

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

9:00 a.m.

Special Meeting Minutes of July 30, 2019

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 9:00 a.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Scott Koeppel (County Administrator), Brian Holdiman (Code Compliance Officer), Jeff Spang, Boyd Ingemunson, Kurt Buhle, and Joe Slivka

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Gengler, to approve the minutes of the July 8, 2019, meeting. With a voice vote of five (5) ayes, the motion carried unanimously.

PUBLIC COMMENT

Jeff Spang, Fox Township Supervisor, stated that he sent Fox Township's objections to Petition 19-12 over the previous weekend and he was in attendance to answer any questions regarding that objection.

Boyd Ingemunson, representing the Petitioners for Petition 19-12, stated that he was present to answer any questions from the Committee. Mr. Ingemunson said that the proposed special use meets the requirements of the Zoning Ordinance.

Kurt Buhle stated that he was in attendance regarding Petition 19-12.

Joe Slivka, on behalf of the Village of Lisbon, discussed the property at owned by Vulcan Materials Company. at the corner of Joliet Road and Route 47. This property was subject to an annexation agreement.

PETITIONS

18-04 – Kendall County Regional Planning Commission

Mr. Asselmeier summarized the issue.

On July 11, 2019, Vulcan Materials Company contacted the Kendall County Planning, Building and Zoning Department and stated four (4) properties shown on the maps as unincorporated had been annexed into the Village of Lisbon. The County had no record of this annexation. At their meeting later that day, the Committee of the Whole voted to forward the proposal back to the

Planning, Building and Zoning Committee. On July 16, 2019, Vulcan Materials Company provided Kendall County with annexation agreement dated March 24, 2008, annexing the properties in question into the Village of Lisbon. To the Planning, Building and Zoning Department's knowledge, this document was not recorded.

Mr. Asselmeier stated that Mr. Slivka provided the Planning, Building and Zoning Department a recording document number. Mr. Asselmeier will investigate whether or not the recording document number is connected to the property owned by Vulcan Materials Company. If the properties were party to an executed annexation agreement, then the property should be shown as incorporated. If the annexation agreement was not recorded, then the properties should be shown as mining.

Member Kellogg asked about the legal ramifications if the property is incorrectly shown. Mr. Asselmeier responded the County was relying on the accuracy of the annexation agreement. Also, the map can change at any point in time. Properties could be annexed into or de-annexed from any municipality and the map would need to be updated.

Chairman Prochaska made a motion, seconded by Member Flowers, to have the Vulcan properties colored as incorporated on the Future Land Use Map.

With a voice vote of all five (5) ayes, the motion passed unanimously.

Chairman Prochaska made motion, seconded by Member Flowers, to forward the proposal back to the Committee of the Whole provided that the recording information proves accurate.

With a voice vote of all five (5) ayes, the motion passed unanimously. The Petition will go to the Committee of the Whole on August 15th.

19 – 12 – Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis

Mr. Asselmeier summarized the issue.

At their meeting on July 11, 2019, the Committee of the Whole referred this proposal back to the Planning, Building and Zoning Committee because of concerns related to Fox Township's dry regulations and a question regarding ordinance enforcement related to previous events at the property.

The Committee did not waive attorney-client privilege on this matter.

Mr. Spang stated Fox Township was dry. Dry means that alcohol cannot be sold or served except in the case of religious and medicinal uses. Private use of alcohol is allowed.

Mr. Ingemunson stated that retail sales of alcohol was illegal in Fox Township. However, it was not illegal to purchase alcohol in another township and have the alcohol served in Fox Township. Mr. Ingemunson reminded the Committee that the County cannot cede its authority to Fox Township to regulate the special use permit.

Mr. Spang stated the Township codified the dry regulations in order define the term "sell". He argued that the sale of alcohol occurred on the subject property. He also argued that the proposed use at the property was as an event center and not solely a banquet center.

Member Flowers asked if any of the other banquet facilities in Fox Township served alcohol. Mr. Spang responded that, to his knowledge, none of the other banquet facilities served alcohol. Mr. Ingemunson stated that the banquet facility owned by the Mathre family has cocktail hours.

Mr. Ingemunson stated no retail sales of alcohol have occurred on the premises.

Discussion occurred regarding the findings of fact. Mr. Asselmeier explained the reasons why those members of the Zoning Board of Appeals that voted against the findings of fact voted in the way they voted.

Discussion occurred about having a renewal period on the proposed special use permit.

Member Flowers made a motion, seconded by Member Gilmour, to restore the condition that the north and south barn should close at 7:00 p.m. during events with music. Mr. Ingemunson originally expressed concerns regarding clarification of barn doors. Discussion occurred regarding having the barn doors open later than 7:00 p.m. Mr. Buhle requested that the north barn be closed in addition to the south barn door and he favored an earlier door closing time. Mr. Spang favored closing the larger the barn doors and not closing the man-doors. Mr. Ingemunson requested that the north door remain open longer than 7:00 p.m.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

Discussion occurred regarding horses on property owned by the Kendall County Forest Preserve.

Member Flowers left at this time (9:45 a.m.).

Discussion occurred regarding the safety of Crimmin Road in relation to the proposed use. Mr. Ingemunson felt that the additional traffic generated by the proposed use will be minimal. Member Kellogg noted that the average daily traffic count on Crimmin Road is six hundred (600) cars per day. Mr. Spang explained Fox Township's request for a traffic study.

Chairman Prochaska made a motion, seconded by Member Gengler, to forward this proposal to the August Committee of the Whole meeting. Discussion occurred regarding having final action on this item in the near future.

The votes were as follows:

Yeas (2): Gengler and Prochaska

Nays (2): Gilmour and Kellogg

Abstain (0): None

Absent (1): Flowers

The motion failed.

Member Kellogg made a motion, seconded by Member Gilmour, to limit events to one (1) event per weekend. Mr. Ingemunson favored having more than one (1) event per weekend, but stating that the Petitioners were in favor of any decision by the Committee on this topic.

The votes were as follows:

Yeas (3): Gilmour, Kellogg, and Prochaska
Nays (1): Gengler
Abstain (0): None
Absent (1): Flowers

The motion passed.

Member Kellogg left at this time (10:00 a.m.).

Member Gengler made a motion, seconded by Chairman Prochaska, to forward this proposal to the August Committee of the Whole meeting.

The votes were as follows:

Yeas (2): Gengler and Prochaska
Nays (1): Gilmour
Abstain (0): None
Absent (2): Flowers and Kellogg

The motion carried. The Petition will go to the Committee of the Whole on August 15th.

NEW BUSINESS

Discussion of Recreational Marijuana Zoning Regulations

Mr. Asselmeier provided the Committee with information from the new State law regarding recreational marijuana. If the County chose to allow recreational marijuana related businesses, the County would need to establish zoning regulations for cultivation centers, dispensaries, craft growers, diffusers, and transporting organizations. Staff requested guidance as to which district(s) the uses should be allowed, if the uses should be special uses or permitted uses, the distances to residential uses, churches, schools, parks, and similar areas of protection, parking regulations, and other reasonable restrictions on the uses. If the County wanted zoning regulations in place by January 1, 2020, a petition would need to be originated by September 17th, assuming no special meetings were held.

Mr. Koeppel recommended that either the Planning, Building and Zoning Committee or the County Board should be the petitioner, that an ordinance be in place by January 1, 2020, and that the uses be special uses at least initially. Changes to the law at the State level could occur. Discussion occurred regarding opting-in or opting-out.

Chairman Prochaska requested that an agenda item to start the text amendment process be placed on the next Planning, Building and Zoning Committee agenda.

OLD BUSINESS

Discussion of Part-Time Code Inspector

Mr. Asselmeier provided a draft job description for a part-time code inspector. Mr. Koeppel provided a project cost estimate for the position. Staff requested guidance regarding prioritization of filling the part-time office assistant (zoning) position or the part-time code inspector position.

The consensus of the Committee was to prioritize filling the part-time code inspector position. Mr. Koeppel discussed the possibility of an intern in the Planning, Building and Zoning Department.

Member Gilmour made a motion, seconded by Member Gengler, to authorize Mr. Koeppel to send the draft job description to the State's Attorney's Office for review. With a voice vote of three (3) ayes, the motion carried unanimously.

Approval of a Request for an Opinion from the State's Attorney's Office Regarding the Determination of Fair Market Value Contained in the Land Cash Ordinance

PBZ Chairman Matthew Prochaska would like the State's Attorney's Office to research whether or not a County can have more than one (1) Fair Market Value in a Land Cash Ordinance.

The current Fair Market Value was set in 2014 at \$72,680. Discussion has occurred regarding changing this figure based on updated information.

It is Staff's understanding that Will County uses multiple Fair Market Values, but that State law only allows one (1) Fair Market Value in a Land Cash Ordinance.

Clarity on the matter could be helpful in determining the appropriate values in an updated Land Cash Ordinance.

Chairman Prochaska made a motion, seconded by Member Gengler, to submit a request to the State's Attorney's Office for review of this matter. With a voice vote of three (3) ayes, the motion carried unanimously.

CORRESPONDENCE

None

PUBLIC COMMENT

Jeff Spang stated that he appreciated the efforts of Member Gengler to get Petition 19-12 in front of the County Board. He encouraged the Committee to keep the residents of Fox Township in mind when they consider matters.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Gilmour made a motion, seconded by Member Gengler, to adjourn. With a voice vote of three (3) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 10:26 a.m.

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

Enc.

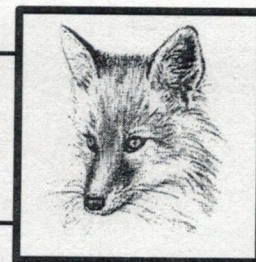
**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JULY 30, 2019**

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 Spang Fox Township	MILLBROOK	
Boyd Jagemunson	759 John St. Yorkville IL	

Fox Township

Jeff Spang • Supervisor
P.O. Box 418 - 8495 Fox River Drive
Millbrook, IL 60536
Telephone 630-553-5904 ext 2



July 26, 2019

Kendall County Board
111 Fox Street
Yorkville, Illinois 60560

Ref: Special Use Permit Petition #19-12

Dear Board Members,

In the beginning of this process, Fox Township entered into good-faith discussions with this petitioner. The impacts that Fox Township are concerned about were discussed and amenable solutions were agreed to. Along the way, several of the agreements were changed by members of boards, committees, or the petitioner in direct disagreement with Fox Township. Fox Township Board of Trustees met on July 22, 2019 and discussed the issues presented here. The Board of Trustees voted unanimously to withdraw our support for and to now formally object to this zoning change due to the changes made in the permit without Fox Township's opportunity to rebut. With the changes made to the request, Fox Township hereby notices the Kendall County Board and the petitioner that we are now formally objecting to the change of use proposed by this petition. We hereby revoke our prior approval for the following reasons:

- 1) Three adjacent landowners have contacted Fox Township through the Supervisor and stated objection to this plan due to noise, traffic, safety, and the disruption of the rural atmosphere that these residents reasonably believe will occur with this zoning change. Names of the local residents are available upon request.
- 2) Actions by the petitioner continue to be aggressive and egregious in nature. The petitioner has held many events in the past which are not permitted in an A1 zoning district. The statement made by the petitioner in the KCRPC meeting and other meetings that no public events had been held is false. The petitioner advertised and held a public event on October 20th, 2018 (see attachment 1) where they rented booths out (charged fees for) to crafters and vendors in direct violation of A1 permitted uses. Alcohol was sold and served at this event in direct violation of Fox Township "No Alcohol Rule" which is well known and has been in effect for over 80 years. Several weddings were also held at which the sale and serving of alcohol was conducted in direct violation of Fox Township's "No Alcohol Rule". Cash bars at weddings held on this site are promoted on the Brighter Daze Facebook page (see attachment 2). On April 27th, 2019, petitioners hosted a charity event in which signature drinks were sold along with a cash bar being utilized. A "Killer Cocktail Hour" was also promoted on social media advertising (see attachment 3). A brief internet

search for Brighter Daze Farm reveals offerings that are in direct conflict with local regulations and demonstrates how long this facility has operated in violation of its current zoning classification.

- 3) This petition refers to the zoning change to allow a banquet center. It takes careful reading to realize the intention is to operate an Event Center without defining or limiting the types of events being considered. Wording is used to allow 280 guests to attend along with 1 additional employee. It is not reasonable to expect that one employee can manage a function with 280 guests. Security, food service, beverage service, bathroom service, and clean up service are all services the petitioner has stated they will provide.
- 4) The petitioner has stated publicly that they intend to serve alcohol at these events even after Fox Township has repeatedly informed the petitioner that Fox Township is a "dry" township.
- 5) Fox Township believes the impacts of an Event Center with 280 guests and additional support staff, in conjunction with holding 60 events per season would result in extensive improvements to Crimmins Road being required in order to handle the traffic volumes generated. No discussion has taken place regarding who will bear the cost if improvements are found to be necessary. This is the reason Fox Township requested the Special Use be contingent upon the findings of a Traffic Study which addresses all facets of the venue's impact on the road. Members of the KCRPC publicly stated that they "felt that having the special use permit contingent on a traffic study and requiring the petitioners to pay for the improvements to Crimmins Road was unnecessary". Fox Township does not have the financial resources to improve this road without budgeting over a period of several years. Fox Township also believes that it is not the responsibility of the township residents to improve infrastructure to benefit private enterprises.
- 6) Fox Township has requested a statement, "The Sale and Serving of Alcohol is prohibited in Fox Township" be included as a condition of the special use request. Including this statement puts all parties on notice and allows suspension of the special use upon violation of this clause. It is a tool to ensure compliance and is more cost effective than litigation. Fox Township disagrees with the KCRPC that "Fox Township's Dry Regulations are not a zoning matter". Quite to the contrary, A1 zoning does not currently permit business uses that sell and serve alcohol. This type of use also does not conform to the Kendall County Land Resource Management Plan objective to "Encourage Agriculture and Agribusiness".
- 7) In the original discussion between the petitioner and Fox Township, it was agreed to limit the number of events to 30 per season between April 1st and November 1st of each year. Subsequently, as the petition made its way through the permitting process, this number was increased 100% to 60 events per season without the input of Fox Township. Other pre-negotiated limits were also eased. The agreement between the petitioners and Fox Township limited the events to one per weekend, held on Saturdays only. The current draft of the special use now allows two events per weekend and defines weekends as Friday, Saturday, Sunday, Monday, and any Thursday or Tuesday on which a Federal or State holiday falls. Fox Township asserts that

this use is too intense to preserve the peace, safety, comfort, or general welfare of the area.

- 8) Petitioners had **agreed** to close the barn doors during events at 7pm and to keep them closed until the conclusion of the events in order to minimize noise from the venue. This restriction was removed by the PBZ without discussion with Fox Township. This is the same board that unilaterally increased the number of events by 100%.
- 9) Fox Township believes that 109 parking spaces is inadequate for a use that allows 280 guests, additional employees, and sub-contractors providing linens, decorations, food services, beverage services, bathroom services, and cleanup services. These are all services the petitioner has listed in the request.
- 10) In Findings of Fact, Fox Township disagrees with several findings of the ZBA:
 - a. The special use **WILL** be detrimental to or endanger the public health, safety, and general welfare. The ZBA states in Exhibit B, first paragraph, that proper buffering and noise controls will be **required** yet they eliminate the requirement to close venue doors at 7PM to ensure lower noise levels.
 - b. If this use is granted, this site will no longer conform to the stated regulations of the A1 Zoning district. It will be more in line with an entertainment venue found in business zoning classifications.
 - c. This type of use also does not conform to the Kendall County Land Resource Management Plan objective to "Encourage Agriculture and Agribusiness". Banquet Facilities and Event Centers are not agriculture or agribusiness.

It is germane to the discussion to include the following comments:

- 1) Fox Township has requested that it be named specifically in the special use request as a party that has authority to make rules that must be followed in the operation of this special use permit. At this point, Fox Township is so named in item (O) of the special use permit. We thank you for this consideration.
- 2) While the following is not specifically a part of the special use request, it should be noted this petitioner is advertising in their Trail Ride business that they "have over 400 acres of trails" for use by customers (see attachment 4). This petition states the size of the facility property is 38.34 acres. It is Fox Township's belief that the aforementioned "400 acres of trails" are in part or in total inclusive of the Millington Forest Preserve. This forest preserve does appear to have been opened to the public.

Fox Township respectfully requests that the Kendall County Board deny the special use request for the above mentioned reasons. If it is determined that the majority of the data provided in this letter can be resolved, the Fox Township Board will reconsider our position and response to this permit.

Fox Township Board of Trustees

By Township Supervisor, Jeff Spang



Brighter Daze Farm - Fall Harvest Vendor Fair

Eat, drink, & Shop over 40 vendors and craftsmen in your community!

Woodworkers, farmer's market, wineries, food, custom designs, animal, wedding, and event vendors

<https://www.brighterdazefarm.com/>



WIMar Embroidary



Gina's Drab 2 Fab Art

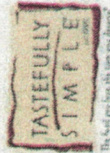


Calico Cafe

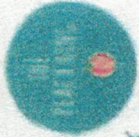


YOUNG LIVING

Lather of Life



COLOR STREET

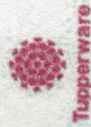
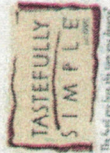


J.P. Bergin Fine Art

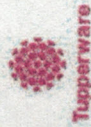
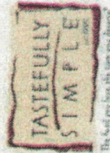
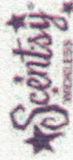


YOUNG LIVING

Lather of Life



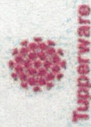
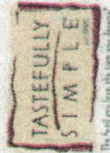
COLOR STREET



COLOR STREET



Pampered Chef



COLOR STREET



WIMar Embroidary



Gina's Drab 2 Fab Art



Calico Cafe



Original Owl



Yoga with Katie



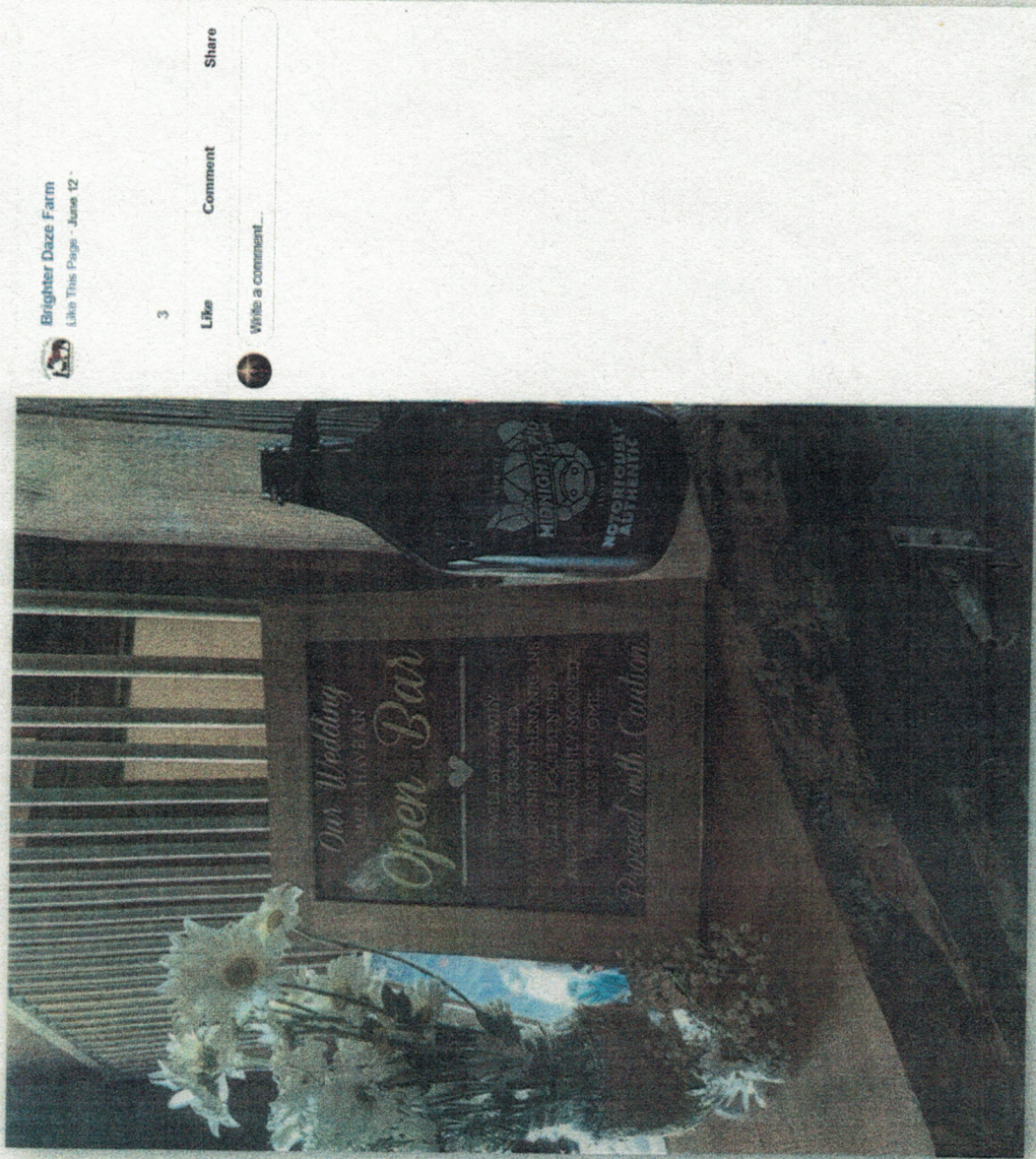
Jerry Bannister Photography



Saturday, October 20th - 10am - 4pm
10978 Crimmin rd. Newark, IL 60541

Representation of just some of the vendors attending. Vendors are subject to change and not guaranteed to be present based on their availability



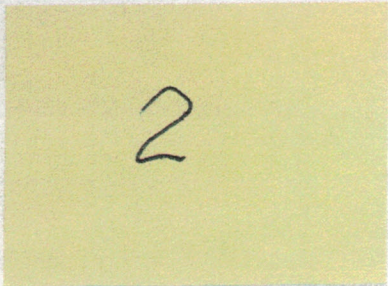


Brighter Daze Farm
Like This Page - June 12

3

Like Comment Share

Write a comment...



Event took place in Dry Township.

Murder Mystery Dinner

Saturday 27 April 2019 5:30 PM ▶ Saturday 27 April 2019 10:30 PM

ENDED

SAVE

Oswego (<https://www.evensi.us/illinois/oswego>) > CASA Kendall County (<https://www.evensi.us/page/casa-kendall-county/10005743568>) > Murder Mystery Dinner (<https://www.evensi.us/murder-mystery-dinner-brighter-daze-farm/288134737>)

LIGHTS... CAMERA

MURDER!!

Join CASA Kendall County and YPAC in Hollywood for an evening of dinner, dancing and fun to DIE for....

Hosted By:
BRIGHTER DAZE FARM

April
27TH
2019

5:30 PM
Killer Cocktail Hour
and Red Carpet Entrance

6:30 PM
Dinner and Show

Alert: Come dressed to kill in your most glamorous red carpet style or show off your favorite tuxedo t-shirt in our "worst dressed" competition.

Tickets: www.casakendallcounty.org
\$50 Per Individual
\$450 Table of Ten

Mystery

(https://ecdn.evensi.com/e288134737?cph=gAAAAABczFxQ2zLSQUT0oXDQDZ-aj-OMUKKifKndQesTUv4nzdcaookY610zYcaaKkeDmxDKujXimzDI7T6hzbqwp9q4l4Xz_rq4oKYw4Dtlz2f2QyChGDfsmzogKc1supQmoedFrRkIGKdEfrByhv9dsLqLcOxx-gYQddOhVd)

3

MORE INFO

About

Most natural environment for horses and we have 400 acres of trails!

We provide an all natural, laid back environment for both horse and rider. Horses are allowed unlimited pasture time and only come into our heated barns in extreme weather or due to injury. Stalls and pastures are equipped with automatic water systems so they are never thirsty.

We have over 400 acres of trails to enjoy that lead through wooded ravines and beautiful hay fields where we grow our own hay!

We are luck to have a great group of people who love to ride and have fun!

General Information

BrighterDaze Farm is the trail riders paradise. There are miles of trails covering more than 400 acres of land that wind through the forest, hay meadows, creeks, and ravines. There is an abundance of wildlife to enjoy, like deer, owls, blue heron, and much more.

Located in Newark, IL, just off Rt.71 (10 min from Yorkville, 30 min from Plainfield) our heated barns offer either 10'x12' or 10'x14' stalls with the option of using a common tack room or a private tack room. All boarders have access to the 126'x60' heated arena, wash rack with hot water, outdoor round pen, and of course the trails.

The lounge includes sitting area with a TV, breakfast bar, kitchen, and bathroom with a shower. Care taker resides on premises. We take pride in providing quality care and understanding your horse as an individual. Horses are turned out on spacious grass pastures every day, after morning grain, and brought in every evening and grained again. Each pasture has a shelter and automatic waters.

We provide bedding (aspen gold), grain, (safe choice) and hay (grown on the farm). We will also distribute any grain and/or supplements (premeasured) purchased by owner to the owner's specifications.

If you have any questions please call JoAnn Bright, owner/manager at 630 774 0042, email us at info@brighterdazefarm.com, or check us out at brighterdazefarm.com

categories

[Sports & Recreation](#) · [Wedding Planning Service](#) · [Pet Service](#)

Zoning Map A1, A1-BP, A1-SU, A1-SU-PUD

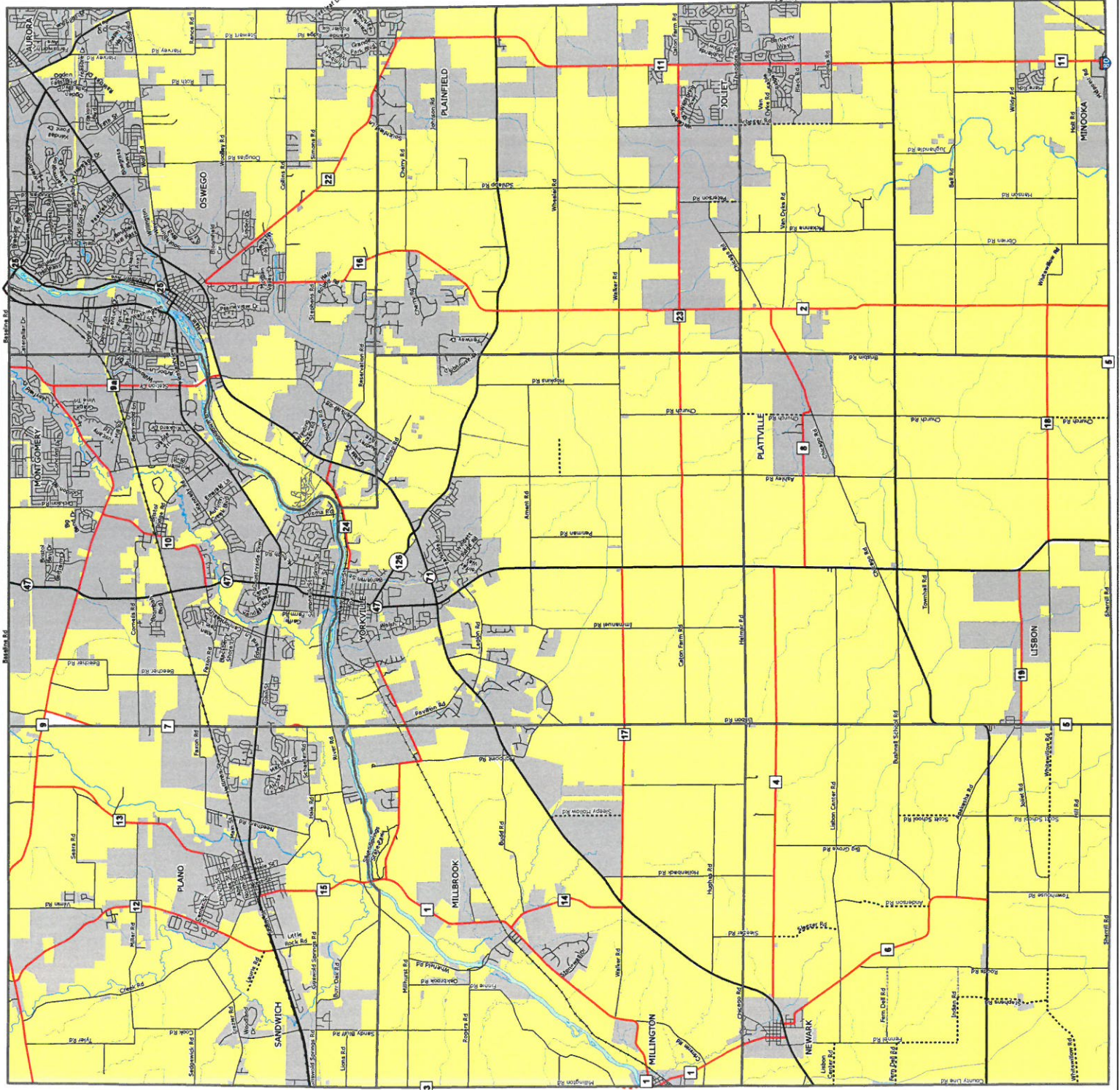
KENDALL COUNTY

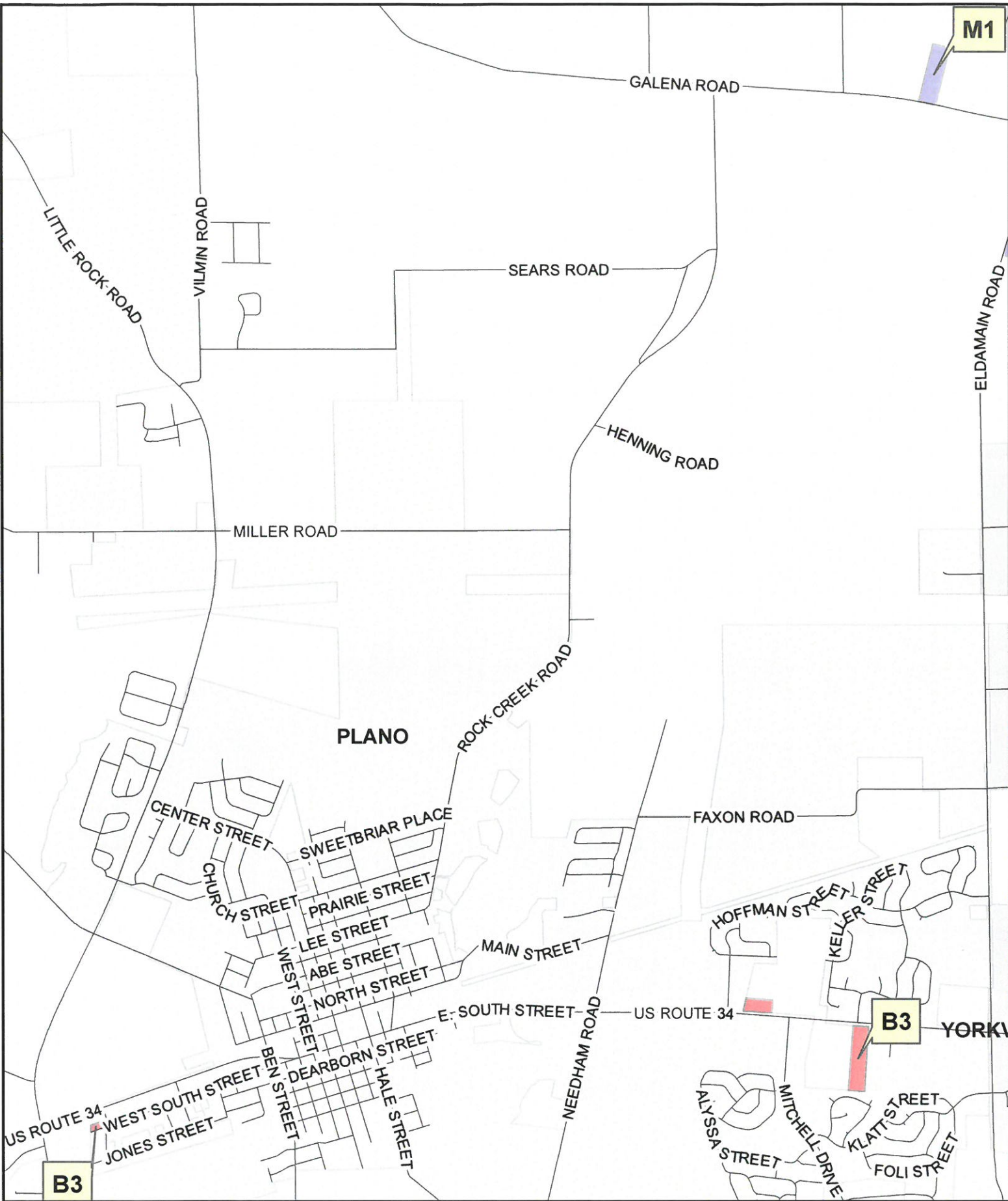
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<http://gis.co.kendall.il.us>

Legend

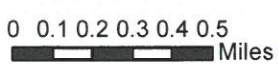
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- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- A1, A1-BP, A1-SU, A1-SU-PUD
- All Other Zoning/Municipalities



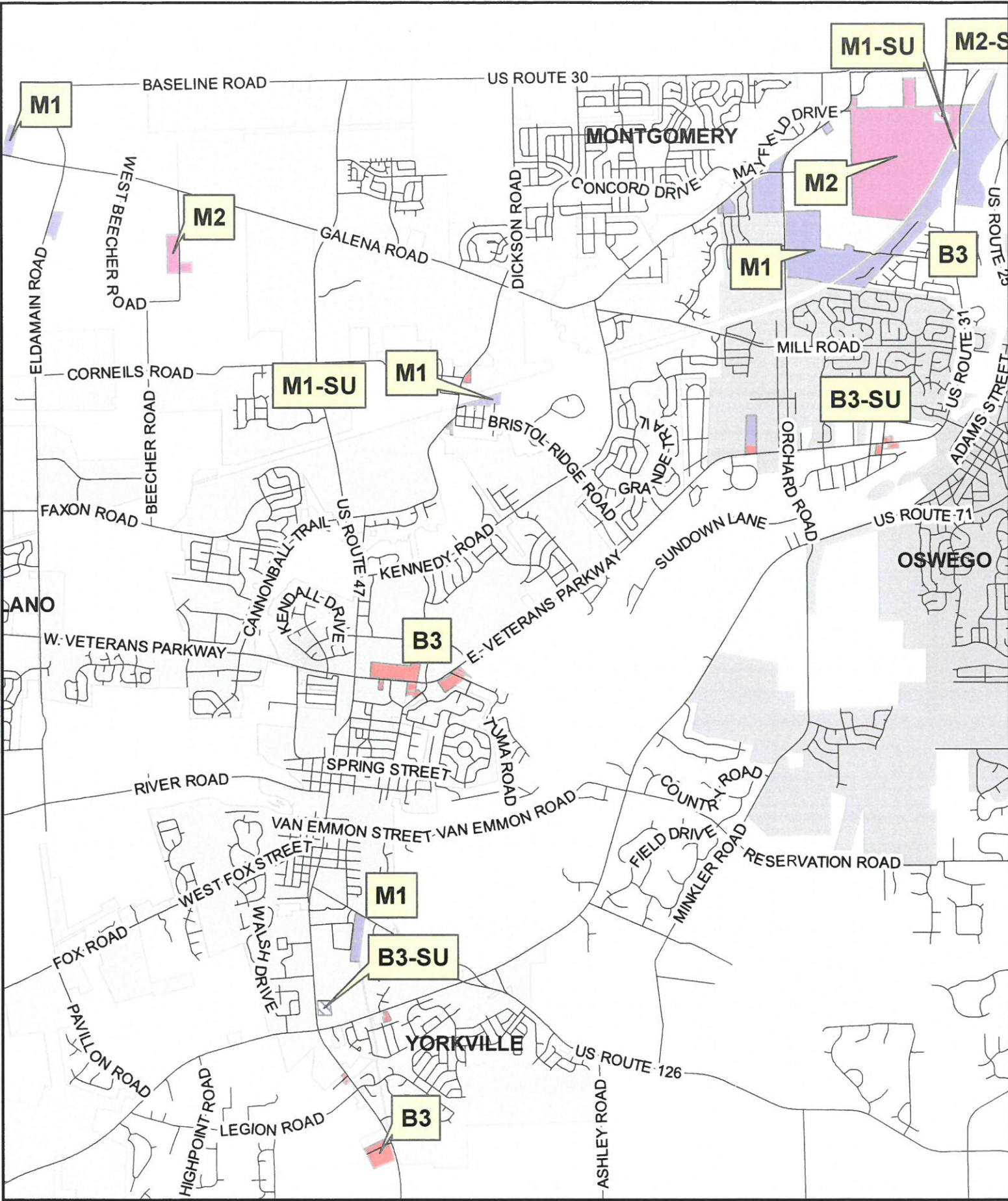


Kendall County GIS
 111 West Fox Street - Room 308
 Yorkville, Illinois 60560
 630.553.4212

Little Rock Township



Created: 7/24/2019

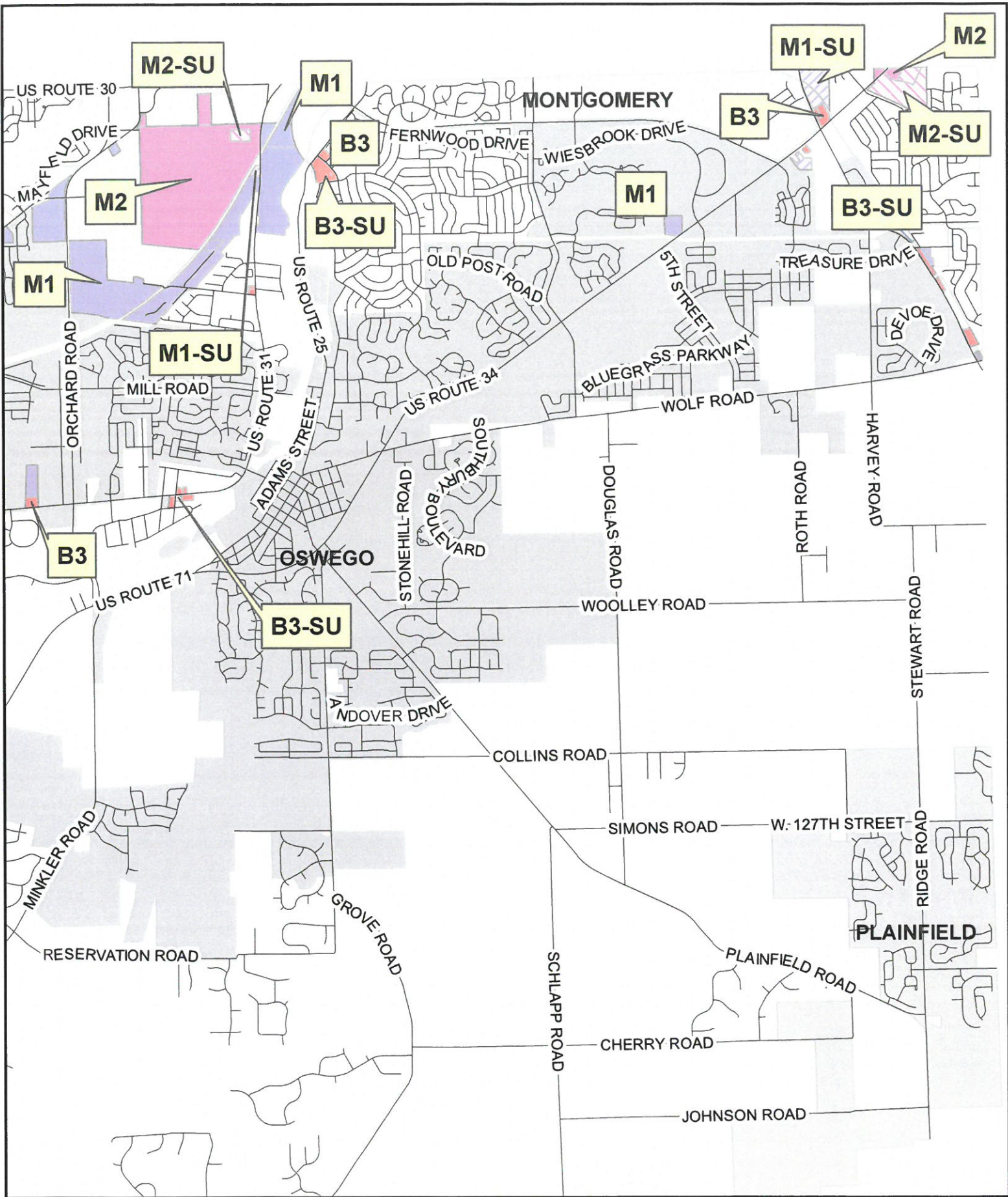


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Bristol Township



Created: 7/24/2019



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 Yorkville, Illinois 60560
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Oswego Township



Created: 7/24/2019

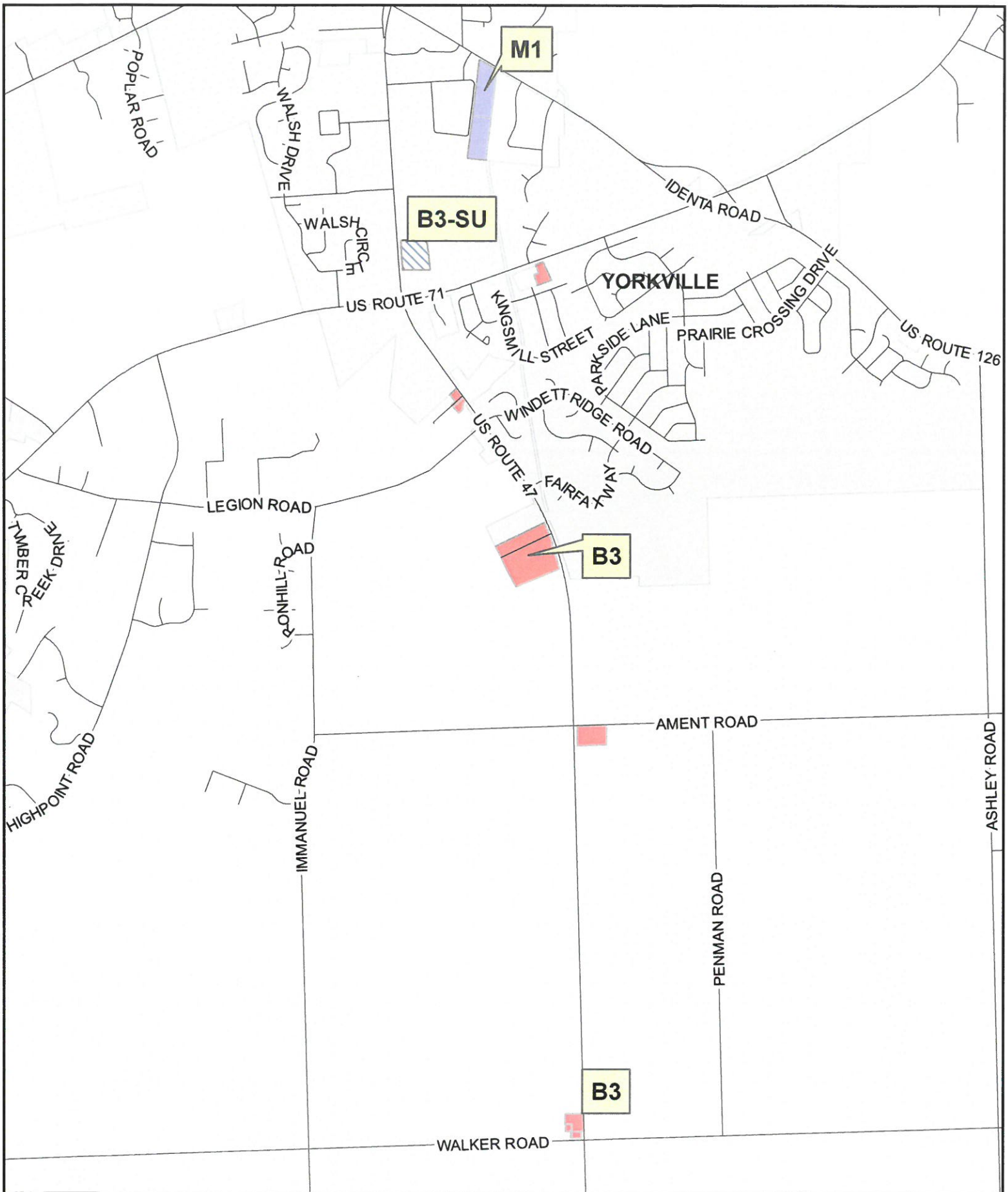


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Fox Township



Created: 7/24/2019



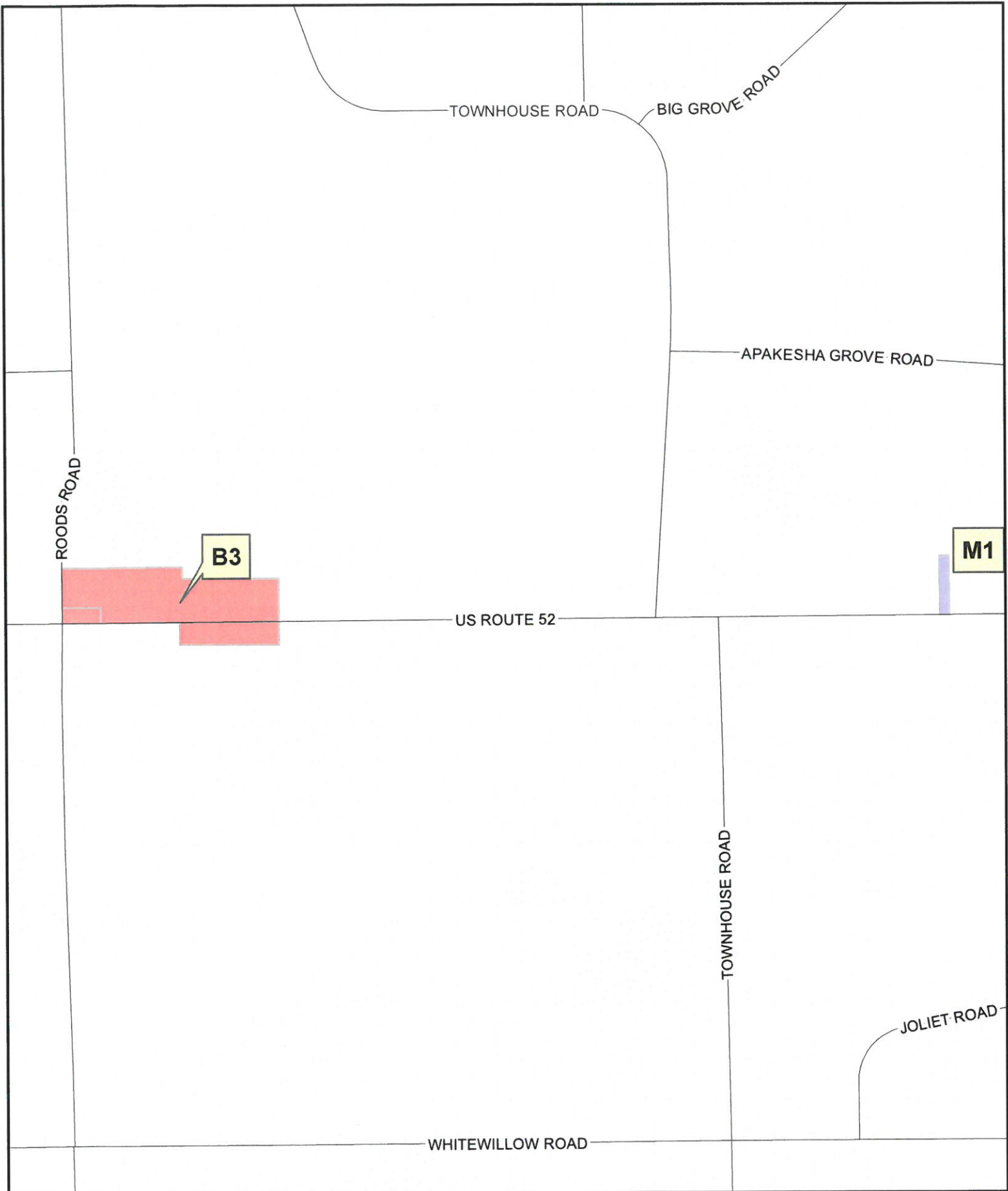
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Kendall Township

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 Miles

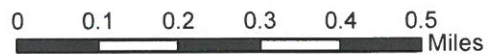


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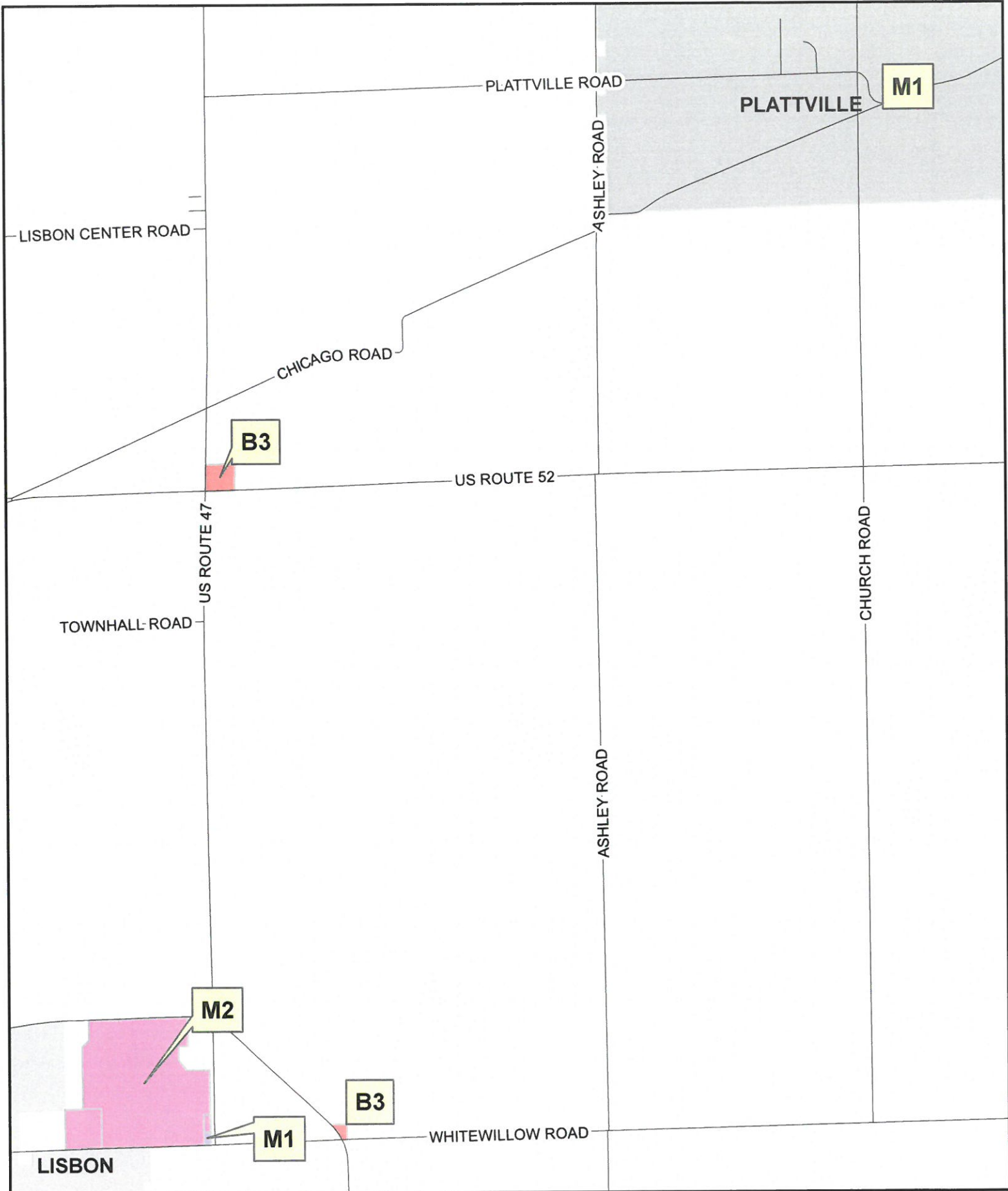


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Big Grove Township

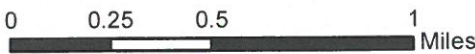


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Lisbon Township

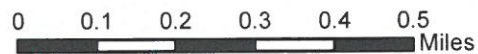


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