KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of February 9, 2015

CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:30 p.m.

ROLL CALL
Present: Vice-Chair Judy Gilmour and Chairman Scott Gryder. Appointed Matt Prochaska to make a quorum
Absent: Lynn Cullick, Bob Davidson and Jeff Wehrli
Also present: Planning & Zoning Manager: Angela Zubko, County Administrator: Jeff Wilkins, Code Compliance OFFicer: Brian Holdiman
In the audience (signed in): Frank Johnson, John Gallo, Andrew Sybert, C.W. Dickey, David Dickinson, John & Geri Ryan, Bob Moser, William Richards, Tom and Sandy Rohrbacher, Patti Kraus, Carey & Janet Porter & Maria DeLeon

APPROVAL OF AGENDA
Planner Zubko would like to move the First Amendment and Nuisance Ordinances after the petitioners please and continue bee keeping to next month. Judy Gilmour made a motion to approve the agenda as amended, Matt Prochaska seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Judy Gilmour made a motion to approve the minutes from November 10, 2014. Matt Prochaska seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Judy Gilmour made a motion to approve the expenditure report in the amount of $15,615.75 and forward it onto the Finance Committee, Matt Prochaska seconded the motion. With a roll call vote all in attendance agreed and the motion was approved.

PUBLIC COMMENT- Mr. Frank Schmalz who lives at 23 Old Post Road spoke about his property. He was put in violation for having a trailer in his front yard setback. Planner Zubko passed out an aerial of his property, the Zoning Ordinance and some pictures provided by the lot owner. Mr. Schmalz stated he has owned this property since 1995 and had as many as four trailers on this property. Currently he has 2 trailers and was unaware of registering his property back in 2006 until the violation notice. If he has to move the trailer back behind his house he may have draining problems and also wanted to note that the complainant does not live in the neighborhood. He’s willing to do whatever it takes as he uses this trailer everyday for work so parking it off site would not be helpful.

NEW BUSINESS- 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: Matt Prochaska made a motion to waive the fees, Judy Gilmour seconded the motion. All were in favor.
**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. It is actually the same location the YARN Foundation was but that also ran with the tenant so once they left the special use left. 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 the Civic Center 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. The Plan Commission and hearing officer both 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.

With no further discussion Judy Gilmour made a motion, seconded by Matt Prochaska to recommend approval of the B-3 special use with staff’s one condition and forward the petition onto the full County Board. With a roll call vote, all were in favor and this will be forwarded.

**#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 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 Stewert 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.
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 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 115th 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. On page 5 of the report is a list of business’ the petitioner’s attorney has put together with other businesses in the area. The other businesses do not have special uses except the Grande Prairie Equestrian Center. Some might qualify for home occupations and other probably would not but we have not received complaints on the business’ so have not addressed them. The petitioner is trying to do the right thing by getting a special use. 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, 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.

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

Since those meetings I have received some correspondence from the petitioners’ attorney that a Plan Commission member who voted down the project then tried to sell his client some land the next day. The petitioner and his attorney are of the opinion that since the member sits on the Kendall County Regional Planning Commission and voted against recommendation of their Special Use Permit request, begs the question of was their vote influenced by a desire to profit from it? Did the negative comments for a possible profit influence other to vote "no"? Since they lost by one vote, did this negative recommendation affect the finding of facts of the Special Hearing Officer? Has he/she tried to influence the Planning Commission members and the County Board? They feel it appears that the conflict of interest may have tainted the entire process.

While I understand that the vote and subsequent correspondence may have the appearance of a conflict to the petitioners in this matter, there is no direct evidence presented at this time that would indicate a direct conflict of interest in this matter.

That said, the County Board will ultimately vote to grant or deny the petition in this matter. The Board is free to consider any evidence or recommendations they so choose. The vote of RPC (as with other advisory boards) is simply a recommendation. The Board is free to accept the recommendation or to reject it. With the Board not bound to follow the recommendation of the RPC, the Board has several options:

First - they can simply consider the letter as part of the evidence presented in the matter and give it whatever weight they feel it deserves.
Second - they can request the matter be referred back to RPC to revote with that commissioner abstaining.
Third - they can simply treat the recommendation of RPC as tie (disregarding the vote of the commissioner).
Fourth - they can do nothing and simply make their decision based upon all the information available.

Mr. Gryder stated he talked to the SAO this afternoon and he was of the opinion that it wasn’t a smart move to do that and possibly unethical move he did not think it actually tainted the outcome and suggested we strike that vote and act like it was a tie at Plan Commission.

