

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 July 11, 2022

CALL TO ORDER

The meeting was called to order by Chairman Gengler at 6:49 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), Judd Lofchie, Joe Antonioli, Joe Slivka, and Victoria Lundh

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 Flowers made a motion, seconded by Member Gilmour, to approve the minutes of the June 29, 2022, special meeting. With a voice vote of five (5) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from June 2022.

PETITIONS

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier summarized the request.

EcoCAT Report was submitted on December 9, 2021, and consultation was terminated.

The LESA Score was 124 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2021. To date, no comments have been received.

Petition information was sent to the Village of Oswego on December 22, 2021. The Village of Oswego submitted an email requesting the southern driveway be moved at least five feet (5') north of the southern property line. The email was provided. As noted previously, the Petitioners worked with the Village of Oswego to address access issues.

On June 8, 2022, the Petitioners' Attorney submitted a revised landscaping plan to the Village of Oswego. The differences between the new landscaping plan and the previously submitted landscaping plan were as follows:

1. The southern gravel driveway is shown to line up with the road across the street.
2. The southern gravel driveway is shown as five feet (5') from the southern property line.
3. The southern gravel driveway is shown as ten feet (10') in width instead of twenty feet (20') in width.
4. The six foot by five foot (6'X5') dumpster is not shown next to the frame shed.
5. The landscaping around the southern driveway entrance has been altered to reflect the new driveway location. Also, the number of mission arborvitae has increased from eleven (11) to (12).

On June 13, 2022, the Village of Oswego sent an email to the Petitioner outlining the defects of the plan. The defects are as follows:

1. A base course is needed.
2. Flare does not meet minimum dimensions.
3. Driveway should be twenty feet (20') wide.

This email was provided.

Petition information was sent to the Oswego Fire Protection District on December 22, 2021. To date, no comments were received.

ZPAC reviewed the proposal on January 4, 2022. The Petitioners' Attorney requested the start date for the business to be changed from April 1st to March 1st of each year. Discussion occurred regarding annexing the property into the Village of Oswego; the Petitioners' Attorney did not know why the Petitioners had not pursued annexation. The Petitioners' Attorney reiterated that no members of the public would be invited onto the property and no retail sales of landscaping materials would occur. Discussion occurred regarding the reasons why the Petitioner had not applied for proper zoning despite citation and court action. The Petitioners' Attorney indicated the Petitioners were agreeable to the proposed conditions provided the start date was moved to March 1st. ZPAC recommended approval of the special use permit with the conditions proposed by Staff with an amendment to move the start of the operating season to March 1st by a vote of five (5) in favor and two (2) in opposition with three (3) members absent. The minutes of the meeting were provided.

At their meeting on June 22, 2022, Commissioners reviewed the updated landscaping plan. The Kendall County Regional Planning Commission recommended approval of the special use permit with the condition that the Village of Oswego sign-off on the landscaping/site plan by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals completed the public hearing on June 27, 2022. Other than the Petitioners and their Attorney, no members of the public testified at the public hearing. Condition 1 was clarified to not allow grass clippings due to concerns about odor. Condition 5 was clarified to allow employees parking in the landscaping business area to park

on gravel. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff and the above clarifications by a vote of five (5) in favor and zero (0) in opposition with one (1) member absent. The minutes were provided.

The Findings of Fact for the special use permit were as follows; Member Cherry dissented to all Findings:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area and driveway inside the fenced area, 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 and seasons 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 the Village of Oswego approves the new access point for the southern driveway and if a variance is granted for the location of the southern driveway inside the fenced area, then adequate points of ingress and egress will be provided. The owners of the business allowed by the special use permit have agreed not pile materials in excess of three feet (3') in height.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided a variance is granted for the location of the driveway inside the fenced area and a variance is granted allowing the use on a non-state, county, or collector highway, the special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents".

The Findings of Fact for the variance are as follows; Member Cherry dissented to all Findings:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. There are no topographic conditions or other outstanding conditions not caused by the Petitioners that created a particular hardship or difficulty upon the owner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It is unknown the exact number of A-1 zoned properties that could ask for similar variances. The Village of Oswego defines Harvey Road as a Collector while the Kendall County Land Resource Management Plan does not define Harvey Road as a Collector; it is unique to have this difference in classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners created the hardship by installing the driveway without proper permits and operating the business at the subject property. While the owners were not responsible for the differences in classification for Harvey Road, the owners voluntarily chose to operate a landscaping business at the subject property and, thus, created the hardship.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, provided the Village of Oswego grants access to Harvey Road at the location shown on the landscaping plan.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the driveway to be on the property line and allowing the business to operate on a non-State, County, or Collector Highway will not impair any of the above items.

Staff believes that a landscaping business could operate at the subject property with reasonable restrictions. However, Staff has concerns, given the Petitioners' previous behavior, that reasonable restrictions will be followed. Staff believes the following conditions and restrictions are necessary for the operation of a special use permit at the subject property:

1. The site shall be developed substantially in accordance with the plat of survey and landscaping plan. The dumpster shall be a minimum six feet by five feet (6'X5'). No grass clippings related to the business allowed by the special use permit may be stored on the subject property. Within ninety days (90) of the approval of this special use permit, the owners of the business allowed by the special use permit shall install the fence shown on the landscaping plan. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the fence.
2. The existing house, garage, chicken coop, deck, swimming pool, and shed located on the northwest corner of the property shall be used for residential purposes only and shall be exempt from the site development conditions of the special use permit. The locations of these structures may change without requiring an amendment to the special use permit.
3. A variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance shall be granted allowing off-street parking and southern driveway to be no closer than zero feet

(0') from the southern property line as shown on the landscaping plan. The driveway shall be a maximum of twenty feet (20') in width and shall be gravel.

4. A variance to Section 7:01.D.30.b of the Kendall County Zoning Ordinance shall be granted allowing the operation of a landscaping business at a property not located on and not having direct access to a State, County, or Collector highway as designated in the County's Land Resource Management Plan.
5. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the plat of survey. The parking area shall be brick pavers. Within ninety days (90) of the approval of this special use permit, the owners of the business allowed by the special use permit shall install the brick pavers and handicapped parking space with applicable signage shown on the plat of survey. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the brick pavers and handicapped parking space. Employees may park on the existing gravel area inside the fence as shown on the landscaping plan; this parking area may remain gravel.
6. The owners of the business allowed by the special use permit shall maintain the landscaping business area on the southeast corner of the site as depicted on the landscaping plan. This area shall be gravel. The mulch area south of the frame shed shall be approximately twelve feet by twenty feet (12'X20') in size and shall be a maximum three feet (3') in height.
7. 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.
8. 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.
9. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
10. 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.
11. 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.
12. 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 landscaping plan. The maximum height of the piles of landscaping related material shall be less than three feet (3') in height.
13. No signage advertising or promoting the business shall be installed on the subject property. The owner of the business allowed by this special use permit may install appropriate handicapped parking signs and other directional signs within the fenced landscaping business area as shown on the landscaping plan.

14. Twenty-eight (28) eight foot (8') tall mission arborvitaes, four (4) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property shall be installed and maintained on the property in substantially the locations shown on the landscaping plan. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. Within ninety days (90) of the approval of this special use permit, the owners of the business allowed by the special use permit shall install the previously described vegetation. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
15. No landscape waste generated off the property can be burned on the subject property.
16. A maximum of four (4) 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.
17. 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.
18. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 8:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
19. 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.
20. 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.
21. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
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.

The draft ordinance was provided.

Chairman Gengler asked why a stormwater management permit was not required. Mr. Asselmeier responded that a stormwater management permit is required when the property owner piles materials three feet (3') or higher or installs at one (1) acre of impervious surface. The Petitioners did not want to pursue a stormwater management permit previously and were agreeable to conditions in the special use permit restricting the height of materials. If materials were three feet (3') in height or greater, the Petitioners would be in violation of both the special use permit and the Stormwater Management Ordinance.

Chairman Gengler stated that he did not trust the Petitioners to follow through on the stormwater related conditions; he was opposed to the proposal without a stormwater permit.

Member Koukol requested an update on cleaning up the property. Mr. Asselmeier reported the site was cleaned up, per the Committee's request. The Committee requested Staff to issue citations for the driveway. The next court hearing for the property is in mid-August.

Member Koukol questioned whether the Petitioners would keep product piles to under three feet (3') in height.

Member Gilmour asked the reason for allowing an extension to the deadline for installing the fence. Mr. Asselmeier responded that similar language has been added to conditions involving deadlines in other special use permit since the COVID pandemic started. Other cases have arisen where property owners thought they would accomplish a condition within a certain timeframe, but were unable to complete the condition due to issues related to the pandemic.

Member Gilmour asked if the southern driveway was gravel. Mr. Asselmeier responded the southern driveway is gravel.

Member Gilmour requested that a condition be added requiring the Petitioners to obtain a stormwater management permit. Mr. Asselmeier explained that the maximum height of piles of materials would need to be determined and used as the basis of calculations for the stormwater management permit.

Judd Lofchie, Attorney for the Petitioners, questioned what a stormwater management permit would look like. Mr. Asselmeier explained the application process and the information needed for the application.

Mr. Lofchie explained that the Petitioners have done what was asked of them since the Petitioners retained Mr. Lofchie.

Discussion occurred regarding pictures of piles of materials on the property.

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

Member Koukol favored waiting with forwarding the proposal to the County Board until the stormwater permit was issued.

Discussion occurred regarding the timeframe for getting a stormwater management permit.

Mr. Lofchie favored moving the proposal to County Board and setting a deadline to get the stormwater management permit as a condition of the special use permit. He felt that getting the permit would take three to four (3-4) months.

Mr. Asselmeier noted that two (2) conditions would need to be amended to reflect a stormwater management permit.

Discussion occurred regarding possible scenarios at the County Board, including the possibility of denial.

Chairman Gengler and Member Vickers withdrew their motion and second.

The consensus of the Committee was to table the proposal to the August 8, 2022 Planning, Building and Zoning Committee meeting.

Petition 22-13 Joe Slivka and Kevin Kunkel on Behalf of Lisbon Township

Mr. Asselmeier summarized the request.

Lisbon Township would like to construct a seven thousand four hundred eighty-eight (7,488) square foot garage on the subject property, located at 15759 Route 47, Newark.

The application materials, plat of survey, existing conditions survey, site plan, landscaping plan, building elevations were provided.

The property is approximately two point zero four (2.04) acres in size.

The existing land use is Institutional, Transportation and Agricultural.

The zoning is A-1.

The County's Future Land Use Map called for the property to be Agricultural. The Village of Lisbon's Future Land Use Map called for the property to be Commercial.

Route 47 is a State maintained Arterial. IDOT had no concerns regarding this proposal, an email to that effect was provided.

The County has a trail planned along Route 47.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural, Farmstead and Comed Right-of-Way.

The nearby properties in the unincorporated area are zoned A-1. The property to the west and south is inside the Village of Lisbon and is zoned Mining.

The County's Future Land Use Map called for the area to be Agricultural, Comed Right-of-Way and Mining. The Village of Lisbon's Future Land Use Map called for the area to Agricultural, Commercial, Mixed Use Business, and Mining.

The property to the southwest is owned by Vulcan Lands, Inc.

EcoCAT Report was submitted on May 12, 2022, and consultation was terminated.

The NRI application was submitted on May 4, 2022. The LESA Score was 178 indicated a low level of protection. The NRI Report was provided.

Petition information was sent to Lisbon Township on May 26, 2022. To date, no comments have been received.

Petition information was sent to the Village of Lisbon on May 26, 2022. To date, no comments have been received.

Petition information was sent to the Lisbon-Seward Fire Protection District on May 26, 2022. To date, no comments have been received.

ZPAC reviewed the proposal at their meeting on June 7, 2022. Discussion occurred regarding screening. The only screening would be the vegetation shown in the landscaping plan. Mr. Rybski requested confirmation that no sinks or bathroom facilities would be located in the facility. Mr. Asselmeier said that it was his understanding that no sinks or bathroom facilities would be located in the facility. The facility would be for storage purposes only. Mr. Holdiman said that offices might go in the facility in the future and the Petitioners were aware that a septic facility would be required at that time. The Petitioners might need to purchase additional property to have room for a septic system. Mr. Gengler asked about the handling of oil waste. Mr. Holdiman said no discussion has occurred regarding maintenance of vehicles and related requirements including oil interceptor and septic system requirements. ZPAC recommended approval of the request with a correction to a typo in condition 9 by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 22, 2022. Member Nelson questioned the need for a bathroom on the site. No restrooms are located on the property. Member Nelson also asked if borings had occurred on the property. Joe Antonioli and Kevin Kunkel responded no. Member Nelson expressed concerns that leaked oils would not get absorbed into the ground. His concerns regarding leaks was connected to concerns about installing a septic system on the property. Restrooms and offices would occur as part of a Phase II. The existing tanks owned by Lisbon Township were double walled tanks. Chairman Ashton said Lisbon Township did not have the funds to install restroom facilities. Kevin Kunkel said townships can only borrow money for a maximum ten (10) years. The Kendall County Regional Planning Commission recommended approval of the proposal by

a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on June 27, 2022. Other than the Petitioner and their representative, no members of the public testified at the public hearing. The Petitioner was agreeable to the proposed conditions. The proposed trees would not be impacted if a trail was installed at the property at a later date. Discussion occurred regarding the lack of restroom facilities in relation to ADA; it would be up to Lisbon Township and their employees to establish reasonable accommodations. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of five (5) in favor and zero (0) in opposition with one (1) member absent. The minutes of the hearing were provided.

According to the information provided, Lisbon Township plans to construct a garage facility to store township vehicles and equipment. The building will not have an office. The maximum number of employees at the property will be three (3).

According to the site plan, Lisbon Township plans to construct one (1) seven thousand four hundred eighty-eight (7,488) square foot building on the property.

According to the building elevations, the building will be twenty-six feet (26') in height at its highest point. Four (4) doors to drive in vehicles and equipment would be located on the east side of the building and these doors would be sixteen feet, four inches (16' 4") in height. The elevations also show one (1) man door on the east side of the building and one (1) man door on the west side of the building. It should be noted that on the building elevations South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.

The site plan shows an existing metal building and salt storage shelter. The metal building would be demolished in the future; no date has been provided for demolition.

The property is served by a well, but does not have a septic system.

One (1) trash enclosure area is shown on the site plan at the location of the existing metal building. This trash enclosure will be installed after the metal building is demolished. Until the metal building is demolished, there will not be a refuse area on the property.

Per the site plan, most of the property drains to the south.

The project does not meet the disturbance or lot coverage requirements needed for a stormwater permit.

Per the site plan, the property will utilize one (1) approximately twenty-five foot (25') wide driveway to access Route 47. The existing conditions survey showed three (3) access points onto Route 47.

According to the site plan, there are six (6) proposed parking stalls, including one (1) handicapped accessible parking stall, located north of the proposed building.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per each employee is required for public service uses.

According to the site plan, the building will have wall pak lighting. No information was provided regarding the location or number of lights.

Member Koukol made 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 July 19, 2022, on the regular agenda.

Joe Slivka said the Township hopes to start construction in 2022.

Mr. Asselmeier said a typo in the one of the Whereases will be deleted.

NEW BUSINESS

Update on Hiring Part-Time Code Enforcement Officer

Mr. Asselmeier provided the job posting for the position. The application deadline is July 19, 2022.

Approval of a Request by John and Laura Gay for a Second Extension to the Requirement to Install Vegetation and Berms as Required by Condition 2.B of Ordinance 2022-09 at 3601 Plainfield Road (PIN: 03-28-100-004) in Oswego Township

Mr. Asselmeier summarized the request.

Condition 2.B of Ordinance 2022-09, which granted a special use permit for a kennel at the subject property, requires that the berm and vegetation shown on the site plan be installed by June 1, 2022. The Ordinance also allows the Planning, Building and Zoning Committee to grant extensions to the installation deadline. A copy of Ordinance 2022-09 was provided.

The Petitioners previously submitted a request asking that the deadline to install the berm and vegetation be extended to July 31, 2022. A copy of the request was provided. The Committee approved this extension at the May 9, 2022, meeting.

The Petitioners submitted a request asking for a second extension to October 31, 2022.

Chairman Gengler made motion, seconded by Member Flowers, to approve setting the deadline at October 31, 2022.

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

OLD BUSINESS

Discussion of Adding Definitions of Forestry, Tree Farm, and Related Text Amendments to the Kendall County Zoning Ordinance; Committee Could Initiate Text Amendments Related to These Terms and Uses or Forward the Proposal to the Comprehensive Land Plan and Ordinance Committee

Mr. Asselmeier distributed the State's Attorney's Office's opinion and the information from the Kendall-Grundy Farm Bureau.

The consensus of the Committee was not to pursue definitions at this time.

Request for Guidance Regarding a Banquet Facility at 1126 Simons Road

Mr. Asselmeier summarized the issue and provided information from Facebook on the matter.

He noted that the property owner has not submitted any information regarding future events and no future events were listed on business' Facebook page. Efforts to reach the owner by certified mail were unsuccessful.

Since no activities are planned at the property and no activities have occurred regarding, the consensus of the Committee was not to pursue any actions against the property at this time.

Discussion of Having a Planning, Building and Zoning Committee Meeting in Boulder Hill in 2022

Mr. Asselmeier reported that Rob DeLong was attempting to contact the Oswego School District and had not received a response as July 8, 2022.

Historic Structure Survey Items

Approval of a Certified Local Government Grant for an Historic Structure Survey in Unincorporated Kendall and Bristol Townships; Grant Amount is \$29,750 and County's Match is \$12,750 for a Total Project Cost of \$42,500

Mr. Asselmeier distributed the State's Attorney's Office's opinion on the grant and the grant document.

Chairman Gengler made motion, seconded by Member Flowers, to recommend approval of the grant.

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

The proposal will go to the County Board when the contract with Wiss, Janney, Elstner Associates, Inc. has been reviewed by the State's Attorney's Office and approved by WJE.

Approval to Accept the Lowest Bid from Wiss, Janney, Elstner Associates, Inc. (WJE) to Conduct the Historic Structure Survey in Unincorporated Kendall and Bristol Townships in an Amount Not to Exceed \$42,500

Mr. Asselmeier provided the bid information. He also noted that the Committee of the Whole previously forwarded WJE's contract to the State's Attorney's Office at their January 2022 meeting.

Chairman Gengler made motion, seconded by Member Flowers, to recommend accepting the bid from WJE.

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

The proposal will go to the County Board when the contract with Wiss, Janney, Elstner Associates, Inc. has been reviewed by the State's Attorney's Office and approved by WJE.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report and discussed options of cleaning up 1539 Collins Road.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier said the Historic Preservation Commission will have a meeting with other historic preservation organizations on August 15, 2022, at 6:00 p.m., at the Fern Dell School and Museum.

An historic preservation award will be given to Beverly Casey at the July 19, 2022, County Board meeting.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report.

CORRESPONDENCE

July 1, 2022, Letter from Boyd Ingemunson Pertaining to Best Budget Tree Purchasing the Property Identified by Parcel Identification Number 09-15-200-003

The Committee reviewed the correspondence.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

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

Chairman Gengler adjourned the meeting at 7:59 p.m.

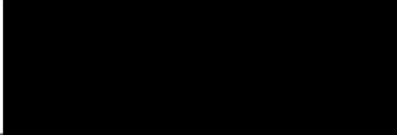
Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.



**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JULY 11, 2022**

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)
Judd Lofche		



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: June 24, 2022
Re: Definitions of Forestry and Tree Farming and Related Text Amendments

Following the June 21, 2022, County Board meeting, Staff received a request to draft definitions of forestry and tree farming.

The term "forestry" was added as a permitted use in the A-1 District in 2000. The State of Illinois does not have a definition of forestry or forest. Also, professional organizations related to tree care do not have the exact same definitions of these terms. Accordingly, Staff suggests the following definition of forestry:

"Forestry. A business or individual engaged in the growing, managing, and selling or processing of trees grown on the premises. Does not including the processing of trees or tree by products not grown on the premises.

Tree farms are listed in State law as an agricultural purpose. However, no definition of "tree farm" is provided. Tree farms are a permitted use in the A-1 District only. Staff suggests the following definition of tree farm:

"Tree Farm and Tree Farming. A business or individual engaged in the growing, cultivating, and harvesting of trees, including fruits and nuts grown on trees, on the same the trees are grown and not including the processing of trees or tree by-products."

At the June 16, 2022, Committee of the Whole meeting, it was mentioned that the processing of mulch was not listed as a use within the Kendall County Zoning Ordinance. The closest related use is the production, publishing, processing, cleaning, testing, or repair of lumber mentioned in Section 10:01.B.21.k of the Kendall County Zoning Ordinance. This use is a permitted use in the M-1 and M-2 Districts. While other uses not specifically listed that conform to the goals, purpose, and objective of the district are special uses in the M-1 and M-2 Districts, Staff suggests the following amendment to Section 10:01.B.21.k to clarify certain uses related to mulch:

"k) Building equipment, building materials, **mulch derived from plants**, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature."

If you have any questions regarding this memo, please let me know.

Thanks,

MHA