

**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 May 8, 2023**

**CALL TO ORDER**

The meeting was called to order by Chairman Wormley at 6:30 p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers, Dan Koukol, Ruben Rodriguez, Brooke Shanley (arrived at 6:32 p.m.), and Seth Wormley

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Jeff Sobotka, Mark Daniel, Brandon Diller, and Glenn Diller, Jr.

**APPROVAL OF AGENDA**

Member Koukol made a motion, seconded by Member Rodriguez, to approve the agenda as presented. With a voice vote of four (4) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Flowers made a motion, seconded by Member Rodriguez, to approve the minutes of the April 10, 2023, meeting. With a voice vote of four (4) ayes, the motion carried.

**PUBLIC COMMENT**

Jeff Sobotka, City of Plano, thanked the Committee, on behalf of Plano Mayor Rennels, the Plano City Council, and the residents of Plano, for passing Petition 23-12, regarding commercial solar and wind regulations as presently written.

Mark Daniel, Attorney for the Petitioners for Petitions 23-19 and 23-21, said that he was able to answer any questions the Committee may have regarding either Petition.

Member Shanley arrived at this time (6:32 p.m.).

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from April 2023.

**PETITIONS**

Petition 23 – 01 – Kendall County Planning, Building and Committee

Mr. Asselmeier summarized the request.

On July 21, 2009, the Kendall County Board granted a special use permit for a specialty gift store at 7275 Route 34, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be inspected yearly. Ordinance 2009-25 was provided.

Per information found on Facebook, Jo Ric Gift and Home Décor operated at the subject property for several years, but a retirement sale occurred in 2020 and the business closed in January 2021. This information was provided.

The Planning, Building and Zoning Department attempted to conduct an inspection in August 2021 and the property was described as vacant. The email related to this inspection was provided.

In the summer of 2022, the Planning, Building and Zoning Department again attempted to conduct an inspection, but the property was vacant. Following this attempt, the Planning, Building and Zoning Department attempted to send letters to the property owner asking if they would like to revoke the special use permit. The covers of these letters were provided. The Planning, Building and Zoning Department did not receive any response to these letters.

In addition to the letters, a picture from Google from 2018 and a picture from Google from 2021 were also provided.

The property sold in November 2021.

At their meeting on January 9, 2023, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit. Following the January Planning, Building and Zoning Committee, Staff attempted again to contact the property, including placing a hearing sign on the property. The property owner originally verbally said they would evaluate their options and let the Department know which course of action they would take. Other than one (1) phone call in January 2023, the property owner has not initiated conversations with the Department. Emails with the property owner were provided. After the lack of communication from the property owner, Staff decided to exercise the authority granted by the Planning, Building and Zoning Committee to revoke the special use permit.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal. An email from the Oswego Fire Protection District stating that the property had not been inspected as a business since August 2020 was read into the record. Nobody from the public testified at the public hearing. The Kendall County Zoning Board of Appeals recommended approval of the revocation of the special use permit by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were provided.

The findings of fact were as follows:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.

Staff recommended approval of the proposed special use permit revocation.

The draft ordinance was provided.

Member Koukol made motion, seconded by Member Flowers, to recommend approval of the revocation.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal goes to the County Board on May 16, 2023, on the consent agenda.

*Petitions 23 – 05 Through 23-11 – Kendall County Planning, Building and Committee*

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Petition 23-05 Subdivision Control Ordinance-Appendix 7  
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2. Petition 23-06 Subdivision Control Ordinance-Appendix 7  
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3. Petition 23-07 Subdivision Control Ordinance-Appendix 9 A  
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.  
  
Subdivision Control Ordinance-Appendix 9 B  
In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.
4. Petition 23-08 Zoning Ordinance Section 3:02  
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02  
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2  
This section references a State law that does not exist.
7. Petition 23-11 Ordinance 1998-10

This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023. To date, no comments have been received.

