

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Approved - Meeting Minutes of August 28, 2024 - 7:00 p.m.

Starting at 7:03 p.m., the Commission observed a moment of silence in honor of Larry Nelson. Attendees commented on Member Nelson's passing and discussed their memories of him.

Chairman Bill Ashton called the meeting to order at 7:19 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

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

Others Present: Dan Kramer, Scott Hill, Cheryl Hill, and Matthew Toftoy

APPROVAL OF AGENDA

Chairman Ashton announced that the Petitioner for Petition 24-22 requested the proposal to be continued to the September 25, 2024, meeting.

Member Wilson made a motion, seconded by Member Rodriguez, to approve the agenda with an amendment to remove Petition 24-22 from the agenda and continue the Petition to the September 25, 2024, meeting. With a voice vote of eight (8) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Bernacki, to approve the minutes of the July 24, 2024, meeting. With a voice vote of eight (8) ayes, the motion carried.

PETITIONS

Petition 24-21 Scott L. and Cheryl A. Hill on Behalf of the Hill Living Trust

Mr. Asselmeier summarized the request.

The Petitioners would like a map amendment rezoning approximately thirteen point nine more or less (13.9 +/-) acres located on north side of Miller Road between 15715 and 15609 Miller Road from A-1 Agricultural District to R-1 One Family Residential District in order to build two (2) houses at the property.

In addition to the map amendment, the Petitioners were seeking a variance to Section 8:02.D.1 which requires properties zoned R-1 to be a minimum two hundred feet (200') in width at the building line. The Petitioners were not involved in the division of the property from the larger farm or the annexation of a portion of the larger farm to the City of Plano, which caused the flag lot. The parcel is approximately forty feet (40') wide at the building line.

The application materials and zoning plat were provided.

The property was located between 15715 and 15609 Miller Road on the north side of Miller Road.

The existing land use is Agricultural.

The County's Land Resource Management Plan calls for the property to be Countryside Residential. Plano's Future Land Use Map calls for the property to be Estate Residential.

Miller Road is a Township maintained Minor Collector.

Plano has a trail planned along Miller Road.

There is a wetland (freshwater pond) on the property.

The adjacent land uses are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1 and R-3 in the County and AG-1 inside Plano.

The County's Future Land Use Map calls for the area to be Countryside Residential (Max 0.33 DU/Acre). Plano's Future Land Use Map calls for the area to be Estate Residential (Max 0.8 DU/Acre) and Low Density Residential (Max 2.25 DU/Acre).

Properties within one half (1/2) mile are zoned A-1, A-1 SU, R-1, R-2, and R-3 in the County and AG-1 inside Plano.

The A-1 special use permits to the east is for a campground (Boy Scout camp).

EcoCAT Report submitted and consultation was terminated; there were protected resources in the area, but adverse impacts were unlikely.

Petition information was sent to Little Rock Township on July 30, 2024. The Township reviewed the proposal at their meeting on August 21, 2024, and recommended approval of the map amendment. The email from the Township was provided.

Petition information was sent to the City of Plano on July 30, 2024. On July 30, 2024, the City of Plano submitted a letter expressing no objections to the proposal. The letter was provided.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

ZPAC reviewed the proposal at their meeting on August 6, 2024. The Petitioner's Attorney said the property to the north was annexed to Plano as part of a larger residential development that never materialized and how the subject property came into the current configuration. ZPAC recommended approval of the map amendment and variance by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Petitioners would like to rezone the property in order to build a maximum of two (2) houses on the property. Since an access easement already exists on the west side of the property, a Plat Act Exemption may be used instead of doing a subdivision.

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

There is electricity on the southeast corner of the property. No information was provided regarding wells or septic systems on the property

The property fronts Miller Road. Little Rock Township has permitting authority over access at the property.

A gravel driveway connects the property to Miller Road and serves the adjoining two (2) parcels.

Based on the proposed uses, no new odors are foreseen.

Lighting would be for residential purposes and would have to follow applicable ordinances.

Landscaping would be for residential uses.

No non-residential signage is planned.

The owners of the property would have to follow applicable noise control regulations based on residential uses.

Stormwater control would be evaluated as part of the building permit.

The proposed Findings of Fact for the Map Amendment were as follows:

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

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned agricultural in the unincorporated area and in the City of Plano. There are also R-1, R-2, and R-3 zoned properties in the vicinity.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property consists of marginal farmland and, due to its size, it is not eligible for residential uses without a map amendment.

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 and single family residential.

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 Countryside Residential on the Future Land Use Map and the R-1 Zoning District is consistent with this land classification.

The proposed Findings of Fact for the variance were as follows:

The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject property was part of a larger farm, which has been divided and a portion of this farm was annexed to the City of Plano, causing the flag shape of the lot.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other R-1 zoned properties that were parts of larger farms, whereby part of the larger farm was annexed to a municipality by a previous owner, could request a similar variance.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The difficulty was created by a previous owner when they divided the larger farm and annexed a portion of the larger farm to Plano.

The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. Granting the variance would not be detrimental to the public or substantially injurious to other properties.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

Staff recommended approval of the proposed map amendment and variance.

Member Wilson asked where the driveway goes after it turns east. Dan Kramer, Attorney for the Petitioner, explained the history of the division of the property. The driveway goes to a house and some outbuildings. The house previously belonged to the grandfather of the Petitioner. Mr. Kramer explained the annexations to Plano in the area. The larger farm was divided after the grandfather of the Petitioner died. A roadway agreement exists between the Petitioner's and the owner of the house and outbuildings.

Mr. Kramer stated that the Petitioners want to build one (1) house. The son of the Petitioner's may build a second house in the future. The Petitioners wanted that information declared in map amendment application to avoid any issues about a second house in the future.

Member Hamman asked about the size of the property. Mr. Kramer responded that the property was just under fourteen (14) acres. Mr. Kramer explained how the property would be divided under the Plat Act; it would be split north-south.

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

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (1): Stewart
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 3, 2024.

Member Wormley recused himself at this time (7:29 p.m.).

Petition 24-23 Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC (Tenant)

Mr. Asselmeier summarized the request.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of equipment.

The application materials, site plan, and pictures of the property were provided.

The property is located at 6891 Fox River Drive, Yorkville, inside the Village of Millbrook.

The proposed special use area of the property was approximately three point two (3.2) acres in size.

The existing land use of the property is Agricultural.

The property is zoned A-1 by the Village of Millbrook.

Millbrook Plan calls for the property to be Low Density Residential (Max 0.65 DU/Acre).

Fox River Drive is a Major Collector maintained by Kendall County.

The County has a trail planned along Fox River Drive.

There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

The adjacent properties are Agricultural and Single-Family Residential. The Fox River is located west of the subject property.

The adjacent properties are zoned A-1 in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Countryside Residential (Max 0.33 DU/Acre) and Open Space. Millbrook's Future Land Use Map calls for the area to be Low Density Residential, Open Space, and Forest Preserve.

The properties within one half (1/2) of a mile are zoned A-1 and A-1 BP in the County and A-1 inside Millbrook.

Approximately eight (8) houses are located within a half mile (0.5) miles of the subject property.

The Millbrook North Forest Preserve is located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on July 18, 2024, and while some protected resources were in the area, the opinion was that adverse impacts were unlikely.

The NRI application was submitted on July 19, 2024. The LESA Score was 163 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Fox Township on July 30, 2024. No comments were received.

Petition information was sent to the Village of Millbrook on July 30, 2024. No comments were received.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

ZPAC reviewed this proposal at their meeting on August 6, 2024. The Petitioner's Attorney requested that the condition setting a maximum number of employees be removed. The Petitioner's Attorney was agreeable to the other conditions. The conditions would be amended to correct a typographical error to allow outdoor storage of equipment when the business is closed. The reference to greenhouses in the condition pertaining to building
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permits would also be removed. The Health Department offered to assist the Petitioners, if the Petitioners wished to install a septic system at the property in the future. ZPAC recommended approval of the proposal with the removal of the condition pertaining to the maximum number of employees, the correction of the condition to allow outdoor storage of equipment when the business is closed, and the removal of the reference to greenhouses in the condition pertaining to building permits by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members 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 Millbrook Village Board approves the outdoor storage of equipment, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate Finer Finish Ground Care, LLC at the subject property. The landscaping business would lease the property from the property owner.

They would use the site for storage equipment. Employees would visit the site to get equipment. The business' main office is located offsite. The site would not be open to customers.

The business would be open from 7:00 a.m. until 6:00 p.m. daily and daily for twenty-four hours (24) during snow events in the winter. The business has a maximum of ten (10) employees.

The site plan shows one (1) approximately three thousand two hundred twenty-eight (3,228) square foot metal barn, one (1) approximately one thousand one hundred fifty (1,150) square foot frame barn, one (1) approximately one thousand eight hundred (1,800) square foot metal barn, and one (1) approximately six hundred ten (610) square foot frame barn. There would be no outdoor storage of landscape materials; equipment would be stored outdoors.

Equipment consists of pickup trucks, trailers, side-by-sides, mowers, water tanks, small utility tractors, riding mowers, and skid steers. These items would be stored outdoors, when the business is closed.

Many of the buildings on the subject property appear on the 1939 and subsequent year aerials.

