

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of July 24, 2019 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

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

Members Absent: Karin McCarthy-Lange and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner, Lorien Schoenstedt, Tyler Zurliene, and Suzanne Casey

APPROVAL OF AGENDA

No objections were made regarding the agenda.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the June 26, 2019, meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

PETITIONS

19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 of the Zoning Ordinance require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had no objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

ZPAC reviewed the proposal at their meeting on July 2, 2019, and unanimously recommended approval.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. The appearance of the signs was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4 of the Zoning Ordinance, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

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. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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. True, the proposed special use shall conform to the applicable regulations of the district.

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 special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Wilson asked why this special use permit required renewal. Mr. Asselmeier responded that both the Kendall County Zoning Ordinance and Ordinance 2017-14 required two (2) year renewals of this type of special use permit.

No complaints regarding the sign have been received.

Member Wilson made a motion, seconded by Member Davis, to recommend approval of the requested special use permit renewal with conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Shaw

The motion passed. This proposal will go to the Zoning Board of Appeals on July 29th.

19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-two (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019. The LESA Score was 214 indicating a medium level of protection.

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019. To date, no comments have been received.

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission.

According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The property fronts Route 52. The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

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. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.

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 subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location of the septic field is unknown and no restroom facilities exist on the property. A restriction is required to ensure that landscaping debris does not create drainage problems.

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. Provided no sign variance is necessary, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.

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. The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.

Staff recommends approval of the requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan with changes as outlined in the following conditions.
2. One (1) business related sign shall be allowed on the subject property in one (1) of the locations shown on the site plan. The sign will not be illuminated.
3. The parking area shown on the site plan shall be relocated to comply with the Kendall County Zoning Ordinance.
4. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be installed within sixty (60) days of the approval of this special use permit ordinance. (Area in white on site plan).
5. Within sixty (60) days of the approval of this special use permit, the owner and/or operator of the use allowed by this special use permit ordinance shall plant arborvitaes at least six feet (6') in height at the time of planting along the east, west, and south sides of the area used for the landscaping business to block the visibility of the operations from adjoining properties. The arborvitaes shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. (Area in white on site plan).
6. Any materials associated with the landscaping business stored outdoors must be stored with blocks on three sides of the materials. Mr. Asselmeier referenced the picture included as Attachment 8 in the packet.
7. Equipment and vehicles related to the business may be stored outdoors.

8. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
9. No landscape waste generated off the property can be burned on this site.
10. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
11. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
12. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
13. 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.
14. 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.
15. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Petitioners requested that all recommendations with timeframes of sixty (60) days be extended to ninety (90) days because of the time needed to close on the purchase of the property.

Tyler Zurliene requested that the arborvitaes be three or four feet (3'-4') instead of six foot (6'). He noted that the current owner will not let them install any plants or berming. All plants, fences, and berming will be installed after closing. The closing date has not been finalized. Attorney Lorien Schoenstedt stated that the contract is executed, but is conditional on securing the proper zoning permits. The cost of the plants was the reason for wanting shorter plants. The total number of plants has not been determined.

Discussion occurred about the need for screening. The property is near the entrance to the County and some neighbors are in the vicinity.

Chairman Ashton asked who came up with the six foot (6') arborvitae condition. Mr. Asselmeier responded that condition came from a previous special use permit related to solar panels.

Member Davis asked about the linear footage of screening. The linear footage was approximately one thousand (1,000) linear feet.

Chairman Ashton asked if Mr. Zurliene favored the fence or arborvitaes. Mr. Zurliene responded that he would like to do his due diligence and see which option was more cost effective. The height and type of fence would be determined as part of the special use permit.

Member Casey stated that the property is an eyesore. Mr. Zurliene said that he plans to clean-up the property after he assumes ownership. Mr. Zurliene said that he did not originally think that he would be able to purchase the subject property.

Member Nelson asked if the junk on the property was owned by Mr. Zurliene. Mr. Zurliene responded that the junk around barns was from previous farmers. The shipping container is owned by Mr. Zurliene. The broken concrete is also owned by Mr. Zurliene. One (1) dumpster is for the tenants.

Discussion occurred regarding the deadline for installing a fence or arborvitaes. Several Commissioners wanted the deadline to be measured from the date of closing.

There are renters living on the property. Mr. Zurliene plans to evict the current tenants. The house will be rented.

Discussion occurred regarding restroom facilities. Mr. Zurliene stated that he plans to install porta-a-potties.

Member Casey pointed out that the Seward Township Planning Commission and the Seward Township Board disagreed on the placement of berms.

Member Wilson asked which building would be demolished and replaced. The crib shown in Attachment 10 would be removed. The new barn would not be constructed for another five (5) years.

Member Rodriguez asked about graveling the area. Mr. Zurliene responded that he intends to gravel the parking area after he assumes ownership of the property.

Suzanne Casey, Seward Township Planning Commissioner, stated the Commission recommended approval, but they had several concerns. She asked about running a business on the property and having someone living in the house. Mr. Asselmeier responded that someone living in the house is a permitted use in the A-1 Zoning District. Unless the property owner specifically gives up that use as part of the special use permit, the residential use could continue.

Ms. Casey expressed concerns regarding drainage of the property and the impact of a berm on the drainage of the area. The berm would be installed to improve the aesthetics of the area. Ms. Casey expressed concerns of having this use in close proximity to a future school and having the property look visually appealing. She advised Mr. Zurliene to consider the investment he is making and the maintenance responsibility he is undertaking if the special use permit is approved.

Member Wilson asked about the location of a farm and drainage in the area. Ms. Casey provided information about the farm and drainage in the area.

Chairman Ashton suggested a more detailed site plan showing the future development of the property. He suggested that the Petitioner layover this matter one (1) month to determine if they prefer a fence, berm arborvitae, or some combination. Ms. Schoenstedt stated they favor the fence option. Mr. Zurliene said they would do their due diligence on the matter.

Discussion occurred regarding installing a Menard's stockade type fence, six feet (6') in height along the east, west, and south sides. Discussion occurred regarding the trees along Route 52.

Discussion occurred regarding the timeline for assuming ownership on the property. Financing is secured. Closing could occur quickly. Ninety (90) days from the date of closing was agreed to be the deadline for installing berms, fencing, and/or arborvitae. Member Nelson made a suggestion that closing should occur within sixty (60) days of approval of the special use permit. Chairman Ashton suggested that the Petitioner be required to inform the Planning, Building and Zoning Department that closing occurred.

The Petitioner might have to remove vegetation in order to install a berm.

Member Davis requested a sample of the fencing and additional pictures of the trees along Route 52. Chairman Ashton requested a concept drawing of the sign for the business.

The Petitioner requested that the proposal be laid over until August meeting when an updated site plan will be submitted.

This matter will be on the August 28th Kendall County Regional Planning Commission agenda.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Suzanne Casey stated that several unpermitted businesses are occurring along Route 52 from O'Brien Road east to the County Line. Near Jughandle Road, there appears to be a banquet facility. She would like a stronger plan to control growth from Joliet and Shorewood.

Member Wilson asked if the County has a Junk and Debris Ordinance. Mr. Asselmeier responded yes and read the definition of junk and debris from Ordinance 19-12.

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

Mr. Asselmeier reported that Vulcan Materials Company claimed that several parcels shown as unincorporated on the map are inside the Village of Lisbon. Vulcan provided a signed annexation agreement. The matter was referred back to the Planning, Building and Zoning Committee.

Update on Zoning Ordinance Project

Mr. Asselmeier reported that the document received from Teska had redlines over everything that was changed, including changes in fonts and margins. The Comprehensive Land Plan and Ordinance Committee reviewed Sections 1-3 at their meeting earlier in the evening. They will continue to review sections of the Zoning Ordinance at future meetings.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 19-11, amending the site plan for Dickson Valley Ministries, 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 and the motion to reconsider was also defeated at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the property owner at the corner of Sheridan Road and Route 71 was exploring their options regarding whether or not to rezone the property in order to be able to construct a house at the site.

A proposal regarding recreational marijuana zoning regulations will be presented in the next month. A special meeting may be required in order to have recreational marijuana zoning regulations in place by January 1, 2020.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Davis, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:27 p.m.

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

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JULY 24, 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)
LOZIM Schoenstedt	3260 Executive Dr. Sollet IL	Lschoenstedt@ reklawfirm.com
TYLER Zurliene		tzlandscaping@ gmail.com
Suzanne Cree		screezy191@sbcbbl.net