

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 September 12, 2022

CALL TO ORDER

The meeting was called to order by Chairman Gengler at 6:31 p.m.

ROLL CALL

Committee Members Present: Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), and Dan Koukol

Committee Members Absent: Elizabeth Flowers and Robyn Vickers

Also Present: Matt Asselmeier (Senior Planner), Miguel Angel Fernandez, Sunny Simon, Yonia Nyamle, Lydia Ramirez, Dan Kramer, Gerald Gapa, Bob Patula, and Kathy Patula

APPROVAL OF AGENDA

Member Koukol made a motion, seconded by Member Gilmour, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Koukol, to approve the minutes of the August 8, 2022, meeting. With a voice vote of three (3) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from August 2022. The Committee also reviewed the quarterly expenditure update. Discussion occurred regarding replacing the Department's Ford truck. There was no update on Central Limestone's project. Discussion also occurred regarding funds in the Land Cash Fund; the number listed in the Land Cash amount is for the Forest Preserve District and all school districts combined. Information regarding funds for specific, individual school districts was not available.

PETITIONS

Petition 22-01 Jose and Silvia Martinez - Committee Could Vote to Issue New, Additional Citations at This Property

Mr. Asselmeier provided the updated draft ordinance. He noted that the Petitioner applied for a stormwater management permit. Mr. Asselmeier provided a letter from Greg Chismark outlining Mr. Chismark's request for additional information. He also read an email from Attorney Judd Lofchie noting that a meeting will occur on September 15, 2022, regarding stormwater. Mr. Asselmeier noted that Greg Chismark had not issued a recommendation on the issuance of the stormwater management permit.

Miguel Angel Fernandez, Attorney for the Petitioners, noted that Greg Chismark did not believe a stormwater management permit was necessary.

Discussion occurred regarding the piles of materials going over three feet (3') in height. Mr. Fernandez noted that the special use permit could be revoked if the Petitioners did not follow the conditions of the special use permit.

Chairman Gengler made a motion, seconded by Member Gilmour, to forward the proposal to the October 13, 2022, meeting.

With a voice vote of three (3) ayes, the motion carried.

The proposal will be on the October 13, 2022, Committee of the Whole agenda.

Petition 22-14 Sunny Simon on Behalf of Boulder Hill Market, LCC and Yonia Ahymee Nyamle on Behalf of the Olqani Wosho Foundation

Mr. Asselmeier summarized the request.

The Olangi Wosho Foundation would like to operate the Christian Spiritual Warfare Ministry at 67 Boulder Hill Pass.

The application materials and site plan were provided.

On February 17, 2015, the Kendall County Board approved Ordinance 2015-02, granting a special use permit for a place of worship to River's Edge Fellowship at 71 Boulder Hill Pass. This ordinance was also provided.

The unit is approximately six thousand eight hundred (6,800) square feet.

The unit is zoned B-3.

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

Boulder Hill Pass is a Township maintained local road.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were commercial related, an apartment complex, train tracks, and a wooded lot.

The adjacent properties were zoned A-1, R-7, B-1, and B-3. One (1) of the adjacent properties was inside the Village of Montgomery.

The County's Land Resource Management Plan called for the area to be Suburban Residential.

EcoCAT Report was submitted on July 8, 2022, and indicated the following protected resources in the vicinity:

Greater Redhorse

River Redhorse

Adverse impacts were unlikely and consultation was terminated.

The NRI application was submitted on July 6, 2022. The LESA Score was 78 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on July 21, 2022. No comments received.

Petition information was sent to the Village of Montgomery on July 21, 2022. No comments received.

Petition information was sent to the Oswego Fire Protection District on July 21, 2022. The Oswego Fire Protection District submitted an email on July 22, 2022 indicating that a sprinkler system might be required, depending on the occupancy load. This email was provided.

ZPAC reviewed this proposal at their meeting on August 2, 2022. Discussion occurred regarding restricting outdoor events at the property. The Petitioners were not present at the meeting. ZPAC recommended approval of the proposal with conditions proposed by Staff by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided. After the ZPAC meeting, the Petitioner submitted an email saying they will not have outdoor services. This email was provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 24, 2022. Discussion occurred regarding the noise regulations. The suggestion was made to have the noise regulations apply to non-church service related activities only. No weddings would occur at the property and no outside activities would occur at the property. Any signs installed on the property would have to meet applicable regulations. The Petitioners stated they had no concerns regarding the conditions. 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 August 29, 2022. Nobody testified at the public hearing. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff by a vote of six (6) in favor and zero (0) in opposition with one (1) member absent. The minutes of the hearing were provided.

The Kendall County Zoning Ordinance in Section 7:01.D.41 places the following requirements on special use permits for places of worship:

1. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
2. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.

No changes to the exterior of the building are proposed as part of the special use permit.

According to the information submitted to the County, the Olgani Wosho Foundation operates the Christian Spiritual Warfare Ministry. If approved, services would be held on Tuesday mornings, Wednesday afternoons, Wednesday nights, Friday mornings, Friday nights, Saturdays around Noon, Saturday nights, and Sunday afternoons. The times of activities were subject to change. Various community based activities, including food distributions and retreats, would either occur at the property or originate from the property.

67 Boulder Hill Pass is approximately six thousand, eight hundred (6,800) square feet in size. Per the submitted building plan, the space has one (1) door facing the parking lot and two (2) doors facing the back side of the building. Two (2) restroom facilities are inside the space.

No information was provided regarding the number of people inside the space.

A change in occupancy would be required.

The property is served by public water and sewer.

No new impervious surface is proposed.

The property fronts Boulder Hill Pass.

The existing parking lot has approximately two hundred thirty-five parking (235) spaces.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per every three (3) seats is required for places of worship.

No exterior lighting was planned.

No signage information was provided. Any signage installed would be required to meet the requirements of the Kendall County Zoning Ordinance.

No information was provided regarding security.

No changes to the existing landscaping was planned.

No information was provided regarding noise control.

No odor causing activities are foreseen at the property.

If approved, this would be the thirteenth (13th) special use permit for a place of worship in the unincorporated area and the second (2nd) such special use permit in the Boulder Hill Market.

The Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the operators of the use follow applicable building codes, no threats to the public health, safety, morals, comfort, or general welfare are foreseen.

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 mostly surrounded by business uses with multi-family uses found to the east. Provided a

restriction is placed in the special use permit regarding noise, no injury should be caused to neighboring properties. No information has been provided showing that the existing place of worship in Boulder Hill Market has negatively impacted property values or the use and enjoyment of other properties in the immediate vicinity.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The use will be located inside an existing building with no plans to alter existing points of ingress and egress or drainage. Adequate utilities are onsite.

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 Future Land Use Map calls for this property to be Suburban Residential and the property has been zoned for commercial uses since 1956. According to the definition of Suburban Residential found on page 6-45 of the Land Resource Management Plan, "Compatible governmental, educational, religious, and recreational uses also may be permitted in these areas." Governmental, educational, religious, and recreational uses can be found adjacent to the subject property. The proposed use would enhance and complement the existing uses in the area.

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

1. The special use shall be restricted to the unit shown as 67 Boulder Pass in the submitted site plan. No outdoor services shall be held at the subject property. (Amended after ZPAC meeting)
2. If the Olangi Wosho Foundation vacates the unit, the special use permit shall automatically be revoked.
3. 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.

4. 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, including, but not limited to, the signage regulations contained in the Kendall County Zoning Ordinance.
5. 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.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The draft ordinance was provided.

Member Koukol asked if a church was located in the old bank. Sunny Simon responded no.

Chairman Gengler asked about consulting the Health Department regarding food preparation at the property. Mr. Asselmeier responded that none of the other places of worship had such requirements in their special use permits and the church did not have plans to cook food at the property.

No outside events would occur.

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

With a voice vote of three (3) ayes, the motion carried.

The proposal goes to the County Board on September 20, 2022, on the consent agenda.

Petition 22-16 Lydia Ramirez

Mr. Asselmeier summarized the request.

In February 2019, the Kendall County Board granted a special use permit for a banquet facility at the subject property. The property recently sold and the new owner would like to amend the site plan, landscaping plan, and photometric plan for the property.

The application materials, Ordinance 2019-3, revised proposed site plan, revised proposed landscaping plan, proposed photometric plan, and the revised proposed engineering plans were provided. The site plan, landscaping plan, and engineering plans were revised after ZPAC to address concerns from WBK Engineering.

In particular, the following changes were proposed:

1. The northern driveway from the parking lot to Schlapp Road was eliminated.
2. The total number of parking spaces was reduced from one hundred fifty-one (151), including seven (7) handicapped parking spaces, to one hundred fifty parking (150), including six (6) handicapped parking spaces. The parking lot would also be divided into

two (2) phases with ninety-nine (99) parking spaces in the first phase and fifty-one (51) parking spaces in the second phase. The location of the handicapped parking spaces within the parking lot was also adjusted.

3. The future building east of the parking lot was increased from one thousand five hundred (1,500) square feet to two thousand five (2,500) square feet.
4. One (1) additional asphalt walkway between the parking lot and barn (western walkway) was added. The walkway is approximately twelve feet (12') in width and encompasses one thousand ninety (1,090) square feet.
5. The eastern gravel walkway was reduced from twelve feet (12') to eight feet (8') in width.
6. The gravel walkway south of the barn was also reduced from twelve feet (12') to eight feet (8') in width.
7. The three (3) grain bins, tent area north of the proposed barn, and outdoor concrete pad areas on the east and west side of the barn were removed and replaced with a lean to building and concrete pad areas.
8. The proposed barn was increased from a four thousand nine hundred fifty (4,950) square foot structure to a five thousand two hundred eighty (5,280) square foot structure, not including the one thousand two hundred (1,200) square foot lean to building.
9. The location and configuration of the septic system was changed.
10. The wet bottom detention pond was made approximately two feet (2') deeper and the foot print of the pond shrunk.
11. A wild flower and prairie seed mix was added to the bio-swale west of the berm.
12. A dry mesic prairie mix was added around the pond.
13. The number of understory trees was decreased from ten (10) to five (5).
14. The location of some of the deciduous bushes around the proposed barn was adjusted to reflect the new dimensions of the barn.
15. The location of lights along the driveway were adjusted to reflect having one (1) entrance/exit. Accordingly, the number of "A2-5" lights was reduced from five (5) to four (4) and the number of "A1-3" lights was increased from two (2) to three (3).
16. Eighteen (18) new lights were proposed along the walkways from the parking lot to the proposed barn and walkways around the barn.

The existing conditions contained in Ordinance 2019-3 were as follows:

- A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, the attached landscaping plan attached hereto as Exhibit D, and the attached lighting plan attached hereto as Exhibit E. The previously listed

plans may be altered to meet the right-of-way dedication mentioned in condition B. Trees shall be a minimum five feet (5') in height at the time of planting as measured from the top of the root ball to the top of the tree. The trees shall be planted in such location as to provide a complete screening within five (5) years of approval of this ordinance.

- B. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50') as measured from the centerline of Schlapp Road.
- C. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.
- D. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
- E. The subject parcel must maintain a minimum of five (5) acres.
- F. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.
- G. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted. In particular, lighting will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held.
- H. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated.
- I. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- J. 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.

- K. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
- L. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional two (2) hours after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term "weekend" shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term "weekday" shall mean the other days of the week not included in the definition of "weekend."
- M. A new certificate of occupancy must be issued for all buildings.
- N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.
- P. No patrons, employees, or other individuals associated with events at the banquet facility allowed by this special use permit may park along Schlapp Road.
- Q. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall plant a thirty foot (30') strip of wild flowers and prairie grasses along the entire eastern property line.
- R. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall erect "No Trespassing" signs near the eastern property line.
- S. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- T. 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.
- U. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Condition A is the only condition proposed for amendment. The height of trees and timing of screening would remain the same. Planting of vegetation would be completed by June 1, 2023.

The property is approximately nine point seven (9.7) acres in size.

The current land use is Agricultural.

The future land use is Rural Residential (Max 0.60 DU/Acre).

Schlapp Road is a Township maintained minor collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1 and A-1 SU.

The Future Land Use Map called for the area to Rural Residential (Max 0.60 DU/Acre) and Rural Estate Residential (Max 0.45 DU/Acre).

The properties within a half (1/2) mile were zoned A-1, A-1 SU, R-1 and R-3.

The A-1 SU to the north of the subject property is for a residential unit for a stable employee.

The A-1 SU to the east of the subject property is a church. One (1) additional A-1 SU is located within one half (1/2) mile of the property to the northeast; this special use permit is for the selling of agricultural products not grown on the premises.

Seven (7) houses, not including the homes in the Douglas Hill Subdivision and Leisure Lea Subdivision, are located within one half (1/2) mile of the existing property lines.

EcoCat submitted on July 13, 2022, consultation was terminated.

NRI application submitted on July 18, 2022. The LESA Score was 198 indicating a low level of protection. The NRI Report was provided.

Oswego Township was emailed information on July 21, 2022. The right-of-way dedication required in Ordinance 2019-3 occurred as required.

Oswego Fire Protection District was emailed information on July 21, 2022. The previous property owner explored obtaining a variance to the sprinkling requirements.

The Oswego Fire Protection District submitted an email on July 22, 2022, with following comments and conditions:

1. New construction, including the lean to, shall be required to be sprinkler protected and fire alarmed.
2. Concrete pads and housing for tents are required to be compliant with IBC and IFC tent regulations.
3. An auto turning exhibit is required to validate ability of emergency vehicles to navigate the site.
4. Gravel parking lot shall be constructed so that it can be maintained in drivable and accessible condition year-round.

At the ZPAC meeting, the Petitioner agreed to the above conditions. The revised auto turn exhibit was provided. The Oswego Fire District's response was provided. The auto turn exhibit was updated following the comments from the Oswego Fire Protection District.

The Village of Oswego was emailed information on July 21, 2022. No comments received.

ZPAC reviewed the proposal at their meeting on August 2, 2022. 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 of the meeting were provided.

WBK submitted comments on the proposal on August 2, 2022. These comments were provided. Tebrugge Engineering's response letter was also provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 24, 2022. Discussion occurred regarding concerns raised at the original review of the special use permit pertaining to noise and the pond. Requirements were placed in the original special use permit pertaining to screening and "no trespassing" signs. The Petitioner was requesting the amendment because the new designs would save them money. The Petitioner was agreeable to the requirement that structures have sprinklers. It was noted that the nearest home was located over one thousand feet (1000') from the use with screening around both properties. Construction would start at the beginning of 2023. 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 Appeal held a public hearing on this proposal on August 29, 2022. Discussion occurred regarding the noise and lighting requirements; these items were addressed in the original special use permit and no changes were proposed or recommended. The Petitioners were asked to move their closing time on weekends up to 10:00 p.m.; they were opposed to that request. The Kendall County Zoning Board of Appeals recommended approval of the request with the conditions proposed by Staff by a vote of five (5) in favor, zero (0) in opposition, one (1) abstention, and one (1) absent. The minutes of the hearing were provided.

The Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls are included in the plan to prevent noise from negatively impacting neighboring properties.

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 proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner plans to work with the Kendall County Health Department, the Kendall County Planning, Building and Zoning Department and Oswego Township to address utilities, drainage, and points of ingress and egress.

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. True, no additional variances are requested.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-3 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

Staff recommended approval of the major amendment to an existing special use permit subject to the following conditions and restrictions:

1. Condition 2.A of Ordinance 2019-3 is deleted and replaced with the following: "The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, photometric plan, engineering plans, and auto turning exhibit. The wall to wall specs shall be forty-four feet seven inches (44' 7") (Amended after ZPAC). Trees shall be a minimum five feet (5') in height at the time of planting as measured from the top of the root ball to the top of the tree. The trees shall be planted in such locations as to provide a complete screening within five (5) years of approval of this amendment. The specific dimensions of the pond shall be governed by the stormwater management permit."
2. Installation of the vegetation shown in the landscaping plan shall be completed by June 1, 2023. The Planning, Building and Zoning Committee may extend the deadline to install the vegetation upon request of the property owner or operator of the business allowed by the special use permit.
3. The parking lot and driveway shall be constructed in a manner so that it can be maintained in drivable and accessible condition year-round for emergency response vehicles (Added after ZPAC).
4. The remaining conditions and restrictions contained in Ordinance 2019-3 shall remain valid and effective.
5. Failure to comply with one or more of the above conditions or restrictions or the conditions or restrictions contained in Ordinance 2019-3 could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. This major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The draft ordinance was provided.

Member Koukol asked how many events per year were planned at the property. The response was that the specific number of events was unknown. The existing special use permit placed restrictions on hours of operation and defined the terms weekend and weekdays.

The driveway will be gravel originally and will be paved at a later date.

Building will not start until 2023.

The Petitioners were not in the party rental business.

A restriction already existed in the special use permit regarding origination of music and placement of speakers.

Chairman Gengler made motion, seconded by Member Koukol, to recommend approval of the major amendments to an existing special use permit.

With a voice vote of three (3) ayes, the motion carried.

The proposal goes to the County Board on September 20, 2022, on the consent agenda.

NEW BUSINESS

Approval of Request from Peter and Laurie Pasteris on Behalf of the Peter J. Pasteris Jr. Revocable Declaration of Living Trust to Allow for Events to be Held from April 8th through November 30th and Allowing the Temporary Tent to be Erect During the Same Time Frame at the Banquet Facility at the Subject Property for 2023 at 1998 Johnson Road (PINs: 06-11-100-004 and 06-11-100-008) in Na-Au-Say Township

Mr. Asselmeier summarized the request.

On April 21, 2015, the Kendall County Board approved Ordinance 2015-06, granting a special use permit for a banquet facility at 1998 Johnson Road. Condition 8 of the Ordinance stated that events could run from May 1st through November 15th and the temporary tent can be erect from May 1st through November 15th.

On April 8, 2019, the Planning, Building and Zoning Committee granted minor amendments to the special use permit allowing the porta-johns to be on the premises the entire season and allowing the tent to be erected from April 15th to November 15th.

On November 9, 2020, the Planning, Building and Zoning Committee granted a minor amendment to the special use permit to allow events to be held starting on April 8th and ending November 30th in 2021 only. The tent could be erected during the same time period. The amendment also allowed the Planning Building and Zoning Committee to renew this option, if requested by the property owner. A copy of this minor amendment was provided.

Similar to 2021, on August 29, 2022, the Petitioner submitted a formal request to renew the minor amendment granted in November 2020 for the 2022 operating season. A copy of this request was provided.

Petition information was sent to the Kendall County Health Department, Sheriff's Department, Na-Au-Say Township, Village of Plainfield, and Plainfield Fire Protection District on August 29, 2022. As of the date of this memo, no objections have been submitted regarding this request.

If the Planning, Building and Zoning Committee wishes to approve the request, a draft minor amendment was provided.

If the Planning, Building and Zoning Committee wishes to deny the minor amendment and if the Petitioner desires the amendments, the Petitioner would be required to go through the major amendment to a special use process as outlined in the Kendall County Zoning Ordinance.

Member Koukol made a motion, seconded by Chairman Gengler, to approve the renewal as requested.

With a voice vote of three (3) ayes, the motion carried.

Approval of a Request by Robert Velazquez for an Extension to the Requirement to Install Landscaping, Fencing, and Buildings as Required by Conditions 2.B and 2.J of Ordinance 2021-23 at 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township

Mr. Asselmeier summarized the request.

Condition 2.J of Ordinance 2021-23, which granted a special use permit for a landscaping business at the subject property, requires the landscaping to be installed by June 1, 2022. The Ordinance also allows the Planning, Building and Zoning Committee to grant extensions to the installation deadline. On May 9, 2022, the Committee extended the deadline for this requirement to October 1, 2022.

Condition 2.B of Ordinance 2021-23, also required all structures shown on the site plan to be constructed and occupied by December 31, 2022. The Ordinance also allows the Planning, Building and Zoning Committee to grant extensions to the installation deadline.

A copy of Ordinance 2021-23 was provided.

On August 31, 2022, the Petitioner's Attorney submitted a request asking that the deadline to install the landscaping and the requirements related to the buildings be extended to June 1, 2023. A copy of the request was provided.

Dan Kramer, Attorney for the Petitioner, said that the Illinois Department of Transportation wanted to take more land than originally planned. The landscaping plan will need to be amended. The Petitioner was waiting for the Illinois Department of Transportation before submitting an amendment application.

Member Koukol noted that several landowners were waiting for the State to secure land for the expansion of Route 47.

Member Koukol made a motion, seconded by Member Gilmour, to grant the extension.

With a voice vote of three (3) ayes, the motion carried.

Approval to Change the October 2022 Kendall County Planning, Building and Zoning Committee Meeting Date and Time

Mr. Asselmeier stated that the next meeting is Thursday, October 6, 2022, because of Columbus Day.

Member Gilmour made a motion, seconded by Member Koukol, to set the October 2022 meeting at 4:00 p.m. on October 6th.

With a voice vote of three (3) ayes, the motion carried.

Discussion of Amending the Kendall County Noise Ordinance; Committee Could Initiate an Amendment

Mr. Asselmeier summarized the issue.

The Department has received several noise complaints from large parties occurring in the unincorporated area. Staff has been directed to explore possible changes to the Noise Ordinance.

Possible amendments include the following:

1. Allowing the Sheriff's Department and/or Planning, Building and Zoning Department to obtain noise readings from streets instead of the property line of the receiving residential land. This removes the need for having a resident serve as prosecutorial witness.
2. Expanding the applicability of the Noise Ordinance to include non-agricultural activities on A-1 zoned properties. The present Noise Ordinance is only applicable to Residentially Zoned properties.
3. Increasing the fines for offenses. Presently, the minimum fine for the first offense is Fifty Dollars (\$50) with a maximum fine of Five Hundred Dollars (\$500). Subsequent offenses occurring within two (2) years carry a minimum fine of One Hundred Dollars (\$100) with a maximum fine of One Thousand Dollars (\$1,000). 720 ILCS 5/47-25 sets a maximum fine of One Hundred Dollars (\$100) for a first offense and defines subsequent offenses as a Class B misdemeanor. A Class B misdemeanor has a minimum fine of Seventy-Five Dollars (\$75) and maximum fine of One Thousand Five Hundred Dollars (\$1,500) for each offense and maximum imprisonment of six (6) months.

A copy of the existing Noise Ordinance was provided.

When the Noise Ordinance was adopted in 2013, the proposal was reviewed by the Law, Justice, and Legislation Committee prior to advancing to the County Board.

Member Koukol asked who requested the changes. Mr. Asselmeier responded that the Chairman Gengler suggested reviewing the ordinance, Matt Kellogg suggested examining the fines, and the Sheriff's Department suggested changing the location where readings occurred.

Member Koukol did not mind the fines, but had reservations of having a violation be a Class B misdemeanor. Chairman Gengler felt that the existing fines were too small.

Member Gilmour said a large amount of time is used to investigate violations.

Member Gilmour requested clarification on possible amendment 2. Mr. Asselmeier responded that the Ordinance only applied to residentially zoned lands; loud parties on A-1 zoned lands are presently exempt from the Ordinance. The proposed change would remove this exemption on non-agricultural uses. Mr. Asselmeier said this possible amendment addresses concerns raised in Seward Township on A-1 zoned properties.

The Sheriff's Department has not reviewed this proposal.

Chairman Gengler made a motion, seconded by Member Koukol, to forward the proposal to the Law, Justice and Legislation Committee.

With a voice vote of three (3) ayes, the motion carried.

The proposal will go to the next Law, Justice and Legislation Committee.

October 21, 2022 Illinois Association of County Zoning Officials Training

Mr. Asselmeier stated that the Illinois Association of County Zoning Officials will have a training on October 21, 2022, at 9:00 a.m., via Zoom. The first session will be on carbon dioxide pipeline regulations. The second session will be on zoning hearings. A roundtable discussion will be held after lunch on activities and concerns in the various counties. Members should contact Mr. Asselmeier if they were interested in attending. There was no application fee. Chairman Gengler was interested attending.

Special Use Permit Enforcement Update

Mr. Asselmeier provided an update on cases involving 5681 Whitewillow Road, the special use permit for YPAC, the special use permit for Peaceful Pathways Montessori School, and the kennel and veterinary at the northeast corner of Ridge and Bell Roads. The kennel and veterinary at Ridge and Bell Roads will likely submit amendments to their special use permit in October. He also noted that, when the new Part-Time Enforcement Officers starts, the annual inspections will be turned over to that person.

OLD BUSINESS

Update on Hiring Part-Time Code Enforcement Officer

Mr. Asselmeier reported that Matthew Yackley, an Oswego firefighter, has been hired for the position. Mr. Yackley started on September 12, 2022.

Request for Guidance Regarding a Junk and Debris Issue and Container without a Permit at 19 N. Cherry Drive, Oswego; Committee Could Vote to Issue Citations at This Property

Mr. Asselmeier provided a picture of the property showing the container removed. The junk and debris violation has been closed.

Gerald Gapa said that he was moving to Michigan.

Bob Patula said that junk and debris was still in the yard. Mr. Asselmeier will ask Brian Holdiman to investigate the matter. Mr. Holdiman likely will only observe the front yard.

Review of Agenda and Meeting Logistics Related to a Planning, Building and Zoning Committee Meeting in Boulder Hill on September 14, 2022

The Committee reviewed the draft agenda.

The packet will include portions of the ordinances listed on the agenda.

Index cards have been purchased for attendees to write comments and questions.

Doors open at 6:00 p.m.

The Health Department and Oswego Township will have representatives in attendance.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

REVIEW PRE-VIOLATION REPORT

The Committee reviewed the pre-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Follow-Up August 15, 2022 Historic Preservation Group Meeting in Newark

Mr. Asselmeier said sixteen (16) people attending the meeting in Newark.

They are still looking for volunteers for the structure survey project.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Koukol made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of three (3) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 7:50 p.m.


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

Enc.



**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
SEPTEMBER 12, 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)
Miguel Angel Fernandez		
Dan Kw	2001 Brown #2	Super Fi

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Monday, September 12, 2022 4:05 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel
Subject: [External]Fwd: 1038 Harvey Road

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.

We have a zoom meeting at 3 pm this Thursday between our engineer and the Village Engineer (WBK) to discuss what our engineer needs to do.

Regards,

JUDD

----- Forwarded message -----

From: Mike May <MikeMay@cemcon.com>
Date: Mon, Sep 12, 2022 at 3:44 PM
Subject: RE: 1038 Harvey Road
To: judd lofchie <[REDACTED]>, Greg Chismark <gchismark@wbkengineering.com>

I am available at 3pm Thursday.



Michael A. May, MSCE, PE
Senior Project Manager

CEMCON, Ltd.

CONSULTING ENGINEERS, LAND SURVEYORS & PLANNERS
2280 White Oak Circle, Suite 100, Aurora, IL 60502-9675
TEL: (630) 862-2100 FAX: (630) 862-2199

mikemay@cemcon.com

From: judd lofchie
Sent: Monday, September 12, 2022 3:41 PM
To: Greg Chismark <gchismark@wbkengineering.com>; Mike May <MikeMay@cemcon.com>
Subject: Re: 1038 Harvey Road

Hi Greg and Mike. Greg is the Village engineer at WBK. Mike is from Cemcon.

Matt Asselmeier

From: Greg Chismark <gchismark@wbkengineering.com>
Sent: Monday, September 12, 2022 11:56 AM
To: judd lofchie; Matt Asselmeier; Matt Asselmeier
Subject: [External]RE: 1038 Harvey Road

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.

Judd,

Based on the submittal it does not appear the site disturbs more than one acre.

There is no floodplain or wetlands on the site.

Based on your statement the fill height will not exceed three feet.

Stormwater storage does not appear to be necessary. The parcel is greater than three acres and the disturbance is less than 45,000 sf and the impervious surface (gravel) is less than 32,000 sf.

Accordingly, I do not see an activity that would require a stormwater permit under the County Stormwater Ordinance. I am copying Matt Asselmeier to verify this perspective.

Thanks,

Greg

Greg Chismark, PE

President

Direct: (630) 338-8527 | Main: (630) 443-7755

gchismark@wbkengineering.com

WBK Engineering, LLC

116 W. Main Street, Suite 201, St. Charles, IL 60174

Part of Bodwé Professional Services

From: judd lofchie [REDACTED]
Sent: Monday, September 12, 2022 10:52 AM
To: Greg Chismark <gchismark@wbkengineering.com>; Matt Asselmeier <masselmeier@co.kendall.il.us>; Matt Asselmeier <masselmeier@kendallcountyil.gov>
Subject: 1038 Harvey Road

Dear Greg

Thanks for taking time to speak with me this morning. I verified with my client that there will be no materials over 3 feet high.

As such, can you confirm that my client's property does not meet the thresholds required under the stormwater ordinance? And that there would be nothing required under the stormwater ordinance at this time.

Thank you.

Judd