

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of January 25, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki (Left at 8:04 p.m.), Tom Casey, Dave Hamman, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson (Arrived at 7:03 p.m.), and Seth Wormley

Members Absent: Karin McCarthy-Lange

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Michael Cook, Joan Soltwisch, Joe Chow, and Marissa Friestad

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Bernacki, to approve the agenda. With a voice vote of eight (8) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wormley made a motion, seconded by Member Stewart, to approve the minutes of the of the December 14, 2022, meeting. With a voice vote of eight (8) ayes, the motion carried.

PETITION

Petition 22-27 Deb Howard on Behalf of Jade Restorations, Inc. (Current Owner) and Bullmastiff Construction Company LTD. (Contractor)

Mr. Asselmeier summarized the request.

On February 18, 2020, the County Board approved Ordinance 2020-01, granting a special use permit for a kennel and veterinary at the northeast corner of Ridge Road and Bell Road, now addressed as 949 Bell Road, Minooka.

During the summer of 2022, the Planning, Building and Zoning Department received complaints regarding lights at the subject property. Upon investigation, Staff discovered that the site had not been developed in accordance with the site plan, landscaping plan, and photometric plan attached to the special use permit ordinance. The property owner agreed to amend the special use permit to have the site plan, landscaping plan, and photometric plan to match the current conditions.

Member Wilson arrived at this time (7:03 p.m.).

The specific amendments are as follows (items in red are Staff comments):

1. Fence limits on the west side of the building are different with a larger outdoor area enclosed and extended further south. The installed fence height is eight feet (8'), not six feet (6') as described in the associated exhibits attached to Ordinance 2020-01. **The fence was a cedar fence in the approved plans; the installed fence was vinyl.**

2. Westerly septic field is enclosed within the expanded fenced outdoor plan area. Westerly septic tank is installed further north than previously proposed. The southerly septic tank/piping was designed to be on the east side of the main entry, but was installed on the west side of the entry.
3. The Rusty Ridge sign at the southwest corner of the site is located within the Kendall County right-of-way. This will be relocated as part of the major amendment to the originally proposed location at a ten foot (10') setback from the right-of-way along the middle of the property west of the proposed location. **No information was provided regarding the other sign. The approved plans had one (1) monument sign along Bell Road and one (1) monument sign along Ridge Road. Both signs were to be four feet by eight feet (4'X8') and a maximum of eight feet (8') in height. Neither sign will be illuminated.**
4. Sidewalk has been added around the building that was not part of the original plans. There is a gravel driveway/PCC walk along the north side of the building for equestrian trailer access. Additional parking was added in the northeast corner of the building. **Number of parking stalls increased from fifty-two (52) to sixty-five (65). The number of handicapped accessible parking spaces remains at three (3).**
5. The east side walkway/covered entrance/building was eliminated and the walk is shown coming out of the south side of the building.
6. A five thousand (5,000) gallon external tank was previously proposed next to the well for fire protection. This was not constructed. Tank was installed in basement of building per discussions with the Minooka Fire Department.
7. An additional wall pack was added along the west wall of the building as the play area was enlarged/moved from the northeast corner of building. As built-photometric plan was unchanged and light intensities at west property line are still zero point zero (0.0) foot candles. **Change in location of lights. Number of pole lights to remain the same. Height of pole lights to remain the same.**
8. The concrete pad for trash enclosure is installed but no walls have been constructed. Concrete pad relocated further north to allow equestrian trailer access along the north side of the building from the parking lot. **Petitioner still plans to install the seven foot (7') tall masonry or wood fencing around the refuse area.**
9. Well head installed further north of design location.
10. Outdoor play area was eliminated on the northeast corner of building due to the installation of air handling units. **Original plans called for two (2) approximately twelve thousand (12,000) square foot outdoor play areas that were planned on both sides of the kennel wing of the building.**
11. A three thousand, one hundred (3,100) gallon holding tank was eliminated that was previously proposed for therapy pool/dog wash. Therapy pool was eliminated from building.
12. Per Seward Township Board meeting of December 13, 2022, Owner and Township Agreed that building and parking lot lighting will be turned off at 10:00 p.m. every night and all parking lot lighting and building lighting and building wall packs will be installed with cutoffs or shields. **Security lighting has motion sensors.**
13. Owner is requesting a variation to Kendall County Zoning Ordinance 7:01.D.29 for A-1 special use and modify "Condition G" of 2020-01 special use ordinance to State the following: "All pets shall be

indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening.”

14. **Change in vegetation count from thirty-eight (38) shade trees of various types, seventy-eight (78) evergreen trees of various types, sixty-eight (68) evergreen shrubs of various types, two hundred eighty-two (282) deciduous shrubs of various types, and one hundred fifteen (115) perennials of various types to thirty (30) ornamental trees of various types, twenty-six (26) trees of various types, forty-nine (49) evergreen trees of various types, and one hundred sixty-nine (169) shrubs of various types. Some vegetation has not been installed.**

The conditions in Ordinance 2020-01 are as follows:

- A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.
- B. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication attached hereto as Exhibit F.
- C. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250’) from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150’) from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
- D. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan (Exhibit C).
- E. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
- F. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
- G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
- H. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.
- I. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
- J. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.

- K. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
- L. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
- M. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
- N. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- P. 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.
- Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The right-of-way dedication required called for in condition 2 occurred.

The proposed amendments would impact conditions 1 and 7. The vegetation referenced in condition 5 has not been installed completely. The remaining conditions shall remain valid and in effect.

The property is approximately twenty (20) acres and the special use area is approximately eight point five (8.5) acres.

The current land use is agricultural, veterinary, and kennel.

The future land use map calls for the property to be commercial.

Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector.

Shorewood has a trail planned along Ridge Road and Bell Road.

The adjacent land uses are agricultural, farmstead, and landscaping business.

The adjacent properties are zoned A-1 and A-1 special use.

The Land Resource Management Plan calls for the area to be Suburban Residential, Commercial, and Mixed Use Business.

The properties within one half (1/2) of a mile are zoned A-1, A-1 special use, and R-1.

There are twelve (12) homes located within one half (1/2) mile of the subject property.

The special uses to the north and south are landing strips. The special use to the east is for natural gas compression. The special use to the west is for a landscaping business.

EcoCat submitted on December 5, 2019, and consultation was terminated.

The NRI that was prepared for the original special use permit remains valid. The LESA Score was 207 indicating a medium level of protection. NRI information was provided

Seward Township was emailed information on December 27, 2022. As noted previously, Seward Township reviewed the proposal prior to application submittal.

The Minooka Fire Protection District was emailed information on December 27, 2022. They responded on December 29, 2022, saying they had no stipulations regarding this proposal. The email was provided.

The Village of Shorewood was emailed information on December 27, 2022.

ZPAC reviewed the proposal at their meeting on January 3, 2023. Discussion occurred regarding the timing of installing the landscaping. All landscaping would be installed by mid-June 2023. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes were provided.

The proposed Findings of Fact for the special use permit amendment 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 operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1 or A-1 with a special use permit. In addition, the site plan shows an eight foot (8') tall fence around the outdoor play area. The proposed landscaping and berming should also reduce noise coming from the property. The Petitioners are requesting a variance to allow animals to be outdoors until 10:00 p.m. but only for the purposes of dropping-off and picking-up by owners and for necessary bathroom breaks.

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 Petitioners installed fencing and security lighting. The Petitioners submitted a photometric plan showing no lighting spilling onto adjoining properties. The Petitioners agreed to have animals indoors by sunset, except for specific purposes as mentioned in the previous finding. The proposed hours of operation will also prevent injury to neighboring 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. This is true. Adequate ingress and egress has been provided off of Bell Road. The Petitioners have secured applicable permits and installed adequate facilities related to stormwater, well, and septic systems.

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. The Petitioners are requesting a variance to Section

7:01.D.29 of the Kendall County Zoning Ordinance to allow the animals to be outdoors for specific purposes as outlined in the first finding.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” The Land Resource Management Plan calls for the subject property to be commercial.

The proposed Findings of Fact for the variance were as follows:

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. No topographic condition creates a particular hardship for the Petitioner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other requests for special use permits for kennels could ask for the same variation.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner was not involved with the drafting of the existing language in the Zoning Ordinance. The current owner cannot control the times for sunset or sunrise.

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 if the animals are outside for the purposes of pick-up and drop-off or to use the restroom and for no other purposes.

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. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.

Staff recommended approval of the requested variance and amendments to the existing special use permit for a kennel and veterinary establishment subject to the following conditions and restrictions:

1. Condition 2.A of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and photometric plan.”

2. Condition 2.E of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“All vegetation and berms shall be installed by June 15, 2023. The Planning, Building and Zoning Committee may extend this deadline upon request of the property owner. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.” **(Added after ZPAC).**

3. Condition 2.G of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening. This provision is a variance to a requirement contained in Section 7:01.D.29 of the Kendall County Zoning Ordinance.”

4. The remaining conditions and restrictions contained in Ordinance 2020-01 shall remain valid and effective.
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 or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit and variance shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Staff is also of the opinion that the requirement that animals in kennels be indoors between the hours of sunset and sunrise should be revisited through the text amendment process and that specific hours not connected to sunrise or sunset be set.

Michael Cook, Engineer for the Petitioner, explained the history of the development of the property. He explained that the play area was moved to comply with Health Department requirements. The height of the fence was increased because the German Shepherds at the property jumped the fence. The fence was changed to vinyl to match the building. The site was altered to allow equestrian trailer access to the rear of the facility. He explained that the request was initiated because of lighting complaints; he explained the changes to the lighting at the property. He noted that both the Seward Township Planning Commission and Seward Township Board approved the lighting changes. The lights are on timers; some of the lights are on motion sensors to ensure that the safety of staff at the property. He explained the need for the variance to allow animals outdoors after sunset; sunset is earlier in the wintertime.

Member Wilson felt that the development was fantastic and felt that the proposed changes were substantially in compliance and necessary in accordance with the original special use permit. She suggested examining the phrase “substantially compliant” in the future. Discussion occurred regarding changing the criteria for major and minor amendments to existing special use permits. Member Nelson concurred with Member Wilson.

Member Rodriguez asked about the brightness of the lights. Mr. Cook said the lights were in compliance with the photometric plan in terms of preventing lighting from spilling onto neighboring properties.

Joan Soltwisch read a statement into the record. She explained the meetings between the Petitioner and the various Seward Township boards. She discussed the lighting issue and said that the lights were not shielded or

hooded as agreed to at the Township's meetings. She explained the interactions that occurred at the property which led to a notice of trespass warning against her.

Member Wormley asked Ms. Soltwisch how the matter could be resolved regarding the lights. She would like the lights shielded to reduce the brightness of lights. The existing lighting regulations in the Zoning Ordinance were reviewed.

Member Nelson asked if the lights were more intrusive than lights at nearby farms; he noted that farmers could install brighter lights without any rules.

Member Wilson asked if any neighbors filed complaints. Mr. Asselmeier responded that the County had not received any direct complaints from neighbors about the lights. However, residents have complained to Seward Township about the lights and the County has received the complaints indirectly through correspondence with Seward Township officials.

Dr. Joe Chow, Veterinary, provided pictures of lights in the area. He explained how he attempted to resolve the lighting issue. He expressed the need for lighting to protect his employees and the medications stored at the property. He noted that many motorists turn around in the parking lot.

Member Rodriguez and Member Nelson noted the safety needs at the property.

It was noted that a nearby barn had brighter lights than the veterinary.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the special use permit and variance.

Member Bernacki asked why the sign would be placed on top of the berm. Mr. Asselmeier responded that the sign had to be moved because it was in the right-of-way. Dr. Chow stated that the sign was placed on top of the berm to increase the visibility of the sign due the placement of trees.

The votes on were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Nelson, Rodriguez, Stewart, Wilson, and Wormley
Nays (0): None
Absent (1): McCarthy-Lange
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on January 30, 2023.

Petition 23 – 02 – Kirk Friestad, Phyllis Friestad, Friestad Farms, Inc., KEJ Farms, Scott Friestad, Kristin A. Friestad, Jared Friestad, Nicole Hughes, Dana Friestad and Laurie Friestad

Petition 23 – 03 – Kirk Friestad, Phyllis Friestad, C Robert Friestad and Sharon L. Friestad on Behalf of the C Robert Friestad and Sharon L Friestad Family Trust, and Scott Friestad

Petition 23 – 04 – Dana Friestad, Laurie M. Friestad, C Robert Friestad and Sharon L Friestad on Behalf of the C Robert Friestad and Sharon L. Friestad Family Trust, Scott Friestad, and Kristin A. Friestad

Mr. Asselmeier explained the procedure for establishing Agricultural Areas. He stated that adjoining property owners can add properties to the Area or properties can be removed from the Area within thirty (30) days of the notice running in the newspaper (January 26, 2023). The Agricultural Areas Committee will hold the public hearing on the proposal after the initial thirty (30) day window has expired.

Mr. Asselmeier provided maps showing the locations of the proposed Areas. It was noted that the property identified by parcel number 08-28-400-007 was included in one (1) of the legal descriptions in Petition 23-04 and should not have been included.

Chairman Ashton asked if the acreage had to be contiguous. Mr. Asselmeier responded no.

Member Nelson asked about the impacts to the land. Mr. Asselmeier said that the land would be kept as agricultural for ten (10) years.

Member Nelson asked about impacts on adjacent land. Mr. Asselmeier said the County would be obliged to amend the Future Land Use Map to reflect the Agricultural Areas and examine adjacent land uses to ensure that the no incompatible land uses exists with the Agricultural Area. Agricultural special uses could still be placed on adjoining properties.

Member Hamman asked about the advantages to the landowner to establish an Agricultural Area. Mr. Asselmeier responded that the property owner was declaring that the properties in question would stay agricultural. He also stated that when the State does placements of certain projects, like roadways, the State must note that the Agricultural Area exists and plan accordingly.

Member Nelson asked if the Village of Lisbon would be prevented to developing land at the intersection of Routes 47 and 52. Mr. Asselmeier responded that the Agricultural Area would not prevent a neighboring property owner from rezoning their property.

Member Bernacki left at this time (8:04 p.m.).

Discussion occurred about withdrawing land from an Agricultural Area and the steps for withdrawing land. If an Agricultural Area falls below three hundred fifty (350) acres, the Agricultural Area would be dissolved.

No Agricultural Areas exist in Kendall County; two (2) areas previously existed.

The Villages of Plattville and Lisbon have not yet been notified.

Discussion occurred regarding the composition of the Agricultural Areas Committee.

Marissa Friestad, on behalf of the Petitioners, stated that Petition 23-02 consisted of five hundred sixty-six (566) acres; Petition 23-03 consisted of four hundred thirty-three (433) acres; Petition 23-04 consisted of four hundred seventy-nine (479) acres.

Member Stewart expressed support for the proposal. Members Wormley and Hamman concurred.

The proposed Findings as presented by the Petitioners were as follows:

The viability of active farming within the proposed area and in areas adjacent thereto.

The area in the proposed Agriculture Conservation Area is actively being farmed. The area consists of highly productive farmland with the ability to produce high yielding crops in an area with strong markets.

The presence of any viable farmlands within the proposed area and adjacent thereto that are not now in active farming.

The areas in the proposed Agriculture Conservation Area are actively being farmed. There is land in the area that is being mined and land that is currently zoned for mining, but currently being farmed.

The nature and extent of land uses other than active farming within the proposed area and adjacent thereto. The acres in the proposed Agriculture Conservation are currently zoned agriculture. Some of the acres are underlain with limestone consistent with the land in the area zoned mining. Putting land in the conservation area preserves the limestone and allows the County to save this resource for a future time, if needed. The conservation area would not hinder mining operations in any way.

County developmental patterns and needs.

The area of the proposed Agriculture Conservation Area is zoned Agriculture and consistent with the current Lisbon Township Future Land Use Map.

The existence of a conservation plan approved by the local soil and water conservation district.

The acres in the proposed Agriculture Conservation Area are not classified as Highly Erodible Land (HEL) by the U.S. Department of Agriculture (USDA); as such, they are not required to have a HEL conservation plan. The cropland acreage submitted to included in the proposed Agriculture Conservation Area has been involved in conservation planning, in consultation with the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) along with the Kendall County Soil and Water Conservation District (SWCD), which has resulted in conservation practices being implemented, which will continue, while in the Agriculture Conservation Area. Conservation practices include NRCS approved grassed waterways and filter strips, U.S. Army Corps of Engineers approved two (2) state ditch drainage system and farming practices such as crop rotation, minimum tillage, and variable rate technology.

Any other matter which may be relevant.

The Petitioners understand at some point this area will be developed. However, as of now the agricultural use of the land serves many purposes. Farmland is a valuable, nonrenewable natural resource that serves several important economic and environmental functions:

1. Provides food for domestic and foreign consumption.
2. Provides raw materials used to manufacture building materials, paper medicine, oils, fuel additives polymers, resins, and other goods.
3. Absorbs rainwater, helping replenish groundwater supplies and reduce flooding.
4. Provides wildlife habitat.
5. Produces biomass for renewable energy sources such as ethanol.
6. Provides outdoor recreational opportunities.
7. Enhances quality and biological integrity of sensitive natural areas by acting as a buffer between development and natural areas.
8. Provides open space, enhancing the quality of life in developing areas.
9. Provides jobs for farmers and others working in ag-related industries.
10. Serve as a source of local tax revenues, providing economic stability in rural areas.

Member Stewart made a motion, seconded by Member Nelson, to recommend approval of the Agricultural Area.

The votes on were as follows:

Ayes (8): Ashton, Casey, Hamman, Nelson, Rodriguez, Stewart, Wilson, and Wormley
Nays (0): None
Absent (2): Bernacki and McCarthy-Lange
Abstain (0): None

The motion carried. The proposal will go to Agricultural Areas Committee.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Election of Officers-Chairman, Vice Chairman, Treasurer, Secretary and Recording Secretary

Member Nelson made a motion, seconded by Member Hamman, to nominate and approve Bill Ashton for Chairman, Ruben Rodriguez for Vice Chairman, Larry Nelson for Treasurer and Secretary and Matt Asselmeier for Recording Secretary by acclamation. With a voice vote of eight (8) ayes, the nominees were approved.

