CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the September 29, 2014 Special use Hearing Officer Meeting

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-23 DTG Investments LLC- Passed by County Board on 10.7.14
14-26 Critter Care- Passed by County Board on 10.21.14

NEW BUSINESS/ OLD BUSINESS
Review and approve 2015 meeting dates

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on March 2, 2015
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING & SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
September 29, 2014 – 7:02 p.m.

CALL TO ORDER- ZONING BOARD OF APPEALS TO BE HELD JOINTLY WITH THE SPECIAL USE HEARING OFFICER
At 7:00 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.
At 7:00 p.m., Member Tom Lecuyer called the Zoning Board of Appeals meeting to order.

ROLL CALL FOR THE SPECIAL USE HEARING OFFICER
Members present: Walter Werderich

ROLL CALL FOR THE ZONING BOARD OF APPEALS
Members present: Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson and Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Donna McKay & Randy Mohr (Chairman)

A quorum was present to conduct business.

Planner Zubko stated we will have the special use hearing officer go first so petitions 14-23 and 14-26 and then get to the variances.

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

Chairman Werderich explained how the meeting works and swore in all members of the audience.

PETITIONS
#14-23 DTG Investments LLC
Planner Angela Zubko stated this was discussed last month but due to an error in the public notice mailing we had to hold another public hearing. Everything stayed the same including the 5 conditions placed on the ordinance.

Mr. Werderich asked the petitioner, Greg Dady if he had anything to add. Mr. Dady stated not at this time.

Walter Werderich opened the meeting for the public hearing. With no testimony Walter Werderich closed the public hearing.
§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The property was previously used for a landscaping business and this new use will be less noticeable as everything takes place inside the buildings including storage of the vehicles.

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 site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Nothing is being modified on this site and access already exists.

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. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to 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. The special use is consistent with the LRMP.

Wally Werderich made a favorable recommendation with the same findings of fact from the last meeting and staff’s 5 conditions as listed in the report.

#14-26 Critter Care
Planner Angela Zubko did an overview of the request stating the property is located at 4287 Eldamain Road on the west side of Eldamain Road about 0.45 miles south of Route 34. The property is about 3.9 acres and the petitioner is requesting an A-1 Special use to operate a veterinary establishment, but not including the boarding of animals except for overnight stays for medical treatment and observation. The petitioner would like to do boarding in the future but a variance cannot be requested for a use so they would need to rezone to commercial. The veterinary clinic has been running at this site for some time and would like to become legal since they are becoming larger. The petitioner has stated there are 2 employees. Staff is waiting to hear how large the building is to calculate parking. The ratio would be one (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area. Looking at an aerial there seems to be 26 parking stalls provided including 1 handicapped parking stall but staff is not sure the size of the stalls. A plat of survey is requested. The property currently has an access point off of Eldamain Road and also access through the property to the north, which is where Kim, the petitioner/owner lives. The Village of Plano has no objection to the special use and the Little Rock Township Board had no objections either. The building inspector had a few
comments and stated that a change of occupancy permit will be required for all structures that will be used for the proposed special use. Since there are no proposed improvements a stormwater permit and storm water detention is not required.

Staff would recommend approval and the following condition be placed on the special use, if approved:

1. A recent plat of survey be drawn showing the parking lot with dimensions.

The ZPAC Committee recommended approval and the Health Department had a comment that they will need to protect the septic system to ensure that it is protected from animal/vehicle traffic.

The Plan Commission recommended approval of the special use with the recommendation in lieu of stamped drawings the petitioner would be permitted to acquire a building inspection stating the building is structurally sound and no life safety issues exist. Planner Zubko stated she is of the opinion this would not qualify as ag exempt.

Attorney Daniel Kramer is in attendance for questions or comments. Mr. Kramer introduced himself and stated she pretty much has been running this as a home occupation but thinking of bringing on another veterinarian would require a special use at this time.

Mr. Werderich asked about plans to get larger. