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**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
**AGENDA**

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Wednesday, January 27, 2016 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Rodger Bledsoe, Tom Casey, Larry Nelson, Vern Poppen, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko and one vacancy (Big Grove Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of minutes from the September 23, 2015 meeting

PETITIONS

1. **15-17 Kevin Calder**

Request        A-1 Special Use  
Location       9923 Walker Road, Kendall Township  
Purpose        Special Use to operate a landscaping business

2. **16-01 Peter and Mary Bielby**

Request        A-1 Special Use  
Location       8573 Fox River Drive, Fox Township  
Purpose        Special Use to operate a kennel

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

15-05 – LRMP Update – Little Rock Township and Multi-Use Trail Plan – Approved by County Board on October 20, 2015

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS

Election of Officers- Chair, Vice-Chair, Secretary, Treasurer & Recording Secretary  
Annual Meeting – February 6<sup>th</sup>

OLD BUSINESS

ADJOURNMENT

Annual Meeting – Saturday, February 6, 2016 at 9:00am

Next Regularly Scheduled Meeting – Wednesday, February 24, 2016 at 7:00pm

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Meeting Minutes of September 23, 2015  
Unofficial until approved**

Chairman Bill Ashton called the meeting to order at 7:00 pm.

**ROLL CALL**

Members Present: Chair Bill Ashton (Chair), Tom Casey, Larry Nelson, Claire Wilson, Budd Wormley, John Shaw, Roger Bledsoe

Others present: John Sterrett, Senior Planner; Mike Hoffman, Teska Associates, Inc.

Members Absent: Vern Poppen, 2 vacancies (Oswego Township & Big Grove Township)

In the Audience:

**APPROVAL OF AGENDA**

Larry Nelson made the motion to approve the agenda. John Shaw seconded. **Approved 7-0.**

**APPROVAL OF MINUTES**

Roger Bledsoe made a motion to approve the minutes of the May 27, 2015 meeting. Budd Wormely seconded. **Approved 7-0.**

**PETITIONS**

**1. 15-05 LRMP Amendment Public Hearing – Kendall County**

**Request:** Amend the Kendall County LRMP to provide an updated Bicycle Trail Plan and amend the Future Land Use Plan within Little Rock Township along Creek Road between Fraiser Road and Little Rock Road

**Location:** Kendall County

**Purpose:** To update and provide additional detail on the Kendall County Bike Trail Plan and to reflect commercial development potential within Little Rock Township

Mr. Nelson stated that he would participate in the discussion for the Bicycle Trail Plan but withdraw from the discussion of the Future Land Use Management Plan of Little Rock Township.

Mr. Hoffman stated that this petition was slated as a public hearing. He noted two changes to the Bicycle Trail Plan: the differentiation between if a path was built or proposed, and what government agency the paths belonged to. He continued that the plan was important for reviewing development proposals, and for grant funding.

Ms. Wilson asked why the map was labeled bike instead of multi-purpose. Mr. Hoffman stated that it was previously named such, but it could be changed. The Commission agreed on the importance of the name change as it allowed for more flexibility in grant seeking.

Mr. Hoffman stated that the change to the Future Land Use Plan was to change the along Creek Road to Commercial.

At 7:11 p.m., Chairman Ashton opened the meeting up to public comments. Seeing no public, Chairman Ashton closed the meeting for public comments at 7:14 p.m.

Claire Wilson made the motion to amend the Bicycle Trail Plan title to Multi-use Trail Plan and to approve it as amended. John Shaw seconded. **Approved 7-0.**

Roger Bledsoe made a motion to approve the Future Land Use Plan. Clair Wilson seconded. **Approve 6-0; Larry Nelson abstaining.**

### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

**15- 11 Rhonda Miller/Strong Tower of Refuge Ministries** – County Board Approved the Special Use for a Place of Worship on August 18, 2015.

**15-12 Dan Koukol** – County Board approved a Major Amendment to the existing Special Use to allow outdoor display within 10’ of the right-of-way of Router 126 on August 18, 2015.

Ms. Wilson asked if the Heap petitioners sign obscured vision at her intersection as ther have been many fatal accidents at intersections in the County this month. Mr. Nelson stated he had been by there recently and it seemed fine. Mr. Sterrett stated he would check on the visibility issue just to be sure.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**- None

### **NEW BUSINESS/ OLD BUSINESS**

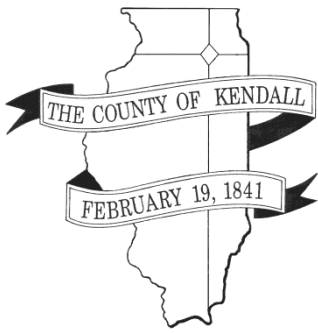
Mr. Hoffman wanted to inform the Commission of two possible subjects they may see in the future. The first is a possibly lot size minimum increase in Na-Au-Say township to 1 acre. Staff has asked for comments, but has received none so far. The second was an area located near Shorewood that had been designated business to remain consistent with Shorewood’s land use plan; however, now an individual wants to build residential on the area. Mr. Hoffman stated Shorewood ahs since revised that area in their plan to residential.

Chairman Ashton asked after the progress of the shooting range for Kendall County as the permit would be set to expire within the year if no progress is being made. The Commission agreed to direct staff to research the issue.

**ADJOURNMENT** – Next Meeting on Wednesday, October 28, 2015

Claire Wilson made the motion to adjourn. Tom Casey seconded. Seeing no objections, meeting adjourned at 7:39 pm.

Respectfully submitted by,  
Andrez P. Beltran  
Economic Development and Special Projects Coordinator



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**Petition #15-17  
Kevin Calder  
A-1 Special Use**

**SITE INFORMATION**

PETITIONERS Kevin Calder

LOCATION North side of Walker Road, approximately ½ mile west of IL Route 47



TOWNSHIP Kendall Township

PARCEL # 05-21-300-002

SIZE 5.00 Acres

EXISTING LAND USE Single Family Residential

ZONING A-1 Agricultural

LRMP	Land Use	Planned Rural Residential (Max. density 0.65 du/acre); Yorkville: Park/Open Space
	Roads	Walker Road is a major collector roadway and a County road
	Trails	A proposed trail on the north side of Walker Road
	Floodplain/Wetlands	None

REQUESTED ACTION Approval of an A-1 Special Use Permit to operate a landscaping business with outdoor storage of vehicles and equipment.

APPLICABLE REGULATIONS §7.01.D.27 (A-1 Agricultural Special Uses- Landscape Business)  
§11.01 (Parking Regulations)  
§13.08 (Special Uses)

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural	A-1	Planned Rural Residential	A-1
South	Agricultural	A-1	Planned Rural Estate Residential	A-1
East	Agricultural	A-1	Planned Rural Residential	A-1; B-3
West	Agricultural	A-1	Planned Rural Residential	A-1; A-1 SU

**PHYSICAL DATA**

ENDANGERED SPECIES REPORT No endangered species identified per IDNR

NATURAL RESOURCES INVENTORY Not Required per SWCD

**ACTION SUMMARY**

TOWNSHIP (Kendall) No comments received

MUNICIPALITY (Yorkville) No comments received – It is staff’s understanding this matter will be discussed by the Yorkville City Council prior to the Plan Commission meeting.

