road, text amendment to the lighting rules for telecommunication tower facilities and a special use permit for a Lisbon Township garage on Route 47 will be on the Commission's June agenda.

ADJOURNMENT

Member McCarthy-Lange made a motion, seconded by Member Wilson, to adjourn. With a voice of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 9:08 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Enc.

u

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

MAY 25, 2022



STEVEN PAPAELIO

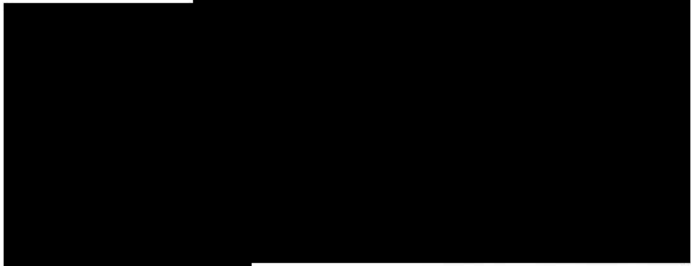
IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Tim Brien</i>		
<i>Joe FRESCURA</i>		
<i>Jeremy Dippold</i>		
<i>Ann Vachy</i>		
<i>Robert J. J.</i>		
<i>Pat Frescur</i>		
<i>Jim Monte</i>		
<i>DAVE SAVERY</i>		



TONY GUMAR

Kim Carlin



Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Wednesday, May 25, 2022 11:20 AM
To: Matt Asselmeier
Cc: Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: Re: FW: [External]Re: Curb cut

Great. Thanks Matt. Please let them know the only reason we did not resubmit, as I could not get that answer about paving or installing concrete for the entire gravel driveway. As you could see, it takes a lot of time to get answers from Oswego!

Judd

On Wed, May 25, 2022 at 11:10 AM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

Judd:

I will notify the Regional Planning Commission that you would like the matter continued to next month.

The Regional Planning Commission meeting would be June 22nd and the Zoning Board hearing would be June 27th. Both start at 7:00 p.m.

Yes, the Petition can be amended to incorporate the new site plan.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Wednesday, May 25, 2022 11:06 AM
To: Matt Asselmeier
Subject: Re: FW: [External]Re: Curb cut

Thanks. I did see that and have been on the phone with Mr. Martinez and working on a new drawing to relocate the driveway. We will resubmit this hopefully by Friday. So can you continue our hearing tonight as hopefully next month we will have the approval from Oswego. Also, since we are changing the drawing, can we just amend our petition?

On Wed, May 25, 2022 at 9:03 AM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

FYI

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Jennifer Hughes <JHughes@oswegoil.org>
Sent: Wednesday, May 25, 2022 9:01 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>; Jay Hoover <JHoover@oswegoil.org>
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@kendallcountyil.gov>; Rod Zenner <RZenner@oswegoil.org>
Subject: RE: [External]Re: Curb cut

Good morning,

That portion of the driveway within the right-of-way needs to be concrete per our commercial drive standard as the right-of-way at this property is within Oswego even though the property is not.

Matt Asselmeier

From: Jennifer Hughes <JHughes@oswegoil.org>
Sent: Wednesday, May 25, 2022 9:03 AM
To: judd lofchie; Matt Asselmeier; Scott Gengler; Scott Koepfel; Faith D. Hook; Miguel Ángel Fernández
Subject: [External]RE: Martinez

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

The right-of-way at Twin Oaks is not under the jurisdiction of Oswego so it is irrelevant to this situation.

That portion of the driveway within the right-of-way needs to be concrete per our commercial drive standard as the right-of-way at this property is within Oswego even though the property is not.

Sincerely,

Jennifer Hughes, P.E., CFM
Public Works Director/Village Engineer



PH: 630.551.2366
Email: jhughes@oswegoil.org

From: judd lofchie [REDACTED]
Sent: Monday, May 23, 2022 1:46 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koepfel <skoepfel@kendallcountyil.gov>; Faith D. Hook <fhook@co.kendall.il.us>; Miguel Ángel Fernández <[REDACTED]>; Jennifer Hughes <JHughes@oswegoil.org>
Subject: Re: Martinez

Here is Twin Oaks driveway by the way.

On Mon, May 23, 2022 at 1:43 PM judd lofchie <[REDACTED]> wrote:

Hey Matt

Once again I have not been able to get an answer from Oswego which is why we have not finished the driveway curb cut application. I am worried that their driveway permit calls for an asphalt or concrete driveway. That would make our issue cost prohibitive for Mr. Martinez.

Do you know or can you help us get an answer from Oswego if just the "curb cut" has to be asphalt or concrete or does

Matt Asselmeier

From: judd lofchie <[REDACTED]>
Sent: Monday, May 23, 2022 1:46 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández; Jennifer Hughes
Subject: [External]Re: Martinez
Attachments: Twin Oaks Curb Cut 5.19.22.jpg

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is Twin Oaks driveway by the way.

On Mon, May 23, 2022 at 1:43 PM judd lofchie <[REDACTED]> wrote:
Hey Matt

Once again I have not been able to get an answer from Oswego which is why we have not finished the driveway curb cut application. I am worried that their driveway permit calls for an asphalt or concrete driveway. That would make our issue cost prohibitive for Mr. Martinez.

Do you know or can you help us get an answer from Oswego if just the "curb cut" has to be asphalt or concrete or does the entire gravel drive have to be asphalt or concrete. I know Twin Oaks down the street just has gravel. I have left several messages.

Thanks in advance.

Judd

Judd Lofchie, LLM, P.C.
Attorneys at Law
1999 W. Galena Blvd.
Aurora, IL 60506
fax 630-236-3525
630-236-3600
www.AuroraPropertyLaw.com

Judd Lofchie is a Rotarian and the founder of StreetWise Magazine in Chicago; please buy it, take it, read it, share it, and leave it on your work coffee table. Thank you!



