

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

Monday, August 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 July 11, 2016 meeting

EXPENDITURE REPORT- Recommend Approval of claims to the Finance Committee in an amount not to exceed \$25,000

PUBLIC COMMENT

PETITIONS

1. 16-23 Laura Hubbard

Request: A-1 Conditional Use
Location: 7626 Ashley Road, Kendall Township
Purpose: Request for approval of a conditional use in the A-1 Agricultural district for the a one day seasonal festival

2. 16-16 Chris and Megan Jensen

Request: A-1 Special Use
Location: 7225 Caton Farm Road, Kendall Township
Purpose: Request for approval of an A-1 Special Use to operate a landscape business

NEW BUSINESS

1. Recommend Authorization of Expenditure from the Tanglewood Trails Escrow Account in the amount of \$4,424 for services provided by 4 Seasons Landscaping
2. Intergovernmental Agreement with the Village of Millbrook
3. Review of Special Use Categories in the A-1 Agricultural District

OLD BUSINESS

UPDATE FOR HISTORIC PRESERVATION COMMISSION

UPDATE FOR CMAP LAND USE COMMITTEE MEETING

REVIEW PROJECT AND PETITION STATUS REPORT

REVIEW PERMIT REPORT

REVIEW 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 July 11, 2016*

CALL TO ORDER

The meeting was called to order by Vice Chair Judy Gilmour at 6:30 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Chairman Scott Gryder (Arrived at 6:50pm), Jeff Wehrli, Judy Gilmour, and Bob Davidson (Arrived at 6:40pm)

Committee Members Absent: None

Also present: County Board Member Matt Prochaska; Amaal Tokars, Executive Director Health and Human Services; John Sterrett, Senior Planner; Jeff Wilkins, County Administrator; Attorney Dan Kramer; Ron Walker; Dave Walker; Attorney Gregg Ingemunson; Tom Schnabel, Jr.; Vicky Schnabel; Jessica Gabel Frieders; Lori Daniels; Ken Daniels; and Rick Munson.

APPROVAL OF AGENDA

Ms. Cullick 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 Ms. Cullick, to approve the minutes from June 13, 2016. With a voice vote of all ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims listing. Ms. Cullick made a motion, seconded by Mr. Wehrli, to forward the claims to the Finance Committee in the amount of \$2,301.87. With a voice vote of all ayes, the motion carried.

PUBLIC COMMENT

Attorney Gregg Ingemunson, representing the property owners who live across the street from the subject property in Petition 16-10 spoke in opposition to Petition 16-10 for a banquet facility as a special use in the A-1 Agricultural District. Mr. Ingemunson stated there are factors that courts review for special uses and believes Petition 16-10 does not meet these factors. Mr. Ingemunson stated that the hearing officer provided an unfavorable recommendation on the petition.

Ron Walker, one of the petitioners for Petition 16-10, stated that the proposed use on the property cannot operate for more than 60 days during a year per Health Department codes. Mr. Walker explained their intent to maintain and create a venue location for farm type weddings and the positive impact of the use. Mr. Walker explained his preparation with putting the special use application together. Mr. Walker spoke of other venues similar to the proposed use.

Tom Schnabel, Jr. of 9092 Ashley Road stated that previously approved wedding reception venues consisted of the operator of the venue living on the property. Mr. Schnabel stated that the proposed use in Petition 16-10 is a high impact use and there is concern regarding the amount of parking, the noise, and the multiple events taking place in one day. Mr. Schnabel asked for an unfavorable recommendation.

Vicky Schnabel of 9092 Ashley Road stated she is against Petition 16-10. Ms. Schnabel stated that it is undesirable to live across from the proposed use in Petition 16-10 and believes the character of the area will change and have a negative impact on the properties. The noise level is of concern as well as the traffic generated from the proposed use. The headlights leaving the property are of concern as well. Ms. Schnabel is concerned with the horseshoe drive located on her property being used by patrons. Ms. Schnabel asked the Committee to deny Petition 16-10.

Jessica Gabel Frieders stated that she lives on property that abuts the subject property in Petition 16-10. Ms. Frieders stated concerns with traffic generated from the proposed use on the negative impacts it may have on the surrounding farming community.

Dave Walker, one of the petitioners for Petition 16-10, stated that they understood the need for receiving approval and understood that residents lived directly across the street from the subject property. Mr. Walker described improvements that will be taking place on the buildings to repair them. Mr. Walker stated that there is a demand for having outdoor weddings on farm properties.

Lori Daniels of 9111 Ashley Road is the current owner of the subject property in Petition 16-10. Ms. Daniels was under the assumption that the County and surrounding property owners would be glad to see the property and its buildings preserved and maintained.

Ken Daniels of 9111 Ashley Road commented that Petition 16-10 is similar to other banquet facilities that have been approved previously by the County. Mr. Daniels explained the history of the property and the historic significance.

Rick Munson of 8647 Walker Road is concerned with the receptions taking place as part of the proposed special use in Petition 16-10. The noise associated with the proposed use and the duration of the events is of concern.

PETITIONS

16-10 Whitetail Ridge LLC

Request: Special Use

Location: 9111 Ashley Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request from Whitetail Ridge LLC for an A-1 Special Use to operate a banquet facility at 9111 Ashley Road in Kendall Township. This type of use is permitted as a special use on an A-1 property with certain conditions that must be met. Those conditions include the following:

- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
- b. The subject parcel must be a minimum of 5 acres.

- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

The petitioners have indicated that the property will be used primarily for weddings but that other events may take place including bridal and baby showers. It is anticipated that 40-50 weddings will occur from Mid-April to Mid November on Fridays, Saturdays, and some Sundays from 3:00pm to 12:00am. Food and beverage will be catered by Whitetail Ridge Golf Club. No alcohol sales will take place on the property and no liquor license will be sought.

Several existing structure are located on the property. The large rounded roof barn will be used for dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies. Rest rooms and food prep will take place in the steel barn to the south. The current owners of the property will reside in the two-story framed house until a new residence can be found. A portion of the downstairs of the house will be used as a bridal room and an office to meet with clients. The petitioner is proposing one (1) directional sign for each of the two (2) access points. These signs are exempt from requirements of Section 12 of the Zoning Ordinance except for the maximum square footage of six (6) feet and maximum height of two and one-half (2.5) feet. The petitioner has indicated that an existing silo may be used for signage along Ashley Road. This would be considered a wall sign and may not exceed thirty-two (32) square feet in size. A proposed free-

standing sign is identified on the site plan. If the petitioner chooses to install a free-standing sign rather than a wall sign, the maximum size may not exceed (32) square feet and may not exceed eight (8) feet in height from surrounding grade to the tallest point of the sign. Only one sign, however, is permitted on the property, excluding directional signage.

Mr. Sterrett stated that the petition received a favorable recommendation from the ZPAC Committee on May 3, 2016. The Plan Commission for the City of Yorkville had no objections to the petition when it was reviewed on May 11, 2016. The City of Yorkville's City Council had no objections to the petition when it was reviewed on May 24, 2016.

Mr. Sterrett explained that the Regional Plan Commission initially discussed the petition on May 25, 2016 and continued the matter to allow the Kendall County Township Board an opportunity to provide comments. During the RPC meeting, there were several concerns raised from nearby property owners regarding the negative impacts from the proposed use. The Kendall Township Board voted 3-2 on June 21, 2016 to recommend approval of the petition with the following recommended conditions attached to the approval:

1. Installation of evergreen trees north of the buildings
2. Construction of a berm along Ashley Road
3. Strict enforcement of hours of operation
4. Provide adequate lighting

The Regional Plan Commission reviewed the petition again on June 22, 2016 and heard concerns from nearby residents regarding potential negative impacts from the proposed use including, noise, traffic, consumption of alcohol, and the incompatibility of the use in an agricultural area. A motion was made to recommend approval of the petition with the inclusion of staff's conditions as well as including the right-to-farm clause in the ordinance and prohibiting music from being played outside, with the exception of processional and recessional music for wedding ceremonies, and incorporating the conditions recommended from the Township. The motion failed 0-6 and the petition received an unfavorable recommendation from the Plan Commission citing concerns of the potential negative impacts this use will have on surrounding properties.

During the public hearing on July 7, 2016, there were several concerns raised from nearby residents regarding the proposed use. Mr. Sterrett explained that the Hearing Officer gave an unfavorable recommendation and that with this recommendation the following Findings of Fact were made by the Hearing Officer:

*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's proposed use of the property will have a detrimental effect on the nearby property owners. The surrounding properties are rural in nature and as such the proposed use of the property is commercial. The scope of the operation compared to other petitions approved by the County is much larger and would not coexist with the surrounding properties. This will have a negative impact on the quality of life for the property owners in the surrounding area.***

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 petitioner's overtures to build a berm and install evergreen trees as well as keeping the open area undeveloped are appreciated. The portion of the property used for the banquet facility, however, is not a sufficient distance from the nearby residences. This will inhibit enjoyment of the surrounding properties. The proposed use will adversely impact the adjacent uses and is not compliant with the surrounding area.***

*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 access roads or points of ingress and egress are proposed. The petitioner has begun to work with the Health Department to ensure well and septic requirements are met. All food will be catered eliminating the need for a commercial kitchen on the property. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structures that are proposed to be used as part of the banquet use will require a change of occupancy permit for basic life safety requirements. 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 petitioner has provided a site plan that complies with the requirements for the proposed use including parking.***

*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 and the agricultural character of the property will remain.***

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

1. The property shall be developed in substantial compliance with the submitted site
2. A change of occupancy permit shall be secured for all buildings associated with the banquet facility use prior to events occurring on site
3. The maximum number of patrons for events shall be limited to 280, including any vendors working on the property for an event
4. No alcohol shall be sold at retail on the property and all regulations of the Kendall County Liquor Control Ordinance shall be followed
5. Food shall be provided only by licensed caterers
6. A maximum of eight (8) employees
7. All events shall end no later than 12:00am
8. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance
9. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface
10. The banquet facility shall conform to the regulations of the Kendall County Health Department
11. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
12. One (1) sign, either a wall sign or a free-standing sign, shall be permitted on the property and shall comply with the sign requirements of Section 12 of the Kendall County Zoning

Ordinance.

13. Noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

Staff further recommends that the Right-to-Farm Clause be included within the special use ordinance and that all music be kept indoors, with the exception of wedding processional and recessional music, which shall be permitted to occur outside during wedding ceremonies. Staff also recommends that consideration should be given to the recommendations from the Township with respect to the planting of evergreen trees and the construction of a berm along Ashley.

The Committee discussed the reasons for the unfavorable recommendation from the Plan Commission including the differences between this proposed use and other approved banquet facilities, the potential intense use of the property, and the concerns from the surrounding property owners.

Attorney Dan Kramer, representing Whitetail Ridge LLC, presented the petition. Mr. Kramer stated that a banquet facility is permitted as a special use in the A-1 Agricultural District and that while business zoning districts do allow for banquet facilities, these are permitted without any conditions able to be put on by the County. Mr. Kramer has stated that the petitioner is not opposed to any conditions being recommended by the staff and is not opposed to the conditions recommended by the Township. Mr. Kramer stated that there will not be any outdoor receptions and receptions will take place inside. Only wedding ceremonies may occur outside. The hayfield on the southern portion of the property will remain in case there is ever additional parking that is needed for the use. Mr. Kramer stated that it is anticipated the most patrons that will be able to fit in the reception building will be 200. Mr. Kramer stated that the drive on the property will be one way to prevent exiting cars from using the drive to the north near the property across the street. Mr. Kramer stated the noise will not exceed the maximums set in the noise regulations condition with the receptions being kept indoors. Mr. Kramer stated that the petitioners are experienced with their existing operation at Whitetail Ridge subdivision. Mr. Kramer stated that the petitioner's suggested including the Right to Farm Clause within the ordinance to address any

concerns from nearby farm operations about complaints from the proposed use. Mr. Kramer described the other type of banquet facilities and their proximity to residential areas that have been approved by the County Board. The petitioner has suggested that an economic security condition be included in the ordinance that would allow the property owners across the street to obtain an appraisal now before the use begins, submit it to the County, and record a condition that states for the next fifteen years if the property owners sell the property at a price less than what is in the appraisal, then the petitioner will pay the property owners the difference.

The Committee asked Mr. Kramer to address the unfavorable findings of fact that the Hearing Officer had given this petition with his unfavorable recommendation. Mr. Kramer stated that one of the findings found that the use would have a negative impact on surrounding properties but Mr. Kramer believes only one property owner may be affected and disagrees with this finding due to the setback distance from the residence across the street. Mr. Kramer stated he disagrees with the second finding about an economic impact on the surrounding area because no appraisal was given at the hearing and that other development could potentially occur in the area.

Questions were raised regarding the need for the “right-to-farm” clause in the ordinance. Mr. Kramer stated this is to prevent the petitioner from objecting to any agricultural activity in the area that may affect their proposed use. There was some concern from the Committee regarding the previous unfavorable recommendations from the Plan Commission and Hearing Officer as well as the split vote from the Township. Mr. Sterrett explained the requirements for a special use permit and that the County Board has the ability to put conditions on a special use that they see necessary to ensure the special use meets the requirements of the County’s requirements. Mr. Wilkins asked the petitioner if they would be willing to lower the maximum amount of patrons permitted on site from 280 to 200 based on information presented. Mr. Walker stated that the building may be able to accommodate between 200 and 225 patrons and is comfortable with limiting the amount to 225. The petitioner is also comfortable with adding a condition restricting any outdoor music occurring on the property during a reception. The recommendations from the Township constructing a berm along Ashley Road and installing evergreen trees is also a condition the petitioner is fine with. The proposed sign on the property will be non-illuminated, per the petitioner. Mr. Sterrett explained that special uses run with the land unless otherwise stated in the specific ordinance.

Mr. Wehrli made a motion, seconded by Ms. Cullick, to recommend approval of the petition with the following conditions:

1. The property shall be developed in substantial compliance with the submitted site plan
2. A change of occupancy permit shall be secured for all buildings associated with the banquet facility use prior to events occurring on site
3. The maximum number of patrons for events shall be limited to 225, including any vendors working on the property for an event
4. No alcohol shall be sold at retail on the property and all regulations of the Kendall County Liquor Control Ordinance shall be followed
5. Food shall be provided only by licensed caterers
6. A maximum of eight (8) employees
7. All events shall end no later than 12:00am
8. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance

9. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface
10. The banquet facility shall conform to the regulations of the Kendall County Health Department
11. Events consisting of twenty-five (25) patrons or more are permitted to occur not more than sixty (60) days during a calendar year.
12. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
13. One (1) non-illuminated sign, either a wall sign or a free-standing sign, shall be permitted on the property and shall comply with the sign requirements of Section 12 of the Kendall County Zoning Ordinance.
14. No music shall occur outside the confines of any structure on the property with the exception of processional and recessional music for a wedding ceremony.
15. The petitioner, and its successors, heirs, and assigns of the property, acknowledge Kendall County's "Right to Farm Clause" which states that Kendall County has a long, rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the county. Property that supports this industry is indicated by A-1 Agricultural zoning. The petitioner, and its successors, heirs, and assigns of the property, acknowledge that they are aware that normal agricultural practices may result in smells, dust, sights, noise, and unique hours of operations that are not typical in other zoning areas.
16. Evergreen trees shall be installed north of the buildings
17. A berm shall be constructed along Ashley Road
18. Economic protection be provided for the property across the street by way of an appraisal of the property across the street guaranteeing that the future sale price of the property across the street will be no less than the amount in the appraisal.
19. Noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

Exemption: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

The Committee asked if the property owners across the street were comfortable with any of the added conditions being placed on the proposed special use. Attorney Ingemunson stated that there is no way the property owners can agree to this type of use given the intense nature of the

use even with the added conditions and that no matter what conditions are placed on the ordinance the use will still have an impact on their property because of the frequency of events, the noise, quality of life, and the value of the property. Mr. Kramer stated that because of Health Department limitations, there will be no more than 60 days in a calendar year where there are 25 people or more where the property is being used for events. Dr. Tokars of the Health Department explained that when a use has more than 60 events consisting of 25 people or more on the property in a calendar year, it qualifies for the non-community well program.

Ms. Schnabel stated the added conditions will still not address the added traffic on Ashley Road or the noise from the property and still feels the use is going to have a detrimental impact on weekends between April and November.

Dave Walker stated that there are 300 days where there will be no events taking place on the property and that on days when there are a receptions taking place everyone will be out of the property by midnight.

Mr. Gryder asked for a roll call on the motion made. Jeff Wehrli – Aye; Lynn Cullick – Aye; Bob Davidson – Aye; Scott Gryder – Aye; Judy Gilmour – No.

The petition will be on the County Board agenda for Tuesday, July 19, 2016 at 9:00am.

NEW BUSINESS

None

OLD BUSINESS

Update – Ordinance review with Health Department (water supply, on-site wastewater treatment, food protection)

Staff from the Health Department and the PBZ Department have been meeting to discuss proposed changes to the Health Department’s ordinances regarding water supply, on-site wastewater treatment, and food protection. Dr. Tokars went over the changes made in the ordinances and that the State’s Attorney is currently reviewing the ordinances. Once the review is done, the ordinances then go to the State for review. Following the State review, the ordinances go to the County Board for action. This is an opportunity for the PBZ Committee to begin reviewing the changes ahead of action taken by the County Board. The Committee reviewed the hearing appeals process. The Committee will continue the review of the ordinances and discuss the topic again at a future date once the State’s Attorney and Stat of Illinois has completed reviewing the ordinances.

UPDATE ON HISTORIC PRESERVATION

Mr. Sterrett stated the Committee will meet next week and will have an election of officers.

UPDATE ON CMAP LAND USE COMMITTEE MEETING

Mr. Wilkins provided an update on the dues and membership for CMAP.

PROJECT STATUS REPORT - The Committee reviewed the project status report.

PERMIT REPORT-The Committee reviewed the permit report.

VIOLATION REPORT-None

REVENUE REPORT-The committee reviewed the revenue report.

CORRESPONDENCE – None

EXECUTIVE SESSION - None

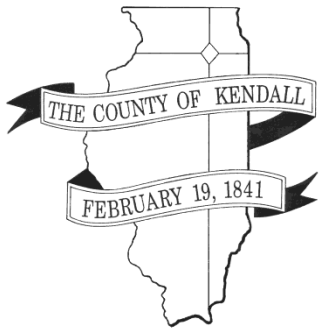
PUBLIC COMMENT

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 6:59 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

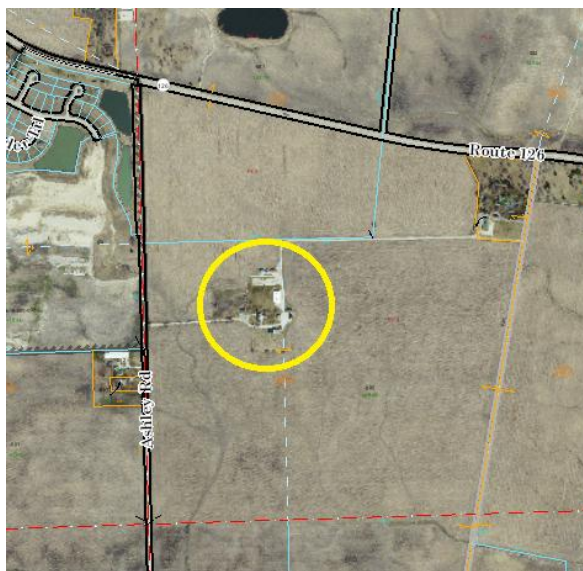
To: PBZ Committee

From: John H. Sterrett

Date: August 8, 2016

Re: A-1 Conditional Use – Seasonal Festival – 7626 Ashley Road, Kendall Township

A Conditional Use permit in the A-1 Agricultural District has been filed by Laura Hubbard for the property at 7626 Ashley Road in Kendall Township to hold a one-day festival on Saturday, October 15, 2016 from 10:00am to 4:00pm called “Holiday on the Farm Outdoor Craft Fair”. Seasonal Festivals, such as the proposed event, are permitted as conditional uses in the A-1 Agricultural District and may be approved administratively by the PBZ Department. The Zoning Ordinance, however, does restrict the amount of seasonal festivals that may occur on a property to one (1) event during a calendar year. In April of this year Ms. Hubbard applied for a received approval of an A-1 Conditional Use permit to operate a one-day festival on Saturday, June 25, 2016 called “Tuscany on the Farm.”



Additional seasonal festivals may occur on a property only with the authorization from the Planning, Building, and Zoning Committee. Ms. Hubbard has informed the PBZ Department that she anticipates only two events will occur on the property during a calendar year – the spring event and this proposed fall event. An outline of the proposed event has been provided and included with this memo. Coordination has begun with the Kendall County Health Department and the Sheriff’s Office.

Staff recommends approval of the Conditional Use permit for the season festival contingent on a completed and signed affidavit by the applicant stating that all requirements will be met. If the PBZ Committee concurs with staff’s recommendation it may take final action on the application.

JHS

Attachments

Holiday on the Farm Outdoor Craft Fair
7626 Ashley Road Yorkville, IL 60560
Saturday, October 15th, 10 am to 4 pm

- **Parking:** Parking staff of 10. All parking will be within the property. See highlighted area on Aerial Map and Photo Boards from previous Tuscany on the Farm event.
- **Event Area:** All booths will be within the property. See highlighted area on Aerial Map and Photo Boards from previous Tuscany on the Farm event.
- ***Waste Receptacles:** Garbage Containers placed throughout the Booth Area and by Porta Potty's.
- ***Porta Potty's:** Minimum of 3 planned. Additional Porta Potty's may be added if necessary. Hand Sanitation Station will be provided.
- **Alcohol:** No Alcohol will be sold/consumed on the premises.
- **Food:** Packaged food (spices, honey, cookies) will be sold. Licensed Catering business will be selling lunch food. All vendors will comply with the Department of Health and Human Services Requirements.
- **Noise Level:** No speakers or music involved.
- **Crowd Control:** Parking staff of 10 (including a retired police officer) as well as additional oversight staff of 7 (including 1 Nurse).
- **Event Activity:** Start 9 am / End 5 pm
- **Booth/Vendor Description:** Local area crafters and artists.
- **Signs:** Will comply with Zoning Ordinance.
- **Conditional Use Application Form Complete:** Submitted 7/2016
- **Conditional Use Fee:** \$100 Check #1001 Submitted 7/2016

Additional Paperwork Submitted Recently for the Tuscany on the Farm event.

- Copy of 2015 Property Tax Bill (submitted 3/31/2016)
- Letter of Intent signed and notarized by property owner, Edward L. Block (submitted 3/31/2016)
- 5 Photo Boards Labeled & Depicting Event Layout and General Area (submitted 3/31/2016)
- Signed/Notarized Affidavit (submitted 4/5/2016)
- Highlighted Aerial Map (submitted 4/5/2016)

- Notice of Event Paperwork Filed with City of Yorkville (submitting 7/2016)
- Kendall County Sheriff's Dept. will be Notified.
- Event Insurance Policy will be secured

** Spoke with Todd (4/1/2016) at the County Health Department (Environmental Health) to discuss guidelines for Porta Potty's, Waste Receptacles and Hand Sanitation. The Health Dept. simply provides general suggestions that we are abiding by. We have chosen to provide Porta Potty's, Waste Receptacles and a Hand Sanitation Station.*

Ashley Rd

CONCRETE PAD

HOUSE

PATIO

Handicapped

KEY



PARKING

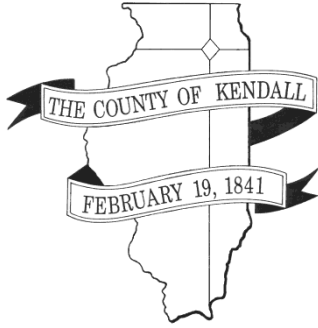


- VENDOR BOOTH AREAS



- Handicapped/Senior Parking





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 16-16

Megan and Chris Jensen

A-1 Special Use – Landscaping Business

SITE INFORMATION

PETITIONER Megan and Chris Jensen

ADDRESS 7225 Caton Farm Road

LOCATION North side of Caton Farm Road; 0.20 mi west of Church Road



TOWNSHIP Kendall

PARCEL # 05-26-400-004; Pt 05-26-400-005

LOT SIZE 7.58 acres

EXITING LAND Residential/Agricultural
USE

ZONING A-1 Agricultural District

LRMP	Land Use	Rural Estate Residential (Max Density=0.45 DU/AC)
	Roads	Caton Farm Road is a County road classified as a Major Collector Road
	Trails	None
	Floodplain/Wetlands	No floodplain or wetlands exist on the property

**REQUESTED ACTION
APPLICABLE REGULATIONS**

A-1 Special Use to operate a landscaping and excavating business

Section 7.01 D.28 – A-1 Special Uses – Permits Landscape Businesses with the following stipulations:

1. 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.
2. The business shall 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, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
3. No landscape waste generated off the property can be burned on this site

Section 13.08 – Special Use Procedures

An excavating operation is not permitted in the A-1 Agricultural as a special use

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Res.	A-1
South	Agricultural/Residential	A-1	Rural Estate Res.	A-1
East	Agricultural	A-1	Rural Estate Res.	A-1; A-1 SU
West	Agricultural/Residential	A-1	Rural Estate Res.	A-1; A-1 SU



PHYSICAL DATA

ENDANGERED SPECIES REPORT

A corrected EcoCAT report must be submitted prior to action being taken by the County Board

NATURAL RESOURCES INVENTORY

The Kendall County Soil & Water Conservation District provided an Executive Summary. This property received an Land Evaluation score of 93 and a Site Assessment score of 115 with a total LESA score of 208 giving it a medium level of protection.

ACTION SUMMARY

KENDALL TOWNSHIP

The Kendall Township Board denied the special use request at their Board meeting on July 17, 2016 citing reasons of excavating businesses are not permitted in the A-1 Agricultural District.

ZPAC (7.12.16)

The petitioners were informed that if the proposed 16,000sf building is to be used for vehicle maintenance including oil changes then a triple basin interceptor must be installed as well as a class V injection well. A building permit is required for this building. A stormwater management permit will also be required.

The ZPAC forwarded the petition onto the July 27th Plan Commission meeting with a favorable recommendation.

KCRPC (7.27.16)

Discussion took place at the Plan Commission regarding the type of equipment that is used in this operation to ensure that the operation is not an excavating business. The Plan Commission wanted a list of equipment that the petitioner uses to be included in the special use and restricted to those types of equipment.

The Plan Commission made a favorable recommendation and included the following recommended conditions in their recommendation:

- All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
- A maximum of five (5) are permitted to report to the site
- No landscape waste generated off the subject property may be burned on the subject property
- A building permit shall be applied for and approved prior to the construction of the proposed building
- All required site development permits shall be applied for and approved prior to start of construction
- Proposed signage shall require a building permit and be subject to the sign requirements of Section 12 of the Zoning Ordinance.
- The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.
- No retail or wholesale sales shall occur on the property
- Equipment that is permitted to be located on site shall be subject to review and approval prior to the start of operations.

Special Use Hearing Officer (8.1.16)

The Hearing Officer made a favorable recommendation and incorporated the following Findings of Fact in his 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 indicated, and a condition has been recommended, that no landscape waste will be brought back to the property and will be disposed of off-site. No outdoor storage of any kind will

occur on the property including vehicles, equipment, and landscape materials. This has been added as a condition. 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. All equipment and vehicles associated with the landscape business will be kept within a proposed 16,000sf building. The petitioner has stated that berming will be constructed and landscaping will be provided on 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. A stormwater management permit will be required as part of the development of the property.

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. A building permit will be required for the construction of the 16,000sf structure on the property. Only those uses that are typically found in landscape operations will be permitted on the property and no other uses that are not allowed either by right or by special use are strictly prohibited. The type of equipment used in the landscape operation will be limited and subject to approval as part of the special use permit.

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 since the operators of the business will live on site.

The Hearing Officer included the following conditions with his favorable recommendation:

- All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
- A maximum of five (5) are permitted to report to the site
- No landscape waste generated off the subject property may be burned on the subject property
- A building permit shall be applied for and approved prior to the construction of the proposed building
- All required site development permits shall be applied for and approved prior to start of construction
- Proposed signage shall require a building permit and be subject to the sign requirements of Section 12 of the Zoning Ordinance.
- No retail or wholesale sales shall occur on the property
- Equipment that is permitted to be located on site shall only include 4 track loaders (Volvo MCT 125), 3 mini excavators (Bobcat 435), 3 wheel loaders (CAT 924), 4 excavators (John Deere 135, John Deere 245, CAT 345), and 1 dozer (Cat D4)
- The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.

GENERAL

Chris and Megan Jensen have submitted a request for a Special Use permit in the A-1 Agricultural district to operate a landscaping and excavating business at the subject property. A landscape operation is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

1. 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.
2. The business shall 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 73,280lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
3. No landscape waste generated off the property can be burned on this site

An excavation operation is not permitted as a special use in the A-1 Agricultural District.

BUSINESS OPERATION

The operation will include landscape maintenance, installation of landscaping, and related activities. No yard waste will be stored on-site with the possible exception of balled trees and bushes that have been prepared for installation. No retail or wholesale material will occur on site. No outdoor storage will take place and all equipment will be kept within a proposed building. No landscape waste will be stored on-site. The petitioner has indicated that although there are currently three (3) employees associated with the operation, there is a potential to add two (2) additional employees. All employees report directly to the job site. The petitioners will reside on the property.

The petitioner has indicated that much of the equipment used in the landscaping business is related to excavating including diggers, small and large, and dump trucks used to haul dirt for installation of plant material.

BUILDING CODES

A 16,000sf building is proposed on the north end of the property to be used for storage of all equipment. This building will require a building permit.

ACCESS

The property has an existing access point onto Caton Farm with an asphalt drive. The submitted site plan proposes a widening of this drive on the subject property as well as within the R.O.W. of Caton Farm Road.

PARKING

No parking is identified on the site plan. A proposed gravel area is located to the north of the site surrounding a proposed 16,000sf building. The petitioners have indicated that no wholesale or retail will be offered to the public and no one from the public will be coming to the site. Staff is of the opinion that this gravel parking area will be adequate for employee parking. This gravel area and a proposed pond near it will require a stormwater management permit.

EQUIPMENT

The petitioner has submitted a list of the equipment used in conjunction with the landscaping business. This equipment includes:

- 4 track loaders (Volvo MCT 125)
- 3 mini excavators (Bobcat 435)
- 3 wheel loaders (CAT 924)
- 4 excavators (John Deere 135, John Deere 245, CAT 345)
- 1 dozer (Cat D4)

The Plan Commission recommended a condition be placed on the ordinance limiting the type of equipment used to what the petitioner submits.

LIGHTING

No lighting is proposed with the exception of a security light at the south edge of the proposed building.

SIGNAGE

A proposed non-lit free-standing sign is depicted at the southwest corner of the property along Caton Farm Road. This sign is subject to the requirements of Section 12 of the Zoning Ordinance and must be setback at least ten (10) feet from the edge of the ROW.

SCREENING

The Zoning Ordinance requires all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit. The petitioner has indicated all equipment will be stored within the proposed building satisfying this requirement.

CONCLUSION

The proposed use of the property for a landscaping operation is considered permitted as special use in the A-1 District with certain requirements. An excavating operation, however, is not considered permitted as a special use in the A-1 District.

RECOMMENDATION

If approved, staff recommends the following conditions be included in the approving special use ordinance:

- All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
- A maximum of five (5) employees not residing on the property are permitted to report to the site
- No landscape waste generated off the subject property may be burned on the subject property
- A building permit shall be applied for and approved prior to the construction of the proposed building
- All required site development permits shall be applied for and approved prior to start of construction
- No retail or wholesale sales shall occur on the property
- Signage shall be limited to one (1) non-illuminated free-standing ground mounted sign subject to the requirements of Section 12 of the Zoning Ordinance and shall require a building permit
- Equipment permitted to be stored on site shall include only the following, or similar replacement:
 - 4 track loaders (Volvo MCT 125)
 - 3 mini excavators (Bobcat 435)
 - 3 wheel loaders (CAT 924)
 - 4 excavators (John Deere 135, John Deere 245, CAT 345)
 - 1 dozer (CAT D4)
- The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.

Furthermore, a corrected EcoCAT Endangered Species Consultation report must be submitted prior to action being taken by the County Board.

ATTACHMENTS

1. Letter to PBZ 7.7.16
2. NRI Land Use Opinion
3. Kendall Township Letter 7.22.16
4. ZPAC Minutes 7.12.16
5. KCRPC Minutes 7.27.16
6. Special Use Hearing Minutes 8.1.16
7. Draft Ordinance
8. Zoning Plat

LAW OFFICES
OF

Daniel J. Kramer

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

DANIEL J. KRAMER

**KELLY A. KRAMER
D.J. KRAMER**

July 7, 2016

John Sterrett
Kendall County PB & Z
111 W. Fox Street
Yorkville, IL 60560

RE: Chris Jensen Landscaping Special Use

Dear John:

In regard to the June 24, 2016 Letter you sent I can provide the following information:

Description of Proposed Use

1. Much of the equipment used in his landscaping business is in fact related to excavating. He has small diggers, larger digger, dump trucks and the like to haul dirt for installation of plant material and the like. That's why we included the description of the excavation so that people knew that in regard to landscaping there is some machinery involved. We feel that is related to the landscaping and nursery use in that he plans to also plant a substantial numbers of trees and berming on the subject property subject to getting a site development permit. Hopefully that provides an answer to this question.
2. In regard to the operation he does landscape maintenance, installation of landscaping, and related activities. No yard waste will be stored on-site just perhaps balled trees and bushes ready for installation further there will be no retail or wholesales of materials at the site.

The building he purposes to use will allow for the complete storage of all equipment indoor and he will not provide any outdoor storage for vehicles, equipment, and the like.

He stores no landscape waste on-site and doesn't in his current home business that he is the sole operator together with his wife.

They would not expect at any time to have more than 3 employees.

3. The workshop internal in the building would be for storage of equipment when not being used, office, and repair area within the building.
4. We believe we have both parcel 1 and parcel 2 as part of the zoning application if we don't please consider both parcels and pin numbers 05-26-400-004 and 05-26-400-005 as part of the Petition. The reason that parcel 1 needs to be included is the fact that it contains the driveway to the rear of parcel 2 which is where the actual Special Use will be located is both parcels one and two are going to be acquired from Mr. and Mrs. Jensen from Jean Freeman. While she holds Title to parcel 1 in her individual name she is also the sole beneficiary of the Grundy County Trust that owns parcel 2 and has consented to the Zoning Special Use Request. If you need a letter from her in addition to the Application she signed and I will be happy to provide it.
5. I believe we have answered above, there should not be a need for ADA accessibility parking although again on the gravel surface we can add a sign for in that because of the strenuous nature of the work it would be very difficult to have a handicapped employee.
6. The only lighting that would be proposed would be a security light at the south edge of the building being constructed. There would be no lit sign although we would propose a low level landscape sign immediately to the east of the driveway out of the right-of-way at Caton Farm Road as shown on the plan.
7. We believe we have provided the answer to storage within the enclosed structure.

Other

I don't know how IDNR EcoCat came up with the Fox Township location in that the parcel is clearly located in Kendall Township pretty much to the middle and has Kendall Township Pin Numbers we will contact IDNR and ask them to revisit and send a correct aerial.

Should you have any questions or concerns please feel free to contact me.

Very truly yours,

Daniel J. Kramer,
Attorney at Law

DJK/cth

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Chris Jensen Landscaping for the proposed A-1 Special Use to operate a landscaping/excavating company. This parcel is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 in Kendall Township (T.36N.-R.7E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. The two soils identified onsite are classified as prime farmland. Additionally, a Land Evaluation Site Assessment (LESA) score was conducted for this parcel; the parcel scored 208 out of a possible 300 points indicating the soils and site are well suited for agricultural uses. Selecting the project site with the lower total points will generally protect the best farmland located in the most viable areas while maintaining and promoting the agricultural industry in Kendall County. Since the proposed project is for an A-1 Special Use Permit, the project is compatible with promoting the agricultural nature of the site.

Soils onsite can have potential limitations for development. This report indicates that for soils located on the parcel, 33.8% are very limited for small commercial building, shallow excavations and conventional sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support these types of development with significant limitations. Additionally, if in the future, the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Illinois River Watershed and Middle Branch Aux Sable Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


SWCD Chairman

7/20/16



KENDALL TOWNSHIP

Kenneth W. Walker, Supervisor
David Matlock, Township Clerk

Doug Westphal, Highway Commissioner
Michael L. Hardecopf, Assessor

Carolyn Pottinger, Trustee
Steven Gengler, Trustee
Don Hirsch, Trustee
Doug Thanepohn, Trustee

July 22, 2016

Kendall County
Planning, Building & Zoning Dept.
111 W. Fox Street
Yorkville, IL 60560
Attn: John Sterrett

Re: Petition # 16-16 Chris & Megan Jensen
Parcel # 05-26-400-004 & 005

Dear Mr. Sterrett,

Please be advised that at the Kendall Township monthly meeting, held on July 17, 2016, a request was presented to the Board, asking for the approval of an A-1 Special Use, for the purpose of operating a landscaping and excavating business.

The board denied the request by 3 nay votes and 2 aye votes because of the excavation business not being permitted in the A-1 District.

If the business were just for landscaping purposes, the request would have been approved.

Please feel free to contact me with any additional questions.

Kenneth Walker

Supervisor

Kendall Township

ken.kendalltwp@sbcglobal.net

(630) 553-6525

9925B Route 47 Yorkville, Illinois 60560
Ph. (630)-553-6525 FAX Ph. (630)-553-1993

#16-16 – Megan and Chris Jensen

Mr. Sterrett outlined the request for a special use in the A-1 Agricultural District to operate a landscape and excavating business at 7225 Caton Farm Road in Kendall Township on the north side of Caton Farm Road, just west of Church Road. Mr. Sterrett pointed out that excavating businesses are not permitted in the A-1 Agricultural District either by right or by special use and therefore the special use request may only include a landscape operation. Staff recommends that an additional condition be added to the special use ordinance that permits only uses typically found in landscape businesses and that the approval is not for an excavating business.

The operation will include landscape maintenance, installation of landscaping, and related activities. No yard waste will be stored on-site with the possible exception of balled trees and bushes that have been prepared for installation. No retail or wholesale material will occur on site. No outdoor storage will take place and all equipment will be kept within a proposed building. No landscape waste will be stored on-site. No more than three (3) employees will be part of the operation.

The petitioner has indicated that much of the equipment used in the landscaping business is related to excavating including diggers, small and large, and dump trucks used to haul dirt for installation of plant material.

A 16,000sf building is proposed on the north end of the property to be used for storage of all equipment. This building will require a building permit.

The property has an existing access point onto Caton Farm with an asphalt drive. The submitted site plan proposes a widening of this drive on the subject property as well as within the R.O.W. of Caton Farm Road.

No parking is identified on the site plan. A proposed gravel area is located to the north of the site surrounding a proposed 16,000sf building. The petitioners have indicated that there will be no more than three (3) employees reporting to the site and that no wholesale or retail will be offered to the public. Staff is of the opinion that this gravel parking area will be adequate for employee parking. This gravel area and the proposed pond near it may require a stormwater management permit.

No lighting is proposed with the exception of a security light at the south edge of the proposed building.

A proposed non-lit free-standing sign is depicted at the southwest corner of the property along Caton Farm Road. This sign is subject to the requirements of Section 12 of the Zoning Ordinance and must be setback at least ten (10) feet from the edge of the ROW.

The Zoning Ordinance requires all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit. The petitioner has indicated all equipment will be stored within the proposed building satisfying this requirement.

Attorney Dan Kramer stated that Chris and Megan Jensen operate a landscape business currently out of their home on East High Point Road. There are no employees that will report to the site. No landscape materials will be brought back to the site. The petitioners intend to plant nursery stock and trees but will have no retail or wholesale sales. Attorney Kramer stated that the existing house will not change uses and will maintain as a home. The proposed 16,000sf building will have maintenance performed in it. Mr. Rybski stated that a triple basin interceptor will be required for oil changes. If a class V injection well is chosen by the property owners then the IEPA must be contacted by the property owners. Bathrooms or water supply to the building will require a small septic system. The non-community well program will not be applicable given the low intensity of the property.

Mr. Chismark stated a field tile survey is required as part of the stormwater management permit submittal. Based on the area of disturbance stormwater detention will be required. Attorney Kramer stated that an engineer will be involved as the site plan progresses. An NRI executive summary report will be prepared.

Mr. Sterrett stated that this petition will be heard at the July 27th Plan Commission meeting.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

PETITIONS

16-16 Chris and Megan Jensen

Request: Special Use to allow a landscape operation and excavating operation

Location: 7225 Caton Farm Road in Kendall Township

Mr. Sterrett outlined the request for a special use in the A-1 Agricultural District to operate a landscape and excavating business at 7225 Caton Farm Road in Kendall Township on the north side of Caton Farm Road, just west of Church Road. Mr. Sterrett pointed out that excavating businesses are not permitted in the A-1 Agricultural District either by right or by special use and therefore the special use approval may only include a landscape operation.

The operation will include landscape maintenance, installation of landscaping, and related activities. No yard waste will be stored on-site with the possible exception of balled trees and bushes that have been prepared for installation. No retail or wholesale material will occur on site. No outdoor storage will take place and all equipment will be kept within a proposed building. No landscape waste will be stored on-site.

A 16,000sf building is proposed on the north end of the property to be used for storage of all equipment. This building will require a building permit. The property has an existing access point onto Caton Farm with an asphalt drive. The submitted site plan proposes a widening of this drive on the subject property as well as within the R.O.W. of Caton Farm Road.

No parking is identified on the site plan. A proposed gravel area is located to the north of the site surrounding the proposed 16,000sf building. Staff is of the opinion that this gravel parking area will be adequate for employee parking. This gravel area and the proposed pond near it will require a stormwater management permit. No lighting is proposed with the exception of a security light at the south edge of the proposed building.

A proposed non-lit free-standing sign is depicted at the southwest corner of the property along Caton Farm Road. This sign is subject to the requirements of Section 12 of the Zoning Ordinance and must be setback at least ten (10) feet from the edge of the ROW.

The Zoning Ordinance requires all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit. The petitioner has indicated all equipment will be stored within the proposed building satisfying this requirement.

Mr. Sterrett stated that the ZPAC committee forwarded the petition onto the Plan Commission with a favorable recommendation. The Kendall Township Board recommended denial of the special use in a 3-2 vote citing reasons of the portion of the business that may involve excavating. The Township was fine with the landscaping purpose but did not feel comfortable approving the request because excavating businesses are not permitted in the A-1 Agricultural District.

Staff has recommended the following conditions be placed on the controlling special use ordinance:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
2. No employees are permitted to report to the site.
3. No landscape waste generated off the subject property may be burned on the subject property
4. A building permit shall be applied for and approved prior to the construction of the proposed building
5. All required site development permits shall be applied for and approved prior to start of construction

6. Proposed signage shall require a building permit and be subject to the sign requirements of Section 12 of the Zoning Ordinance.
7. The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.

Attorney Dan Kramer, representing Chris and Megan Jensen, stated the use is a landscape operation with some equipment associated with excavating. There will be no outdoor storage of any kind on the property and there will be a nursery stock in the rear of the property. Mr. Kramer stated that in the future there may be employees who do report to the site as part of the operation and would request that a condition allow a maximum of five (5) employees. No additional access point will be made to the site.

The Commission questioned what type of equipment the petitioner uses in conjunction with landscaping that may be associated with an excavating business. Mr. Jensen stated that he has a backhoe and skidsteer as well as tractors. The Commission instructed the petitioner to submit a list of equipment that the petitioner uses as part of the operation to PBZ staff for review and that a condition be included limiting the equipment that is stored on the property to these items.

Angela Zubko made a motion, seconded by Larry Nelson, to recommend approval of the special use for a landscaping operation subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
2. A maximum of five (5) are permitted to report to the site
3. No landscape waste generated off the subject property may be burned on the subject property
4. A building permit shall be applied for and approved prior to the construction of the proposed building
5. All required site development permits shall be applied for and approved prior to start of construction
6. Proposed signage shall require a building permit and be subject to the sign requirements of Section 12 of the Zoning Ordinance.
7. The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.
8. No retail or wholesale sales shall occur on the property
9. Equipment that is permitted to be located on site shall be subject to review and approval prior to the start of operations.

Mr. Sterrett called the roll: Mr. Ashton – Aye; Mr. Bledsoe – Aye; Mr. Casey – Aye; Mr. Nelson – Aye; Ms. Wilson – Aye; Ms. Zubko – Aye; Mr. Wormley – Aye. The motion carried.

The petition will be forwarded onto the Special Use Hearing Officer for Monday, August 1, 2016 at 7:00pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

16-10 – Whitetail Ridge LLC – A-1 Special Use – Banquet Hall Facility – 9111 Ashley Road, Kendall Township –
Approved by County Board July 19, 2016.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
August 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: Attorney Dan Kramer; Chris Jensen; Megan Jensen; Jeanne Freeman

MINUTES

Mr. Werderich approved the July 7, 2016 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

16-16 Chris and Megan Jensen

Request: Special Use to operate a Landscape and excavating operation

Location: 7225 Caton Farm Road in Kendall Township

Mr. Sterrett outlined the request for a special use in the A-1 Agricultural District to operate a landscape and excavating business at 7225 Caton Farm Road in Kendall Township on the north side of Caton Farm Road, just west of Church Road.

Mr. Sterrett pointed out that excavating businesses are not permitted in the A-1 Agricultural District either by right or by special use and therefore the special use approval and activities permitted on the property may only include a landscape operation.

The operation will include landscape maintenance, installation of landscaping, and related activities. No yard waste will be stored on-site with the possible exception of balled trees and bushes that have been prepared for installation. No retail or wholesale material will occur on site. No outdoor storage will take place and all equipment will be kept within a proposed 16,000sf building. No landscape waste will be stored on-site.

A building is proposed on the north end of the property to be used for storage of all equipment. This building will require a building permit. The property has an existing access point onto Caton Farm with an asphalt drive. The submitted site plan proposes a widening of this drive on the subject property as well as within the R.O.W. of Caton Farm Road.

No parking is identified on the site plan. A proposed gravel area is located to the north of the site surrounding the proposed 16,000sf building. Staff is of the opinion that this gravel parking area will be adequate for employee parking. This gravel area and the proposed pond near it will require a stormwater management permit. No lighting is proposed with the exception of a security light at the south edge of the proposed building.

A proposed non-lit free-standing sign is depicted at the southwest corner of the property along Caton Farm Road. This sign is subject to the requirements of Section 12 of the Zoning Ordinance and must be setback at least ten (10) feet from the edge of the ROW.

Mr. Sterrett stated that the ZPAC committee forwarded the petition onto the Plan Commission with a favorable recommendation. The Kendall Township Board recommended denial of the special use in a 3-2 vote citing reasons of the portion of the business that may involve excavating. The Township was fine with the landscaping purpose but did not feel comfortable approving the request because excavating businesses are not permitted in the A-1 Agricultural District.

The Plan Commission had questions regarding the type of equipment that would be kept on site to ensure this would not become an excavating operation. As such, the Plan Commission recommended that the petition submit a list of equipment that will be used for the landscaping operation and that a condition be placed limiting only that type of equipment being stored on site.

The Plan Commission recommended the following conditions be placed on the controlling special use ordinance:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
2. A maximum of five (5) employees are permitted to report to the site
3. No landscape waste generated off the subject property may be burned on the subject property
4. A building permit shall be applied for and approved prior to the construction of the proposed building
5. All required site development permits shall be applied for and approved prior to start of construction
6. Proposed signage shall require a building permit and be subject to the sign requirements of Section 12 of the Zoning Ordinance.
7. Equipment permitted to be stored on site shall include only the following, or similar replacement:
 - a. 4 track loaders (Volvo MCT 125)
 - b. 3 mini excavators (Bobcat 435)
 - c. 3 wheel loaders (CAT 924)
 - d. 4 excavators (John Deere 135, John Deere 245, CAT 345)
 - e. 1 dozer (CAT D4)
8. The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.

Mr. Werderich asked Attorney Dan Kramer why excavating was included in the request for the special use rather than just a landscaping business. Mr. Kramer stated that the name for the existing business has the word 'excavating' in it already and that the Kendall Township Board had an issue with this being included in the request but was fine with the landscaping aspect to the request.

Attorney Dan Kramer, representing Chris and Megan Jensen, stated the use is a landscape operation with some equipment associated with excavating as part of the landscaping business. There will be no outdoor storage of any kind on the property and all trucks, equipment and materials will be kept within a proposed structure. Mr. Kramer said that the EcoCAT report was incorrect and that he contacted the Illinois Department of Natural Resources to correct this but has not heard back. Mr. Kramer will be following up with IDNR about a corrected EcoCAT. There will be a nursery stock in the rear of the property. Mr. Kramer stated that there are currently three (3) employees that will report to the site and there may be up to five (5) employees in the future that report to the site. Mr. Kramer stated that maintenance work will be performed inside the proposed building such as oil changes.

Mr. Werderich asked about what would be stored on-site. Mr. Kramer said that everything will be stored in an enclosed structure.

Mr. Werderich opened the public hearing for public comment. There was no one from the public. Mr. Werderich closed the public hearing.

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 indicated, and a condition has been recommended, that no landscape waste will be brought back to the property and will be disposed of off-site. No outdoor storage of any kind will occur on the property including vehicles, equipment, and landscape materials. This has been added as a condition. 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. **All equipment and vehicles associated with the landscape business will be kept within a proposed 16,000sf building. The petitioner has stated that berming will be constructed and landscaping will be provided on 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. A stormwater management permit will be required as part of the development of the property.***

*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. A building permit will be required for the construction of the 16,000sf structure on the property. Only those uses that are typically found in landscape operations will be permitted on the property and no other uses that are not allowed either by right or by special use are strictly prohibited. The type of equipment used in the landscape operation will be limited and subject to approval as part of the special use permit.***

*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 since the operators of the business will live on site.***

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

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
2. A maximum of five (5) employees are permitted to report to the site
3. No landscape waste generated off the subject property may be burned on the subject property
4. A building permit shall be applied for and approved prior to the construction of the proposed building
5. All required site development permits shall be applied for and approved prior to start of construction
6. Proposed signage shall require a building permit and be subject to the sign requirements of Section 12 of the Zoning Ordinance.
7. Equipment permitted to be stored on site shall include only the following, or similar replacement:
 - a. 4 track loaders (Volvo MCT 125)
 - b. 3 mini excavators (Bobcat 435)
 - c. 3 wheel loaders (CAT 924)

- d. 4 excavators (John Deere 135, John Deere 245, CAT 345)
- e. 1 dozer (CAT D4)
- 8. The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.

The petition will be moved onto the Planning, Building, and Zoning Committee meeting Monday, August 8, 2016 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

16-09 – Whitetail Ridge LLC – A-1 Special Use for a banquet hall facility – 9111 Ashley Road, Kendall Township – Approved by the County Board on July 19, 2016

NEW BUSINESS/OLD BUSINESS

None

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 7:19 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner

ORDINANCE NUMBER 2016 - ____

**GRANTING A SPECIAL USE AT
7225 CATON FARM ROAD IN KENDALL TOWNSHIP
TO OPERATE A LANDSCAPING BUSINESS**

WHEREAS, Chris and Megan Jensen have filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 7.58 acre property located on the north side of Caton Farm Road, 0.20 miles west of Church Road, commonly known as 7225 Caton Farm Road (PIN# 05-26-400-004; Pt PIN# 05-26-400-005), in Kendall Township; and

WHEREAS, said property is legally described as:

PARCEL ONE

THE SOUTH 660.00 FEET OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, (EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 215.0 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID SOUTH LINE, 115.0 FEET TO THE EAST LINE OF THE WEST 330.00 FEET OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY ALONG SAID EAST LINE, 393.39 FEET; THENCE SOUTHWESTERLY, 274.98 FEET TO A POINT THAT IS 144.55 FEET NORTH OF THE POINT OF BEGINNING ON A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE WEST 330.00 FEET OF SAID SOUTHEAST QUARTER; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 144.55 FEET TO THE POINT OF BEGINNING).

PARCEL TWO

THE SOUTH 1056.01 FEET (EXCEPTING THEREFROM THE SOUTH 660.00 FEET) OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

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

WHEREAS, said petition is to obtain a Special Use Permit to operate a landscaping business; and

WHEREAS, the proposed landscaping business meets the requirements set forth in section 7.01 D.28; and

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 a recommendation by the Special Use Hearing Officer on August 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 indicated, and a condition has been recommended, that no landscape waste will be brought back to***

the property and will be disposed of off-site. No outdoor storage of any kind will occur on the property including vehicles, equipment, and landscape materials. This has been added as a condition. 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. All equipment and vehicles associated with the landscaping business will be kept within a proposed 16,000sf building. The petitioner has stated that berming will be constructed and landscaping will be provided on 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. A stormwater management permit will be required as part of the development of the property.

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. A building permit will be required for the construction of the 16,000sf structure on the property. Only those uses that are typically found in landscaping operations will be permitted on the property and no other uses that are not allowed either by right or by special use are strictly prohibited. The type of equipment used in the landscaping operation will be limited and subject to approval as part of the special use permit.

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 since the operators of the business will live on site.

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.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit to operate a landscaping business in accordance to the submitted plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
2. A maximum of five (5) employees not residing on the property are permitted to report to the site
3. No landscape waste generated off the subject property may be burned on the subject property
4. A building permit shall be applied for and approved prior to the construction of the proposed

- building
5. All required site development permits shall be applied for and approved prior to start of construction
 6. No retail or wholesale sales shall occur on the property
 7. Signage shall be limited to one (1) non-illuminated free-standing ground mounted sign subject to the requirements of Section 12 of the Zoning Ordinance and shall require a building permit
 8. Equipment permitted to be stored on site shall include only the following, or similar replacement:
 - a) 4 track loaders (Volvo MCT 125)
 - b) 3 mini excavators (Bobcat 435)
 - c) 3 wheel loaders (CAT 924)
 - d) 4 excavators (John Deere 135, John Deere 245, CAT 345)
 - e) 1 dozer (CAT D4)
 9. The granting of this special use is only for a landscaping operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by approved special use permit are prohibited.

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 August, 2016.

Attest:

John A. Shaw
Kendall County Board Chairman

Debbie Gillette
Kendall County Clerk

ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 26, T36N-R7E, 3rd P.M. KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

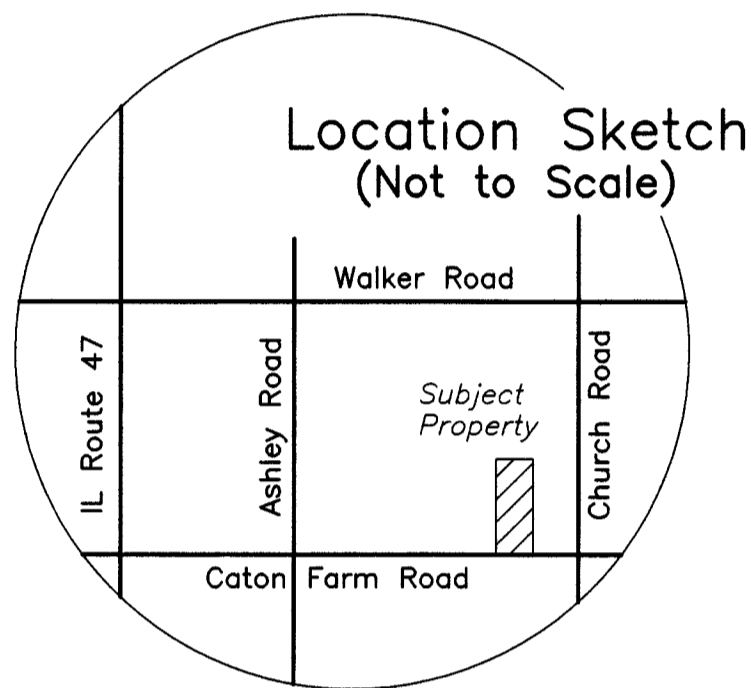
LEGAL DESCRIPTION OF TRACT TO BE REZONED:

LEGAL DESCRIPTION OF PARCEL ONE:

The South 660.00 feet of the West 330.00 feet of the East Half of the Southeast Quarter of Section 26, Township 36 North, Range 7 East of the Third Principal Meridian, in the Township of Kendall Kendall County, Illinois, (EXCEPTING therefrom that part described as follows: Commencing at the Southwest Corner of the East Half of said Southeast Quarter; thence Easterly along the South Line of said Southeast Quarter, 215.0 feet for a point of beginning; thence continuing Easterly along said South Line, 115.0 feet to the East Line of the West 330.00 feet of the East Half of said Southeast Quarter; thence Northerly along said East Line, 393.39 feet; thence Southwesterly, 274.98 feet to a point that is 144.55 feet North of the point of beginning on a Line drawn parallel with the East Line of the West 330.00 feet of said Southeast Quarter; thence Southerly along said parallel line, 144.55 feet to the point of beginning).

LEGAL DESCRIPTION OF PARCEL TWO:

The South 1056.01 feet (EXCEPTING therefrom the South 660.00 feet) of the West 330.00 feet of the East Half of the Southeast Quarter of Section 26, Township 36 North, Range 7 East of the Third Principal Meridian, in the Township of Kendall Kendall County, Illinois.



SOILS (From USCS Soils Map)

- 145B** Saybrook Silt Loam, 2 to 5% slopes
- 145C2** Saybrook Silt Loam, 5 to 10% slopes, eroded
- 152A** Drummer Silty Clay Loam, 0 to 2% slopes

AREA TO BE REZONED:

7.2898 Acres
(7.0430 Acres Excluding Roads)

PRESENT ZONING:

A1

PROPOSED ZONING:

A1-SU (Excavating Landscape)

DEVELOPER:

Chris and Megan Jensen
8751 East Highpoint Road, Suite C
Yorkville, Illinois 60560

N

SCALE
1"=40'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- 653- Indicates Contour Elevation

NOTE: This property is commonly known as 7225 Caton Farm Road.

P.I.N. 05-26-400-004
05-26-400-005

BENCHMARKS - (NGVD1929)

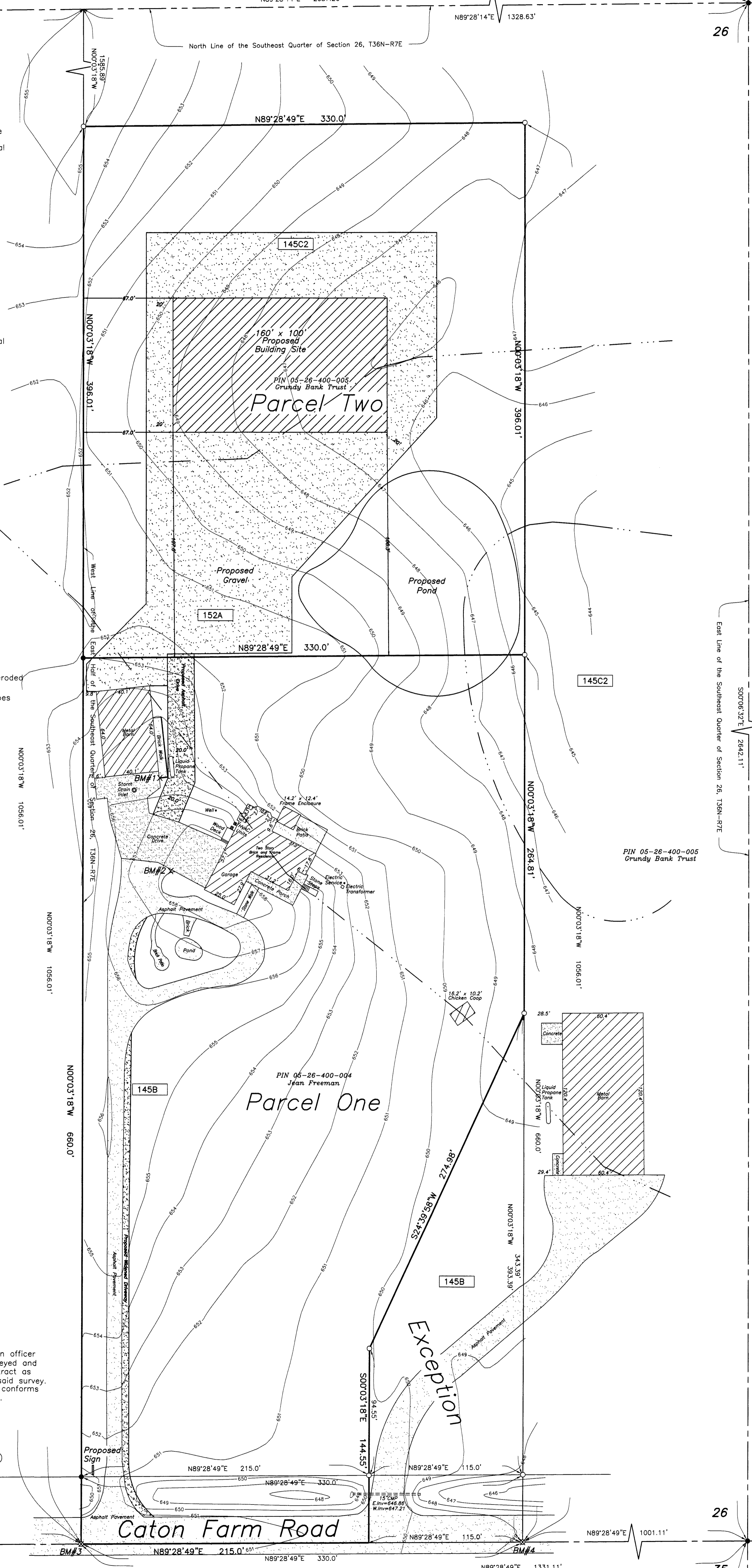
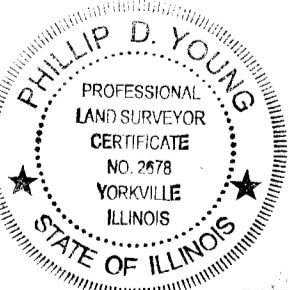
- BM#1 - Cross in Concrete Trim at Southeast Corner of Barn Elevation = 656.17
- BM#2 - Magnail in Asphalt Drive West of Brick and Frame Residence Elevation = 658.10
- BM#3 - Magnail in Pavement at Southwest Corner of Property Elevation = 651.47
- BM#4 - Magnail in Pavement at Southeast Corner of Property Elevation = 648.86

State of Illinois } SS
County of Kendall }

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the attached described tract as shown by the plat hereon drawn which is a representation of said survey. Field work completed May 12, 2016. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated May 17, 2016 at Yorkville, Illinois

Phillip D. Young
Phillip D. Young
Illinois Professional Land Surveyor No. 2678 (Expires 11/30/16)



JOB NO.	16073
JOB NAME	JENSEN
DWG FILE	16073B
REVISION DATE	

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580



6139 Caton Farm Road
Yorkville, IL 60560

Landscape Invoice

Date	Invoice #
7/11/2016	6217U

Bill To
Tanglewood Trails C/O Kendall Township Rt. 47 Yorkville IL 60560

Purchase Order#	
Terms	Due Date
Net 30	8/10/2016
Site Address	
East Highpoint Rd	

Item	Description	Plant Size	QTY	Rate	Amount
Prevailing Wage	Any type of landscape work/repair is charged at an hourly rate. Rate reflects paying prevailing wage rate.		23.5	99.00	2,326.50
Bobcat Service	Work involving the use of a bobcat with a bucket or snow blade. This service is charged on a per hour bases		6.5	135.00	877.50
Blanket Only	DS75 is a single net straw blanket. It is a rapid degrading net: UV accelerated photodegradable polypropylene net. 100% straw matrix material stitched on 1.5 inch centers. Should be applied in low flow channels with slopes of 4:1 - 3:1. Longevity: 45-60 days. This item is charged by roll		16	50.00	800.00
Bag of Seed	Grass seed used on commercial and residential lawns. Charged by the bag. 50lbs bags.		3	140.00	420.00

TERMS: Payable in full in U.S. dollars upon receipt of invoice. A service charge of 1.5% per month (subject to a \$30.00 minimum) will be assessed on any amount more than 30 days past due. Purchaser also agrees to pay any expenses, including, but not limited to, resonable attorney's fee, court costs and other miscellaneous costs of collection, incurred by 4 Seasons Landscaping Plus, Inc. to collec any amounts due from purchaser.

Total \$4,424.00

Payments/Credits \$0.00

Make Checks Payable to: 4 SEASONS LANDSCAPING PLUS, INC
In the memo section of the check please write "Deposit Only".

Balance Due \$4,424.00

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF MILLBROOK
AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this _____ day of August, 2016, by and between the VILLAGE OF MILLBROOK, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Millbrook was incorporated by act of the voters on November 5th, 2002, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Millbrook adopted a Comprehensive Plan on August 22, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Millbrook have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Millbrook has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time shall be adopted and incorporated by the Village of Millbrook as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Millbrook as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Millbrook, and apply them to all properties located within the municipal boundaries of the Village of Millbrook.

4) That the Village of Millbrook shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Millbrook as provided herein. The Village of Millbrook will not be required to reimburse the County of Kendall for employee salaries or benefits.

5) The Village of Millbrook shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its 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 attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days' written notice to the other party.

9) 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. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) 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.

11) The County of Kendall and the Village of Millbrook 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.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.

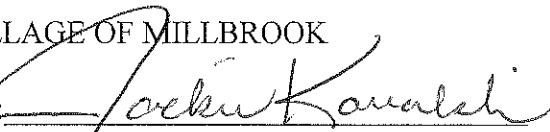
13) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Millbrook
PO Box 51
Millbrook, Illinois 60536

VILLAGE OF MILLBROOK

BY:



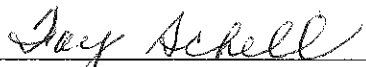
Village President- Jackie Kowalski

COUNTY OF KENDALL

BY:

Chairman of Kendall County Board

ATTEST:



Village Clerk

ATTEST:

Kendall County Clerk

Permitted Uses in the A-1 Agricultural District

1. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05. - **2011**
2. Crop and tree farming
3. Dairy and livestock farming
4. Dwelling Unit for Watchmen and Families including a Caretaker - **2011**
5. Farming
6. Farm Animals
7. Forest Preserve
8. Forestry
9. Game breeding
10. Grazing and forage
11. Greenhouses and nurseries
12. Group Homes, subject to the following: - **2011**
 - a. No more than eight (8) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
13. Home occupation
14. Horse breeding and raising
15. Land Application of domestic septage with approval from the Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Private Sewage Disposal Ordinance and the Illinois EPA.
16. Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back at least ninety (90) feet from the center line of all adjacent roads, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Sales only permitted from March 15 through November 15.
17. Signs, as permitted and regulated by Section 12.00.
18. Single Family Residential Use
20. Sod farms
21. Storage of products when accessory to the pursuit of agriculture.
22. Truck farming

Special Uses Permitted in the A-1 Agricultural District

1. Adult Day Care or Respite Care
2. Agency Licensed Family Residential Care Homes Transitional Halfway house - **2011**
3. Agency Licensed Group Residential Care Home- Permanent
4. Agricultural implement sales and service.
5. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
 - a. Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200') foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
 - b. There shall be a minimum three hundred (300') foot distance between airport property and the nearest residence.
 - c. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.
 - d. Other requirements as noted in Section 4.13 of this zoning ordinance. *(Amended 6/20/2006)*
 - e. Airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following:
6. Animal feed; preparation, grinding, mixing and storage.
7. Athletic Field with lights, provided that the following conditions are met: **-2011**
 - a. The minimum site area shall be 140,000 square feet.
 - b. All structures, viewing, parking, and seating areas shall be set back at least 100 feet from any street or property line.
 - c. Photometric lighting plans will be submitted and approved by the County. All lighting shall be directed downward, and should minimize glare and light trespassing on adjacent property.
8. Auction Facility - **2011**
9. Bait Shop with items not produced on the property. **-2011**
10. Banquet Halls are permitted subject to the following conditions: - **2009**
 - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
 - b. The subject parcel must be a minimum of 5 acres.
 - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
 - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.

- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. Noise restrictions

11. Bed and breakfast establishments subject to the following conditions: - **2011**

- a. Shall have no more than five (5) guest rooms for rent.
- b. Shall be in operation for not less than six (6) nights in a six (6) month period.
- c. Shall maintain a guest register which shall be available at all times for inspections.
- d. Shall be located in a single family detached dwelling, not an accessory building or garage.
- e. Shall satisfy all requirements of the Kendall County Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Building Department prior to the issuance of occupancy permits.
- f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
- g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
- h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
- i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
- j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
- k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.

12. Cemeteries.

13. Child Day Care Facilities.

14. Clean up and restoration services with the following conditions: - **2014**

- a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
- b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.

- c. All operations are to take place inside an enclosed structure.
- d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
- e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
- f. No materials that are brought in can be burned on this site.
- g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
- h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

15. Communication Use

16. Composting of landscape waste and food waste, subject to the following:

- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
- b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- j. Truck weights shall be limited to 73,280 pounds.
- k. The operator shall provide weight receipts to Kendall County.

- l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
 - m. Other conditions as appropriate for the particular facility. *(Amended 6/20/2006)*
17. Correctional Facilities subject to the following:
- a. The facility shall be at least 650 feet from the nearest property which is residentially zoned or used.
 - b. The facility shall not be established within 1,320 feet of a public or private school, day care or place of worship.
 - c. The County may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens. *(Amended 6/20/2006)*
18. Fertilizer and seed sales, including bulk storage and mixing.
19. Golf courses, club houses, country clubs, and membership riding clubs.
20. Governmental buildings and facilities.
21. Grain Storage, when not accessory to the pursuit of agriculture.
22. Group Homes, subject to the following:
- a. More than nine (9) persons plus staff.
 - b. Licensed or certified by the State of Illinois.
 - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
23. Halfway house located a minimum of one thousand (1,000) feet of dwelling. **-2011**
24. Hospice. **-2011**
25. Indoor Target Practice with the following conditions: **- 2013**
- a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
 - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
 - c. Hours of operation from 7am to 10pm
 - d. No alcohol allowed.
 - e. Must meet all requirements of the Kendall County Health Department.
 - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
26. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board. **- 2013**
27. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.

28. Landscaping business, provided that:

- a. 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.
- b. The business shall 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, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
- c. No landscape waste generated off the property can be burned on this site.

29. Micro Distillery subject to the following conditions: **-2013**

- a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
- b. Locally grown inputs shall be used to the greatest extent possible
- c. The number of hours permitted to operate shall be on the approving ordinance.
- d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
- e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
- f. Shall contact & meet all requirements of the Kendall County Health Department.
- g. A waste management plan should be submitted to the Kendall County Health Department

30. Nano Breweries, subject to the following conditions: - **2011**

- a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
- b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
- c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.
- d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.

31. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, planners and other professionals, medical and dental practitioners, clergy,

salesmen, sales representatives or manufacturing representatives, provided that the subject parcel is not less than 3.0 acres in size; is located within ¾ mile of an existing or proposed commercial center as designated on the County LRMP; has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan; and is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses. - **2004**

32. Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice, athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses. - **2011**

33. Outdoor Target Practice or Shooting (not including private shooting in your own yard) with the following conditions: - **2013**

- a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.
- b. Requires minimum parcel size of 5 acres, depending on the venue.
- c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
- d. State recognized, nationally recognized or NRA Certified range supervisor must be present
- e. Range flag flown, a sign or red light lit at all times that firing is taking place.
- f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
- g. Access must be controlled by a lockable gate.
- h. Hazardous waste plan addressing lead management required.
- i. No discharge of lead shot into wetland.
- j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
- k. No alcohol allowed.
- l. No projectiles shall leave the boundaries of the site.
- m. All applicable Federal, State and County rules and regulations shall be adhered to.
- n. Must meet all requirements of the Kendall County Health Department
- o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
- p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
- q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.
- r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

34. Paintball Facilities subject to the following conditions: - **2009**

- a. Minimum lot size of 20 acres;
- b. The facility shall have direct access to a road designated as a major collector (or higher) in County Land Resource Management Plan unless the Township Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road;
- c. Hours and days of operation as specified in Special Use Permit to be determined by the County Board
- d. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and
- e. No paintball activity shall leave the boundaries of the site, including fired paintballs.
- f. Requirement of netting to be installed around the property shall be determined by the County Board
- g. Paintball guns shall only be powered by carbon dioxide (CO₂), high pressured air (HPA) or Nitrogen (N₂).
- h. All signage shall comply with the provisions of Section 12 of the Kendal County Zoning Ordinance.
- i. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.
- j. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.

35. Parks.

36. Performing arts center subject to the following conditions: - **2012**

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
- b. The site shall be shown as a commercial area on the Land Resource Management Plan.
- c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
- d. The amount of students and type of events are listed in the approving ordinance.
- e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
- f. Must meet applicable Fire Protection District codes.

37. Philanthropic institutions and institutions supported by charity.

38. Places of Worship subject to the following conditions:

- a. The height for the towers and steeples shall not exceed seventy-five (75) feet

and not more than forty-five (45) feet for the main structure.

- b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.

29. Public or Private Utilities and Service uses: **-2011**

- a. Telecommunications hub
- b. Filtration plant, pumping station, and water reservoir.
- c. Sewage treatment plant.
- d. Electric substations and booster stations.
- e. Other Similar uses

30. Private Airstrip and/or heliports, provided it complies with all Illinois Department of Transportation (IDOT) Division of Aeronautics and Federal Aviation Administration (F.A.A.) requirements and provisions of Section 4.13 of this Zoning Ordinance. *(Amended 6/20/2006)*

31. Private clubs or lodges not including indoor or outdoor gun clubs and uses regulated in Section 4.16 (Adult Book Store, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Entertainment Facilities, Adult Use, Adult Massage Parlors or Spas, Tattoo Parlors and Permanent Body Art Establishments, Striptease Club or Gentlemen's Club and Adult Video Store.)

32. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted. **- 2009**

33. Recreational camps and recreational vehicle parks subject to the following conditions:

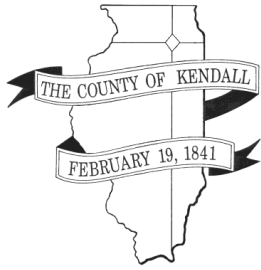
- a. The minimum lot size must be 20 acres
- b. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Kendall County Food Establishment Sanitation Ordinance.
- c. Must seek approval from the Fire and police departments
- d. Adequate directional signage must be throughout the property
- e. Maximum continuous stay shall not exceed 90 days.

34. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
35. Retail or Wholesales sale of pottery, art, or home décor products, *alone or* together with the operation of a tea room, sit-down food sale area for food sales on-premises incidental to the operation of the primary retail sales use provided that the subject parcel is not less than 3.0 acres in size, has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan; and is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses. - **2007**
36. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the following:
- a. All such facilities shall meet all State Animal Management Statutes.
 - b. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.
 - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - d. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
 - e. Submission~~s~~ of a manure management plan for review and approval by the Kendall County Health Department.
 - f. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
 - g. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - h. Provision of handicapped accessible bathroom facilities for customers and employees.
 - i. Compliance with basic life safety requirements for building ingress and egress. (*Amended 6/20/2006*)
36. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto. -**2011**
37. Service Clubs. -**2011**
38. Small Poultry/Animal Processing Plant subject to the following conditions: - **2013**
- a. A maximum of 21,000 units a week. All animals are counted as 1 (one) animal unit except turkeys and geese are counted as 4.5 animal units.

- b. Facilities (the unloading area) must be located at least 400' from any principle structure.
 - c. No rendering may take place on the site.
 - d. Live animals may be held on the site for no more than twenty-four (24) hours.
 - e. All slaughtering/processing permitted only in an enclosed building.
 - f. The number of hours and days of operation as specified in Special Use Permit to be determined by the County Board.
 - g. Poultry processed to be sold for retail or wholesale sale shall be specified in the special use permit as a condition.
 - h. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
 - i. All Applicable Federal, State and County rules and regulations shall apply.
 - j. Other such conditions as approved by the County Board.
 - k. Waste, by-products or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.
 - l. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
 - m. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
 - n. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.
40. Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles provided that the business shall 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. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the Agricultural District. *(Amended 6/20/2006)*
41. Telecommunications Stations - **2011**
42. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation. *(Amended 6/20/2006)*
43. Wind Farms, Commercial – **2009**

Conditional Uses in the A-1 Agricultural District

1. Accessory agricultural services such as a Black smith; Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided:
2. Agricultural Labor Housing or living quarters for a groomsman or an employee-watchman, provided that the following conditions and restrictions are met: - **2009**
3. Elderly Cottage Housing Opportunities (ECHO Housing), provided:
4. Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.
- e. Guest house with kitchen facilities provided it meets the following conditions: - **2012**
- f. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- g. Livestock sales and purchasing, but not a stockyard or a slaughter house. Such uses may not be located nearer than one thousand (1,000) feet from a Residence District.
- h. Public 911 safety towers provided:
- i. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided:
- j. Seasonal Festivals provided that the following conditions and restrictions are met: - **2010**
- k. Single Family Dwellings may be authorized under the following conditions:
- l. Small Wind Energy Systems subject to the conditions of Section 4.17
- m. Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

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MEMORANDUM

To: PBZ Committee
From: John H. Sterrett, Senior Planner
Date: August 8, 2016
Re: Project & Petition Status Report

Petitions

Active

Petition 16-14
Robert Delaney
1502 Church Road – Lisbon Township
A-1 Special Use request to an outdoor shooting range
Status: *Continued by Plan Commission to 8.24.16*

Petition 16-16
Chris and Megan Jensen
9111 Ashley Road – Kendall Township
A-1 Special Use request to operate a banquet
Status: *PBZ Committee 8.8.16*

Petition 16-17
Scott Lasky
Lots 3 & 4 of Brighton Oaks Subdivision – Kendall Township
Plat of Vacation for a 10' public utility and drainage easement
Status: *ZPAC 8.24.16*

Petition 16-18
LRMP Update
Update to northwest corner of Route 31 and Light Road to reflect existing commercial zoning and commercial uses. Currently identified as suburban residential.
Status: *KCRPC Hearing 8.24.16*

Petition 16-19
Johansen
9979 Lisbon Center Road – Lisbon Township
Administrative Variance for front yard setback in the A-1 Agricultural District for an accessory structure
Status: *15-day notification period ends 8.4.16*

Petition 16-20
Stor-Mor, Inc.
1317 Route 31 – Oswego Township
Zoning Map Amendment from B-1 to B-2 and Special Use to operate outdoor storage
Status: *Plan Commission 8.24.16*

Petition 16-21

Casey/Beane Homestead/High Grove Subdivision
West side of Grove Road, 1 mile north of U.S. Route 52 – Seward Township
Zoning Map Amendment from RPD-2 to R-2 and Preliminary/Final Plat for four lot subdivision
Status: *Plan Commission 8.24.16*

Petition 16-22

JA Schleining LLC d/b/a Jet's Towing Service
790 Eldamain Road – Bristol Township
Zoning Map Amendment from A-1 to M-1
Status: *ZPAC 8.2.16*

Petition 16-23

Laura Hubbard
7626 Ashley Road – Kendall Township
A-1 Conditional Use to hold a one-day seasonal festival
Status: *PBZ 8.8.16*

Petition 16-24

Chad Miller
128 Saugatuck Road – Oswego Township
Administrative Variance for maximum height of detached garage
Status: *15-day notification period ends 8.12.16*

Recently Completed

Petition 16-10

Whitetail Ridge Golf Club LLC
9111 Ashley Road – Kendall Township
A-1 Special Use request to operate a banquet
Status: *Motion to recommend approval by Plan Commission failed 0-6. PBZ Committee 7.11.16*

OTHER

Tanglewood Trails Public Improvements

Jeff Wilkins attended the April Tanglewood Trails HOA meeting to provide an update on the public improvements, the private drainage area and the requirement for private sidewalks to be installed.

Light Road Industrial Park

John Sterrett is working with the Oswego Township Road Commissioner and the current property owners to complete the remaining items in the subdivision including installing street lights.

Agreements/Resolutions/Ordinances

Completed

Intergovernmental Agreement between Village of Millbrook and County of Kendall for Planning, Building, and Zoning services
Status: *PBZ Committee 8.8.16*

**Permit Summary by Category
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	1	\$380,000	\$2,893	\$993
Accessory Buildings	3	\$78,000	\$907	\$0
Additions	1	\$33,000	\$220	\$0
Remodeling	2	\$180,000	\$794	\$0
Barns/Farm Buildings	1	\$64,000	\$0	\$0
Swimming Pools	2	\$5,655	\$400	\$0
Decks	4	\$20,700	\$760	\$0
Change in Occupancy	1	\$0	\$200	\$0
Patio	1	\$0	\$0	\$0
	16	\$761,355	\$6,174	\$993

Permit Summary by Category by Month Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	8	1	1	2	0	1	2	1	0	0	0	0	0
Garage	7	0	0	1	2	2	2	0	0	0	0	0	0
Accessory Buildings	20	0	0	2	3	4	6	3	2	0	0	0	0
Additions	15	2	1	3	2	1	5	1	0	0	0	0	0
Remodeling	15	0	1	1	2	2	7	2	0	0	0	0	0
Commercial - M Zone	1	0	0	0	0	1	0	0	0	0	0	0	0
Barns/Farm Buildings	16	1	2	3	5	2	2	1	0	0	0	0	0
Signs	2	0	0	1	0	1	0	0	0	0	0	0	0
Swimming Pools	16	0	0	1	5	5	3	2	0	0	0	0	0
Decks	11	0	0	2	1	3	1	4	0	0	0	0	0
Demolitions	6	0	0	1	2	1	2	0	0	0	0	0	0
Electrical Upgrades	2	1	0	0	0	1	0	0	0	0	0	0	0
Change in Occupancy	2	0	1	0	0	0	0	1	0	0	0	0	0
Driveway	6	1	0	3	1	1	0	0	0	0	0	0	0
Fire Restoration	1	0	1	0	0	0	0	0	0	0	0	0	0
Patio	4	0	0	0	2	0	1	1	0	0	0	0	0
Generator	2	0	1	0	1	0	0	0	0	0	0	0	0
	134	6	8	20	26	25	31	16	2	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
7/27/2016	012016146 01 House	0421126013 JENSEN TIMOTHY R & CAROL M	9046 Stonewall Drive Newark, IL. 60541	ESTATES OF MILLBROOK UNIT 3	Self
7/6/2016	012016122 01 House	0614200003 RAMIREZ LYDIA	1152 ROUTE 126 PLAINFIELD, IL 60586-		
7/8/2016	022016123 02 Garage	0318328002 LUSK JAMES L & CONNIE R	36 N WEST DR OSWEGO, IL 60543-		
7/13/2016	032016136 03 Accessory Buildings	0126300027 MORRIS PETER J & BENEDICT ERIN M	13921 HALE RD PLANO, IL 60545-		
7/13/2016	032016138 03 Accessory Buildings	0235201004 SOSIN JENNIFER M	35 COLONY CT YORKVILLE, IL 60560-		Tuff Shed
7/6/2016	042016127 04 Additions	0710400013 MCLENNAN MARNI	14170 LISBON CENTER RD NEWARK, IL 60541-		
7/27/2016	042016148 04 Additions	0636200003 GRAY CLIFTON DAGGETT III & MARCIA FORDMAN	17858 LINE RD PLAINFIELD, IL 60586-		Weather Seal NV Sash
7/22/2016	052016142 05 Remodeling	0314200005 WHEATLAND SALEM UNITED METHODIST CHURCH	1217 WOLF RD OSWEGO, IL 60543-		Belfor Property Restoration
7/13/2016	052016139 05 Remodeling	0502128006 LONG CHARLES D & DIANE R	6167 SAVANNA CT YORKVILLE, IL 60560-		
7/1/2016	052016129 05 Remodeling	0315251008 PARNASS ROBERT	2350 DOUGLAS RD OSWEGO, IL 60543-		AM Kitchen and Bath
7/26/2016	082016147 08 Barns/Farm Buildings	0620200003 WHEELER RODNEY L DEC TR & WHEELER PATRICIA D DEC TR	4202 WHEELER RD YORKVILLE, IL 60560-		

Permit Approval Date Report Kendall County

Issue Date	Permit ID Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
7/6/2016	122016132 12 Swimming Pools	0305280011 OLSEN BRIAN SCOTT	37 BRIARCLIFF RD MONTGOMERY, IL 60538-		Midwest Pools
7/6/2016	122016131 12 Swimming Pools	0235128005 CARTER SCOTT H SR & MICHELLE F	53 COUNTRY RD YORKVILLE, IL 60560-		Self
7/6/2016	122016130 12 Swimming Pools	0236104012 KING MAREN L	254 FOXTAIL LN YORKVILLE, IL 60560-		Sunco Pools Inc
7/1/2016	132016128 13 Decks	0235381003 OTTERNESS BLAINE & LAURA	5829 DANIELLE LN YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 2	Clean Edge Construction Inc.
7/22/2016	132016140 13 Decks	0331478002 LEVERICH TIMOTHY K & CAROLYN M	5050 RESERVATION RD OSWEGO, IL 60543-		
7/13/2016	132016134 13 Decks	0215302004 SPRINGER KEVIN & CHRISTINE	30 SOUTH ST BRISTOL, IL 60512-		
7/8/2016	132016133 13 Decks	0223202005 BAUMERT TERESA M	7342 ROUTE 34 OSWEGO, IL 60543-		
7/21/2016	172016145 17 Change in Occupancy	0425200008 GOMOLL JOSEPH & JENNIFER	10151 LISBON RD YORKVILLE, IL 60560-		

PLANNING BUILDING & ZONING RECEIPTS 2016								
DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 16	TOTAL FY16	MONTHLY FY 15	TOTAL FY15
December	\$1,966.58	\$1,550.00	\$0.00	\$0.00	\$3,516.58	\$3,516.58	\$10,457.86	\$10,457.86
January	\$1,975.00	\$50.00	\$4,856.78	\$1,000.00	\$7,881.78	\$11,398.36	\$1,276.72	\$11,734.58
February	\$1,138.80	\$0.00	\$4,969.27	\$0.00	\$6,108.07	\$17,506.43	\$4,862.64	\$16,597.22
March	\$6,810.96	\$1,255.00	\$7,298.03	\$2,000.00	\$17,363.99	\$34,870.42	\$3,711.92	\$20,309.14
April	\$6,264.28	\$2,835.00	\$4,856.78	\$0.00	\$13,956.06	\$48,826.48	\$16,770.64	\$37,079.78
May	\$3,876.24	\$1,000.00	\$0.00	\$0.00	\$4,876.24	\$53,702.72	\$4,210.80	\$41,290.58
June	\$14,914.48	\$2,810.00	\$4,856.78	\$0.00	\$22,581.26	\$76,283.98	\$10,354.00	\$51,644.58
July	\$4,217.64	\$5,255.00	\$0.00	\$0.00	\$9,472.64	\$85,756.62	\$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	\$41,163.98	\$14,755.00	\$26,837.64	\$3,000.00	\$85,756.62		\$147,339.14	