

**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 February 8, 2016

CALL TO ORDER

The meeting was called to order by Scott Gryder at 6:30 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Chairman Scott Gryder, Jeff Wehrli, Judy Gilmour, and Bob Davidson

Committee Members Absent: None

Also present: John Shaw, County Board Chairman; Matt Prochaska, County Board Member; Jeff Wilkins, County Administrator; John Sterrett, Senior Planner; Greg Chismark, WBK Engineering; John Frerich, Walter E. Deuchler Associates, Inc.; Tom Muth, Fox Metro Water Reclamation District; Peter and Mary Bielby, Mary's Pooch Pad; Clemente Garcia, Hardscape Group Landscaping; Jeanette Nicosia of 8700 Wilcox Court; and Irene Weis.

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. Davidson made a motion, seconded by Ms. Cullick, to approve the minutes from January 11, 2016. With a voice vote of all ayes, the motion carried.

EXPENDITURE REPORT

Ms. Gilmour made a motion, seconded by Ms. Cullick, to forward the claims to the Finance Committee in the amount of \$1,154.58. With a voice vote of all ayes, the motion carried.

PUBLIC COMMENT

Jerry Banister commented on the proposed discussion for dumpsters in residential zoning districts.

PETITIONS

1. 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 petition received a favorable recommendation from the Plan Commission and the Special Use Hearing Officer.

The Committee recommended that a date be added to the special use ordinance indicating when the landscaping must be installed. The petitioner was comfortable with November 1, 2016 as the deadline.

Ms. Cullick made a motion, seconded by Jeff Wehrli, to forward the petition onto the County Board with a favorable recommendation with 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 no later than November 1, 2016
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.

Mr. Gryder called the roll. The motion carried 5-0.

This petition will be on the February 16, 2016 County Board agenda for action.

2. **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. The petition received a favorable recommendation from the Plan Commission and the Special Use Hearing Officer.

Mr. Bielby submitted to the Committee a sound test indicating the decibel levels at the property line and the street. Ms. Nicosia stated that she had communicated additional questions regarding the operation including fencing, insurance requirements, and leashing of dogs from a car to the building. Mr. Sterrett said that he relayed these questions to the petitioner. Ms. Nicosia stated here questions were answered. The Committee recommended that a date be placed on the ordinance for when an annual inspection needs to take place of February 1st.

Ms. Cullick made a motion, seconded by Mr. Wehrli, to forward the petition onto the County Board with a favorable recommendation with 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. 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 no later than February 1st by the PBZ Department for compliance with these conditions.

Mr. Gryder called the roll. The motion carried 5-0.

This petition will be on the February 16, 2016 County Board agenda for action.

NEW BUSINESS

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

Mr. Sterrett explained that the County's existing intergovernmental agreement with the United City of Yorkville for reciprocal building inspection services will be expiring in May 2016. Inspectors from both the County and the City would like for the IGA to be renewed. Mr. Sterrett stated that staff will request the Office of the State's Attorney to update the agreement for discussion next month if the Committee would like to authorize such action. There was a consensus from the Committee to renew this agreement and discuss at a future committee meeting.

OLD BUSINESS

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

Mr. Sterrett provided a brief background on the application for the two stormwater variances being sought by the Fox Metro Water Reclamation District. Mr. Chismark updated the committee on his review of the submitted plans and that there has been coordination with the Village of Oswego for the project. The 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.

Dumpsters in Residentially Zoned Districts

Mr. Sterrett reviewed the provisions for a potential text amendment regulating dumpsters in residential districts based on discussion from the last PBZ Committee meeting. The consensus from the committee was to strike any provisions regarding permanent dumpsters in residential areas in an effort to prohibit permanent dumpsters from occurring. Staff will update the provisions and bring back to the Committee for further review and discussion.

Recommend approval of the Kendall County 175th Anniversary Proclamation

The proclamation for the County's 175th anniversary was reviewed. This proclamation was also reviewed and forwarded onto the Committee with a favorable recommendation from the Historic Preservation Commission. Mr. Wehrli made a motion, seconded by Mr. Davidson, to forward the proclamation onto the County Board with a favorable recommendation. With a voice vote of all ayes, the motion carried.

Updated on 2016 Annual Regional Plan Commission

Mr. Sterrett provided Committee with an update of the annual KCRPC meeting. One of the topics discussed was focusing on potential corridors for economic activity. Mr. Gryder explained the comments from other communities including Yorkville, Oswego, Plainfield, and Oswego School District 308.

UPDATE ON HISTORIC PRESERVATION

Mr. Sterrett stated that the Historic Preservation Commission is interested in putting together a marketing plan.

UPDATE ON CMAP LAND USE COMMITTEE MEETING

Mr. Sterrett informed the Committee that an open house is occurring on February 24th from 9:30am to 12:00pm at the CMAP offices for the new CMAP regional plan. All interested parties may attend.

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

PUBLIC COMMENT

Jerry Banister raised concerns regarding the proposed detention area near his property by Fox Metro Water Reclamation District off of Orchard Road.

ADJOURNMENT

Ms. Gilmour made a motion, seconded by Mr. Davidson, to adjourn the meeting. With a voice vote of all ayes, the motion carried. Chairman Gryder adjourned the meeting at 7:44 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner