

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unofficial Meeting Minutes of January 27, 2016**

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

**ROLL CALL**

Members Present: Bill Ashton, John Shaw, Vern Poppen, Claire Wilson, Budd Wormley, Angela Zubko

Staff present: John Sterrett, Senior Planner

Members Absent: Roger Bledsoe, Tom Casey, Larry Nelson, 1 vacancy (Big Grove Township)

In the Audience: Clemente Garcia, Hardscape Group Landscaping; Peter Bielby, Mary's Pooch Pad, of 8573 Fox River Drive; Mary Bielby, Mary's Pooch Pad, of 8573 Fox River Drive; Doug Maple of 8880 Wilcox Court; Jeanette Nicosia of 8700 Wilcox Court; Patti Williams of Wilcox Court; Bob Horne of 8730 Wilcox Court; Sheila Smieszkal of 15892 Stonewall Drive; Mike Nicosia of 8700 Wilcox Court; Loren Williams of 8755 Wilcox Court; Steve Moeller, Village of Millbrook Trustee, of 8249 Whitfield Road; Connie Lamm of Wilcox Court; and Nick Bruscatto, Village of Millbrook Trustee, of 21 Foxhurst Drive

**APPROVAL OF AGENDA**

Ms. Zubko made a motion, seconded by Mr. Wormley, to discuss Petition 16-01 prior to Petition 15-17. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Ms. Wilson made a motion, seconded by Mr. Poppen, to approve the September 23, 201 meeting minutes. With a voice vote of all ayes, the motion carried.

**PETITIONS**

**16-01 Peter and Mary Bielby d/b/a Mary's Pooch Pad**

**Request:** Special Use to allow a landscaping business in an A-1 Zoning District

**Location:** 8573 Fox River Drive in Fox Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a dog kennel at 8573 Fox River Drive in Fox Township and use an existing 2,900 square foot structure to keep the dogs contained during night time hours and nap time. Mr. Sterrett explained that the Zoning Ordinance permits kennels in the A-1 District as special uses provided that the kennel facility is located at least 250' from all residentially zoned properties and properties identified on the LRMP as residential and at least 150' from all non-residentially zoned properties and properties identified on the LRMP as non-residential. The proposed kennel structure meets those setback requirements with the exception of the property line to the southwest. The kennel structure is only 25' from the property line and therefore the petitioners sought a variance from the Zoning Board of Appeals. The ZBA approved the variance request with the condition that the approval is contingent on the approval of the special use application. 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. 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.

Staff is recommending the following conditions be placed on the controlling ordinance if approved:

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

Mary and Peter Bielby of 8573 Fox River Drive explained their proposed dog kennel operation and their commitment and attention to taking care of the dogs kept on the property. They will be working with a vet for 24 hour emergency purposes. The building will be fully insulated with R-19 insulation in the walls and R-40 insulation in the ceiling with steel construction on the outside. A six foot privacy fence will be located along the front of the building screening the dogs from the roadway.

The Commission the existing farm use on the Forest Preserve District property to the southwest of the subject property and what effect the farming activity may have on the dogs at the kennel. Ms. Bielby explained the process for obtaining a state license for a kennel from the Illinois Department of Agriculture and that there are annual inspections with the state. Ms. Bielby stated that the dogs will never be outside unattended and that there will be a play area inside for the dogs to use when weather does not permit outside activities.

The Commission discussed the county's existing noise ordinance and how that can be used to enforce noise concerns on the property. The County's noise ordinance restricts noise exceeding 60 dBA on a residential property between 7:00am and 10:00pm and 55 dBA between 10:00pm and 7:00am.

Doug Maple of 8880 Wilcox Court spoke in support of the proposed use. Mr. Maple stated that the railroad behind the subject property creates more noise than the proposed dog kennel will. Mr. Maple also stated that coyotes in the area make noise as well. Jeanette Nicosia of 8700 Wilcox Court submitted twenty-nine signatures of residents in the Estate of Millbrook that are not in favor of the proposed dog kennel use. Patti Williams of Wilcox Court (no street number given) raised concerns regarding noise from the kennel and disturbing the quiet setting of the neighborhood. Bob Horne of 8730 Wilcox Court raised concern from barking dogs and the noise generated in the area from it.

After clarification from the petitioner, the Commission felt that a condition should be modified to allow a maximum of twelve (12) dogs be allowed on the property at any one time. Sheila Smieszkal of 15892 Stonewall Drive raise the issue of noise as well as property values being affected by the dog kennel use. Ms. Williams echoed the concern of property values being affected. Ms. Williams asked how dogs can be controlled from barking when outside. Mr. Bielby stated that smaller dogs on the property will not have a great affect on noise and that property values should not be affected because the property will still retain its residential character. Mike Nicosia of 8700 Wilcox Court had a concern with not disclosing to a potential buyer of a property

regarding a dog kennel across the street from the subdivision. Loren Williams of 8755 Wilcox Court raised concerns over walking a property during a potential sale and hearing the dogs from the proposed kennel use. Mr. Ashton explained that a special use can be reviewed at any time if it is not in compliance with the approved ordinance or if several complaints are received. Mr. Sterrett explained that special uses run with the land and in order for them to otherwise run with the property owner, it must be specified in the controlling special use ordinance. Steve Moeller, Village of Millbrook Trustee, of 8249 Whitfield Road stated that the Village of Millbrook had no comments on the matter. The Commission was not comfortable with the special use running with the land and was in favor of the special use running with the property owner. Connie Lamm of Wilcox Court (no street number given) questioned why only three residents in the Estates of Millbrook received notification. Mr. Sterrett explained that the County's Zoning Ordinance and State statutes require the petitioner to notify all property owners that are within 500' from the subject property, excluding the distance of the road right-of-way. Mr. Sterrett also explained that there is a public hearing sign that was placed on the property fifteen (15) days prior to the meeting and that notification was in the newspaper fifteen (15) days prior to the meeting. Nick Bruscato, Village of Millbrook Trustee, of 21 Foxhurst Drive agreed that the special use should run with the property owner because of the petitioner's commitment to the operation.

Ms. Wilson made a motion, seconded by Ms. Zubko, to forward the petition onto the Special Use Hearing Officer with a favorable recommendation and incorporate staff's recommended conditions, including modifying condition #1 to state that no more than twelve (12) dogs associated with the kennel operation shall be kept on the property at a time as well with an additional condition that no signage occur on the property and recommended that the special use run with the property owners and not the property. Chairman Ashton asked for a roll call. Ms. Wilson – Aye; Ms. Zubko – Aye; Mr. Ashton – Aye; Mr. Poppen – Aye; Mr. Shaw – Aye; Mr. Wormley – Aye. With a vote of 6-0, the motion carried. Mr. Sterrett stated that the petition will be heard by the Special Use Hearing Officer on Monday, February 1, 2016 at 7:00pm in the County Board Room.

### **15-17 Kevin Calder**

**Request:** Special Use to allow a landscaping business in an A-1 Zoning District

**Location:** 9923 Walker Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request for a special use to operate a landscaping business on a 5 acre agriculturally zoned property 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 is recommending the following conditions be placed on the controlling ordinance if approved:

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

Clemente Garcia stated that he has begun working with a contractor for a septic and soil analysis to verify that the septic system is appropriately sized for six (6) employees to use. This analysis is being conducted at the request of the Health Department. Mr. Garcia confirmed that the employees will arrive to the subject property, load up trucks with equipment and materials, go to a job site, and return at the end of the business day to drop off the trucks and equipment, and leave the subject property. Most of the landscape materials are kept at Ground Effects in effort to not keep too much material at the subject property. Mr. Clemente intends to have one (1) illuminated sign on the property and will submit plans that will conform to the sign regulations of the A-1 district prior to installation of the sign. Mr. Clemente will also be submitting a landscape plan indicating the location and species type of the landscaping to be installed along the front of the property.

Ms. Zubko made a motion, seconded by Mr. Shaw, to forward the petition onto the Special Use Hearing Officer with a favorable recommendation and incorporate staff's recommended conditions with an additional condition that a waste management plan be incorporated into the special use ordinance and that signage be permitted subject to the sign regulations of the A-1 Agricultural District. There was discussion regarding the servicing of vehicles on the property. Mr. Clemente stated that vehicles are serviced off-site. Chairman Ashton asked for a roll call. Ms. Zubko – Aye; Mr. Shaw – Aye; Mr. Ashton – Aye; Mr. Poppen – Aye; Ms. Wilson – Aye; Mr. Wormley – Aye. With a vote of 6-0, the motion carried. Mr. Sterrett stated that the petition will be heard by the Special Use Hearing Officer on Monday, February 1, 2016 at 7:00pm in the County Board Room.

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

**15-05 LRMP Amendment Public Hearing** – approved by the County Board on October 20, 2015

## **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

Mr. Ashton stated that he would like to see written comments from municipalities and townships rather than no comments given. The Commission briefly discussed fences in road right-of-ways.

## **NEW BUSINESS/ OLD BUSINESS**

### **Election of Officers**

This item will be tabled until next meeting pending further review of the by-laws regarding election of officers.

### **Annual Meeting**

Mr. Sterrett reminded everyone that the annual meeting will take place on Saturday, February 6<sup>th</sup> at 9:00am. Mr. Sterrett also passed out the 2016 meeting schedule for the Plan Commission.

## **ADJOURNMENT**

Ms. Zubko made the motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 8:36 pm.

Respectfully submitted by,  
John H. Sterrett, Senior Planner