

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 July 8, 2024

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 6:38 p.m.), and Seth Wormley

Committee Members Absent: None

Also Present: Matthew H. Asselmeier, Director, Wanda A. Rolf, Office Assistant, Alex Schuster, Katherine Rousonelos, Ray Jackinowski, Jim Filotto, and Alphonse Johnson

APPROVAL OF AGENDA

Mr. Asselmeier requested modifying the agenda to move Correspondence between Public Comment and Expenditure Report.

Member Koukol made a motion, seconded by Member Flowers, to approve the agenda with the amendment to move Correspondence between Public Comment and Expenditure Report. 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 June 10, 2024, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

Mr. Asselmeier received an email from Kevin Simmons complaining about Blackberry Oaks Golf Course mowing behind his yard at 5:00 a.m. Mr. Simmons plans on attending the August meeting.

Member Shanley arrived at this time (6:38 p.m.).

CORRESPONDENCE

June 4, 2024, Letter from Alphonse I. Johnson Pertaining to the 1847 Stone 2-1/2 Story Farmhouse Built by the Sherrill Family

The Committee reviewed the letter. Mr. Alphonse Johnson explained the reason for attending the meeting and letter. Mr. Johnson said it would be helpful for people who have older homes that were being considered for historical preservation to have Kendall County should zone those as R-2, so the owners would be able to take better care of the older homes. He stated it is getting too expensive to keep up a home that is over one hundred (100) years old. Mr. Johnson felt an assessment was necessary.

Mr. Asselmeier stated that the property is located in the Village of Lisbon and the Kendall County Historic Preservation Ordinance does not apply to any structures inside a municipality.

Member Flowers asked Mr. Asselmeier what was the definition of a supermajority in the Historic Preservation Ordinance. Mr. Asselmeier responded that supermajority to become a historic landmark is eight (8) out of ten (10) votes or seventy-five percent (75%).

Mr. Asselmeier continued to say a third (3rd) party can nominate a structure without the owner's consent, but the owner has to be notified and can object. A public hearing was also required before a property is landmarked. Mr. Asselmeier said that third (3rd) party nominations was a requirement for Kendall County to become a Certified Local Government (CLG). When Kendall County became a CLG, the State of Illinois allowed Kendall County to include an application fee of Five Hundred Dollars (\$500) to be paid by the third (3rd) party who was nominating a structure. Member Flowers stated that it would be very difficult to acquire supermajority vote and the money someone would have to pay for nominating a structure for historic land marking.

Member Rodriguez asked if a structure had ever been nominated. Mr. Asselmeier stated there was one (1), and it was nominated at the owner's request.

Member Flowers stated that in order for the County to receive CLG status and apply for CLG grants, the verbiage of supermajority and the five hundred (\$500) application fee was included in the ordinance.

Member Koukol echoed Member Flowers' rational for the language in the Historic Preservation Ordinance

Since this property was out of Kendall County's jurisdiction, Mr. Johnson's son stated that he and his father will consult with the mayor of Lisbon regarding this matter.

EXPENDITURE REPORT

The Committee reviewed the Expenditure Report from June 2024.

Member Shanley wanted to express her gratitude to Mr. Asselmeier for being extremely thorough and transparent in answering questions.

PETITIONS

Petition 24-10 Alex M. Schuster

Mr. Asselmeier summarized the request.

The Petitioner is 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 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 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.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on June 26, 2024. Discussion occurred regarding the future land use map for properties in the area and the distance of the house to road. Discussion also occurred regarding the business starting at the property before a special use permit was issued. The Kendall County Regional Planning Commission 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 Zoning Board of Appeals conducted a public hearing on this proposal on July 1, 2024. Other than the Petitioner, no other members of the public testified at the public hearing. Discussion occurred regarding why the Petitioner started operations before obtaining the special use permit. Discussion also occurred regarding restroom facilities. The Petitioner requested and received clarification on the condition related to the right-of-way dedication depth. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff by a vote of four (4) in favor and zero (0) in opposition with three (3) members absent. The minutes of the of hearing 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 showed 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 was located southwest of the house. The septic area was located east of the house, between the proposed employee parking area and the southern most greenhouse. The property was served by electricity and natural gas.

One (1) dumpster area was 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 showed 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 submitted a letter on June 24, 2024, 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 showed 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 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. To date, the Petitioner had 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'). **(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.

The draft ordinance was provided.

Member Koukol asked the Petitioner if he lived on the property. Alex Schuster, Petitioner, stated he lived on the property since December 2022. Member Koukol stated he is very familiar with the property and the previous owner. He said the three (3) acres were split from the main farm. Member Koukol was a neighbor of the subject property. Member Koukol stated that there can be no burning allowed on the property. There was some burning on the property not long ago and the neighbors called Member Koukol to report it. Member Koukol stated he would support the proposal as long as there is no burning of compost material. The Petitioner agreed.

Member Rodriguez asked the Petitioner if he knew the people behind him. Mr. Schuster said no.

Member Rodriguez asked the Petitioner if he plans on putting in more than one (1) entrance. Mr. Schuster stated he will have only one (1) entrance as there was no other location for an additional entrance.

Member Koukol made a motion, seconded by Member Shanley, to recommend approval of the special use permit with the conditions proposed by Staff.

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 will go to the July 16, 2024, Kendall County Board meeting on the consent agenda.

Petitions 24-11 and 24-12 James W. Filotto on Behalf of Oakland Avenue Storage, LLC
Mr. Asselmeier summarized the request.

The Petitioner would like a map amendment rezoning approximately eleven more or less (11 +/-) acres located on south side of Route 52 between 276 and 514 Route 52 on the south side of Route 52 from A-1 Agricultural District to B-3 Highway Business District in order to operate a contractor's office at the property.

The Petitioner has also submitted an application for a conditional use permit for construction services business at the property (see Petition 24-12).

If the requested map amendment and conditional use permit are approved, the Petitioner will submit an application for site plan approval.

The application materials and zoning plat were provided.

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The Petitioner has also submitted an application for a conditional use permit for construction services business at the property (see Petition 24-12).

If the requested map amendment and conditional use permit are approved, the Petitioner will submit an application for site plan approval.

The application materials and zoning plat were provided.

The property was located between 276 and 514 Route 52.

The property was approximately eleven (11) acres in size.

The existing land use was Agricultural.

The County's Future Land Use Map calls for the property to be Commercial. The Village of Shorewood's Plan calls for the property to be Mixed Use.

Route 52 is a State maintained Arterial Road.

There is a trail planned along Route 52.

There are no floodplains or wetlands on the property.

The adjacent properties were used for Agricultural, Single-Family Residential, and a landscaping business.

The adjacent properties were zoned A-1 and A-1 SU.

Properties within one half (1/2) of a mile were zoned A-1, A-1 SU, B-2, B-3 SU, B-4 and Will County Zoning.

The A-1 special use permits to east are for a landscaping business and fertilizer plant.

The A-1 special use permit to the west is for a landing strip.

The B-3 special use permit to the east is for indoor and outdoor storage.

The property to the north of the subject property is planned to be a school.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on April 22, 2024. The LESA Score was 196 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Seward Township on April 30, 2024. The Seward Township Planning Commission reviewed the proposal at their meeting on May 14, 2024, and approved the requested map amendment. The proposal goes to the Seward Township Board in July. An email with this information was provided.

Petition information was sent to the Village of Shorewood on April 30, 2024. On May 22, 2024, the Village of Shorewood submitted an email requesting that the Kendall County Regional Planning Commission recommend denial. This email was provided. On June 20, 2024, the Village of Shorewood submitted an email stating they would not object to the map amendment and requested no outdoor storage at the property. This email was provided.

Petition information was sent to the Minooka Fire Protection District on April 30, 2024. Mr. Asselmeier read an email from the Minooka Fire Protection listing applicable fire protection requirements for the business.

ZPAC reviewed this proposal at their meeting on May 7, 2024. Seward Township's proposed new Future Land Use Map did not change the classification of this property. 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 were provided

The Kendall County Regional Planning Commission started their review of this proposal their meeting on May 22, 2024. The proposal was laid over at the Petitioner's request until the Village of Shorewood's concerns could be addressed. The Kendall County Regional Planning Commission finished their review of the proposal at their meeting on June 26, 2024. Discussion occurred regarding traffic at the property. The final location

of the building had not been determined. Outdoor storage would not occur at the property. One (1) neighbor said that he did not want the use at the property and another neighbor expressed concerns about the appearance of the neighborhood and concerns about property values. Discussion also occurred regarding other uses that might go on the property. The Kendall County Regional Planning Commission 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 May 22, 2024, meeting and the minutes of the June 26, 2024, meeting were provided.

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on May 28, 2024. The hearing was continued until July 1, 2024, at the Petitioner's request. This information was provided. At the hearing on July 1, 2024, discussion occurred regarding the type of business and type of equipment and materials that would be stored at the property. The proposed use is a roofing contractor business with no outside storage. One (1) neighbor stated that they did not want outdoor storage next to his property. One (1) neighbor requested a larger setback for the building so that the use would not be visible to neighboring properties. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of four (4) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

The Petitioner would like to rezone the property to operate a construction services/contractor service at the subject property.

The site is currently farmed. Any future buildings would have to meet applicable building codes.

No utilities are onsite.

The property fronts Route 52. Access would have to be approved by IDOT. IDOT submitted an email expressing no objections to this request. The email was provided.

Parking and driving aisles would be evaluated as part of the site plan review process.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future B-3 allowable uses.

Lighting would need to be evaluated as part of site plan review.

Landscaping would need to be evaluated as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

The owners of the property would have to follow applicable noise control regulations based on future land uses. Noise control measures would need to be evaluated as part of site plan approval.

Stormwater control would be evaluated as part of site plan review.

The Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, single-family residential, and a landscaping business.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and A-1 with a special use permit for a landscaping business. Other properties in the vicinity possess business zoning classifications.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner's proposed use of the property, for the operation of a construction/contractor business, is not allowed in the A-1 Zoning District.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural, commercial, and public/institutional.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property is classified as Commercial on the Future Land Use Map and the B-3 Zoning District is consistent with this land classification.

Staff recommended approval of the proposed map amendment.

The draft ordinance was provided.

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

1. This conditional use permit shall not become effective unless or until the subject property is rezoned to the B-3 Highway Business District.
2. No fabrication of materials occurs on the premises.
3. Except for the purposes of loading and unloading, all materials and equipment is stored within a building.
4. The property owner and owner 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 and development of the site, including, but not limited to, obtaining site plan approval as required by the Kendall County Zoning Ordinance.

5. 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.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. This conditional 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 use conducted on the property.

The draft conditional use permit was provided.

Member Koukol asked the Petitioner what type of entrance was at the property. Jim Filotto, Petitioner, answered that the entrance will be moved. Member Koukol asked if this was a field entrance. Mr. Filotto said yes.

Member Koukol asked if the Petitioner owned the property and how long the Petitioner has owned it. Mr. Filotto has owned the property for six (6) months.

Member Koukol asked the Petitioner what type of business he owns. Mr. Filotto stated he owns a roofing business.

Member Koukol asked the Petitioner what he plans on doing with the land. Mr. Filotto answered he plans on building an office and a warehouse.

Chairman Wormley mentioned that Filotto Roofing has been around for generations. Chairman Wormley stated this location will be used for storage of equipment and job materials. Mr. Filotto agreed.

Member Koukol asked the Petitioner if he currently has a shop. Mr. Filotto stated he has a shop in Crest Hill near the Industrial Park across from the Public Works Building. Member Koukol mentioned that he knows the location of the Petitioner's business and Member Koukol stated that the Petitioner keeps his current business clean.

Chairman Wormley stated that the conditional use permit requires that the Petitioner keep storage of materials and equipment within the building. Mr. Filotto stated that the facility will not be used for outside storage.

Chairman Wormley spoke about the Future Land Use Map and that this use was planned to be in the area of the subject property.

Member Koukol stated that, in a previous meeting with Seward Township, he requested more land to be slated for businesses. He commended the Petitioner for planning to open a new business in the area.

Member Rodriguez asked the Petitioner what his time frame was to open the business. Mr. Filotto stated he has to provide a site plan, which will go through the process and may not be ready until next year.

Member Rodriguez asked the Petitioner if the drives and parking area will be paved with blacktop. Mr. Filotto said he will have paved roads and the office will be brick and the storage building will be metal.

Mr. Ray Jackinowski, neighbor, asked if a site plan existed. In particular, he wanted to know how far the use would be from the neighboring property lines. Mr. Asselmeier provided the setbacks for the B-3 Zoning District.

Mr. Jackinowski asked if the Petitioner could put up a fence between the properties. Mr. Asselmeier responded that, in the B-3 Zoning District, the Petitioner has to provide screening and a buffer. Member Koukol noted the existing tree line and Mr. Jackinowski stated that the trees provide a buffer in the summer time but not in the winter time.

Chairman Wormley stated he felt the buffering and screening matters were something that will be worked out between the neighbor and the Petitioner.

Mr. Jackinowski stated that there was burning of grass clippings by one of the landscapers last year that lasted for two (2) days. Mr. Asselmeier stated that their special use permit does not allow burning and it is against the Health Department regulations. Mr. Asselmeier advised Mr. Jackinowski to contact Kendall County when the landscaper was burning. Chairman Wormley stated that he would provide Mr. Asselmeier's contact information so, if the burning happens again, there will be a citation issued to the party that was burning.

Member Rodriguez made a motion, seconded by Member Shanley to recommend approval of the map amendment and approval of 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.

The proposed map amendment will go to the July 16, 2024, Kendall County Board meeting on the consent agenda.

NEW BUSINESS:

Approval of a Request to Extend the Deadline for Installing Vegetation at the Property Identified by Parcel ID Number 07-05-400-003 in the 16000 Block of Newark Road in Big Grove Township; Property is Zoned A-1 with a Special Use Permit for a Public or Private Utility Other

Mr. Asselmeier summarized the issue.

In 2018, by Ordinance 2018-15, the Kendall County Board approved a special use permit for a public or private utility other (solar panels) at the subject property.

On March 13, 2023, the Planning, Building and Zoning Committee approved a minor amendment to the special use permit extending the deadline for installing landscaping to August 21, 2024, and granting the Committee the ability to grant extensions to this deadline.

On June 20, 2024, the project manager for the project submitted a request to extend the deadline for installing landscaping to October 31, 2024.

Member Koukol made a motion, seconded by Member Flowers, to approve the extension until October 31, 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

Chairman Wormley stated he would like to see some progress with this project and may not grant additional extensions if there was no progress.

OLD BUSINESS:

Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township

Mr. Asselmeier stated that the Petitioner submitted their revised drawings along with letters and calculations earlier in the afternoon prior to the meeting. This information was sent to WBK for review.

Approval to Extend or Revoke Building Permit 01-2020-146 for a Single-Family Home at 7782 Tanglewood Trails

Mr. Asselmeier provided an email from Brian Holdiman requesting another three (3) month extension.

Member Rodriguez made a motion, seconded by Member Flowers, to approve the extension until October 3, 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.

REVIEW VIOLATION REPORT:

The Committee reviewed the report.

REVIEW PRE-VIOLATION REPORT:

The Committee reviewed the report.

Mr. Asselmeier explained the new tracking system to track pre-violation.

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

July 15, 2024, Historic Preservation Group Summer Meeting

The Committee reviewed the agenda for the meeting.

Update on Historic Structure Surveys

Mr. Asselmeier provided emails stating that the grant window will not open until September 2024 and close in December 2024. This likely means that the County would not spend any funds in the current fiscal year on the project. An email was also provided noting that the fee for doing the surveys will not change in Fiscal Year 2024-2025.

REVIEW PERMIT REPORT:

The Committee reviewed the report.

REVIEW REVENUE REPORT:

The Committee reviewed the report.

COMMENTS FROM THE PRESS:

None

EXECUTIVE SESSION:

None

ADJOURNMENT:

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

Chairman Wormley adjourned the meeting at 7:34 p.m.

Minutes prepared by Wanda A. Rolf, Administrative Assistant

Enc.

✍

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JULY 8, 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) |
|----------------|---|--------------------------|
| [unclear] |  | |
| Jim Filotto | | |
| ALEX SCHUSTER | | |
| Al Johnson | | |
| RAY JACHTOWSKI | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Matt Asselmeier

From: Kevin Simmons [REDACTED]
Sent: Wednesday, July 3, 2024 11:10 AM
To: Matt Asselmeier
Subject: [External]Noise Ordinance

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt,

We spoke on July 2nd concerning the Blackberry Oaks golf course mowing behind our houses as early as 5am. We live at 2665 Kennedy Rd. Oswego, and behind our back yard is the 11th hole. In the past we have tried to resolve this issue directly with the golf course over the years, we have lived here for eleven years. We were never given a name; they did take my information but I have never received a return phone call. One morning I did speak to one of the landscapers and he was able to mow a different area and returned an hour later. Obviously they have a pattern/plan but if he was able to do that one morning then it can be done other mornings. Yes, we can understand and appreciate the need to mow but multiple industrial size mowers, leaf blowers, as well as other carts/equipment 5-7 days a week is taxing, to say the least. While we have not spoken to every single neighbor, the ones I have spoken to are in agreement, 5am is just ridiculous.

Please put yourself in our place and imagine an industrial size mower in your backyard at 5am. You may think there is no way they mow everyday, but another issue is they use the bridge behind our neighbor's yard to access the back 9 with all the machinery.

Thank you for your consideration in this matter,
Kevin Simmons



MINOOKA FIRE PROTECTION DISTRICT

"A Culture of Excellent Service"

P.O. Box 736
7901 E. Minooka Road
Minooka, Illinois 60447

Ph: 815-467-5637
Fx: 815-467-5453
www.minookafire.com

July 6,2024

Mr. Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Re: Kendall County Zoning Petition 24-12
PIN: 09-13-400-011

Dear Mr. Asselmeier:

A review of Petition 24-12 has been completed and the Fire District has the following stipulations:

1. All codes for this building will fall under 2021 International Fire Code, NFPA 2022 and Minooka Fire Protection District Ordinance's
2. An automatic sprinkler system that complies with the 2021 International Fire Code, NFPA 13 and Minooka Fire Protection District Ordinance's is required for the proposed building. Have the Petitioner's sprinkler contractor submit plans for review and approval prior to beginning installation of the automatic sprinkler system.
3. Please ensure the fire pump room has both a direct access outside door and is also accessible from the inside of the building
4. A fire alarm system that complies with the 2021 International Fire Code, NFPA 72 and Minooka Fire Protection District Ordinance's is required for the proposed building. Have the Petitioner's fire alarm contractor submit plans for review and approval prior to beginning installation of the fire alarm system.
5. A contract for wireless fire alarm monitoring through our dispatch center WESCOM is required.
6. A Knox Box will be required at the front of the building.
7. The address for this property will need to be properly marked at the street.
8. Please provide an auto turn analysis for the associate parking area using the following details: ladder truck length: 42 feet with a wheelbase of 234 inches.
9. Please have all fire protection contractors register with and send system inspection reports to The Compliance Engine at <https://www1.thecomplianceengine.com/>

No guarantee is rendered as to the completeness of the zoning change application review, and the responsibility for full compliance with both state and locally adopted codes, standards and regulations rests with the owner or his authorized agent or subcontractor. Subsequent discovery of errors or

omissions shall not be construed as authority to violate, cancel or set aside any provision of any applicable codes.

Thank you for the opportunity to review and comment on your application. Should you have any questions or concerns, please feel free to contact me at 815-467-5637 ext. 113.

Respectfully,

A solid black rectangular redaction box covering the signature of Matt Feinberg.

Matt Feinberg, Fire Inspector
Minooka Fire Protection District