

**KENDALL COUNTY
SPECIAL USE HEARING**

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

AGENDA

August 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 7, 2016 Special use Hearing Officer Meeting

PETITIONS:

1. 16-16 Chris and Megan Jensen

Request: A-1 Special Use

Location: 7225 Caton Farm Road, Kendall Township (PIN 05-26-100-004; Pt PIN 05-26-400-005)

Purpose: Request for approval of an A-1 Special Use to operate a landscape and excavation business

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

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

NEW BUSINESS

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 7, 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; Ron Walker; Dave Walker; Attorney Gregg Ingemunson; Tom Schnabel, Jr.; Vicky Schnabel; Jessica Frieders; Lauren Munson; Laurie Daniels; Ken Daniels

MINUTES

Mr. Werderich approved the May 31, 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

16-10 Whitetail Ridge LLC

Request: Special Use to operate a banquet facility in the A-1 Agricultural District

Location: 9111 Ashley Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use from Whitetail Ridge LLC to operate a banquet facility at the subject property and has indicated that all existing structures on the property will be used. This type of use is permitted as a special use on an A-1 property with certain conditions. The petitioners have indicated that the property will be used primarily for weddings but that other events may take place including bridal and baby showers. It is anticipated that 40-50 weddings will occur from Mid-April to Mid November on Fridays, Saturdays, and some Sundays from 3:00pm to 12:00am. Food and beverage will be catered by Whitetail Ridge. No alcohol sales will take place on the property and no liquor license will be sought.

The large rounded roof barn will be used for dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies. Rest rooms and food prep will take place in the steel barn to the south. The current owners of the property will reside in the two-story framed house until a new residence can be found. A portion of the downstairs of the house will be used as a bridal room and an office to meet with clients. The petitioner is proposing one (1) directional sign for each of the two (2) access points. These signs are exempt from requirements of Section 12 of the Zoning Ordinance except for the maximum square footage of six (6) feet and maximum height of two and one-half (2.5) feet. The petitioner has indicated that an existing silo may be used for signage along Ashley Road. This would be considered a wall sign and may not exceed thirty-two (32) square feet in size. A proposed free-standing sign is identified on the site plan. If the petitioner chooses to install a free-standing sign rather than a wall sign, the maximum size may not exceed (32) square feet and may not exceed eight (8) feet in height from surrounding grade to the tallest point of the sign. Only one sign, however, is permitted on the property, excluding directional signage.

Mr. Sterrett stated that the petition received a favorable recommendation from the ZPAC Committee. The City of Yorkville had no objections to the petition. Kendall Township voted 3-2 to recommend approval of the petition with the following recommended conditions:

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

The Regional Plan Commission discussed the petition on June 22nd and a motion was made to recommend approval of the petition with the inclusion of staff's conditions as well as including the right-to-farm clause in the ordinance and prohibiting music from being played outside and incorporating the conditions from the Township. The motion failed 0-6 and the petition received an unfavorable recommendation from the Plan Commission.

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

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

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

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

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

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

Mr. Werderich asked for the petitioner to present information.

Attorney Daniel J. Kramer representing Whitetail Ridge LLC explained the special use request and provided exhibits to the Hearing Officer. Mr. Kramer stated the special use is an opportunity to preserve historic farm structures on the property. The petitioner is agreeable to all the conditions recommended by staff as well as the conditions recommended by the Township. Mr. Kramer reviewed existing banquet facilities that were approved by the County and their proximity to other residential areas. Mr. Kramer explained that this type of use is permitted through a special use.

Mr. Werderich expressed concern about the hours of operation. Mr. Kramer explained that receptions typically end at 11:00pm and that it is anticipated that on average there will be 150-180 people on a regular basis.

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

Attorney Gregg Ingemunson representing the property owners across the street stated that the proposed use is an intense commercial use in an agricultural area and that it fits more with a commercial zoning district. Mr. Ingemunson stated that the use will affect the safety and morals of the general welfare and that it is not compatible with the County's Land Use Plan.

Tom Schnabel, Jr., 9092 Ashley Road is concerned about how the proposed use will change the character of the area with the number and size of the events occurring on the property as well as traffic generated from the use.

Vicky Schnabel, 9092 Ashley Road, has concerns about the distance from the banquet facility to her family's house and believes that April through November is a long season for weddings to take place on the property. Holding events on Sundays will have an impact on the quality of life. Ms. Schnabel is also concerned about the alcohol on the property and the noise generated from the property.

Jessica Frieders lives nearby and has concerns over the traffic, noise, and multiple events taking place each weekend.

Lauren Munson lives on Walker Road and is concerned about this type of use locating in an actively farmed area. Ms. Munson is also concerned about how events and guests will be managed to ensure nothing gets out of control.

Lori Daniels, 9111 Ashley Road, stated she thought the County and surrounding neighbors would be supportive of this type of use.

Ken Daniels, 9111 Ashley Road, stated that living in an agricultural area it is to be expected that properties will be developed and uses will change.

Mr. Kramer provided closing remarks and described other existing banquet facilities in the County that the County has approved. Other developments in agricultural district have much larger impacts on surrounding areas than the proposed use.

Mr. Werderich closed the public hearing for comments.

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

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The petitioner's overtures to build a berm and install evergreen trees as well as keeping the open area undeveloped are appreciated. The portion of the property used for the banquet facility, however, is not a sufficient distance from the nearby residences. This will inhibit enjoyment of the surrounding properties. The proposed use will adversely impact the adjacent uses and is not compliant with the surrounding area.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new access roads or points of ingress and egress are proposed. The petitioner has begun to work with the Health Department to ensure well and septic requirements are met. All food will be catered eliminating the need for a commercial kitchen on the property. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structures that are proposed to be used as part of the banquet use will require a change of occupancy permit for basic life safety requirements. All ADA parking requirements will be provided.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The petitioner has provided a site plan that complies with the requirements for the proposed use including parking.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This special use is consistent with the LRMP and the agricultural character of the property will remain.

Mr. Werderich made an unfavorable recommendation of the petition with the above findings of fact.

The petition will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, July 11, 2016 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

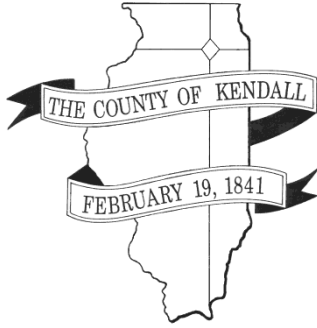
16-09 – Joe Gomoll – A-1 Special Use for Production and sale of items produced both on site and off site as well as ancillary items – 10151 Lisbon Road, Fox Township – Approved by the County Board on June 21, 2016

NEW BUSINESS/OLD BUSINESS

Mr. Sterrett stated that there will be two special use petitions next month.

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 8:37 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner
Special Use Hearing - July 7, 2016



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 16-16

Megan and Chris Jensen

A-1 Special Use – Landscape/Excavating Operation

SITE INFORMATION

PETITIONER Megan and Chris Jensen

ADDRESS 7225 Caton Farm Road

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



TOWNSHIP Kendall

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

LOT SIZE 7.58 acres

EXITING LAND Residential/Agricultural
USE

ZONING A-1 Agricultural District

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

**REQUESTED ACTION
APPLICABLE REGULATIONS**

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

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

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County’s LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
3. No landscape waste generated off the property can be burned on this site

Section 13.08 – Special Use Procedures

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

SURROUNDING LAND USE

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



PHYSICAL DATA

ENDANGERED SPECIES REPORT

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

NATURAL RESOURCES INVENTORY

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

ACTION SUMMARY

KENDALL TOWNSHIP

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

ZPAC (7.12.16)

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

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

KCRPC (7.27.16)

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

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

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

GENERAL

Chris and Megan Jensen are requesting an A-1 Special Use to operate a landscaping and excavating business at the subject property. A landscape operation is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at

least 73,280lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)

3. No landscape waste generated off the property can be burned on this site

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

BUSINESS OPERATION

The operation will include landscape maintenance, installation of landscaping, and related activities. No yard waste will be stored on-site with the possible exception of balled trees and bushes that have been prepared for installation. No retail or wholesale material will occur on site. No outdoor storage will take place and all equipment will be kept within a proposed building. No landscape waste will be stored on-site. The petitioner has indicated that no more than three (3) employees will be part of the operation with none of them reporting to the subject property. All employees report directly to the job site. The petitioners will reside on the property.

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

BUILDING CODES

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

ACCESS

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

PARKING

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

EQUIPMENT

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

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

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

LIGHTING

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

SIGNAGE

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

SCREENING

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

CONCLUSION

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

RECOMMENDATION

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

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

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

ATTACHMENTS

1. Findings of Fact
2. Letter to PBZ 7.7.16
3. Kendall Township Letter 7.22.16
4. ZPAC Minutes 7.12.16
5. KCRPC Minutes 7.27.16
6. Zoning Plat

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 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.

LAW OFFICES
OF

Daniel J. Kramer

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

DANIEL J. KRAMER

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

July 7, 2016

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

RE: Chris Jensen Landscaping Special Use

Dear John:

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

Description of Proposed Use

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

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

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

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

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

Other

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

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

Very truly yours,

Daniel J. Kramer,
Attorney at Law

DJK/cth



KENDALL TOWNSHIP

Kenneth W. Walker, Supervisor
David Matlock, Township Clerk

Doug Westphal, Highway Commissioner
Michael L. Hardecopf, Assessor

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

July 22, 2016

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

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

Dear Mr. Sterrett,

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

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

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

Please feel free to contact me with any additional questions.

Kenneth Walker

Supervisor

Kendall Township

ken.kendalltwp@sbcglobal.net

(630) 553-6525

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

#16-16 – Megan and Chris Jensen

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

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

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

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

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

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

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

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

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

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

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

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

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

PETITIONS

16-16 Chris and Megan Jensen

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

Location: 7225 Caton Farm Road in Kendall Township

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

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

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

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

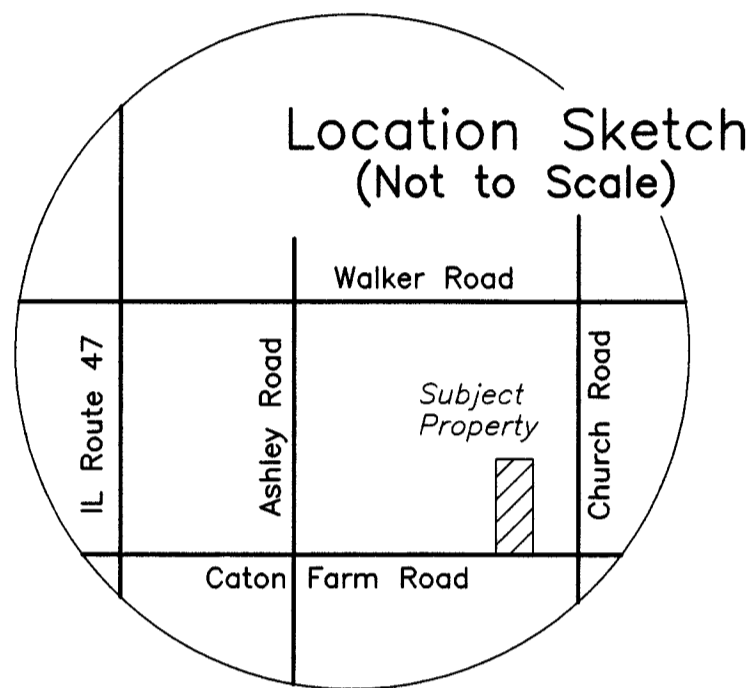
LEGAL DESCRIPTION OF TRACT TO BE REZONED:

LEGAL DESCRIPTION OF PARCEL ONE:

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

LEGAL DESCRIPTION OF PARCEL TWO:

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



SOILS (From USCS Soils Map)

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

AREA TO BE REZONED:

7.2898 Acres
(7.0430 Acres Excluding Roads)

PRESENT ZONING:

A1

PROPOSED ZONING:

A1-SU (Excavating Landscape)

DEVELOPER:

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

N

SCALE
1"=40'

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

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

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

BENCHMARKS - (NGVD1929)

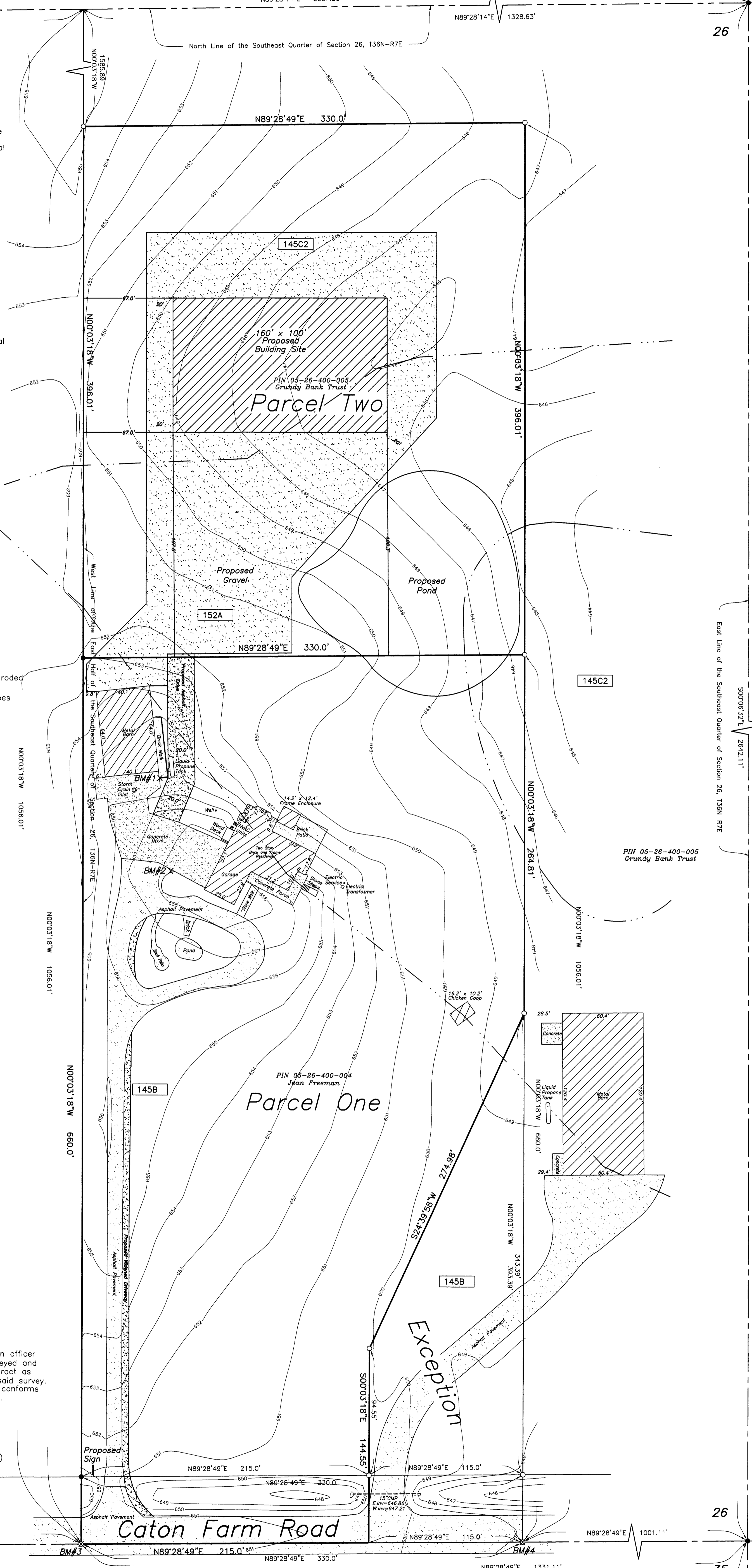
- BM#1 - Cross in Concrete Trim at Southeast Corner of Barn Elevation = 656.17
- BM#2 - Magnail in Asphalt Drive West of Brick and Frame Residence Elevation = 658.10
- BM#3 - Magnail in Pavement at Southwest Corner of Property Elevation = 651.47
- BM#4 - Magnail in Pavement at Southeast Corner of Property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

State of Illinois } SS
County of Kendall }

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

Dated May 17, 2016 at Yorkville, Illinois

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



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

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

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