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**KENDALL COUNTY**  
**ZONING AND PLATTING ADVISORY COMMITTEE**  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

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**AGENDA**

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January 5, 2016 - 9:00 a.m.

CALL TO ORDER

**ROLL CALL:** **County Board:** Scott Gryder, PBZ Committee Chair; **County Highway Department:** Fran Klaas, County Engineer; **Wills Burke Kelsey:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Megan Andrews, Resource Conservationist; **Sheriff's Office:** Commander Mike Peters; **PBZ:** Brian Holdiman, Code Official; John Sterrett, Senior Planner

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of the December 1, 2015 ZPAC meeting minutes.

PETITIONS:

- 1. 16-01 Peter and Mary Bielby**  
Request: A-1 Special Use  
Location: 8573 Fox River Drive, Fox Township  
Purpose: Request for approval of an A-1 Special Use to operate a dog kennel

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

OLD BUSINESS/ NEW BUSINESS

**15-14 Fox Metro Water Reclamation District** (Site Plan Review) – continued from August 4, 2015  
ZPAC Meeting

PUBLIC COMMENT

ADJOURNMENT- Next meeting on February 2, 2016

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

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

Present:

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

Absent:

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

Audience: Clemente Garcia, Hardscape Group Landscaping, Inc.

**AGENDA**

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

**MINUTES**

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

**PETITIONS**

**#15-17 – Kevin Calder**

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

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

ZPAC Meeting Minutes 12.1.15

access points are proposed for the property.

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

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

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

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

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

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

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

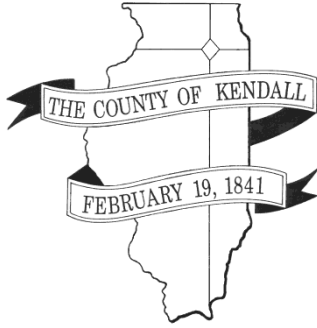
**15-13 Gary Kritzberg** – Mr. Sterrett noted that this petition was approved at the August Zoning Board of Appeals Hearing.

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

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

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

Submitted by,  
John H. Sterrett  
Senior Planner



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**16-01**

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

**SITE INFORMATION**

PETITIONER Peter and Mary Bielby

ADDRESS 8573 Fox River Drive

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



TOWNSHIP Fox

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

LOT SIZE 4.05 acres

EXITING LAND USE Single Family Residence

ZONING A-1 Agricultural District

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

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

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

Section 13.08 – Special Use Procedures

**SURROUNDING LAND USE**

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

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

None received. Required prior to KCRPC.

**NATURAL RESOURCES INVENTORY**

Since no new structures will be built onsite, an NRI report will not be needed.

**ACTION SUMMARY**

**FOX TOWNSHIP**

No comments have been received from Fox Township.

**VILLAGE OF MILLBROOK**

No comments have been received from the Village of Millbrook.

**GENERAL**

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

**BUSINESS OPERATION**

The petitioner has provided the following details regarding the operation of the dog kennel. The kennel operation will include overnight boarding and dog daycare. The number dogs will be limited to no more than twelve (12) at a time. All dogs will be kept in the existing 2,900 square foot structure between the hours of 6:00pm and 7:00am. A play area will be provided for the dogs towards the northwestern portion of the property. No outdoor runs will be provided. All dogs will be required to have a current rabies and distemper, or

titer equivalent. A negative fecal every six (6) months and a current bordetella are required as well. All dogs participating in playtime will be required to pass a temperament assessment. The petitioner is in the process of obtaining a Kennel Operator's license through the Illinois Department of Agriculture. The petitioner does not have immediate plans for employees other than those currently residing on the property.

## **KENNEL STRUCTURE**

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

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

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

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

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

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

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

## **BUILDING RENOVATIONS**

The existing 2,900 square foot facility that is proposed to be used for the kennel facility is currently being used for storage and was originally built for horses. The petitioner intends to remodel this structure prior to using it for the dog kennel. The proposed use of the structure has been determined to be agriculturally exempt from

building code requirements. As such, no inspections or permits, other than an Ag Exempt permit, will be required from the Building Department. The existing residential dwelling will remain as a dwelling unit and not be converted to another use.

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

### **WASTE MANAGEMENT**

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

### **SCREENING/FENCING**

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

### **PARKING**

An existing 1,800 square foot gravel area is adjacent to the proposed kennel structure. This area is able to accommodate six (6) parking stalls for the public. An existing asphalt area directly behind the house can accommodate additional parking and satisfies the need for installing an ADA compliant parking space. The space must be identified with an ADA reserved sign. Staff is of the opinion that the proposed use will generate a relatively low amount of traffic onto the site and is comfortable with the existing parking areas located on the property without the need to provide additional parking or paving the existing gravel area.

### **LIGHTING/SIGNAGE**

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

### **CONCLUSION**

The proposed use is consistent with the special uses permitted in the A-1 District and the variance request seeking relief from the required setback distance of the kennel facility has been approved by the ZBA, contingent on the approval of the special use. The structure proposed to be used for the kennel facility maintains a distance of 540' from the nearest residential lot and 670' from the nearest residential dwelling, other than the dwelling on the subject property. Staff is of the opinion that the proposed kennel operation as an overnight dog boarding facility and daytime play will have a relatively low impact on surrounding properties. The measures that will be put in place as represented by the petitioner will help mitigate any potential adverse effects from the operation. Section 13.08 L of the zoning ordinance specifies that special uses shall be transferable and shall run with the land unless otherwise specified by the terms of the Special Use permit. To ensure that any future owners and/or operators of the kennel operate and maintain the property in the same manner that the petitioners have represented, staff has recommended conditions be placed on the controlling special use outlined in the recommendation.

### **RECOMMENDATION**

Staff recommends approval of the A-1 Special Use for a dog kennel operation. Staff would recommend the following conditions, as well as any recommended conditions from the ZPAC, be placed on the special use:

1. No more than twelve (12) dogs shall be boarded at one time

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

**ATTACHMENTS**

1. Business Operation Description - prepared by Petitioners
2. ZBA Minutes 11.2.15
3. Plat of Survey



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

"PLAY ALL DAY WITH SUITES TO STAY"

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

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

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

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

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

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

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

NO SIGNS WILL BE DISPLAYED BY ROAD.

I WILL BE STATE LICENSED.

POSSIBLE EMPLOYMENT OPPORTUNITIES IN THE FUTURE.

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

THANK-YOU

Mary Bueby

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

**CALL TO ORDER**

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

**ROLL CALL**

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

Members absent: Scott Cherry and Dick Whitfield

Staff present: John Sterrett, Senior Planner

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

**MINUTES**

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

**PETITIONS**

**15-15 Peter and Mary Bielby**

Request: Variance from required setback distance of a proposed dog kennel structure

Location: 8573 Fox River Drive, Fox Township

Purpose: To use an existing 2,900 square foot structure as dog kennel that does not meet the required setback distance required for a dog kennel as part of a future A-1 Special Use application

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

None

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

##### **2016 Meeting Schedule**

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

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

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

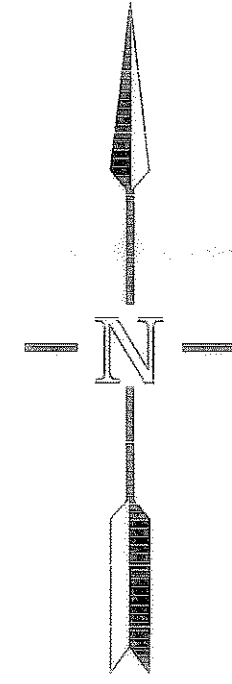
Ms. McKay made a motion to adjourn the Zoning Board of Appeals meeting, Ms. Clementi seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:50 p.m.