ZPAC 12.1.15 The following comments were provided during the ZPAC Meeting:  
*Highway Department:* No additional R.O.W. will be dedicated as part of the Special Use.  
*Health Department:* The change of use of the property from residential to a business operation will require a soil analysis and assessment of the septic system to determine if the existing septic system is sized appropriately for the new use and that the system is not being impacted by gravel or parking of vehicles.  
*Building Department:* If the existing house is converted from a residence to office space, a change of occupancy permit will be required. The existing accessory structures on the property may only be used for storage and not for any type of workspace such as for repairs.

A motion was made by Scott Gryder, seconded by Fran Klaas, to forward the petition onto the Regional Planning Commission with a positive recommendation. With a voice vote of all ayes, the motion carried.

**REQUESTED ACTION**

GENERAL The owner of the subject property, Kevin Calder, is leasing the property to Hardscape Group Landscaping, Inc. (HGL) Services provided by HGL include weekly lawn care, spring cleanup of debris prior to mowing, fall clean up of fallen leaves including disposal, plant bed mulching and landscape trimming, and annual turf control. No new structures are proposed on the subject property. The petitioner has recently added approximately 14,000 square feet of CA6 gravel for parking and storage of vehicles and equipment.



**EMPLOYEES** HGL has six employees, including the business owner, Clemente Garcia.

**HOURS OF OPERATION** The hours of operation are from 7:00am to 5:00pm Monday through Friday.

**PARKING** The petitioners comply with the required parking ratio of one (1) parking space per employee in addition to one (1) parking space per vehicle used in the conduct of the business by providing a total of six (6) parking stalls for employees, including one (1) ADA accessible stall, and seven (7) parking stalls for vehicles and equipment. The parking area meets the required front, side, and rear yard setbacks. No retail is offered at the site and no public will be accessing the site.

Employee owned vehicles and vehicles associated with the landscape operation will be parked on an existing CA6 gravel surface recently added by the petitioners. The parking stall designated as ADA accessible will be located on an existing hard surface. Staff is of the opinion that the existing CA6 gravel surface will be sufficient for the amount of traffic generated from the operation.

**STORAGE** Section 7.01.D.27 of the County's 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.

HGL intends to store the vehicles and equipment associated with the business outdoors approximately 200'+ from the centerline of Walker Road. Existing trees toward the front of the property and around the perimeter of the parking area screen portions of the storage and parking area.

Existing accessory structures in the property will be used as storage only and not for workspace.

**WASTE** HGL has indicated that landscape waste generated off-site is disposed of at Fox Ridge Stone Company off of IL Route 71.

**SEPTIC SUITABILITY** An assessment of the septic system and soil analysis is needed to ensure the existing septic system is sized appropriately.

**SINGLE FAMILY HOME** One of the employees of HGL currently resides on the property in the single-family dwelling unit. The petitioner indicated that half of the dwelling unit is used as a

residence and a portion of it as office space. According to the petitioner, is anticipated that the occupant of the residence will move out over the next year and the entire dwelling unit will be converted to an office. A change of occupancy will be required if the dwelling is converted from a residence to an office.

**Roadway Access/R.O.W.** Section 7.01.D.27 of the County's Zoning Ordinance requires the business to be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs. The property has access onto Walker Road. Walker Road, a County collector road, is able to accommodate 73,280lbs. A 45' R.O.W. exists on the north side of Walker Road. No additional R.O.W. is required.

**SIGNAGE** No signage is proposed on the submitted site plan. The petitioner, however, has indicated they may install signage at a later date. Staff previously recommended to the petitioner that signage should be indicated on the site plan if they intend to install it at a future date.

**CONCLUSION** The use of a landscaping operation is permitted as a special use in the A-1 (Agricultural) District. The property meets the requirements for road weight limitations. Although some equipment and vehicles associated with the operation will be stored outside, existing landscaping on the property, in addition to landscaping proposed by the petitioner, will provide sufficient screening from adjacent properties and the roadway.

**RECOMMENDATION** If approved, staff recommends the following conditions be placed on the special use:

1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a residence to an office structure
4. No more than six (6) employees shall be permitted
5. Additional landscape screening shall be installed along the front of the property.
6. Existing accessory structures on the property shall be used for storage only

#### ATTACHMENTS

1. Findings of Fact
2. ZPAC 12.1.15 Minutes
3. Business Narrative
4. Plat of Survey/Site Plan



## FINDINGS of FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use**. Staff has answered 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 petitioner has submitted plans, including a landscape waste management plan, indicating that no landscape waste will be brought back to the property and will be disposed of off-site. Landscaping operations are a consistent special use within the Agricultural Zoning District.***

*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 property maintains a substantial distance from residential structures. All equipment and vehicles associated with the landscape business will be kept either within existing buildings or on an existing gravel area screened with landscaping from adjacent properties and the roadway. The petitioner has stated that additional evergreen species will be installed along the front of the property to provide additional screening.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure.***

*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 Hearing Officer. **The petitioners will be working with the Health Department to ensure all potential septic system upgrades for the existing house will comply with Health Department guidelines. Existing accessory structures will be used for storage only and not for workspace.***

*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. **This special use is consistent with the LRMP as it somewhat compatible with rural residential development. The residential characteristics of the property are being maintained and any future office use on the property for the special use is anticipated to occur within the residential structure with a change of occupancy.***

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
December 1, 2015 – Meeting Minutes**

Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

Present:

Scott Gryder – PBZ Member  
Fran Klaas – County Highway Department  
Brian Holdiman- Building Inspector  
Mike Peters – Sheriff's Office  
Aaron Rybski – Health Department

Absent:

David Guritz- Forest Preserve  
Megan Andrews – Soil & Water Conservation District  
Greg Chismark – Wills Burke Kelsey

Audience: Clemente Garcia, Hardscape Group Landscaping, Inc.

**AGENDA**

A motion was made by Scott Gryder, seconded by Fran Klaas to approve the agenda as written. With a voice vote of all ayes the motion carried.

**MINUTES**

Scott Gryder made a motion, seconded by Fran Klaas, to approve the August 4, 2015 meeting minutes as written. With a voice vote of all ayes the motion carried.

**PETITIONS**

**#15-17 – Kevin Calder**

John Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a landscaping business at 9923 Walker Road in Kendall Township. The business, Hardscape Group Landscaping, Inc., will have six employees with one of the employees living in the house on site. The property has access to a county highway as identified on the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280lbs. The applicant has indicated that most of the trucks and equipment associated with the landscape operation will be kept outdoors. There is, however, some existing landscaping along the perimeter of the property that provides some screening from the roadway and adjacent properties. Clemente Garcia, owner of Hardscape Group Landscaping, Inc., has indicated that they are going to be adding additional evergreen species to the front of the property to provide further screening. The petitioner has submitted a waste disposal plan to address landscape waste. The waste will be delivered directly to Fox Stone Company. Staff recommends that this waste disposal plan be incorporated into the controlling special use as a condition. Staff recommends that additional conditions be placed on the controlling special use including no landscape waste generated from off-site be permitted to be burned at the subject property and no retail sales shall take place on the property.

Fran Klaas recommended that the County's zoning ordinance, with respect to landscape operations, be modified to require landscape businesses to be located on county highways able to accommodate loads of at least 80,000lbs. Mr. Klaas explained that in 2010 as part of the Illinois Highway Capital Bill all state and local roadways are now 80,000lbs roadways, unless otherwise posted. The text should be updated for consistency. Mr. Klaas noted that no additional right-of-way for Walker Road will be sought from the subject property. Mr. Klaas also stated that the two existing access points on to Walker Road are grandfathered in and that no new

ZPAC Meeting Minutes 12.1.15

access points are proposed for the property.

Aaron Rybski commented that a septic evaluation to the existing septic system should be conducted to ensure that the addition of six employees will not have an impact on the existing system. Gravel had previously been added to the site and a septic evaluation will assist in determining if the new gravel is impacting the system. An assessment of the septic system and a soil analysis is needed to verify the system will not be impacted negatively.

Mr. Garcia stated that while an existing employee lives in the house, the intention is to convert the structure to an office space with the resident moving out in the next year. Brian Holdiman recommended that a condition be placed on the ordinance that a change of occupancy permit be secured when the conversion from a single family dwelling to an office occurs. Mr. Garcia described the existing accessory structures and explained they will only be used for storage and not for any employee workspace. Mr. Holdiman recommended a condition be placed on the ordinance limiting these structures to storage only.

Mr. Gryder made a motion, seconded by Mr. Klaas, to forward the petition onto the Regional Plan Commission. With a voice vote of all ayes, the motion carried. Mr. Sterrett stated that the petition will move onto the January Regional Plan Commission meeting followed by the February Special Use Hearing officer.

**PUBLIC COMMENT-** There were no comments.

### **OLD BUSINESS/NEW BUSINESS**

**15-11 – Rhonda Miller/Strong Tower of Refuge Ministries** – Mr. Sterrett noted that this petition was approved at the August County Board meeting.

**15-12 – Dan Koukol** – Mr. Sterrett noted that this petition was approved at the August County Board meeting.

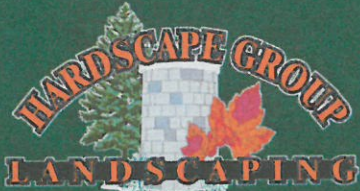
**15-13 Gary Kritzberg** – Mr. Sterrett noted that this petition was approved at the August Zoning Board of Appeals Hearing.

**15-15 Peter and Mary Bielby** – Mr. Sterrett noted that this was part of a future special use petition involving a variance to the setback for a propose kennel on Fox River Drive. The variance request received approval from the Zoning Board of Appeals in November and the special use application will be submitted prior to the next ZPAC meeting.

### **AJOURNMENT- Next meeting on January 5<sup>th</sup>, 2015**

With no further business to discuss Scott Gryder made a motion, seconded by Fran Klaas to adjourn the meeting at 9:19 a.m. With a voice vote of all ayes, the motion carried.

Submitted by,  
John H. Sterrett  
Senior Planner



"The Professionals you can trust"

Yorkville, IL

To Whom it may concern:

I, Clemente Garcia, have been the sole owner of Hardscape Group Landscaping Inc. for the past 3 years. I currently employ five(5) workers and own 2 company pick-ups and 2 trucks. Our business hours are Monday through Friday from 7:00 am to 5:00 pm.

I am currently renting the office space at 9923 Walker Rd. Yorkville, IL. 60560 from my landlord, Kevin Calder. The house is occupied by Jorge Garcia and his family.

I have over twenty years of experience in Hardscape & Landscaping

Previously I was a partner for 12 years of Yorkville Hill Landscaping

As a company we are proud to serve our community of Yorkville.

Hardscape Group Landscaping Inc. Provide the following services:

- **Weekly Lawn Care** – Includes debris pick-up, string Trimming and blowing grass from hard surfaces.
- **Spring Cleanup** – Removal of debris prior to start of mowing
- **Fall cleanup** – removal of fallen leaves including disposal and all Waste (Disposal in Fox Ridge Stone Co, L.L.C. 6110 Route 71 Oswego, IL. 60543)
- **Plant bed mulching and landscape trimming**
- **Annual Turf Control**

Sincerely,

Hardscape Group Landscaping

**630.486.9424**

YORKVILLE, ILLINOIS

Sales@HSGlandscape.com

www.HardscapeGroupLandscape.com

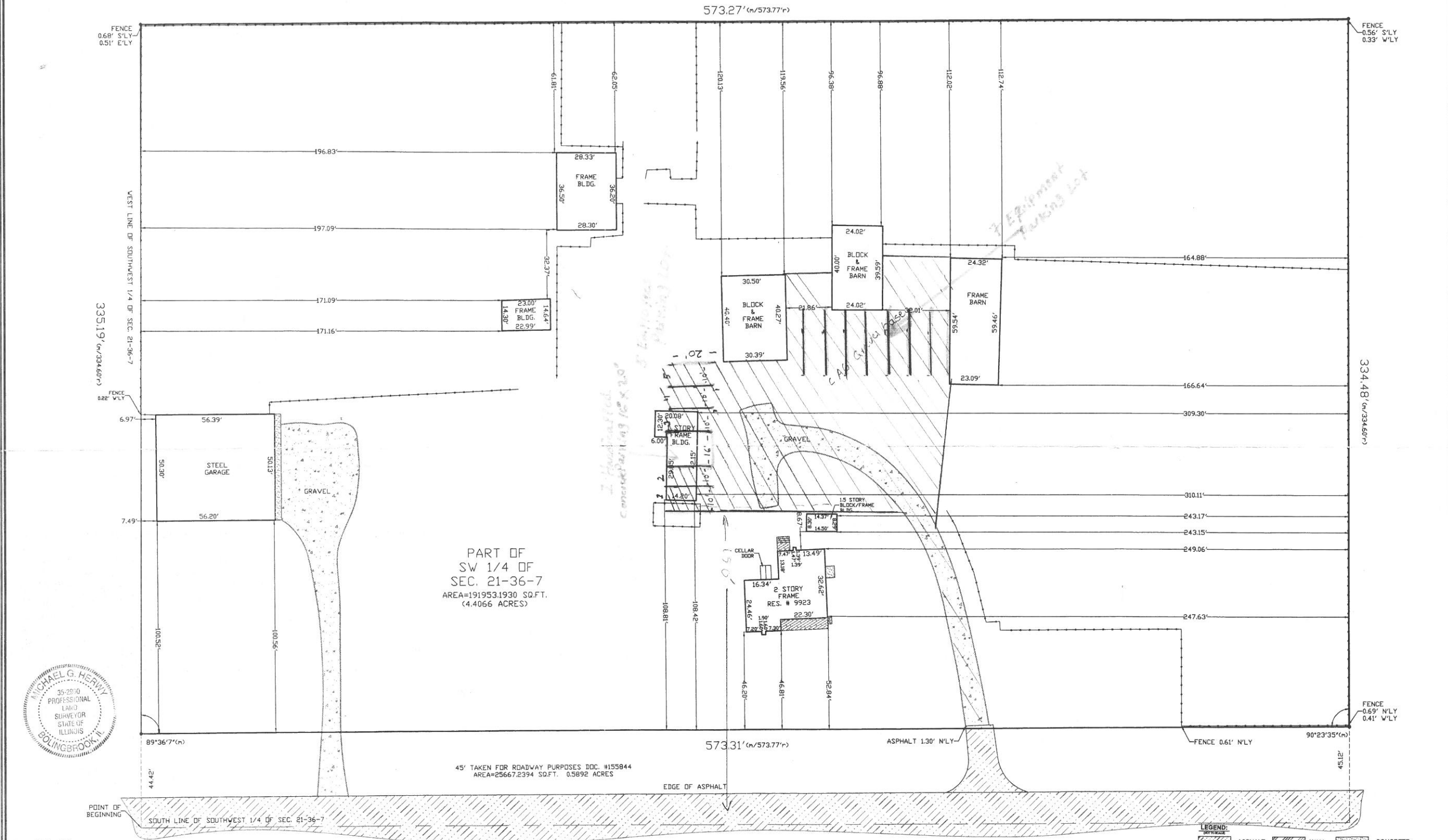
SERVING OUR CUSTOMERS FOR OVER 20 YEARS

**Associated Surveying Group, LLC**

Illinois Prof. Design Firm No. 184-004973  
 P.O. Box 810 Bolingbrook, IL 60440  
 PH: 630-759-0205 FAX: 630-759-9291

**PLAT OF SURVEY**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 379.6 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 51 SECONDS EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER 573.77 FEET; THENCE SOUTH ALONG A LINE PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER 379.60 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 89 DEGREES 41 MINUTES 51 SECONDS WEST 573.77 FEET TO THE POINT OF BEGINNING; IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.



PART OF SW 1/4 OF SEC. 21-36-7  
 AREA=191953.1930 SQ.FT.  
 (4.4066 ACRES)

45' TAKEN FOR ROADWAY PURPOSES DOC. #155844  
 AREA=25667.2394 SQ.FT. 0.5892 ACRES



State of Illinois }  
 County of Will } SS  
 I, Michael G. Hervey, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.  
 Dated, this 2<sup>nd</sup> day of JANUARY, A.D., 2015, at Bolingbrook, IL. FIELDWORK DATE: DECEMBER 31, 2014  
 Michael G. Hervey  
 Illinois Professional Land Surveyor No. 35-002900  
 License Expires: November 30, 2016  
 CLIENT: CALDER  
 JOB NO.: 75006-14

NOTES:  
 1. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE. ALSO, COMPARE ALL FIELD MEASUREMENTS AND BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.  
 2. NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF CONSTRUCTION.  
 3. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO DEPICTED ON THE RECORDED SUBDIVISION PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.  
 4. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. MEASURED LOT DIMENSIONS ARE SHOWN ONLY WHEN THEY DIFFER FROM RECORD DIMENSIONS BY 0.10 FEET OR MORE.  
 5. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT UNLESS OTHERWISE NOTED.

WALKER ROAD

**LEGEND:**

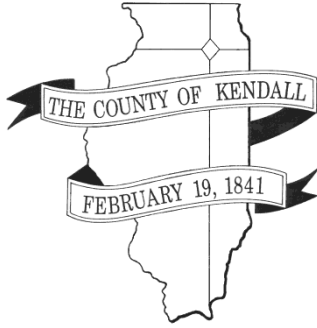
	ASPHALT		WALL		CONCRETE
	WOOD/PVC		BRICK		ENCLOSED/COVERED
	IRON PIPE		CROSS NOTCH		CHAIN LINK FENCE
	IRON PIPE WITH REBAR		PK NAILS AS NOTCH		WOOD FENCE
	WOOD FENCE		ALL OTHER FENCE TYPES		

**ABBREVIATIONS:**  
 A = ARC LENGTH  
 R = RADIUS  
 CH = CHORD LENGTH  
 (r) = RECORD VALUE  
 (m) = MEASURED VALUE  
 B.S.L. = BUILDING SETBACK LINE  
 P.U.E. = PUBLIC UTILITY EASEMENT  
 P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT

NLY = NORTHERLY  
 SLY = SOUTHERLY  
 ELY = EASTERLY  
 WLY = WESTERLY  
 TYP = TYPICAL

SCALE 1" = 30'

STANDARD OIL CO. EASEMENT  
 SEE DOC. RECORDED NOV. 12, 1946  
 IN BOOK 102 PAGE 316 FOR PARTICULARS.



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**16-01**

**Peter and Mary Bielby d/b/a Mary's Pooch Pad, Ltd.  
A-1 Special Use  
Kennel**

**SITE INFORMATION**

PETITIONER Peter and Mary Bielby

ADDRESS 8573 Fox River Drive

LOCATION Northwest side of Fox River Drive; ½ Mile South of Millbrook Road



TOWNSHIP Fox

PARCEL # 04-16-151-005; 04-16-300-001

LOT SIZE 4.05 acres

EXITING LAND USE Single Family Residence

ZONING A-1 Agricultural District

LRMP	Land Use	Open Space
	Roads	Fox River Drive is a county road classified as a Major Collector Road
	Trails	A trail system exists on the southeast side of Fox River Drive. No trails are planned on the northwest side of Fox River Drive.

**REQUESTED ACTION** A-1 Special Use to operate a dog kennel.

**APPLICABLE REGULATIONS** Section 7.015 D.27 – A-1 Special Uses – Permits Dog Kennels to be located in the A-1 District with approval of a Special Use provided that the kennel facility is located at least 250’ from residentially zoned properties and properties identified on the LRMP as residential and located at least 150’ from non-residentially zoned properties and properties identified on the LRMP as non-residential.

Section 13.08 – Special Use Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Illinois Railway/Millbrook South Forest Preserve	A-1	Public Recreation/Parks	A-1; R-3, B-2; B-3; M-1
South	Single Family Residential (Estates of Millbrook)	R-3 PUD	Planned Rural Residential/Open Space	R-3 PUD
East	Fox Township Building	A-1 Special Use	Suburban Residential	A-1 SU
West	Millbrook South Forest Preserve	A-1	Public Recreation/Parks	A-1



**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

The following species may be in the vicinity: Dixon Valley Sedge Meadow INAI Site, Fox River INAI Site, Dickson Sedge Meadow Natural Heritage Landmark, River Redhorse

## **NATURAL RESOURCES INVENTORY**

No new construction will occur onsite therefore an NRI report will not be needed.

## **ACTION SUMMARY**

### **FOX TOWNSHIP**

No comments have been received from Fox Township.

### **VILLAGE OF MILLBROOK**

No comments have been received from the Village of Millbrook.

### **ZPAC (1.5.16)**

Aaron Rybski of the Kendall County Health Department noted that dog waste or dog waste water is not regulated by the Health Department. Mr. Rybski explained that any plumbing such as a sink for human waste requires a septic system. The Committee voted unanimously to forward the request onto the KCRPC with a favorable recommendation.

## **GENERAL**

The petitioners, Peter and Mary Bielby, d/b/a Mary's Pooch Pad, Ltd., are requesting an A-1 Special Use to operate a dog kennel at the subject property and use an existing 2,900 square foot structure to keep the dogs contained during night time hours and nap time. This type of use is permitted as a special use on an A-1 property with a setback requirement that the kennel facility be located at least 250' from residentially zoned properties and properties identified on the County's Land Resource Management Plan (LRMP) as residential and located at least 150' from non-residentially zoned properties and properties identified on the LRMP as non-residential.

## **BUSINESS OPERATION**

The petitioner has provided the following details regarding the operation of the dog kennel. The kennel operation will include overnight boarding and dog daycare. The number dogs will be limited to no more than twelve (12) at a time. All dogs will be kept in the existing 2,900 square foot structure between the hours of 6:00pm and 7:00am. A play area will be provided for the dogs towards the northwestern portion of the property. No outdoor runs will be provided. All dogs will be required to have a current rabies and distemper, or titer equivalent. A negative fecal every six (6) months and a current bordetella are required as well. All dogs participating in playtime will be required to pass a temperament assessment. The petitioner is in the process of obtaining a Kennel Operator's license through the Illinois Department of Agriculture. The petitioner does not have immediate plans for employees other than those currently residing on the property.

## **KENNEL STRUCTURE**

The petitioner will utilize an existing 2,900 square foot structure towards the northwestern portion of the property for the kennel to keep dogs contained in overnight and nap time during the day. This structure is twenty-five (25) feet from the southwest side property line, 195' from the northeast side property line, 250' from the front property line and 295' from the rear property line. Section 7.015 D.27 of the zoning ordinance stipulates that kennels shall maintain a setback distance of 250' from all residentially zoned properties and all properties identified as residential on the (LRMP) as well as a distance of 150' from all non-residentially zoned properties and all properties identified as non-residential on the County's LRMP. The property to the southwest, Millbrook South Forest Preserve, is zoned as A-1 (Agricultural) and is identified as 'Public Recreation/Parks' on the LRMP. As such, the kennel facility does not meet the requirement of Section 7.01 D.27 with respect to the distance from the southwest property line. All other setback requirements are met. Prior to filing an application for a special use for the kennel, the petitioner, at their discretion, chose to seek relief from this setback requirement through a variance request to the County's Zoning Board of Appeals (ZBA).

The variance request was heard before the ZBA during a public hearing on November 2, 2015. The ZBA approved the variance request contingent on approval of the special use request and recommended that applicable and appropriate conditions be placed on the controlling special use ordinance. The ZBA incorporated the following findings of fact into their decision:



*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The lot has a narrow width of 265' thus prohibits a new structure from being able to meet the required setback distances to the north and south lot lines.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The lot size and dimensions of this parcel are not necessarily atypical of other lots zoned as agricultural.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The property was not platted by the petitioner and the existing structure was present on the site when the petitioner purchased the property.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The existing structure, as accessory to the property, does still meet the required setbacks of an agricultural accessory building and should not have a detrimental effect on other properties.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **It does not appear that the existing structure itself currently impairs an adequate supply of light and air to the adjacent property. The proposed variation, along with the change in use of the structure to a dog kennel, will not have any additional impact on the existing structures impairment of the supply of light or air to adjacent property. As part of a special use, the conversion of the structure from storage to a commercial kennel is required to comply with required applicable codes and is subject to a special use approval.***

#### **BUILDING RENOVATIONS**

The existing 2,900 square foot facility that is proposed to be used for the kennel facility is currently being used for storage and was originally built for horses. The petitioner intends to remodel this structure prior to using it for the dog kennel. The proposed use of the structure has been determined to be agriculturally exempt from building code requirements. As such, no inspections or permits, other than an Ag Exempt permit, will be required from the Building Department. The existing residential dwelling will remain as a dwelling unit and not be converted to another use.

The petitioner has indicated the need to install a sink for hand washing and possibly a floor drain. Compliance with applicable Health Department codes will be required for renovations and installations for human waste, such as a sink for hand washing. If a floor drain is installed in the structure for animal liquid and wash water, it is recommended the system include a holding tank for waste.

#### **WASTE MANAGEMENT**

The petitioner has indicated that all waste will be stored in a lidded container and picked up by a waste disposal service at least once a week. Staff recommends a condition be placed on the controlling special use ordinance reflecting this measure.

#### **SCREENING/FENCING**

Existing fencing is located along the perimeter of the proposed kennel facility and the area to be used as a play area. Existing wooded areas and landscaping, in addition to the considerable setback distance from the front property line, will sufficiently screen the operation from the roadway and residential properties to the south.

#### **PARKING**

An existing 1,800 square foot gravel area is adjacent to the proposed kennel structure. This area is able to

accommodate six (6) parking stalls for the public. An existing asphalt area directly behind the house can accommodate additional parking and satisfies the need for installing an ADA compliant parking space. The space must be identified with an ADA reserved sign. Staff is of the opinion that the proposed use will generate a relatively low amount of traffic onto the site and is comfortable with the existing parking areas located on the property without the need to provide additional parking or paving the existing gravel area.

#### **LIGHTING/SIGNAGE**

The petitioner has indicated that no lighting or signage associated with the business operation will be installed on the property. Staff recommends that a condition be placed on the controlling special use ordinance reflecting this.

#### **CONCLUSION**

The proposed kennel use is permitted as special use in the A-1 District and the variance request seeking relief from the required setback distance of the kennel facility has been approved by the ZBA, contingent on the approval of the special use. The structure proposed to be used for the kennel maintains a distance of 540' from the nearest residential lot and 675' from the nearest residential dwelling structure, other than the dwelling on the subject property. The standards that will be put in place as represented by the petitioner will help mitigate potential adverse effects from the operation. Section 13.08 L of the zoning ordinance specifies that special uses shall be transferable and shall run with the land unless otherwise specified by the terms of the Special Use permit. To ensure that any future owners and/or operators of the kennel operate and maintain the property in the same manner that the petitioners have represented, staff has recommended conditions be placed on the controlling special use outlined in the recommendation.

#### **RECOMMENDATION**

If approved, staff recommends the following conditions, as well as any recommended conditions from the Plan Commission, be placed on the special use:

1. No more than twelve (12) dogs shall be boarded at one time
2. No breeding is permitted
3. All dog waste shall be kept in a covered container and shall be removed from the property no less than one (1) time every seven (7) days. Such container shall be stored out of view from other properties.
4. Fencing shall be maintained on the property to enclose all dogs
5. No exterior lighting associated with the dog kennel operation shall be permitted
6. Employees shall be limited to individuals residing on the property
7. All dogs shall be kept within the kennel structure between the hours of 6:00pm and 7:00am daily.
8. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.

#### **ATTACHMENTS**

1. Findings of Fact
2. Business Operation Description - prepared by Petitioners
3. ZBA Minutes 11.2.15
4. ZPAC Minutes 1.5.16
5. Plat of Survey

## FINDINGS of FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use**. Staff has answered 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 petitioner has submitted plans, including a waste management plan, indicating that measures will be taken to ensure that the use of the kennel operation will not have a negative impact on 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 location of the structure for the proposed kennel and the location of the outdoor play area for the dogs maintain the required distance from nearby residential districts and structures. Fencing will be provided to enclosure dogs in the play area and a substantial amount of existing landscaping and wooded areas provide screening from adjacent properties and the roadway. No lighting associated with the dog kennel operation is proposed and no signage will be constructed.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. The petitioners will be working with the Health Department to ensure all potential plumbing upgrades will comply with Health Department guidelines. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure. The structure that is proposed to be used for the dog kennel facility has been determined as an agriculturally exempt structure and will not require a building permit. All ADA parking requirements will be provided.***

*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 Hearing Officer. **The petitioners have been granted a variance with respect to the setback distance of the kennel structure to the southwest property line. The Zoning Board of Appeals granted the request on November 2, 2015.***

*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. **This special use is consistent with the LRMP indicates this property to maintained as open space and no additional development is occurring on the property with the request. The property will still be used as a residence for the owners/operators of the dog kennel.***

I WOULD LIKE TO PRESENT MARY'S POUCH PAD INC.

"PLAY ALL DAY WITH SUITES TO STAY"

A DAY PLAY & SLEEP OVER FACILITY HEARTS ABOVE THE REST!

I WOULD LIKE TO ACCOMMODATE 10-12 GUESTS TO VACATION WITH ME WHILE THEIR OWNERS ARE AWAY. GUESTS WILL BE PROVIDED WITH BEDS, BLANKETS & BOWLS. OWNERS WILL BE ASKED TO PROVIDE FOOD TO PREVENT UPSET STOMACH.

ALL GUESTS BOARDING OR DAY PLAY WILL BE REQUIRED TO HAVE A CURRENT RABIES & DISTEMPER OR TITER EQUIVALENT - NEGATIVE FECAL EVERY 6 MONTHS & CURRENT BORDETELLA. I AM INQUIRING WITH LOCAL VETS FOR 24 HR EMERGENCY ASSISTANCE IF NEEDED.

ALL BOARDING GUESTS WILL SLEEP INDOORS - ALL PLAY GUESTS WILL BE PROVIDED INDOOR SUITE FOR NAP TIME.

ANY GUEST PARTICIPATING IN PLAY TIME WILL HAVE TO PASS A TEMPERMENT ASSESSMENT

PLAY HOURS WILL BE BETWEEN 7:00 AM - 6:00 PM ONLY.

ALL WASTE WILL BE PICKED UP BY COMMUNITY DISPOSAL SERVICE. PARKING IS LOCATED ON SITE.

NO SIGNS WILL BE DISPLAYED BY ROAD.

I WILL BE STATE LICENSED.

POSSIBLE EMPLOYMENT OPPORTUNITIES IN THE FUTURE.

MY GOAL IS TO PROVIDE A TRUE, ALL ABOUT THE ANIMALS FACILITY THAT IS NEEDED DESPITE THE OTHER KENNELS IN KENDALL COUNTY.

THANK-YOU

Mary Bueby

**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**November 2, 2015 – 7:00 p.m.**

**CALL TO ORDER**

At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

**ROLL CALL**

Members present: Randy Mohr (Chairman), Karen Clementi, Donna McKay (Vice- Chair), Tom LeCuyer, and Dick Thompson

Members absent: Scott Cherry and Dick Whitfield

Staff present: John Sterrett, Senior Planner

Public: Peter & Mary Bielby, Atty. Rick Slocum, Nick Bruscato

**MINUTES**

Ms. McKay made a motion, seconded by Mr. LeCuyer, to approve the corrected August 31, 2015 meeting minutes. With a voice vote of all ayes, the motion carried.

**PETITIONS**

**15-15 Peter and Mary Bielby**

Request: Variance from required setback distance of a proposed dog kennel structure  
Location: 8573 Fox River Drive, Fox Township  
Purpose: To use an existing 2,900 square foot structure as dog kennel that does not meet the require setback distance required for a dog kennel as part of a future A-1 Special Use application

Mr. Sterrett stated that the petitioners, Peter and Mary Bielby, are interested in operating a dog kennel at the subject property and using an existing 2,900 square foot structure to keep the dogs contained in. This type of use is permitted with a special use on an A-1 property with a required setback for the kennel facility to be located at least 250' from residentially zoned properties and properties identified on the LRMP as residential and located at least 150' from non-residentially zoned properties and properties identified on the LRMP as non-residential. The petitioners intend to seek approval for a special use to operate a dog kennel; however, current conditions on the property do not meet this requirement. It was the desire of the petitioners to seek a variance to this requirement prior to applying for the special use permit.

The existing structure is located 25' from the property to the west, which is zoned as A-1 Agricultural and depicted as non-residential on the LRMP, thus encroaching into the required setback by 125'. The structure is located 195' from the east property line, zoned as A-1 Agricultural and depicted as suburban residential on the LRMP thus encroaching into the required setback by 55'. Mr. Sterrett did clarify that the property to the east is within the

Village of Millbrook and the comprehensive plan for the Village indicates this property to be developed as a non-residential use. As such, Mr. Sterrett is of the opinion that the current setback of 195' meets the required 150' setback distance from a non-residentially zoned lot and non-residential future land use. It was the preference of the petitioners to seek approval of the variance request for the separation distance of the kennel prior to filing an application for an A-1 Special Use for a dog kennel operation. If approved, the petitioners will be required to apply for a special use subject to a public meeting and public hearing in front of the Plan Commission and the Hearing Officer, respectively, with the County Board taking final action on the request.

Mr. Sterrett indicated that the narrow width of the lot does not allow for any structure, existing or proposed to meet the setback requirements for a dog kennel. While the County's LRMP identifies the property to the north as future residential and requires a kennel structure to be setback a distance of 250', the current use is considered governmental as it is the Fox Township building. An extensive amount of wooded areas exist between the proposed kennel structure and the property to the north thus limiting potential impact the distance the kennel structure has on the property. The property to the south is part of the Millbrook South Forest Preserve and is currently being used as farmland. Residential zoning would not be permitted to the immediate west of the subject property since the LRMP does not currently call for residential. Mr. Sterrett further noted that the subject building maintains a distance of 500' from the nearest residential property line in the Estates of Millbrook development to the southeast.

Staff recommends approval of the variance request with the understanding that the petitioner must apply for an A-1 Special Use and that approval of the special use is required prior to the converting the structure into a kennel. If the variance request is approved by the ZBA, staff recommends a condition be placed on the approval requiring the petitioner to submit an application for an A-1 Special Use to operate a kennel within ninety (90) of the date of approval. Mr. Sterrett stated that comments from the Village, the Township, and Forest Preserve have not been received.

Chairman Mohr opened the public hearing at 7:11pm. Rick Slocum, attorney for Peter and Mary Bielby, explained the variance request to the Zoning Board of Appeals. Attorney Slocum agreed with staff's recommendation and findings for the variance. Mary Bielby explained the existing conditions of the property to the southwest of the subject property and that there are grain bins and ag buildings located on the southwest property. The property is currently engaged in agricultural production. The Bielbys maintain a privacy fence between the subject property and the Forest Preserve property. Ms. Bielby pointed out that the operation will include boarding and daycare for dogs on a small scale with no more than 10-12 dogs boarded. The daycare component will have a few more. No breeding will occur. Ms. Bielby went onto describe her history with working at various dog boarding facilities. Modifications will be made to the existing building to convert it to a dog kennel. The operation will have no outdoor runs for the dogs but will have an outdoor play area behind the building towards the railroad tracks. All dogs will be kept inside at night. There were some concerns raised over the future use of the Forest Preserve property. Ms. Bielby stated that if a portion of the property adjacent to them

were available for sale they would explore purchasing it to create an additional buffer between the kennel and the nearest property.

Nick Bruscato of 21 Foxhurst Drive had concerns regarding the well-being of the dogs and stated many concerns were addressed previously by the petitioner, including no breeding of dogs and the limit of dogs. Mr. Bruscato also had concerns regarding required shots the dogs must have to prevent diseases being spread to other dogs. Ms. Bielby stated that all dogs will be required to have a current distemper shot, a current negative fecal, a current rabies shot, and will be checked for fleas. Ms. Bielby also stated that regarding fecal, this will be a requirement every 6 months rather than the standard of every year.

Ms. McKay made a motion to approve the findings of fact along with the conditions recommended by staff. Mr. Thompson seconded. The motion carried 5-0. The findings of fact and recommendations are as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The lot has a narrow width of 265' thus prohibits a new structure from being able to meet the required setback distances to the north and south lot lines.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The lot size and dimensions of this parcel are not necessarily atypical of other lots zoned as agricultural.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The property was not platted by the petitioner and the existing structure***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The existing structure, as accessory to the property, does still meet the required setbacks of an agricultural accessory building and should not have a detrimental effect on other properties.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **It does not appear that the existing structure itself currently impairs an adequate supply of light and air to the adjacent property. The proposed variation, along with the change in use of the structure to a dog kennel, will not have any additional impact on the existing structures impairment of the supply of light or air to adjacent property. As part of a special use, the conversion of the structure***

Chairman Mohr called for a vote. Mr. Sterrett called the roll: Ms. McKay – Yes, Mr. Thompson – Yes, Mr. Mohr – Yes, Ms. Clementi – Yes, Mr. LeCuyer – Yes. The finds of fact were approved 5-0

Ms. Clementi made a motion, seconded by Ms. McKay, to approve the variance request subject to special use approval with applicable conditions placed on the special use ordinance.

Chairman Mohr called for a vote. Mr. Sterrett called the roll: Ms. Clementi – Yes, Ms. McKay – Yes, Mr. Mohr – Yes, Mr. Thompson – Yes, Mr. LeCuyer – Yes. The motion carried 5-0.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**

None

**NEW BUSINESS/OLD BUSINESS**

**2016 Meeting Schedule**

Mr. Sterrett reviewed the 2016 meeting schedule with the ZBA. The Board stressed the importance of having the Board Room available for when ZBA meeting are scheduled to reduce any potential conflicts.

**PUBLIC COMMENT** - There were no additional comments by members in the audience.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS** - Next meeting will be on September 28, 2015.

Ms. McKay made a motion to adjourn the Zoning Board of Appeals meeting, Ms. Clementi seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:50 p.m.

Respectfully Submitted,

John H. Sterrett  
Senior Planner



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
January 5, 2016 – Meeting Minutes**

Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

Present:

Scott Gryder – PBZ Member  
Fran Klaas – County Highway Department  
Brian Holdiman- Building Inspector  
Mike Peters – Sheriff’s Office  
Aaron Rybski – Health Department  
David Guritz- Forest Preserve  
Megan Andrews – Soil & Water Conservation District  
Greg Chismark – Wills Burke Kelsey  
John Sterrett – Senior Planner

Audience: Peter and Mary Bielby; John Frerich, Walter E. Deuchler Associates, Inc.; Lee Melcher, Walter E. Deuchler Associates, Inc.; Tom Muth, Fox Metro Water Reclamation District

**AGENDA**

A motion was made by Fran Klaas, seconded by Greg Chismark, to approve the agenda as written. With a voice vote of all ayes the motion carried.

**MINUTES**

Scott Gryder made a motion, seconded by Aaron Rybski, to approve the December 1, 2015 meeting minutes as written. With a voice vote of all ayes the motion carried.

**PETITIONS**

**#16-01 – Peter and Mary Bielby d/b/a Mary’s Pooch Pad, Inc.**

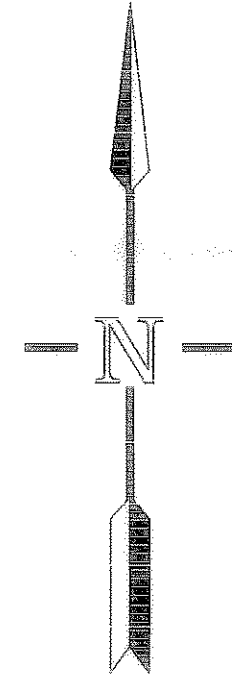
John Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a dog kennel at the subject property and use an existing 2,900 square foot structure to keep the dogs contained during night time hours and nap time. The petitioner has provided the following details regarding the operation of the dog kennel. The kennel operation will include overnight boarding and dog daycare. The number dogs will be limited to no more than twelve (12) at a time. All dogs will be kept in the existing 2,900 square foot structure between the hours of 6:00pm and 7:00am. A play area will be provided for the dogs towards the northwestern portion of the property. No outdoor runs will be provided. All dogs will be required to have a current rabies and distemper, or titer equivalent. A negative fecal every six (6) months and a current bordetella are required as well. All dogs participating in playtime will be required to pass a temperament assessment. The petitioner is in the process of obtaining a Kennel Operator’s license through the Illinois Department of Agriculture. The petitioner does not have immediate plans for employees other than those currently residing on the property.

The existing 2,900 square foot facility that is proposed to be used for the kennel facility is currently being used for storage and was originally built for horses. The petitioner intends to remodel this structure prior to using it for the dog kennel. The proposed use of the structure has been determined to be agriculturally exempt from building code requirements. As such, no inspections or permits, other than an Ag Exempt permit, will be required from the Building Department. The existing residential dwelling will remain as a dwelling unit and not be converted to another use.

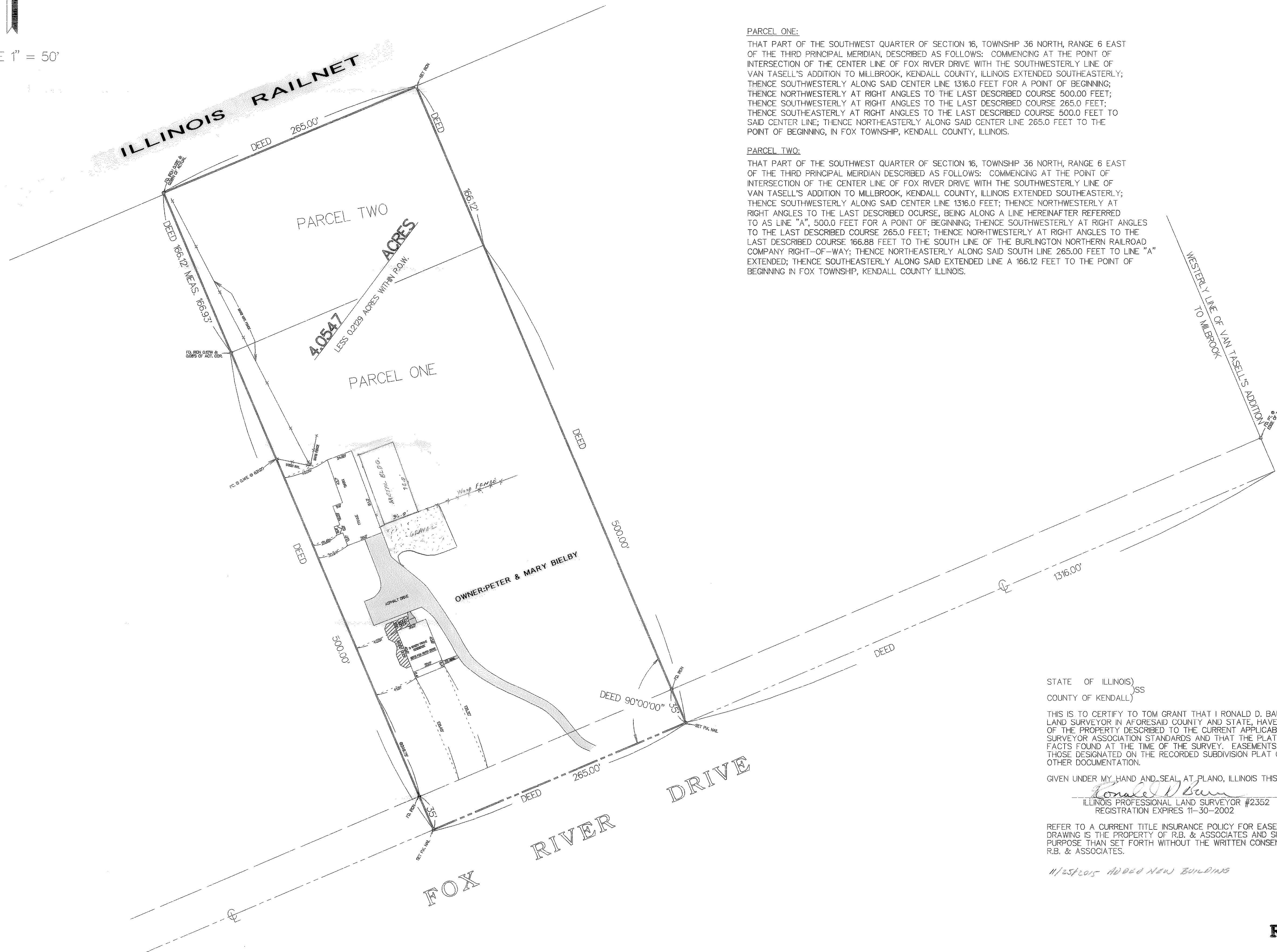
The petitioner has indicated the need to install a sink for hand washing and possibly a floor drain. Compliance with applicable Health Department codes will be required for renovations and installations for human waste, such as a sink for hand washing. If a floor drain is installed in the structure for animal liquid and wash water, it is recommended the system include a holding tank for waste.

Mr. Gryder made a motion, seconded by Mr. Klaas, to forward the petition onto the Regional Plan Commission. With a voice vote of all ayes, the motion carried. Mr. Sterrett stated that the petition will move onto the January 27<sup>th</sup> Regional Plan Commission meeting followed by the February 1<sup>st</sup> Special Use Hearing officer.

# PLAT OF SURVEY



SCALE 1" = 50'



**PARCEL ONE:**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF FOX RIVER DRIVE WITH THE SOUTHWESTERLY LINE OF VAN TASELL'S ADDITION TO MILLBROOK, KENDALL COUNTY, ILLINOIS EXTENDED SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 1316.0 FEET FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 500.00 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 265.0 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 500.0 FEET TO SAID CENTER LINE; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 265.0 FEET TO THE POINT OF BEGINNING, IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

**PARCEL TWO:**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF FOX RIVER DRIVE WITH THE SOUTHWESTERLY LINE OF VAN TASELL'S ADDITION TO MILLBROOK, KENDALL COUNTY, ILLINOIS EXTENDED SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 1316.0 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, BEING ALONG A LINE HERINAFTER REFERRED TO AS LINE "A", 500.0 FEET FOR A POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 265.0 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 166.88 FEET TO THE SOUTH LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY RIGHT-OF-WAY; THENCE NORTHEASTERLY ALONG SAID SOUTH LINE 265.00 FEET TO LINE "A" EXTENDED; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE A 166.12 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY ILLINOIS.

STATE OF ILLINOIS )  
 COUNTY OF KENDALL )SS

THIS IS TO CERTIFY TO TOM GRANT THAT I RONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN AFORESAID COUNTY AND STATE, HAVE COMPLETED A SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED TO THE CURRENT APPLICABLE ILLINOIS PROFESSIONAL LAND SURVEYOR ASSOCIATION STANDARDS AND THAT THE PLAT HEREON DRAWN REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. EASEMENTS OR SETBACKS SHOWN ARE EITHER THOSE DESIGNATED ON THE RECORDED SUBDIVISION PLAT OR THOSE PROVIDED TO US BY OTHER DOCUMENTATION.

GIVEN UNDER MY HAND AND SEAL, AT PLANO, ILLINOIS THIS 13TH DAY OF AUGUST, 2001 A.D.

*Ronald D. Bauer*  
 ILLINOIS PROFESSIONAL LAND SURVEYOR #2352  
 REGISTRATION EXPIRES 11-30-2002

REFER TO A CURRENT TITLE INSURANCE POLICY FOR EASEMENTS NOT PROVIDED. THIS DRAWING IS THE PROPERTY OF R.B. & ASSOCIATES AND SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN SET FORTH WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF R.B. & ASSOCIATES.

*11/25/2015 ADDED NEW BUILDINGS*

**R.B. & ASSOCIATES**  
 4 WEST MAIN STREET  
 PLANO, ILLINOIS 60545  
 (630) 552-7452