

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)

April 2, 2019

PBZ Committee Chairman Matthew Prochaska called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District (Arrived at 9:03 a.m.)
Matt Asselmeier – PBZ Department
Meagan Briganti – GIS
David Guritz – Forest Preserve (Arrived at 9:05 a.m.)
Deputy Commander Mitchell Hattan – Sheriff’s Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Aaron Rybski – Health Department
Matthew Prochaska – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Mark Caldwell, Adam Theis, and JoAnn Bright-Theis

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented. With a voice vote of all eyes, the motion carried unanimously.

MINUTES

Mr. Hattan made a motion, seconded by Mr. Klaas, to approve the March 5, 2019, meeting minutes. With a voice vote of all eyes, the motion carried unanimously.

PETITIONS

Petition 19-11 Mark Caldwell on Behalf of Dickson Valley Ministries – Major Amendment to a Special Use Permit by Repealing and Replacing Their Approved Site Plan at 8250 Finnie Road in Fox Township

Mr. Asselmeier summarized the request.

The subject property is approximately one hundred sixty (160) acres in size and has a special use permit for a youth camp and retreat center. The use at the subject property was originally established in 1971. The subject property was zoned A-1 with a special use permit for a youth camp and retreat center following the 1974 Countywide rezoning.

Ms. Andrews arrived at this time (9:03 a.m.).

The existing zoning regulations on the property were established by Ordinance 2014-05. This ordinance repealed several pre-existing ordinances and combined the conditions and restrictions placed upon Dickson Valley Ministries into one (1) ordinance. The restrictions placed on the special use permit were:

1. The property can be utilized all year long.
2. At such time if the not-for-profit status is discontinued for any reason a new special use shall be applied for if the property is to be used for profit.
3. The number of over-night campers shall be limited to no more than 350 at any one time.
4. No more than 8 hook-ups for RV’s.
5. The sign shall be in conformance with the standards of sign illumination as set forth in the Kendall County Zoning Ordinance and can be externally lit.

Ordinance 2014-05 also included a site plan, which the Petitioner wishes to amend.

The Petitioner desires the update to their existing site plan in order to meet their needs. The long-range plan will take no less than ten (10) years and will occur as funding allows.

Mr. Guritz arrived at this time (9:05 a.m.)

The proposed changes are as follows:

1. Clarification on the conditional statement that total capacity is three hundred fifty (350) "overnight campers." This number is inclusive of as many as one hundred (100) day-only campers during the summer.
2. Clarification that the live-on-site staff needed in supporting the ministry is composed of as many as six (6) full-time, long-term families; currently this figure is five (5).
3. Clarification of staffing levels at twenty-four (24) single short-term, twelve (12) month program staff, and sixty-four (64) seasonal summer staff.
4. Development A, Day Camp Area, shall consist of a Multipurpose Field-house with no more than a total of twelve thousand square feet (12,000 sq. ft.) under roof. The capacity for meetings and activities for up to two hundred fifty (250) campers year-round with some sections for open air activities. The plan also calls for various freestanding decks for small groups or activities, two (2) open air camper pavilion areas with maximum capacity of fifty (50) people each at two thousand square feet (2,000 sq. ft.) in size. The area will also host day camp activities, including water activities (i.e. splash pad, or wading fountain). The fifty thousand square feet (50,000 sq. ft.) of combined septic field serving all new restrooms will also be located in this area. A picture of the Development A is included as Attachment 5.
5. Development B, Resident Camp Area, shall consist of four (4) year-round camper cabins of no more than two thousand five hundred square feet (2,500 sq. ft.) each for total house of twenty (20) persons per cabin. There will be one (1) additional summer staff cabin at two thousand square feet (2,000 sq. ft.). A picture of Development B is included as Attachment 6.
6. Development C, Activity Area shall consist of an outdoor high ropes course, by sky-tracks or similar, mini golf course, ice rink pavilion, free standing decks for small groups and one (1) summer staff cabin of no more than two thousand square feet (2,000 sq. ft.) A picture of Development C is included as Attachment 7.
7. Development D, Entrance Parking, shall consist of welcome pavilions for day camp, a chapel in the woods with seating up to three hundred fifty (350), camper check-in area, and volunteer RV hook-ups. The Petitioner is also considering placing a freestanding office structure in this area. A picture of Development D is included as Attachment 8.
8. Development E, Entrance Drive, shall consist of a gatehouse for a controlled entrance and a six (6) bay staff lodge garage near the Whitaker Lodge just outside the zone. Upgrades to the driveway and entrance will occur and the lighted sign will remain. Landscaping will be updated. A picture of Development E is included as Attachment 9.
9. Development F, Maintenance Area, shall consist of a new shop not to exceed eight thousand square feet (8,000 sq. ft.) and removal of the old shop or remodel the old shop into storage.
10. Development G, Acorn Lodge Area, shall consist of a separate activities pavilion and separate program/meeting building. A picture of Development G is included as Attachment 10.
11. Development H, North Activity Area, shall consist of primitive campsites, no permanent structures, a parking area off of Finnie Road, high climbing tower, zip lines, miscellaneous team activities and a pedestrian walkway over/under/across Finnie Road.
12. The Retreat Development Zone shall consist of a water filtration station, including possible new structures or addition to the existing well. A new building for recreation room, snack shop, and host offices are also planned for this zone.

13. Addition 1, Director's Lodge, shall consist of a fourteen foot by eighteen foot (14' x 18') dining room addition. The current structure is one hundred twenty-six feet (126') offset from the road and the addition may encroach no more than an additional three feet (3'). A picture of Addition 1 is included as Attachment 11.
14. Addition 2, Chrouser Lodge, shall consist of an addition for dining space to the north or west, which will increase seating from two hundred (200) to two hundred fifty (250). A lower level of addition could include offices or meeting space and the kitchen will be upgraded as needed. A picture of Addition 2 is included as Attachment 12.
15. Addition 3, Dickson Lodge, shall consist of additional meeting spaces to accommodate eighty to one hundred (80-100) people, an addition of two (2) separate "leaders" rooms with restrooms, and remodel and add-on to program office for camp store. A picture of Addition 3 is included as Attachment 13.
16. Addition 4, Oulund Chalet, shall consist of remodeling of the upper level to improve housing space and remodeling of restrooms. A picture of Addition 4 is included as Attachment 14.
17. Addition 5, Silver Fox Lodge, shall consist of an addition for new restrooms and an addition for four (4) separate "leaders" rooms with restrooms. A picture of Addition 5 is included as Attachment 15.
18. Addition 6, Sports Center, shall consist of a south addition for upgraded activities, remodels to restrooms, and development of an exterior high ropes courses or similar. A picture of Addition 6 is included as Attachment 16.
19. Addition 7, Acorn Lodge, shall consist of a remodel of the current lodge for updated plumbing and housing and Additions to lodge for possible staff housing and extra space. A picture of Addition 7 is included as Attachment 17.

As noted on the proposed site plan, the final locations, sizes, and designs will be approved at the time of permitting and with the approvals of local regulatory bodies.

The future land use map calls for this area to be agricultural, open space, and countryside residential. The adjacent zoning districts are A-1 and R-1. Zoning within one half (1/2) mile are A-1 and R-1.

Finnie Road is considered a scenic route and no trails are planned in the area.

There are floodplains and wetlands on the property. None of the proposed development is occurring in the floodplain or wetlands.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Dixon Valley Sedge Meadow INAI Site, Fox River INAI Site, Dickson Sedge Meadow Natural Heritage Landmark, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The Petitioner submitted an application for NRI.

Petition information was sent to Fox Township on March 26, 2019.

Petition information was sent to the Village of Millbrook on March 26, 2019.

Petition information was sent to the Sandwich Fire Protection District on March 26, 2019.

Any new buildings would have to meet applicable building codes.

As noted on the proposed site plan, lighting will be intentionally left low.

The subject property is heavily wooded. As noted on the proposed site plan, the Petitioner considers the natural landscape important to their operations.

Stormwater permits will be required as the proposal is implemented and will be reviewed on a project-by-project basis.

The Petitioner proposes to make adjustments to their wells and septic systems. These changes will be evaluated as the proposal is implemented. Electricity is already onsite.

Before issuing a recommendation, Staff would like consultation with ZPAC members, the Fox Township Highway Commissioner, and the Sandwich Fire Protection District regarding any concerns to the public health and safety they may possess.

Mr. Rybski asked if more employees will be added onsite. Mr. Caldwell stated the number of people onsite will not change from what was proposed in 2014. The projected increase in people onsite is forty percent (40%).

Mr. Caldwell stated that they (Dickson Valley Ministries) wanted to show everything on the site plan. The mission of the organization has not changed.

Mr. Klaas asked if any complaints had been filed regarding this property with Building and Zoning. Mr. Holdiman responded not to his knowledge.

Discussion occurred regarding a right-of-way dedication for Finnie Road. Mr. Caldwell requested clarification on how a dedication occurred. Mr. Klaas explained the process. Mr. Caldwell will take the request to his board at the end of April to discuss the dedication. The suggestion was made to have right-of-way dedication within ten (10) years. The sign would encroach into the setback if a dedication occurred.

If the plan was developed fully, the investment would be Four Point Five Million Dollars (\$4.5 Million).

Mr. Guritz discussed the EcoCat Report. Mr. Caldwell stated that the development will not occur near the protected areas.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the major amendment to the Kendall County Regional Planning Commission with the following conditions:

1. The conditions and restrictions of Ordinance 2014-05 shall remain in effect including the clarifications stated in the Site Plan attached to this Ordinance amending the existing special use permit.
2. The Site Plan attached as Exhibit A to Ordinance 2014-05 is hereby repealed and replaced with the proposed Site Plan. The site shall be developed substantially in conformance with the attached Site Plan.
3. The operators of the use allowed by this special use permit shall follow applicable Federal, State, and Local laws related to the operation of this type of use.
4. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2014-05 could result in the amendment or revocation of the special use permit.
5. If one or more of the above conditions or restrictions or any of the conditions or restrictions contained in Ordinance 2014-05 are declared invalid by a court of competent jurisdiction, the remaining conditions and restrictions shall remain valid.
6. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

Ayes (9): Andrews, Asselmeier, Briganti, Guritz, Hattan, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

Petition 19-12 Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis – Special Use Permit for a Banquet Center at 10978 Crimmin Road in Fox Township

Mr. Asselmeier summarized the request.

JoAnn Bright-Theis would like to establish the BrighterDaze Farm and Events banquet facility at the subject property which is currently owned in a trust represented by her father, Robert Bright.

No variances were requested and the Petitioner will operate the banquet center in compliance with the regulations currently stated in the Zoning Ordinance.

The business plan for the proposed operations, building elevations, landscaping plan, parking illumination plan, and interior plan were provided.

According to the information provided to the County, the proposed banquet facility will utilize the existing approximately eight thousand (8,000) square foot barn for weddings and similar events. The maximum capacity will be approximately two hundred eighty (280) people, with one (1) additional employee. While banquets will occur inside the existing barn, prospective clients could use the exterior grounds for pictures and outdoor ceremonies. The interior of the barn is converted arena with a concrete floor. The barn is approximately twenty-six feet (26') tall at its peak and ten feet (10') tall at the ends.

An existing pond is located east of the horse barn.

The hours of operation will be Monday through Thursday from 9:00 a.m. until 10:00 p.m. and Friday and Saturday from 9:00 a.m. until Midnight. The facility would be open on the eve and day of all federal holidays. Tours of the facility for prospective customers by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st.

The proposed business would use local sub-contractors for uses on the site, including linens, decorations, food services, beverage services, bathroom services, and cleanup services. Because Fox Township is a dry township, no cash bars are allowed.

The proposed business would use luxury trailer bathrooms for events with the intention to have permanent restroom facilities by 2021. Restroom facilities will be located north of the barn by the parking area.

The dumpster shall be located next to the parking lot by the barn.

If approved, the Petitioners hope to start operations as quickly as possible.

Ancillary items, such as Brighter Daze shirts and glasses, may be sold on the premises.

The subject property is approximately thirty-eight acres (38) acres in size.

Crimmin Road is a major collector and scenic route. No trails are planned along the road.

A riverine wetland is located along the southwest edge of the subject property.

The adjacent land uses are agricultural related, farmsteads, religious, or forest preserve. The adjacent zonings are A-1. Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Millington Fen INAI Site, Fox River INAI Site, Millington Railroad Fen Natural Landmark, Tucker-Millington Fen Natural Preserve, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The NRI application was submitted on March 14, 2019.

Fox Township was emailed information on March 27, 2019.

Newark Fire Protection District was emailed information on March 27, 2019.

The Village of Newark was emailed information on March 27, 2019.

An updated Occupancy Permit will be required reflecting the change of use from a horse barn to a banquet facility.

