

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Meeting Minutes of June 22, 2022 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:03 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Tom Casey, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Dave Hamman and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Judd Lofchie, Joe Antonioli, and Kevin Kunkel

**APPROVAL OF AGENDA**

Member Wormley 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 May 25, 2022, meeting.

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

**PETITIONS**

**Petition 22-01 Jose and Silvia Martinez**

Mr. Asselmeier provided the updated landscaping plan. He noted the following changes:

1. The Petitioner moved the southern driveway to align with the road across the street.
2. The southern driveway is shown as five feet (5') from the southern property line.
3. The southern driveway is shown as ten feet (10') in width instead of the original twenty feet (20') in width. There is a question whether on the width meets the requirements of the Village of Oswego.
4. The base course of the access meets the requirements of the Village of Oswego.
5. The flare meets the requirements of the Village of Oswego.
6. The Petitioner installed twenty-two (22) arborvitae. Four (4) of these arborvitae will be relocated and six (6) additional arborvitae will be installed.
7. A mulch storage area measuring twelve feet by twenty feet (12'X20') was added between the metal building and dumpster area. The mulch storage area shall be a maximum three (3') feet in height.
8. The Petitioner was agreeable to adding a ninety (90) day deadline from the date of the approval of the special use permit for the installation of the fence, driveway, and arborvitae. The deadline may be

extended by the Planning, Building and Zoning Committee.

Mr. Asselmeier said that the Village of Oswego had not submitted comments regarding the revised site plan. He also noted that, if this proposal was moved to the July meeting, the proposal would be the only agenda item for the meeting.

Member Nelson asked why the updates were submitted so close to the Regional Planning Commission's meeting date and time. Judd Lofchie, Attorney for the Petitioner, said the Petitioner has been working with the parties involved.

Member Nelson asked if the Village of Oswego would have comments by the June 27, 2022, Zoning Board of Appeals hearing. Mr. Asselmeier was unsure if the Village of Oswego would submit comments by the hearing. Member Nelson was fine with advancing the proposal pending approval by the Village of Oswego. The hearing would be delayed if the Village of Oswego did not submit comments prior to the hearing.

Commissioners reviewed the proposed conditions. Mr. Asselmeier noted that several conditions will be amended to incorporate the changes listed previously.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the special use permit subject to sign-off by the Village of Oswego of the revised landscaping/site plan of the items under the Village's jurisdiction.

The votes on were as follows:

Ayes (7): Ashton, Casey, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Hamman and Stewart

Abstain (0): None

The motion carried.

The proposal will go to the Kendall County Zoning Board of Appeals on June 27, 2022.

### **Petition 22-12 Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the request.

On March 3, 2022, the County received a complaint regarding lights not working on the tower at Legion and Immanuel Roads. The tower owner fixed the matter.

Upon additional discussions, the suggestion was made to change the present language contained in Section 6:06.B.3.b, pertaining to design guidelines (lighting requirements) of telecommunication carrier facilities as follows:

“Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, **which shall be conventional red lighting at night and may be white strobe during the day (unless required by the FAA or FCC to be white strobe at night)**, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.”

At their meeting on March 23, 2022, the Kendall County Comprehensive Land Plan and Ordinance Committee voted to forward a request to the Kendall County Regional Planning Commission to initiate a text amendment to the Zoning Ordinance as described in the above paragraph.

At their meeting on April 27, 2022, the Kendall County Regional Planning Commission voted to initiate the text amendment to the Zoning Ordinance as described in the above paragraph.

The proposal was emailed to the townships on May 31, 2022. To date, no comments have been received.

ZPAC reviewed the proposal at their meeting on June 7, 2022. It was noted that, if someone provided information from the FCC or FAA requiring different lighting requirements, the federal regulations would supersede County regulations. ZPAC recommended approval of the proposal 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.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the text amendment.

The votes on the amendment were as follows:

Ayes (7): Ashton, Casey, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Hamman and Stewart

Abstain (0): None

The motion carried.

The proposal will go to the Kendall County Zoning Board of Appeals on June 27, 2022.

**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.

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.

According to the site plan, one monument sign shall be placed on the subject property. The sign will not be illuminated.

According to the site plan, no fencing will be installed on the property. No other security information was provided.

According to the landscaping plan, one (1) Autumn Blaze Maple, two (2) Northern Catalpa, and three (3) Redwood American Linden will be planted on the property. The trees will be three inch (3") BB. One (1) Sargent Crabapple will also be planted and will be six foot (6') BB. No information was provided regarding the timing of planting.

