KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141
Fax (630) 553-4179

AGENDA

February 9, 2015 – 6:30 p.m.

CALL TO ORDER

ROLL CALL: Lynn Cullick, Bob Davidson, Scott Gryder (Chair), Judy Gilmour (Vice-Chair) and Jeff Wehrli

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the November 10, 2014 meeting

EXPENDITURE REPORT- (handed out at meeting) Approval to forward the claims to the Finance Committee in an amount not to exceed $20,000

PUBLIC COMMENT

NEW BUSINESS
First Amendment to the City of Yorkville Building Inspection Agreement
Nuisance Ordinances
River's Edge Fellowship- Request to waive special use fees in the amount of $577.50 and building permit fees in the amount of $200

PETITIONS
1. 14-39 River's Edge Fellowship
   Request B-3 Special Use
   Location 71 Boulder Hill Pass, Montgomery
   Purpose Special Use for a place of worship

2. 14-42 Sybert Landscaping
   Request A-1 Special Use
   Location 655 Woolley Road, Oswego
   Purpose Special Use to operate a landscape business with outdoor storage

3. 14-33 Bee Keeping
   Request Text Amendment
   Purpose Text Amendment to allow bee keeping in the residential (R-1, R-2 and R-3) districts

NEW BUSINESS
Discussion on special use application in the City of Yorkville for an outdoor music venue- 112 Van Emmon

OLD BUSINESS
Discussion on last zoning ad-hoc meeting & economic development

UPDATE ON HISTORIC PRESERVATION- Next month go over Preservation Plan/5 Year Plan—Discuss 2015 goals

UPDATE ON CMAP LAND USE COMMITTEE MEETING

PROJECT STATUS REPORT
PERMIT REPORT
REVENUE REPORT
CORRESPONDENCE
EXECUTIVE SESSION

ADJOURNMENT- Next meeting on March, 9, 2015
CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:30 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Amy Cesich, Lynn Cullick and Vice-Chair Judy Gilmour
Absent: Jeff Wehrli
Also present: Planning & Zoning Manager: Angela Zubko, Administrator Jeff Wilkins, Matt Prochaska and John Shaw
In the audience: None

APPROVAL OF AGENDA
Lynn Cullick made a motion to approve the agenda as written, Judy Gilmour seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Lynn Cullick made a motion to approve the minutes from October 6, 2014. Judy Gilmour seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Mr. Wilkins mentioned we will be changing the intergovernmental agreement to allow us to use their plumbing inspector if needed but unfortunately we cannot do their plumbing inspections.

Lynn Cullick made a motion to approve the expenditure report in the amount of $16,432.75 and forward it onto the Finance Committee, Amy Cesich seconded the motion. With a roll call vote all in attendance agreed and the motion was approved.

PETITIONS-
#14-25 Medical Cannabis Distribution Center
Planner Angela Zubko stated two months we discussed the distribution centers but didn’t forward it onto the full county board pending the SAO review. Planner Zubko handed out the SAO reviewed document. There was a brief discussion on allowing it in the commercial district or just the M-1 and M-2 districts as a special use.

With no further suggestions or changes Lynn Cullick made a motion, seconded by Judy Gilmour to recommend approval of the text to allow is as a special use in the M-1 and M-2 district and forward the petition onto the committee of the whole. With a roll call vote, all were in favor and this will be forwarded.

PUBLIC COMMENT: None
NEW BUSINESS-
Approval of a refund to Matthew Hively in the amount of $1,000 for Petition 14-28 for a special use for a landscape business at 1451 Johnson Road- withdrawn due to the Village of Plainfield denying request, building & fire codes and concerns of the neighbors- Judy Gilmour made a motion to refund Matthew Hively in the amount of $1,000, Amy Cesich seconded the motion. With a roll call vote all were in favor and the refund will be granted.

Tanglewood Trails update- Planner Zubko stated she wanted to keep the PBZ Committee up to date stating she is working with the bank to finish up the public improvements and the County is currently working on a punchlist for the bank.

Discussion on last zoning ad-hoc meeting & economic development- Planner Zubko stated the last ad-hoc meeting we went into it trying to seek guidance on the Zoning Ordinance and it turned more into needing economic development. Mr. Gryder and Planner Zubko thought with Mr. Sterrett leaving in a month this was a good time to discuss where the Board would like economic development to go. Mr. Wilkins stated we would probably find someone new into the government field and focus on retention and attraction. Also keep an eye on infrastructure projects, maybe someone with media experience; this will be more discussed at the next economic development committee meeting. Ms. Cesich wanted to bring up combining PBZ and EDC possibly in the future. She is of the opinion it would be appropriate along with a couple other committees. Ms. Gilmour thought that was a very good suggestion, everyone agreed. Mr. Wilkins stated March is the target date to get someone hired.

OLD BUSINESS- None

UPDATE ON HISTORIC PRESERVATION- Preservation Plan/ 5 Year Plan- Discuss 2014 Goals- Planner Zubko stated in the packet is the 5 year plan the historic preservation committee has put together a preservation plan which describes how the committee plans to meet the goals and objectives of the county land resource management plan and also it includes the 5 year plan showing what has been completed and what the group plans on doing in the future. This will be brought back in January and then onto the full county Board.

UPDATE ON CMAP LAND USE COMMITTEE MEETING: Planner Zubko stated there was no meeting last month and this month Planner Zubko will be missing the meeting.

Mr. Gryder attended the CMAP truck routing advisory committee meeting and it was interesting. It was discussed at the highway meeting at one point about a cross jurisdictional truck route permits. There was discussion it would make sense for IDOT to take over the permitted but there are some concerns about staff and time.

PROJECT STATUS REPORT– Reviewed
PERMIT REPORT– Reviewed
REVENUE REPORT– Reviewed
CORRESPONDENCE – None
EXECUTIVE SESSION: None

Mr. Gryder thanked Ms. Cesich for her service on the Committee.

Mr. Shaw stated we are now going to have our 3rd transportation secretary so there may be more opportunity to promote Wolf Road or other projects in the County.
ADJOURNMENT- Next meeting will be on December 15, 2014
Lynn Cullick made a motion to adjourn the meeting. Judy Gilmour seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 7:14 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager
December 18, 2014

Brian Holdiman
Kendall County
111 W. Fox Street
Yorkville, IL 60560

Re: Amendment to the Intergovernmental Agreement for Reciprocal Building Inspection Services

Dear Brian,

Enclosed please find a signed copy of Resolution No. 2014-34 – Approving a First Amendment to the Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County and the United City of Yorkville. Also enclosed are two executed First Amendment to the Intergovernmental Agreement for Reciprocal Building Inspection Services agreements. After execution by Kendall County, please return one signed agreement to my attention.

Sincerely,

Lisa Pickering
Deputy Clerk
A RESOLUTION OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING A FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL BUILDING INSPECTION SERVICES BETWEEN KENDALL COUNTY, ILLINOIS AND YORKVILLE, ILLINOIS

WHEREAS, the United City of Yorkville, Kendall County, Illinois is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of this State; and,

WHEREAS, the County of Kendall is a duly organized and validly existing unit of local government of the State of Illinois.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. That the First Amendment to the Intergovernmental Agreement for Reciprocal Building Inspection Services Between Kendall County, Illinois and Yorkville, Illinois, attached hereto and made a part hereof, is hereby approved and the Mayor and the City Clerk are hereby authorized to execute and deliver said First Amendment on behalf of the United City of Yorkville.

Section 2. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this 25 day of November, 2014.

CITY CLERK

CARLO COLOSIMO  
JACKIE MILSCHEWISKI  
CHRIS FUNKHouser  
ROSE ANN SPEARS  

KEN KOCH  
LARRY KOT  
JOEL FRIEDERS  
DIANE TEELING
Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this day of December, 2014.

[Signature]

MAYOR

Attest:

[Signature]

BETH WARE
City Clerk
FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL BUILDING INSPECTION SERVICES BETWEEN KENDALL COUNTY, ILLINOIS AND YORKVILLE, ILLINOIS

This First Amendment to the Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County, Illinois and Yorkville, Illinois (the "First Amendment"), is made and entered into this ___ day of __________, 2014, by and between the County of Kendall, a unit of local government of the State of Illinois ("Kendall County") and the United City of Yorkville, Kendall County, Illinois, an Illinois municipal corporation (the "City").

WITNESSETH

WHEREAS, Article VII, Section 10 of the Illinois Constitution of 1970 provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and,

WHEREAS, the City and Kendall County are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq. (the “Intergovernmental Cooperation Act”); and,

WHEREAS, pursuant to the authority granted by the Intergovernmental Cooperation Act, the Illinois Counties Code (55 ILCS 5/1-1001, et seq.), the Illinois Municipal Code (65 ILCS 5/1-1-1, et seq.), and Section 10.09-1(f) of the Capital Development Board Act (20 ILCS 3105/10.09-1(f)), Kendall County and the City (collectively the “Parties”) entered into the Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall
County, Illinois and Yorkville, Illinois (the “Original Agreement”) in order to share their resources and assist each other in the performance of certain inspections on an as needed basis; and,

WHEREAS, the Original Agreement excluded plumbing inspections from the list of inspection services that the Parties would perform on each other’s behalf when requested; and,

WHEREAS, the Parties now desire to amend the Original Agreement to allow the City of Yorkville Building Code Official Pete Ratos to perform plumbing inspections on Kendall County’s behalf when requested.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions herein contained, and by authority of and in accordance with the aforesaid statutes of the State of Illinois, the Parties agree as follows:

Section 1. The Parties agree that all of the recitals contained in the Preambles to the First Amendment are true and correct and are hereby incorporated into this First Amendment as though they were fully set forth in this Section 1.

Section 2. Section 2 of the Original Agreement is hereby amended to read as follows:

“Section 2.

a. The Parties agree that Kendall County Code Official Brian Holdiman and the City of Yorkville Building Code Official Pete Ratos shall perform the following services on the other Party’s behalf when requested: footing inspections; backfill inspections; foundation wall inspections; concrete slab inspections; rough framing inspections; rough electric inspections; underground electric inspections; electric service inspections; insulation inspections; roofing inspections and final
inspections. In instances where Holdiman or Ratos inspect and find violations and a code enforcement action is required in court or administrative adjudication, Holdiman or Ratos may be requested to be a witness to verify any violations found during their inspection. If it is requested that either Ratos or Holdiman attend an administrative or court hearing in regard to violations, then they shall be given reasonable notice of no less than fourteen (14) days for such hearing and they shall attend as requested.

b. The Parties agree that City of Yorkville Building Code Official Pete Ratos may, in his discretion, perform plumbing inspections on Kendall County’s behalf when requested. In instances where Ratos performs plumbing inspections and finds violations and a code enforcement action is required in court or administrative adjudication, Ratos may be requested to be a witness to verify any violations found during his inspection. If it is requested that Ratos attend an administrative or court hearing in regard to violations, then he shall be given reasonable notice of no less than fourteen (14) days for such hearing and he shall attend as requested.”

Section 3. Section 3 of the Original Agreement is hereby amended to read as follows:

“Section 3. The Parties agree that the following inspection services shall not be provided under this agreement: plan review; permit approval; and initial site inspections prior to a permit being issued.”

Section 4. Section 4 of the Original Agreement is hereby amended to read as follows:
“Section 4. Upon request, the Parties agree to coordinate and assist each other in the Parties’ performance of the inspections set forth in Section 2 of this Agreement only under the following circumstances:

a. If Kendall County Code Official Holdiman or City Building Code Official Ratos is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform one or more of the above listed inspections within Section 2(a) for their respective jurisdiction; and/or,

b. If Kendall County Code Official Holdiman or City Building Code Official Ratos has a conflict of interest in performing one or more of the inspections set forth in Section 2(a) for their respective jurisdiction; and/or,

c. If the Kendall County Plumbing Contractor is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform plumbing inspections for his or her respective jurisdiction; and/or,

d. If the Kendall County Plumbing Contractor has a conflict of interest in performing plumbing inspections for his or her respective jurisdiction.

For purposes of this Agreement, the Party requesting assistance shall be referred to as “the home jurisdiction” and the Party providing the inspection services assistance as set forth in Section 2 shall be referred to as “the visiting inspector”.

Section 5. All other terms and conditions of the Original Agreement shall remain in full force and effect.
IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

County of Kendall, a unit of local government of the State of Illinois

By: ________________________________  By: ________________________________

Chair, Kendall County Board  Mayor

Attest:

_______________________________  ________________________________

County Clerk  City Clerk

Attest:

______________________________
To: Kendall County Planning, Building and Zoning Committee  
From: Brian Holdiman, Code Official  
Date: January 20, 2015  
Re: Nuisance Ordinance Update  
cc: Jeff Wilkins, County Administrator

Attached you will find Ordinance #88-15 Inoperable Motor Vehicles, Ordinance M – 286 Junk and Other Waste Matter, Ordinance #97-12 Burning Leaves and Landscape Waste, Ordinance #05-47 refuse disposal, open burning and public health nuisances and DRAFT Ordinance regulating tall grass and weeds.

Ordinance #88-15 Inoperable Motor Vehicles  
- Adopted May 10, 1988  
- PBZ responsible for enforcement

Ordinance M- 286 Junk and Other Waste Matter  
- Adopted July 9, 1968  
- PBZ responsible for enforcement

Ordinance #97-12 Burning Leaves and Landscape Waste  
- Effective July 1, 1997  
- Enforcement responsibility not defined

Ordinance #05-47 Refuse Disposal, Open Burning and Public Health  
- Adopted August 16, 2005  
- Health Department responsible for enforcement

DRAFT Ordinance Regulating Tall Grass and Weeds  
- Not Adopted  
- PBZ proposed responsible for enforcement

The PBZ Department would like to coordinate with Health and Human Services, Sherriff’s Department, State’s Attorney’s Office, and Townships to review these ordinances to determine if there is a need to combine any of the ordinances, modify if obsolete or in conflict with State Statute, clearly define enforcement responsibilities and make more efficient.

Should you have any questions please feel free to contact me at (630) 553-4134.
ORDINANCE #8815
INOPERABLE MOTOR VEHICLES

BE IT HEREBY ORDAINED AS FOLLOWS:

1. That all inoperable motor vehicles located in the unincorporated areas of the County, whether on public or private property are hereby declared to be a nuisance.

2. That "inoperable motor vehicle" means any motor vehicle from which for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

3. That any person having an inoperable motor vehicle under his or her control shall dispose of said vehicle within 7 days after receipt by said person from the County or notice thereof.

4. That the Building and Zoning Office of Kendall County is hereby authorized to enforce the notice provision under the terms of this ordinance.

5. That any person failing to dispose of an inoperable motor vehicle after notice shall be in violation of this ordinance and shall be fined not to exceed $200.00 for each day that such a violation continues.

6. This Ordinance is expressly declared not to apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

7. That the Sheriff's Office of Kendall County is authorized to remove after 7 days from the issuance of the Notice as provided in § 3 herein, any inoperable motor vehicle or parts thereof.

ADOPTED this 10th day of May, 1988
AN ORDINANCE DECLARING THE STORING
OF JUNK AND OTHER WASTE MATTER
ON PRIVATE PROPERTY TO BE A NUISANCE*

BE IT ORDAINED by the Board of Supervisors of the County of Kendall, State of Illinois, as follows:

SECTION 1. The storing of junk trash and refuse on private property within the County of Kendall, is hereby declared a nuisance.

SECTION 2. Junk, trash and refuse are defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the esthetics of the neighborhood, and is specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors, machinery of any kind, any parts thereof, old ice boxes, refrigerators and stoves.

SECTION 3. The storage of trucks, tractors, and related machinery used for agricultural purposes is exempt from the provisions of this Ordinance, providing:
   (a) The zoning lot on which said storage exists is rezoned Agriculture District-A and,
   (b) Said zoning lot is used principally for agricultural purposes, and
   (c) Said machinery, or the like, is used principally for agricultural purposes.

SECTION 4. Any property owner or any occupant of property who allows such storage on the property owned or occupied by him shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00); and any person who shall neglect, fail or refuse to abate and remove such nuisance after notice thereof, shall for each 24 hours thereafter during which said nuisance continues, be subject to a like penalty as that originally incurred.

SECTION 5. Any county law enforcement officer or building and zoning officer upon observing any violation of this Ordinance shall issue a Notice directed to the owner of record of the property on which said nuisance occurs, as shown in the records of the Recorder of Deeds of Kendall County, or to the occupant of said property, or both, which said Notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall be not less than two (2) days nor more than the ten (10) days after service of such Notice.

SECTION 6. Any citizen of Kendall County who observes a violation of this Ordinance may file an affidavit setting forth in detail the violation, its location and the name of the owner and/or occupant of the property on which such nuisance is alleged, and may file said affidavit with the Sheriff of Kendall County, who shall assign to the building and zoning officer the duty to investigate such charge, and if such nuisance exists, to issue a Notice to the owner of occupant of the property as provided in Section 5 of this Ordinance.
SECTION 7. Any county law enforcement officer or building and zoning officer of the County of Kendall shall serve the Notice here in provided for upon the owner or occupant of the property where such nuisance exists, or upon both of them, and shall make his return upon a copy of such Notice, showing the time of service, the person upon whom it was served, or the manner in which it was served.

SECTION 8. Immediately upon the termination of the time allowed in any such Notice for the abatement of such nuisance, the law enforcement officer or building and zoning officer who served such Notice or any other law enforcement officer or inspector who shall be assigned by the Sheriff shall investigate to determine whether or not such nuisance has been abated.

SECTION 9. In the event the owner or occupant of the property where such nuisance exists has failed within the prescribed time to abate such nuisance then the law enforcement officer or building or zoning officer who served such Notice, or the citizen of the County of Kendall who filed the said affidavit, or the officer who investigated whether such nuisance has been abated, shall file a complaint charging violation of this Ordinance with the Circuit Court for the Sixteenth Judicial circuit, charging violation of this Ordinance and demanding that the Owner of the property or the Occupant thereof, or both be punished as herein provided.

SECTION 10. The County of Kendall shall prosecute all complaints of violation of this Ordinance.

SECTION 11. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 12. This Ordinance shall take effect and be in full force and effect from and after the date of its passage, approval and publication as provided by law.


*A signed copy of this ordinance is available at the Planning, Building and Zoning office.
ORDINANCE RELATING TO
BURNING OF LEAVES AND LANDSCAPE WASTE

WHEREAS, the Kendall County Board has an obligation to protect the health and
general welfare of the citizens of Kendall County; and

WHEREAS, there are densely populated areas of Kendall County where significant air
contamination results from the opening burning of leaves and other landscape waste; and

WHEREAS, elevated levels of air contaminants cause adverse health effects among a
significant percentage of the population; and

WHEREAS, alternative methods of leaf and landscape waste disposal exist, including
collection by local waste haulers and composting; and

WHEREAS, the Kendall County Department of Health and Human Services has
conducted research into the need for the adoption of an Ordinance regulating the burning of
leaves and landscape waste in densely populated areas of Kendall County; and

WHEREAS, the Kendall County Board intends by the adoption of this Ordinance, to not
restrict routine agricultural activities conducted within Kendall County; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance will
be the least restrictive means of protecting the health and general welfare of the citizens of
Kendall County; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance does
not place an unreasonable burden on the citizens affected by the Ordinance; and

WHEREAS, the Kendall County Board believes that the adoption of this Ordinance is in
the best interest of the citizens and residents of Kendall County;
AS A RESULT OF THE FOREGOING, IT IS HEREBY RESOLVED AS FOLLOWS:

1. It shall be unlawful for any person to cause or allow the burning of leaves and landscape waste within Kendall County in areas designated as R-6 or R-7 according to the official Kendall County Zoning Ordinance, and official Kendall County Zoning Maps, as amended.