ZPAC met on the proposals on February 28, 2023, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposals on March 22, 2023. Mr. Asselmeier explained the codification process. The phone numbers referenced in Petitions 23-05 and 23-06 would remain on the County's website. Greg Chismark and WBK Engineering were notified of Petition 23-06. Those entities that had special use permits for microbreweries and related brewery uses were notified of Petition 23-08. The entities that had special use permits for campgrounds and banquet facilities were notified of Petition 23-09. The entities that had special use permits for campgrounds were notified of Petition 23-10. The parties that had open special use permit applications from 2018 and 2022 were notified of Petition 23-11. The proposed definition of tent would not impact the permitting requirements contained in the Zoning Ordinance. The Kendall County Regional Planning Commission recommended approval of the proposals by a vote of eight (8) in favor and zero (0) in opposition and with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on the proposals on March 27, 2023. Nobody from the public testified at the public hearing. The Zoning Board of Appeals recommended approval of the proposal 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 draft ordinances were provided.

Member Koukol made motion, seconded by Member Shanley, to recommend approval of the text amendments.

Member Koukol noted that these proposals were for the purposes of cleaning up the various ordinances.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal goes to the County Board on May 16, 2023, on the consent agenda.

Petition 23 – 12 – Kendall County Planning, Building and Committee

Mr. Asselmeier summarized the request.

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. The new law requires that the County update its solar and wind regulations by May 27, 2023, in order to be able to have regulations governing commercial solar energy facilities and commercial wind energy facilities.

The proposed amendments were provide. For reference, items in red are proposed changes and changes in bolded black are items that need to be discussed due to potential conflicts with State law.

General proposed changes are as follows:

1. Various definitions related to solar and wind energy facilities are proposed to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjusted to reflect State law. Onsite consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.
2. Small wind energy systems would become permitted accessory uses. They would be added to the list of uses in the R-3 in addition to their existing allowance in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.
4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff added a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham annexation rules.
5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.
6. As proposed, the new setbacks would follow State law.
7. As proposed changes in setbacks, certain height requirements for solar, and fencing requirements would be allowed if nonparticipating property owners consent to these requirements. As proposed, the changes would be allowed to occur if documentation

was provided at the time of application submittal.

8. As proposed, sound regulations would follow State law.
9. As proposed, agricultural impact mitigation agreements have to be submitted with the application instead of prior to the hearing.
10. The County's landscaping requirements were adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations were added to the Zoning Ordinance.
12. Statements regarding road use agreements were adjusted to reflect the law.
13. Language was added related to the enforcement of damaged drain systems.

The new law was provided.

A map showing the one point five (1.5) mile planning boundaries was provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposal was emailed to the townships on February 15, 2023. To date, no comments have been received.

ZPAC met on the proposals on February 28, 2023. Discussion occurred regarding wind and solar projects on Forest Preserve property; uses within the confines of the Downstate Forest Preserve Act are exempt from zoning. Discussion occurred regarding requiring properties to be annexed to municipalities; municipalities could choose to enter into annexation agreements without annexing the property. If a property owner was not agreeable to an annexation or annexation agreement, litigation could arise. Discussion occurred regarding some counties choosing not to regulate these uses or to have the uses as permitted uses because the county may not want to have zoning hearings that cannot alter a project. Discussion occurred regarding the precedence of the State taking away a county's zoning authority. The State's Attorney's Office has not reviewed the proposal. ZPAC voted to issue a neutral recommendation by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal on March 22, 2023. It was noted that the Illinois Farm Bureau was working on a proposal to restore some local control on these types of petitions. Greg Vander Kamp, Savion expressed concerns regarding the language related to vegetative screening and the requirement that properties either annex to municipalities or enter into annexation agreements. It was noted that the term "vegetative screening" was not defined and could be evaluated on a case-by-case basis. Discussion occurred regarding vegetative management plans. Discussion occurred regarding the timing of executing road use agreements; Mr. Vander Kamp felt such agreements should occur closer to construction. Dan Nagel asked about notification requirements to townships for proposals; townships have to be notified of special use applications per State law. Mr. Nagel also asked about bonding requirements; the language regarding agricultural impact mitigation agreements

was referenced. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) 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 March 27, 2023. Emma Tajchman, from Savion, expressed concerns about the vegetative screening requirement. It was again noted that screening would be handled on a case-by-case basis. She also expressed concerns regarding the annexation and pre-annexation requirement. It was noted that no township or municipality objected to that language. Dan Nagel asked how road districts would be notified of such projects. Townships were required to be notified of special use permit applications, per State law. Mr. Nagel also expressed concerns about such projects crossing drainage districts without permits; he requested that drainage districts be notified of such proposal. The Kendall County Zoning Board of Appeals recommended approval of the proposal with an amendment requiring Petitioners for commercial wind and commercial solar projects to notify the drainage district, if the property is in a drainage district, of the proposal by certified, return receipt mail and that proof of the mailing be submitted at the time of application 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 draft ordinance was provided.

Member Flowers made motion, seconded by Member Rodriguez, to recommend approval of the text amendments.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal goes to the County Board on May 16, 2023, on the regular agenda.

*Petition 23 – 13 – Kendall County Planning, Building and Committee*

Mr. Asselmeier summarized the request.

In response to the special use permit amendments for the kennel at the northeast corner of Ridge and Bell Roads, Staff prepared the following proposed amendments to kennel regulations.

In summary, the proposed changes are as follows:

1. Allow pets outdoors until 10:00 p.m. for the purposes of allowing owners to pick-up and drop-off pets and to allow for normal bathroom breaks.
2. Establish uniform kennel regulations throughout the County.
3. Minor text alterations.

Redlined versions of the proposed changes were provided.

As of the date of this memo, there are six (6) active special use permits for kennels in the unincorporated area.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023. To date, no comments have been received.

ZPAC met on the proposals on February 28, 2023. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal on March 22, 2023. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) 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 the proposal on March 27, 2023. No members of the public testified at the public hearing. The Kendall County Zoning Board of Appeals recommended approval of the proposal 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 draft ordinance was provided.

Member Koukol made motion, seconded by Member Rodriguez, to recommend approval of the text amendments.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on May 16, 2023, on the consent agenda.

Petitions 23 – 19 and 23 – 21 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)  
Mr. Asselmeier summarized the request.

In October 2022, the Planning, Building and Zoning Department received a complaint regarding a landscaping business operating at 5022 Route 126 without a special use permit. In the intervening months, the property owner and business owner worked with an attorney and engineer to submit an application for a special use permit.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 4:05.B and Section 11:02.F.7 to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer



than sixty-nine feet (69') of the south right-of-way line of Route 126; parking is not allowed within the front-yard setback. The Petitioners would like a variance to Section 11:02.F.4 to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2') instead of the twenty foot (20') depth requirement. Finally, they are seeking a variance to Section 4:09.A to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

The Petitioners also wish to use the existing house and existing accessory structures for their business. Some of these structures pre-date the adoption of the Kendall County Zoning Ordinance. The Petitioners are requesting a variance to Section 7:01.G.2.a to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). The Petitioners are also requesting a variance to Section 7:01.G.2.b to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a separate Petition (Petition 23-20).

Finally, the Petitioners wish to have the opportunity to use the home on the property to house an employee of the landscaping and nursery business. Accordingly, they request a conditional use permit for that purpose, which is a separate Petition (Petition 23-21).

Prior to the Kendall County Regional Planning Commission meeting, the Petitioners submitted a revised site plan. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way. The revised site plan was provided.

The application materials, stormwater information, existing conditions survey, original site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to Agricultural.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, and RPD-2.

Grove Road is the boundary line between the United City of Yorkville's and the Village of Oswego's planning areas.

The A-1 special use permits to the west are for a golf course.

A cemetery is located near the subject property to the south.

Approximately six (6) houses and the Whitetail Ridge Subdivision are located within one point five (1.5) miles of the subject property.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

The NRI Application was submitted on February 15, 2023. The LESA Score was 231 indicating a high level of protection. The NRI was provided.

Petition information was sent to Na-Au-Say Township on March 27, 2023. To date, no comments received.

Petition information was sent to the United City of Yorkville on March 27, 2023. To date, no comments received.

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023. To date, no comments received.

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. The Petitioners were agreeable to the conditions. The current owners have owned the property for approximately five (5) years and the landscaping business has been operating at the property since October 2022. Discussion also occurred regarding the noise regulations, if a new house was constructed closer to the subject property. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variances with the conditions proposed by Staff with an amendment stating that only homes in existence prior to the issuance of the special use permit could file noise complaints by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on May 1, 2023. The Petitioners' Attorney was the only person to testify at the public hearing. Discussion occurred regarding parking requirements and the possibility of additional right-of-way dedication for bike paths. The Kendall County Zoning Board of Appeals recommended approval of the requested special use permit and related variances with the conditions proposed by Staff with an amendment to add the phrase "or permitted" to the noise condition by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were provided.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials and variances, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate R&S Landscaping and Nursery at the subject property. The existing home would be used as the office for the business and would possibly be used as a dwelling in the future for an employee. The northern most barn would be used as a tool shop and meeting space.

No retail activities related to the business would occur at the subject property.

The business would be open from 7:00 a.m. until 7:00 p.m. everyday throughout the year. The business has a maximum of seventeen (17) employees, during the busy season. The business hauls vegetation and other landscaping items from the property to work sites. Employees either report to the subject property or report directly to job sites. Equipment is parked either at the subject property or the job site.

The site plan (Attachment 4) shows seven (7) four foot (4') tall concrete block storage areas approximately five feet (5') from the western property line. These storage areas range from approximately one thousand seven ten (1,710) square feet in size to approximately five hundred ten (510) square feet in size. All of the storage areas are thirty feet (30') in depth. The storage areas will hold top soil, boulders, sand, mulch, gravel, landscape waste, and brush. No piles will be taller than six feet (6') in height. Areas for outdoor equipment storage are located east of an interior driveway. One (1) outdoor storage area for bricks is planned is also planned in this area.

In addition to the landscaping component, the Petitioners will have a nursery with two (2) membrane flower storage areas and areas for growing trees, bushes, and flowers. The nursery area will be located south of the gravel driveway.

One (1) one point five (1.5) story, approximately one thousand three hundred ninety-two (1,392) square foot house, is located on the property. There is one (1) approximately five hundred fifty (550) square foot detached garage, one (1) approximately one thousand seventy (1,070) square foot accessory building (labeled as machine tool shop, storage, breakroom and meeting room on the site plan), one approximately seven hundred (700) square foot chicken coop, and one (1)

approximately three eight hundred sixty (3,680) square foot accessory building (labeled as equipment storage on the site plan). Two (2) silos are also located on the property.

Any structures related to the landscaping business would be required to obtain applicable building permits, including changes in occupancy.

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

The property has a propane tank, which will be protected by bollards.

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit. WBK Engineering submitted comments on the stormwater management permit application, which were provided. To date, WBK Engineering has not commented on the new calculations.

Per the site plan, the Petitioners' propose to make the driveway off of Grove Road as the main access point. This driveway is approximately seven feet (7') wide. The Petitioners propose to widen the driveway to approximately fifteen feet (15') in width. The driveway expands to twenty-four feet (24') in width west of the propane tank. The Petitioners are pursuing a variance related to this driveway.

The property also has access from Route 126.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email was provided.

According to the site plan, the Petitioners propose nine (9) parking spaces south of the brick storage and equipment storage area along the southern driveway. One (1) handicapped accessible parking space is proposed north of the existing garage.

The southern driveway would be gravel and would be twenty-four feet (24') in width.

One (1) north-south twenty foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') wide gravel driveway would run from the southern driveway to the handicapped parking space.

The driveway north of the handicapped parking space to Route 126 would be asphalt.

The existing conditions survey and the site plan show five (5) lights attached to the middle portions of buildings, two (2) lights at building corners, and one (1) new eighteen foot (18') tall wall mounted light. These lights are considered necessary for security reasons. The sign at the

northeast corner of the property would also be illuminated from 6:00 a.m. until 11:00 p.m. as allowed by the Zoning Ordinance.

According to the site plan, the Petitioners propose to install one (1) thirty-two (32) square foot wooden sign near the northeast corner of the property. The sign would be illuminated as detailed previously.

Two (2) proposed "Do Not Enter" signs are proposed at the driveway on Route 126. One (1) "No Left Turn" sign is proposed in the same area. These signs might be removed or altered if right-in, right-out access is granted at this entrance.

Other than lighting, no other security information was provided.

The site plan and landscaping plan show twenty-six (26) black hill spruce trees and ten (10) emerald green arborvitae near the north property line. The spruce trees are approximately seven (7') feet in height and the arborvitae are approximately twelve (12') feet in height. There are twenty-eight (28) white pines and twenty-one (21) arborvitae at the southeast corner of the property. The white pines are approximately ten feet (10') in height and the arborvitae are approximately twelve (12') feet in height. Several other plantings are scattered throughout the site, including landscaping around the sign at the northeast corner of the property.

On the landscaping plan the Petitioners noted the existing row of trees located to the west of the subject property. The Petitioners are agreeable to planting trees on the subject property if the trees on the adjoining property are removed.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the nineteenth (19<sup>th</sup>) special use permit for a landscaping business in unincorporated Kendall County.

The Findings of Fact for the special use permit were as follows:

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. Petitioners plan to preserve existing buildings and the existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.

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 makes 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 in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.

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. Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.

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. The use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, "A strong base of agriculture,

commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” “. . . encourage additional agriculture and agribusiness.”

The Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

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. The topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs of the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

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. Petitioners propose that none of the outdoor use should be plainly visible to passersby due to the screening.

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. One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the property no longer exists.

The Findings of Fact for the variance for parking stall depth were as follows:

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. The topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.

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 variation has absolutely no impact on public welfare or on property and improvements in this vicinity.

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. Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.



The Findings of Fact for the variance to the Grove Road driveway construction were as follows:

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. The driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increase traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. Petitioners did not construct the subject driveway.

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 maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.

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 variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.

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

1. The site shall be developed substantially in accordance with the site plan and landscaping plan.
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4) may be adjusted to reflect this access. (Added at ZPAC)
3. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading no closer than twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126. (Clarified After ZPAC)
4. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance shall be

- granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
  7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
  8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
  9. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
  10. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
  11. No retail sale of landscaping materials may occur at the subject property.
  12. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
  13. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
  14. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
  15. Signage shall be limited to the signs shown on the site plan. Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
  16. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
  17. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
  18. Any vegetation described on the landscaping plan that has not been installed by the

approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.

19. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
20. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.
21. No landscape waste generated off the property can be burned on the subject property.
22. 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.

Only those homes in existence or permitted prior to the issuance of the special use permit can file noise complaints. (Added at RPC) (Amended at ZBA)
23. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
25. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
26. 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.

27. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
28. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

The draft ordinance was provided.

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

1. The use shall be used in connection with an agricultural purpose as defined in State Statute 55 ILCS 5/5-12001 as here after amended.
2. The use shall meet all requirements of the Kendall County Health Department.
3. The use shall be used for agricultural labor housing or living quarters for a groomsmen, an employee watchman and their immediate family.
4. The use shall meet all required setbacks and minimum lot size, providing applicable variances are granted.
5. The property owner and residents of the use allowed by this conditional use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
6. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the conditional use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
8. This conditional use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same uses conducted on the property.

