

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 8, 2019 – Meeting Minutes**

Matthew Prochaska called the meeting to order at 9:02 a.m.

Present:

Aaron Rybski – Health Department
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department
Matthew Prochaska – PBZ Committee Chair

Absent:

Megan Andrews – Soil and Water Conservation District
Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Deputy Commander Jason Langston – Sheriff's Department

Audience:

Joe Spencer, Dan Kramer, Rodolfo Nunez, Georgina Nunez, Stuart Weihler, and Paula Weihler

AGENDA

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda as proposed. With a voice vote of all ayes the motion carried unanimously.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the December 4, 2018, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

PETITIONS

Petition 18-32 Joe Spencer on Behalf of Utility Dynamics – Site Plan Approval for Storage Building at 5237 Light Road (PIN 03-07-227-002) in Oswego Township

Mr. Asselmeier summarized the request. The Petitioner would like to construct an approximately four thousand eight hundred (4,800) square foot storage building on their property. The property is currently vacant and is zoned M-1. There are residential properties located immediately to the east of the subject property. Oswego Township did not submit comments. The Petitioner requested a variance from the sprinkler requirement from the Oswego Fire Protection District. Neither the Village of Montgomery nor the Village of Oswego provided comments.

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The proposed structure shall utilize a minimal amount of the total acreage. There are no wetlands or flood plains on the property. There are no concerns regarding slopes or erosion, provided necessary steps are taken to prevent erosion during construction.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. Ample space exists on the property for parking and the building will be setback further from Light Road than is required by the Kendall County Zoning Ordinance. The access point off of Light Road is already in existence.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large

vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. This is not an issue.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The site will be laid out in a manner that will not impact shadow, noise, odor, traffic, or drainage. The proposal will not adversely affect ground water or aquifer recharge.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. Since this is the only building on the property, this item is not a concern.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed site development is in harmony with the existing use of neighboring properties provided fencing meets the Kendall County Zoning Ordinance. Petitioner plans to install a mesh over the existing chain-link fence.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not applicable.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. The Petitioner plans to install a mesh over the existing chain-link fence. The proposed building will be used for storage of equipment and no noise, smoke, vapors, fumes, dusts odors, or glare is planned. Given the size of the building and topography, stormwater should not be an issue provided necessary steps are taken during construction.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. Staff would like comments from the Kendall County Sheriff's Department and Oswego Fire Protection District on this issue.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The proposed building will not be heated or cooled.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The Petitioner plans to install two (2) poles with two (2) floodlights on each pole. As long as the lights are pointed downward, light spilling onto neighboring property is not an issue.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. Refuse will not be collected onsite.

If approved, the Petitioner would have to submit information for a building permit.

Mr. Rybski asked about well and septic information on the site. Mr. Spencer responded that no wells or septic systems were onsite.

Mr. Klaas asked about the condition of Commerce Road. Discussion occurred regarding easements over Commerce Road. Mr. Spencer provided a history of improvements to Commerce Road.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to approve the site plan subject to the conditions that the floodlights shall be aimed in such a manner that does not cause light spillage onto neighboring residential properties and that the site be developed in accordance with the submitted site plan and in compliance with all applicable federal, state, and local laws.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously.

Petition 19-04 Rodolfo and Georgina Nunez-Special Use Permit for a Landscaping Business at 6725 Route 71 (PINs 02-24-300-017 and 02-24-300-018) in Oswego Township

Mr. Asselmeier summarized the request. The Petitioners are requesting a special use permit to operate a landscaping business. The property is zoned A-1 and is approximately three (3) acres in size.

The EcoCAT Report was submitted and several species were identified in the area. However, IDNR expressed no concerns regarding the proposal provide best management practices are employed when building structures.

The Natural Resource Inventory application submitted on December 20, 2018, and is still under review.

Petition information was sent to Oswego Township on December 21, 2018.

Petition information was sent to the Village of Oswego on December 21, 2018. Information about this Petition will be discussed at a January Village Board meeting.

Petition information was sent to Oswego Fire Protection District on December 21, 2018. The Petitioner is in contact with the Fire Protection District to resolve sprinkling issues.

The Petitioner plans to have at most three (3) employees report to the site for work.

The Petitioner plans to remove the containers on the property and construction a small building on the property.

The property fronts Route 71 and the Village of Oswego's plans call for a trail along Route 71. The site plan shows parking around the existing house.

No additional lighting or signage was proposed.

The Zoning Ordinance requires 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. An existing berm with evergreens and other trees is located on the property.

The property drains to the northwest and southwest of the site. WBK submitted a comment letter on the proposal.

Mr. Rybski asked about well or septic records. He also requested a soil study. Mr. Kramer indicated that no new wells or septic systems were proposed and the Petitioners will locate the existing well and septic system locations and supply that information to the Kendall County Health Department.

Mr. Kramer stated Mr. Nunez was a tree specialist and the proposed business would not be the traditional landscape business. They have one (1) part-time employee.

Mr. Kramer noted the existing berm and that the existing trailer shall be replaced with a building.

Mr. Kramer said that the Petitioner would secure a variance, if necessary, for the sprinkler requirement for the building. Mr. Kramer does not believe a sprinkler system will be required.

Mr. Kramer indicated that this proposal would go before Oswego Township on January 15th.

Mr. Kramer indicated that the Village of Oswego will provide a letter of no objection to the County.

Mr. Kramer confirmed the building size will be approximately two thousand four hundred (2,400) square feet.

No landscaping debris would be outdoors. Shrubs and trees could be stored outside. Equipment storage would be outdoors except for his pickup truck.

Discussion occurred regarding trail dedication. Mr. Kramer expressed concerns about the relocation of the existing berm particularly if Route 71 were widened.

No variances would be needed based on current measurements of structures.

Discussion occurred regarding potential complaints by neighbors. Mr. Kramer could definitively say if objections could or would arise.

Mr. Asselmeier made a motion, seconded by Mr. Holdiman, to recommend approval of the special use permit with the conditions that no landscaping debris or equipment may be stored outside except for nursery stock.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on January 23rd.

Petition 19-05 Specialty Oswego, LLC and Stuart and Paula Weihler-Special Use Permit for a Banquet Facility and Variance to the Requirement that Banquet Facilities be Located on a Primary Highway or Major Collector in the 5100 Block of Schlapp Road Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp Road (PIN 03-34-100-024 South 10 Acres) in Oswego Township

Mr. Asselmeier summarized the request. Stuart and Paula Weihler would like to establish a banquet facility, Heritage Homestead at the subject property. The property is currently owned by Specialty Oswego, LLC and the Weihler's have a contract to purchase the property subject to obtaining the required zoning permits to operate a banquet facility. The special use permit would apply to the southern ten (10) acres of the property. A variance would be required because Schlapp Road is not an arterial road or a major collector as defined by the Land Resource Management Plan. The property is zoned A-1.

EcoCat submitted on December 18, 2018 and consultation was terminated

NRI application submitted on December 21, 2018, and currently under review.

Oswego Township was emailed information on December 21, 2018, and no comments have been received.

Oswego Fire Protection District was emailed information on December 21, 2018. The Petitioner is in discussions with the Fire Protection District regarding securing applicable variances.

The Village of Oswego was emailed information on December 21, 2018, and they are currently reviewing the proposal.

The Weihler's business plan, plat of survey, and site plan were provided. As noted in the business plan, plat of survey and site plan, the Weihler's would use the southern ten (10) acres of the current property configuration for their event business. They plan to construct a four thousand, nine hundred fifty (4,950) square foot barn with two (2) two thousand five hundred (2,500) square foot outdoor areas on the southwest and northeast sides of the barn. One two thousand (2,000) square foot tent with concrete pad would be located northwest of the barn. Two (2) grain bins, one (1) for the bride and one (1) for the groom, would be constructed to the northwest of each outdoor area. An additional bar grain bin would be constructed west of the tent. Each grain bin would be one hundred seventy-one (171) square feet in size. One (1) outdoor grassy ceremony area, measuring three thousand five hundred (3,500) square feet would be located east of the barn area. One (1) one hundred eighty-one (181) square foot gazebo would be located southeast of the barn. One (1) additional one thousand five hundred (1,500) square foot storage building would be located to the east of the parking

area. One (1) one hundred (100) square foot trash enclosure is planned east of the parking area. Gravel pathways would connect the parking lot to the various structures and areas of interest on the property.

The Weihlers propose an approximately thirty-seven thousand seven hundred sixty-two (37,762) square foot wet detention pond around the southern portion of the gazebo. Based on the information provided regarding the amount of disturbed ground (land disturbed for parking, facilities, and detention), a stormwater management permit will be required. WBK submitted a letter regarding stormwater requirements.

The Weihlers plan to have events year-round. For weekdays, events would start no sooner than 9:00 a.m. and end no later than 10:00 p.m. For weekends and holidays, events would start no sooner than 9:00 a.m. and end no later than midnight.

The Weihlers plan to use select caterers and will have adequate insurance.

