

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of June 26, 2019 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, and Ruben Rodriguez

Members Absent: Bill Davis, Karin McCarthy-Lange, John Shaw, and Claire Wilson

Staff Present: Matthew H. Asselmeier, Senior Planner, Jeff Spang, Adam Theis, and JoAnn Bright-Theis

APPROVAL OF AGENDA

Member Bledsoe made a motion, seconded by Member Nelson, to approve the agenda. With a voice vote of five (5) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Bledsoe made a motion, seconded by Member Casey, to approve the minutes of the May 22, 2019, meeting. With a voice vote of five (5) ayes, the motion carried unanimously.

PETITIONS

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

Mr. Asselmeier summarized the changes since the May meeting.

Fox Township requested the following:

1. No parking on Crimmin Road.
2. A right-of-way dedication of forty-five feet (45') as measured from the centerline of Crimmin Road for the entire length of the subject property.
3. No sound greater than sixty-five (65) dBa as measured from the property line of the complaint.
4. The special use permit should be contingent on a completed traffic study with the Petitioner paying for any necessary construction caused by increased traffic on Crimmin Road.
5. A maximum of thirty (30) events per year with an operating season between April 1st and November 1st.
6. Saturday only events with a conclusion of no later than 10:00 p.m.
7. The Township believes inadequate parking is planned for the proposal.
8. No selling or serving of alcohol per Fox Township's dry regulations.

The Township also requested that the advisory bodies consider public safety when making their recommendations.

Mr. Asselmeier also reported that the Petitioner had a paid event on their property on June 3rd. The Petitioners thought that the special use permit would be in place prior to the event and did not want to cancel or reschedule the event.

The recommendations were amended to reflect most of Fox Township's concerns:

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and parking illumination plan.
2. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
3. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
4. The subject parcel must maintain a minimum of five (5) acres.
5. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
6. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
7. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property. (Last sentence added after discussion with Fox Township).
8. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
9. 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.

10. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. Barn doors shall close by 7:00 p.m.
11. Events shall be held on Saturdays only and shall conclude by 10:00 p.m. Tours of the facility for prospective customers shall be 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 number of events per year shall be capped at thirty (30). (Changed per Fox Township)

12. A new certificate of occupancy must be issued for the barn.
13. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way. (Added per Fox Township).
14. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road (Added per Fox Township).
15. The special use permit shall be contingent upon the completion of a traffic study by the Kendall County Highway Department. The operator(s) of the banquet facility allowed by this special use permit shall pay for any improvements to Crimmin Road identified in the traffic study caused by the business allowed by this special use permit. (Added per Fox Township).
16. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The operator(s) of the banquet facility 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.

Chairman Ashton asked about the timeframe for the traffic study. No timeframe was provided. Jeff Spang, Fox Township Supervisor, outlined the nature of the traffic study. The traffic study would examine whether the subject property is a good location for the proposed use based on traffic and the road condition.

Member Nelson asked how the results of the traffic study would impact the proposed special use permit. Supervisor Spang responded the impacts would not be determined until the traffic study was completed.

Discussion occurred regarding the impact of the bridge closure on Crimmin Road.

Several members of the Commission expressed opposition to the traffic study holding up the opening of the business proposed by the special use permit and the requirement that the Petitioners pay for improvements to Crimmin Road because any traffic created by the proposed use would have minimal impact on the safety of Crimmin Road.

Chairman Ashton noted that traffic near the banquet facility on Johnson Road increased more than anticipated. However, the banquet facility on Johnson Road has more events each weekend.

Discussion occurred regarding days of operation. JoAnn Bright-Theis clarified that they (the Petitioners) would be agreeable to limited events to one (1) per weekend and most of these events would occur on Saturdays. Ms. Bright-Theis was agreeable to setting a maximum number of events at thirty (30) per year. Adam Theis stated

that events could also occur on Federal holidays. Supervisor Spang expressed no opposition to capping the number of events at thirty (30) per year and the Fox Township Board favored Saturdays. Several members of the Commission expressed opposition to limiting events to Saturdays only.

Discussion occurred regarding Fox Township's dry regulations. The Petitioners want the ability to serve alcohol at events; the Petitioners would not sell alcohol. Mr. Asselmeier reported that there were seven (7) approved banquet facilities with five (5) of these facilities located in dry townships. Two (2) of these facilities were located in Fox Township. Supervisor Spang explained Fox Township's dry regulations and their plans to enforce Fox Township's dry regulations.

Supervisor Spang asked the Petitioners if the Harvester Vendor Fair was a public event. Mr. Theis responded that the vendors' fee was donated. The property owner was responsible for known uses on their property. The event scheduled for August 24, 2019, will not be a charitable event; the Petitioners hope to have their special use permit in place by that point in time.

Member Nelson made a motion, seconded by Member Casey, to recommend approval of the amended petition with the following changes:

1. Condition 11 be amended that events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be 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 number of events per year shall be capped at thirty (30).
2. Condition 15 be amended to say that a traffic study shall be conducted by the Kendall County Highway Department.

Ayes (5): Ashton, Bledsoe, Casey, Nelson, and Rodriguez
Nays (0): None
Absent (4): Davis, McCarthy-Lange, Shaw, and Wilson

The motion passed. This proposal will go to the Zoning Board of Appeals on July 1st.

Supervisor Spang thanked the Commission for giving Fox Township one (1) month to research information on this proposal.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township-Commission Could Withdraw the Petition, Amend the Petition, or Request that the County Board Chairman Place the Petition on a Future County Board Meeting Agenda

Chairman Ashton reported that the Petition has been discharged from the Planning, Building and Zoning Committee with a neutral recommendation. The proposal probably will go to the Committee of the Whole in July or August; Mr. Nelson will contact County Board Chairman Gryder and request that the proposal go to the Committee of the Whole in August because Planning, Building and Zoning Chairman Prochaska will not be at the July Committee of the Whole meeting.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 19-08, a map amendment rezoning property east of 8225 Galena Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-13 pertaining to research and development home occupations was defeated at the County Board, but might be reconsidered.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that two (2) petitions will be on the July agenda, a request to renew a special use permit for a billboard at the corner of Route 34 and Hafenrichter in Oswego Township and a request for special use permit for a landscaping business with a sign variance at 276 Route 52 in Seward Township.

Mr. Asselmeier reported that the Comprehensive Land Plan and Ordinance Committee will start researching zoning regulations pertaining to recreational marijuana.

Mr. Asselmeier reported that the Teska Associates delivered the Zoning Ordinance with changes. However, the Comprehensive Land Plan and Ordinance Committee requested a redlined version of the proposal.

Member Casey asked if Mr. Asselmeier had any update regarding a request for an investigation of a drainage issue at Highgrove Subdivision. Mr. Asselmeier responded that the request has been sent to Fran Klaas, but no update existed.

Member Casey recommended that the Commission recognize Member Rodriguez for the news article about saving a person's life. The Commission recognized Member Rodriguez for his efforts. Member Rodriguez thanked the Commission for the recognition.

ADJOURNMENT

Member Bledsoe made a motion, seconded by Member Casey, to adjourn. With a voice vote of five (5) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:50 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JUNE 26, 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)
Ad B. Jui		
John B. Jui	" "	
Jeff Spang	Millbrook	