2. This Ordinance shall only be effective in Townships with a population in excess of 18,000, based upon the last official census.

3. Any person who violates the provision of this Ordinance shall be guilty of a petty offense. A conviction for this offense shall be punishable by a fine of not less than $25.00 nor more than $100.00. A second conviction for the violation of this Ordinance shall be punishable by a fine of not less than $50.00 nor more than $250.00. A third or subsequent conviction for violation of this Ordinance shall be punishable by a fine of not less than $250.00 nor more than $500.00. Each day’s violation of this Ordinance shall constitute a separate offense.

4. Persons actually engaged in the business of agriculture shall be exempt from the provision of this Ordinance, if the actions of said person are in support of their agricultural pursuits. A person shall be deemed to be acting in support of their agricultural pursuits if that person is acting upon or adjacent to their agricultural lands, and while they are engaged in activities such as controlled burning for the purpose of weed eradication, and similar activities.

5. Persons actually engaged in the process of native prairie grass restoration shall be exempt from the provisions of this Ordinance, while such persons are carrying out activities directly related to the establishment of native prairie grass.

6. This Ordinance shall take effect on July 1, 1997.

[Signatures]

Chairman

ATTEST: [Signature] Clerk
PUBLIC HEALTH NUISANCE ORDINANCE
KENDALL COUNTY, ILLINOIS

No. 05-47

Pertaining to refuse disposal, open burning, and public health nuisances within the County of Kendall, Illinois.

WHEREAS pursuant to Illinois Compiled Statutes, Chapter 55, Section 5/5-1052, the Kendall County Board finds it necessary to adopt an ordinance regulating the storage and handling of refuse, open burning, and other activities detrimental to the public health, welfare, and safety of the inhabitants of the County;

NOW THEREFORE BE IT ORDAINED by the Board of Kendall County that the following rules and regulations within this ordinance be hereby adopted for all unincorporated areas of Kendall County:

INTEGRATED OR REFERENCED MATERIALS: Latest version of the Environmental Protection Act (415 ILCS 5)

SECTION 1: DEFINITIONS

Agricultural Operation – any operation devoted to a bona fide production of crops, animal, or fowl; including but not limited to the production of fruits and vegetables of all kinds; meat, dairy, poultry, and fish products; nuts, tobacco, nursery and floral products, and the production and harvest of products of silviculture activity.

Enforcement Officer - means that person or persons designated by the Kendall County Board and the Kendall County Board of Health to enforce this Ordinance.

Garbage – any accumulation of waste resulting from the handling, processing, preparation, cooking, and consumption of food or produce.

Health Authority – the Director of Environmental Health of Kendall County or his/her designated agent.

IEPA – Illinois Environmental Protection Agency

Noxious – Detrimental to one’s health.

Public Health Nuisance – any condition considered harmful to person(s) or property, or which may be hazardous to the public health. A public health nuisance is one that has far reaching effects. It has the ability to affect the health, safety, or welfare of the public in general.
Refuse – all solid wastes, excluding bodily wastes, including garbage, rubbish, dead animals, abandoned automobiles, discarded appliances, and solid manufacturing and industrial wastes.

Rubbish – combustible and non-combustible waste, except garbage, including but not limited to rags, old clothes, scrap metal, glass, cement, paper, raw (untreated) scrap lumber, card board, and similar materials.

Stagnant Water – standing, motionless water, devoid of natural mosquito predators and parasites, that persists for seven days or more.

Vermin – collectively noxious, troublesome and disease-transmitting small animals such as rodents and insects such as cockroaches, flies, lice, mosquitoes, etc.

Yard Waste – any waste generated as the result of tree trimming, lawn mowing, gardening, leaf raking, and other yard activities and consisting of branches, brush, grass clippings, leaves, sod, hedge trimmings and other plant waste from yard and garden sources.

SECTION 2: REFUSE – STORAGE AND DISPOSAL

A. It shall be unlawful to cause, or allow to cause, the dumping of any refuse on any public or private land, unless such dumping occurs at an IEPA permitted disposal site.

B. It shall be unlawful to collect or accumulate refuse, offal, animal carcasses, tires, abandoned vehicles, and other materials which could potentially be a harborage for mosquitoes, rodents, or other vermin, or which may impose a physical hazard to the public, with the exception of normal storage of manure or machinery on a farm for agricultural purposes.

SECTION 3: OPEN BURNING/INCINERATION

A. Open burning of garbage, as herein defined, is prohibited except at those facilities which have been issued a permit to incinerate garbage by the IEPA, and only when such burning is done in a manner which complies with all rules adopted by the IEPA for lawful burning.

B. The open burning of leather, rubber, carpets, furniture, plastic, tires, and all other toxic materials as defined by the IEPA is prohibited at all times in the County except at facilities which have been issued a permit to burn such material by the IEPA and only when the burning at said facility is done in a manner which complies with all rules adopted by the IEPA for the lawful burning of such material as defined by the IEPA.

C. In the areas where burning is permitted, open burning of yard waste is only permitted on the property which it was generated, subject to the following conditions:
1. Atmospheric conditions allow for ready dispersal of contaminants.

2. Open burning is prohibited on "Code Red" or "Ozone Action" alert days as determined by the IEPA.

3. The burning does not create visibility hazards on roadways, tracks, or airfields.

4. Burning is not done within 20 feet of any building or structure.

5. Burning is supervised until the fire is extinguished, and a hose or fire extinguisher is readily available.

6. The material to be burned is clean and dry.

7. The material does not contain varnish, paint, finishes, or other chemicals which would cause toxic emissions when burned, as per Section III (B) herein.

SECTION 4: DECLARED PUBLIC HEALTH NUISANCES

The following, except in conjunction with standard farming practices, and standard road work practices on county and township roads, are hereby declared general nuisances when affecting the health and well being of persons residing within Kendall County or adversely affecting the property of county residents.

A. To cause or allow to cause the deposit of any animal carcass, offal, or other noxious or potentially hazardous material in any lake, pond, stream, well, common sewer, waterway, street or public highway.

B. To cause or permit the pollution of any well, cistern, spring, underground water source, stream, lake, canal or other body of water by sewage or industrial wastes, or any other substance considered hazardous to the public health.

C. All buildings, walls, or other structures which have been damaged by fire or have become dilapidated, rundown, or decayed and are so situated as to endanger the safety of the public or provide a possible harborage for rodents, insects, and other vermin.

D. Dense smoke, vapors, gas, dust, soot, cinders, or other airborne particles, or offensive and lingering odors in unreasonable or toxic quantities.

E. To maintain any kennel, stable, barn, coop, pen, yard, or other place where animals, including pets, are kept in an unsanitary condition which leads to noxious conditions or provides a harborage for insects and other vermin.

F. To cause or allow for the impoundment and stagnation of water which produces offensive odors, harbor vermin, or promote the breeding of disease causing vermin in residential areas of the county.
SECTION 5: RIGHT TO FARM

In order to limit the circumstances under which agricultural operations may be deemed to be a nuisance, especially when nonagricultural land uses are initiated near existing agricultural operations, no agricultural operation or any of its appurtenances shall be considered a nuisance, public or private, if such operations are conducted in accordance with existing best management practices and comply with existing laws and regulations of the State of Illinois (Farm Nuisance Suit Act, 740ILCS 70/) and local ordinances. The exemptions specified in this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural operation or its appurtenances, nor shall these exemptions supercede any restrictions or requirements of farming operations set forth in any other county regulations.

SECTION 6: ENFORCEMENT AND PENALTIES

A. Authorization to enter premises – The Enforcement Officer is hereby authorized to make the necessary inspections to obtain compliance with this ordinance. For the purpose of making such inspections, the enforcement officer is hereby authorized to request entry to any property at any reasonable time upon reasonable notice, for the purpose of determining compliance with this ordinance. Refusal of right to entry shall be cause for the enforcement officer to seek the permission of the court for right of entry.

B. Notice to Abate – Upon investigation of the nuisance complaint by the enforcement officer, if he/she determines that a nuisance does exist, he/she shall issue a written notice to abate the nuisance condition within a reasonable amount of time to be determined by the Health Authority. A follow-up inspection will then be made in an effort to ensure that compliance has been achieved. Depending on the nature and conditions of the violation(s) and/or responsible party, a series of follow-up inspections may be necessary to achieve total compliance. However, a final date by which all violations are to be fully resolved shall be established and adhered to.

If it is determined that the condition constitutes an immediate and serious threat to the health and safety of the population, the enforcement officer may approach the court for an immediate abatement order.

C. Failure to Abate Condition – Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of an offense punishable by a fine not to exceed $500 with each week the violation remains uncorrected constituting a separate offense; which penalties shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.
SECTION 7: ANNUAL REVIEW OF THE PUBLIC HEALTH NUISANCE ORDIANCE

A. In an effort to evaluate the efficacy of the Kendall County Public Health Nuisance Ordinance, the Kendall County Health Department shall prepare and present to the Kendall County Board no later than the first regular board meeting of each calendar year a report describing the previous year's public health nuisance complaint and investigation activity. Said report shall include yet not be limited to the numbers and types of public health nuisance complaints received and investigated by the Health Department, and the number of complaints resulting in legal action taken by means of the Kendall County Code Hearing Unit Ordinance and/or the Kendall County State's Attorney's Office.

PUBLIC HEALTH NUISANCE ORDINANCE, KENDALL COUNTY ILLINOIS, APPROVED AND RECOMMENDED BY THE KENDALL COUNTY BOARD OF HEALTH THIS 16th DAY OF AUGUST 2005.

[Signature]
President, Kendall County Board of Health

PUBLIC HEALTH NUISANCE ORDINANCE, KENDALL COUNTY ILLINOIS, APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS 16th DAY OF AUGUST 2005.

[Signature]
Chairman, Kendall County Board

Ayes - 7
Nays - 2
Abstain - 0

Attest:

[Signature]
Kendall County Clerk
KENDALL COUNTY, ILLINOIS
ORDINANCE NO. ____________________

ORDINANCE REGULATING TALL GRASS AND WEEDS IN RESIDENTIAL AREAS,
OUTSIDE THE CORPORATE LIMITS OF ANY CITY, VILLAGE OR INCORPORATED TOWN
IN KENDALL COUNTY, ILLINOIS

WHEREAS, the County of Kendall has the authority pursuant to 720 ILCS 5/47-5 to
declare what shall be a public nuisance and to abate the same with respect to the territory
within the county and outside the corporate limits of any city, village, or incorporated
town; and

WHEREAS, pursuant to the Illinois County Code 55 ILCS 5/5-12001, the County of
Kendall also has the authority to regulate and restrict the location and use of buildings,
structures and land for trade, industry, residence and other uses, for the purpose of
promoting the public health, safety, morals, comfort and general welfare, and conserving
the values of property throughout the county; and

WHEREAS, The County of Kendall is permitted under 55 ILCS 5/5-1099 to cut
weeds in residential areas outside of the corporate limits of any city, village or
incorporated town in Kendall County and recover the cost from the property owner
directly or by placing a lien on the property, and;

WHEREAS, 55 ILCS 5/5-113 gives the County of Kendall authority to pass
ordinances and make rules to effectuate its statutory powers, and;

WHEREAS, the County of Kendall seeks to conserve the value of property
throughout the county, and to prevent over-grown, residential lawns that endanger the
physical and emotional health and well-being of the residents, depress property values,
offend the senses, create a public nuisance, and in other respects reduces the quality of our
environment.
WHEREAS, the County of Kendall has found that residential lawns over-grown with weeds or tall grasses, are detrimental to the health, safety and welfare of County residents because they tend to depreciate property values, attract harmful insects and vermin, and generally interfere with the ability of residents to use and enjoy their property, and the County hereby declares over-grown weeds and tall grasses a public nuisance, and;

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Kendall, State of Illinois that, hereafter, Residential Zoning Districts which lie outside of the corporate limits of any City, Village or Town and lying within the corporate limits of Kendall County, Illinois shall be subject to the following:

ARTICLE I - Title:
This ordinance shall hereinafter be known as the "Kendall County Tall Grass and Weeds Ordinance" and may be so cited.

ARTICLE II - Definitions
a. Regular Meaning: Except as specifically stated herein, the definitions of terms used in this Ordinance shall have their regular and usual meaning as indicated by common dictionary definition.

b. Weeds: the term "weeds" includes Marihuana (cannabis sativa L.), Giant Ragweed (Ambrosia trifida L.); Common Ragweed (ambrosia artemisiifolia L.), Canada Thistle (Cirsium arvense), Perennial Sowthistle (Sonchus arvensia). Musk Thistle (Carduus nutans), Johnsongrass (Sorghum halepense), Kudzu (Pueraria labata), and any other plant identified as a noxious weed by the State of Illinois.

c. Tall Grasses: the term "tall grasses" means grass grown in excess of 12 inches and shall exclude decorative and ornamental grasses planted for landscaping purposes.
ARTICLE III - Applicability:
This Ordinance shall apply in unincorporated Residential Zoning Districts. The subject property's owner shall be liable for noncompliance with this Ordinance as further set forth herein.

ARTICLE IV - Enforcement
The provision of this Ordinance shall be executed and enforced by the Kendall County Planning, Building and Zoning Department ("Department"), by and through the Department's Code Official ("Code Official") and any and all complaints of violations of this ordinance shall be directed to them. The Kendall County State's Attorney's Office shall be authorized to prosecute any violations of this Ordinance.

ARTICLE V - Grass and Weed Maintenance
All owners of property in unincorporated Residential Zoning Districts within Kendall County must not allow weeds or grasses, excluding decorative or ornamental grasses, to reach a height in excess of 12 inches, unless:

a. In the opinion of the Code Official, the weeds or tall grasses enhance, protect, restore or otherwise support an identified natural resource,

b. The weeds or tall grass is within the tree-line of a natural wooded area and pose an immediate hazard to the residential area, or

c. The weeds or tall grass is in an area preserved within an open space easement or designated natural area.

ARTICLE VI - Notice of Violation

a. Upon confirming a residential lot, subject to this ordinance, has tall grasses or weeds exceeding 12 inches in height, the Code Official shall send notice by regular mail, to the last known address of each owner, notifying the owner(s) their property is in violation of the Tall Grass and Weeds Ordinance and they have 15 days to cure the violation.

b. This Notice of Violation must contain the following information:

1. The address of the property in violation;
2. The Ordinance number and specific language supporting the violation;
3. A description of the violation, giving the homeowner sufficient direction to properly cure the violation;
4. The contact information for the Code Official,
5. The amount of time the homeowner has to cure the violation (15 days); and
6. The potential consequences of failing to cure the matter within the time allotted. Specifically, the notice must explain that the Department may, in its discretion:
   i. Abate the nuisance, submitting the costs of such abatement to the homeowner by placing a lien on the property,
   ii. Submit a citation for prosecution to the Kendall County State's Attorney, potentially resulting in fines not to exceed $1000 per violation, or
   iii. Both abate the nuisance and submit a citation.

ARTICLE VII – Abatement
If, after providing proper notice and allowing the property owner 15 days to cure the violation, the violation remains unresolved, the Department may abate the nuisance by whatever means necessary, including, but not limited to, cutting the tall grass and weeds, or removing weeds.

ARTICLE VIII – Lien and Notice of Lien
a. To effectuate a property lien for the cost of abatement, the Department must file a Notice of Lien with the Kendall County Recorder's Office, within 60 days of incurring the expense.
   b. The Notice of Lien shall consist of a sworn statement setting out:
      a. A description of the property sufficient for its identification;
      b. The amount of the costs incurred or payable for the abatement, and
      c. The date or dates such cost was incurred by the county.
   c. The Department must mail a copy of the Notice of Lien to the property owner's last known address.
d. The Department shall file a Release of Lien with the Kendall County Recorder’s office promptly after receiving payment on the lien.

ARTICLE IX – Citation
If, after providing proper notice and allowing the property owner 15 days to cure the violation, it is clear the property owner has not made adequate efforts to eradicate the problem, the Department may issue a citation, and obtain and serve a summons on the property owner in a manner prescribed 55 ILCS 5/5-1114(a) (West 2013), subjecting the property owner to the penalty provision in Article XI.

ARTICLE X – Repeat Offenders
a. A repeat offender is anyone who has been found guilty of 2 or more similar violations of a property maintenance code at the same location in a 36-month period.

b. A repeat offender may be served with a Notice to Appear, subject to the requirements identified in 55 ILCS 5/5-1114(a).

ARTICLE XI – Penalty
a. It shall be unlawful to violate Article V of this Ordinance. Any person, firm or corporation violating Article V of this Ordinance shall, upon conviction, be guilty of a misdemeanor and be punished by fines as follows:

1. For the first offense, the minimum fine shall be $25.00 and the maximum fine shall be $250.00; and

2. For any subsequent offense occurring within two years of the prior offense, the minimum fine shall be $50.00 and the maximum fine shall be $500.00; and

b. The violation of this Ordinance, or any part thereof, on more than one (1) day shall constitute separate offenses; and

c. In addition to any penalty provided by this Ordinance, the Kendall County State’s Attorney is authorized to initiate action to obtain injunctive relief in the Circuit Court, including, but not limited to, the issuance of a temporary restraining order
and preliminary injunction, in order to abate any such nuisance condition as enumerated in this Ordinance.

ARTICLE XII - Severability:
The articles, provisions and sections of this Ordinance shall be deemed to be severable and if any portion of this Ordinance is deemed invalid, such determination shall not affect the validity of the remainder.

ARTICLE XIII- Effective Date:
This Ordinance and the regulations contained therein shall be in full force and effect on and after the date signed below.

ADOPTED and APPROVED this ___ day of October, 2013.

______________________________
John Shaw, County Board Chairman

Attest: _______________________
Debbie Gillette, County Clerk
December 17, 2014

To Whom It May Concern;

We, River’s Edge Fellowship, have met as a church in the Oswegoland Park District buildings for the past 30 years. Currently, we are pursuing a Special Use Permit for a unit at the Boulder Hill Market. Since we will have considerable costs for the build out and equipment we would like to request a waiver of the application fee.

We appreciate your consideration and look forward to serving our community in a bigger and better way.

Frank L Johnson (Pastor)
River’s Edge Fellowship
SITE INFORMATION

PETITIONER  River’s Edge Fellowship- Pastor Frank Johnson

ADDRESS  71 Boulder Hill Pass

LOCATION  East side of Boulder Hill Pass, Boulder Hill Marketplace

TOWNSHIP  Oswego

PARCEL #  03-05-401-003

SIZE  7.82 acres; 4800 square feet in strip mall

EXISTING LAND USE  Existing Businesses (Dollar General, Boulder Hill liquor store, Oswego Community Bank, Select Restaurant, orthodontist office and attorney’s office)

ZONING  7.82 Acres Zoned B-3 (Ordinance 56-300) Rezoned from farming to business

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Suburban Residential</th>
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</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Boulder Hill Pass is designated as a local roadway</td>
</tr>
<tr>
<td>Trails</td>
<td>None</td>
</tr>
<tr>
<td>Other</td>
<td>Wetlands &amp; Floodplain are NOT present on the property</td>
</tr>
</tbody>
</table>

REQUESTED ACTION  The Petitioner is requesting approval of a B-3 Special Use Permit to operate a place of worship including community outreach events.

APPLICABLE REGULATIONS

| § 9.04.C (B-3 Special Uses Permitted: Places of Worship) |
| § 13.08.J (Special Uses-Standards)                      |

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP Zoning within ½ Mile</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Gas Station</td>
<td>B-3</td>
<td>B-3, Montgomery</td>
</tr>
<tr>
<td>South</td>
<td>Medical Office</td>
<td>B-3</td>
<td>R-3; R-6; R-7 &amp; Oswego</td>
</tr>
<tr>
<td>East</td>
<td>Oswegoland Park District, Dental Office &amp; Wedgewood Manor</td>
<td>B-1, B-3 &amp; R-7</td>
<td>B-1, R-6, R-7 &amp; Oswego</td>
</tr>
<tr>
<td>West</td>
<td>Train tracks</td>
<td>A-1; Montgomery</td>
<td>Suburban Residential</td>
</tr>
</tbody>
</table>

PHYSICAL DATA

ENDANGERED  No Endangered Species Report necessary since it’s an existing building.
SPECIES REPORT

NATURAL RESOURCES INVENTORY

An NRI is not necessary since it's an existing building.

ACTION SUMMARY

OSWEGO TOWNSHIP

ZPAC 1.6.15 There were just two minor comments, that the petitioners will need to apply for a change of occupancy permit through the Building Department and also in the future if they open a food pantry to contact the health department before it's set up.

RPC 1.26.15 No one from the audience spoke on this petition. The Plan Commission recommended approval.

SUHO 2.2.15 No one from the audience spoke on this petition. The SUHO recommended approval.

REQUESTED ACTION GENERAL

The Petitioner is requesting approval of a B-3 Special Use Permit to operate a place of worship including community outreach events.

River's Edge currently holds Sunday services at 9:30am and Wednesday Bible Studies at 6:30pm. They are a congregation of approximately fifty people with the desire to grow to a maximum of one hundred.

They also do limited community outreach events such as feeding the poor and needy, supporting other local ministries, partnering with other area churches for broader outreach and service events and in the future possibly host a Boulder Hill food pantry as well as a safe haven for transients during the day.

This location is the same place the YARN Foundation was operating out of, since they moved out the special use was eliminated as it ran with the tenant.

Whole Parcel

Location of Site for Special Use

G:\REPORTS\2014\14-39 River's Edge Fellowship (Special Use)\PBZ 14-39 (2.3.15).doc
Prepared by Angela L. Zubko, Planning and Zoning Manager

Page 2 of 4
The parking lot currently exists. On the whole parcel there are about 44,500 square feet of retail area & about 3,000 square feet for a bank. The minimum parking requirements are 1 parking stall per 200 square feet of retail/bank which would calculate to a total of 238 parking stalls for the entire lot. Back in 2009 I counted about 238 parking stalls. This lot would be close to the requirements if not meet them.

No new signage is proposed at this time. Staff would assume a building sign will be erected which will need to meet the sign size regulations and a building permit will need to be applied for.

*Any changes/modifications to the space for the new occupant would require that a qualified fire alarm contractor be involved to ensure compliance of the fire alarm system is maintained.

**“Safe Haven” status would need to be looked at more closely as this space is not designed or intended for “residential” in nature

§ 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 River’s Edge Fellowship 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. Our desire, by being present in the Boulder Hill market, would be not to hinder or disrupt any business, office or residence but to be a benefit to all. We feel that fuller occupancy of the center would increase the traffic flow for existing businesses as well as increase the property value as a whole.

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. We wholeheartedly agree to adhere to and respect all applicable 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.

RECOMMENDATION  Staff is comfortable with this request with one condition:
1. The Special use runs with the tenant and not with the land.

ATTACHMENTS
1. Special use Description
2. ZPAC Meeting minutes on 1.6.15
3. RPC Meeting minutes on 1.26.15
4. SUHO Meeting minutes on 2.2.15
5. Draft Ordinance
Kendall County  
Dept. of Building, Planning, and Zoning

River's Edge Fellowship is a non-denominational church serving the Oswego / Montgomery area.  
We currently hold Sunday services at 9:30am and Wednesday Bible Studies at 6:30pm.

We also do limited community outreach events such as:  
   Feeding the poor and needy.  
   Supporting other local ministries.  
   Partnering with other area churches for broader outreach and service events.  
As well as, supporting churches in the Philippines and elsewhere.

We are a congregation of approximately fifty with the desire to grow to a maximum of one hundred.

With this new site, we will promote a more publically visible presence. It will allow us more community involvement and access.  
Future plans include the possibility of a Boulder Hill food pantry as well as a safe haven for transients during the day.

We have no paid staff as those in positions of ministry serve freely.

Frank Johnson (Pastor)  
River's Edge Fellowship
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 6, 2015 – Meeting Minutes

Planner Angela Zubko called the meeting to order at 9:01 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Aaron Rybski – Health Department
Brian Jahp – Sheriff’s Office
Brian Holdiman – Building Inspector
Fran Klaas – County Highway Department
Angela Zubko – PBZ Planning & Zoning Manager

Absent:
Greg Chismark – Wills Burke Kelsey
Scott Gryder – PBZ Member
Forest Preserve

Also present: Frank Johnson, John Gallo and Andy Sybert

AGENDA
A motion was made by Fran Klaas to approve the agenda as written, Megan Andrews seconded the motion. All were in favor and the motion carried.

MINUTES
Fran Klaas made a motion, seconded by Brian Jahp, to approve the November 3, 2014 meeting minutes as written. All were in favor and the motion carried.

PETITIONS
#14-39 River’s Edge Fellowship
Planner Zubko stated the River’s Edge Fellowship is requesting approval of a B-3 special use permit for a place of worship and other related uses. This would be located between the Dollar General and the liquor store in the Boulder Hill Marketplace on Boulder Hill Pass just east of Route 25. They would be operating out of a 4,800 square foot location in the strip mall. The parking lot already exists and should be sufficient for the uses in the complex and the use would fit in with the uses in the area. River’s Edge currently holds Sunday services at 9:30am and Wednesday Bible Studies at 6:30pm. They are a congregation of approximately fifty people with the desire to grow to a maximum of one hundred. They also do limited community outreach events such as feeding the poor and needy, supporting other local ministries, partnering with other area churches for broader outreach and service events and in the future possibly host a Boulder Hill food pantry as well as a safe haven for transients during the day. Staff recommends approval of the special use and to add one condition onto the approving ordinance which is that the special use runs with the tenant and not with the land.

Frank Johnson introduced himself and stated he’s been serving since their conception over 30 years.

Fran Klaas had no comments.

Megan Andrews stated no NRI is needed. She thinks it’s great an existing building can be used.

Brian Jahp had no comments at this time.

Aaron Rybski stated this is not on a well or septic system, and he has no objections. He stated in the future if they open a food pantry give the health department a call before it’s set up.

Brian Holdiman stated a change of occupancy permit will be needed for life safety concerns.
With no further comments Fran Klaas made a motion, seconded by Brian Jahp to approve the special use and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.

#14-42 Sybert Landscaping
Planner Zubko stated Sybert Landscaping is 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. No new structures or buildings will be constructed. The property is located at 655 Woolley Road and is on the north side of Woolley Road, 0.15 miles west of Stewart Road. All the buildings exist, 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 three conditions: no retail sales allowed on site, no vehicle with GVWR over 36,000 lbs. & no loading or landscape equipment between the hours of 9pm to 6am. Staff is waiting to hear if the township would like to hear the petition again. Sybert landscaping is a small family-owned and operated lawn care and landscaping company with no retail service nor does it meet with its customers at its location. The business currently operates out of Romeoville, Illinois. The applicant’s parents started the company in 1979 and the applicant is the manager 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 7am; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7am to 5:30pm Monday through Friday with an occasional Saturday. They operate from mid April through mid November doing lawn service and then from November through March the trucks are placed offsite and stored on our snow plot 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 and a 6’ berm by the landscape materials. The water all drains west so this shouldn’t be an issue. Staff would like to know what the plan is for landscape waste, if it will be brought back on site. Staff will 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, east on West 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. Staff would recommend approval and the following conditions be placed on the special use, if approved:

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. No vehicles with GVWR over 36,000 lbs.
5. Restrict the amount of landscape waste that could be imported and stored on site at any one time to 5 semi loads.
6. The fence and berm must be installed within 6 months of the approval date of the special use.

John Gallo (petitioner’s attorney) introduced himself and stated his client does not currently own the property but the contract purchase is contingent upon getting the special use. The petitioner, Andy would like to look at the load limit as he would like to purchase larger equipment in the future but not sure when. Planner Zubko stated we can talk to the township about that.

Brian Holmberg verified the home will be a single family resident and the accessory structures will only be for personal use. My Sybert stated yes that is all correct. Brian had no further comments.

Aaron Rybski had some comments on the well and septic and storage locations. The petitioners have stated everything is in front by the house and the accessory structures have no water or bathrooms. Mr. Rybski had no further comments since everything is far from the system.

Brian Jahp had no comments at this time.

Megan Andrews stated no NRI is needed but she is happy to get them some information if they would like on the soils. She will return their application and money to the petitioner.

ZPAC Meeting Minutes 1.6.15
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Meeting Minutes of January 26, 2015
(Official until Approved)

Chairman Bill Ashton called the meeting to order at 7:02 pm.

ROLL CALL
Members Present: Chair Bill Ashton, Roger Bledsoe, Tom Casey, Claire Wilson and Budd Wormley
Others present: Planning & Zoning Manager Angela Zubko
Members Absent: Brian Leonard, Larry Nelson, Vern Poppen & 2 vacancies (Oswego Township & Big Grove Township)
In the Audience: Frank Johnson, John Gallo, C.W. & Brenda Dickey, Andrew Sybert, David Dickinson, William Richards, Patti Kraus, Ron Bochenek, Ingrid Dickinson, John Ryan, Bob Moser, Janet Porter & Tom Rohrbacher

APPROVAL OF AGENDA
Budd Wormley a motion to approve the agenda as written. Tom Casey seconded the motion. All were in favor and the agenda was approved.

APPROVAL OF MINUTES
Claire Wilson stated 2nd page under beekeeping stated is the word. Claire Wilson made a motion to approve the minutes from December 3, 2014 meeting with one correction, Budd Wormley seconded the motion. All were in favor and the minutes were approved.

PETITIONS
#14-39 River’s Edge Fellowship
Planner Zubko stated the River’s Edge Fellowship is requesting approval of a B-3 special use permit for a place of worship and other related uses. This would be located between the Dollar General and the liquor store in the Boulder Hill Marketplace on Boulder Hill Pass just east of Route 25. They would be operating out of a 4,800 square foot location in the strip mall. The parking lot already exists and should be sufficient for the uses in the complex and the use would fit in with the uses in the area. River’s Edge currently holds Sunday services at 9:30am and Wednesday Bible Studies at 6:30pm. They are a congregation of approximately fifty people with the desire to grow to a maximum of one hundred people. They also do limited community outreach events such as feeding the poor and needy, supporting other local ministries, partnering with other area churches for broader outreach and service events and in the future possibly host a Boulder Hill food pantry as well as a safe haven for transients during the day. Staff recommends approval of the special use and to add one condition onto the approving ordinance which is that the special use runs with the tenant and not with the land.

KCRPC Meeting Minutes from 1.26.15
The ZPAC Committee had no objections and recommended approval. This is the same location where the YARN Foundation was but that also ran with the tenant so once they left the special use left.

Frank Johnson is the pastor and introduced himself and didn’t have anything to add.

Roger Bledsoe asked if there is a conflict with a liquor store next to a church. Planner Zubko stated the liquor store rents along with this church will be renting so the owners are the same of the building so the owner would be objecting to himself.

Claire Wilson asked if the Health Department reviewed this and Planner Zubko stated yes but they are not on well and septic and the appropriate number of bathrooms was installed with the YARN Foundation.

Claire Wilson made a motion to approve the special use with staff’s one condition, Tom Casey seconded the motion. With a roll call vote all were in favor and this will move onto the next SUHO meeting next Monday.

#14-42 Sybert Landscaping
Planner Zubko stated Sybert Landscaping is 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 zoning. The property is located at 855 Woolley Road and is on the north side of Woolley Road, 0.15 miles west of Steward 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 three conditions: no retail sales allowed on site, no vehicle with GVWR over 36,000 lbs. & no loading or landscape equipment between the hours of 9pm to 6am. The township does not need to hear the petition again so they’re all set with the township. During ZPAC it was asked why the township put a weight restriction since all roadways have a limit of 80,000 lbs so they deleted that condition. Sybert landscaping is a small family-owned and operated lawn care and landscaping company with no retail service nor does it meet with its customers at its location. The business currently operates out of Romeoville, Illinois. The applicant’s parents started the company in 1979 and the applicant is the manager 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 7am; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7am to 5:30pm Monday through Friday with an occasional Saturday. They operate from mid April through mid November doing lawn service and then from November through March the trucks are placed offsite and stored on their snow plot 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 and a 6’ berm by the landscape materials. The water all drains west so this shouldn’t be an issue. The petitioner does proposed to haul away their landscape waste but we did put a condition if they do bring waste back to the site they can only have a limit of 5 semi loads. Staff will place a condition that no landscape waste generated off the property
KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
February 2, 2015 – 7:00 p.m.

CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:00 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich
In the audience: Frank Johnson, John Gallo, Andrew Sybert, C.W. & Brenda Dickey, David Dickinson, William Richards, John & Geri Ryan, Bob Moser, William & Priscilla Richards, Kevin Mehnert & Tom and Sandy Rohrbacher
Did not sign in: Patti Kraus, Carey & Janet Porter & James Manzo

MINUTES
Wally Werderich motioned to approve the September 29, 2014 Special Use Hearing Officer Meeting minutes as written.

Chairman 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
#14-39 River’s Edge Fellowship
Planner Zubko stated the River’s Edge Fellowship is requesting approval of a B-3 special use permit for a place of worship and other related uses. This would be located between the Dollar General and the liquor store in the Boulder Hill Marketplace on Boulder Hill Pass just east of Route 25. They would be operating out of a 4,800 square foot location in the strip mall. The parking lot already exists and should be sufficient for the uses in the complex and the use would fit in with the uses in the area. River’s Edge currently holds Sunday services at 9:30am and Wednesday Bible Studies at 6:30pm. They are a congregation of approximately fifty people with the desire to grow to a maximum of one hundred people. They also do limited community outreach events such as feeding the poor and needy, supporting other local ministries, partnering with other area churches for broader outreach and service events and in the future possibly host a Boulder Hill food pantry as well as a safe haven for transients during the day. Staff recommends approval of the special use and to add one condition onto the approving ordinance which is that the special use runs with the tenant and not with the land.

The ZPAC Committee had no objections and recommended approval. This is the same location where the YARN Foundation was but that also ran with the tenant so once they left the special use left. The Plan Commission recommended approval and no one in the audience voiced any concerns. Frank Johnson, the pastor is in attendance if there are any questions or comments.

Frank Johnson introduced himself and didn’t have anything to add.
Mr. Werderich asked where the group currently meets which is the civic center. Mr. Werderich asked how they picked this location. Mr. Johnson has been looking for a property for awhile and once the YARN Foundation moved out he approached the property owner.

Mr. Walter Werderich opened up the public hearing to the audience members.

With no testimony Walter Werderich closed the public hearing.

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 River’s Edge Fellowship 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. Our desire, by being present in the Boulder Hill market, would be to not hinder or disrupt any business, office or residence but to be a benefit to all. We feel that fuller occupancy of the center would increase the traffic flow for existing businesses as well as increase the property value as a whole.

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. We wholeheartedly agree to adhere to and respect all applicable 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. This will be moved onto the PBZ Committee next Monday at 6:30pm.
ORDINANCE NUMBER 2015 - _____

GRANTING SPECIAL USE FOR THE TENANTS AT
71 BOULDER HILL PASS
RIVER’S EDGE FELLOWSHIP

WHEREAS, River’s Edge Fellowship has filed a petition for a Special Use within the B-3 Highway Business Zoning District for a 4,800 square foot tenant space on an overall 7.82 acre property located in the Boulder Hill Marketplace on the east side of Boulder Hill Pass, approximately 0.15 miles north of Route 25 (PIN# 03-05-401-003), in Oswego Township; and

WHEREAS, said petition is to allow the operation of a place of worship including community outreach events; and

WHEREAS, said property is currently zoned B-3 Highway Business District; and

WHEREAS, said property is legally described as:


WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on February 2, 2015; and

WHEREAS, the findings of fact were approved 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 River’s Edge Fellowship 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. Our desire, by being present in the Boulder Hill market, would be to not hinder or disrupt any business, office or residence but to be a benefit to all. We feel that fuller occupancy of the center would increase the traffic flow for existing businesses as well as increase the property value as a whole.

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. We wholeheartedly agree to adhere to and respect all applicable 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.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer & Zoning Board of Appeals and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be run with the tenant, River’s Edge Fellowship at 71 Boulder Hill Pass; and

WHEREAS, if the River’s Edge Fellowship was to move out of the building the special use would dissolve at that time; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit operate a place of worship including community outreach events in the 4,800 square feet of building space located at 71 Boulder Hill Pass.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.
State of Illinois  
County of Kendall  

Zoning Petition  
#14-39

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17th day of February, 2015.

Attest:

Debbie Gillette  
Kendall County Clerk

John Purcell  
Kendall County Board Chairman
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

14-42
Sybert Landscaping
A-1 Special Use

SITE INFORMATION
PETITIONERS Andrew Sybert

LANDOWNERS C.W. Dickey & Brenda Dickey (purchase is contingent on zoning)

LOCATION On the north side of Woolley Road, 0.15 miles west of Stewert Road
655 Woolley Road, Oswego

TOWNSHIP Oswego Township

PARCEL # 03-24-100-019

SIZE 3.14 Acres

EXISTING LAND USE Single Family home

ZONING A-1 Agricultural

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Rural Estate Residential (Max. density 0.45 du/acre); Oswego: Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Woolley Road is a minor collector roadway</td>
</tr>
<tr>
<td>Trails</td>
<td>Per Oswego’s plans there is a trail proposed on the north side of Woolley Road.</td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>There is no floodplain or wetland on the property</td>
</tr>
</tbody>
</table>

REQUESTED ACTION 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. No new structures or buildings will be constructed on the subject property.

APPLICABLE REGULATIONS §7.01.D.27 (A-1 Agricultural Special Uses- Landscape Business) §11.01 (Parking Regulations)
$$12.08$$ (Agricultural Sign Regulations)
$$13.08$$ (Special Uses)

**SURROUNDING LAND USE**

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within $$\frac{1}{2}$$ Mile</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>A-1</td>
<td>Rural Estate</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Mixed use Business</td>
<td>A-1</td>
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<tr>
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<td>Rural Estate</td>
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</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>A-1</td>
<td>Rural Estate</td>
<td>A-1; A-1 SU</td>
</tr>
</tbody>
</table>

**Zoning in the Area:**

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**
The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, IL Natural Area Inventory sites, dedicated IL Nature Preserves or registered Land and Water Reserves in the vicinity of the project location.

**NATURAL RESOURCES INVENTORY**
A NRI is not required since no new buildings are proposed now or in the future.

**ACTION SUMMARY**

**TOWNSHIP (Oswego)**
Was discussed at a meeting in November as the petitioner needed permission from the road commission to have this type of business of a minor roadway. The township road commission recommended approval for the petitioners to apply with three conditions: no retail sales allowed on site, no vehicle with GVWR over 36,000 lbs. & no loading or landscape equipment between the hours of 9pm to 6am. The township has no issues with this use at this property. The township road commission decided on 1.12.15 to eliminate the weight restriction.

**MUNICIPALITY (Oswego)**

**ZPAC 1.6.15**
The only concern was the limit on the weight as the roadways should all be

G:\REPORTS\2014\14-42 Sybert Landscaping 655 Woolley Road (A-1 Special Use)\PZB (2.4.15).docx
Prepared by Angela L. Zubko, Planning & Zoning Manager

Page 2 of 7
80,000 lbs anyways so why limit them to 36,000. Planner Zubko will contact the township highway commissioner to discuss.

RPC 1.26.15 The Plan Commission had about 15 people in attendance in which 8 people spoke opposing the special use. Their main concerns was 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 due to the size and intensity of the lot and all the neighbor’s concerns.

SUHO 2.2.15 The public hearing had about 20 people in attendance in which 12 people spoke opposing the special use. Their main concerns were water drainage, grading, landscape waste, rodents, traffic, property values, chemicals, pesticides, pollution, water draining into the ephemeral pond, ground water, dust, fuel storage, material storage, property values, noise, lights, safety, future expansion of the business and the fact that a business is going into a horse community. The hearing officer made an unfavorable recommendation.

REQUESTED ACTION

GENERAL 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. No new structures or buildings will be constructed on the subject property.

Sybert landscaping is a small family-owned and operated lawn care and landscaping company with no retail service nor does it meet with its customers at its location. The business currently operates out of Romeoville, Illinois. The applicant’s parents started the company in 1979 and the applicant is the manger of the business.

EMPLOYEES 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.

HOURS OF OPERATION The work force arrives at 7am; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7am to 5:30pm Monday through Friday with an occasional Saturday. They operate from mid April through mid November doing lawn service and then from November through March the trucks are placed offsite and stored on our snow plot lots.

PARKING The parking ratio would be one (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise. The petitioners have stated only 2 employee vehicles will be parked on site. There is plenty of room on the north side of the lot for parking and storage of vehicles.

STORAGE The special use in the Zoning Ordinance states that: 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 proposes to store the company and employee vehicles outdoors in the northwest corner of the property. The landscape materials will be stored on the northeast corner. The petitioner does proposed to install a six foot fence along the property line from the current accessory building north.
WASTE  This was discussed and typically waste will not come back to this site. If it does it will remain in the bed of the trucks until dropped off at a yard waste recycling center. There are a few times it may need to be stored on site for less than a week if it rains and the truck will exceed weight limits. Staff has put a condition that only 1 semi load of waste can be stored on site and also no landscape waste generated off the property can be burned on this site.

SINGLE FAMILY HOME  The petitioner will be living in the house and also right behind the home is where the septic system is as well. None of the accessory buildings have bathrooms.

R.O.W.  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)

Oswego township road commissioner has approved the landscape business to locate off Woolley Road.

The petitioners have stated the main route to their clients will be east on Woolley Road, South on Stewart Road, east on West 119th Street to reach Route 30. This would be the main route in and out of this location to reduce the amount of traffic.

SIGNAGE  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.
ACCESS
The property currently has an access point off of Woolley Road which would remain the same.

BUILDING DEPARTMENT
The building department would like to know if the petitioners will be using any of the accessory structures in conjunction with the landscape business. The petitioners have indicated that the accessory buildings will be used for personal use only. Only the fenced off area will be used for the landscape business.

AREA BUSINESSES
At the public hearing the petitioner presented the fact there are many other comparable businesses in the area.

The current property is used for Dickey & Dickey Rides, Inc. to store amusement park rides, inflatable’s and the like and had about 20-30 employees there on the weekends. This business has been around since 1963.  
http://www.dickeyanddickey.com

Arborville Turf & Landscaping (680 Rance Road)- Open for 21 years since 1994 and heard they are closing now and selling off all the equipment. Website states staff of 1-4 employees. Comparable trailers, trucks and equipment.  
http://www.arborvilleinc.com/

Rocket Towing (611 Woolley Road)- Tow trucks and a handful of cars stored on the lot. No found website

RM Oswego Landscaping Inc. (3323 Stewart Road)- Open since 1992, 1-5 employees. Comparable equipment and trailers with bulk storage. No found website

South Pacific Drywall Inc. (3126 Stewart Road)- Open since 2004, 5 to 10 employees. No found website

Harmony Hills Equestrian (3350 Stewart Road)- Family owned and open since 2006.  
http://www.harmonyhillsequestrian.com/wp/

Grande Prairie Equestrian Center (3428 Roth Road)- Acquired a special use in 2006 for 6 horse stalls and a manager house. According to the website there are now 68 stalls.  
http://www.grandeprairieec.com/
§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer made 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. The current uses of the subject property include a residence; an amusement rides business and outdoor storage. The special use permit will allow for a landscaping business to operate on the subject property. Considering the existing uses, the special use will be detrimental to and endanger the public health, safety, morals, comfort or general welfare. This is a 3 acre property and in an area that is quasi-residential use and this use will right next to a residential area. The current property does not comply with not being detrimental.

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 assure 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 subject property is surrounded by farmland and property used both as a residence and as a commercial business. The petitioners will be using the property as a residence and as a landscaping business which is compatible with agricultural farming. The zoning classification with the general area is still agricultural.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. All the utilities, access roads and drainage already exist for this site.

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 buildings already exist and the petitioner is not requesting any variances.

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 not be consistent with the County's LRMP in that the subject property will be used in a more intense nature with the surrounding properties.

RECOMMENDATION

Staff is of the opinion this use fits in with the activities taking place near this site and also is of the opinion there could be much worse neighbors then a landscape business on this site. 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. Restrict the amount of landscape waste that could be stored on site at any one time on the ground to 1 semi load. That 1 semi load must be removed within 1 week. Landscape waste can be contained in the bed of a truck but also must be removed within 1 week.
5. The fence must be installed within 6 months of the approval date of the special use.
6. The special use will run with the owners of the property

ATTACHMENTS

1. Business description
2. Location map
3. Site plan showing location of storage and parking (Berm has been eliminated and will just be a six foot fence
4. Plat of Survey showing current property conditions
5. ZPAC Meeting minutes on 1.6.15
6. RPC Meeting minutes on 1.26.15
7. SUHO Meeting minutes on 2.2.15
8. Information including pictures of area businesses
SYBERT LANDSCAPING, INC.
BUSINESS PLAN/PROPOSED USE
655 WOOLLEY ROAD, OSWEGO, IL 60543

The Applicant is requesting approval of an A-1 Special Use Permit to operate a landscaping business with outdoor storage of vehicles, equipment and bulk materials associated with a landscaping business. The Applicant will be living in the house on the Subject Property. No new structures or buildings will be constructed on the Subject Property.

Sybert Landscaping, Inc., an Illinois Corporation, is a small family-owned and operated lawn care and landscaping company with no retail service nor does it meet with its customers at its location. The business currently operates out of Romeoville, Illinois. The Applicant’s parents started the company in 1979, and the Applicant is the manager of the business.

The Applicant is looking to move the company to a new location closer to where most of its work is currently located. The Applicant is in the process of purchasing the Subject Property and moving his personal residence and the company to this location. The sale is contingent on getting a Special Use Permit approved for operation of a landscaping business.

In regards to road use, the business would use the following truck route from the Subject Property: East on Woolley Road; South on Stewart Road, East on W. 119th Street to reach Route 30. This would be the main route in and out of this location to reduce the amount of traffic.

We currently have a small number of trucks and trailers to service our client list. We have six employees which include the Applicant, two foremen, and three laborers. The crews all ride together in two vehicles to work every day. The work force arrives at 7:00 a.m.; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7:00 a.m. to 5:30 p.m. Monday through Friday with an occasional Saturday. The equipment is stated below and used for lawn service during the months of mid-April through mid-November:

- 1 ¾ ton pick-up truck with a GVWR of #9,200
- Two 1 ton dump trucks with a GVWR of #12,000
- Two enclosed trailers with a GVWR of #9,900
- One equipment trailer with a GVWR of #16,500
- One Ford L8000 with a GVWR of #28,000 (infrequently used, see below)

During the winter months of November through March, the trucks are placed offsite and stored on our snow plot lots. They occasionally will come back to the Subject Property for service as needed, but will mainly be on their snow sites over the winter months. The L8000 truck will also be left on a snow site from November until the end of April. We will be reducing the use of this truck during the spring thaw to protect the road during the months of February until April. This truck has currently been used only two to three times a month during the April-November season. All the trucks are loaded to the legal limit based on the GVWR and not allowed to be overweight. The Oswego Township Road District has jurisdiction over the
collector roads and has provided a letter of support with certain restrictions which are agreeable to the Applicant.
With no further comments Fran Klaas made a motion, seconded by Brian Jahp to approve the special use and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.

**#14-42 Sybert Landscaping**

Planner Zubko stated Sybert Landscaping is 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. No new structures or buildings will be constructed. The property is located at 655 Woolley Road and is on the north side of Woolley Road, 0.15 miles west of Stewart Road. All the buildings exist, 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 three conditions: no retail sales allowed on site, no vehicle with GVWR over 36,000 lbs. & no loading or landscape equipment between the hours of 9pm to 6am. Staff is waiting to hear if the township would like to hear the petition again. Sybert landscaping is a small family-owned and operated lawn care and landscaping company with no retail service nor does it meet with its customers at its location. The business currently operates out of Romeoville, Illinois. The applicants parents started the company in 1979 and the applicant is the manager 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 7am; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7am to 5:30pm Monday through Friday with an occasional Saturday. They operate from mid April through mid November doing lawn service and then from November through March the trucks are placed offsite and stored on our snow plot 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 and a 6’ berm by the landscape materials. The water all drains west so this shouldn’t be an issue. Staff would like to know what the plan is for landscape waste, if it will be brought back on site. Staff will 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, east on West 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. Staff would recommend approval and the following conditions be placed on the special use, if approved:

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. No vehicles with GVWR over 36,000 lbs.
5. Restrict the amount of landscape waste that could be imported and stored on site at any one time to 5 semi loads.
6. The fence and berm must be installed within 6 months of the approval date of the special use.

John Gallo (petitioner’s attorney) introduced himself and stated his client does not currently own the property but the contract purchase is contingent upon getting the special use. The petitioner, Andy would like to look at the load limit as he would like to purchase larger equipment in the future but not sure when. Planner Zubko stated we can talk to the township about that.

Brian Holdiman verified the home will be a single family resident and the accessory structures will only be for personal use. My Sybert stated yes that is all correct. Brian had no further comments.

Aaron Rybski had some comments on the well and septic and storage locations. The petitioners have stated everything is in front of the house and the accessory structures have no water or bathrooms. Mr. Rybski had no further comments since everything is far from the system.

Brian Jahp had no comments at this time.

Megan Andrews stated no NRI is needed but she is happy to get them some information if they would like on the soils. She will return their application and money to the petitioner.
Fran Klaas asked if this runs with the land or petitioner. Planner Zubko stated the land unless stated in the ordinance. He also stated having a weigh restriction is silly on an 80,000 pound road. He will mention this to Gary Grosskoof so we can maybe take that condition off.

With no further comments Megan Andrews made a motion, seconded by Aaron Rybski to approve the special use and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.

**#14-40 Subdivision Control Regulations- Letters of Credit**
Planer Zubko stated in trying to clean up some items the PBZ Department discovered in our revisions to the subdivision control regulations in 2011 we changed the language to only allow letters of credit. Per the County Code (55 ILCS 5/5-1123 and 55 ILCS 5/5-1041) as well as the Public Construction Bond Act (30 ILCS 550/3) we must accept bonds as well as letters of credit. This language will clean this item up for future subdivisions. The SAO has also looked over the language.

With no further comments Megan Andrews made a motion, seconded by Brian Jahp to approve the text amendment and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-**
14-35 Daron & Kimberly Spicher- Approved by the Plattville Board on 12.15.14
14-33 Bee Keeping- On the PBZ agenda for 1.12.15
14-37 Home Occupations- Landscape Businesses- On the PBZ agenda for 1.12.15

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

**OLD BUSINESS:*** None

**NEW BUSINESS**
Approval of 2015 meeting dates and changing meetings to Tuesday- Brian Japh made a motion to approve the meeting dates and day change, Aaron Rybski seconded the motion. All were in favor and the motion carried.

**AJOURNMENT:*** Next meeting on February 3, 2015
With no further business to discuss Fran Klaas made a motion, seconded by Brian Jahp to adjourn the meeting at 9:24 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Planning & Zoning Manager
The ZPAC Committee had no objections and recommended approval. This is the same location where the YARN Foundation was but that also ran with the tenant so once they left the special use left.

Frank Johnson is the pastor and introduced himself and didn’t have anything to add.

Roger Bledsoe asked if there is a conflict with a liquor store next to a church. Planner Zubko stated the liquor store rents along with this church will be renting so the owners are the same of the building so the owner would be objecting to himself.

Claire Wilson asked if the Health Department reviewed this and Planner Zubko stated yes but they are not on well and septic and the appropriate number of bathrooms was installed with the YARN Foundation.

Claire Wilson made a motion to approve the special use with staff’s one condition, Tom Casey seconded the motion. With a roll call vote all were in favor and this will move onto the next SUHO meeting next Monday.

#14-42 Sybert Landscaping
Planner Zubko stated Sybert Landscaping is 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 zoning. The property is located at 655 Woolley Road and is 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 three conditions: no retail sales allowed on site, no vehicle with GVWR over 36,000 lbs. & no loading or landscape equipment between the hours of 9pm to 6am. The township does not need to hear the petition again so they’re all set with the township. During ZPAC it was asked why the township put a weight restriction since all roadways have a limit of 80,000 lbs so they deleted that condition. Sybert landscaping is a small family-owned and operated lawn care and landscaping company with no retail service nor does it meet with its customers at its location. The business currently operates out of Romeoville, Illinois. 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 7am; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7am to 5:30pm Monday through Friday with an occasional Saturday. They operate from mid April through mid November doing lawn service and then from November through March the trucks are placed offsite and stored on their snow plot 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 and a 6’ berm by the landscape materials. The water all drains west so this shouldn’t be an issue. The petitioner does proposed to haul away their landscape waste but we did put a condition if they do bring waste back to the site they can only have a limit of 5 semi loads. Staff will 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, east on West 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. Staff would recommend approval and the following conditions be placed on the special use, if approved:

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. Restrict the amount of landscape waste that could be imported and stored on site at any one time to 5 semi loads.
5. The fence and berm must be installed within 6 months of the approval date of the special use.

Claire Wilson asked if this is an additional site or if they are completely moving from Romeoville to this site.

John Gallo introduced himself and Andy Sybert. Mr. Gallo stated they are moving the materials and equipment from Romeoville to this site but the office will be run out of his parents’ home in Romeoville. The mother owns the business and does all the billing. Ms. Wilson asked about the amusement and outdoor storage and if that still exists. The Petitioner stated they would be selling the property to his client and wife and whatever exists out there will be removed.

Mr. Gallo wanted to clarify his client is Sybert and not Siebert Landscaping. This is a much smaller landscaping company then Siebert which most people have heard of.

Planner Zubko asked why they requested a berm instead of a fence. The Gallo’s said they felt it would look nicer but are fine with either.

Tom Rohrbacher (did not sign in) asked if the current owner had a special use to run that on that property. Planner Zubko stated they did not have a special use and the only way we would knew they were running a business is if a neighbor filed a complaint with the County. He then asked who would be watching the 5 truck load limit. Planner Zubko stated obviously everyone in the audience and herself. He stated when he moved here 33 years ago it was all horse property so rezoning this property then everyone can run a business over there. Planner Zubko stated the zoning is not changing, they are requesting a special use in the A-1 Agricultural district which only certain special uses are permitted to be requested. His main concern is the dumping of the waste and rodents. He lives next door to Tom Yackley and he is friends with the road commission and permitted dumping waste in the back of his yard. Once they started dumping waste there were rodents, as soon as they stopped dumping the rodents were gone.

David Dickenson’s concerns were this landscape business will go into the center of a horse community, storing landscaping waste on site causing rodents. Also the back of this property is a neighborhood where the landscape waste will be stored. There are homes all around this location. Woolley and Stewart Road are busy roads and worried about backing up traffic with the trucks. He is
worried about fuel storage and possible fires from the storage of materials. There are no fire hydrants in the area. The business will increase the fire risk in the area. He asked about vehicle maintenance and if that would be completed on site. Pollution also is a concern and the traffic. Also this is a dirt lot so worried about dust pollution. There will be no restrooms on site, what will they do. The petitioner is interested in large trucks so worried this could become a different type of business. He is not in favor of this type of business.

Janet Porter lives about 100 feet north of the property. She is highly opposed to this petition. She passed around some pictures of what she can see from her house. She stated the business is closer to other homes then their own home. She has the same concerns from the others that have talked, worried about the 5 semi-loads (the size of this room), the smell, property values, insects, chemicals and rodents. She read from the business website and stated they spray for weeds and grass clippings. The business does work for IDOT and vacant properties in Romeoville. She is worried about wood chipping on site. The website also talks about expanding their business and clearly leaving Romeoville due to the size of their business. She is afraid this property will entirely be used for the business someday. Property values and tax revenue will decrease.

Bob Moser lives next door and is against this landscape company. He stated the berm and fence will not keep cut rodents and smell, he is downwind of the property. Runoff water might not come off the property to his but will affect his neighbor who floods. He would like a taller fence, 6’ is not going to shield anything. He’s worried about truck noise and stated this is a horse community. He’s opposed to a business being run out of there.

William Richards is worried where the waste is coming from. Is it from within the county or out of county and who are they going to dispose of it once it’s on the property. He read from the IL Statutes, Public Act 92574 (effective 6/26/02), 93.179 (effective 7/11/03) & 415ILCS5/3.115 regarding air pollution. (Sec. 3.115. Air pollution. "Air pollution" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.) He has asthma and emphysema and concerned how they will dispose of the waste. He stated this is a residential area that have high property values and not a business district. He is opposed to the business.

John Ryan lives west of the property, his wife and him are concerned about the landscape waste stored on the property. His neighbor has a ephemeral pond which is what feeds the aquifers and is concerned about the landscape waste run off into the pond. Also they would not want a berm as that would cause more water run-off. He stated the pond is the dark area on the aerial. The business would be quite close to the pond.

Patti Kraus is directly north and agrees with what everyone says. She’s also worried about water run-off and it could affect the goats and sheep next door including water in her backyard. She questioned the process. Planner Zubko explained the 5 committees this petition goes to before it goes to the full County Board, there are 4 recommending committees before the full County Board.
Ron Bochenek owns the land east of this property. His main concern is smell of the waste, pesticides or fertilizers stored on this property that could seep into the groundwater. He opposes this petition.

John Gallo stated obviously there were a lot of concerns, this is A-1 zoning, not a residential zoning. If he wanted to he could buy the property and put a pig farm on the property which is permitted. He will live on the property and wants to be a good neighbor. The whole drive-way is asphalt, not a dirt road, the back area is dirt. Looking at the surrounding map looks like the property to the east has tow trucks and storing vehicles which leads him to believe there is a business there, behind is a landscape business and west is a horse farm. He feels this use is consistent and will fit in the area. Andrew Sybert wanted to address the issue with landscape waste, it is coming from their commercial accounts and unloads the waste the next day, 2-3 yards at a time and load it the following business day. They do not store on site. He also does not like the smell of landscape waste and Andrew also has asthma so does not like to store anything on site. The farm across the road uses more pesticides then they do, Sybert landscaping does not apply pesticides besides weed control and that's with a 3 gallon backpack and that's it. They try to be green and not use pesticides. Mud was brought up, it is currently a dirt field, there will be a gravel pad put down and a detention pond added to help filter the water. He's looking at a 6' tall wooden fence. He will be minimizing lawn waste as he does not want it on site either. They mow a lot of residential sites and IDOT sites but leave the grass clippings on site.

Roger Bledsoe asked about equipment and vehicle maintenance. Mr. Sybert stated they do change oil on site but no repair work. Tom Casey asked how the landscape waste comes in. Mr. Sybert stated sometimes it's loosely filled in the trucks covered or in bags. Bill Ashton stated they will have no more than 1 days waste on the site. Mr. Sybert stated typically the crew recycles the waste on the way back to the site. No yard waste will be dumped on the site. The waste is always held in the truck beds. The only exception is if it rains they may hold it onsite for a day due to weight limits. Claire asked if the trucks could be stored in the buildings. The petitioner stated the buildings are for personal use only and didn't plan to use the buildings for the business. Ms. Wilson asked what will be stored on site. Mr. Sybert stated 4 trucks will be stored outside, 2 enclosed trailers, 1 flatbed trailers and bulk storage. Mulch will be delivered and gone in a week, there will be gravel, sand and brick pavers. The petitioner is fine with 1 semi-load instead of 5 and no longer than a week. Ms. Wilson asked for clarification of the site plan. Mr. Sybert said he needs to now look at how the water flows on this property and would like to add gravel in the back dirt area to store the vehicles. Planner Zubko asked if they are opposed to a taller fence, the petitioner stated no but would need more time to install a taller fence. Mr. Wormley asked about the quantities of materials, Mr. Sybert stated the quantities are quite small for storage of materials.

John Ryan lives west. All the backs of the properties are affected from the ephemeral pond, there's no perimeter. She's worried about the changing the backyard of 655 Woolley Road it could move the 'pond' over. Also she's worried more water will be added to her property.

Janet Porter stated her garage is close to the property line, approximately 10' and worried about the re-grading and water runoff affecting her current garage.
Claire asked about the detention pond. Mr. Sybert stated there are dips in the back currently. He would like to look at the site more and could put in plantings or detention pond to help clean the area. He states as long as the property lines are not changing the run-off will not change in the area. He is not exactly sure where a pond will be installed but would like to find the best place and help eliminate the water concerns.

Claire Wilson is concerned about drainage off of this property and would be happier if she knew where the pond is going and the grading of the property. She is of the opinion the waste issue has been taken care of since it won’t really be stored on site and in the bed of the trucks. She thinks the repairs have been adequately addressed. She asked about the bathroom issue. Planner Zubko stated she just wanted to clarify the petitioners are not required to put in a pond.

Mr. Siebert stated the employees will have access to his personal bathrooms in his house but typically they stop at a gas station to fill up and use their facilities. Ms. Wilson asked about fuel storage. She asked if he would object to no on site storage of fuel. He stated yes as the farmers in the area have them. Ms. Wilson asked if they had an objection to doing some type of hydrology study or plan where the retention would be on the site. He stated he would have to talk to the SWCD.

Bob Moser has lived there 50 years, he asked the petitioner what he going to do with the big rains. The committee stated he would flood just like everyone else. There was more discussion on water. Mr. Wormley asked if the nursery sold on site. Mr. Moser stated he used to grow trees and sell but they never cut grass. Mr. Wormley stated he’s having an issue since there is a very similar use contiguous to this property.

Tom Rohrbacher is wondering if Mr. Ashton is interested in what everyone is saying. Mr. Ashton stated he is listening to what the people are saying.

Mr. Siebert stated he can take the berm out since its causing an issue he can leave it as a fence. Mr. Casey stated he’s probably more qualified to deal with landscape issues then people that cut their own grass and has a degree in horticulture and sounds like he’d be a good neighbor. Mr. Casey likes a pond with an ecosystem and that could help the area.

William Richards read the public health ordinance about water and worried about mosquitoes, etc. He stated there is no room for a pond in the back of his property. Planner Zubko stated once again he’s not required to put in a pond but was doing it out of good will to help the neighbors and address their concerns. Mr. Gallo stated they can eliminate the pond. Claire asked Mr. Richards about the amusement rides with regards to noise. Mr. Richards stated nothing was used on site, just stored.

Bill Dickey stated this property is owned by his parents. The house was bought in 1972 as a business. The neighborhood has changed and there are businesses out there now. He stated the ephemeral pond is a breeding ground for mosquitoes now. He thinks this would be a great neighbor.

Claire stated there is a lot of contention and hostility and understands this property is zoned A-1 agricultural. He could have a lot worse uses then what he’s proposing. She would like to see the petitioner address drainage concerns and his plans. She thinks the site is tight for a retention pond.
and would like to see more on drainage. Mr. Gallo stated they won’t do the retention pond and thought it would be a benefit but the neighbors seem to not want one. They are under time pressure so would not like this petition continued at this time. The water will continue to flow northwest to the pond which is where it flows currently.

Tom Casey made a motion to approve the special use changing the one condition from 5 to 1 semi-load to be gone in a week and no berm but a fence, Roger Bledsoe seconded the motion. With a roll call vote of 2-3 the committee’s recommendation was denial. This will move onto the SUHO meeting next Monday. The 3 no votes were due to drainage issues, concerns about overland drainage and grading are still concerns. Also 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. He has mixed feelings since there is a nursery nearby but feels this is too intense. The last no vote agrees with the others and maybe the trend is becoming more business like it would be more suited as a one or two employee operation and not this type of use in a quasi-residential area, it’s too intense and there could be traffic issues.

We took a 5 minute break.

#14-40 Subdivision Control Regulations- Letters of Credit
Planner Zubko stated in trying to clean up some items the PBZ Department discovered in our revisions to the subdivision control regulations in 2011 we changed the language to only allow letters of credit. Per the County Code (55 ILCS 5/5-1123 and 55 ILCS 5/5-1041) as well as the Public Construction Bond Act (30 ILCS 550/3) we must accept bonds as well as letters of credit. This language will clean this item up for future subdivisions. The SAO has also looked over the language.

Claire Wilson made a motion to approve the text as presented, Tom Casey seconded the motion. With a roll call vote all were in favor and this will be moved onto the next ZBA meeting.

#14-37 Home Occupations- Landscape Business
Planner Angela Zubko stated this was discussed last month and made the changes recommended to allow small operations. She added two definitions to allow lawn mowing. Claire Wilson felt the wording was a little funny so proposed that stables and Undertaking is a separate sentence.

Tom Casey made a motion with Claire’s recommendations, Budd Wormley seconded the motion. With a roll call vote all were in favor and this will be moved onto the next ZBA meeting.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-35 Daron & Kimberly Spicher- Approved by the Plattville Board on 12.15.14
14-33 Bee Keeping- On the PBZ agenda for 1.12.15

CITIZENS TO BE HEARD/ PUBLIC COMMENT- None

NEW BUSINESS/ OLD BUSINESS
None
Planner Zubko stated Sybert Landscaping is 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 and is
on the north side of Woolley Road, 0.15 miles west of Steward 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 three conditions: no
retail sales allowed on site, no vehicle with GVWR over 36,000 lbs. & no loading or landscape equipment
between the hours of 9pm to 6am. The township does not need to hear the petition again so they’re all set
with the township. During ZPAC it was asked why the township put a weight restriction since all roadways
have a limit of 80,000 lbs so they deleted that condition. 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. 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 manager 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 7am; load company trucks and disperse to job sites
returning at the end of the day. The hours of operation are from 7am to 5:30pm Monday through Friday with
an occasional Saturday. They operate from mid April through mid November doing lawn service and then
from November through March the trucks are placed off site and stored on their snow plot 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 and the proposed 6’ berm by the landscape materials has been eliminated due to
the neighbor’s opposition. 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 but we did put a condition if they do bring waste back to the site they can
only have a limit of 1 semi load. 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 stay in the truck. The
only time it will be dumped on site is if it rains and they exceed the weight capacity but if that happens it
definitely will be gone within a 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, 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. Staff would like to point out this is Sybert landscaping and not Siebert landscaping which is a much
larger company. Staff is of the opinion this use fits in with the activities taking place near this site and also is
of the opinion there could be much worse neighbors then a landscape business on this site. Staff will not
make a recommendation at this time to hear if any other concerns are brought up at the public hearing,
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. Restrict the amount of landscape waste that could be stored on site at any one time on the ground to 1 semi load. That 1 semi load must be removed within 1 week. Landscape waste can be contained in the bed of a truck but also must be removed within 1 week.
5. The fence must be installed within 6 months of the approval date of the special use.

The Plan Commission had about 15 people in attendance in which 8 people spoke opposing the special use. Their main concerns 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.

John Gallo introduced himself and Andy Sybert. Mr. Gallo stated they have a few things to present, he stated Andy would reside in the home with their family and the northern section would be fenced in and used for the business. The ZPAC and staff recommended approval with some conditions which his client agrees with. Also the township recommended approval. Last week was the Plan Commission which was the first time the neighbors could voice their concerns, there are some items his client cannot address but feels they have addressed most of the concerns. They are not required to do a detention pond and will not put one in. They will add just a little gravel to park the trucks but do not plan to affect the overland drainage. They will put a 6' fence all the way around the perimeter of the northern part of the property. They have addressed the waste issue and added the condition it will be removed within a week. Some other concerns with chemicals, fuel tanks and pesticides they will comply with the A-1 Agricultural district rules. He handed in a map showing the A-1 agricultural zoning lots and where special uses were in the surrounding property. The current owners ran a business on this site until 2006 and stored the amusement rides at this site and on the weekends have 20-30 employees going in and out all weekend long. Next door to the east is a towing company, Rocket Towing and the overhead shows there are tow trucks and a fenced in area where they store vehicles and some additional vehicles. Abutting the property is a business called R & M Oswego Landscaping Inc. they operate a nursery and landscape business and have some pictures of that property with bulk storage, trucks parked on the property and fuel tanks. The next business is north of the property which is Arborville Turf and Landscaping which is a landscape business as well. They have their website and registration and pictures of their business which storage of equipment, trailers with no fencing. The next business is east of this property, South Pacific drywall company with pictures of their trucks. Harmony Hills Equestrian is a special use for their business and Prairie Equestrian which is west with fuel tanks, piles of manure surrounding their business and no screening of their property as well. Based upon the proposed special use this is a lot less intensive and fits in with the other business’ in the area. There could be more, this is just what the petitioner has observed in the last week.

Mr. Werderich asked what the daily operation would look like. Mr. Sybert introduced himself and gave a little background of the business and went over a daily day. They come in at 7am, gone by 7:15am till about 4:30-5pm every day. They load all the equipment the night before or the morning. During winter the plows are left
on the plow sites, the employees will not come to this site. Mr. Werderich asked about their equipment. Mr. Sybert stated everything is inside trailers so not left outside. Mr. Werderich asked at this site what is brought to the property and taken from the property. Mr. Sybert stated typically they will go grab the mowers and lawn clippings are brought back to the property but kept on the site. Nursery stock is bought the night before but left on the trailers. Sometimes mulch is delivered directly to the site. Mr. Werderich asked about chemicals and water run-off. Mr. Sybert stated he tries to keep as much as possible organic. If chemicals are on site it would be inside the trailers. Mr. Werderich asked about the traffic impact. Mr. Sybert stated 2 trucks with 2 trailers which leave once in the morning and come back at night.

Mr. Walter Werderich opened up the public hearing to the audience members.

Tom Rohrbacker stated 33 years ago this was horse country and there are two horse barns nearby worth a lot of money. The neighbors have stated they complained and the County did not do anything with regards to some business’ nearby. He is of the opinion a retention pond is useless on 3 acres.

William Richards have a few questions, Mr. Gallo stated this is a small business not associated with Siebert landscaping but the Sybert website states they have over 100 contracts, toll way mowing, Homer Glen mowing, Romeoville vacant lots and a 25 acre housing development. If this is a small business, that’s a lot of contracts. Arborville Turf and landscaping is out of business and the equipment is for sale. Arborville operated for 21 years at this site. EPA will get involved with the yard waste. The water is running from the west to the south.

Janet Porter lives closest to the property in question and closest to the business. Her backyard floods and her family plays in the yard and the business will be right next door. She is not comfortable with the business there and the noise it will produce, items being delivered, etc. She asked about storage of chemicals and if they are in the trailers will that leak. She also has some pictures of her property and how big that ephemeral pond gets. Lights from the trucks and noise are her concern. The other business’ have buffers around them and not up to the property line. She showed Mr. Werderich her pictures from her home. She asked the petitioner who is buying the property and what the special use permit is for. The petitioners have stated the business will run with the owners and not stay with the property. This will be stated if the special use is approved.

Pricilla Richards opposing this special use for a couple reasons: storage of materials outside. She is against having a berm and the amount of fill that would be brought in to build a berm. The berm will also alter the flow of drainage. A lot of traffic and weight will destroy the roadways, can be combustible at anytime, the waste will have a bad smell, who will monitor the amount of waste on the site at one time? Also having waste on the property will bring rodents, mosquitoes or varmints which could be a hazard to the public. She opposes this special use permit as it will be a health risk, be detrimental to the health of local residents, impair property values, will be a heavy burden on the access roads, traffic could be a potential safety hazard, and will diminish the residents’ enjoyment of their properties. Mr. Gallo clarified there is no inside storage and there is no berm being requested anymore. Mrs. Richards stated with regards to Rocket Towing they only have 1 employee and Arborville is being sold and has a part time employee.
James Manzo would like to talk on behalf of the neighbors. There are other business but are not making it a special use permit, they live on the property. The special permit gives the neighbors a right to speak about the use. Maybe in a couple years he has 20-30 employees which is a concern.

Robert Moser lives to the northeast of this property. He would like to see the equipment in a building and thinks more property is needed to run this business. He is of the opinion it’s hurting the neighborhood and property values.

David Dickinson asked about the conditions for a special use permit, who’s going to make sure they’re adhered to and followed. His other concern is about paving for the parking of the trucks and what will be done about leakage to make sure it won’t leak into the ground water. Mr. Gallo stated Mr. Sybert repairs his trucks regularly.

Kevin Mehnert has a few questions, today it is 6 employees but what are the plans for growth? Mr. Sybert stated in 5-10 years he doesn’t plan on getting large. He does have 4 kids that get on the bus at 7:05 so has some worries about equipment and the safety of his children. Also how can he guarantee the character of the employees. The last is about property values and if there is any potential to devalue the properties in the area. Mr. Sybert stated with respect to safety that is paramount for his crew and pushes that trait on his employees. His employees have been there for 15 years, 17 years and 2 that are 3-4 years so they’ve been long term employees and screen the employees.

Patti Kraus lives on Pheasant drive and have two issues, of the three acres they are using about 1 acre for the business. She would like to see this in an industrial area.

Carry Porter lives north of this property, his concern is the ability to expand past what he is proposing. With bulk storage typically there is a skid steer that operates on the property and that would be a concern with noise. They would like to cap the number of employees.

John Ryan would like to clarify that there are 2 horse businesses in the area but Harmony Hills is on 10 acres and Grand Prairie is on 32 acres.

Tom Rohrbacker thinks if he is offered more business they will not turn it down.

Geri Ryan asked what kind of mulch will be stored there.

Mr. Richards stated there is nothing about fuel storage. Mr. Werderich stated in the presentation today he will abide by A-1 regulations.

With no further testimony Walter Werderich closed the public hearing.

Mr. Gallo will try to make this brief, since the last meeting most items have been addressed, going through some of the comments it is horse country but they are A-1. The other business’ claim there is only 1 employee but not sure if that’s true. All of the waste is recycled so there should be no EPA issues. Storage outside is being requested; the berm is out, the weight limits are permitted by the township. They wanted to do the right thing by applying for the special use and not waiting for complaints like some businesses may have done.
They agree to the five conditions and all special use permits come with conditions which is how the staff and County can keep track on how to comply with the ordinances. Mr. Sybert stated the mulch will be a recycled material and will smell like horse manure or burnt wood and dissipates within a couple days and done.

Mr. Werderich thanked everyone for coming.

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. The current uses of the subject property include a residence; an amusement rides business and outdoor storage. The special use permit will allow for a landscaping business to operate on the subject property. Considering the existing uses, the special use will be detrimental to and endanger the public health, safety, morals, comfort or general welfare. This is a 3 acre property and in an area that is quasi-residential use and this use will right next to a residential area. The current property does not comply with not being detrimental.

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 subject property is surrounded by farmland and property used both as a residence and a commercial business. The petitioners will be using the property as a residence and as a landscaping business which is compatible with agricultural farming. The zoning classification with the general area is still agricultural.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. All the utilities, access roads and drainage already exist for this site.

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 buildings already exist and the petitioner is not requesting any variances.

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 not be consistent with the County's LRMP in that the subject property will be used in a more intense nature with the surrounding properties.

Wally Werderich made an unfavorable recommendation with the above findings of fact. This will move onto the next PBZ meeting on Monday, February 9th at 6:30pm.
Arborville Turf & Landscape is an experienced twenty year plus old business located in Oswego, Illinois. In addition to Oswego, the company focuses its work in Oswego, Aurora, Plainfield, Bolingbrook, Naperville, Lisle, Montgomery, Yorkville and Sugar Grove. Renovation or modification of landscapes is included among the services, along with complete lawn care.

CALL TODAY @ 630-554-3300

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Arborville Turf & Landscape (/c/mmq9c0l/arborville-turf-landscape)
680 Rance Road
Oswego, IL 60543
Web: Arborville.biz (/api/v1/verify/http%3A%2F%2FArborville.biz)

(630) 554-3300 (tel:6305543300)

Map (/cmap/mmq9c0l/arborville-turf-landscape) Own This Business?

Arborville Turf & Landscape
A privately held company in Oswego, IL. Is this your business? Claim This Profile

More Details for Arborville Turf & Landscape
Categorized under Lawn Maintenance. Current estimates show this company has an annual revenue of less than $500,000 and employs a staff of approximately 1 to 4.

Company Contacts
Is this your business? Claim This Profile

Bob Bellows, Owner (/c/mmq9c0l/arborville-turf-landscape?
q=arborville+turf+and+landscape+Oswego+Illinois&cx=000513454314247386359%
3Aarvxicegnim&cof=FORID%3A10&type=contacts)
Owner

Search for more contacts (/c/mmq9c0l/arborville-turf-landscape?
q=arborville+turf+and+landscape+Oswego+Illinois&cx=000513454314247386359%
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Business Information

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http://www.manta.com/c/mmq9c0l/arborville-turf-landscape 2/2/2015
Business Categories
Lawn Maintenance in Oswego, IL
(/mb_55_C030E05N_4VG/lawn_care_services/oswego_il)
Landscaping Services

More Businesses Like This

Tender Lawn Care LLC (/c/mmq9759/tender-lawn-care-llc)
Lawn Maintenance in Oswego, IL

Curb Appeal Outdoor Maintenance (/c/mb8xx4d/curb-appeal-outdoor-maintenance)
Lawn Maintenance in Oswego, IL

Montgomery Landscaping Inc (/c/mmnmxm82/montgomery-landscaping-inc)
Lawn Maintenance in Oswego, IL

S.B. Lawn Service (/c/mmc1rny/s-b-lawn-service)
Lawn Maintenance in Oswego, IL

ABC LawnWorks, Inc. (/c/mxfiscv/abc-lawnworks-inc)
Lawn Maintenance in Oswego, IL

Browse By Categories

Lawn Maintenance
in Oswego, IL (/mb_55_C030E05N_4VG/lawn_care_services/oswego_il) 12

Landscape Contractors
in Oswego, IL (/mb_55_C030E7N3_4VG/landscape_contractors/oswego_il) 4

Lawn Services
in Oswego, IL (/mb_55_C030E05K_4VG/lawn_services/oswego_il) 3

Lawn and Garden Services
in Oswego, IL (/mb_55_C030E000_4VG/lawn_and_garden_services/oswego_il) 2

Garden Maintenance Services
in Oswego, IL (/mb_55_C030E02T_4VG/garden_maintenance_services/oswego_il) 1
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<td>Agent Name</td>
<td>KENT A GAERTNER</td>
<td>Agent Change Date</td>
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<tr>
<td>Agent Street Address</td>
<td>400 S COUNTY FARM RD STE 330</td>
<td>President Name &amp; Address</td>
<td>KRISTIN BELLows 680 RANGE RD OSWEGO 60543-9651</td>
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<tr>
<td>Agent City</td>
<td>WHEATON</td>
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Return to the Search Screen

Purchase Certificate of Good Standing
(One Certificate per Transaction)

BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE
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<td>RONALD R BOCHENNEK</td>
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<tr>
<td>Agent Street Address</td>
<td>611 WOOLEY RD</td>
<td>President Name &amp; Address</td>
<td>RONALD BOCHENNEK 611 WOOLEY RD OSWEGO 60543</td>
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## CORPORATION FILE DETAIL REPORT

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<td>Agent Name</td>
<td>REFAEL MANZO</td>
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<td>Agent Street Address</td>
<td>3323 STEWART RD</td>
<td>President Name &amp; Address</td>
<td>JAMES MANZO 2700 HARVEY ROAD OSWEGO, IL 60543</td>
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SOUTH PACIFIC DRYWALL INC
3126 STEWART RD
OSWEGO, IL 60543-8101 | view map
(630) 327-6874
Looking for more information? Sign up for FREE!

Company Details
Location Type: Single Location
Industry: Plastering, Drywall, Acoustical and Insulation Work
Ownership: Private
Year Founded: 2004
Sales Range: Under $500,000
Employees: 5 to 10
Have fresher information? Update

Recent Alerts
On this company:
- Credit Risk Increase: No
- Payment Decline: No
- Purchase Behavior Decline: No
- Public Records: No
- Financial News: No
- Growth Clues: No

Community Payment Ratings
NO RATING

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Company Overview
SOUTH PACIFIC DRYWALL INC is in the Plastering, Drywall, Acoustical and Insulation Work industry in OSWEGO, IL. This company currently has approximately 5 to 10 employees and annual sales of Under $500,000.

The information contained in this company profile is compiled from third party sources, including but not limited to public records, wire transfers, and/or commercially available data sources. These sources may not be accurate, complete, or up-to-date. Cortera makes no representations or warranties regarding and assumes no responsibility for the accuracy, completeness, or currency of the information contained herein.

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http://start.cortera.com/company/research/k8l9swo7l/south-pacific-drywall-inc/
Harmony Hills Equestrian

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(630) 554-4500

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Post personal notes and to-dos on any of them.
Also save and access mybook in our free YP app.

BUSINESS DETAILS REVIEWS

Feedback
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<td>Agent Name</td>
<td>KELLI M SMITH</td>
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<tr>
<td>President Name &amp; Address</td>
<td>PATRICIA CONLIN, 1707 ALBERT HALL CT., NAPERVILLE, IL 60564</td>
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DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 204
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
MEMORANDUM

To: PBZ
Date: February 3, 2015
Re: Text Amendment - Bee Keeping in Residential Districts (Petition 14-33)

A couple months ago the PBZ office was asked about allowing bee keeping in residential districts. This topic has been discussed a few times at the PBZ (Planning, Building and Zoning) Committee and the committee would like to see a text amendment to allow these in residential districts. Planner Zubko is of the opinion this is a bad idea and it is permitted in A-1 Agricultural districts now. Staff proposes the following text amendment per the direction of the PBZ Committee.

Conditional Use in the R-1, R-2 and R-3 Districts

Beekeeping with the following conditions:

a. Beekeeping and the honey produced from beekeeping shall be for personal use only
b. Annual permit required with fee of $50 the first year the permit is issued and $25 each year after
c. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
d. No colony shall be permitted within a front yard setback
e. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).
f. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height
g. All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
h. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.
i. During the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.
j. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.
k. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrators receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.

l. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.

m. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.

n. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.

o. All approved permits shall comply with the Bees and Apiaries Act of Illinois (510 ILCS 20)

Please review and provide Staff with comments during the meeting. Should you have any questions prior to the meeting, please contact me at 630-553-4139.

Red are changes after RPC

Attachments:
1. Matrix of what other municipalities and County’s are doing
2. Pictures of what they look like
3. Information about flyaway barriers
5. Illinois State Beekeepers Association BMP’s
6. ZPAC Minutes on 11.3.14
7. RPC Minutes on 12.3.14
8. ZBA Minutes on 12.8.14
9. Draft Ordinance
# Beekeeping in Residential Districts

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<th>Minimum Lot Size</th>
<th>Setbacks</th>
<th>Flyway Barrier</th>
<th>Notification</th>
<th>Signage</th>
<th>Water Source for Bees</th>
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<td>Yorkville</td>
<td>Yes&lt;sup&gt;A&lt;/sup&gt;</td>
<td>Yes&lt;sup&gt;B&lt;/sup&gt;</td>
<td>&lt;1 Acre: up to 2 colonies 1 Acre+: up to 8 colonies</td>
<td>30'</td>
<td>Yes 6' height</td>
<td>Yes (Courtesy)</td>
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<td>Evanston</td>
<td>Yes&lt;sup&gt;C&lt;/sup&gt;</td>
<td>Yes&lt;sup&gt;D&lt;/sup&gt;</td>
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<td>West Dundee</td>
<td>Yes</td>
<td>Yes&lt;sup&gt;E&lt;/sup&gt;</td>
<td>10k sq. ft.: up to 4 colonies &lt;10k sq. ft.: up to 2 colonies</td>
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<td>Yes 5' height</td>
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</table>

<sup>A</sup> Yorkville permits a maximum of 12 licensees issued within the City and each licensed property must be at least 1,000’ from one another

<sup>B</sup> Yorkville requires $50 for new licenses, $25 for renewals

<sup>C</sup> Evanston permits a maximum of 8 licensees issued per ward within the City

<sup>D</sup> West Dundee requires a flyway barriers colonies within 20’ of a property line

<sup>E</sup> Oak Park does not require notification but no permit can be issued within 150’ of any address where a resident has an allergy to be stings documented by a licensed physician and registered with the Village

<sup>F</sup> In Carpentersville and McHenry County, flyway barriers are required for colonies within 25’ of a property line

<sup>G</sup> Lake County requires a 10’ setback from property lines and 30’ from any existing structure on any adjoining parcel such as a house

<sup>H</sup> Lake County requires a flyway barrier on parcels of 40,000 square feet or less, where the beehive entrance is oriented to an exterior property line

<sup>I</sup> Will County allows beekeeping in residential districts only as a Special Use

***According to the American Beekeeping Federation, one bee colony is capable of producing anywhere from 50lbs to 240lbs of honey each year depending on conditions (weather, how well maintained a colony is, the site conditions, etc.)***
The flyaway barrier directs the bees quickly into the sky and away from pedestrians. It can be composed of dense vegetation or man-made materials, so long as the bees are forced to fly over the structure.

"A flyaway barrier shall be at least six (6) feet in height, consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends twenty-five (25) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary."
Beekeeping Best Management Practices

Comply with all homeowner association, local, state, and federal ordinances, regulations, and laws pertaining to beekeeping.

Maintain strong, healthy, populous colonies
  a. Remove or securely seal all empty hive equipment.
  b. Remove or combine all weak colonies.
  c. Treat or remove all disease and/or pest infested colonies.
  d. Report disease and/or pest infested colonies to the Department of Agriculture

Practice proper management and control techniques to prevent colonies from swarming.

Maintain all colonies at least 10 feet away from property lines.

Place all colonies less than 40 feet from property lines behind a barrier no less than 6 feet in height. Barriers should be of sufficient density to establish bee flyways above head height.

Maintain a water source within 50 feet of colonies or less than one-half the distance to the nearest unnatural water source, which ever is closest for urban and suburban apiaries.

Remove or relocate an apiary that is within 50 feet of any animal that is tethered, penned, kenneled, or otherwise prevented from escaping a stinging incident.

Avoid opening or disturbing colonies when neighbors or the general public are participating in outside activities or using machinery within 150 feet of an apiary.

Maintain colonies with honey bee races certified as European honey bees (EHB).
  a. Purchase queens, packaged bees, nucleus colonies, or established hives from certified EHB suppliers.
  b. Re-queen when making divisions and splits of established colonies.
  c. Replace queens in all captured or trapped swarms within 30 days.
  d. Replace queens in all colonies every two years.
  e. Mark or clip queens prior to introduction to splits, swarms, and colonies.
  f. Replace all unmarked or unclipped queens within 21 days of discovery.

Replace queens and destroy all drone brood in colonies exhibiting defensive behavior that may be injurious to the general public or domesticated animals.
  a. Report all colonies suspected of being overly defensive or non-EHB to the Department.
  b. Collect and submit samples of worker bees from the brood area of suspected non-EHB colonies to the Department.
  c. Depopulate within 7 days of notification all colonies determined to be from a pure or hybrid non-EHB race.

Obtain queens from suppliers located outside of Africanized honey bee (AHB) infested areas and localities adjacent to AHB infested areas.

In the event that AHB is shown to occur in a locality where an apiary is located:
  a. Annually replace queens in all colonies with queens produced from certified EHB stock.
  b. Maintain a copy of EHB certification for all queens purchased.
  c. Encourage the destruction of all captured or trapped swarms.
  d. Re-queen, within 14 days with certified EHB queens, any swarms captured or trapped in localities adjacent or in proximity to an AHB infested area.
  e. Maintain and monitor at least one baited trap or hive in the vicinity of each apiary located in an AHB infested area

Source: Beekeepers Guild of Southeast Virginia
INTRODUCTION
Beekeeping has become increasingly popular. Although generally docile, honeybees (Apis mellifera) can and may sting when they perceive they are being threatened (normally at their beehive). Responsible management is therefore necessary to avoid creating problems for neighbors, particularly in an urban setting.

Under the Illinois Bees and Apiaries Act, the Illinois Department of Agriculture (IDoA) inspects honeybee colonies as a service to the beekeeping industry. The purpose of the inspections is to determine the general health of honeybee colonies. During the course of an inspection, IDoA Apiary Inspectors closely examine beehives to detect diseases and pests and to provide advice on needed treatments. Inspections are provided free of charge to beekeepers around the state. To access more information concerning the Illinois Bees and Apiary Program, go to www.agr.state.il.us/programs/bees/index.html

The Act also requires beekeepers to register their colonies with the IDoA. Registration is as simple as completing a brief one-page form and mailing it to the Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, IL 62794-9281. A registration certificate is provided to beekeepers who register with the IDoA. There is also no charge for registering honeybee colonies with the IDoA. To download a registration form, go to www.agr.state.il.us/programs/bees/beekeep.pdf

GENERAL BEST PRACTICES

Education
The first and most critical step in responsible beekeeping is education. All beekeepers should have a solid understanding of honeybee biology and basic beekeeping methods. The Illinois State Beekeepers Association (ISBA) also encourages all beekeepers to join the ISBA as well as a local association. We strongly suggest that new beekeepers take a beginning beekeeping course and read several different beekeeping guides. Many local associations offer honeybee classes and/or will mentor beekeepers. Beekeepers should stay informed of recommended changes in beekeeping practices, threats to honeybee health and government regulations.

Colony Temperament /Queens
While generally docile, honeybees can sting. A colony’s temperament is determined by its queen’s characteristics. Any colony exhibiting unusually defensive behavior (stinging or attempting to sting without provocation) or an excessive swarming tendency should be requeened as soon as possible.

Beekeepers should evaluate their queens on a regular basis for performance and hive gentleness. Only queens of European origin should be used. Queens should only be obtained from the most reliable sources. Local sources, where available, are preferred in order to reduce the chances of introducing Africanized honeybees and to ensure that the queen is well suited to the climate.
Hive Placement
Beekeepers should comply with all homeowner association and local ordinances and regulations pertaining to beekeeping. Correct placement of hives is a very important consideration for responsible beekeeping in urban and suburban settings. Hives must be placed in a quiet area of the lot and not directly against a neighboring property unless a solid fence or dense plant barrier of six feet or higher forms the property boundary. Hives should be kept as far away as possible from roads, sidewalks and rights of way. Flight paths into the hive should remain within the owner’s lot. Barriers, including solid fencing, hedges and shrubs more than six feet high may be used to redirect the bees’ flight pattern.

Considerate Hive Management
Before setting up your hives it is a good idea to inform your neighbors where you intend to place the hives. Respond to and discuss their concerns; an informed neighbor is more likely to be an understanding neighbor. Beekeepers are encouraged to post signs to alert neighbors and passersby to the presence of their hives; generally it is best to place such signs so that they are only in view when the public would otherwise be able to view the hives.

Beekeepers should take into account that weather conditions influence bee behavior and plan to work bees when conditions are favorable. They should make sure that neighbors are not outdoors when they open hives and should perform hive manipulations as quickly as possible with minimum disturbance to the bees. Extended hive manipulations, particularly when removing honey, should be carefully planned to accommodate neighbors’ activities. A smoker should be used when working bees. Hive entrances should be smoked before mowing or trimming in the hive area. Clippings and exhaust should be directed away from hive entrances.

Provision of water
Beekeepers should provide water for their bees before locating them in their yard. Bees prefer a sunny place with surface moisture, for example wet sand or gravel or the edge of a birdbath. If you establish such water sources, your bees will become habituated to them and will be less likely to visit swimming pools or hot tubs. Remember that in very hot weather, bees use a large amount of water to maintain temperature and humidity within the hive.

Swarming
While swarming is natural honeybee behavior, it is one that should be prevented or minimized, especially in urban and suburban settings. Two primary causes of swarming are congestion and poor ventilation in the hive. To avoid these conditions, beekeepers should consider:
- Brood chamber manipulation
- Colony division
- Addition of supers for brood rearing and honey storage
- Replacement of old or failing queens
These and other swarm management practices are explained in detail in most good beekeeping textbooks.
Best Management Practices for Beekeeping in Illinois  
*Illinois State Beekeepers Association*  
www.ilsba.com  
(March, 2013)

When a swarm occurs, efforts should be made to collect the swarm. Swarms captured from locations where the origin of the bees may be questionable should be monitored frequently for abnormal defensiveness.

**Robbing Behavior**  
When nectar is scarce, honeybees may rob honey from other hives which makes them appear more defensive. Under such conditions, beekeepers should work hives for only short periods of time and only if really necessary. Exposed honey outdoors often encourages robbing. All empty hive equipment should be removed or securely sealed. Areas used for honey extraction should be bee-proofed to prevent robbing situations.

**Disease Control**  
There are a number of honeybee diseases and pests which cause concern for beekeepers. Some diseases, like American Foulbrood, are extremely contagious; beekeepers should be extremely cautious about mixing hive equipment and purchasing used equipment for this reason. It is incumbent on beekeepers to manage all disease and pests, including parasitic mites, to ensure colony health and honey quality.

**AFRICANIZED HONEYBEE**  
The Africanized honeybee ("AHB") has expanded its range from South America and arrived in the United States around 1990. Since that time, AHB have colonized in several southern states including Florida, Texas and California. It is not yet known whether AHB will be able to establish in cooler climates.

**Management to Avoid AHB Introduction and Establishment**  
The recommended techniques intended for maintenance of European stock include:

- Purchase queens, packaged bees, and nucleus colonies from reputable sources outside of Africanized honey bee (AHB) infested areas or localities adjacent to AHB infested areas. The current distribution in the U.S. can be seen at http://ars.usda.gov/AHBmap  
- Bi-annual requeening of hives and requeening of swarms with certified European stock purchased from reliable sources (local when possible).  
- Maintaining requeening records and purchase documentation  
- Monitoring the behavior of the bees and replacing the queen immediately if the hive becomes difficult to manage

Any beekeeper who witnesses unusually defensive behavior should take the following steps:

- Contact the Illinois Department of Agriculture Apiary Inspector for your area  
  [www.agr.state.il.us/programs/beesinspectors.html](http://www.agr.state.il.us/programs/beesinspectors.html) or the IDoA's Apiary Inspection Supervisor at 217/7782-6297.  
- Requeen immediately with certified European stock  
- Monitor requeened hive for continued defensiveness
Treat all honey bees with respect. Treating all honey bees with respect is a fundamental pillar of beekeeping as honey bees are indispensable and important to the human food supply.

ACKNOWLEDGMENTS
The Illinois State Beekeepers Association would like to thank the Ohio State Beekeepers Association, the Maine State Beekeepers Association, New York City Beekeepers Association, and the many other beekeeping associations and agricultural organizations whose work and effort formed the foundation of this document.

DISCLAIMER
This document is and always will be a work in progress, intended for regular update and revision. It offers guidelines for responsible beekeeping in the State of Illinois but is not intended to provide legal advice.
#14-33 Bee Keeping
Planner Angela Zubko stated couple months ago the PBZ office was asked about allowing bee keeping in residential districts. This topic has been discussed a few times at the PBZ (Planning, Building and Zoning) Committee and the committee would like to see a text amendment to allow these in residential districts. Planner Zubko is of the opinion this is a bad idea and it is permitted in A-1 Agricultural districts now. Staff proposes the following text amendment per the direction of the PBZ Committee. She proposes it be a conditional use in the R-1, R-2 and R-3 Districts with the 14 conditions listed on the memo.

Fran Klaas thinks it's a good thing to have bees.

Brian Jahp has no comments at this time.

Aaron Rybski stated if they were selling it they would have to follow state requirements.

Brian Holdiman asked about who would inspect these items and what if there are violations. Planner Zubko stated the PBZ Department would be and asked if in his opinion we should charge more? Mr. Holdiman stated not at this time, he is fine with how it is written.

With no further comments Brian Japh made a motion, seconded by Fran Klaas to approve the text amendment and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.

#14-37 Home Occupations- Landscape Business
Planner Angela Zubko stated within the last year the PBZ Department has had a lot of issues with regards to landscape businesses and if they qualify for home occupations. Also we have had A LOT of people wanting to do it as a home occupation. Staff is of the opinion they should not qualify due to the type of equipment they use, the fact that all others need to be located on a State, County or Collector Highway and we've had issues in the past trying to prove there are employees and the amount of employees. Staff proposed to specify that landscape businesses cannot be home occupations in the definitions which are shown in red on the memo and also on the affidavit that home occupations sign.

Brian Holdiman agrees with this text amendment.

Aaron Rybski has no objection.

Brian Jahp has no comments at this time.

Fran Klaas agrees with Brian Holdiman.

With no further comments Aaron Rybski made a motion, seconded by Fran Klaas to approve the text amendment and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-
14-26 Critter Care- Passed at the 10.21.14 County Board meeting
14-28 Hively Landscaping- withdrawn due to all the opposition and the Village of Plainfield denying the request

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None
Mr. Nelson asked about the comp plan of Plattville. Planner Zubko stated they do and it calls for residential.

Larry Nelson made a motion to approve the map amendment from A-1 to R-1. Vern Poppen seconded the motion. With a roll call vote all were in favor and this will move onto the next ZBA meeting next Monday.

#14-33 Bee Keeping
Planner Angela Zubko stated couple months ago the PBZ office was asked about allowing bee keeping in residential districts. This topic has been discussed a few times at the PBZ (Planning, Building and Zoning) Committee and the committee would like to see a text amendment to allow these in residential districts. Planner Zubko is of the opinion this is a bad idea and it is permitted in A-1 Agricultural districts now. Staff proposes the following text amendment per the direction of the PBZ Committee. She proposes it be a conditional use in the R-1, R-2 and R-3 Districts with the 14 conditions listed on the memo. The ZPAC Committee recommended approval with no changes.

Larry Nelson does not have a question in the R-1 district but his concern is if you're in a subdivision are we going to run the risk of putting in inadvertent nuisance into the subdivision?

Roger Bledsoe stated by coincidence he ran into a beekeeper in the Pullman district and him and his next door neighbor have 4 and 6 hives which their lots being 26' wide and 19' wide respectively and have only had one complaint over the years. You have to leave about 60 lbs. of honey over the winter, you need about 4 hives for an individual family to make it worthwhile to keep the bees. Bees like to stay within a 1/4 mile radius and up to 4 miles but prefer to stay close.

Mr. Nelson suggested getting approval from the HOA stating they are okay or not okay with the proposal and if they state there is not an HOA in writing and there is one we can deny it. His reservation is in the R-2 and R-3 in a subdivision, not the more sporadic R-2 and R-3 zoning lots in the County.

Larry Nelson made a motion to approve the text amendment with the additional condition to include the HOA approval, Vern Poppen seconded the motion. With a roll call vote all were in favor and this will move onto the next ZBA meeting next Monday.

#14-37 Home Occupations- Landscape Business
Planner Angela Zubko stated within the last year the PBZ Department has had a lot of issues with regards to landscape businesses and if they qualify for home occupations. Also we have had A LOT of people wanting to do it as a home occupation. Staff is of the opinion they should not qualify due to the type of equipment they use, the fact that all others need to be located on a State, County or Collector Highway and we've had issues in the past trying to prove there are employees and the amount of employees. Staff proposed to specify that landscape businesses cannot be home occupations in the definitions which are shown in red on the memo and also on the affidavit that home occupations sign.

The ZPAC Committee recommended approval with no changes.
With no further discussion Tom LeCuyer made a motion, seconded by Scott Cherry to approve the findings of fact as written and approve the variance. With a roll call vote of 7-0 all were in favor and the variance was approved.

#14-33 Bee Keeping
Planner Angela Zubko stated couple months ago the PBZ office was asked about allowing bee keeping in residential districts. This topic has been discussed a few times at the PBZ (Planning, Building and Zoning) Committee and the committee would like to see a text amendment to allow these in residential districts. Planner Zubko is of the opinion this is a bad idea and it is permitted in A-1 Agricultural districts now. Staff proposes the following text amendment per the direction of the PBZ Committee. She proposes it be a conditional use in the R-1, R-2 and R-3 Districts with the 14 conditions listed on the memo. The ZPAC Committee recommended approval with no changes and the Plan Commission just wanted to add one condition on the application to verify if there is an HOA or not and if there is they need approval from the HOA first, if there is no HOA they need to put that in writing and sign it so the County cannot be held responsible.

Ms. Clementi asked while in reviewing other counties if they mention liability insurance or is that not even our concern? Planner Zubko stated it’s not really our concern as it’s the same thing if anyone gets hurts doing anything on someone else’s property. Ms. Clementi asked if the neighbor is allergic. Planner Zubko stated there is a condition that if a neighbor objects the hives must be located further from their home and also there is the fly away barrier (solid fence with signage) which also should prevent accidents.

Donna McKay wanted to make sure if it is zoned A-1 none of these conditions apply, Planner Zubko stated that is correct.

Mr. Jeff Wilkins introduced himself and also explained he had the same hesitancy as Planner Zubko on this topic.

Since there is no one left in the audience Chairman Randy Mohr opened and closed public testimony.

With no further discussion Dick Whitfield made a motion, seconded by Donna McKay to approve the text amendment including the HOA approval. With a roll call vote of 6-1 in favor and the text amendment will be forwarded on. Karen Clementi voted no stating she is of the opinion it is a bad idea in residential districts.

#14-37 Home Occupations- Landscape Business
Planner Angela Zubko stated this will be continued till next month as the Plan Commission wanted to makes some changes to the text before forwarding it on.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- None

NEW BUSINESS/OLD BUSINESS – Review and approve 2015 meeting dates- Dick Whitfield approved the 2015 meeting dates as presented, seconded by Scott Cherry. All were in favor and the meeting dates have been approved.

PUBLIC COMMENT- There were no members in the audience to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS- Next meeting will be on January 5, 2015
Tom LeCuyer made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:33 p.m.
State of Illinois  
County of Kendall

ORDINANCE # 2015-______

AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE 
TO BEE KEEPING IN RESIDENTIAL DISTRICTS

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a public hearing held before the Kendall County Zoning Board of Appeals on December 8, 2014;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 8.02.B. “R-1 One-family estate residence district- Conditional Uses,” Section 8.07.C. “R-2 One-family residence district- Conditional Uses” & 8.08.C. “R-3 One-family residence district- Conditional Uses” of the Kendall County Zoning Ordinance as provided:

Conditional Use in the R-1, R-2 and R-3 Districts

Beekeeping with the following conditions:
  a. Beekeeping and the honey produced from beekeeping shall be for personal use only
  b. Annual permit required with fee of $50 the first year the permit is issued and $25 each year after
  c. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
  d. No colony shall be permitted within a front yard setback
  e. All colonies must be setback at least 30’ from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5’ from the rear or side yard lot line (as long as there is no sidewalk or pathway).
  f. All colonies within 100’ of an adjoining home shall require a flyway barrier with a 6’ minimum height
  g. All colonies shall require a minimum 4’ fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
  h. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives
notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100’ of the adjoining home of objecting property owner.

during the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.

Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100’ of the residence of the previously objecting property but shall maintain a distance of at least 30’ from all property lines at all times unless abutting a right of way in which the colony can be placed with 5’ of the property line.

k. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrators receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.

l. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.

m. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.

n. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.

o. All approved permits shall comply with the Bees and Apiaries Act of Illinois (510 ILCS 20)

**In witness of**, this Ordinance has been enacted by the Kendall County Board this 17th day of February, 2015.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Shaw
PLAN COUNCIL AGENDA

Thursday, January 22, 2015
9:00 a.m.
City Conference Room

1. Minutes for approval November 20, 2014

2. PC 2014-23 Imperial Investments – Outdoor Music Venue (112 Van Emmon) - Special Use Approval Request

Adjournment
Attendees:

Krysti Barksdale-Noble - United City of Yorkville
Peter Ratos – United City of Yorkville
Chris Heinen – United City of Yorkville
Brad Sanderson – Engineering Enterprises, Inc.
Jessica Briney – Attorney for Yorkville Middle School (Mickey, Wilson, Weiler, Renzi & Andersson, P.C.)
Mike Torres – Bristol Kendall Fire Department
Timothy V. Evans – United City of Yorkville

The meeting was called to order at 9:00 a.m. by Krysti Noble.

The minutes from the April 10, 2014 meeting were approved as submitted.

PC 2014-18 Yorkville School District (Wind Turbine): Ms. Noble turned the meeting over to Mr. Sanderson. He opened the meeting up to comments and Mr. Torrence questioned maintenance as a rather high priority (for rescue purposes). Ms. Noble said that would be addressed prior to Plan Commission and she would provide a written comment. Mr. Ratos said everything preliminary looked alright – upon building they would need more details – but the preliminary design looked okay.

Ms. Noble said Community Development will be addressing this as part of the “New Ordinance,” which will (hopefully) be in place before this hits City Council; and she will be going over general comments briefly. The main comment brought up by engineering was the need to know the exact height of the structure. The report ranges from 70’ all the way up to 90’. Having the exact height will determine what the set-back is. There was a comment in the report that if it does go up to 90’, it would have to have a 99’ set-back which cannot be accommodated so a variance would be needed. She did not know if the State would support the variance from their standpoint, but the City has the same set-back standards and the City would not support a variance because it’s a new ordinance and there is enough room if you were to go to a smaller tower. The tower would have to drop down approximately 10’ (80’ or lower) to accommodate a 90’ set-back.

Ms. Noble continued that there were some standards she highlighted; there’s no indication if there’s going to be any sign on the actual unit. The City does not allow any commercial advertising, but they do allow one sign to indicate the emergency contact information of the property owner or operator with a maximum sign area of 2 square feet.

She asked if the utility service provider had been contacted. Ms. Briney didn’t know and said she would definitely follow up with the school on that. Contact must be made prior to issuance of the building permit.
Ms. Noble said there is a safety component – they need to be provided with more specific information because they have to have mechanical brakes and preventative controls that were not seen in the packet.

Ms. Noble did not think there would be an issue with Shadow Flicker due to the distance from residential areas. There was no detail given on the actual color of the tower to assure it was a non-reflective color. Most importantly, there was no indication of what the dB level of noise would be; it shall not exceed fifty-five (55) dBA or less.

Ms. Noble said that summed up her comments and asked Ms. Briney if she had any comments or questions. She did not but asked what the next step was. Ms. Noble said it goes to Economic Development committee and she would prepare a memo informing them of the upcoming project. EDC is a smaller sector of the City Council. Ms. Briney inquired as to how they respond to the comments and Ms. Noble asked her to respond to her in writing before the next Plan Commission meeting (January 14, 2015).

With that, Ms. Noble adjourned the meeting at 9:07am.

Minutes respectfully submitted by:
Bonnie Olsem
Administrative Secretary
**United City of Yorkville**
800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
Fax: 630-553-7575

**INVOICE & WORKSHEET**
**PETITION APPLICATION**

<table>
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<th>Mike Mann</th>
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<tr>
<th>Special Use:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>$250.00, plus $10/acre for each acre over 5.</td>
<td></td>
<td></td>
</tr>
<tr>
<td># of acres:</td>
<td>- 5 =</td>
<td>$10 =</td>
</tr>
<tr>
<td>$250</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning Variance:</th>
<th>$85.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside Consultants deposit of $500.00 due</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preliminary Plan Fee:</th>
<th>$500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering Plan Review Deposit:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

| Less than 1 acre: | $1,000 due |
| Over 1 acre and less than 10 acres: | $2,500 due |
| Over 10 acres and less than 40 acres: | $5,000 due |
| Over 40 acres and less than 100 acres: | $10,000 due |
| Over 100 acres: | $20,000 due |

<table>
<thead>
<tr>
<th>Outside Consultants Deposit:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal, Land Planner, Zoning Coordinator, Environmental Services</td>
<td>$1,000</td>
<td></td>
</tr>
<tr>
<td>Annexation, Subdivision, Rezoning, and Special Use:</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

| Less than 2 acres: | $1,000 due |
| Over 2 acres and less than 10 acres: | $2,500 due |
| Over 10 acres: | $5,000 due |

| TOTAL AMOUNT DUE: | $2,250.00 |

**Word: D River Dec Day 2000 Fe Sheet West**
Application For Special Use

**STAFF USE ONLY**

Date of Submission: [ ]

Development Name: [ ]

**Applicant Information**

Name of Applicant(s): Imperial Investments, LLC

Business Address: 202 W. Boombah Blvd

City: Yorkville  State: IL  ZIP: 60560

Business Phone: 630.385.7755  Business Fax: 630.518.4173

Business Cell: [ ]  Business E-mail: brian.johnson@boombah.com

**Property Information**

Name of Holder of Legal Title: Grundy Bank Trust #1505

If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:

Imperial Investments, LLC

Property Street Address: 112 W Van Emmon Street, Yorkville

Description of Property’s Physical Location:

south side of block, 100 feet west of Rt. 47

**Zoning and Land Use of Surrounding Parcels**

<table>
<thead>
<tr>
<th>North</th>
<th>1/2 residential, 1/2 commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>? house being used for business</td>
</tr>
<tr>
<td>South</td>
<td>? Kendall County owned building</td>
</tr>
<tr>
<td>West</td>
<td>commercial</td>
</tr>
</tbody>
</table>

Current Zoning Classification: Residential

**Kendall County Parcel Number(s) of Property**

<table>
<thead>
<tr>
<th>05-38-287-002</th>
</tr>
</thead>
</table>


6
### Application For Special Use

#### Additional Contact Information

<table>
<thead>
<tr>
<th>Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>City</strong></td>
</tr>
<tr>
<td><strong>State</strong></td>
</tr>
<tr>
<td><strong>ZIP</strong></td>
</tr>
<tr>
<td><strong>Phone</strong></td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Engineer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>City</strong></td>
</tr>
<tr>
<td><strong>State</strong></td>
</tr>
<tr>
<td><strong>ZIP</strong></td>
</tr>
<tr>
<td><strong>Phone</strong></td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Planner/Surveyor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>City</strong></td>
</tr>
<tr>
<td><strong>State</strong></td>
</tr>
<tr>
<td><strong>ZIP</strong></td>
</tr>
<tr>
<td><strong>Phone</strong></td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
</tr>
</tbody>
</table>

### Attachments

Applicant must attach a legal description of the property to this application and title it as "Exhibit A".

Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".
Application For Special Use

Special Use Standards

Please state how the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare:

The establishment of a music performance venue will allow for more family friendly activities in the downtown Yorkville business district. All activities will still comply with parking, and health and safety regulations. Music will not exceed the city's limits for decibel levels and times performances are allowed. Music selections will be limited to those which are morally desirable and likely more restrictive than the rules by the FCC for radio presentation, which would be the very minimum restriction.

Please state how the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood:

Because music performances will be limited in times and volume levels, it will not injure or impair use of the properties in the immediate vicinity. The aesthetic plan for the space will be inviting and attractively landscaped, much like adding a park to the area. There will be adequate parking available for all events, without street parking. Temporary "no parking" signs can be used if the City so requires.

Please state how the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:

The amphitheater will incet improvements by local businesses as more consumers come to the downtown district. Local residential areas should welcome the improved use and appearance for this property.

Please state how adequate utilities, access roads, drainage or other necessary facilities have been or are being provided:

All building plans will be submitted and will have to meet the City's approval for utilities, roads and drainage. Roads have been widened and stoplights allow for safe access to this location. City parking is available in close proximity. The owner will be responsible for clean up of the area during and after events and to the extent trash containers can be accessed by the public at other times, the owner will regularly remove trash and keep the area clean. (restrooms?)

Application For Special Use

Special Use Standards

Please state how adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets:

Access to the Amphitheater will be foot traffic from parking areas to the east and west. These areas have egress in several directions allowing for traffic to disperse easily. It is also hoped that visitors to the amphitheater will visit other businesses downtown allowing for a more gradual departure from the area for some patrons.

Please state how 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 City Council pursuant to the recommendations of the Plan Commission:

The amphitheater will comply with all health and safety regulations as well as provide a park-like feature for the area.

Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

Date

12-23-14

THIS APPLICATION MUST BE NOTARIZED
PLEASE NOTARIZE IN THE SPACE BELOW:

Signed and sworn before me 12/23/14

Notary Public, State of Illinois
My Commission Expires 4/28/2018
**Petitioner Deposit Account / Acknowledgment of Financial Responsibility**

<table>
<thead>
<tr>
<th>Development/Property Address:</th>
<th>Project No.: FOR CITY USE ONLY</th>
<th>Fund Account No.: FOR CITY USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>112 W Van Emmon Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Petitioner/Approval Type:** check appropriate box(es) of approval requested

- [ ] Concept Plan Review
- [ ] Amendment (Text) (Extension) (Plan)
- [ ] Annexation
- [ ] Rescinding
- [ ] Special Use
- [ ] Mile and 1/4 Review
- [ ] Zoning Variance
- [ ] Preliminary Plan
- [ ] Final Plans
- [ ] P.U.D.
- [ ] Final Plat

**Petitioner Deposit Account Fund:**

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses incurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the INVOICE & WORKSHEET PETITION APPLICATION. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

**ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY**

<table>
<thead>
<tr>
<th>Name/Company Name:</th>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grundy Bank Trust 1505</td>
<td>202 Boombah Blvd</td>
<td>Yorkville</td>
<td>IL</td>
<td>60560</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone:</th>
<th>Mobile:</th>
<th>Fax:</th>
<th>E-mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>630.385.7755</td>
<td>630.518.4173</td>
<td>[brian.johnson@bog]</td>
<td></td>
</tr>
</tbody>
</table>

**Financially Responsible Party:**

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

**Print Name:** Rick Tolteo  
**Title:** CEO/President  
**Signature:**  
**Date:** 12/22/2014

*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

**FOR CITY USE ONLY**

**ACCOUNT CLOSURE AUTHORIZATION:**

- [ ] Completed  
- [ ] Inactive  
- [ ] Withdrawn  
- [ ] Collections  
- [ ] Other

**DEPARTMENT ROUNTING FOR AUTHORIZATION:**

- [ ] Comm Dev.  
- [ ] Building  
- [ ] Engineering  
- [ ] Finance  
- [ ] Admin.
EXHIBIT A

Legal Description for 112 W. Van Emmon Street, Yorkville IL

LOTS 5 AND 6 AND THE WEST $\frac{1}{2}$ OF VACATED JEFFERSON STREET LYING EAST OF AND ADJOINING SAID LOT 6, ALL IN BLOCK 28 OF THE ORIGINAL VILLAGE OF YORKVILLE, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.
EXHIBIT B

List of neighbors within 500 feet of 112 W. Van Emmon.

Residence at 117 W. Van Emmon Street
Residence at 202 S. Main Street (currently rental)
Business at 108 Van Emmon Street
Church at Madison and Main.
Kendall County buildings on 100 block of Madison
January 14, 2015

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

Re: 112 W. Van Emmon Street, Imperial Investments, LLC
United City of Yorkville, Kendall County, Illinois

Dear Krysti:

We are in receipt of the following items for the above referenced project:

- Application for Special Use
- Preliminary Grading Plan dated August 12, 2014 and prepared by HR Green
- Preliminary Overall Site Plan dated August 12, 2014 and prepared by HR Green
- Concept Plan 1 Proposed Impervious Area dated August 12, 2014 and prepared by HR Green
- Concept Plan Existing Impervious Area dated August 12, 2014 and prepared by HR Green

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

**General**

1. Prior to final engineering approval, the following items will need to be submitted for review:
   - Final Engineering Plans
   - Landscape Plans
   - Lighting/Photometric Plans
   - Stormwater Permit Application
   - Stormwater Report
2. Based upon the current site plan, the proposed site improvements will require detention since the site is a non-residential parcel with less than 3 acres in area and an impervious area greater than 25% of the development (Section 203.1.c of the Kendall County Stormwater Ordinance).

**Application for Special Use**

3. Surrounding zoning classifications should be included under the Property Information. The existing zoning should be corrected also.

4. A statement is made that adequate parking is available without on-street parking. We would request a parking analysis be provided for review to support this claim.

5. The application indicates access from parking areas to the east and west of the site. There are parking areas immediately adjacent to the site on the south, west and north sides of the site.

**Preliminary/Concept Plans**

6. The existing utility easement should be shown along the west property line.

7. An existing sanitary sewer service is located along the west property line and the proposed retaining wall and grading would conflict with the existing sanitary sewer service. The grading and retaining wall needs to be reviewed and revised to not adversely affect the existing sanitary sewer service.

8. An existing retaining wall is located in the southwest corner of the site and will need to be addressed in the final engineering plans.

9. There are inconsistencies in the lot size provided on the plans. The lot size shall be corrected to be consistent on all the drawings.

10. The proposed site does not appear to be handicap accessible. The proposed concrete area in front of the pavilion is in excess of a maximum 2% cross slope and the routes to the site are in excess of the maximum allowable slopes.

11. The layout on the Concept Plan 1 is not consistent with the other drawings and should be revised accordingly.

12. The minimum rear yard setback in the B-1 Zoning District is 20-feet. The current plan has a rear yard setback of 16-feet.
Ms. Krysti Barksdale-Noble  
January 14, 2015  
Page 3 of 3

13. Currently, no water or wastewater services are shown

The developer should make the necessary revisions and re-submit one set of PDF plans along with a disposition letter for further review. If there are any questions or if you require additional information, please contact our office.

Sincerely,

ENGINEERING ENTERPRISES, INC.

Bradley P. Sanderson, P.E.  
Vice President

BPS/bja

pc: Mr. Bart Olson, City Administrator (Via e-mail)  
Mr. Chris Heinen, City Planner (Via e-mail)  
Mr. Eric Dhuse, Director of Public Works (Via e-mail)  
Mr. Pete Ratos, Building Department (Via e-mail)  
Ms. Dee Weinert, Admin Assistant (Via e-mail)  
Ms. Lisa Pickering, Deputy Clerk (Via e-mail)  
Mr. David Schultz, HR Green (Via e-mail)  
BJA, JAM, EEI (Via e-mail)
Memorandum

To: Plan Council
From: Krysti Barksdale-Noble, Community Development Director
CC: Chris Heinen, Planner
Date: January 15, 2015
Subject: PC 2014-23 Outdoor Music Venue
Special Use for Outdoor Music Venue – 112 W. Van Emmon Street

I have reviewed the application for Special Use date stamped received December 29, 2014 as submitted by Julie Schlichting of Boombah, attorney for Imperial Investments, LLC, Petitioner, and a Preliminary Grading Plan, Site Plan and Concept Plan prepared by HR Green dated August 12, 2014. The petitioner is seeking Special Use approval of an outdoor music venue, proposed to be constructed at 112 W. Van Emmon Street.

Based upon my review of the application documents and Preliminary Plans, I have compiled the following comments:

General Comments:

1. ZONING - The subject property is zoned B-1 Local Business District (formerly B-1 Limited Business District). The following are the current immediate surrounding zoning and land uses:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North B-2 Retail Commerce Business District</td>
<td>Cobblestone Restaurant/Bakery</td>
</tr>
<tr>
<td>South B-1 Local Business District</td>
<td>Kendall County Building</td>
</tr>
<tr>
<td>East ---</td>
<td>IL Route 47</td>
</tr>
<tr>
<td>West B-1 Local Business District</td>
<td>Residential property to be razed as part of this development and municipal parking lot.</td>
</tr>
</tbody>
</table>

   a. Maximum building height for the B-1 District is 80 feet. Please provide dimensioned plans for the pavilion structure illustrating compliance with the requirement.

2. PARKING - According to the plans submitted, there appears to be no on-site parking facilities provided. Per Section 10-16-2-D of the recently adopted Zoning Ordinance, the control of off-site parking facilities must be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are necessary.

   a. Minimum required parking shall be determined using Table 10.16.03 of the recently adopted Zoning Ordinance for “theater, auditorium or stadium” based upon 1 parking space per 4 seats. This may also be interpreted as parking stalls must be provided for one-forth (1/4) of the maximum occupancy of the site.

      i. Per Section 10-16-6-B of the recently adopted Zoning Ordinance, the number of required vehicular parking spaces may be reduced by one
(1) space for every two (2) onsite bicycle parking spaces provided, but not by more than twenty percent (20%) of the total required spaces.

b. No such offsite parking facilities shall be authorized and no zoning certificate issued where the plans call for parking facilities other than on the same lot until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the offsite parking facilities will be maintained at all times during the life of the proposed use or building.

c. A site plan, drawn to scale and fully dimensioned, is required to illustrate the minimum required parking and loading facilities to be provided are in accordance with Chapter 16: Off Street Parking of the Yorkville Zoning Ordinance.

d. Per Section 10-16-3-E of the recently adopted Zoning Ordinance, all required parking spaces shall be within 1,000 feet of the use served. The measurement is determined along the path that has:

   i. Adequate lighting
   ii. Separation from the right-of-way
   iii. Legal crosswalks for right-of-way crossing
   iv. Asphalt, concrete, or similar surface

c. Per Section 10-16-4: Shared Parking of the recently adopted Zoning Ordinance, the applicant must demonstrate that the shared parking area has a sufficient amount of space for the uses they intend to share the area.

3. NOISE - An engineering acoustical study must be provided to indicate compliance with the current noise ordinance levels.

4. SIGNAGE – The petitioner must provide any plans and/or information related to signage proposed for this project, including but not limited to: location, dimensions (length, width, height) and materials.

5. TENTATIVE OPERATIONS SCHEDULE – Petitioner should provide a narrative describing the typical or general venue schedule of maximum number of musical events within a given year; potential leasing of property for private or sponsored events; general hours of operation; property maintenance plan; and general security details for major events.
Memorandum

To: Plan Council
From: Chris Heinen, Planner
CC: Bart Olson, City Administrator
     Krysti Barksdale-Noble, Community Development Director
Date: January 14, 2015
Subject: PC 2014-23 Outdoor Music Venue
         Special Use for Outdoor Music Venue – 112 Van Emmon

I have reviewed the application for Special Use date stamped receivied December 29, 2014 as submitted by Julie Schlichting of Boombah, attorney for Imperial Investments, LLC, Petitioner, and a Preliminary Grading Plan, Site Plan and Concept Plan prepared by HR Green dated August 12, 2014. The petitioner is seeking Special Use approval of an outdoor music venue, proposed to be constructed at 112 W. Van Emmon Street.

Based upon my review of the application documents and Preliminary Plans, I have compiled the following comments:

General Comments:

1. Please provide a detailed parking plan is required.
2. The property is zoned B-1 and the required rear yard setback is 20 feet. The preliminary plan shows a setback of 16 feet.
3. The City of Yorkville recently adopted new noise regulations that outline the restrictions for outdoor music venues. See attached ordinance. Provide a detailed noise study for review.
4. There are no plans indicating wastewater facilities or water facilities. Please provide a detailed plan for wastewater and potable water facilities.
5. What are the parameters for alcohol on site? Plans will need to address the appropriate liquor license required.
6. Please provide proof of insurance for the outdoor music venue.
7. Please provide a detailed traffic plan for events.
8. Provide a detail of the retaining wall along the southerly property line.
9. Provide a detailed tree preservation plan for existing landscaping on the property.
10. Provide a photometric plan.
ORDINANCE NO. 2014-80

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, AMENDING THE NOISE REGULATIONS

Passed by the City Council of the
United City of Yorkville, Kendall County, Illinois
This 9th day of December, 2014

Published in pamphlet form by the
authority of the Mayor and City Council
of the United City of Yorkville, Kendall
County, Illinois on December 18, 2014.
Ordinance No. 2014-80

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, AMENDING THE NOISE REGULATIONS

WHEREAS, the United City of Yorkville (the "City") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the City pursuant to Section 5/11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) may define, prevent and abate nuisances and the City's authority to protect the public health, welfare and safety hereby adopts this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Title 4, Chapter 4, Sections 4-4-2 and 4-4-3 of the Yorkville City Code, as amended, be and is hereby amended to read as follows:

"4-4-2: WEIGHTED SOUND LEVEL:

Sound pressure decibel levels shall be measured on a sound level meter using the "A" weighing network and designated as dB(A) or dBA. The following table provides examples of sound pressure decibel levels:

<table>
<thead>
<tr>
<th>Sound Environment</th>
<th>Typical Sound Pressure Decibel Levels Generated (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Threshold of hearing</td>
<td>0 dBA</td>
</tr>
<tr>
<td>Broadcast Studio</td>
<td>20 dBA</td>
</tr>
<tr>
<td>Library</td>
<td>30 dBA</td>
</tr>
<tr>
<td>Quiet Office</td>
<td>40 dBA</td>
</tr>
<tr>
<td>Light auto traffic (100 feet)</td>
<td>50 dBA</td>
</tr>
<tr>
<td>Air-conditioning unit (20 feet)</td>
<td>60 dBA</td>
</tr>
<tr>
<td>Freeway traffic</td>
<td>70 dBA</td>
</tr>
<tr>
<td>Vacuum cleaner (5 feet)</td>
<td>80 dBA</td>
</tr>
<tr>
<td>Passing car at 10 feet</td>
<td>90 dBA</td>
</tr>
<tr>
<td>Passing bus or truck at 10 feet</td>
<td>100 dBA</td>
</tr>
<tr>
<td>Passing subway train at 10 feet</td>
<td>110 dBA</td>
</tr>
<tr>
<td>Nightclub with band playing</td>
<td>120 dBA</td>
</tr>
<tr>
<td>Jet takeoff (200 feet)</td>
<td>130 dBA</td>
</tr>
<tr>
<td>Air-raid siren</td>
<td>140 dBA</td>
</tr>
</tbody>
</table>
4-4-3: HOURS AND LEVELS:

A. Day Hours: No person shall cause or allow the emission of sound decibel levels during daytime hours from 7:00 A.M. to 10:00 P.M. from any noise source which exceeds the following levels:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Outdoor Space within the property boundaries of property where the sound originates from - maxim decibel level (dB)</th>
<th>Outdoor Space not closer than the property line of the receiving residential property - maxim decibel level (dB)</th>
<th>Indoor space in a structure - maxim decibel level (dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential - Single-Family &amp; Multi-Family, Detached &amp; Attached</td>
<td>70</td>
<td>65</td>
<td>65</td>
</tr>
<tr>
<td>Office Buildings, Businesses, Commercial &amp; Professional</td>
<td>70</td>
<td>70</td>
<td>70</td>
</tr>
<tr>
<td>Sports Arena, Outdoor Spectator Sports</td>
<td>110</td>
<td>100</td>
<td>100</td>
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B. Night Hours: No person shall cause or allow the emission of sound decibel levels during nighttime hours (10:01 P.M. to 6:59 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 that the point of measurement shall not be closer than on the property line of the complainant.

Section 2: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.
Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this 9th day of December, 2014.

[Signatures of council members]

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this 17th day of December, 2014.

[Signature of Mayor]

Ordinance No. 2014-80
Page 4
KENDALL COUNTY AD HOC ZONING
ORDINANCE COMMITTEE

October 22, 2014
7:30am – 9:00am
Kendall County Hoover Forest Preserve
11285 West Fox Road
Yorkville, Illinois 60560

Present: Larry Nelson (Chairman) & Jeff Wehrli
Members absent: Elizabeth Flowers, Bill Ashton & Scott Gryder
Others present: Mike Hoffman from Teska Associates, Planning & Zoning Manager Angela Zubko, County Administrator Jeff Wilkins, Dan Koukol, Budd Wormley, Ken Hostert, Tom Gilmour, Harold Oliver, Matt Blocker, Art Zwemke, Angelo Kleronomos and Richard Artman.

Chairman Larry Nelson called the meeting to order at 7:34 a.m.

Mr. Nelson introduced Planner Zubko and Mike Hoffman. Planner Zubko thanked everyone for coming and gave a brief overview of why we are all here. Mike Hoffman introduced himself and we went around the room and everyone introduced themselves and shared where they did or currently work. Mr. Hoffman did a powerpoint presentation on the current residential development process in Kendall County, the regional trends and then opened it up to what everyone thought the future held. The following are bullet points that were pointed out:

- National Homebuilders are 2/3 of the market and are not really building west of Route 59. The “Drive to Qualify” market that fueled a lot of past growth in the County is gone.
- Metra service within the County could help to increase housing demand
- The Prairie Parkway would have helped a lot and hopefully it’s not a dead project
- The trend is less people working at home
- Eldamain Road was discussed as a north/south roadway but still will not connect I-88 to I-80
- ‘FISH’ First In Still Here is a saying in the development community these days. It used to be buyers would move in, then move-up to a larger home using the equity from their existing home. However, that move-up market has declined significantly as home values have declined.
- Taxes are too high- need to talk to the school districts and possibly the assessor. Used to be property taxes were low and perceived school quality was high. That has changed.
- Need better technology- fiber optic and would help a lot. Has potential for availability in the eastern part of the County within 3 years.

Ad Hoc Meeting Minutes Page 1 of 2
• Need more jobs and infrastructure here in Kendall County. Focus should be on those items and less on residential development for the next few years.
• More density
• The Millennial’s want to get away on the weekends so they are not necessarily interested in larger rural lots and farms that require time to maintain
• Smaller lots for less work
• Hard to finance
• The 3 T’s: Technology, Transportation & Taxes, along with jobs should be the focus.
• Everyone working together instead of competing, countywide economic development should be the focus. Possibly a Kendall County EDC?
• Economic development efforts should focus on the County’s strengths including high incomes, quality of life, and a well educated work force.
• Nicor has been active in updating, and in some cases expanding, their service within Kendall County

Mike Hoffman and Planner Zubko thanked everyone for attending.

Adjournment:
The next meeting will be December 3, 2014. Jeff Wehrli made a motion to adjourn the meeting. Larry Nelson seconded the motion. All were in favor and the meeting was adjourned at 8:58 a.m.

Respectfully submitted,
Angela L. Zubko
Planning & Zoning Manager
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<td><strong>3,768</strong></td>
<td><strong>406,970</strong></td>
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**growth over 30 yrs.**

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<td>50%</td>
<td>51%</td>
<td>77%</td>
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### NWPA County Forecasts: 2040 Population in Households, Households and Employment (CMAP, 2014)

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<tr>
<th>County</th>
<th>Population in Households</th>
<th>2010</th>
<th>2040</th>
<th>change</th>
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<td>McHenry</td>
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<td>114,528</td>
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<tr>
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<td>682,753</td>
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<td>105,186</td>
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<th>2040</th>
<th>change</th>
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<th>growth</th>
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<td>Kane</td>
<td>170,479</td>
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* Data Source: Woods & Poole Economics, Inc. 2014

CMAP, 2014. GO TO 2040 Update Appendix: Socioeconomic Forecast Update Overview
PBZ Projects and Activities-2.4.15

Active Zoning Petitions
12-19 LRMP Update- Trails
14-33 Zoning Ordinance- Bee Keeping (Text Amendment)
14-34 Robert Steward (A-1 Conditional Use)
14-37 Landscape Business’ not a home occupation (Text Amendment)
14-39 River’s Edge Fellowship (B-3 Special use)
14-40 Subdivision Control Ordinance (Text Amendment)
14-42 Sybert Landscaping (A-1 Special Use)
15-01 Nancy Austin (Rezoning)

13 potential petitions to be submitted (have talked to people about them)

Active Stormwater Permits- 10 active

Subdivisions
Fields of Farm Colony- Work completed!
Subdivisions still open:
  Highpoint Meadows- For Sale
  Schaefer Glen- For Sale
  Light Road Industrial park- Lots for sale, need to write letter to new owners
  High Grove- Sold some property to the Park District, coming in to rezone soon
  Tanglewood Trails- Punchlist completed for bank- they’re trying to close out

Projects outside the office
Communities of Excellence Program (Waubonsee class)
NWPA Planning Committee
NWPA TAC Committee
Kane/Kendall Bike & Pedestrian Plan
County Director Meetings (CMAP)
Land Use Committee Meeting (CMAP)
Big Rock Creek Watershed Meeting

Other Projects in the office
Investigate floodplain/zoning issues- McKanna Road Bridge issue (Anto’s), Anderson Tree Farm
Stormwater mapping in the field- completed 53 subdivisions so far (Finished Little Rock Township)
Working on the windshield Survey for Historic Preservation
Continue improving the GIS website with regards to information on zoning, permits, etc.
Work with mapping to convert hard copy allocation maps into an Ag Allocation layer in GIS
Convert information from pre 1993 permit cards into an excel database to create searchable system of old permit records by PIN or permit number.

Mobile Home Permits- 4 active

Cleaning up office with regards to getting old files scanned- All petitions are scanned, up to 2008 in building permits

FOIA’s

Keep track of escrow accounts

Update website- minutes, applications and ordinances

Normal day-to-day things- phone calls, people with questions, organizing, scheduling, posting, etc.

A weekly log sheet showing what I’ve done for that week is available upon request and submitted to Mr. Wilkins

Night meeting hours attended in 2015 so far: 10.25 hours (5 Meetings)
Night meeting hours attended in 2014: 129.00 hours (74 Meetings)
Night meeting hours attended in 2013: 121.75 Hours (70 Meetings)
Night meeting hours attended in 2012: 111.00 Hours (67 Meetings) John no longer part of PBZ
Night meeting hours attended in 2011: 98.5 Hours (56 Meetings)
Night meeting hours attended in 2010: 77.50 Hours (37 Meetings) Jerry let go July 2010
Night meeting hours attended in 2009: 51.75 Hours (36 Meetings)
Night meeting hours attended in 2008: 53.5 Hours (27 Meetings)
To: Kendall County Planning, Building and Zoning Committee

From: Brian Holdiman, Code Official

Date: January 6, 2015

Re: Building Department Inspection Summary, 2015 Goals and Code Official responsibilities

cc: Jeff Wilkins, County Administrator

Attached you will find an inspection report summary for 2014. I have also included a list of job responsibilities and 2015 goals. Should you have any questions please feel free to contact me at (630) 553-4134.
**Fiscal Year 2014 Detailed Inspection Report**

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**Total Field Visits and Inspections**  792

**Total Permits Reviewed and Issued**  237

**Contracted Plumbing Inspections**  83

**Yorkville Inspections in County**  29

Detailed documentation on file in PBZ office.
Kendall County Code Official Job Responsibilities

- Perform all building permit plan reviews.
- Approve all building permits.
- Perform all required inspections except contracted inspections.
- Meet with Contractors, Homeowners, and Developers to discuss projects.
- Perform Zoning Reviews on all Building Permits.
- Enforcing Federal, State, and Local flood plain regulations.
- Review and approve proposed, as-built, and final grading plans or surveys.
- Assist with scheduling inspections and coordinating with contractor inspections.
- Assist with coordinating inspections with Kendall County Health Department.
- Conduct investigations of zoning violation complaints and work to achieve compliance.
- Research and propose code revisions, changes, or amendments.
- Conduct annual campground inspections.
- Conduct annual mobile home inspections.
- Operate and maintain County vehicles.
- Fill Out Daily inspection Log and prepare detailed inspection reports.
- Issue stop work orders.
- Deem structures unsafe if necessary.
- Respond to Fire Districts or Kencom requests for building inspector.
- Coordinate with all local Fire Protection District’s to monitor ordinances.
- Review Zoning staff reports and comment on all Building Code related items.
- Maintain current certification levels with continuing education.
- Work to obtain more ICC certifications.
- Research and update current building department handouts.
- Respond to all e-mail requests.
- Work to improve ISO score.
- Provide outstanding customer service.
- Coordinate with Kendall County EMA.
- Fulfill Intergovernmental Agreements.
- Coordinate with Kendall County Health Department with Site Evaluations.
- Coordinate with Plumbing Inspector.
- Facilitate Intergovernmental Agreement with City of Yorkville.
2015 Goals of Code Official

1. Obtain Residential Electrical Inspectors Certification
2. Fulfill or exceed continuing education requirements
3. Improve communication with all Fire Marshall’s within Kendall County
4. Continue working on NPDES storm water mapping project
5. Research and discuss contractor licensing program
6. Implement changes to improve or maintain ISO score
7. Research Mobile technology for inspection reports generated in field
8. Review and discuss County Nuisance Ordinances.
9. Review Criteria for becoming a Certified Floodplain Manager
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### Permit Summary by Category by Month

#### Kendall County

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