Matt Asselmeier

From: Matt Asselmeier
Sent: Monday, May 23, 2022 2:39 PM
To: judd lofchie; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández
Subject: FW: [External]MARTINEZ - BUILDING PERMIT APPLICATION - DRIVEWAY
Attachments: MARTINEZ - BUILDIG PERMIT APPLICATION DRIVEWAY - 4.29.22.pdf; Commercial Driveway Detail.pdf

Importance: High

Judd:

The Village of Oswego sent me the following email this morning.

With regards to Twin Oaks Landscaping, the Village of Oswego has not annexed this property or the property across the street. Therefore, the access permitting authority is the Township of Oswego and not the Village of Oswego.

If you cannot reach Jennifer Hughes, I suggest you try to reach Jay Hoover.

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jay Hoover <JHoover@oswegoil.org>
Sent: Monday, May 23, 2022 11:34 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Rod Zenner <RZenner@oswegoil.org>; Jennifer Hughes <JHughes@oswegoil.org>; BZinfo <BZinfo@oswegoil.org>
Subject: FW: [External]MARTINEZ - BUILDING PERMIT APPLICATION - DRIVEWAY
Importance: High

Matt,

The applicant also called and left a message saying they will not be installing the commercial driveway detail provided by the village engineer. Therefore we cannot issue or even review the application as it does not have drawings accurately showing the improvements to be installed in conformance with the codes/ standards. The applicants voicemail indicated they would not be locating the curb cut, or driveway in a conforming matter. Therefore there is no reason to move a permit forward.

Jay Hoover

Building and Zoning Manager





100 Parkers Mill • Oswego, IL 60543 • (630) 554-2310 • Fax: (630) 554-7545
 Website: <http://www.oswegoil.org>
 Building & Zoning Email: BZinfo@Oswegoil.org

RECEIVED _____
 ENTERED _____
 APPROVED _____
 CONTRACTOR REG _____
 COMPLETE _____

Building Permit Application

Permit No. _____

CUSTOMER/OWNER INFORMATION	Name <u>Jose A. Martinez and Silvia Martinez</u> Address <u>1038 Harvey Road</u> Zoning _____ Sub-division _____ Lot No. _____ Phone No. [REDACTED] Email [REDACTED]
CONTRACTOR INFORMATION	Name <u>Jose A. Martinez</u> Address [REDACTED] City [REDACTED] State [REDACTED] Zip [REDACTED] Phone No. [REDACTED] Email [REDACTED] Field Contact Name _____ Phone No. _____

Approximate Construction Cost (Including Labor) \$ 5,000.00

All permit applications require supplementary documents for each permit request

EXISTING & NEW STRUCTURE REQUESTS	<input type="checkbox"/> Re-roof <input type="checkbox"/> Siding <input type="checkbox"/> Replacement Windows <input type="checkbox"/> Replacement Doors <input type="checkbox"/> Deck <input type="checkbox"/> Patio/Side Walks <input checked="" type="checkbox"/> Driveway <input type="checkbox"/> Radon Mitigation <input type="checkbox"/> Solar <input type="checkbox"/> Fence <input type="checkbox"/> Shed <input type="checkbox"/> Pergola <input type="checkbox"/> Hot Tub <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Above <input type="checkbox"/> Inground <input type="checkbox"/> Temporary <input type="checkbox"/> HVAC	<input type="checkbox"/> Water Heater <input type="checkbox"/> Plumbing Work <input type="checkbox"/> Electrical Work <input type="checkbox"/> Additions <input type="checkbox"/> Basement/Remodel • Location _____ <input type="checkbox"/> Lawn Irrigation <input type="checkbox"/> Garage <input type="checkbox"/> Other _____	<input type="checkbox"/> Chicken Coop <input type="checkbox"/> Tent
COMMERCIAL & NEW HOME REQUESTS	<input type="checkbox"/> Single Family Residence <input type="checkbox"/> Senior Housing <input type="checkbox"/> Two Family Residence (Duplex) <input type="checkbox"/> Senior Housing <input type="checkbox"/> Multi-Family Residence • (No. Units _____) <input type="checkbox"/> Senior Housing <input type="checkbox"/> Demolition <i>Existing</i> <input checked="" type="checkbox"/> Commercial/Industrial Building (NEW) <input checked="" type="checkbox"/> Commercial/Industrial Remodeling (Build outs) <input type="checkbox"/> Fire Protection: <input type="checkbox"/> Sprinkler <input type="checkbox"/> Alarm <input type="checkbox"/> Ansl <input type="checkbox"/> Storm Water Connection <input type="checkbox"/> Right of Way	Square Footage of All Areas 1st Floor _____ 2nd Floor _____ 3rd Floor _____ Add. Floors _____ Basement _____ Crawlspace _____ Garage _____ Porch _____ Deck/Patio _____ Outdoor Seat. _____ Outdoor Storage _____ Total _____	
	<p style="text-align: center;">New Residential Only</p> No. of Bedrooms _____ No. of Baths _____	<p style="text-align: center;">New Construction Only</p> No. of Tenant Spaces _____ No. & Sizes of Water Connect _____	

Certificate:

I HEREBY CERTIFY THE ABOVE STATEMENTS TO BE CORRECT

The applicant agrees to conform to all applicable Federal, State, and Local laws of this jurisdiction. They also agree that all work performed under this permit will be in accordance with the plans and specifications which accompany this application, except for such changes as may be required by the adopted Building Code and the inspection officials.

Applicant's Signature _____

Date _____

Permit Approved By: _____

Date: _____