Portable bathrooms will be used for events.

The property fronts Crimmin Road.

According to the site plan, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces will be located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights are proposed for site. According to the parking illumination plan, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

One entrance and one exit sign will be installed on the property. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown the on proposed site plan, the site contains approximately one hundred sixty-six trees of varying heights encircling the venue.

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face east and the barn doors will remain closed after 7:00 p.m.

With the combination of distance and plantings, the Petitioners believe noise will not be an issue.

Before issuing a recommendation, Staff would like the following issues addressed/clarified:

1. Input from the Kendall County Sheriff's Department and the Newark Fire Protection District regarding any concerns regarding having a facility at this location.
2. Input from the Kendall County Health Department regarding the septic and well facilities.
3. Input from WBK regarding the need for a stormwater management permit.
4. Acknowledgement from the Petitioners that they are aware and will follow Kendall County's Right to Farm Clause.
5. Acknowledgement from the Petitioners that they agree to follow all applicable Federal, State, and Local laws governing this type business and the implications for not following such laws.

Mr. Rybski asked about food preparation. All events will be catered.

Mr. Rybski asked about the number of events. Mr. Theis responded that they anticipate ten-twenty (10-20) events with fifty percent (50%) growth after that time. Mr. Rybski explained the well testing requirements. A site survey will be completed to define the location of the existing septic system.

Deputy Commander Hattan asked about traffic control. Mr. Theis explained the internal traffic control system. The Petitioner will contract with a company to direct traffic on and off Finnie Road.

No new structures will be constructed onsite. New lighting will be installed onsite as shown on the site plan.

Mr. Guritz will forward the Forest Preserve regulations related to equestrian use to the Petitioner. Horses will not be involved with proposed business. The equestrian business will continue at the property as a separate business.

Outside company will supply alcohol; no alcohol will be sold onsite.

Ms. Andrews requested clarification on the acreage of the property. Mr. Theis will provide clarification on the size of the property.

Noise will be controlled by existing landscaping and trees; music will initiate indoors and face east inside the venue. Business will close at 10:00 p.m.

Mr. Klaas discussed the planned the realignment of Crimmin Road.

Mr. Klaas made a motion, seconded by Mr. Holdiman, to forward the special use permit request to the Kendall County Regional Planning Commission with the following conditions proposed by Staff.

Ayes (8): Andrews, Asselmeier, Briganti, Hattan, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Present (1): Guritz
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

Petition 19-13 Kendall County Planning, Building and Zoning Committee – Text Amendment to Sections 4.06 and 4.07 of the Kendall County Zoning Ordinance by Allowing Research and Development Related Home Occupations to be Conducted Outside of a Dwelling or Permitted Accessory Structure and Adding the Phrase “Unless Otherwise Permitted by Law” to the End of Section 4.06.f and Section 4.07.g

Mr. Asselmeier summarized the request.

At their meeting February 27, 2019, the Comprehensive Land Plan and Ordinance Committee requested that Staff prepare a proposed text amendment to the Kendall County Zoning Ordinance allowing research and development related home occupations to be conducted outside the dwelling or accessory structure and to address noise, dust, fumes, and odor issues.

For reference, “Home Occupation” related terms are defined as follows:

HOME OCCUPATION Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

HOME OCCUPATION - AGRICULTURAL. A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation". *(Amended 04/18/2000)*

HOME OCCUPATION- RESIDENTIAL A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

Home Occupations are permitted uses in the A-1 District and all Residential Districts. Home Occupations are special uses in the RPD Districts.

At their meeting on March 27, 2019, the Kendall County Regional Planning Commission voted to initiate the text amendment.

Mr. Rybski asked about home occupations that could be impacted by this proposal. Mr. Asselmeier suggested that individuals wanted to construct firearms and test those firearms outdoors would be impacted. Mr. Asselmeier also suggested a business creating telescopes could be impacted.

Mr. Asselmeier read the definition of research and development from the Zoning Ordinance.

County regulations cannot supersede federal or state regulations.

Mr. Rybski made a motion, seconded by Ms. Andrews, to forward the text amendment to the Kendall County Regional Planning Commission.

Ayes (9): Andrews, Asselmeier, Briganti, Guritz, Hattan, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Hattan made a motion, seconded by Mr. Rybski to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:47 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
APRIL 2, 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)
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