The existing turf would remain.

No information was provided regarding noise control.

No odor causing activities are foreseen at the property.

If approved, this would be the sixth (6<sup>th</sup>) special use permit for a government facility in the unincorporated area.

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 proposed use should not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make

adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is located along a four (4) lane highway with agricultural uses on all sides. Few residential uses are located in the vicinity. Provided the site is developed in accordance with the submitted site plan and landscaping plan, the proposed use will not be substantially injurious to neighboring properties and or adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities, points of ingress/egress, drainage, and other necessary facilities have been or will be provided.

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 needed.

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 proposal is consistent with a goal found on page 9-20 of the Kendall County Land Resource Management Plan call for “Mutually supportive, non-adversarial team of municipal, township, school, park, county, and other governments working toward the benefit of everyone in Kendall County.” Also, land next to an arterial highway is a logical location for a township highway facility.

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

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan. Lisbon Township may demolish the one (1) story metal building shown on the site plan without seeking an amendment to this special use permit.
2. The botanicals shown on the landscaping plan shall be installed by June 30, 2024. This deadline may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. Damaged or dead botanicals shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
3. The seven thousand four hundred eighty-eight (7,488) square foot building shall be developed substantially in accordance with the attached elevations (Attachment 6) with a maximum building height of twenty-six feet (26'). On the elevations, South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.
4. Any structures constructed, installed, or demolished related to the use allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. One (1) free standing monument sign may be installed in substantially the location shown on the site plan. The sign shall not be illuminated.
6. The trash enclosure shall be placed in substantially the location shown on the site plan, upon demolition of the one (1) story metal building. The enclosure shall be screened per the requirements of the Kendall County Zoning Ordinance. The property owners shall ensure that the site is kept free of litter and debris.
7. The owners of the uses allowed by this special use permit shall diligently monitor the property for leaks from equipment, vehicles, and materials parked and stored on the subject property and shall promptly

clean up the site if leaks occur.

8. None of the vehicles or equipment parked or stored on the subject property related to the use allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause (**typo corrected at ZPAC**).
10. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
11. 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.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. 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.

Member Nelson questioned the need for a bathroom on the site. No restrooms are located on the property.

Member Nelson 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 doubled walled tanks.

Chairman Ashton noted that he is a Lisbon Township trustee.

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.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the special use permit.

The votes on were as follows:

Ayes (7): Ashton, Casey, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Hamman and Stewart

Abstain (0): None

The motion carried.

The proposal will go to the Kendall County Zoning Board of Appeals on June 27, 2022.

#### **CITIZENS TO BE HEARD/PUBLIC COMMENT**

Member Wormley asked about the Yogi Bear Campground amending their special use permit. Mr. Asselmeier reported that the Yogi Bear Campground was still working on their application. Discussion occurred about potential improvements at the Yogi Bear Campground.

Chairman Ashton requested that the County explore using the water pumped out of the quarries as a source of drinking water. When the County is updating the Land Resource Management Plan, this topic, and land uses that could facilitate using the water, should be explored. No objections were voiced regarding this suggestion.

Discussion occurred regarding the materials extracted from the quarries.

Discussion about the TransCanada Pipeline in Little Rock Township. They were trying to equalize pressure in the pipes and created a loud noise when they bled the pipes. Petroleum based film has caked on some things (chairs, furniture, etc.) at the property and they plan to burn these items which will produce black smoke. The Commission favors hauling these items away instead of burning. The burning would occur the first part of July.

Discussion also occurred about solar farm companies looking for land in the County.

### **NEW BUSINESS**

None

### **OLD BUSINESS**

None

### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 21-49 was approved by the County Board. He also said that Petition 22-10 was withdrawn by the Petitioners.

### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier said that he received a request to add definitions of tree farm and forestry to the Zoning Ordinance. Member Wormley was against making more rules. Chairman Ashton expressed concerns that more “forestry” type businesses were looking to start in the County; he favored adding definitions to the Zoning Ordinance. Member Nelson favored making definitions. Member Casey did not favor having a junky appearing property on Route 52. Discussion occurred about the criteria used to evaluate zoning applications.

Discussion also occurred about solar farm companies looking for land in the County.

Discussion also occurred regarding notice requirements for zoning petitions.

Discussion also occurred about allowing gravel to be classified as something other than impervious surface in the Stormwater Management Ordinance.

### **ADJOURNMENT**

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:33 p.m.

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

Enc.





**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
JUNE 22, 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 Lofchie		
Joe Antonelli		
Kevin Kumbel		