If approved, the Weihlers plan to start construction by April 2019 and start having events in October 2019 with a full season of bookings for 2020.

A Building and Occupancy Permit will be required for each existing structure that will be used in conjunction with the proposed banquet facility.

A raised septic area with three sanitary holding tanks is proposed southwest of the proposed barn. The proposed water well will be located northeast of the tent area.

The property fronts Schlapp Road.

Based on the information provided, the maximum number of attendees would be two hundred eight-five (285) guests. Four (4) additional full-time employees plus the two (2) owners would be onsite during events. Pending any concerns from first responders, the proposed facility would have more than adequate parking facilities. The Weihlers are proposing one hundred fifty-one (151) parking spaces including seven (7) handicapped accessible spaces.

The Weihlers propose five (5) twenty foot (20') fixture light poles and two (2) twenty foot (20') single fixture light poles.

One (1) monument sign is proposed along Schlapp Road. No information was provided regarding the size of the light or whether or not the sign will be illuminated. No information was provided regarding one-way vehicular movement signs.

The landscaping plan call for thirty-two (32) canopy trees, sixteen (16) evergreens, ten (10) understory trees, ten (10) ornamental trees, and one hundred twenty-six (126) deciduous bushes.

The Weihlers plan to have music originate indoors with speakers facing indoors except for processionalists at weddings.

The Weihlers plan to install some berming and, with the combination of distance and new plantings, they believe noise will not be an issue.

The subject property was awarded a special use permit by Kendall County for a residential unit for a stable employee in 1999.

This proposed banquet facility is less than one half (1/2) mile from the nearest road meeting the functional classification requirements in the Zoning Ordinance. By comparison, the banquet facility at 13889 Hughes Road is approximately one point five (1.5) miles from the nearest major collector road (Newark Road via Hollenback Road).

Mr. Holdiman noted that the Petitioners will ask for a variance from the Oswego Fire Protection District for sprinkler requirements. Mr. Kramer indicated that they would apply for a variance from the Fire Protection District for sprinkler system, if necessary. The Petitioners will install a security system. The project would continue to move forward if the variance is not granted. The structures on the property will be heated and cooled.

The Petitioners are working on the septic system information.

Fridays, Saturdays, and the night before holidays are considered weekends. Sunday would be considered a weekday. Cleanup would be finished by 1:00 a.m. on weekends and 11:00 on weekdays.

Discussion occurred regarding the roadway classification of Schlapp Road. Mr. Asselmeier stated that the classification came from the Land Resource Management Plan. Mr. Klaas indicated that the Highway Department classified Schlapp Road as a minor collector.

Mr. Kramer noted that Oswego Township is a dry township; he discussed the caterer's license.

Mr. Rybski discussed the well testing requirements based on the number of events and number of people in attendance at these events. No food would be made onsite. He discussed the requirements of the septic system, including the location of a secondary septic field. The bathroom facilities will be inside the buildings.

The Petitioners acknowledged the Right to Farm Clause.

The Petitioners will use their cell phones to measure noise. The speakers will be turned inward.

The size of the monument sign has not been determined. The sign will be a low-level monument sign. The sign will not be illuminated. Staff requested additional information on the dimensions of the sign. Mr. Kramer was unsure about directional signage at the egress/ingress to the property.

The Petitioners indicated that they no longer needed the special use permit for a stable employee.

The Petitioners will apply for a stormwater management permit.

Mr. Holdiman asked if the barn will be a two (2) story structure. This question was not answered.

Mr. Rybski said that the proposal could be moved forward, but the septic and well review can occur as the proposal moves through the process.

Mr. Asselmeier asked Mr. Klaas if he saw any concerns regarding the ability of Schlapp Road to support this type of use. Mr. Klaas requested that the Township weigh-in on the question. The Township would have to permit the ingress/egress points.

Mr. Klaas requested a right-of-way dedication. The Petitioners agreed to dedicate the appropriate amount of right-of-way; the right-of-way would extend to fifty feet (50') from the centerline of Schlapp Road. The dedication would occur within sixty (60) days of approval of the special use permit. The site plan would be adjusted to reflect the dedication.

Mr. Asselmeier made a motion, seconded by Mr. Rybski, to approve special use permit and variance as requested.

Ayes (6): Asselmeier, Guritz, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Abstain (0): None
Absent (4): Andrews, Briganti, Chismark, and Langston

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on January 23rd.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier noted that an application for a banquet facility on Crimmins Road could be submitted.

Mr. Kramer indicated that the owner of 17 Ashe Road is working with the homeowners association to resolve issues related to their special use permit amendment request.

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:57 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner