

KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

February 8, 2016 – 6:30 p.m.

CALL TO ORDER

ROLL CALL: Lynn Cullick, Bob Davidson, Scott Gryder (Chair), Judy Gilmour (Vice-Chair) and Jeff Wehrli

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the January 11, 2016 meeting

EXPENDITURE REPORT- (handed out at meeting) Approval to forward the claims to the Finance Committee in an amount not to exceed \$20,000.

PUBLIC COMMENT

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
Action Recommend Approval

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
Action Recommend Approval

NEW BUSINESS

1. Recommendations regarding Intergovernmental Agreement with United City of Yorkville for Reciprocal Building Inspection Services

OLD BUSINESS

1. Recommend approval of a variance to Article II (Detention and Depressional Storage) of the Kendall County Stormwater Management Ordinance and a variance to Article IV (Floodplain Compensatory Storage) of the Kendall County Stormwater Management Ordinance
2. Dumpsters in Residential Zoning Districts
3. Recommend approval of the Kendall County 175th Anniversary Proclamation
4. 2016 Annual Regional Plan Commission Meeting – Update

UPDATE ON HISTORIC PRESERVATION

UPDATE ON CMAP LAND USE COMMITTEE MEETING

CMAP “Next Plan” Launch

PROJECT STATUS REPORT

PERMIT REPORT

REVENUE REPORT

CORRESPONDENCE

EXECUTIVE SESSION

ADJOURNMENT

**KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE**
*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.*
Meeting Minutes of January 11, 2016

CALL TO ORDER

The meeting was called to order by Lynn Cullick at 6:30 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Chairman Scott Gryder (Arrived at 7:05pm) Jeff Wehrli, and Bob Davidson

Committee Members Absent: Judy Gilmour

Also present: Matt Prochaska, County Board Member; Jeff Wilkins, County Administrator; John Sterrett, Senior Planner; Greg Chismark, Wills Burke Kelsey Associates; John Frerich, Walter E. Deuchler Associates, Inc.; Tom Muth, Fox Metro Water Reclamation District

APPROVAL OF AGENDA

Mr. Davidson made a motion, seconded by Mr. Wehrli, to approve the agenda as written. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Wehrli made a motion, seconded by Mr. Davidson, to approve the minutes from November 9, 2016. With a voice vote of all ayes, the motion carried.

EXPENDITURE REPORT

Mr. Wehrli made a motion, seconded by Mr. Davidson, to forward the claims to the Finance Committee in the amount of \$1,608.05. With a voice vote of all ayes, the motion carried.

PUBLIC COMMENT

None

NEW BUSINESS

Fox Metro Water Reclamation District South Treatment Plant Expansion

Mr. Sterrett explained that in 2011 Fox Metro Water Reclamation District (FMWRD) received a special use for their existing water treatment facility along Route 31 for both the existing portion of the facility and for future expansion. FMWRD has now come to the county for stormwater permits to construct the proposed facilities as part of their Phase 2 plan. Their site plan was reviewed by the Zoning and Platting Advisory Committee and received conditionally approval. Mr. Muth of FMWRD explained that the expansion is required as part of a mandate from the U.S. EPA. Mr. Frerich of Walter E. Deuchler Associates distributed the site plan for the FMWRD expansion as well as a proposed plan for off-site compensatory floodplain storage. Mr. Frerich explained that FMWRD will provide a 1:1 compensatory storage for floodplain at a location near Orchard Road owned by FMWRD. Mr. Chismark of Wills Burke Kelsey, the

County's stormwater engineering consultant, performed the review of the engineering documents for the expansion and stated that what is proposed is adequate. Mr. Chismark stated that this is the first variance request to the County's Stormwater Management Ordinance. It is anticipated that a public hearing will take place in front of the County's Committee of the Whole in February with the County Board taking action at the February 16th meeting.

Authorize \$7,000 expenditure from the Tanglewood Trails escrow account for tree removal services by Homer Tree service

Mr. Wilkins explained that the trees within the township right-of-way of Highpoint Road along Tanglewood Trails. These trees will need to be removed per the requirements of the Township Road Commissioner. The trees to be removed will not be on any private lots.

Mr. Davidson made a motion, seconded by Mr. Wehrli, to forward the authorization onto the County Board for action. With a voice vote of all ayes, the motion carried.

Authorize co-sponsorship for Naturalized Detention Management Workshop on May 13th at Ellis Forest Preserve with Conservation Foundation.

An event is being put on by the Conservation Foundation for education about naturalized detention areas. The County was asked to participate as a sponsor. There are no financial commitments as part of this sponsorship.

Mr. Wehrli made a motion, seconded by Mr. Davidson, to forward the authorization of co-sponsorship for Naturalized Detention Management Workshop on May 13th at Ellis Forest Preserve with Conservation Foundation onto the County Board for consideration. With a voice vote of all ayes, the motion carried.

Dumpsters in Residentially Zoned Districts

Mr. Sterrett explained that the PBZ Department received multiple complaints regarding a property that has had a dumpster located on it for several weeks. There are no regulations in the zoning ordinance with respect to dumpsters in residential districts. Staff brought the matter to the Committee for discussion. The Committee discussed potential reasons for having a dumpster on a residential property including when it is in conjunction with a building permit, when it is for cleaning or maintenance of a property, and for a home occupation. The Committee also discussed potential time limits to dumpsters on properties when they are not associated with an approved building permit. Dumpsters that are part of home occupations should have required screening and setbacks for dumpsters that exceed that time limit. Proposed regulations on dumpsters will be applied only to residential zoning districts. The Committee concluded that staff should draft proposed language to address these issues and bring back to the Committee for further review and discussion in February.

2016 KCRPC Annual Meeting

Mr. Sterrett informed the Committee that the annual meeting for the KCRPC is taking place on Saturday, February 6th at 9:00am. This is an opportunity for the public and other taxing districts to provide comment and suggestions for the County's Land Resource Management Plan. No official business takes place at the meeting. The Committee briefly discussed lot size

requirements for residential districts and how recent changes in sewage codes may have an impact on new development with respect to lot size and open space.

APA Dues and Membership

Mr. Sterrett notified the Committee that the dues and membership for the American Planning Association will be submitted soon. This is the organization that certifies planners via the American Institute of Certified Planners.

OLD BUSINESS

Intergovernmental Agreement between Village of Plattville and County of Kendall

Mr. Sterrett received the signed copy of the Intergovernmental Agreement between Village of Plattville and the County from Plattville.

Mr. Wehrli made a motion, seconded by Ms. Cullick, to forward the Intergovernmental Agreement between Village of Plattville and County of Kendall onto the County Board for action. With a voice vote of all ayes, the motion carried.

PBZ Fee Structure

No fee changes will occur at this time.

UPDATE ON HISTORIC PRESERVATION

One member of the HPC has resigned as a result of moving out of the County for a new job.

UPDATE ON CMAP LAND USE COMMITTEE MEETING - No update

PROJECT STATUS REPORT

The Committee reviewed the project status report.

PERMIT REPORT

The Committee reviewed the permit report.

REVENUE REPORT

The committee reviewed the revenue report.

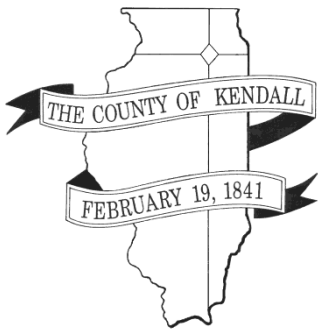
CORRESPONDENCE - None

EXECUTIVE SESSION - None

ADJOURNMENT

Ms. Cullick made a motion, seconded by Mr. Wehrli, to adjourn the meeting. With a voice vote of all ayes, the motion carried. Chairman Gryder adjourned the meeting at 7:31 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner



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

PETITIONER/PROPERTY OWNER(s) Kevin Calder

ADDRESS 9923 Walker Road

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 §7.01.D.27 (A-1 Agricultural Special Uses- Landscape Business)

REGULATIONS §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 formal written comments received. The Township Road Commissioner verbally informed staff that the property has been cleaned up with the new owner.

MUNICIPALITY (Yorkville) The United City of Yorkville reviewed the petition at their January 26, 2016 City Council meeting and had no comments.

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.

KCRPC 1.27.16 The Plan Commission, at their January 27th meeting, voted unanimously 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.

Special Use Hearing 2.1.16 The hearing officer made a favorable recommendation of the special use request with the following Findings of Fact:

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.

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. Three vehicles will be stored on the property including one 6-wheeler truck and two 2-ton trucks.



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. The petitioner has indicated on the site plan that additional landscaping will be installed along the front of Walker Road. 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. **The Plan Commission, at their January 27, 2016 meeting, recommended a condition be placed on the controlling special use ordinance incorporating the waste management plan.**

SEPTIC SUITABILITY Per the Health Department, an assessment of the septic system and soil analysis is needed to ensure the existing septic system is sized appropriately. **Mr. Clemente stated at the January 27, 2016 Plan Commission meeting that he is working with a contractor to obtain this assessment.**

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 The petitioner is proposing a free-standing ground mounted sign to be located 10' from the property line. **The Plan Commission recommended a condition be placed on the controlling special use ordinance that requires proposed signage to be subject to the sign regulations of the A-1 Agricultural District.**

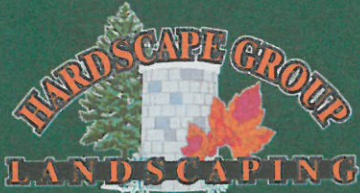
CONCLUSION The use of a landscaping operation is permitted as a special use in the A-1 (Agricultural) District. The property meets the requirements for road weight limitations. Although some equipment and vehicles associated with the operation will be stored outside, existing landscaping on the property, 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, as well as any recommended conditions from the PBZ Committee, be placed on the special use based on the recommendations of the Plan Commission and the Hearing Officer:

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 within six (6) months of the date of approval of the special use
6. Existing accessory structures on the property shall be used for storage only
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. Landscape waste shall be disposed of off-site at a permitted waste facility.

ATTACHMENTS

1. Business Narrative
2. ZPAC 12.1.15 Minutes
3. KCRPC 1.27.16 Minutes
4. Special Use Hearing 2.1.16 Minutes
5. Draft Ordinance
6. Plat of Survey/Site Plan



"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

**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 5th, 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

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 Bruscatto, 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 6th 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

6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property
9. The special use is granted for Peter and Mary Bielby only and shall not be treated as a covenant running with the land.
10. The special use shall be subject to an annual inspection by the PBZ Department for compliance with these conditions.

This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, February 8, 2016 at 6:30pm.

2. 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.

The Plan Commission recommended approval of the special use request with the following recommendations:

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
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. A waste management plan be incorporated into the controlling special use

Mr. Werderich opened the public hearing for comments. There being no comments, Mr. Werderich closed the public hearing for comments.

Mr. Werderich reviewed the following Findings of Fact for the special use:

*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.**

Mr. Werderich made a favorable recommendation with the above findings of fact and included the following conditions in his recommendation:

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
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. Landscape waste shall be disposed of off-site at a permitted waste facility.

This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, February 8, 2016 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

15-11 Rhonda Miller/Strong Tower of Refuge Ministries – Passed by County Board on August 18, 2015

15-12 Dan Koukol – Passed by County Board on August 18, 2015

NEW BUSINESS/OLD BUSINESS

2016 Special Use Hearing Schedule – Mr. Sterrett provided the 2016 schedule for the Special Use hearings.

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 8:41 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner

ORDINANCE NUMBER 2016 - _____

**GRANTING SPECIAL USE FOR THE PROPERTY AT
9923 WALKER ROAD IN KENDALL TOWNSHIP**

WHEREAS, Kevin Calder has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 4.41 acre property located on the north side of Walker Road, 0.5 miles west of State Route 47, commonly known as 9923 Walker Road (PIN# 05-21-300-002), in Kendall Township; and

WHEREAS, said property is currently zoned A-1 Agricultural; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a landscape business with outdoor storage of vehicles, equipment and bulk materials associated with a landscape business; and

WHEREAS, said property is legally described as:

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.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on February 1, 2016; and

WHEREAS, the findings of fact were approved 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.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a landscape business with outdoor storage of vehicles, equipment and bulk materials associated with a landscape business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

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 within six (6) months of the approval of this Special Use Ordinance
6. Existing accessory structures on the property shall be used for storage only
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. Landscape waste shall be disposed of off-site at a permitted waste facility.

State of Illinois
County of Kendall

Zoning Petition
#15-17

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of February, 2016.

Attest:

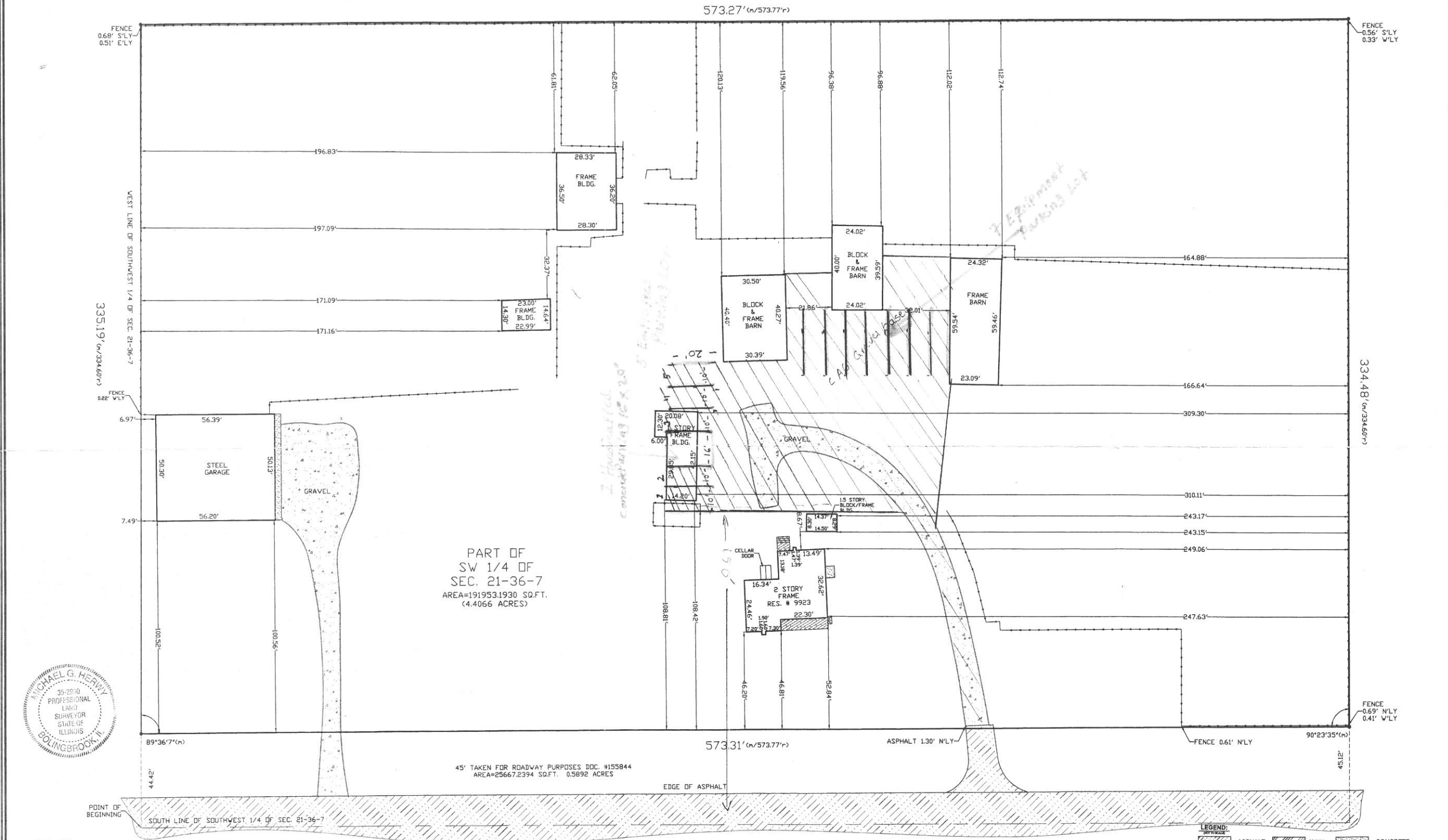
Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman

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 2nd 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 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/ROD		WOOD FENCE		ALL OTHER FENCE TYPES

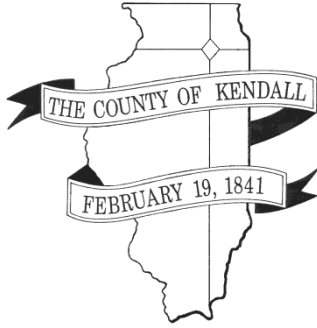
ABBREVIATIONS:
 A = ARC LENGTH
 R = RADIUS
 CH = CHORD LENGTH
 (r) = RECORD VALUE
 (m) = MEASURED VALUE
 B.S.L. = BUILDING SETBACK LINE
 P.U.E. = PUBLIC UTILITY EASEMENT
 P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT

SET ● IRON PIPE + CROSS NOTCH
 PIPE ●●● PK NAILS AS NOTCH
 CHAIN LINK FENCE
 WOOD FENCE
 ALL OTHER FENCE TYPES

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 7.01 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	Village of Millbrook (Governmental)	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.

KCRPC (1.27.16)

Several residents from the Estates of Millbrook raised concerns dealing with noise from the proposed kennel and the affect on property values with the proposed use. These concerns are documented in the minutes from the Plan Commission meeting. The Plan Commission felt that the County's existing noise ordinance will help mitigate issues with noise from the kennel. The County's noise ordinance prohibits sound exceeding 60 dBA between the hours of 7:00am and 10:00pm and sound exceeding 55 dBA between the hours of 10:00pm and 7:00am when measured at the property line of a residential owner. The Plan Commission voted unanimously 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.

Special Use Hearing (2.1.16)

Several residents from the Estates of Millbrook raised concerns dealing with noise from the proposed kennel and the affect on property values with the proposed use as well as safety concerns with dogs jumping over the proposed fencing. Several residents also came in support of the proposed operation and shared past experiences with the petitioner at another kennel operation. The Hearing Officer made a favorable recommendation with the following Findings of Fact included in this recommendation:

*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.***

The Hearing Officer also recommended that the conditions made by the Plan Commission be incorporated into the Special Use Ordinance including that the special use run with the property owners and not run with the property. The following conditions were recommended by the hearing officer:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any 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. Fencing shall be maintained on the property to enclose all dogs including a six foot privacy fence to be located in the rear of the proposed kennel structure and will span across the width of the property.
5. Employees shall be limited to individuals residing on the property
6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property
9. The special use is granted for Peter and Mary Bielby only and shall not be treated as a covenant running with the land.
10. The special use shall be subject to an annual inspection by the PBZ Department for compliance with these conditions.

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 PBZ Committee, be placed on the special use based on the recommendations of the Plan Commission and the PBZ Committee Memo – Prepared by John Sterrett – February 8, 2016

Hearing Officer:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any 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. Six foot fencing shall be maintained on the property to enclose all dogs including a six foot solid privacy fence to be located in the rear of the proposed kennel structure and will span across the width of the property.
5. Employees shall be limited to individuals residing on the property
6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property
9. The special use is granted for Peter and Mary Bielby only and shall not be treated as a covenant running with the land.
10. The special use shall be subject to an annual inspection by the PBZ Department for compliance with these conditions.

ATTACHMENTS

1. Business Operation Description - prepared by Petitioners
2. ZBA Minutes 11.2.15
3. ZPAC Minutes 1.5.16
4. KCRPC Minutes 1.27.16
5. Special Use Hearing Minutes 2.1.16
6. Draft Ordinance
7. Plat of Survey

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, staff 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 initial concerns regarding the well-being of the dogs and stated many of his concerns were addressed previously by the petitioner during their testimony, 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. Mr. Bruscato's concerns were addressed by Ms. Bielby's responses.

Ms. McKay made a motion to approve the findings of fact along with the conditions recommended by staff. Mr. Thompson seconded. The findings of fact 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 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.***

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

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 27th Regional Plan Commission meeting followed by the February 1st Special Use Hearing officer.

**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 Bruscato, 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 Bruscatto, 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

KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
February 1, 2016 – 7:00 p.m.
Unofficial until Approved

CALL TO ORDER- SPECIAL USE HEARING

At 7:00 p.m., Special Use Hearing Officer Walter Werderich called the Special Use Hearing to order.

ROLL CALL

Member present: Walter Werderich, Special Use Hearing Officer

Staff Present: John Sterrett, Senior Planner

In the audience: Peter Bielby, Mary's Pooch Pad, Ltd, of 8573 Fox River Drive; Mary Bielby, Mary's Pooch Pad, Ltd, of 8573 Fox River Drive; David Toftoy of 15876 Hughes Road; Jeanette Nicosia of 8700 Wilcox Court; Loren Williams of 8755 Wilcox Court; Larry Dalton of 9198 Chatham Place; Jean Cook of 412 Deerfield Drive in Oswego; Julie Dieter of 14574 Budd Road; Susan Gullic of 20 South Evanslawn in Aurora; Alex Scarpetta of 801 South Bridge Street in Yorkville; Sheila Smieszkal of 15982 Stonewall Drive; Robert Featherson of 8800 Wilcox Court; Andrea Schwebke of 502 Majestic Lane in Oswego; Clemente Garcia, Hardscape Group Landscaping, Inc.

MINUTES

Mr. Werderich approved the July 27, 2015 Special Use Hearing Officer Meeting minutes as written.

Mr. Werderich introduced himself and explained how the meeting will be conducted and swore in all members of the audience that wished to speak about the special uses.

PETITIONS

1. **16-01 Peter and Mary Bielby**
Request: Special Use to allow a kennel in an A-1 Agricultural District
Location: 8573 Fox River Drive, Fox Township
Purpose: To permit a Special Use in the A-1 District to operate a kennel

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.

Mr. Sterrett stated that the Regional Plan Commission recommended approval at their meeting on January 27, 2016 with the following recommendations:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any 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. Fencing shall be maintained on the property to enclose all dogs
5. Employees shall be limited to individuals residing on the property
6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property

The Plan Commission further recommended that the special use ordinance stipulate that the special use run with the property owner and not run with the property.

Petitioners Mary and Peter Bielby of 8573 Fox River Drive provided photos of the property including some aerial views demonstrating the location of the existing six foot privacy fence so the southwest of the proposed kennel structure and described where they will be constructing an additional six foot high fence further from roadway to help mitigate concerns regarding noise. Mr. Bielby stated that the sound will need to travel uphill when leaving the property to the roadway. Werderich reviewed the photos and the petitioners depicted where the dog play area will be located. Ms. Bielby explained how the operation will work including an assessment of the dog, playtime outside, feedings, and nap time. Ms. Bielby stated that she would be fine with the additional six foot privacy fence be added as a condition.

Mr. Werderich opened the public hearing for audience members' comments.

David Toftoy of 15876 Hughes Road stated he owns a lot in the Estates of Millbrook and believes that the Plan Commission did not properly address the concerns of noise and is concerned with the dogs barking in unison and the impact it will have on selling property and enjoyment of the property. Jeanette Nicosia of 8700 Wilcox Court raised concerns regarding noise, property values, and impact on natural wildlife. Ms. Nicosia stated that a petition signed by 29 residents opposing the special use was submitted. Mr. Werderich acknowledged this was included in the staff report. Ms. Nicosia questioned what type of dogs would be on the property. Ms. Bielby explained how the assessment would occur with dogs and the playtime outdoors. Mr. Werderich explained how amendments to special uses would work and the need to go back through the process if an amendment is made. Mr. Sterrett explained how special uses are enforced by the conditions that are placed on them. Loren Williams of 8755 Wilcox Court stated he has safety concerns about the dogs possibly jumping over the fence and concerns of the lack of dog runs proposed. Ms. Bielby responded to this concern by explaining the assessment process and working with the dog owner to determine the dog's behavior. Ms. Bielby also explained that she will be licensed by the State's Department of Ag as a kennel operator and will have annual inspections from the state. Mr. Williams stated that property values are also a concern. Larry Dalton of 9198 Chatham Place asked about the process for creating a special use ordinance for the kennel. Mr. Werderich explained that the County Board will make the final determination and will pass an ordinance with conditions. Jean Cook of 412 Deerfield Drive in Oswego spoke in support Ms. Bielby's previous operations and stated the extra care that Ms. Bielby gives to dogs. Julie Dieter of 14574 Budd Road spoke in support of Ms. Bielby's experience with dogs and supported her proposed operation. Susan Gullic of 20 South Evanslawn in Aurora spoke to support Ms. Bielby and describe her past positive experience with her. Alex Scarpetta of 801 South Bridge Street in Yorkville spoke in support of Ms. Bielby's assessment process with dogs based on past experiences at her previous location and the engagement she has with the dogs. Rich Duter of 32 Countryside Estates in Sandwich and Kristen Duter of 32 Countryside Estates spoke of their positive experiences with Ms. Bielby taking care of their dog. Sheila Smieszkal of 15982 Stonewall Drive raised concerns such as noise, property values, and safety including dogs possibly jumping over the fence. Ms. Bielby explained how dogs would be assessed for this and that jumping dogs are out on a long lead unable to jump. Extreme jumpers may not be

out in the play area or possibly not even allowed to be on the property. Robert Featherson of 8800 Wilcox Court stated he does not believe noise will be an issue and does not believe property values will be affected. Andrea Schwebke of 502 Majestic Lane in Oswego spoke in support Ms. Bielby's experience with dogs.

Mr. Werderich closed the public hearing for comments.

Mr. Werderich reviewed the following Findings of Fact for the special use:

*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.***

Mr. Werderich made a favorable recommendation with the above findings of fact and included the following conditions in his recommendation:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any 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. Fencing shall be maintained on the property to enclose all dogs including a six foot privacy fence to be located in the rear of the proposed kennel structure and will span across the width of the property.
5. Employees shall be limited to individuals residing on the property

6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property
9. The special use is granted for Peter and Mary Bielby only and shall not be treated as a covenant running with the land.
10. The special use shall be subject to an annual inspection by the PBZ Department for compliance with these conditions.

This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, February 8, 2016 at 6:30pm.

2. 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.

The Plan Commission recommended approval of the special use request with the following recommendations:

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
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. A waste management plan be incorporated into the controlling special use

Mr. Werderich opened the public hearing for comments. There being no comments, Mr. Werderich closed the public hearing for comments.

Mr. Werderich reviewed the following Findings of Fact for the special use:

*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

ORDINANCE NUMBER 2016 - _____

**GRANTING SPECIAL USE AND VARIANCE FOR THE PROPERTY AT
8573 FOX RIVER DRIVE IN FOX TOWNSHIP**

WHEREAS, Peter and Mary Bielby, d/b/a Mary's Pooch Pad, have filed a petition for a Special Use and a variance within the A-1 Agricultural Zoning District for a 4.05 acre property located on the northwest side of Fox River Drive, 0.5 mile south of Millbrook Road, commonly known as 8573 Fox River Drive (PIN# 04-16-151-005; 04-16-300-001), in Fox Township; and

WHEREAS, said property is legally described as:

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.

WHEREAS, said property is currently zoned A-1 Agricultural; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a kennel; and

WHEREAS, section 7.01 D.27 stipulates that kennels must be located at least 250' from residential zoned properties and 150' from non-residential zoned properties; and

WHEREAS, the proposed kennel structure will be located twenty-five (25) feet from a non-residential zoned property; and

WHEREAS, the petitioners have sought relief from this requirement by applying for a variance to the required setback; and

WHEREAS, the proposed kennel structure meets all other setback requirements; and

WHEREAS, all variance procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on November 2, 2015; and

WHEREAS, the findings of fact were approved 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 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.***

WHEREAS, all special use procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on February 1, 2016; and

WHEREAS, the findings of fact were approved 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.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit and variance to operate a kennel within a structure located twenty-five (25) feet from a non-residential zoned property in accordance to the submitted Plat of Survey included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any 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. Six foot fencing shall be maintained around the perimeter of the outdoor play area to enclose all dogs including a six foot privacy fence to be located in the rear of the proposed kennel structure and will span across the width of the property.
5. Employees shall be limited to individuals residing on the property

6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property
9. The special use is granted for Peter and Mary Bielby only and shall not be treated as a covenant running with the land.
10. The special use shall be subject to an annual inspection by the PBZ Department for compliance with these conditions.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of February, 2016.

Attest:

Debbie Gillette
Kendall County Clerk

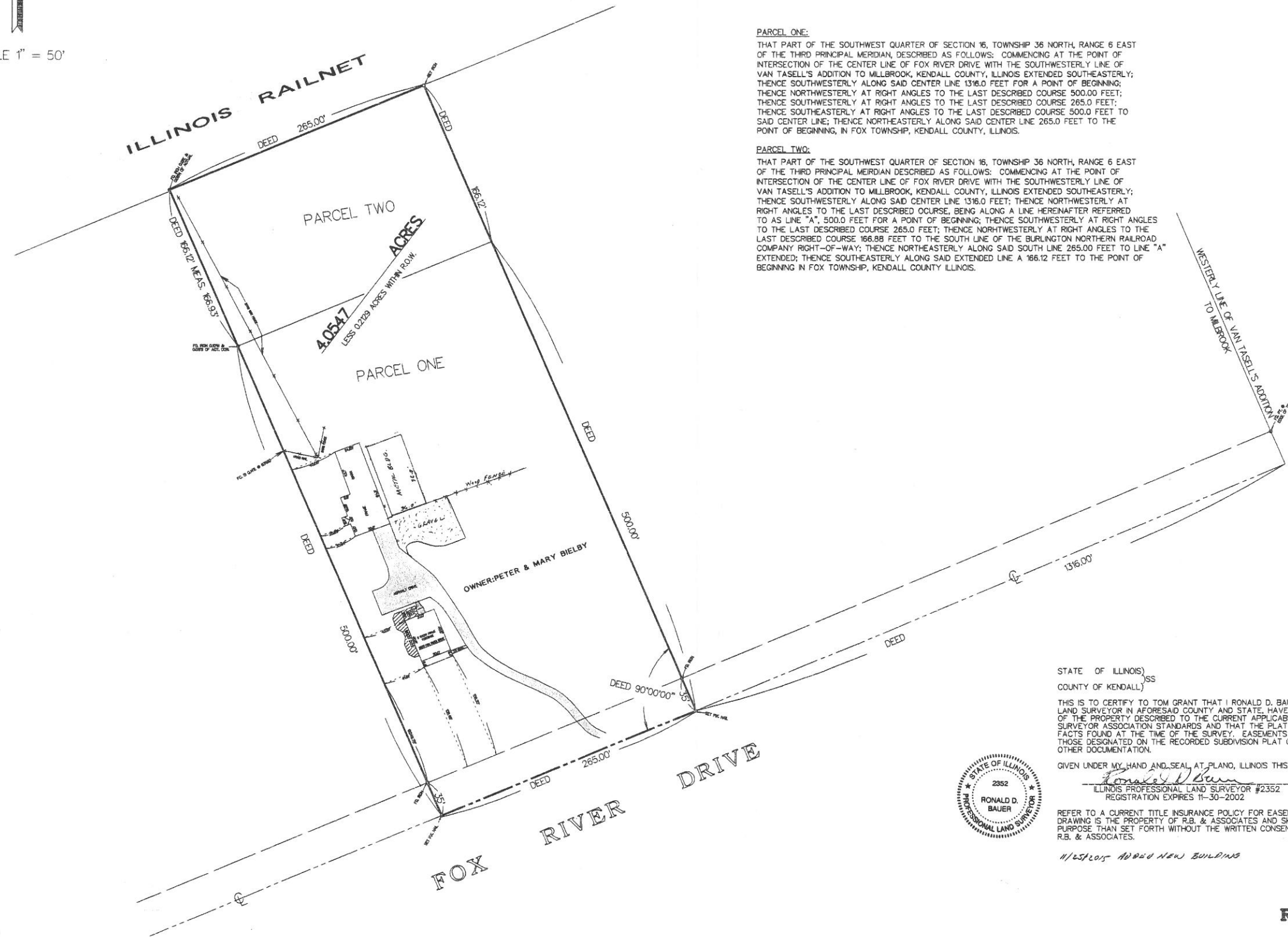
John Shaw
Kendall County Board Chairman

PLAT OF SURVEY

EXHIBIT A



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 265.0 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)

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 BUILDING

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

COPY

COUNTY OF KENDALL
RESOLUTION 2013- 17

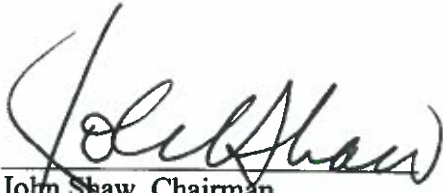
**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
FOR RECIPROCAL BUILDING INSPECTION SERVICES BETWEEN KENDALL
COUNTY, ILLINOIS AND YORKVILLE, ILLINOIS**

BE IT RESOLVED, by the County Board of Kendall County, Illinois, as follows:

Section 1. That the *Intergovernmental Agreement for Reciprocal Building Inspections Services Between Kendall County, Illinois and Yorkville, Illinois*, attached hereto and made a part hereof by reference as Exhibit A, is hereby approved, and John Shaw, County Board Chairman, is hereby authorized to execute said agreement on behalf of Kendall County.

Section 2. This Resolution shall be in full force and effect upon its passage and approval as provided by law.

Approved and adopted by the County Board of Kendall County, Illinois, this 21st day of May, 2013.


John Shaw, Chairman
County Board

Attest:


Debbie Gillette
County Clerk

**INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL BUILDING
INSPECTION SERVICES BETWEEN KENDALL COUNTY, ILLINOIS AND
YORKVILLE, ILLINOIS**

THIS INTERGOVERNMENTAL AGREEMENT (*“the Agreement”*) by and between the County of Kendall, a unit of local government of the State of Illinois (*“Kendall County”*) and the United City of Yorkville, Kendall County, Illinois (the *“City”*) a municipal corporation of the State of Illinois, is as follows:

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the City and Kendall County are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, pursuant to the authority granted by the Illinois Counties Code and Illinois Municipal Code (55 ILCS 5/1-1001, *et seq.* and 65 ILCS 5/1-1-1, *et seq.*), the County and City (collectively referred to as the *“Parties”*) are both authorized to perform inspections of buildings within their respective jurisdictions to promote the health and safety of the public; and

WHEREAS, units of local government may establish agreements with other units of local government within the State of Illinois to enforce building codes pursuant to 20 ILCS 3105/10.09-1(f), which is commonly known as the Capital Development Board Act; and

WHEREAS, the County and City wish to share their resources and assist each other in the performance of inspections on an as needed basis, while not surrendering their own jurisdiction or relinquishing any of their rights.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereafter set forth, the parties agree as follows:

Section 1. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this Section 1.

Section 2. The Parties agree that Kendall County Code Official Brian Holdiman and the City of Yorkville Building Code Official Pete Ratos shall perform the following services on the other party's behalf when requested: footing inspections; backfill inspections; foundation wall inspections; concrete slab inspections; rough framing inspections; rough electric inspections; underground electric inspections; electric service inspections; insulation inspections; roofing inspections and final inspections. In instances where Holdiman or Ratos inspect and find violations and a code enforcement action is required in court or administrative adjudication, Holdiman or Ratos may be requested to be a witness to verify any violations found during their inspection. If it is requested that either Ratos or Holdiman attend an administrative or court hearing in regard to violations, then they shall be given reasonable notice of no less than fourteen (14) days for such hearing and they shall attend as requested.

Section 3. The Parties agree that the following inspection services shall not be provided under this agreement: plan review; permit approval; initial site inspections prior to a permit being issued and plumbing inspections.

Section 4. Upon request, the Parties agree to coordinate and assist each other in the parties' performance of the inspections set forth in Section 2 of this Agreement only under the following circumstances:

- a. If Kendall County Code Official Holdiman or City Building Code Official Ratos is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform one or more of the above listed inspections within Section 2 for their respective jurisdiction; and/or
- b. If Kendall County Code Official Holdiman or City Building Code Official Ratos has a conflict of interest in performing one or more of the inspections set forth in Section 2 for their respective jurisdiction.

For purposes of this Agreement, the party requesting assistance shall be referred to as "the home jurisdiction" and the party providing the inspection services assistance as set forth in Section 2 shall be referred to as "the visiting inspector".

Section 5. In the event the visiting inspector is unable to perform the inspection services set forth in Section 2 of this Agreement, the home jurisdiction shall be responsible for performing its inspection or shall be responsible for retaining and payment of a third party to perform the inspection.

Section 6. When the visiting inspector performs an inspection on behalf of the home jurisdiction, the visiting inspector shall utilize the building codes of the home jurisdiction where the inspection is taking place. As such, when an inspection is within the corporate limits of the City, the County inspector shall use the building codes that are currently adopted and enforced by the City at the time of the inspection. When an inspection is in an unincorporated portion of

Kendall County, where the County has jurisdiction, the City inspector shall utilize the building codes that are currently adopted and enforced by the County at the time of the inspection.

Section 7. When a home jurisdiction requests the visiting inspector's assistance, the home jurisdiction shall provide a minimum of twenty-four (24) hours notice when there is a foreseeable need for the other party's inspection services. In the event of an illness or other emergency, the parties agree to provide each other with as much advance notice as possible if a visiting inspector's services are needed pursuant to Section 4.

Section 8. Inspections must be completed using the proper jurisdiction's forms. Prior to the commencement of any requested inspection, the home jurisdiction requesting assistance will prepare and provide all necessary inspection reports/forms for use by the visiting inspector and deliver them to the visiting inspector prior to the inspection taking place. Following an inspection, the original, completed inspection reports/forms shall be returned to the home jurisdiction within twenty-four (24) hours after completion of the inspection. After the visiting inspector has returned the original, completed inspection reports/forms to the home jurisdiction, the visiting inspector shall not be required to retain the records of inspections for the home jurisdiction after performing inspections under this Agreement.

Section 9. Neither the City nor the County shall subcontract the services provided to the other under this agreement to a third-party inspector without the prior written consent of all parties.

Section 10. There will be no compensation paid to, or by, either jurisdiction for the sharing of services under this Agreement.

Section 11. When a visiting inspector performs an inspection under this Agreement for the home jurisdiction, the visiting inspector shall use its own equipment, tools and vehicles, and

the home jurisdiction shall not be responsible for reimbursing the visiting inspector for mileage or any other expenses incurred by the visiting inspector.

Section 12. The City and County shall each defend, with counsel of the other party's own choosing, indemnify and hold harmless the other party, including past, present and future board members, elected officials, insurers, employees, and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto, including but not limited to attorneys' fees and other legal expenses, which the other party, its past, present and future board members, elected officials, insurers, employees, and/or agents may hereafter sustain, incur or be required to pay relating to or arising in any manner out of the inspections to be performed by the other party under this agreement. As such, when the City performs an inspection for the County, the City will defend with counsel of the County's own choosing, indemnify and hold harmless the County as set forth above relating to the City's and the City Building Code Official's actions in the performance of their duties under this Agreement. When the County performs an inspection for the City, the County will defend with counsel of the City's own choosing, indemnify and hold harmless the City as set forth above relating to the County's and the County Code Official's actions in the performance of their duties under this Agreement.

Section 13. Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the City or County in any respect, including, but not limited to their building and zoning regulations, powers and duties.

Section 14. This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

Section 15. This Agreement shall be interpreted and enforced under the laws of the State of Illinois. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois. In case any provision of this Agreement shall be declared and/or found invalid, illegal or unenforceable by a court of competent jurisdiction, such provision shall, to the extent possible, be modified by the court in such manner as to be valid, legal and enforceable so as to most nearly retain the intent of the parties, and, if such modification is not possible, such provision shall be severed from this Agreement, and in either case the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.

Section 16. All notices required or permitted hereunder shall be in writing and may be given by (a) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid and certified with the return receipt requested, (b) delivering the same in person, or (c) telecopying the same with electronic confirmation of receipt

If to the County: Director
Kendall County Planning, Building & Zoning
111 West Fox Street, Room 203
Yorkville, Illinois 60560
Fax: 630-553-4179

With copy to:
Kendall County State's Attorney
807 John Street
Yorkville, Illinois, 60560
Fax: 630-553-4204

If to the City: Community Development Director

United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Fax: 630-553-7264

Or any such other person, counsel or address as any party hereto shall specify pursuant to this Section from time to time.

Section 17. This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

Section 18. This Agreement represents the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written. Except as stated herein, this agreement supersedes any other prior written or oral agreements between the parties and may not be further modified except in writing acknowledged by both parties.

Section 19. Nothing contained in this Agreement, nor any act of the County or the City pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving the County and the City. Further, nothing in this agreement should be interpreted to give the County or City any control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

Section 20. When performing inspections under the terms of this Agreement, the County and City intend that any injuries to their respective employee shall be covered and handled exclusively by their jurisdiction's own worker's compensation insurance in place at the time of such injury. It is further agreed that all employee benefits, wage and disability payments,

pension and worker's compensation claims, damage to or destruction of equipment, facilities, clothing and related medical expenses of the City or County and their respective inspectors, which may result from their activities under this Agreement, shall be the responsibility of the jurisdiction which employs the inspector making such a claim.

Section 21. The Parties will obtain and continue in force, during the term of this Agreement, all insurance as set forth below. Each insurance policy shall not be cancelled or changed without thirty (30) days prior written notice, given by the respective insurance carrier(s) to Kendall County and the City at the address set forth herein. Before starting inspections hereunder, the parties shall obtain the following insurance at a minimum: (a) Worker's Compensation and Occupational Disease Disability insurance, in compliance with the laws of the jurisdiction where the work is being performed, (b) Employer's comprehensive general liability insurance for both personal injury and property damage in the minimum amount of \$1,000,000 for each accident, (c) Comprehensive business automobile liability insurance in the minimum amount of \$1,000,000 combined single limit, (d) Comprehensive excess liability insurance with a combined minimum single limit of \$1,000,000 for each occurrence, with a minimum \$1,000,000 aggregate. Certificates of such insurance detailing the coverage therein shall be available to the other party upon execution of this Agreement. Neither party waives its immunities or defenses, whether statutory or common law by reason of the indemnification and insurance provisions contained in this Agreement.

Section 22. This Agreement shall be in full force and effect for a period of three (3) years from the date of the last signature below, however it may be renewed upon agreement of the parties in writing.

Section 23. This Agreement may be amended only with written consent of all parties hereto.

Section 24. Either party may terminate this Agreement by providing thirty (30) calendar days' advance written notice to the other party. However, any act of bad faith in the execution of duties under this Agreement shall result in immediate termination of the other party's duties as laid out herein. For the purpose of this agreement, "bad faith" is an intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others. Also, the parties agree to provide prompt written notice within fifteen (15) calendar days to the other party if County Code Official Brian Holdiman's or City Building Code Official Pete Ratos' employment ceases for whatever reason. In such event, this Agreement shall immediately terminate upon receipt of said written notice.

Section 25. The parties understand and agree that this Agreement in no way creates a joint employment relationship between the Parties. The Parties understand and agree that they are solely responsible for paying all wages, benefits and any other compensation due and owing to its employees for the performance of visiting inspector services set forth in this Agreement. The parties further understand and agree that the parties are solely responsible for making all required payroll deductions and other tax and wage withholdings pursuant to state and federal law for its employees who perform visiting inspector services as set forth in this Agreement.

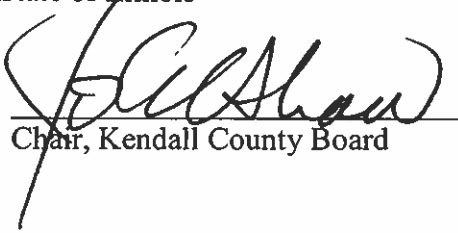
Section 26. Kendall County and the City each hereby warrant and represent that their respective signatures set forth below have been, and are on the date of this Agreement, duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

County of Kendall, a unit of local government
of the State of Illinois

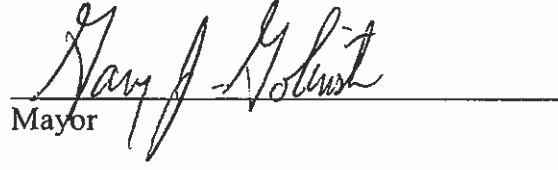
United City of Yorkville, Kendall County,
Illinois, a municipal corporation

By:



Chair, Kendall County Board

By:



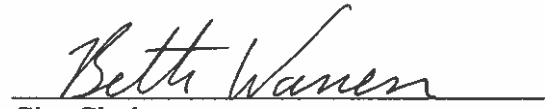
Mayor

Attest:



County Clerk

Attest:



City Clerk

**FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL
BUILDING INSPECTION SERVICES BETWEEN KENDALL COUNTY, ILLINOIS AND
YORKVILLE, ILLINOIS**

This First Amendment to the Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County, Illinois and Yorkville, Illinois (the "*First Amendment*"), is made and entered into this ____ day of _____, 2014, by and between the County of Kendall, a unit of local government of the State of Illinois ("*Kendall County*") and the United City of Yorkville, Kendall County, Illinois, an Illinois municipal corporation (the "*City*").

WITNESSETH

WHEREAS, Article VII, Section 10 of the Illinois Constitution of 1970 provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and,

WHEREAS, the City and Kendall County are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* (the "*Intergovernmental Cooperation Act*"); and,

WHEREAS, pursuant to the authority granted by the Intergovernmental Cooperation Act, the Illinois Counties Code (55 ILCS 5/1-1001, *et seq.*), the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*), and Section 10.09-1(f) of the Capital Development Board Act (20 ILCS 3105/10.09-1(f)), Kendall County and the City (collectively the "*Parties*") entered into the Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall

County, Illinois and Yorkville, Illinois (the “*Original Agreement*”) in order to share their resources and assist each other in the performance of certain inspections on an as needed basis; and,

WHEREAS, the Original Agreement excluded plumbing inspections from the list of inspection services that the Parties would perform on each other’s behalf when requested; and,

WHEREAS, the Parties now desire to amend the Original Agreement to allow the City of Yorkville Building Code Official Pete Ratos to perform plumbing inspections on Kendall County’s behalf when requested.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions herein contained, and by authority of and in accordance with the aforesaid statutes of the State of Illinois, the Parties agree as follows:

Section 1. The Parties agree that all of the recitals contained in the Preambles to the First Amendment are true and correct and are hereby incorporated into this First Amendment as though they were fully set forth in this Section 1.

Section 2. Section 2 of the Original Agreement is hereby amended to read as follows:

“*Section 2.*

- a. The Parties agree that Kendall County Code Official Brian Holdiman and the City of Yorkville Building Code Official Pete Ratos shall perform the following services on the other Party’s behalf when requested: footing inspections; backfill inspections; foundation wall inspections; concrete slab inspections; rough framing inspections; rough electric inspections; underground electric inspections; electric service inspections; insulation inspections; roofing inspections and final

inspections. In instances where Holdiman or Ratos inspect and find violations and a code enforcement action is required in court or administrative adjudication, Holdiman or Ratos may be requested to be a witness to verify any violations found during their inspection. If it is requested that either Ratos or Holdiman attend an administrative or court hearing in regard to violations, then they shall be given reasonable notice of no less than fourteen (14) days for such hearing and they shall attend as requested.

- b. The Parties agree that City of Yorkville Building Code Official Pete Ratos may, in his discretion, perform plumbing inspections on Kendall County's behalf when requested. In instances where Ratos performs plumbing inspections and finds violations and a code enforcement action is required in court or administrative adjudication, Ratos may be requested to be a witness to verify any violations found during his inspection. If it is requested that Ratos attend an administrative or court hearing in regard to violations, then he shall be given reasonable notice of no less than fourteen (14) days for such hearing and he shall attend as requested."

Section 3. Section 3 of the Original Agreement is hereby amended to read as follows:

Section 3. The Parties agree that the following inspection services shall not be provided under this agreement: plan review; permit approval; and initial site inspections prior to a permit being issued."

Section 4. Section 4 of the Original Agreement is hereby amended to read as follows:

Section 4. Upon request, the Parties agree to coordinate and assist each other in the Parties' performance of the inspections set forth in Section 2 of this Agreement only under the following circumstances:

- a. If Kendall County Code Official Holdiman or City Building Code Official Ratos is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform one or more of the above listed inspections within Section 2(a) for their respective jurisdiction; and/or,
- b. If Kendall County Code Official Holdiman or City Building Code Official Ratos has a conflict of interest in performing one or more of the inspections set forth in Section 2(a) for their respective jurisdiction; and/or,
- c. If the Kendall County Plumbing Contractor is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform plumbing inspections for his or her respective jurisdiction; and/or,
- d. If the Kendall County Plumbing Contractor has a conflict of interest in performing plumbing inspections for his or her respective jurisdiction.

For purposes of this Agreement, the Party requesting assistance shall be referred to as "the home jurisdiction" and the Party providing the inspection services assistance as set forth in Section 2 shall be referred to as "the visiting inspector".

Section 5. All other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

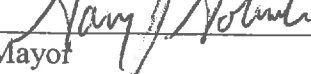
County of Kendall, a unit of local government
of the State of Illinois

By: _____
Chair, Kendall County Board

Attest:

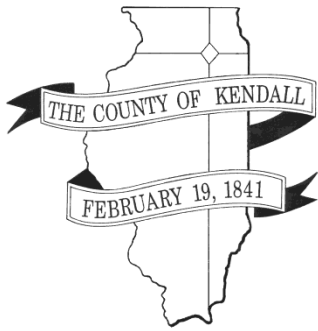
County Clerk

United City of Yorkville, Kendall County,
Illinois, a municipal corporation

By: _____
Mayor

Attest:

_____
City Clerk



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building, and Zoning Committee
From: John H. Sterrett
Date: February 1, 2016
Re: Proposed Dumpster Regulations – Key Points

At the January 11, 2016 Planning, Building, and Zoning Committee meeting, staff brought up the topic of dumpsters in residential zoning districts and stated that there are county no regulations prohibiting dumpsters from having a permanent presence on a property. After much discussion on the matter, the Committee directed staff to draft provisions that deal with various reasons why a property owner may have a dumpster on his or her property. The following are permitted scenarios for having a dumpster on a property as well as proposed provisions to be included in a text amendment to the Zoning Ordinance.

SCENARIOS

Three scenarios exist when a dumpster may be permitted in all residentially zoned properties:

- 1) It is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. This does not include waste generated off-site.
- 2) It is for temporary personal use by property owners. Such personal uses may include, but are not limited to: Remodel work not requiring a building permit, cleaning or maintaining a property, or any other temporary use for personal reasons that will generate waste on the property requiring a dumpster. This does not include waste generated off-site.
- 3) It is associated with a registered home occupation on the property. This may include waste generated off-site.

Scenarios 1 and 2 should be considered Temporary Dumpsters. Scenario 3 should be considered a Permanent Dumpster.

Section 3 of the Zoning Ordinance should be amended to include the following definitions:

Temporary Dumpster – Any refuse container larger than 1 cubic yard that is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. Temporary Dumpsters shall also include refuse containers larger than 1 cubic yard used for personal use by property owners that is not associated with an approved building permit located on a property not more than 30 days in a 90 day period and not more than 60 days within a 12 month period. This definition shall only apply to residentially zoned properties.

Permanent Dumpster – Any refuse container larger than 1 cubic yard that is not associated with an approved building permit and is located on a property for more than 30 days in a 90 day period or more than 60 days within a 12 month period. Permanent Dumpsters shall be permitted with permitted and registered home occupations in the residential district. This definition shall only apply to residentially zoned properties.

DRAFT PROVISIONS

Section 4.19 (Temporary Uses Permitted) should be amended to outline the provisions below for Temporary Dumpsters in residential districts. Section 4.07 (Home Occupations – Residential) should be amended to outline the provisions below for Permanent Dumpsters in residential districts.

Screening

Temporary Dumpsters are not required to be screened, provided that:

- 1) The dumpster is associated with an approved building permit and is removed from the property once the permit has received a final inspection approval, or the building permit has expired, whichever occurs first, or
- 2) The dumpster is located on a property not more than 30 days in a 90 day period and not more than 60 days within a 12 month period.

Permanent Dumpsters are required to be screened. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the dumpster does not exceed the height of the permitted screening and so that the dumpster is not directly visible from adjacent properties when viewed at ground level. The use of chain link fences with slats is prohibited.

Setbacks

Temporary Dumpsters may encroach into a required yard setback up to ten (10) from a property line. Temporary Dumpsters shall not encroach onto adjacent properties nor shall they encroach into a public right-of-way.

Permanent dumpsters may not encroach into any required yard setback. A permanent dumpster shall be located not more than ten (10) from the dwelling unit of the lot the dumpster is located on. Furthermore, a permanent dumpster shall not be located between the road right-of-way the nearest building line.

Pad Surface

Temporary Dumpsters and Permanent Dumpsters shall be located on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material and shall be located in areas designed to provide adequate accessibility to service vehicles.

Duration

- 1) Temporary Dumpsters shall not be kept on any residential property for more than 30 days within a 90 day period and no more than 60 days within a 12 month period unless the dumpster is associated with a building permit for construction or remodeling of either a principal or accessory structure on a property. In this case, the Temporary Dumpster shall be permitted to be located on the property for the duration of the open building permit provided that it is removed from the property once the permit has received a final inspection approval, or the building permit has expired, whichever occurs first.
- 2) Permanent Dumpsters shall not be restricted to a time limit provided they meet all other requirements of Permanent Dumpsters including screening, setbacks, pad surface, and is associated with a registered home occupation on the property.

Penalties

Any residentially zoned property found to be in violation of these provisions shall be subject to violation proceedings of the Planning, Building, and Zoning Department. This shall include written notification to the property from the PBZ Department providing 14 days to correct the violation. If the violation persists after 14 days of the notice, the PBZ Department shall issue a second notice providing 10 days to correct

the violation. If the violation persists after 10 days of the second notice, the matter shall be forwarded to the Office of the Kendall County State's Attorney to initiate legal proceedings.

Please review these points for discussion at the PBZ Committee on February 8th. If the Committee is comfortable with these provisions, or if they have any suggested revisions, the Committee can direct staff to draft amendments to the applicable sections of the Zoning Ordinance. As a zoning text amendment, the matter must go through the text amendment process including a public meeting by the Regional Plan Commission and a public hearing by the Zoning Board of Appeals.

JHS

A PROCLAMATION
RECOGNIZING THE 175TH ANNIVERSARY OF THE CREATION OF KENDALL
COUNTY

Whereas, Kendall County has a long rich history in Illinois dating back to its first settlers in the 19th Century; and

Whereas, favorable weather conditions in the early 1830's allowed hundreds of settlers to travel west to Illinois; and

Whereas, by 1838 the communities of Oswego, Newark, Yorkville, Little Rock, Lisbon, and Millington had been settled; and

Whereas, residents of Oswego, Bristol, and Little Rock townships originally traveled north to Geneva to conduct legal business at the Kane County Courthouse; and

Whereas, those living in Na Au Say, Kendall, Fox, Big Grove, Lisbon, and Seward townships traveled to Ottawa to conduct legal business at the LaSalle County Courthouse; and

Whereas, settlers living along the Fox River between Ottawa and Aurora worked together to establish a new county to call their own; and

Whereas, the original petition circulated in the fall of 1840 asked the Illinois General Assembly to establish a new county comprised of nine townships; and

Whereas, when the new county was proposed in the Illinois House of Representatives, it included the boundaries for new townships that would eventually become the townships of Little Rock, Bristol, Oswego, Fox, Kendall, Na-Au-Say, Big Grove, Lisbon, and Seward; and

Whereas, the name of the newly created county would be Kendall, in honor of Postmaster General Amos Kendall under President Andrew Jackson; and

Whereas, the legislation creating Kendall County was approved by the Illinois Senate and Illinois House of Representatives on February 13, 1841; and

Whereas, the legislation was approved on February 19, 1841.

Now Therefore Be It Proclaimed by the Kendall County Board:

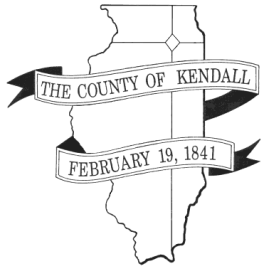
That February 19, 2016 marks the 175th anniversary of the creation of Kendall County in the State of Illinois and the people of Kendall County are encouraged to recognize and celebrate this historic occasion with their fellow citizens across the County.

Adopted by the Kendall County Board this 16th day of February, 2016

Attest:

Debbie Gillette
County Clerk

John A. Shaw
Chairman



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: John H. Sterrett, Senior Planner
Date: February 8, 2016
Re: PBZ Monthly Report

Petitions

Active

Petition 15-17
Kevin Calder
9923 Walker Road – Kendall Township
A-1 Special Use – Landscaping Business
Status: *Approved by Plan Commission and Hearing Officer*

Petition 16-01
Peter & Mary Bielby
8573 Fox River Drive – Fox Township
A-1 Special Use – Kennel
Status: *Approved by Plan Commission and Hearing Officer*

16-02
Fox Metro Water Reclamation District
682 Route 31 – Oswego Township
Stormwater Management Ordinance Variance Requests (Floodplain Compensatory Storage and Stormwater Detention and Depressional Storage)
Status: *Updated at February 8, 2016 PBZ Committee. Public hearing scheduled for February 11, 2016 in front of County Oversight Committee*

16-03
Dumpsters in Residential Zoning Districts
Proposed text amendment to Zoning Ordinance to place restrictions on dumpsters in residentially zoned properties.
Status: *Initial discussion by PBZ Committee January 11, 2016. Further discussion by PBZ Committee February 8, 2016*

Completed

Petition 15-14
Fox Metro Water Reclamation District
682 Route 31 – Oswego Township
Site Plan Review for expansion of wastewater facilities
Status: *Conditionally approved by ZPAC on January 5, 2016 contingent on approval of stormwater variance requests*

Other Agreements/Resolutions/Ordinances

Active

Intergovernmental Agreement between the Village of Plattville and County of Kendall
Status: *Approved by County Board January 19, 2016*

Intergovernmental Agreement between the United City of Yorkville and County of Kendall for Building Inspection Services
Status: *Expires in May 2016. Discussion at PBZ Committee February 8, 2016*

Completed

Intergovernmental Agreement between the Village of Millbrook and County of Kendall
Status: *Approved by County Board on October 20, 2015*

FOIA Requests – 11 Freedom of Information request was received and responded to in the month of December. A total of 38 FOIA requests were received and responded to in 2015.

Stormwater Management

18 Active Permits

Mobile Home Permits

5 Active – All renewal payments and applications have been received.

PLANNING BUILDING & ZONING RECEIPTS 2016

DATE	BUILDING FEES	ZONING APPLICATION	LAND-CASH	OFFSITE ROADWAY	DEPOSIT TOTAL	MONTHLY TOTALS 2015	TOTAL DEPOSIT FISCAL 2015
December	\$1,966.58	\$1,550.00	\$0.00	\$0.00	\$3,516.58	\$10,457.86	\$10,457.86
January	\$1,975.00	\$50.00	\$4,856.78	\$1,000.00	\$7,881.78	\$1,276.72	\$11,734.58
February						\$4,862.64	\$16,597.22
March						\$3,711.92	\$20,309.14
April						\$16,770.64	\$37,079.78
May						\$4,210.80	\$41,290.58
June						\$10,354.00	\$51,644.58
July						\$18,998.34	\$70,642.92
August						\$24,455.94	\$95,098.86
September						\$24,947.04	\$120,045.90
October						\$13,154.80	\$133,200.70
November						\$14,138.44	\$147,339.14
TOTAL	\$3,941.58	\$1,600.00	\$4,856.78	\$1,000.00	\$11,398.36		

**Permit Summary by Category
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	1	\$450,000	\$7,035	\$4,135
Additions	3	\$200,000	\$1,139	\$0
Barns/Farm Buildings	1	\$15,000	\$0	\$0
Electrical Upgrades	1	\$4,705	\$125	\$0
Driveway	1	\$3,000	\$0	\$0
	7	\$672,705	\$8,298	\$4,135

Permit Summary by Category by Month Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	1	1	0	0	0	0	0	0	0	0	0	0	0
Additions	3	3	0	0	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	1	1	0	0	0	0	0	0	0	0	0	0	0
Electrical Upgrades	1	1	0	0	0	0	0	0	0	0	0	0	0
Driveway	1	1	0	0	0	0	0	0	0	0	0	0	0
	7	7	0	0	0	0	0	0	0	0	0	0	0

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
1/27/2016	032015216	03 Accessory Buildings	0213453006	ANDERSEN REBECCA & CHAD	24 OAK HILL DR OSWEGO, IL 60543-	OAK HILLS	
1/12/2016	042016010	04 Additions	0305352004	ICE JENNIFER J WIRTH	977 ROUTE 31 OSWEGO, IL 60543-		CARMODY CONSTRUCTION, INC
1/27/2016	042016013	04 Additions	0518300005	JENSEN CHRISTOPHER & MEGAN	8751 C E HIGHPOINT RD YORKVILLE, IL 60560-	HIGHPOINT HILLS	
1/6/2016	042016009	04 Additions	0921300010	LANGUIHER LLC	3550 BELL RD MINOOKA, IL 60447-		
1/14/2016	082016011	08 Barns/Farm Buildings	0520400003	BRENNAN, SEAN P & MEKEEL, MEGAN M	10209 WALKER RD YORKVILLE, IL 60560-		
1/27/2016	152016008	15 Electrical Upgrades	0305302003	FOX METRO WATER REC DIST	682 A ROUTE 31 OSWEGO, IL 60543-	LARSON SUB	ALARM DETECTION SYSTEMS