Respectfully Submitted,

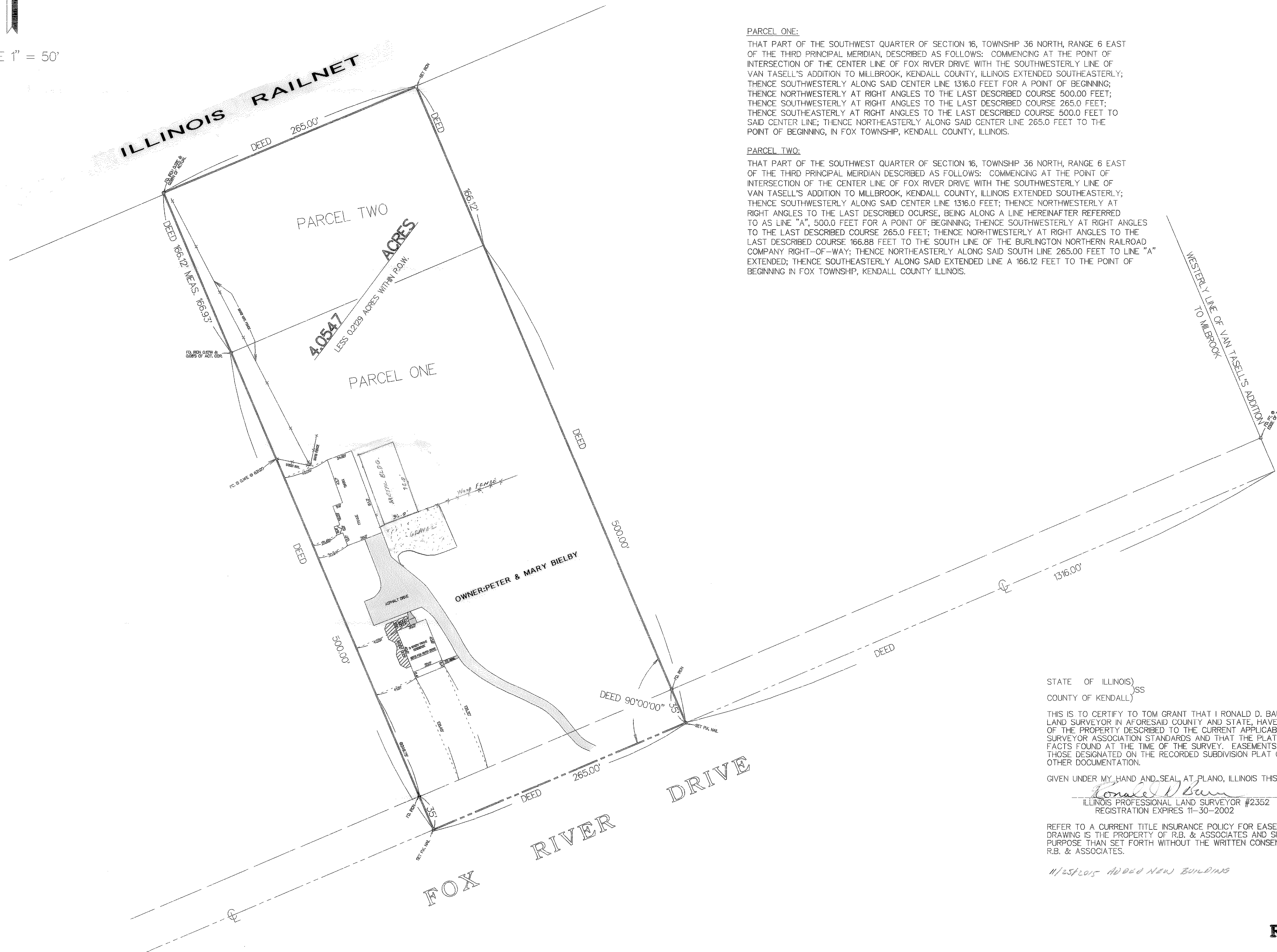
John H. Sterrett  
Senior Planner



# PLAT OF SURVEY



SCALE 1" = 50'



**PARCEL ONE:**

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

**PARCEL TWO:**

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

STATE OF ILLINOIS )  
 COUNTY OF KENDALL )SS

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

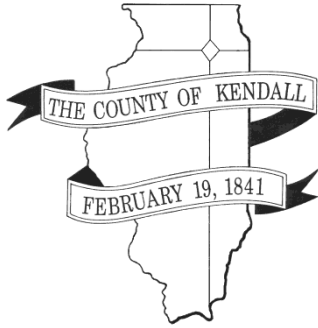
GIVEN UNDER MY HAND AND SEAL, AT PLANO, ILLINOIS THIS 13TH DAY OF AUGUST, 2001 A.D.

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

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

*11/25/2015 ADDED NEW BUILDINGS*

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



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

### MEMORANDUM

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To: Zoning and Platting Advisory Committee  
From: John H. Sterrett  
Date: December 29, 2015  
Re: Petition 15-14 – Fox Metro Water Reclamation District – Site Plan Review

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In July of 2015, the Fox Metro Water Reclamation District (FMWRD) filed an application for a Site Plan Review. The review was required as part of the controlling special use for the water treatment facility located on Route 31 approved by the County Board in 2011. At the August 4, 2015 ZPAC meeting it was determined that outstanding stormwater management issues needed to be resolved prior to approval of the proposed site plan by the ZPAC. The application was continued pending resolution of these issues.

Since that time, FMWRD, through their engineer, Walter E. Deuchler Associates, Inc. (WEDA), has submitted information to address stormwater management and floodplain requirements. Included within their submittal are two requests for a variance of the County's Stormwater Management Ordinance regarding the requirement for stormwater detention and depressional storage as well as the provision for floodplain compensatory storage. Wills Burke Kelsey (WBK) has reviewed the stormwater management ordinance variance submittal and has found the application to be complete and suitable for review and initial consideration by the Kendall County Oversight Committee. The Oversight Committee must hold a public hearing and forward its findings of fact onto the County Board for approval, approval with conditions or modifications, or denial.

Please review and be prepared to discuss at the January 5, 2016 ZPAC Meeting with any questions or concerns. If the Committee is comfortable with the information submitted by FMWRD, they may conditionally approve the site plan contingent on the approval of the two variance requests. Should you have any questions prior to the ZPAC meeting please feel free to contact me at 630-553-4139.

Attachments:

1. ZPAC Minutes 8.1.15
2. Variance Request dated November 10, 2015 – Prepared by Walter E. Deuchler Associates, Inc.
3. Variance Review Letter dated December 14, 2015 – Prepared by Wills Burke Kelsey

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)**  
**August 4, 2015 – Meeting Minutes**

Planning Consultant Mike Hoffman called the meeting to order at 9:00 a.m.

Present:

Scott Gryder – PBZ Member  
Fran Klaas – County Highway Department  
Brian Holdiman- Building Inspector  
Mike Peters – Sheriff's Office  
Mike Hoffman – County Planning Consultant with Teska Associates, Inc.  
Greg Chismark – Wills Burke Kelsey  
Aaron Rybski – Health Department

Absent:

David Guritz- Forest Preserve  
Megan Andrews – Soil & Water Conservation District

Audience: John Frerich, Walter E. Deuchler Associates, Inc.

**AGENDA**

A motion was made by Scott Gryder, seconded by Aaron Rybski to approve the agenda as written. All were in favor and the motion carried.

**MINUTES**

Scott Gryder made a motion, seconded by Mike Peters, to approve the July 7, 2015 meeting minutes as written. The motion was approved unanimously.

**PETITIONS**

**#15-14 Fox Metro Water Reclamation District**

Mike Hoffman summarized the request, which is a site plan approval for expansion of the existing waste water treatment facility located on Route 31. This expansion is immediately south of the existing plant. Fox Metro received a Special Use Permit for the facility (Ordinance #2011-35), and one of the conditions of that ordinance was to receive site plan approval prior to construction. He noted that he had reviewed the plans, and the staff memorandum identified a number of relatively minor modifications to the landscape plan.

John Frerich noted that they have been working with IDOT and the adjacent Oswego Township Cemetery, as well as the Illinois Environmental Protection Agency and many other state and federal agencies as this project is located along the Fox River. Regarding the Cemetery property, he noted that all of their work will be outside of the existing fence. He noted that he did not expect Site Plan approval today, and understood that issues related to the County's Stormwater Ordinance must be addressed. He noted they plan to meet with the County's engineering consultant on August 19<sup>th</sup>.

Fran Klaas asked for an explanation of the big picture of what Fox Metro has planned for this site. John Frerich noted that this proposal is Phase II of Fox Metro's long term control plan to address a number of existing environmental issues, including phosphorus removal and combined sewer overflows. This planning process began back in early 2000. Phase 1 of the 6 phase plan included improvements to the existing plant. The first phase has reduced overflows to four per year, with only one occurring since the improvements have been online (end of 2013). He noted that bids are expected in September, but construction will not occur until after all required approvals are received. This improvement will be for a 6 million gallon per day treatment facility which will address any phosphorus or nitrogen removal issues. Mr. Frerich noted that coupled with this



new treatment facility will be modifications to the tanks on the existing site, the net effect will be improvements in treatment but no real expansion of capacity. However, the design will easily accommodate future expansion on this site. He noted their Phase II improvements are to be online by 2021. Scott Gryder asked how many people are served by Fox Metro and John Frerich stated around 300,000 currently.

Greg Chismark noted that they are working with the project engineer, and have scheduled a meeting for latter in the month to review outstanding issues as they relate to the County's Stormwater Ordinance. His last correspondence was a letter dated May 18 from WBK outlining issues with the proposed site plan relative to County regulations (attached). He is concerned about fill within the flood plain, and noted that as proposed the improvements would require a variance from the County ordinance. Fran Klaas noted similar concerns regarding the flood plain impact, and suggested that thinks move along carefully. Greg Chismark summarized the variance process required by the County's Stormwater Ordinance.

Aaron Rybski asked about the wells associated with the existing homes illustrated on the plans. John Frerich noted that the homes have been removed, and all wells capped.

Scott Gryder asked about the impact of the proposed improvements on odor. He has heard complaints from residents regarding odor. John Frerich noted that Fox Metro has implemented some odor control measures, and has completed an odor control plan.

Aaron Rybski moved to continue this case until the September 1<sup>st</sup>, 2015 ZPAC meeting, provided the petitioner is ready to proceed at that point. The motion was seconded by Scott Gryder. All voted in favor of the motion to continue.

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

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

15-09 – Septic not permitted in open space/LRMP Update – Mike Hoffman noted that an AdHoc meeting was held to review the issue. After that discussion, it was requested that the Townships provide a more specific recommendation to the County regarding a potential new RPD district with a larger minimum lot size. Scott Gryder mentioned he has several concerns regarding potential un-intended consequences of a change in lot size, but he was comfortable waiting to see any specific suggestions from the Townships.

**15-11 – Rhonda Miller/Strong Tower of Refuge Ministries** – Mike Hoffman noted that this request for a Special Use to allow a Place of Worship in the Boulder Hill Market Place had received positive recommendations from the KCRPC and the Special Use Hearing Officer. It is scheduled to proceed to PBZ on August 10<sup>th</sup>.

**15-12 – Dan Koukol** – Mike Hoffman noted this was a Major Amendment to an existing Special Use to reduce the setback for outdoor sales of farm equipment and trailers from 40' to 10'. This proposal has received positive recommendations from the KCPRC and the Special Use Hearing Officer, and is scheduled to proceed to the PBZ on August 10<sup>th</sup>. Mr. Hoffman noted that Na-Au-Say Township had objected to the request. Scott Gryder noted his concern regarding potential future road widening and the impact on the setback. Mike Hoffman suggested a condition could be added that would require the setback to shift with the right-of-way to always maintain the 10' setback.

**15-13 Gary Kretzberg** – Mike Hoffman noted that the public hearing for this front yard setback variance request for a garage on Game Farm Road had been continued until the August 31<sup>st</sup> ZBA meeting to allow time for review and recommendation from the United City of Yorkville. He also noted that the request had been modified to reduce the required setback variance from 38' to 17' pending agreement from Yorkville to allow an additional curb cut. Aaron Rybski asked on the impact of the proposed garage on the septic system. Brian Holdiman noted that the new proposed location is farther away from the septic field.

**AJOURNMENT- Next meeting on September 1<sup>st</sup>, 2015**

With no further business to discuss Scott Gryder made a motion, seconded by Fran Klaas to adjourn the meeting at 9:35 a.m. The motion carried.

Submitted by,  
Mike Hoffman, AICP, PLA  
Teska Associates, Inc./ County Planning Consultant

**Attachments**

WBK May 18<sup>th</sup>, 2015 Letter

# WALTER E. DEUCHLER ASSOCIATES INC.

*Consulting Engineers*

230 WOODLAWN AVENUE • TELEPHONE (630) 897-4651 • FAX (630) 897-5696  
AURORA, ILLINOIS 60506

November 10, 2015

Mr. Jeff Wilkins  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498

**RE: Fox Metro Water Reclamation District  
South Treatment Plant  
Kendall County Storm Water Variance Request – Compensatory Storage  
WBK Project #13-0180M  
W.E.D.A. Job #111-10005-00**

Dear Mr. Wilkins:

On behalf of Fox Metro Water Reclamation District (FMWRD), Walter E. Deuchler Associates, Inc. (WEDA) is submitting this written request for consideration of a variance for the FMWRD - South Treatment Plant Project for compensatory storage as defined in Section 403 of the Kendall County Storm water Management Ordinance.

In order to meet regulatory requirements mandated by the Illinois Environmental Protection Agency (IEPA) and USEPA, the District must construct additional treatment facilities. The site presents many design challenges. The site is narrow and contains a 50 foot vertical drop from IL Route 31 to the onsite wetland. In order to accommodate the required facilities for treatment, the entire developable portion of the site along with some lower lying areas is planned to be developed.

Every effort was made to minimize the impact on the adjacent wetlands and regulatory floodplain to accommodate process structures, but ultimately it was necessary for grading to encroach into the existing wetlands and floodplain on the east side of the site.

During the site grading and layout process, a number of options to reduce or compensate fill within the floodplain were evaluated. These included the use of retaining walls, changes in slopes and grading alternatives.

- Retaining walls were evaluated along the east side of the site. This option was eliminated due to the length and size of the wall to support intended loads. Location and subsurface conditions were also a major factor in eliminating this as a feasible alternative.
- The maximum side slope recommended by our geotechnical engineer (TSC) is 3:1. This maximum slope was used throughout the site in order to minimize the developed area and impacts to the east side of the site and the floodplain.
- Grading alternatives along the final clarifiers were evaluated. It was determined that the final clarifiers required a flat area around the tanks for maintenance and process reliability. A ten foot path was provided around each tank at which point the berm was sloped 3:1 (maximum slope) to existing grade.

Per the Kendall County Storm water Management Ordinance, the following documents are submitted in support of this variance request:

- Location Map (**Exhibit No.1**)
- Plat of Survey
- Names and addresses of property owners within 250 feet of the South Treatment Plant
- Wetland Impact Exhibit
- “Mighty oak’s legacy could depend on statewide efforts to save it”
- Orchard Road Floodplain Map

The following Sections of the Kendall County Storm water Management Ordinance have been included as part of this variance request to provide the required supporting information.

**901.4 Application Format**

- a. The common addresses and legal descriptions of all lands comprising the development.

**The site for the South Treatment Plant Expansion is located at 682 State Route 31, Oswego, Illinois. The site is formally located in Section 5 T37N – R8E in Kendall County Illinois within the Village of Oswego. The site is situated between the Fox River and IL Route 31 and is bound by the existing FMWRD treatment plant site to the north and COMED Right-of-Way to the south. A Plat of Survey of the proposed development site is attached.**

- b. The names and addresses of all owners of record of the legal title of all lands comprising the development.

**Fox Metro Water Reclamation District  
682 State Route 31  
Oswego, IL 60543**

- c. If title to any of the land comprising the development is held in trust, the names and addresses of all beneficiaries of the trust.

**Not applicable, no land trust.**

- d. The names and addresses of the developers of the land, if different from the owner.

**Fox Metro Water Reclamation District  
682 State Route 31  
Oswego, IL 60543**

- e. The names and addresses of all consultants retained by the developer in connection with the application for a variance.

**Walter E. Deuchler Associates, Inc.  
230 Woodlawn Avenue  
Aurora, IL 60506**

- f. The names and addresses of all property owners within 250 feet of the development.

**Properties located within 250 feet of the South Treatment Plant site are provided as an attachment.**

- g. The specific feature or features of the development that require a variance.

**The District is requesting a variance for on-site compensatory storage.**

- h. The specific provision of the Certified Community Storm water Ordinance from which a variance is sought and the precise extent of the variance therefrom.

**Not applicable, the District is not located within a Certified Community.**

- i. The specific provision of the County Storm water Ordinance from which a variance is sought and the precise extent of the variance therefrom.

**The District is requesting a variance from the Kendall County Storm water Management Ordinance, Article 4, Section 403 for Compensatory Storage Volume Standards. The District requests a variance waiving 9.39 acre-ft of on-site compensatory storage.**

- j. A statement of the characteristics of the development that prevent compliance with the provisions of this ordinance.

**Comprehensive planning demonstrates the need to utilize all of the developable property for wastewater treatment processes in order to meet IEPA and USEPA regulatory requirements.**

- k. A statement that the variance requested is the minimum variance necessary to permit the development.

**This variance to waive on-site compensatory storage in the amount of 9.39 acre-ft is the minimum amount necessary based on the following:**

- **IEPA and USEPA regulatory requirements.**
- **Site grading and layout constraints.**
- **Forested wetland preservation constraints.**
- **Limits of construction approved by permits received from other regulatory agencies.**

**These requirements and constraints further defined in this document.**

- l. A statement as to how the variance requested satisfies the standards set forth in Section 904 of this ordinance.

**See Section 904.1 Variance Standards below.**

#### **904.1 Variance Standards**

- a. The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.

**In addition to on-site mitigation of floodplain fill, WEDA reviewed other off-site properties owned by the District to provide compensatory storage. The only other location adjacent to the Fox River with open space available is the Orchard Road Pump Station, located approximately three (3) miles downstream just west of the Orchard Road bridge. This site contains approximately 6.2 acres of low lying grassy area adjacent to the river. This area is located within the floodplain as shown on the attached Orchard Road Floodplain Map. The District proposes to utilize approximately half of this area to provide 9.39 acre-ft of cut in the floodplain to compensate for the floodplain fill on the South Treatment Plant Site.**

- b. The variance requested is the minimum relief necessary to accomplish the objectives of the development without comprising the objectives of Section 102 of this Ordinance.

The storm water and site development improvements were designed with focus on the goals and objectives located in Section 102 of the Ordinance. This project has made an effort to:

1. Protect and conserve land and water resources through the preservation of natural forested wetlands on site.
  2. Preserve the natural hydrologic and hydraulic functions of watercourse, floodplains and open space areas and to protect water quality and aquatic habitats by minimizing the fill in the floodplain and wetland areas.
  3. Control soil erosion due to development and provide effective sediment management measures by incorporating erosion control measures and sedimentation basins.
  4. Provide infiltration of storm water in preference to storm water conveyance. This site incorporates overland flow, swales and ditches as much as practical prior to discharge to storm sewer or wetlands.
- c. The variance will not result in a reduction of the water quality benefits as compared to compliance with the ordinance requirements.

Storm water from the site has been designed to discharge into an existing 8 acre wetland located between the proposed wastewater treatment facility and the Fox River. This will promote natural treatment of the storm water prior to ultimate discharge to the Fox River.

In addition, this project, once completed, will reduce the frequency of combined sewer overflows (CSOs) and improve the wastewater treatment plant effluent water quality of the Fox Metro Water Reclamation District's facilities, further enhancing the water in the Fox River.

- d. The variance is not requested solely for the purpose of reducing site runoff storage requirements.

This variance request is part of a multi-faceted effort to meet the regulatory requirements of the IEPA and USEPA.

IEPA reissued National Pollutant Discharge Elimination System (NPDES) Permit No. IL0020818 to FMWRD on June 1, 2015. This permit contains compliance schedules for meeting a new total phosphorus effluent limit of 1.0 mg/L and for completing projects identified in FMWRD's CSO Long Term Control Plan. Both compliance schedules require construction of the South Treatment Plant to be complete by December 31, 2018. Due to the size of the project, the contractor needs three years to complete the work, and therefore a Notice to Proceed must be issued by December 31, 2015 in order to meet IEPA's compliance schedules.

The segment of the Fox River receiving FMWRD's discharge is on the 303(d) list of impaired waters as being impaired for aquatic life use. One of the potential causes listed is phosphorus. The Fox River Study Group (FRSG) was formed in 2001 with the goal of addressing the impairments in the river. FMWRD is a member of the FRSG along with Friends of the Fox, Sierra Club, Fox River Water Reclamation District, Fox River Ecosystem Partnership, City of Elgin, Kane County, the Tri-Cities (Batavia, Geneva, and St. Charles), and the City of Aurora. The above described 1.0 mg/L phosphorus limit in FMWRD's current NPDES permit was negotiated by the FRSG with IEPA and USEPA with the understanding that it was an interim limit pending the results of the FRSG's work, which could recommend lower phosphorus limits in the future. With this in mind, the South Treatment Plant was designed to maximum biological phosphorus removal and to accommodate lower nutrient limits in the future, should they be required.

A variance from compensatory storage requirements is just one of the ways in which the District is attempting to minimize impacts to the wetlands and riparian buffer located on site along the Fox River. This effort was coordinated with various regulatory agencies. The following permits, certifications, and environmental signoffs have been received:

- Department of Army Permit CEMVR-OD-P-2014-1343, August 11, 2015
- Certification from IEPA under Section 401 of the Clean Water Act, August 4, 2015
- EcoCAT signoff from IDNR, April 27, 2015
- Illinois Department of Natural Resources (IDNR), Office of Water Resources Permit No. DS2015003, January 16, 2015
- U.S. Fish & Wildlife Service No Objection signoff, April 24, 2014
- National Historic Preservation Act signoff from Illinois Historic Preservation Agency, April 14, 2014
- Chicago Metropolitan Agency for Planning No Objection letter, May 3, 2012

FMWRD had several conversations with the U.S. Army Corps of Engineers (USACE) Rock Island District regarding wetland impacts on FMWRD's South Treatment Plant site. The FMWRD collaborated with the USACE to minimize wetland impacts. Accordingly, the USACE permit was issued and approved the limits of construction based on the Wetland Impact Exhibit (see attached) with the assurance that no further impacts would occur to the forested wetlands. Mitigation ratios and the associated wetland bank credit purchases were based on this collaboration.

The USACE was contacted regarding wetland impacts to the forested wetland as part of a compensatory storage requirement of this project. The USACE stated that a permit modification would need to be filed and that a higher mitigation ratio would need to be achieved since the impacts would be to forested (not emergent) wetlands. This would require additional wetland bank credits to be purchased. However, USACE does not look favorably at extra purchases of wetland bank credits (unless they are absolutely unavoidable) as the Rock Island District has limited wetland bank credits available in the Fox River watershed and these credits are needed to support other projects. FMWRD does not intend to perform any site modifications that would require modification to this permit. This would result in project delays that would impact the construction schedule and FMWRD's ability to meet the IEPA compliance period.

- e. The variance shall not cause conveyance of storm water from the project to increase peak discharges beyond design capacity of the existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.

**This site is not tributary to other offsite conveyance facilities.**

- f. The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands and natural floodplain storage.

**A variance is being requested for this purpose. On-site compensatory storage would damage valuable environmental and biological resources by requiring removal of native trees located in an existing forested wetland. On-site compensatory storage would replace natural floodplain storage with engineering storage.**

**From an ecological standpoint, there are many benefits to the environment in keeping the forested wetland intact. These broad-leaved, deciduous forest areas with mature trees have**



continued to disappear along the Fox River with increased urbanization. These forests naturally provide additional areas for floodwater storage. They support a great variety of tree and shrub species; most notably, oak species. Attached is a recent article from the Chicago Tribune on the dire need for oak species preservation and propagation in Illinois. These bottomland forests also provide excellent habitat for wildlife. Some animals recently observed on and adjacent to the Fox Metro property are wood ducks and other water fowl, deer, bats, eagles, purple martins, many song bird species, fox, and the Greater Redhorse, an endangered fish species. Maintaining the forested wetland will provide continued refuge for the wildlife. Replacing a natural, mature forest with compensatory storage and associated replanting will likely degrade the floristic quality in this area.

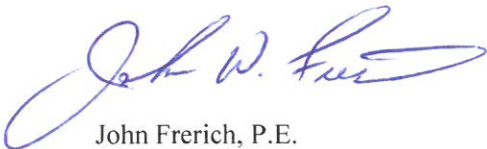
The District has made every effort to minimize the impact on the floodplain based on the constraints of the project. The District has worked diligently with its partners, stakeholders and regulatory agencies throughout the process. The District is requesting that the County consider this variance request due to the following:

1. Site constraints do not allow complete compensation of floodplain fill.
2. The existing forested wetlands are of high quality and environmental significance.
3. The District is developing this property in order to provide additional treatment processes mandated by the IEPA and USEPA which will in turn provide higher quality effluent and enhance the water quality within the Fox River. This project is of environmental consideration which should be viewed as unique and subject to special consideration thereto.
4. Providing 9.39 acre-ft of off-site compensatory storage at the Orchard Road Pump Station site.

In order to maintain the compliance schedule mandated by the IEPA for the South Treatment Plant, the District requests that the Board approve this variance request and the storm water permit be issued for the South Treatment Plant Improvements. In turn, the District will agree to design, permit and construct the compensatory storage project at the Orchard Road Pump Station site and have it complete by December 31, 2018, which is the same completion date for the South Treatment Plant project.

Very Truly Yours,

WALTER E. DEUHLER ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "John W. Frerich".

John Frerich, P.E.

Encl.

cc: Greg Chismark, WBK, w/Encl.  
Tom Muth, FMWRD





December 14, 2015

Mr. John Sterrett  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498

Subject: Fox Metro Water Reclamation District  
Kendall County Line (WBK Project No. 13-0180M)

Dear Mr. Sterrett:

Wills Burke Kelsey Associates, Ltd. (WBK) has reviewed the stormwater ordinance variance submittal for the Fox Metro Water Reclamation District South Treatment Plant Expansion project. WBK received the following information:

- Stormwater Variance Request – Detention and Depressional Storage prepared by Walter E. Deuchler Associates, Inc., dated November 10, 2015.
- Stormwater Variance Request – Floodplain Compensatory Storage Storage prepared by Walter E. Deuchler Associates, Inc., dated November 10, 2015.

We have reviewed these documents in coordination with prior submittals for this project, meetings and discussions with the engineer. The following comments are offered for the petitioner's consideration:

Stormwater Variance Request – Detention and Depressional Storage

We find the application to be complete and suitable for review and initial consideration by the County Oversight Committee. We recommend coordination with downstream communities and significant land owners along the river.

1. The analysis for the 6.69 ac-ft of theoretical detention storage appears to be appropriate. Please provide the theoretical basin characteristics (stage storage discharge) and the theoretical restrictor characteristics.
2. We have received updates to the stormwater report in several separate submittals. For purposes of the variance we would like one complete, date documented, stormwater analysis document to accompany the variance request. We can return prior submittals if necessary.

3. The engineer's estimate of cost shall also include the value of the land on which a detention basin would be located if it was provided. Please consider recent land purchases.

#### Stormwater Variance Request – Floodplain Compensatory Storage

We find the application to be complete and suitable for review and initial consideration by the County Oversight Committee. We recommend coordination with downstream communities and significant land owners along the river.

1. Provide plans for the off-site floodplain compensatory storage.
2. Provide justification or evaluation of impacts as a result of providing floodplain storage downstream of the location where fill is being placed.

#### Stormwater Permit

1. Third party approvals from IDOT and USACE are necessary for this project and required prior to County approval of the stormwater permit. We understand IDOT approval is imminent and the USACE permit is granted. Please send final IDOT approval when received and a copy of the executed USACE permit when available.

#### South WWTF Engineering Plans

1. Sheet 57 – The floodway limits are called out as floodplain limits. Please correct.
2. Sheet 62 – The Stormwater Inlet (Special) detail has conflicting dimensions relative to the length of the grate.
3. Sheets 64-85 – Denote the numeric value of the 100 year BFE for each cross section.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.

If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,



Greg Chismark, P.E.  
Municipal Practice Principal  
Wills Burke Kelsey Associates, Ltd.

Cc: Lee Melcher P.E. – Walter E. Deuchler Associates, Inc.