

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

CALL TO ORDER- SPECIAL USE HEARING

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

ROLL CALL

Member present: Walter Werderich, Special Use Hearing Officer

Staff Present: John Sterrett, Senior Planner

In the audience: Attorney Dan Kramer; Chris Jensen; Megan Jensen; Jeanne Freeman

MINUTES

Mr. Werderich approved the July 7, 2016 Special Use Hearing Officer Meeting minutes as written.

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

PETITIONS

16-16 Chris and Megan Jensen

Request: Special Use to operate a Landscape and excavating operation

Location: 7225 Caton Farm Road in Kendall Township

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The petitioner has indicated, and a condition has been recommended, that no landscape waste will be brought back to the property and will be disposed of off-site. No outdoor storage of any kind will occur on the property including vehicles, equipment, and landscape materials. This has been added as a condition. Landscaping operations are a consistent special use within the Agricultural Zoning District.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **All equipment and vehicles associated with the landscape business will be kept within a proposed 16,000sf building. The petitioner has stated that berming will be constructed and landscaping will be provided on the property to provide additional screening.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. A stormwater management permit will be required as part of the development of the property.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioners will be working with the Health Department to ensure all potential septic system upgrades for the existing house will comply with Health Department guidelines. A building permit will be required for the construction of the 16,000sf structure on the property. Only those uses that are typically found in landscape operations will be permitted on the property and no other uses that are not allowed either by right or by special use are strictly prohibited. The type of equipment used in the landscape operation will be limited and subject to approval as part of the special use permit.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the LRMP as it somewhat compatible with rural residential development. The residential characteristics of the property are being maintained since the operators of the business will live on site.***

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

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e. 1 dozer (CAT D4)

8. The granting of this special use is only for a landscape operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by special use are prohibited.

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

16-09 – Whitetail Ridge LLC – A-1 Special Use for a banquet hall facility – 9111 Ashley Road, Kendall Township –

Approved by the County Board on July 19, 2016

NEW BUSINESS/OLD BUSINESS

None

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

Respectfully Submitted,

John H. Sterrett

Senior Planner