Appointments to Comprehensive Land Plan and Ordinance Committee

Mr. Asselmeier announced the appointments to the Comprehensive Land Plan and Ordinance Committee as follows: Larry Nelson (Chairman), Chairman of the Kendall County Regional Planning Commission or Their Designee (Bill Ashton), Chairman of the Kendall County Zoning Board of Appeals or Their Designee (Randy Mohr), Chairman of the Kendall County Board or Their Designee (Matt Kellogg), Chairman of the Kendall County Planning, Building and Zoning Committee or Their Designee (Seth Wormley), Kendall County Soil and Water Conservation District Designee (Alyse Olson), Scott Gengler as Immediate Past Planning, Building and Zoning Committee Chairman, Jeff Wehrli, and Matthew Prochaska.

Annual Meeting-February 4, 2023 at 9:00 a.m.

Commissioners reviewed the draft agenda. The consensus of the Commission was to add reviewing the procedures of approving minor and major amendments of existing special use permit.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-24 was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that no applications have been filed for the February meeting.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 8:24 p.m.

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

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JANUARY 25, 2023**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Jean Soltwisch</i>		
<i>Joe Chow</i>		
<i>Marissa Friesad</i>		

Matt Asselmeier

From: sharleen smith <[REDACTED]>
Sent: Thursday, January 19, 2023 3:50 PM
To: Matt Asselmeier
Subject: [External]

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.

Matt here is a recap of Planning Commission notes. I don't have "official" but these are close. Note the section in red. Thanks so much!

Sharleen
[REDACTED]

Below are some bullet points from last night's meeting. I know Joan will send out the official minutes as well but I wanted to make sure we all had some dates on the calendar for future meetings. The January meeting was moved due to vacation conflicts being close to New Years. The Feb & March meetings were moved due to my schedule conflict with baseball coaching which is on Tuesday nights.

Future Meeting Dates:

Monday January 9th - 6:30pm

Monday February 6th - 6:30pm

Monday March 6th - 6:30pm

On other topics, we discussed the game plan with the County on our proposed Future Land Use Map. We will discuss that at our January meeting. We also had a very thorough presentation from Rusty Ridge Vet Clinic. They are proposing 11 deviations from their original plan but after hearing them we all agreed the only item that we wanted to clarify was the lighting situation. They were very workable and open to ideas/suggestions on lighting. They agreed to make sure their parking lot lights were timed to go off at 8pm and their remaining lights at 10pm however their motion lights will still be operational. Lastly, they agreed to put shades on all the remaining lights in the parking lot and on the building. We approved their plan with the proposed lighting changes. The owner and her consultant will be attending the Township Board Meeting next week seeking approval to move their plan forward with our suggested changes.

Feel free to contact me with any questions.

Thank you,
Pete

Comments to the Kendall County Regional Planning Commission, during public meeting 1/25/2023, regarding petition # 22-27.

Joan Soltwisch [REDACTED]

I am a member of the Seward Township Land Resource Planning Committee, advisory only to the Seward Township Board, Kendall County.

It was advised by Matt Asselmeyer, senior planner of this committee, that the Rusty Ridge NEC of Bell and Ridge Road Major Amendment Request be discussed first by the Seward Township Land Resource Planning Committee, showing its changes. Our committee met December 6th 2022. Special guests of that meeting, on December 6th 2020 included Tim O'Brien Supervisor and Sharleen Smith, trustee, of the Seward Township Board, along with Michael Cook, engineer and Debrae Chow, owner of Rusty Ridge Animal Center. Howard

After reading the Major Amendment, as well as the addition to the Major Amendment. Requesting Variance regarding "Condition G" of Ordinance 2020-01 recorded as Document #2020000002523 on 2/19/2020, all members of our committee agreed that the lighting was the only issue. It was recommended that the entry parking go off at 8:00 P.M., and the outdoor building lights go off at 10:00 P.M., and that all lights, on the exterior of the building, be hooded. The owner Debrae Chow was present, as well as the civil engineer, Michael Cook, both agreed to these changes. A motion was made to approve with these changes and the motion carried. It was also mentioned at the end of the meeting that members thanked the Seward Board members, in attendance for their work, as well as Ms. Chow and Mr. Cook for their help with discussion their building project.

On December 13, 2023 the Seward Township Board met and their minutes reflect that Mike Cook, from Cook Engineering was again present to discuss that the building lights would be on until 10:00 P.M. and that the parking lot lights will be on until 9:00 P.M. and that our Seward Township Land Resource Planning Committee expressed their concerns about the lights being too bright.

On January 9th 2023 the Seward Township Land Resource Planning Committee met again and there was a mention that the lights at the Rusty Ridge Animal Center were on all through the night and the lights were not hooded as suggested changed by the owner and the engineer. It was suggested that Ms. Chow be contacted and that Ron Miller and Joan Soltwisch would talk with the owner.

Several days later at 5:30 P.M. Ron Miller and Joan Soltwisch stopped in, during business hours, to talk to Ms. Chow owner. A woman at the front desk said that Ms. Chow was not there and we briefly stated why we were there asking if she would give my contact card to Ms. Chow and the minutes of the December meeting agreeing on

lighting being hooded, and off when agreed upon. The front desk woman said they were all hooded and that they had been at one of our meetings, but Mr. Miller pointed out that they had shields on them, which directed the light outward and not down on the parking lot as a hood would. They were not hooded and not off when agreed, but on all night. We left the building after agreeing that Ms. Chow or I would be calling each other.

I was pulling out of the parking lot when my cell phone rang and when I answered it Dr. Joe Chow, on the phone saying that I should not enter, come back on the property again, not talk about the lights again, we were just an advisory board and they would only talk to the Kendall County Board, or he would have me arrested for trespassing. I tried to calm him down asking him to discuss the matter, but he kept talking over me asking me to listen to him. Then the phone went dead. I called Mr. Miller and told him what had just happened and asked if we had come on too strong when talking to the front desk woman. He did not feel that we had done anything out of the ordinary in coming and talking one to one about a lighting issue. We also talked about the fact that it was bad business practice to talk to potential customers this way.

Last Saturday 1/21/2023 I received my formal letter, Notice Of Trespass Warning, that after 1/11/2023 the person of notice Joan Kathryn Soltwisch, I am forbidden to enter or remain upon the property of Rusty Ridge Animal Center, 949 Bell Road, Minooka, Il 60447. No, I will not be back as a customer either.

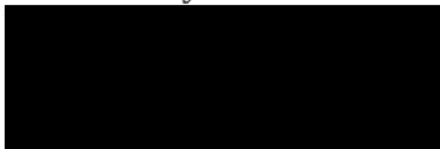
I would never talk to a customer or potential customer as a business owner and after 35 years of having a business and owner of Dave Soltwisch Plumbing Inc. 422 W. Chestnut Hinsdale, Il.

When is it that you cannot talk to your neighbors and community without entering into courageous conversation with them to work out issues? In my attempts to remind Rusty Ridge Animal Center of their promised lighting parameter, I get a letter of trespass, on the Kendall County Sherri's letterhead? How can we work though this issue?

Thank you for this consideration,

Sincerely,

Joan Kathryn Soltwisch





Kendall County

Office of the Sheriff



Dwight A. Baird, Sheriff
1102 Cornell Lane, Yorkville Illinois 60560
Phone: 630-553-7500 Fax: 630-553-1972
www.co.kendall.il.us/sheriff

Notice of Trespass Warning

Date: 1/11/23

Report number: _____

Person receiving notice: Joan Kathryn Soltwisch

This notice is to inform you that as of the date listed on this document you are forbidden to enter or remain upon the property of:

Rusty Ridge Animal Center (Name)
449 Bell Rd (Address)
Minooka, IL, 60447 (City, State, Zip Code)

If you enter upon or are found on this property after you have received this notice, you will be subject to arrest by police for Trespassing in violation of Illinois statute 720 ILCS 5/21-3:

(720 ILCS 5/21-3)

Sec. 21-3. Criminal trespass to real property.

(a) A person commits criminal trespass to real property when he or she:

(1) knowingly and without lawful authority enters or remains within or on a building;

(2) enters upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart;

This order will be in effect for one (1) year from the date it is signed, at which time a new order may be completed by the owner/occupant.

Owner/Occupant signature: _____ Date: 1/11/2023

Offender signature: _____ Date: _____

Deputy Signature: _____ Date: 1/11/23

Attention Joan Soltwisch

Dear Joan,

Please sign and email back to officer Lynch at PLynch@kendallcountyIL.gov

Thank you.

Distance: 1736.5 m | 1.74 km | 1.08 mi | 5697 ft | 1899.0 yd | 0.94 nm

16191 Hare Rd to 949 Bell Rd
1.1 AIR MILES



Distance: 859.1 m | 0.86 km | 0.53 mi | 2819 ft | 939.5 yd | 0.46 nm

16191 Hare Rd to 15939 Ridge Rd
0.5 AIR MILE



**View from 16191 HARE RD, MINOOKA IL
(Daytime view)**

15939 RIDGE RD

**RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD**



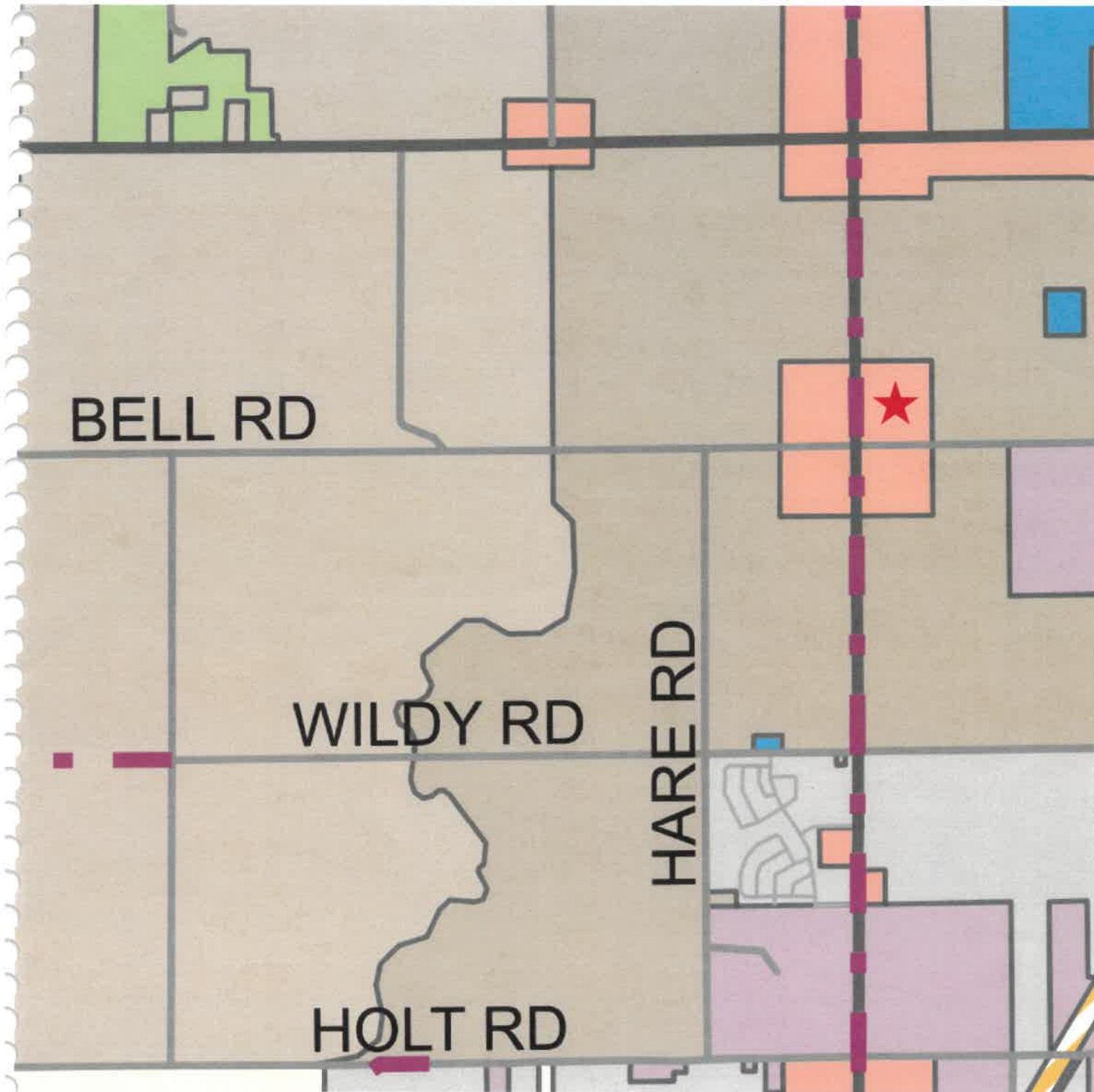
**View from 16191 HARE RD, MINOOKA IL
(Nighttime view (9:00PM))**

15939 RIDGE RD

**RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD**



FUTURE LAND USE KENDALL COUNTY 2022



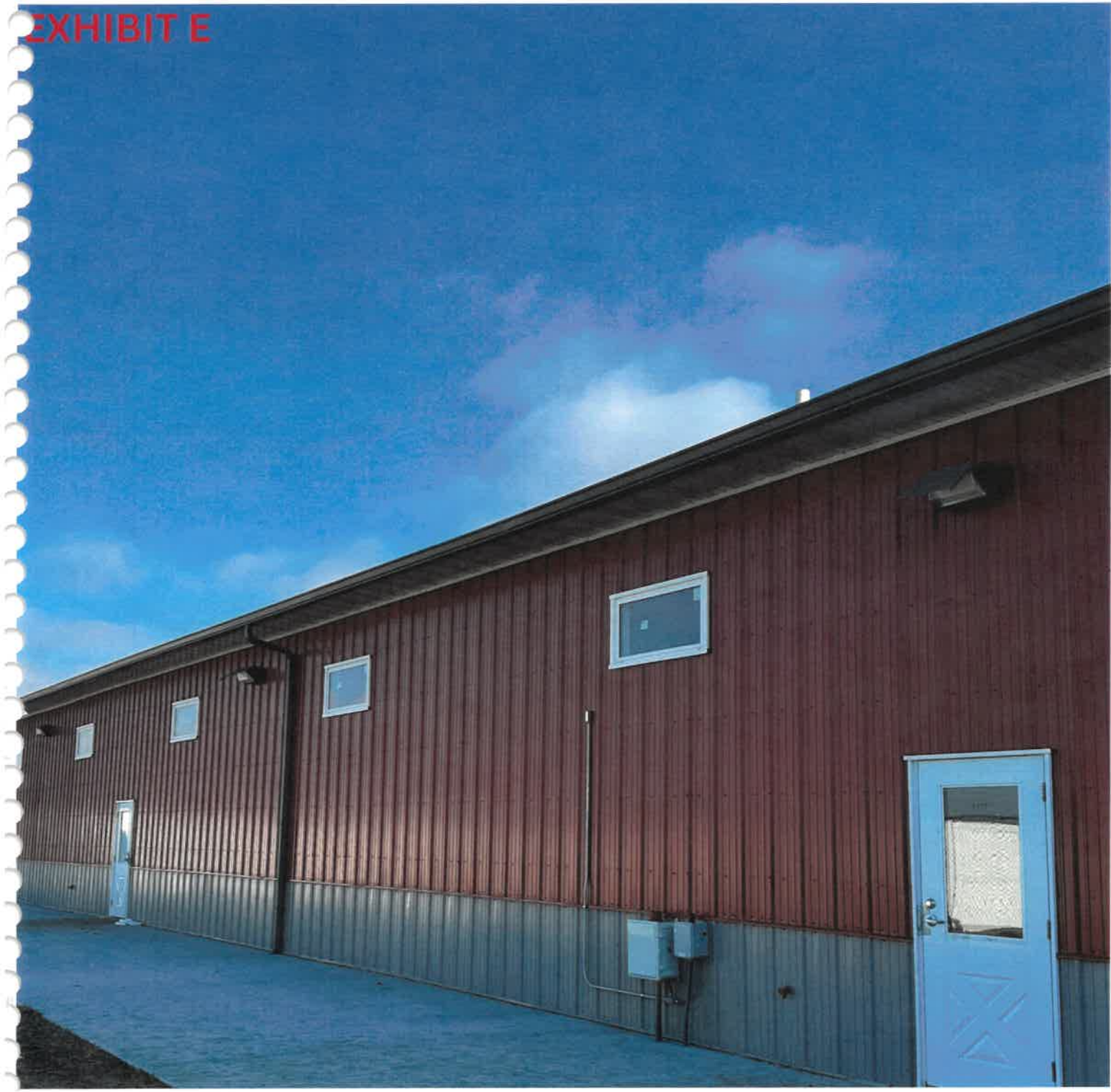
Legend

Land Resource Management Plan Management Areas

- | | | |
|-------------------------------|--------------------------|---------------------------|
| Proposed Roadway Improvements | Rural Residential | Open Space |
| Rural Estate Residential | Countryside Residential | Agriculture |
| Commercial | Mixed Use Business | Mining |
| Public / Institutional | Urbanized Communities | Potential Mining District |
| Suburban Residential | Transportation Corridors | Utility Right of Way |

LRMP Management Areas

EXHIBIT E



RUSTY RIDGE ANIMAL CENTER INFORMATION & DEMOGRAPHICS

EXHIBIT F



Business Hours Of Operation

Monday-Friday 7:30 AM -
6:00 PM

Saturday 7:30 AM - 12:00
PM

Sundays Closed to Public

Employees are present
every single day



Average Arrival & Departure Time Of Employees

Employees arrive daily
around 5:45 AM

Employees leave around
11:00-11:30 PM on average,
sometimes later 7 days a
week



Employee Demographics

34 Employees
33 Female
1 Male
Mean Age: 21 years



Safety Risks

If lighting is turned off prior to employees leaving
for the night, this poses a serious safety risk

We are a fully functional veterinary hospital and
surgical center. We house controlled substances
which are federally regulated - without lighting,
this poses a serious safety risk

Multiple people use our driveway to turn around
or get lost from Route 52 or I- 80 - without
lighting, what if someone falls and takes legal
action? Will Kendall County assume responsibility