No new buildings are planned as part of the special use permit.

Any structures related to the landscaping business would be required to obtain applicable building permits.

The property is served by a well on an adjoining property. There is no septic system on the property and a septic system is not planned. Electricity is on site.

One (1) dumpster area is proposed on the “concrete pad” area labeled on the site plan.

The property drains towards southwest.

Because the Petitioners are not proposing outdoor storage of materials and because the buildings and impervious areas appear on the 1939 aerial, no stormwater permit is required.

Per the site plan, the property has a gravel driveway.

According to the site plan, the Petitioners proposes a gravel parking lot with twelve (12) parking spaces, including one (1) ADA accessible parking space.

No new lighting was planned for the property. There are wall pack lights that light the driveway and building entrances.

No signage was proposed.

The property presently has cameras on the main buildings.

No landscaping besides the existing mature plantings and pines that are visible in several of the pictures is planned.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the first (1st) special use permit for a landscaping business in the Village of Millbrook.

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. The proposed use is along Fox River Drive, which is classified as a major 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. The proposal does not call for outdoor storage of materials.

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 7-26 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.”

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

1. The site shall be developed substantially in accordance with the site plan.
2. Equipment and vehicles related to the business allowed by the special use permit may ~~not~~ be stored outdoors at the subject property when the business is closed (**Corrected at ZPAC**).
3. 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.
4. 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.
5. 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.
6. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors.
- ~~7. A maximum of ten (10) 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. (Deleted at ZPAC)~~
8. 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 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.
10. 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.~~ (**Corrected at ZPAC**).

11. 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.

12. Only lighting related to security may be installed outdoors at the subject property.

13. No landscape waste generated off the property can be burned on the subject property.

14. 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.

15. 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.

16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

17. 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.

18. 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.

19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

20. 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 McCarthy-Lange asked why the maximum number of employee restriction was removed. Dan Kramer, Attorney for the Petitioner, responded, from an economic development, they did not want to prevent

the business from adding employees in the future. The company only has approximately six (6) employees presently.

Mr. Kramer commended the Petitioner for following the Zoning Ordinance and obtaining a special use permit.

Member Rodriguez commented on the importance of businesses obtaining proper permits.

Discussion occurred regarding outdoor storage of equipment. Several other landscaping businesses have conditions in their special use permits pertaining to outdoor storage of equipment.

Member Hamman commented on how nice the property and other properties owned by the Petitioners were maintained.

Discussion occurred regarding the nursery in Millbrook and the type of special use permit it has.

Member Wilson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Rodriguez, and Wilson

Nays (0): None

Absent (1): Stewart

Abstain (1): Wormley

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 3, 2024.

Member Wormley returned at this time (7:45 p.m.).

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Election of Planning Commission Secretary

Chairman Ashton said the position was basically in name only.

Member Bernacki made a motion, seconded by Member Rodriguez, to nominate and approve Member McCarthy-Lange for Secretary. Member McCarthy-Lange accepted the nomination.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Rodriguez, Wilson, and Wormley

Nays (1): McCarthy-Lange

Absent (1): Stewart

Abstain (0): None

The motion carried.

Appointments to Comprehensive Land Plan and Ordinance Committee Chairman

Chairman Ashton requested that this item be delay due to potential changes to the Comprehensive Land Plan and Ordinance Committee.

Member Wormley said the Comprehensive Land Plan and Ordinance Committee could exist in the future on an as-needed basis as topics necessitate meetings.

Chairman Ashton felt the Committee was needed if the Land Resource Management Plan update occurred because he was unsure if the Regional Planning Commission had the time to update the Plan and conduct normal business at the same meeting.

Member Wormley favored with waiting until after January 1st to evaluate the Committee’s purpose.

Chairman Ashton had asked Jeff Wehrli to Chair the Committee.

Chairman Ashton asked which townships would be studied after Seward Township. Mr. Asselmeier responded that, if the proposal to update the Plan is funded as currently proposed, the eastern three (3) townships would be studied first.

Chairman Ashton provided a history of the evolution of Ad-Hoc to the Comprehensive Land Plan and Ordinance Committee and the history of updating the Plan.

Discussion occurred about a possible candidate to fill the vacancy on the Commission from Little Rock Township.

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 did not meet in August.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported the rezoning request at 10835 Legion Road and the approval of the 2025 meeting calendar were the only agenda items for the September meeting. The items that were on the Comprehensive Land Plan Committee’s agendas will be placed on the September Planning Commission meeting.

ADJOURNMENT

Member Bernacki made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:04 p.m.

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

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
AUGUST 28, 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)
Don Kwan	[REDACTED]	[REDACTED]