The draft, unsigned conditional use permit was provided.

Member Koukol asked why the conditional use permit was a separate Petition and what is the difference between agricultural labor housing and generally renting the property to anyone. Mr. Asselmeier responded that, by having a conditional use permit, there would be no question regarding who could live at the property. The two (2) Petitions were separate because, if the special use permit for the landscaping business ever went away, the conditional use permit for agricultural labor housing would remain.

Member Koukol asked why the Petitioner did not secure proper zoning prior to starting operations. Member Koukol noted the property looked good. Mr. Daniel responded that the Petitioner stopped operating the landscaping business and secured legal representation upon finding out that necessary zoning permits would be required. Mr. Daniel represented both the property owner and tenant.

It was noted that most of the work done by the landscaping business would be at new construction sites and the business would not have a retail component.

Member Rodriguez made motion, seconded by Member Shanley, to recommend approval of the special use permit and variances.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal goes to the County Board on May 16, 2023, on the regular agenda.

Member Flowers made motion, seconded by Member Rodriguez, to approve the conditional use permit.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

## **NEW BUSINESS**

*Approval of a Request from Lydia Ramirez to Extend the Deadline for Installing the Required Vegetation as Required by Condition 2.B of Ordinance 2022-26 at the Property Located in the 5100 Block of Schlapp Road (PIN: 03-34-100-027) in Oswego Township*

Mr. Asselmeier summarized the issue.

On September 20, 2022, the Kendall County Board approved a major amendment to an existing special use permit for a banquet facility in the 5100 Block of Schlapp Road by Ordinance 2022-26.

Condition 2.B of Ordinance 2022-26 required the installation of the required vegetation be complete by June 1, 2023. This condition also gave the Planning, Building and Zoning Committee the option of extending the deadline, if requested by the property owner or the owner of the business allowed by the special use permit. Ordinance 2022-26 is provided.

On April 19, 2023, Lydia Ramirez submitted the attached email requesting an extension to the deadline for planting the required vegetation to October 2024 because of issues related to a back order of a transformer.

The Petitioner would not be able to start operations until the required vegetation is planted.

Staff has no objections to the requested extension.

Member Shanley made motion, seconded by Member Flowers, to approve the extension to October 1, 2024.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

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 issue.

Condition 2.J of Ordinance 2021-23, which granted a special use permit for a landscaping business at the subject property, originally required 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. On September 12, 2022, the Committee again extended the deadline for this requirement to June 1, 2023.

Condition 2.B of Ordinance 2021-23 also originally 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. On September 12, 2022, the Committee extended the deadline for this requirement to June 1, 2023.

A copy of Ordinance 2021-23 was provided.

On May 2, 2023, 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 November 15, 2023. A copy of the request was provided.

Chairman Wormley explained the history of the project and challenges the property owner was facing with the Illinois Department of Transportation. He discussed potential amendments to the special use permit. He favored a longer extension; up to June 1, 2024.

Member Koukol did not believe that the State had settled with the property owner.

Member Rodriguez suggested waiving the County's fees, if an amendment to the special use permit is required.

Member Koukol made motion, seconded by Member Flowers, to approve the extension to June 1, 2024, and to re-examine the extension in May 2024 to see if additional extensions are required.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

*Recommendation on Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer Systems (MS4)*

Mr. Asselmeier summarized the request.

Kendall County is required to submit certain documents annually by June 1st as required by its NPDES Permit.

The proposed Annual Report was provided.

The 2023 Annual Report is similar to the 2022 Annual Report.

There is a One Thousand Dollar (\$1,000) submittal fee, which has been unchanged for several years.

Member Shanley made motion, seconded by Member Flowers, to recommend approval of the Annual Report.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried.

The proposal goes to the County Board on May 16, 2023, on the **consent** agenda.

**OLD BUSINESS**

*Special Use Permit Enforcement Update*

Mr. Asselmeier reported the following:

1. Ordinance 2009-25-Special Use Permit for a Specialty Gift Store at 7275 Route 34  
Issue: Condition 1 requires an annual inspection. During site visits in 2021 and 2022 the business appeared to have ceased. Efforts to contact the property owner to see if they would like to retain the special use permit have been unsuccessful.  
How Department Became Aware of Potential Violation: Annual Inspection

Current Status: Hearing to involuntarily revoke the special use permit held scheduled on May 1, 2023.

2. Ordinance 1987-25-Special Use Permit for a Church Camp at 1626 Route 31 (Camp Quarryledge)  
Issue: Various conditions require the use to be connected to a church camp use, including the name "Camp Quarryledge".  
How Department Became Aware of Potential Violation: Contacts from Potential Buyers of the Property  
Current Status: Property is pending annexation to the Village of Oswego as a health camp/education center; annexation likely will be complete in May or June 2023.
3. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Rd  
Issue: Condition 6 requires a right-of-way dedication  
How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.  
Current Status: Dedications signed on May 1, 2023. Staff is waiting for them to be recorded.
4. Ordinance 2014-04-Special Use Permit for a Compost Facility at 1270 E. Beecher Road  
Issue: Condition 8 requires property owner to reapply for special use permit prior July 1, 2023, or the special use permit shall be revoked on December 1, 2023.  
How Department Became Aware of Violation: Not presently a violation.  
Current Status: Property owner plans to renew special use permit. Property owner is also exploring having solar panels on the property; may annex to Yorkville.
5. Ordinance 2021-17-Special Use Permit for a Billboard at Southeast Corner of Route 34 and Hafenrichter  
Issue: Condition 2.C requires a renewal of the special use permit by August 17, 2023.  
How Department Became Aware of Violation: Not presently a violation.  
Current Status: Billboard company emailed on May 1, 2023.

Update of Stormwater Management Ordinance Violation at 8150 Schlapp Road (PIN: 06-15-100-007)

Mr. Asselmeier provided updated pictures of the property. It was noted that additional dirt or manure was hauled onto the property. Tebrugge Engineering was waiting on information from the property owner regarding the final layout of the site in order to prepare calculations and price quote.

Glenn Diller, Jr. said that he was waiting for a response from the engineer.

Discussion occurred regarding the location of the berm.

Discussion occurred regarding new product placed at the site.

Chairman Wormley encouraged Mr. Diller to work harder to get into compliance.



Mr. Asselmeier explained the violation at the property; placing dirt three feet (3') in height without a permit.

The consensus of the Committee was to give the Dillers until August 7, 2023, to get the necessary permit and no additional dirt can be placed on the property. If additional dirt is placed on the property, the violation will be issued.

#### **REVIEW VIOLATION REPORT**

The Committee reviewed the violation report.

#### **REVIEW PRE-VIOLATION REPORT**

The Committee reviewed the report.

#### **UPDATE FOR HISTORIC PRESERVATION COMMISSION**

Mr. Asselmeier reported that two (2) awards will be presented at the May 16, 2023, County Board meeting. The Commission was also working on the logistics for the summer group meeting. The Commission was also examining which townships would be selected for the next structure surveys.

#### **REVIEW PERMIT REPORT**

The Committee reviewed the report.

#### **REVIEW REVENUE REPORT**

The Committee reviewed the report.

Discussion occurred regarding the proposed text amendment pertaining to residential chickens and the other open, active Petitions.

#### **CORRESPONDENCE**

None

#### **COMMENTS FROM THE PRESS**

None

#### **EXECUTIVE SESSION**

None

#### **ADJOURNMENT**

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

Chairman Wormley adjourned the meeting at 7:55 p.m.

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

Enc.



**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
MAY 8, 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)
Jeff Soltz		
Blenna D...		