

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 9, 2024 – Approved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:02 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
David Guritz – Forest Preserve (Arrived at 9:13 a.m.)
Brian Holdiman – PBZ Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department

Audience:

Peter Pasteris and Dan Kramer

AGENDA

Mr. Rybski made a motion, seconded by Ms. Briganti, to approve the agenda as presented.

With a voice vote of six (6) ayes, the motion carried.

MINUTES

Mr. Rybski made a motion, seconded by Ms. Briganti, to approve the September 3, 2024, meeting minutes and the October 1, 2024, gathering minutes.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petition 24-28 Peter J. and Laurie Jo Pasteris on Behalf of the Peter J. Pasteris, Jr. Revocable Declaration of Living Trust

Mr. Asselmeier summarized the request.

On April 21, 2015, the County Board approved Ordinance 2015-06, granting a special use permit for a banquet facility at 1998 Johnson Road. The special use permit contained the following conditions and restrictions:

1. The facility was to be operated by a description and site plan attached to the ordinance.
2. The principal use of the property is for residential purposes and/or farming.
3. A maximum of two hundred (200) persons at any one time (with a 10% tolerance).
4. All events must be catered unless approved by the Health Department.
5. Compliance with applicable building codes and Americans with Disabilities Act accessibility provisions and securing required permits associated with any proposed remodeling, alteration, construction or expansion of existing and structures on the premises.
6. Retail sales are permitted as long as the retail sales will be ancillary to the main operations.
7. 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 (60) 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.

8. Porta Johns (and other temporary bathroom facilities need to be removed within 2 business days after each event.
9. Events can run from May 1st through November 15th and the temporary tent can be erect from May 1st through November 15th.
10. Entities having jurisdiction may inspect the property annually including, but not limited to the Planning, Building and Zoning Department, Health Department, Sheriff's Office, and Fire Protection District in order to ensure the conditions of the special use permit are still being met and the permit is still applicable for the operation.

Ordinance 2015-06 was provided.

In 2019, a minor amendment to the special use permit was approved allowing the bathroom trailer and tent to be set up starting April 15th. Minor amendments were also approved in 2020, 2021, and 2022 allowing the bathroom trailer and tent to be set up from April 8th to November 30th for the next operating season.

The Petitioners submitted the following amendments to the special use permit:

1. Increase the capacity of people to three hundred (300) (with a ten percent (10%) tolerance for a maximum three hundred thirty (330) people).
2. Replace the existing tent with a permanent building that is approximately one hundred twenty-eight feet by sixty-four feet (128' X 64') in substantially the location shown on the site plan.
3. Install permanent restrooms in the facility with a septic permit from the Kendall County Health Department replacing the mobile trailer restroom.
4. Have event year-round.
5. Add the property identified by parcel identification number 06-10-200-001 to the special use permit.
6. Add the ability to add a business sign.

The renderings of the building have not been finalized, but the maximum height of the building at its tallest point will be approximately thirty-five feet (35').

No other changes to the site or business operations were proposed.

The application materials and the proposed site plan were provided.

The lot size will be approximately fourteen (14) acres following the addition of the parcel to the west of the original special use permit.

The Future Land Use Map calls for this property to be Suburban Residential. Plainfield's Future Land Use Map calls for this property to be Countryside Residential.

Johnson Road is a Township Road classified as a Minor Collector.

Plainfield has a trail planned along Johnson Road.

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There were no floodplains or wetlands on the property.

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

The adjacent properties are zoned A-1 and R-2.

The County's Future Land Use Map calls for the area to be Suburban Residential and Rural Residential. Plainfield Future Land Use Map calls for the area to be Countryside Residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-2 in the County and R-1 PUD and Industrial inside Plainfield.

The A-1 SU to the west is for a seasonal festival.

EcoCat submitted on September 13, 2024, and consultation was terminated.

The NRI application was submitted as on September 16, 2024.

Na-Au-Say Township was emailed information on September 23, 2024.

The Plainfield Fire Protection District was emailed information on September 23, 2024.

The Village of Plainfield was emailed information on September 23, 2024.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The original special use permit was established in 2015. The only complaints that were submitted since the establishment of the special use permit were noise related complaints and those complaints were addressed. The proposal still requires buildings to obtain applicable permits and the site may be subject to periodic inspections to confirm compliance with the special use permit. A Health Department approved septic system to replace temporary restroom facilities is proposed and the septic system would be better for public health than the temporary trailers.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed amendments should not impact neighboring property owners. Restrictions are already in place regarding noise and public safety.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No changes to the already approved ingress/egress or drainage are proposed. Utilities, other than the installation of a septic system approved by the County, shall remain unchanged.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 10-21 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents."

Staff recommended approval of the requested amendments to the existing special use permit for a banquet facility subject to the following conditions and restrictions:

1. The Description and Site Plan attached to Ordinance 2015-06 are amended to incorporate the site plan attached hereto as Exhibit A. Further, if a conflict exists between the Description and Site Plan attached to Ordinance 2015-06 and the site plan attached hereto as Exhibit A, the site plan attached hereto as Exhibit A shall take precedent.
2. Condition 2 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:
“A maximum of three hundred (300) persons with a ten percent (10%) tolerance at any one (1) time.”
3. Condition 7 of Ordinance 2015-06 is hereby repealed in its entirety.
4. Condition 8 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:
“Event may be held year-round.”
5. 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.
6. The remaining conditions and restrictions contained in Ordinance 2015-06 shall remain valid and effective.
7. 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.
8. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Mr. Holdiman asked where the thirty-five foot (35') maximum building height originate. Mr. Asselmeier said that figure was included on one (1) of the draft renderings of the building. Dan Kramer, Attorney for the Petitioner, said the main building would be thirty-five feet (35'), but the Petitioner planned to add spires which would be taller. The consensus of the ZPAC was not to include a maximum building height restriction in the special use permit.

Peter Pasteris, Petitioner, stated that they received one (1) or two (2) requests per year for weddings with three hundred guests (300) and rarely that many people show up for the event. However, the facility is large enough to accommodate events with that many attendees without anyone feeling cramped.

Mr. Kramer discussed the location of the septic system; it would be located away from the horse pasture.

Mr. Kramer will send Mr. Asselmeier the date of the Na-Au-Say Township Board meeting.

Mr. Kramer discussed the movable sign in a hay field; no sign would be by the road. Mr. Pasteris will send Mr. Asselmeier a picture of the sign and the dimensions of the sign. Information about the sign will be included in the special use permit in addition to the condition allowing them to ask for a permanent sign in the future.

Chairman Wormley requested that the wait staff be excluded in the count of person allowed on the premises. Discussion occurred about the Plainfield Fire Protection District determining maximum occupancy based on the design of the building. Discussion also occurred about knowing a maximum number of people for the purposes of designing the septic system and assigning well classification.

Mr. Guritz arrived at this time (9:13 a.m.).

Mr. Holdiman made a motion, seconded by Mr. Guritz, to recommend approval of the major amendment to the special use permit with the conditions proposed by Staff, incorporating the ten percent (10%) tolerance into the capacity count, and excluding the wait staff from the occupancy count.

The votes were follows:

Ayes (7): Asselmeier, Briganti, Guritz, Holdiman, Olson, Rybski, and Wormley

Nays (0): None

Abstain (0): None
Absent (3): Chismark, Klaas, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on October 23, 2024.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 24-17 and 24-27 were approved by the County Board.

Mr. Asselmeier reported that Petition 24-23 was approved by the Millbrook Village Board.

OLD BUSINESS/NEW BUSINESS

Recommendation on Fiscal Year 2024-2025 Meeting Calendar

Mr. Guritz made a motion, seconded by Mr. Rybski, to recommend approval of the meeting calendar.

It was noted that most of the meetings in 2025 will be at the Historic Courthouse.

With a voice vote of seven (7) ayes, the motion carried.

The motion passed.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Guritz, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:20 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director



**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
OCTOBER 9, 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)
Dan Krause	[REDACTED]	
Peter Posters Rehrer		