Matt Prochaska asked who voted yes and no. Planner Zubko stated Casey and Bledsoe voted yes and Wormley, Ashton and Wilson voted no.

Planner Zubko went over the additional information passed out, the first one was in the packet as black and white and this is in color and the 2nd is some information showing views from the property in question.

Mr. Gryder thanked everyone for coming tonight and came throughout the process. A couple questions he had on the property have to do with the drainage and grading along with the intensity of the use and the waste all appear to be the biggest concerns pertaining to this petition. Planner Zubko stated we have put a condition that if any waste is dumped on the property it must be removed that week and no more than 1 load.

Andy Sybert and John Gallo introduced themselves. With regards to drainage they have taken out the pond and any grading to be done. The yard waste will remain in the back of the truck before going to the recycling center. He presented a new site plan that hopefully helps their concerns. The site plan shows he will not be using a lot of the north property anymore, it will stay as is. On the back side, the neighbor’s concern was the
view from her house. He is going to move the fence in 20-25’ and add a row of evergreen trees. Also in the northeast corner the bulk storage will be a maximum of 6’ tall with some evergreens in the corner as well. The bulk storage will be sand and gravel, the mulch will be kept up front. In the packet it shows the distances to the surrounding homes and their views, he is proposing to install evergreens to block their view. He wants to see what the neighbors can see to fix it. To the west there are some existing trees/bushes. The north property owner should not be able to see the equipment with this proposed site plan, he’s going to add to her existing landscape on this property. From his proposed evergreens in the northeast corner there are existing evergreens. The 6’ fence will go all the way between the barns and house. The employees will park on the existing gravel. There was concern about the mulch and the smell so he’s going to put it closer to the house south of the smaller storage structure. At the entrance he’s going to put a sign for his employees to wait till the school bus is gone. He also stated that hopefully the plants will absorb some of the water on the north side of the property but he might need to plant River birches if the soil conditions are not good.

Mr. Gryder stated Mr. Menard was worried about expansion, he asked if he’s open to a cap to the number of employees. Mr. Siebert does not plan on getting bigger and if they get bigger they will not want to stay at this site. Mr. Gryder is a little worried about a large expansion. Mr. Gallo stated his client is going to comply with the A-1 district limits. An agricultural property can have unlimited employees. Planner Zubko wanted to state this will run with the owners. Mr. Gryder asked Planner Zubko the restrictions on this property versus agricultural property. Planner Zubko stated there is no limit to the amount of agricultural laborers or parking and also can have ag labor housing on site.

Ms. Gilmour asked where most of the landscaping takes place. Mr. Siebert stated they go all over like to Lake Geneva, Wilmington, Indiana, Yorkville, Oswego, Naperville, Lisle, Joliet, Mokena, the work is moving in this direction. He also went into working for IDOT and why he wants to move to this area. Mr. Siebert stated he has a lot more clients out here.

Matt Prochaska asked how many businesses are in the immediate area. Planner Zubko stated there are 6 in the area. Mr. Gallo went through some of the businesses in the area and stated this business is consistent with businesses in the area. Ms. Zubko stated the current property has had an amusement business on site since 1963 with 20-30 employees on the weekend. Supposedly it closed down in 2006 but there still is a website and number to call but I’m sure the owners can explain if it’s moved. Mr. Gryder stated staff will be looking into all the businesses and making sure they comply.

Mr. Prochaska stated there are drainage concerns and asked Planner Zubko which way the water goes. Planner Zubko stated there is an ephemeral pond which is northwest of the property where water drains and the front half of the property drains south.

Ms. Gilmour is concerned about the issue of landscape waste. Mr. Siebert explained the waste again stating they don’t plan on any waste to hit the ground unless there is a weight issue.

With no further discussion Matt Prochaska made a motion, seconded by Scott Gryder to recommend this be forwarded onto the full County Board with no recommendation. With a roll call vote of 2-1 this will be forwarded. Prochaska and Gryder voted yes and Gilmour voted no. Gilmour voted no and stated there are still unanswered questions based on the Plan Commissions findings and nearby residents.

The audience was upset they did not get to speak. Mr. Gryder stated we have all the information in hand and testimony from the meetings. Mr. Gryder stated he is not comfortable with the proposal and the intensity of
the business at this time. Mr. Gallo stated that is why they made these additional changes to the site plan, Mr. Gryder stated they’ll have one other time to present this.

Planner Zubko explained the COW meeting and the County Board meeting. Mr. Wilkins stated if you’d like to talk to the County Board please contact Debbie Gillette.

