

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
**Kendall County Office Building**  
**Rooms 209 and 210**  
**111 W. Fox Street, Yorkville, Illinois**  
**6:30 p.m.**  
**Meeting Minutes of September 11, 2023**

**CALL TO ORDER**

The meeting was called to order by Chairman Wormley at 6:30 p.m. Chairman Wormley asked that we take a moment to recognize September 11, 2001, the men and women affected on this day and take a moment of silence to recognize how the country was changed and those families affected on this day.

**ROLL CALL**

Committee Members Present: Dan Koukol, Ruben Rodriguez, Brooke Shanley (Arrived at 6:33 p.m.), and Seth Wormley

Committee Members Absent: Elizabeth Flowers

Also Present: Sally Seeger, Troy Williams, and Peter Pasteris

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Member Koukol made a motion, seconded by Member Rodriguez, to approve the minutes of the August 7, 2023, meeting. With a voice vote of three (3) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from August 2023, the quarterly expenditure report, and the escrow report.

Brooke Shanley arrived for the meeting at this time (6:33 p.m.).

**PETITIONS**

*Petition 23 – 24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)*

Chairman Wormley summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. The special use was renewed again in 2021 through Ordinance 2021-17 Restriction Number 2.C of the 2021 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the northeast corner of the intersection of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is farmed.

The property is zoned M-2 with a special use permit.

The County's plan calls for the property to be Commercial and Suburban Residential. Aurora's plan calls for the property to be Commercial.

Route 34 is maintained by the Illinois Department of Transportation. Hafenrichter (Farnsworth) is a Local Road maintained by Oswego Township.

Aurora has a trail planned along Hafenrichter.

There are no wetlands or floodplains on the property.

The adjacent land uses are agricultural, residential, commercial, and industrial.

The adjacent properties are zoned M-2 in the County and R-1 (S), R-5 (S), and B-2 (S) inside Aurora.

Aurora's Plan calls for the area to be Low Density Residential, Medium Density Residential, Commercial, Light Industrial, and Industrial.

Nearby properties are zoned A-1, B-3, M-1 SU, and M-2 SU in unincorporated Kendall County. The City of Aurora, Kane County, DuPage County, and Will County also have zoned properties in the area.

The Endangered Species Report was not required.

The Natural Resource Inventory was not required.

Petition information was sent to Oswego Township on June 21, 2023. No comments received.

Petition information was sent to the City of Aurora on June 21, 2023. The property owner has been in annexation negotiations with the City of Aurora. The sign will likely be removed if the property is annexed.

Petition information was sent to Oswego Fire Protection District on June 21, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on July 5, 2023. ZPAC recommended approval of the renewal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on July 26, 2023. The Kendall County Regional Planning Commission recommended approval of the renewal by a vote of six (6) in favor, zero (0) in opposition, one (1) in abstention, and three (3) absent. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on August 28, 2023. Nobody from the public testified at the public hearing. The Kendall County Zoning Board of Appeals recommended approval of the renewal by a vote of six (6) in favor and zero (0) in opposition, with one (1) absent. The minutes of the hearing were provided.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) were provided.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. Ordinance 2004-43, Ordinance 2017-14, Ordinance 2019-22, and Ordinance 2021-17 were provided.

The restrictions imposed by Ordinance 2021-17 include:

1. The sign shall look substantially in the form as shown in the attached Exhibit.
2. The sign shall be located substantially in the location depicted on the attached Site Plan.
3. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
4. The sign will not be illuminated.
5. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign was provided.

Since the sign is pre-existing, a building permit would not be required.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking, signage, or screening information was provided or necessary.

The sign will not be illuminated.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The Findings of Fact were:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommended the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.

4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special 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.

The draft ordinance was provided.

Member Wormley stated that they have an option to not renew the petition if the sign is no longer needed to advertise for that subdivision. No other discussion on this petition.

Member Koukol made a motion, seconded by Member Shanley, to recommend approval of the renewal.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried.

The proposal goes to the September 19, 2023, Kendall County Board meeting on the consent agenda.

*Petition 23 – 28 Troy M. and Ashley L. Williams*

Chairman Wormley summarized the request.

A ten foot (10') drainage and utility easement presently exists between Lots 100 and 101 in Whitetail Ridge Subdivision. Troy and Ashley Williams own the subject lots and would like to construct a home in the center of the combined lots.

The Petitioners previously combined the lots into one (1) parcel identification number.

The property address is 7557 and 7583 Clubhouse Drive, Yorkville.

The property is approximately one point five (1.5) acres in size.

The property is zoned RPD-2.

The current land use is One-Family Residential and Vacant.

The future land use is Rural Residential (Max 0.65 Du/Acre).

Clubhouse Drive is a Township Road classified as a Local Road.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential, golf course, and common area.

The adjacent properties are zoned RPD-2 and RPD-2 SU.

The future land use for the area is Rural Residential (Max 0.65 Du/Acre).

The RPD-2 special use is for a golf course.

Kendall Township was emailed information on August 17, 2023.

The United City of Yorkville was emailed information on August 17, 2023. The Yorkville Economic Development Committee reviewed the proposal on September 5, 2023. The Committee had no issues with the request. The email to that effect was provided.

The Bristol-Kendall Fire Protection District was emailed information on August 17, 2023.

ZPAC reviewed the proposal at their meeting on September 5, 2023. It was noted that the combined lots could adequately service one (1) septic system. The utilities had already approved the vacation. Staff was unsure if an access easement had been approved by Kendall Township. ZPAC 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 application materials, the plat for this area of Whitetail Ridge, the plat of vacation, the topographic information, and the grading plan information were provided.

On August 9, 2023, Greg Chismark sent an email stating that he had no objections to the vacation from a drainage perspective. This email was provided.

On August 14, 2023, a representative from the Whitetail Ridge Homeowners' Association submitted an email stating the HOA was agreeable to the requested easement vacation. This email was provided.

The Petitioner contacted several of the utilities and no utilities would be impacted by vacating the easement. The Petitioner secured the signatures from the various utilities on the Mylar copies of the plat of vacation, which was not submitted as part of the application.

Staff recommended approval of the requested easement vacation provided that the Lots 100 and 101 remain under the same ownership.

The draft ordinance was provided.

Member Wormley stated he thought this was a responsible request.

Member Koukol asked for the square footage of the home to be built. Mr. Troy Williams said the home will be four thousand (4000) square feet.

Member Koukol asked if Mr. Williams owned the lots and how long ago he had acquired them. Mr. Williams stated he did own the property and acquired it in May 2021. Mr. Williams stated that he did not have drainage concerns as lots are on high ground in response to Member Koukol's question.

Member Koukol asked Mr. Williams approximately where the property was located on the golf course. Mr. Williams responded it overlooks the ninth (9<sup>th</sup>) fairway.

Chairman Wormley clarified that the reason this needs to be voted on is that the original subdivision was platted and voted on and any deviation to the plat requires a vote on the change.

Mr. Williams stated that he would like to start building as soon as possible.

Member Koukol made a motion, seconded by Member Rodriguez, to recommend approval of the vacation.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried.

The proposal goes to the September 19, 2023, Kendall County Board meeting on the consent agenda.

### **NEW BUSINESS**

*Approval of Request from Peter and Laurie Pasteris on Behalf of the Peter J. Pasteris Jr. Revocable Declaration of Living Trust to Allow for Events to be Held from April 8<sup>th</sup> through November 30<sup>th</sup> and Allowing the Temporary Tent to be Erect During the Same Time Frame at the Banquet Facility at the Subject Property for 2024 at 1998 Johnson Road (PINs: 06-11-100-004 and 06-11-100-008) in Na-Au-Say Township*

Chairman Wormley summarized the request.

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

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

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

Similar to 2021, 2022, and 2023, on August 16, 2023, the Petitioner submitted a formal request to renew the minor amendment granted in November 2020 for the 2024 operating season.

Petition information was sent to the Kendall County Health Department, Sheriff's Department, Na-Au-Say Township, Village of Plainfield, and Plainfield Fire Protection District on August 24, 2023. To date, no objections have been submitted regarding this request. The Health Department requested that the Petitioner follow all applicable state and local laws. The Petitioner was agreeable to this request.

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

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

Mr. Peter Pasteris said the reason he needed to request this calendar change was to accommodate Newark High School's prom in the last weekend of April. This way this does not interfere with the wedding season. Mr. Pasteris also informed the committee that he has a long-range plan to build a permanent structure where the site of the tent is presently located. The barn will be slightly bigger as it will include restroom facilities and also a bridal suite. He was currently working with Kendall County Health Department in regard to permitting water and septic.

Member Rodriguez made a motion, seconded by Member Shanley, to approve the request.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Flowers

The motion carried.

### **OLD BUSINESS**

*Approval of an Agreement with Teska Associates, Inc. for Planning Services for a Period of One Year a Cost Not \$175 Per Hour; Committee Could Refer the Matter to the State's Attorney's Office*

Chairman Wormley presented the revised contract based on feedback from the State's Attorney's Office and Teska Associates Inc.

Member Wormley stated that the county has used Teska Associates in the past. Teska will be used as needed if staff are unavailable to perform PBZ functions.

Member Shanley made a motion, seconded by Member Rodriguez, to approve the request.

The votes were as follows:

Yeas (4): Koukol, Rodriguez, Shanley, and Wormley  
Nays (0): None  
Abstain (0): None



Absent (1): Flowers

The motion carried.

The proposal goes to the September 19, 2023, County Board meeting on the consent agenda.

**REVIEW VIOLATION REPORT**

The Committee reviewed the report.

**REVIEW PRE-VIOLATION REPORT**

The Committee reviewed the report.

**UPDATE FOR HISTORIC PRESERVATION COMMISSION**

Chairman Wormley said that the structure survey will be in budget discussions for next year. Member Shanley stated the next Historic Preservation Commission meeting will be held Monday, September 18, 2023, at 6:00 p.m., in the boardroom.

**REVIEW PERMIT REPORT**

The Committee reviewed the report.

**REVIEW REVENUE REPORT**

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Member Shanley made a motion, seconded by Member Rodriguez, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 6:59 p.m.

Minutes prepared by Sally A. Seeger