Thursday, February 12, 2015  
County Office Building, Board Room 209-210  
111 W. Fox Street, Yorkville IL  
Meeting Minutes

Call to Order
The Committee of the Whole was called to order by Chair John Shaw at 4:00 p.m., who led the group in the Pledge of Allegiance.

Roll Call

Board Members Present: Judy Gilmour - here, Dan Koukol – present, Scott Gryder – here, Matthew Prochaska – present, Jeff Wehrli – here, John Shaw--aye, John Purcell (arrived at 4:25 p.m.)

Board Members Absent: Lynn Cullick, Bob Davidson, Elizabeth Flowers

Others Present: David Berault, Leslie Johnson, Anne Knight, Chief Judge Tim McCann, Undersheriff Harold Martin, Dr. Amaal Tokars, Tina Varney, Eric Weis, Jeff Wilkins, Angela Zubko

New Business

- **Merging of County Committees** – Judge Tim McCann reported that he has had discussions with Sheriff Baird regarding combining the Judicial Legislative and Public Safety Committees in to one monthly meeting. Discussion by the committee regarding this issue.

- **Review Approved 23rd Circuit Probation Officer Bargaining Unit Agreement** - Chief Judge Tim McCann informed the board that after 15-months of negotiations, the contractual issues have been resolved with the MAP union which includes the fourteen Kendall County Probation Officers. The agreement has already been signed by Judge McCann.

- **Petition 14-42: Special Use for 655 Woolley Road for Sybert Landscaping to operate a landscape business with outdoor storage** – Planner Zubko reported Sybert Landscaping was requesting approval of an A-1 special use permit to operate a landscape business with outdoor storage of vehicles, equipment and bulk materials associated with a landscape business. The applicant will be living in the house on the property. This property is for sale right now and the sale is contingent on the special use zoning. The property is located at 655 Woolley Road, on the north side of Woolley Road, 0.15 miles west of Stewart Road. All the buildings exist and they do not plan on any new structures or buildings; they did get approval from the township in November as the petitioner needed permission from the road commission to have this type of business on a minor roadway. The township road commission recommended approval for the petitioners to apply with two conditions. Sybert landscaping is a small family-owned and operated lawn care and landscaping company with no retail sales nor does it meet with its customers at its location.
Kendall County, Illinois
Committee of the Whole

The business currently operates out of Romeoville, Illinois. If they acquire this site and special use the operation will move from Romeoville, but the offices will stay out in Romeoville.

The applicant’s parents started the company in 1979 and the applicant is the manger of the business. They employ about 6 employees including the applicant, two foremen and three laborers. The crews all ride together in two vehicles to work every day. The work force arrives at 7:00am; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7:00am to 5:30pm, Monday through Friday with an occasional Saturday. The business operates from mid-April through mid-November providing lawn service, and then from November through March the trucks are placed offsite and stored on their snow ploy lots. There is plenty of room on the north side of the lot for parking and storage of vehicles. They also propose a 6’ fence to enclose all the equipment.

The water currently drains west. There were many concerns about drainage, so the petitioner stated he would add a pond to capture some of the water and slowly release it naturally but the neighbors opposed that idea so the petitioner will not be putting in a pond. The petitioner does propose to haul away their landscape waste there would be a condition of a limit of 1 semi load for any waste brought back to this property. At the last meeting we discussed waste and typically, if the waste is not dropped off at the end of the day to a recycling facility, it will come back to the site, but remain in the truck. The only time waste will be dumped on site is if it rains and they exceed the weight capacity, but if that happens it definitely will be removed within one week. Staff will also place a condition that no landscape waste generated off the property can be burned on this site.

The petitioners have stated the main route to their clients will be east on Woolley Road, south on Stewart Road, and east on 119th Street to reach Route 30. This would be the main route in and out of this location to reduce the amount of traffic. No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit. The property currently has an access point off of Woolley Road which would remain the same.

Ms. Zubko pointed out that this is Sybert landscaping and not Siebert landscaping which is a much larger company in the area. On page 5 of the report is a list of businesses compiled by the petitioner’s attorney. The other businesses do not have special use permits with the exception of the Grande Prairie Equestrian Center. Some businesses might qualify for home occupations and others probably would not, but there have been no complaints on those businesses to address.

The petitioner is attempting to meet specific requirements and be sensitive to the concerns expressed by the neighbors by requesting a special use permit. Staff is of the opinion this use permit fits in with the activities taking place near this site and also is of the opinion there could be much worse neighbors than a landscape business on this site.
Staff will not make a recommendation at this time, however if approved, staff would recommend the following conditions be placed on the special use:

1. No landscape waste generated off the property can be burned on this site.
2. No loading or unloading of landscape equipment between the hours of 9pm and 6am.
3. No retail sales/business allowed on site.
4. Restriction of the amount of landscape waste that can be stored on site at any one time on the ground to one semi load and that one semi load must be removed within one week. Landscape waste can be contained in the bed of a truck but also must be removed within one week.
5. The fence must be installed within 6 months of the approval date of the special use.

There were approximately 15 people in attendance at the Plan Commission meeting and 8 people spoke opposing the special use. The main concerns expressed were water drainage, grading, landscape waste, rodents, traffic, property values, chemicals, pesticides, pollution, water draining into the ephemeral pond, dust, fuel storage, expansion of the business and the fact that a business is going into a horse community. The Plan Commission recommended denial with a 2-3 vote. The 3 no votes were due to drainage concerns, concerns about overland drainage, as well as grading. Also they felt the use as described is too intense for a 3 acre lot. This was a private airstrip at one time and the Pheasant Drive homes are what caused the water issues. One member had mixed feelings since there is a nursery nearby but feels this is too intense. The last no vote agreed with the others that maybe the trend is becoming more business-like and it would be more suited as a one or two employee operation and not this type of use in a quisi-residential area, it’s too intense and there could be traffic issues. One of the voting members may have created a conflict and the SAO suggested the Board could treat the vote as a tie or do nothing and make their decision based upon the information presented.

The hearing officer had 18 people in attendance and 12 people spoke opposing the special use. Their main concerns were the same as expressed at the Plan Commission but a few others mentioned were: what happens if the business gets larger, noise of deliveries, and making sure the conditions are adhered to. The hearing officer made an unfavorable recommendation.

Andrew Sybert, the lawful owner of the business, provided additional information and his plans for the fencing and landscaping placement prior to the start of any business from that location.

Public Comment

The following neighbors voiced their concerns regarding the Sybert Landscape Business Special Use Permit Request: William Richards, Janet and Carey Porter, Tom Rohrbacher, Ron Bochenek and Bob Moser.
Open Business - None

Review Draft Board Agenda – Mr. Shaw asked the committee to review the draft agenda and make any changes or additions.

Questions from the Media – Matt Schury asked for clarification on the Plan Commission meeting votes. Information provided by Member Gryder.

Executive Session – None needed

Items for the County Board

- Approval of Petition 14-42: Special Use for 655 Woolley Road for Sybert Landscaping to operate a landscape business with outdoor storage

Adjournment – Member Prochaska moved to adjourn the Committee of the Whole meeting and the motion was seconded by Member Koukol. There being no objection, the Committee of the Whole was adjourned at 5:17 p.m.

Respectfully submitted,

Valarie A. McClain
Administrative Assistant/Recording Secretary