Mr. Prochaska suggested this go to the committee of the whole this Thursday at 4pm where there will be a presentation so all the Board members are aware.

Tom Rohrbacher stated this is the 3rd meeting he has come to and repeating themselves, why doesn’t everyone get together and have one meeting? It’s a hardship and timing wise it’s hard unless you’re retired. He wishes there would be less meetings. Mr. Gryder stated he agrees with the amount of meetings and hope he would come back during a meeting discussion.

**#14-33 Bee Keeping** - This was continued to next month.

**NEW BUSINESS**

First Amendment to the City of Yorkville Building Inspection Agreement - The City of Yorkville has already approved the amendment, the reason we’re seeking the approval is in case our contracted plumbing inspector cannot do some inspections the City of Yorkville’s inspector will. Matt Prochaska made a motion to approve the amendment, seconded by Judy Gilmour, all were in favor.

Nuisance Ordinances - Brian Holdiman needs approval from the committee. He’s done some research and there are 4 active ordinances that he considers nuisance ordinances and one draft ordinance that we’re looking to coordinate with the Sheriff’s office, SAO, Health Department and local townships to combine these ordinances and possibly re-write more clearly who’s enforcing the ordinances. Mr. Prochaska asked if it makes sense to shift all enforcement to the PBZ or a centralized location and get the complaint to the correct department instead of calling multiple departments. Mr. Holdiman stated that would be helpful but the PBZ department staff-wise cold not enforce all these ordinances. Mr. Holdiman stated Kane County has an online form that must be distributed. Matt Prochaska suggested using google docs and will draft an online complaint form that can be distributed to the correct department. Ms. Gilmour asked Brian if we wanted to brief the Health and Environment Committee on this issue. It was noted our noised ordinance could fall into this as well. March 16th is the next Health and Environment meeting.

Discussion on special use application in the City of Yorkville for an outdoor music venue- 112 Van Emmon - The Plan Commission is meeting Wednesday night at city hall. As emailed out this was preliminarily discussed by staff at our ZPAC (Zoning, Platting advisory Committee) last Tuesday and the following concerns were brought up:

- Noise
- Parking Concerns
- Liability (walking across County Property or even possibly parking on county property)
- Lights
- Projected noise down the river
- Food
- Liquor
- Jaywalking across Van Emmon
- Public Safety
Possibly projecting towards the hill would be better
Not a very well thought out plan
Not handicapped accessible
There is already a location that can be used across Route 47-0.2 miles (1,000 feet) away at the Yorkville Park

Mr. Gryder stated for Planner Zubko to write a letter or at least an email should be sent to voice the County’s concerns. Matt Prochaska stated he would like our ordinance to match the City of Yorkville’s noise ordinance. He will bring it up at the Public Safety Committee. Ms. Gilmour asked if anyone is going.

OLD BUSINESS
Discussion on last zoning ad-hoc meeting & economic development- Planner Zubko stated she forgot this was discussed at the November meeting. She stated at the annual Plan Commission meeting it was presented that it is projected that our population will still grow 99% by 2040 to 228,000 people so economic development is still a top priority. Planner Zubko asked Mr. Wilkins to give an update on the hiring of a new economic development coordinator. Mr. Wilkins stated he has started some interviews. They received about 30 applicants.

UPDATE ON HISTORIC PRESERVATION- Planner Zubko stated that next month the committee will go over the Historic Preservation Plan/ 5 Year Plan- Discuss 2015 Goals. Planner Zubko stated in the packet is also a spreadsheet showing all the photos and properties being discussed. The Committee has identified 1,552 properties that had a structure that existed in 1939 and still exists in 2010 and we’re going through all the properties and deeming them non-significant, significant, landmarked, potentially significant or demolished. Planner Zubko stated soon the PBZ Committee will be receiving a landmark application that a homeowner has submitted to PBZ.

UPDATE ON CMAP LAND USE COMMITTEE MEETING- Planner Zubko stated in the packet is some information on the population estimates and employment estimates that was also presented at the annual meeting last Saturday.

PROJECT STATUS REPORT— Reviewed- also included Brian’s inspection report.
PERMIT REPORT— Reviewed
REVENUE REPORT— Reviewed
CORRESPONDENCE – None
EXECUTIVE SESSION- None

ADJOURNMENT- Next meeting will be on March 9, 2015
Matt Prochaska made a motion to adjourn the meeting. Judy Gilmour seconded the motion. All agreed.
Chairman Gryder adjourned the meeting at 7:50 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager