

**KENDALL COUNTY
SPECIAL USE HEARING**

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

February 1, 2016 – 7:00 p.m.

CALL TO ORDER –SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the July 27, 2015 Special use Hearing Officer Meeting

PETITIONS:

1. **15-17 Kevin Calder**
Request A-1 Special Use
Location 9923 Walker Road, Kendall Township
Purpose Special Use to operate a landscaping business

2. **16-01 Peter and Mary Bielby**
Request A-1 Special Use
Location 8573 Fox River Drive, Fox Township
Purpose Special Use to operate a kennel

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

15-11 Rhonda Miller/Strong Tower of Refuge Ministries

15-12 Dan Koukol

NEW BUSINESS

2016 Special Use Hearing Dates

OLD BUSINESS

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING

KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
July 27, 2015 – 7:00 p.m.

CALL TO ORDER- SPECIAL USE HEARING OFFICER

At 7:12 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL

Member present: Walter Werderich, Special Use Hearing Officer; Mike Hoffman, Teska Associates
In the audience: Rhonda Miller, Strong Tower of Refuge Ministries; Dan Koukol; Randy Mohr; Brad Blocker, Na-Au-Say Township Supervisor, Scott Cherry, Karen Clementi

MINUTES

Wally Werderich approved the June 1, 2015 Special Use Hearing Officer Meeting minutes as written.

Hearing Officer Werderich introduced himself and explained how the meeting will be conducted. He then swore in all members of the audience that wished to talk about the special uses.

PETITIONS

1. **15-11 Rhonda Miller/Strong Tower of Refuge Ministries**
Request: Special Use to allow a place of worship in a B3 Zoning District
Location: 81 Boulder Hill Pass, Montgomery (Boulder Hill)
Purpose: To allow the ministry to lease space in the existing shopping center.

Mr. Hoffman stated that the location is in the Boulder Hill Market Place. Mr. Hoffman noted that another church opened up in the same area a few months ago. The leased space contains 4,800 square feet. Staff sees no problem with parking. The Ministry is not a traditional church in that the focus is more on outreach. Therefore, there would be more small activities all week long. He stated that both the Zoning and Platting and Advisory Committee (ZPAC) and the Kendall County Regional Planning Commission (KCRPC) had reviewed the case and had no concerns. There was discussion about ancillary functions like daycare and drug rehab; however the petitioner stated they were not planning to undertake either. There were no conditions placed by the KCRPC . He stated staff only recommended one condition being which that the Special Use would run with the petitioner so if a new place of worship came in they would have to go through the process again. With that he concluded that staff has no objections with the proposed use.

Ms. Miller reiterated that she was not planning on doing daycare or drug rehabilitation. She stated that they are a non-denominational and outreach ministry that focuses on developing spirituality. As a resident of Montgomery, she wanted to do something in her own area. The outreach activities include: worship services on Sunday, bible study, training services, prayer seminars, and empowering mental and physical wholesome in family relationships. She stated that they were looking to outreach to youths as her own son grew up in the area. She has spoken to Frank Johnson, another pastor in the area, and they are working to coordinate services to avoid conflicts and enhance services. She wanted to have a truly diverse church with a community focus.

Mr. Werderich asked how many people the petitioner was expecting to attend services. Ms. Miller stated they were only twenty-two people currently. She stated that fifty people would be wonderful, but she was not looking at large numbers.

Mr. Werderich asked the about specific activities. Ms. Miller stated she wanted worship services, prayer meetings, a women's club with a two-day seminar with a luncheon or tea afterwards. Mr. Wederich asked about current hours of operations and then ideal vision. Ms. Miller stated that on Tuesdays and Thursdays would be bible study, and then perhaps once a month a special event from 11 am to 2 pm. Sunday school would start from 9:30 am to 10:30am, and worship from 10:30 am to 11:45 am. Ms. Miller stated that there are three suites, and that at full potential she may use them for: one for worship room, one for bible studies, one for youth and one for adults. She stated that she may use one of the rooms as an overflow room, and perhaps a second service.

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

Mr. Mohr asked if there were restrooms in the facility. Ms. Miller stated there are three restrooms, one of which was handicap accessible.

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

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use**. The petitioner has answered 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. **We believe the presence of Strong Tower of Refuge Ministries would help improve the public health, safety, comfort and general welfare of the Boulder Hill 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. **Drawing more visitors to the shopping center will likely enhance traffic to other businesses like the nearby restaurant. The large existing parking lot should be able to handle increased use generated by Strong Tower Ministries operation. An occupied shopping center is typically better maintained, and generally enhances property values in the area.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is an existing shopping/professional center therefore all these considerations are already in place.***

*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 proposed use will comply with all County regulations.***

*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 permit will be consistent with the uses in the strip center.***

Wally Werderich made a favorable recommendation with the above findings of fact and the 1 condition that staff has recommended; that being the zoning runs with the tenant instead of the land. This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, August 10 at 6:30pm.

2. 15-12 Dan Koukol

Request: Major Amendment to Special Use

Location: 3485 Route 126 in Na-Au-Say Township, approximately ½ mile west of Schlapp Road

Purpose: To allow outdoor display (trailers) to be located within front yard setback. Current condition of special use is they must be setback 40'. Request is zero setback.

Mr. Werderich swore in all audience members who wanted to speak on the subject.

Mr. Hoffman stated that Mr. Koukol has had a special use permit to operate a business on the premise. He sells used farmed equipment. At that time it was approved in 1997, there was a forty feet setback required for display of any equipment for sale. From Mr. Koukol's previous statements, that was due to a home possibly being built across the street. That home was never built. He wants to move the equipment forward for better marketing. Petition was to reduce to zero. After reviewing the current code, business zoning has a ten feet setback for displaying equipment. The petitioner is comfortable with ten feet. Na-Au-Say Township is recommending against it; the correspondence is in the packet. Brad Blocker, Township Supervisor, is also present. Mr. Hoffman summarized their comments: the township felt that due to the rate of speed and visibility of passing motorists that the current setback was appropriate. In addition, they noted that the Township has received complaints of the subject parcel in the past. Staff recommend approval at ten feet.

Mr. Werderich asked Mr. Koukol the purpose of his desire to reduce the setback. Mr. Koukol stated that he wants to use the thirty feet for display as the speed of traffic on Route 126 necessitated it. Marketing is his largest expense. Mr. Koukol stated he was fine with the ten feet setback. He understands that his business may not be the most attractive but that he serves many customers in the area.

Mr. Werderich asked staff about the business to the east with the forty feet setback and how that related in regards to building. Mr. Hoffman stated the building most likely met the hundred feet setback of agricultural zoning, but they did not use any outdoor display. They were mostly a service business.

Mr. Werderich asked staff on the status of the home that was to be built. Mr. Hoffman stated that it is just a farm field today.

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

Mr. Blocker stated that the County has Na-Au-Say Township's concerns and would be open to any questions about those concerns. Mr. Werderich thanked him, and asked staff to add their concerns to the record so it would follow along with the petition.

Mr. Koukol stated that he felt there were other comments made at the Township that were not in the record. Mr. Werderich asked if Mr. Koukol was comfortable with staff recommendation. He responded in the affirmative.

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

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use (or in this case a Major Amendment to the Special Use)**. These findings should be related to the requested amendment to the special use to allow the sales display closer to Route 126. Staff has answered 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. **A fence currently exists along the property line. Allowing the outdoor sales display to be within 10' of the right-of-way would be consistent with other permitted businesses in the County, and would still provide for appropriate visibility along the drive-way.***

*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. **Per the applicant, the setback for outdoor display was imposed original to provide separation from a planned home on the south side of Route 126. However, plans for that have since been dropped. A reduced setback should have no impact on adjacent agricultural uses or the adjacent ServPro of Kendall County restoration business.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **A gravel pad is already in place to accommodate the proposed outdoor display. All other facilities are already in place.***

*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. **All other provisions of Ordinance 97-06 approving this Special Use shall remain in effect, as well as all other provisions of the Agricultural District unless modified in Ord. 97-06 or in this amendment to that ordinance.***

*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. **Since the Special Use is already in place, this criterion is not relevant to the amendment.***

Wally Werderich made a favorable recommendation with the above findings of fact and the conditions that staff has recommended; that setback for outdoor sales display be reduced to ten feet. This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, August 10 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

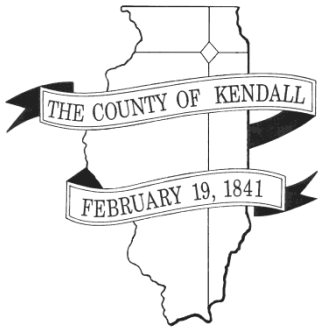
15-08 Gary and Linda Heap - Passed by County Board on 6.16.15

NEW BUSINESS/OLD BUSINESS

None

ADJOURNMENT- Next meeting will be on August 31, 2015. Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:43 p.m.

Respectfully Submitted,
Andrez P. Beltran
Economic Development and Special Project Coordinator



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

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**Petition #15-17
Kevin Calder
A-1 Special Use**

SITE INFORMATION

PETITIONERS Kevin Calder

ADDRESS 9923 Walker Road

LOCATION North side of Walker Road, approximately ½ mile west of IL Route 47



TOWNSHIP Kendall Township

PARCEL # 05-21-300-002

SIZE 5.00 Acres

EXISTING LAND USE Single Family Residential

ZONING A-1 Agricultural

LRMP	Land Use	Planned Rural Residential (Max. density 0.65 du/acre); Yorkville: Park/Open Space
	Roads	Walker Road is a major collector roadway and a County road
	Trails	A proposed trail on the north side of Walker Road
	Floodplain/Wetlands	None

REQUESTED ACTION Approval of an A-1 Special Use Permit to operate a landscaping business with outdoor storage of vehicles and equipment.

APPLICABLE REGULATIONS §7.01.D.27 (A-1 Agricultural Special Uses- Landscape Business)
§11.01 (Parking Regulations)

§13.08 (Special Uses)

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural	A-1	Planned Rural Residential	A-1
South	Agricultural	A-1	Planned Rural Estate Residential	A-1
East	Agricultural	A-1	Planned Rural Residential	A-1; B-3
West	Agricultural	A-1	Planned Rural Residential	A-1; A-1 SU

PHYSICAL DATA

ENDANGERED SPECIES REPORT No endangered species identified per IDNR

NATURAL RESOURCES INVENTORY Not Required per SWCD

ACTION SUMMARY

TOWNSHIP (Kendall) No formal written comments received. The Township Road Commissioner verbally informed staff that the property has been cleaned up with the new owner.

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

ZPAC 12.1.15 The following comments were provided during the ZPAC Meeting:
Highway Department: No additional R.O.W. will be dedicated as part of the Special Use.

Health Department: The change of use of the property from residential to a business operation will require a soil analysis and assessment of the septic system to determine if the existing septic system is sized appropriately for the new use and that the system is not being impacted by gravel or parking of vehicles.

Building Department: If the existing house is converted from a residence to office space, a change of occupancy permit will be required. The existing accessory structures on the property may only be used for storage and not for any type of workspace such as for repairs.

A motion was made by Scott Gryder, seconded by Fran Klaas, to forward the petition onto the Regional Planning Commission with a positive recommendation. With a voice vote of all ayes, the motion carried.

KCRPC 1.27.16 The Plan Commission, at their January 27th meeting, voted unanimously to forward the petition onto the Special Use Hearing Officer with a favorable recommendation and incorporate staff's recommended conditions with an additional condition that a waste management plan be incorporated into the special use ordinance and that signage be permitted subject to the sign regulations of the A-1 Agricultural District.

REQUESTED ACTION

GENERAL The owner of the subject property, Kevin Calder, is leasing the property to Hardscape Group Landscaping, Inc. (HGL) Services provided by HGL include weekly lawn care, spring cleanup of debris prior to mowing, fall clean up of fallen leaves including disposal, plant bed mulching and landscape trimming, and annual turf control. No new structures are proposed on the subject property. The petitioner has recently added approximately 14,000 square feet of CA6 gravel for parking and storage of vehicles and equipment.



EMPLOYEES HGL has six employees, including the business owner, Clemente Garcia.

HOURS OF OPERATION The hours of operation are from 7:00am to 5:00pm Monday through Friday.

PARKING The petitioners comply with the required parking ratio of one (1) parking space per employee in addition to one (1) parking space per vehicle used in the conduct of the business by providing a total of six (6) parking stalls for employees, including one (1) ADA accessible stall, and seven (7) parking stalls for vehicles and equipment. The parking area meets the required front, side, and rear yard setbacks. No retail is offered at the site and no public will be accessing the site.

Employee owned vehicles and vehicles associated with the landscape operation will be parked on an existing CA6 gravel surface recently added by the petitioners. The parking stall designated as ADA accessible will be located on an existing hard surface. Staff is of the opinion that the existing CA6 gravel surface will be sufficient for the amount of traffic generated from the operation.

STORAGE Section 7.01.D.27 of the County's Zoning Ordinance requires all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure unless otherwise permitted under the terms of this Special Use Permit.

HGL intends to store the vehicles and equipment associated with the business outdoors approximately 200'+ from the centerline of Walker Road. Existing trees toward the front of the property and around the perimeter of the parking area screen portions of the storage and parking area. The petitioner has indicated that additional landscaping will be installed along the front of Walker Road and will be submitting a landscape plan for staff review prior to installation.

Existing accessory structures in the property will be used as storage only and not for workspace.

WASTE HGL has indicated that landscape waste generated off-site is disposed of at Fox Ridge Stone Company off of IL Route 71. **The Plan Commission, at their January 27, 2016 meeting, recommended a condition be placed on the controlling special use ordinance incorporating the waste management plan.**

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

SINGLE FAMILY HOME One of the employees of HGL currently resides on the property in the single-family dwelling unit. The petitioner indicated that half of the dwelling unit is used as a residence and a portion of it as office space. According to the petitioner, is anticipated that the occupant of the residence will move out over the next year and the entire dwelling unit will be converted to an office. A change of occupancy will be required if the dwelling is converted from a residence to an office.

Roadway Access/R.O.W. Section 7.01.D.27 of the County's Zoning Ordinance requires the business to be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs. The property has access onto Walker Road. Walker Road, a County collector road, is able to accommodate 73,280lbs. A 45' R.O.W. exists on the north side of Walker Road. No additional R.O.W. is required.

SIGNAGE No signage is proposed on the submitted site plan. The petitioner, however, has indicated they may install signage at a later date. Staff previously recommended to the petitioner that signage should be indicated on the site plan and signage election plans be permitted if they intend to install it at a future date. **At the January 27, 2-16 Plan Commission meeting, the petitioner indicated that he would like to someday install a sign on the property. The Plan Commission recommended a condition be placed on the controlling special use ordinance that requires any proposed signage to be subject to the sign regulations of the A-1 Agricultural District.**

CONCLUSION The use of a landscaping operation is permitted as a special use in the A-1 (Agricultural) District. The property meets the requirements for road weight limitations. Although some equipment and vehicles associated with the operation will be stored outside, existing landscaping on the property, in addition to landscaping proposed by the petitioner, will provide sufficient screening from adjacent properties and the roadway.

RECOMMENDATION If approved, staff recommends the following conditions be placed on the special use:

1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a residence to an office structure
4. No more than six (6) employees shall be permitted
5. Additional landscape screening shall be installed along the front of the property
6. Existing accessory structures on the property shall be used for storage

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

The Plan Commission, at their January 27th meeting, recommended adding conditions #7 and 8 to indicated proposed signage shall comply with the sign regulations of the A-1 Agricultural District and that a landscape waste management plan be incorporated into the controlling special use.

ATTACHMENTS

1. Findings of Fact
2. ZPAC 12.1.15 Minutes
3. KCRPC 1.27.16 Minutes
4. Business Narrative
5. Plat of Survey/Site Plan

FINDINGS of FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use**. Staff has answered as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The petitioner has submitted plans, including a landscape waste management plan, indicating that no landscape waste will be brought back to the property and will be disposed of off-site. Landscaping operations are a consistent special use within the Agricultural Zoning District.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The property maintains a substantial distance from residential structures. All equipment and vehicles associated with the landscape business will be kept either within existing buildings or on an existing gravel area screened with landscaping from adjacent properties and the roadway. The petitioner has stated that additional evergreen species will be installed along the front of the property to provide additional screening.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioners will be working with the Health Department to ensure all potential septic system upgrades for the existing house will comply with Health Department guidelines. Existing accessory structures will be used for storage only and not for workspace.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the LRMP as it somewhat compatible with rural residential development. The residential characteristics of the property are being maintained and any future office use on the property for the special use is anticipated to occur within the residential structure with a change of occupancy.***

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

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

Present:

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

Absent:

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

Audience: Clemente Garcia, Hardscape Group Landscaping, Inc.

AGENDA

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

MINUTES

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

PETITIONS

#15-17 – Kevin Calder

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

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

ZPAC Meeting Minutes 12.1.15

access points are proposed for the property.

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

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

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

PUBLIC COMMENT- There were no comments.

OLD BUSINESS/NEW BUSINESS

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

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

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

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

AJOURNMENT- Next meeting on January 5th, 2015

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

Submitted by,
John H. Sterrett
Senior Planner

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

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

15-17 Kevin Calder

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

Location: 9923 Walker Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request for a special use to operate a landscaping business on a 5 acre agriculturally zoned property at 9923 Walker Road in Kendall Township. The business, Hardscape Group Landscaping, Inc., will have six employees with one of the employees living in the house on site. The property has access to a county highway as identified on the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280lbs. The applicant has indicated that most of the trucks and equipment associated with the landscape operation will be kept outdoors. There is, however, some existing landscaping along the perimeter of the property that provides some screening from the roadway and adjacent properties. Clemente Garcia, owner of Hardscape Group Landscaping, Inc., has indicated that they are going to be adding additional evergreen species to the front of the property to provide further screening. The petitioner has submitted a waste disposal plan to address landscape waste. The waste will be delivered directly to Fox Stone Company.

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

1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a

residence to an office structure

4. No more than six (6) employees shall be permitted
5. Additional landscape screening shall be installed along the front of the property.
6. Existing accessory structures on the property shall be used for storage only

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

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

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

CITIZENS TO BE HEARD/ PUBLIC COMMENT

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

NEW BUSINESS/ OLD BUSINESS

Election of Officers

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

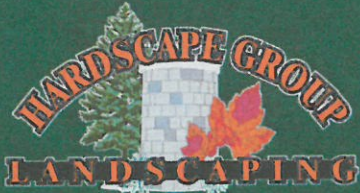
Annual Meeting

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

ADJOURNMENT

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

Respectfully submitted by,
John H. Sterrett, Senior Planner



"The Professionals you can trust"

Yorkville, IL

To Whom it may concern:

I, Clemente Garcia, have been the sole owner of Hardscape Group Landscaping Inc. for the past 3 years. I currently employ five(5) workers and own 2 company pick-ups and 2 trucks. Our business hours are Monday through Friday from 7:00 am to 5:00 pm.

I am currently renting the office space at 9923 Walker Rd. Yorkville, IL. 60560 from my landlord, Kevin Calder. The house is occupied by Jorge Garcia and his family.

I have over twenty years of experience in Hardscape & Landscaping

Previously I was a partner for 12 years of Yorkville Hill Landscaping

As a company we are proud to serve our community of Yorkville.

Hardscape Group Landscaping Inc. Provide the following services:

- **Weekly Lawn Care** – Includes debris pick-up, string Trimming and blowing grass from hard surfaces.
- **Spring Cleanup** – Removal of debris prior to start of mowing
- **Fall cleanup** – removal of fallen leaves including disposal and all Waste (Disposal in Fox Ridge Stone Co, L.L.C. 6110 Route 71 Oswego, IL. 60543)
- **Plant bed mulching and landscape trimming**
- **Annual Turf Control**

Sincerely,

Hardscape Group Landscaping

630.486.9424

YORKVILLE, ILLINOIS

Sales@HSGlandscape.com

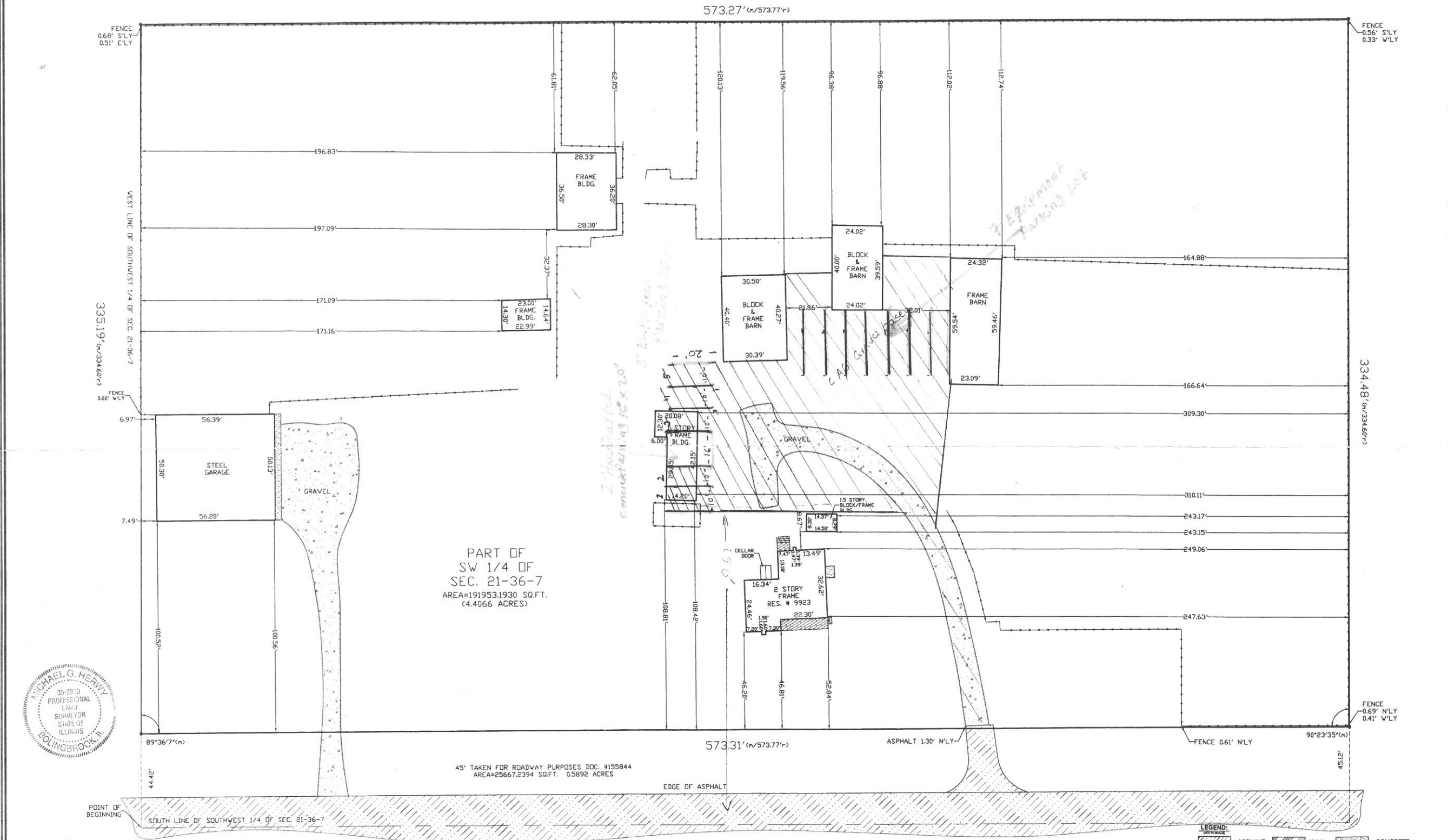
www.HardscapeGroupLandscape.com

SERVING OUR CUSTOMERS FOR OVER 20 YEARS

Associated Surveying Group, LLC
 Illinois Prof. Design Firm No. 184-004973
 P.O. Box 810 Bolingbrook, IL 60440
 PH: 630-759-0205 FAX: 630-759-9291

PLAT OF SURVEY

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 21; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 379.6 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 51 SECONDS EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER 573.77 FEET; THENCE SOUTH ALONG A LINE PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER 379.60 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 89 DEGREES 41 MINUTES 51 SECONDS WEST 573.77 FEET TO THE POINT OF BEGINNING; IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.



PART OF SW 1/4 OF SEC. 21-36-7
 AREA=191953.1930 SQ.FT.
 (4.4066 ACRES)

45' TAKEN FOR ROADWAY PURPOSES DOC. #155844
 AREA=25667.2394 SQ.FT. 0.5892 ACRES



State of Illinois }
 County of Will } SS
 I, Michael G. Hervey, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.
 Dated, this 2nd day of JANUARY, A.D., 2015, at Bolingbrook, IL. FIELDWORK DATE: DECEMBER 31, 2014
 Michael G. Hervey
 Illinois Professional Land Surveyor No. 35-002900
 License Expires: November 30, 2016
 CLIENT: CALDER
 JOB NO.: 75006-14

NOTES:
 1. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE. ALSO, COMPARE ALL FIELD MEASUREMENTS AND BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.
 2. NO IMPROVEMENTS SHOULD BE CONSTRUCTED ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 3. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO DEPICTED ON THE RECORDED SUBDIVISION PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.
 4. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. MEASURED LOT DIMENSIONS ARE SHOWN ONLY WHEN THEY DIFFER FROM RECORD DIMENSIONS BY 0.10 FEET OR MORE.
 5. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT UNLESS OTHERWISE NOTED.

WALKER ROAD

LEGEND:

	ASPHALT		WALL		CONCRETE
	WOOD/PVC		BRICK		ENCLOSED/COVERED
	IRON PIPE		CROSS NOTCH		CHAIN LINK FENCE
	IRON PIPE WITH REBAR/ROD		WOOD FENCE		ALL OTHER FENCE TYPES

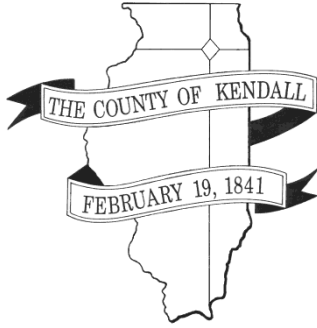
ABBREVIATIONS:
 A = ARC LENGTH
 R = RADIUS
 CH = CHORD LENGTH
 (r) = RECORD VALUE
 (m) = MEASURED VALUE
 B.S.L. = BUILDING SETBACK LINE
 P.U.E. = PUBLIC UTILITY EASEMENT
 P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT

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

NLY = NORTHERLY
 SLY = SOUTHERLY
 ELY = EASTERLY
 WLY = WESTERLY
 TYP = TYPICAL

SCALE 1" = 30'

STANDARD OIL CO. EASEMENT
 SEE DOC. RECORDED NOV. 12, 1946
 IN BOOK 102 PAGE 316 FOR PARTICULARS.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

16-01

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

SITE INFORMATION

PETITIONER(s) Peter and Mary Bielby d/b/a Mary's Pooch Pad, Ltd.

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

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

PHYSICAL DATA

ENDANGERED SPECIES REPORT

The following species may be in the vicinity: Dixon Valley Sedge Meadow INAI Site, Fox River INAI Site, Dickson Sedge Meadow Natural Heritage Landmark, River Redhorse

NATURAL RESOURCES INVENTORY

No new construction is proposed therefore an NRI report will not be needed.

ACTION SUMMARY

FOX TOWNSHIP

Jim Friedrich, Township Supervisor, verbally informed staff on January 27th that the concerns raised by the Township including the effect the kennel will have on the neighboring Forest Preserve District property and questioned the established hardship on the property for encroachment into the required 150 setback from non-residential properties.

VILLAGE OF MILLBROOK

Steve Moeller, Village Trustee of the Village of Millbrook, attended the Plan Commission meeting on January 27th and stated that the Village had no comments regarding the petition. .

ZPAC (1.5.16)

Aaron Rybski of the Kendall County Health Department noted that dog waste or dog waste water is not regulated by the Health Department. Mr. Rybski explained that any plumbing such as a sink for human waste requires a septic system. The Committee voted unanimously to forward the request onto the KCRPC with a favorable recommendation.

KCRPC (1.27.16)

Several residents from the Estates of Millbrook raised concerns dealing with noise from the proposed kennel and the affect on property values with the proposed use. These concerns are documented in the minutes from the Plan Commission meeting. The Plan Commission felt that the County's existing noise ordinance will help mitigate issues with noise from the kennel. The County's noise ordinance prohibits sound exceeding 60 dBA between the hours of 7:00am and 10:00pm and sound exceeding 55 dBA between the hours of 10:00pm and 7:00am when measured at the property line of a residential owner. The Plan Commission voted unanimously to forward the petition onto the Special Use Hearing Officer with a favorable recommendation and incorporate staff's recommended conditions, including modifying condition #1 to state that no more than twelve (12) dogs associated with the kennel operation shall be kept on the property at a time as well with an additional condition that no signage occur on the property and recommended that the special use run with the property owners and not the property.

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 proprieties 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 associated with the kennel operation shall be kept on the property at any one time. 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. No signage shall be permitted on the property
5. Employees shall be limited to individuals residing on the property
6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property.

The Plan Commission, at their January 27th meeting, recommended modifying condition #1, as shown above, and recommended adding condition #8 to prevent signage on the property. The Plan Commission further recommended that the special use run with the property owners and not the property.

ATTACHMENTS

1. Findings of Fact
2. Business Operation Description - prepared by Petitioners
3. ZBA Minutes 11.2.15
4. ZPAC Minutes 1.5.16
5. KCRPC Minutes 1.27.16
6. Signatures in opposition of special use petition
7. Plat of Survey

FINDINGS of FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use**. Staff has answered as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The petitioner has submitted plans, including a waste management plan, indicating that measures will be taken to ensure that the use of the kennel operation will not have a negative impact on public health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The location of the structure for the proposed kennel and the location of the outdoor play area for the dogs maintain a substantial distance from nearby residential districts and structures. Fencing will be provided to enclosure dogs in the play area and a substantial amount of existing landscaping and wooded areas provide screening from adjacent properties and the roadway. No lighting associated with the dog kennel operation is proposed and no signage will be constructed.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. The petitioners will be working with the Health Department to ensure all potential plumbing upgrades will comply with Health Department guidelines. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure. The structure that is proposed to be used for the dog kennel facility has been determined as an agriculturally exempt structure and will not require a building permit. All ADA parking requirements will be provided.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioners have been granted a variance with respect to the setback distance of the kennel structure to the southwest property line. The Zoning Board of Appeals granted the request on November 2, 2015.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the LRMP indicates this property to maintained as open space and no additional development is occurring on the property with the request.***

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 require setback distance required for a dog kennel as part of a future A-1 Special Use application

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES

None

NEW BUSINESS/OLD BUSINESS

2016 Meeting Schedule

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

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

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

Respectfully Submitted,

John H. Sterrett
Senior Planner

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 5, 2016 – Meeting Minutes**

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

Present:

Scott Gryder – PBZ Member
Fran Klaas – County Highway Department
Brian Holdiman- Building Inspector
Mike Peters – Sheriff’s Office
Aaron Rybski – Health Department
David Guritz- Forest Preserve
Megan Andrews – Soil & Water Conservation District
Greg Chismark – Wills Burke Kelsey
John Sterrett – Senior Planner

Audience: Peter and Mary Bielby; John Frerich, Walter E. Deuchler Associates, Inc.; Lee Melcher, Walter E. Deuchler Associates, Inc.; Tom Muth, Fox Metro Water Reclamation District

AGENDA

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

MINUTES

Scott Gryder made a motion, seconded by Aaron Rybski, to approve the December 1, 2015 meeting minutes as written. With a voice vote of all ayes the motion carried.

PETITIONS

#16-01 – Peter and Mary Bielby d/b/a Mary’s Pooch Pad, Inc.

John Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a dog kennel at the subject property and use an existing 2,900 square foot structure to keep the dogs contained during night time hours and nap time. The petitioner has provided the following details regarding the operation of the dog kennel. The kennel operation will include overnight boarding and dog daycare. The number dogs will be limited to no more than twelve (12) at a time. All dogs will be kept in the existing 2,900 square foot structure between the hours of 6:00pm and 7:00am. A play area will be provided for the dogs towards the northwestern portion of the property. No outdoor runs will be provided. All dogs will be required to have a current rabies and distemper, or titer equivalent. A negative fecal every six (6) months and a current bordetella are required as well. All dogs participating in playtime will be required to pass a temperament assessment. The petitioner is in the process of obtaining a Kennel Operator’s license through the Illinois Department of Agriculture. The petitioner does not have immediate plans for employees other than those currently residing on the property.

The existing 2,900 square foot facility that is proposed to be used for the kennel facility is currently being used for storage and was originally built for horses. The petitioner intends to remodel this structure prior to using it for the dog kennel. The proposed use of the structure has been determined to be agriculturally exempt from building code requirements. As such, no inspections or permits, other than an Ag Exempt permit, will be required from the Building Department. The existing residential dwelling will remain as a dwelling unit and not be converted to another use.

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

Mr. Gryder made a motion, seconded by Mr. Klaas, to forward the petition onto the Regional Plan Commission. With a voice vote of all ayes, the motion carried. Mr. Sterrett stated that the petition will move onto the January 27th Regional Plan Commission meeting followed by the February 1st Special Use Hearing officer.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unofficial Meeting Minutes of January 27, 2016

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

ROLL CALL

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

Staff present: John Sterrett, Senior Planner

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

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

PETITIONS

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

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

Location: 8573 Fox River Drive in Fox Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a dog kennel at 8573 Fox River Drive in Fox Township and use an existing 2,900 square foot structure to keep the dogs contained during night time hours and nap time. Mr. Sterrett explained that the Zoning Ordinance permits kennels in the A-1 District as special uses provided that the kennel facility is located at least 250' from all residentially zoned properties and properties identified on the LRMP as residential and at least 150' from all non-residentially zoned properties and properties identified on the LRMP as non-residential. The proposed kennel structure meets those setback requirements with the exception of the property line to the southwest. The kennel structure is only 25' from the property line and therefore the petitioners sought a variance from the Zoning Board of Appeals. The ZBA approved the variance request with the condition that the approval is contingent on the approval of the special use application. The kennel operation will include overnight boarding and dog daycare. The number dogs will be limited to no more than twelve (12) at a time. All dogs will be kept

in the existing 2,900 square foot structure between the hours of 6:00pm and 7:00am. A play area will be provided for the dogs towards the northwestern portion of the property. The petitioner is in the process of obtaining a Kennel Operator's license through the Illinois Department of Agriculture. The petitioner does not have immediate plans for employees other than those currently residing on the property.

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

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

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

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

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

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

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

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

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

15-17 Kevin Calder

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

Location: 9923 Walker Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request for a special use to operate a landscaping business on a 5 acre agriculturally zoned property at 9923 Walker Road in Kendall Township. The business, Hardscape Group Landscaping, Inc., will have six employees with one of the employees living in the house on site. The property has access to a county highway as identified on the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280lbs. The applicant has indicated that most of the trucks and equipment associated with the landscape operation will be kept outdoors. There is, however, some existing landscaping along the perimeter of the property that provides some screening from the roadway and adjacent properties. Clemente Garcia, owner of Hardscape Group Landscaping, Inc., has indicated that they are going to be adding additional evergreen species to the front of the property to provide further screening. The petitioner has submitted a waste disposal plan to address landscape waste. The waste will be delivered directly to Fox Stone Company.

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

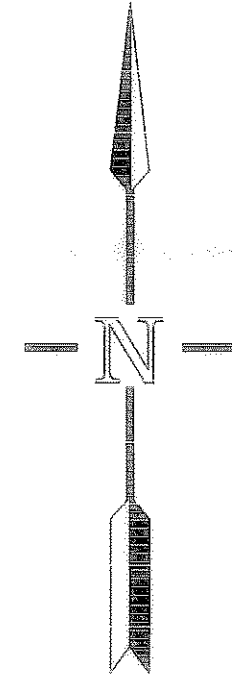
1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a

29 names

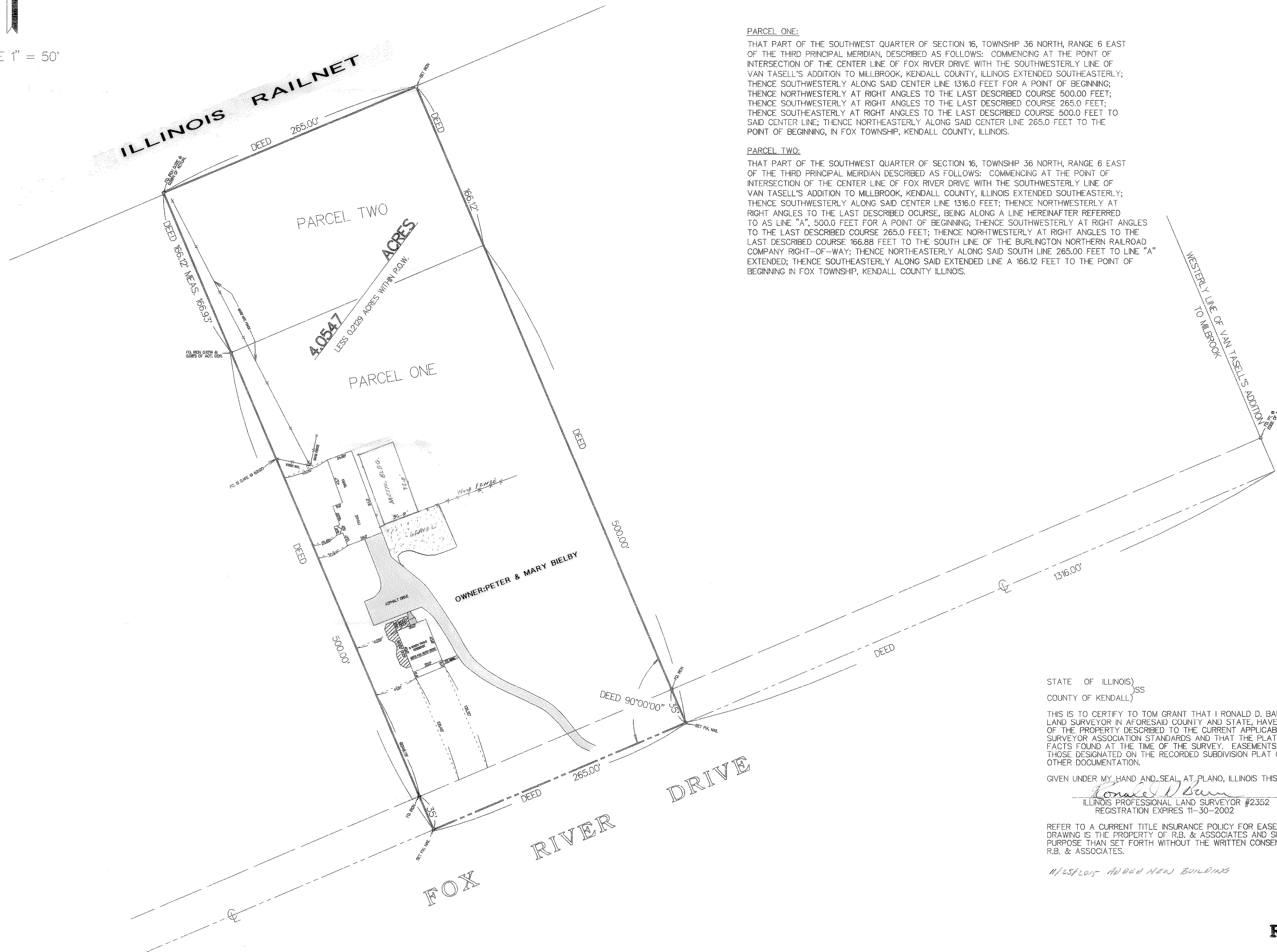
I am not in favor of the dog kennel at 8735 Fox River Drive in Fox Township

Name	Address	Signature
PAULA Mueller	9053 STONEWALL NEWARK, IL	
Janette NICOSIA	8700 WILCOX CT MILLBROOK	<i>Janette Nicosia</i>
MIKE NICOSIA	8700 WILCOX CT MILLBROOK	<i>Mike Nicosia</i>
KATHY McCARROLL	LOT 108 Millbrook	<i>Kathy McCarroll</i>
DANIEL McCARROLL SR.	LOT 108 Millbrook	<i>Daniel McCarroll Sr.</i>
Dary McCarroll	LOT 156 Millbrook	<i>Dary McCarroll</i>
DAN McCarroll JR.	LOT 156 Millbrook	<i>Dan McCarroll Jr.</i>
Kevin Biscan	9230 Stonewall Dr Newark	<i>Kevin Biscan</i>
Leann Murawski	9260 N Stonewall Newark, IL	<i>Leann Murawski</i>
Dave Murawski	9260 N Stonewall Newark, IL	<i>Dave Murawski</i>
Ger Hall	15601 Prospect Hill Millbrook, IL	<i>Ger Hall</i>
LOWELL HALL	15601 PROSPECT HILL MILLBROOK, IL	<i>Lowell R Hall</i>
SUSANA Rico	9472 ZOOKS BLVD NEWARK IL	<i>Susana Rico</i>
Corey Kleaveland	9150 Stonewall Millbrook, IL	<i>Corey Kleaveland</i>
Bernard Anselmo Jr.	8705 Wilcox Ct Newark IL 60541	<i>Bernard Anselmo Jr.</i>
Durrell Holmstrom	8715 Wilcox Ct Newark IL 60541	<i>Durrell Holmstrom</i>
Bob Dorne	8730 Wilcox Ct Newark IL 60541	<i>Bob Dorne</i>
William Lamm	8730 Wilcox Ct Newark, IL 60541	<i>William Lamm</i>
Cornel Lamm	8730 Wilcox Ct Newark, IL 60541	<i>Cornel Lamm</i>
TERESA stawiarz	8750 WILCOX CT MILLBROOK	<i>Teresa Stawiarz</i>
SHEILA SMESZKAL	15872 S. STONEWALL DR NEWARK IL	<i>Sheila Smeszkal</i>
ALLEN SMESZKAL	15890 S. STONEWALL DR NEWARK IL	<i>Allen Smeszkal</i>
DAVID JAWORSKI	8825 KIMBALL CT NEWARK IL	<i>David Jaworski</i>
Janice	8815 Kimball 8845 Wilcox	<i>Janice</i>
Heather Friedrichs	9021 Wilcox Ct Newark IL	<i>Heather Friedrichs</i>
Karen Albrecht Valencia	9032 Wilcox Ct Newark IL	<i>Karen Albrecht Valencia</i>
Dave Valencia	9032 Wilcox Ct Newark IL	<i>Dave Valencia</i>
Thom & Shari	8820 Wilcox Ct Newark, IL	<i>Thom & Shari</i>
-Melissa Hawkins	8840 Wilcox Ct Newark IL	<i>Melissa Hawkins</i>

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)

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

2016 Special Use Hearing Dates

All meetings occur at 7:00pm

January 4th

February 1st

February 29th

March 28th

May 2nd

May 31st (Tuesday)

June 27th

August 1st

August 29th

October 3rd

October 31st

December 5th