

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of June 26, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Bob Stewart, Claire Wilson, and Seth Wormley (Arrived at 7:03 p.m.)

Members Absent: Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Alex Schuster, Marcia Rousonelos, Ray Jackinowski, Michael Korst, and Jim Filotto

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Hamman, to approve the minutes of the May 22, 2024, meeting. With a voice vote of eight (8) ayes, the motion carried.

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

PETITIONS

Petition 24-10 Alex M. Schuster

Mr. Asselmeier summarized the request.

The Petitioner was seeking a special use permit for a landscaping business, including allowing outdoor storage of materials.

The application materials, plat of survey, current conditions plat, revised proposed site plan reflecting WBK Engineering's comments, proposed landscaping plan and pictures of the property and vicinity were provided.

The address of the property was 2142 Wooley Road.

The property was approximately three (3) acres in size.

The current land use was Improve Residential/Farmstead.

The County's Future Land Use Map called for the property to be Rural Estate Residential. The Village of Oswego's Future Land Use Map called for the property to be Large Lot Residential.

Wooley Road was a Minor Collector maintained by Oswego Township.

The Village of Oswego has a trail planned along Wooley Road.

There were no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The County's Future Land Use Map called for the area to be Rural Estate Residential and Commercial. The Village of Oswego's Future Land Use Map called for the area to be Large Lot Residential.

Properties within one half (1/2) of a mile were zoned A-1 in the County and B-3 in the Village of Oswego.

Approximately three (3) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on March 14, 2024, and consultation was terminated.

The NRI application was submitted on April 29, 2024. The LESA Score was 173 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on May 1, 2024. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-three foot (33') deep right-of-way dedication from the center of Wooley Road. This email was provided.

Petition information was sent to the Village of Oswego on May 1, 2024. No comments were received.

Petition information was sent to the Oswego Fire Protection District on May 1, 2024. The Oswego Fire Protection District submitted an email stating no objections to the proposal. This email was provided.

ZPAC reviewed this proposal at their meeting on May 7, 2024. Discussion occurred regarding the size and location of the septic system. The right-of-way dedication was raised to forty feet (40'). ZPAC recommended approval of the request with the additional condition related to the septic system and increasing the right-of-way dedication 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.

Per Section 7:01.D.32 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, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate ASE Illini-Scapes at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. Employees would visit the site to get materials. The site would not be open to customers.

The business would be open from 6:00 a.m. until 6:00 p.m. Monday through Friday during the growing season and everyday for twenty-four hours (24) during snow events in the winter. The business has a maximum of fifteen (15) employees, during the busy season, and two (2) employees year-round. Employees either report to the subject property or report directly to job sites.

The site plan shows one (1) approximately one thousand three hundred seventy (1,370) square foot material bin area and one (1) approximately three thousand five hundred (3,500) square foot hard goods storage area near the eastern property line. One (1) approximately five hundred (500) square foot material storage bin was shown near the southern property line. One (1) additional approximately three thousand three hundred (3,300) square foot equipment and storage area is shown south of the existing accessory buildings. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height.

Equipment would be stored outdoors, when the business is closed.

The Petitioner intends to grow nursery stock in the future.

The subject property presently has one (1) approximately three thousand three hundred (3,300) square foot house, constructed in 1875, one (1) frame garage, two (2) metal frame accessory buildings, and one (1) outhouse onsite that is used as decoration and gardening shed.

The site plan shows two (2) future greenhouses, one (1) approximately one thousand one hundred (1,100) square feet in size and one (1) approximately one thousand fifty (1,050) square feet in size.

Any structures related to the landscaping business, other than the greenhouses, would be required to obtain applicable building permits. However, at this time, no additional structures, besides the greenhouses, are proposed.

The well is located southwest of the house. The septic area is located east of the house, between the proposed employee parking area and the southern most greenhouse. The property is served by electricity and natural gas.

One (1) dumpster area is proposed east of the western most equipment and storage area. Given its location on the property and proposed perimeter screening around the property, the Petitioner did not propose any screening specifically for the dumpster area.

The property drains towards Wooley Road.

The site plan shows a drainage system along the east and northeast side of the property.

The Petitioners submitted an application for a stormwater management permit. WBK submitted a review letter requesting additional information and clarification. This letter was provided. The Petitioner's engineer submitted a response on June 5, 2024, including a revised site plan addressing WBK's comments. This letter was provided. WBK Engineering submitted a second letter requesting additional information. This letter was provided.

Per the site plan, the property has a gravel driveway. The Petitioner plans to install a turnaround area at the south end of the driveway.

According to the site plan, the Petitioner proposes a gravel parking lot with ten (10) parking spaces located north of the turnaround area. One (1) ADA accessible parking space is required. The Petitioner intends to use a vehicular rated permeable paver to meet this requirement.

In addition, the Petitioner proposes an approximately one thousand seven hundred fifty square foot (1,750) truck and trailer parking area south of the turnaround area. This lot would also be gravel.

No lighting was planned for the property.

No signage was proposed.

The property presently has a fence along the perimeter as shown in several of the pictures and the landscaping plan.

The landscaping plan shows six (6) existing maple trees, two (2) existing willow thirty-two (32) existing spruce trees, two (2) existing birch trees two (2) existing oak trees, and several existing evergreen trees.

The Petitioner proposes to add twenty-six (26) purple coneflowers, three (3) six foot (6') service berries, trellised English ivy, and five (5) six foot (6') Nigra arborvitae.

The Petitioner plans to install landscaping within one (1) year of the approval of special use permit.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twenty-first (21st) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact 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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County, including one (1) at 655 Wooley Road. The proposed use is along Wooley Road, which is classified as a minor collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal states that customers will not come to the property. Given the limited number of employees reporting to the property, adequate utilities, access roads, and ingress/egress exists. A stormwater permit and conditions in the special use permit can address concerns related to drainage.

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

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business." In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions. As of the date of this memo, the Petitioner has not agreed to these conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land ~~thirty-three feet (33')~~ **forty feet (40')** in depth along the northern property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline. **(Amended at ZPAC)**
3. The location and size of the septic system should be assessed to determine if the system is placed and sized properly for the use allowed by this special use permit. **(Added at ZPAC)**
4. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property when the business is closed.
5. 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.
6. 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.
7. 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.
8. Except for the purposes of loading and unloading, all landscape related materials shall be stored at the designated storage areas shown on the submitted site plan. The maximum height of the piles of landscaping related material shall be ten feet (10') in height. **(Clarified at ZPAC)**
9. A maximum of fifteen (15) 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.
10. No customers of the business allowed by the special use permit shall be invited onto the subject property for matters related to the business allowed by the special use permit.
11. The hours of operation of the business allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address

snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.

12. 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. This restriction does not apply to greenhouses.
13. No signs are shown on the site plan. The owner of the business allowed by the special use permit may request a sign in the future using the minor amendment process, provided that the proposed sign meets the requirements of the Kendall County Zoning Ordinance.
14. Only lighting related to security may be installed outdoors at the subject property.
15. 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.
16. The vegetation described in the landscaping plan shall be installed within one (1) year 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. Materials and vegetation stored in the greenhouses and material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.
17. No landscape waste generated off the property can be burned on the subject property.
18. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
19. 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.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

21. 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, including, but not limited to, installed the applicable number of ADA required parking spaces.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Bernacki asked if the parcel to the west of the subject property was Residential. Mr. Asselmeier responded that the parcel was Commercial on the Land Resource Management Plan.

Member Casey asked if the Petitioner lived in the house. Alex Schuster, Petitioner responded yes.

Member Casey asked the length of the driveway. Mr. Schuster responded that the house was approximately one hundred eighty feet (180') from the road.

Member Wilson asked if the business was currently operating at the property. Mr. Schuster responded yes. Member Wilson asked how long the business had been operating at the property. Mr. Schuster responded they moved in December 2022. Member Wilson asked if the Petitioner attempted to make an application for a special use permit prior to the current application. Mr. Schuster responded no; he was under the impression from his Realtor that a landscaping business was allowed at the property. Mr. Schuster said that the County notified him that a special use permit was required to operate a landscaping business at the property.

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

The votes were as follows:

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

The motion carried

The proposal goes to the Kendall County Zoning Board of Appeals on July 1, 2024.

Petition 24-11 James W. Filotto on Behalf of Oakland Avenue Storage, LLC

Mr. Asselmeier provided an update.

The Zoning Board of Appeals initiated and continued the public hearing on this proposal.

The NRI Report was finalized; the LESA Score remained 196 indicating a low level of protection.

The Village of Shorewood withdrew their intent to file a formal objection, provided no outdoor storage occurred at the property; an email stating that intention was provided.

Member Wilson asked if the Petitioner had spoken to the person that lived in the house to the west of the property. James Filotto, Petitioner, responded no. Michael Korst, Attorney for the Petitioner, felt that the concerns had been addressed by assuring the neighbor that the proposed use would not involve outside storage; all storage would be inside the building. Member Wilson expressed disappointment that the Petitioner did not talk the neighbor prior to the meeting and advised him to talk with the neighbor before submitting an application for site plan approval.

Member Bernacki asked about talks with the Village Shorewood. Mr. Korst said the talks went great and Shorewood withdrew their objections once it became clear that no outside storage would occur.

Ray Jackinowski asked why the Petitioner had outdoor storage at his other facility. Mr. Filotto said that they stored items outdoors at the other facility because they were out of space. Discussion occurred regarding the amount of space at their existing property.

The proposed location would only be a roofing business.

Discussion occurred regarding truck traffic at the subject property.

Mr. Jackinowski said that he did not want outdoor storage next to his property.

Mr. Filotto had not determined the specific location of the future building. Discussion occurred regarding obtaining a special use permit for outside storage and buffering requirements.

Member Wilson asked where shingle deliveries will occur. Mr. Filotto said shingles would be delivered to the job site.

The proposed building would be approximately fifteen thousand (15,000 square feet). The building would have a storage component.

Having storage in the name of the property created confusion.

Marcia Rousonelos discussed the tree business, storage facility, and dome in the area. She felt that these were eyesores in the area. She asked what was required to make the property a storage facility. A special use permit would be required to have outdoor storage. Discussion occurred regarding notice requirements. She expressed concerns about declining property values and to live in a nice neighborhood. Foresters are exempt from zoning and the storage facility and sports dome received applicable permits. The forty (40) acre rule does not apply for properties zoned B-3; the minimum lot size is ten thousand (10,000) square feet.

Discussion occurred regarding other uses that could be placed at the property, including more intense agricultural uses and a banquet facility.

Member Hamman made a motion, seconded by Member Bernacki, to recommend approval of the map amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Stewart, Wilson, and Wormley

Nays (0): None
Absent (1): Rodriguez
Abstain (0): None

The motion carried

The proposal goes to the Kendall County Zoning Board of Appeals on July 1, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Update from the Comprehensive Land Plan and Ordinance Committee Regarding Potential Amendments to the Kendall County Zoning Ordinance Pertaining to Obstructions and Parking Lots in Required Setbacks

The Comprehensive Land and Ordinance Committee laid over the proposal until the Committee can review the definition of “scenic” and to evaluate the routes listed as scenic in the Land Resource Management Plan.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 24-06, and 24-09 were approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Chairman Ashton announced that a proposed amendment to the pipeline depth regulations will be on the agenda for the July meeting. Member Nelson discussed the TransCanada project in Kendall County. The proposal would require pipelines to be buried at least five feet (5’) in the ground as measured from the top of the pipe.

Mr. Asselmeier reported that the owner of 7789 Route 47 wants a waiver to the landscaping requirements as part of site plan review.

Member Casey asked about an asphalt business on Route 52. Mr. Asselmeier responded that the Department was investigating the matter.

Member Bernacki reported that the Village of Plainfield discussed a development at the northwest corner of Ridge Road and Johnson Road. The proposal was condos and mixed use with industrial on the western portion; the proposal was denied by the Village Trustees. Discussion occurred regarding industrial going west of Ridge Road and planned infrastructure improvements in the area.

Member Nelson reported that the City of Plano has hired Teska Associates to update their Comprehensive Plan. Member Nelson was of the opinion that, since the Microsoft data center announcement, the drive for more solar panels outside of Plano will slow. Discussion occurred regarding a new transformer along the railroad tracks near Corneils Road.

Member Bernacki asked about the proposed solar farm on Simons Road. Mr. Asselmeier stated that the proposal was laid over at the Petitioner’s request until the July 29, 2024, zoning hearing.

ADJOURNMENT

Member Bernacki made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

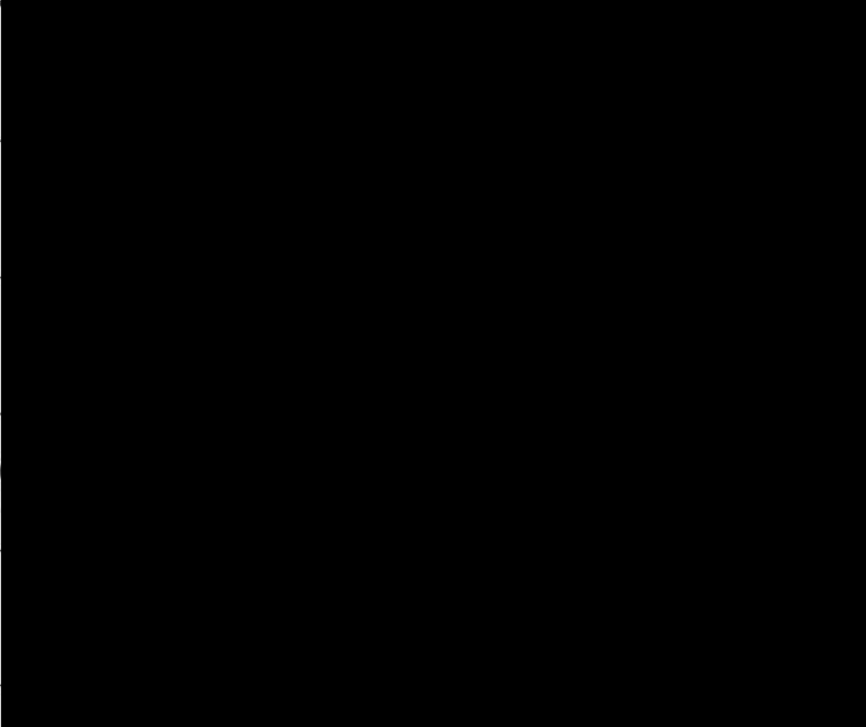
The Kendall County Regional Planning Commission meeting adjourned at 7:56 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director
Encs.

4

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JUNE 26, 2024**

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)
ALEX SCHUSTER		
Michael Korst		
Jim Filotto		
Marcia Ranson		
[Signature]		



June 24, 2024

Mr. Matt Asselmeier
Kendall County Planning, Building, & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject: 2142 Wooley Road- WBK Project 19-102.CA

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:


- Site Improvement Plans – Shuster Residence prepared by Rivercrest Consulting dated April 18, 2024 and received June 11, 2024
- Response Letter prepared by Riverside Consulting dated June 5, 2024 and received June 11, 2024

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit.

1. Submit a stormwater permit application (see attached).
2. Gravel is considered an impervious surface particularly when used as a driving surface or for parking. Revise the charts accordingly.
3. Depict the swale cross section along the east property line and calculate design flows and swale capacity.
4. Revise grading so the southernmost portion of the site (Proposed 525 Sf material storage bin and hardwood storage area) drain towards the proposed gravel turn around and not off-site.
5. Yard inlets are noted in the response letter but clean outs are called out on the plan along with a bubbler. Provide details for these elements so the intent is clear.
6. Depict silt fence along the east property line and at the southerly end where flow is directed. Also provide inlet protection for any yard drains or inlets.
7. Clearly depict and locate the extent of septic tanks and septic field within the project limits. It appears proposed improvements may impact existing facilities.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,


Greg Chismark PE
WBK Engineering, LLC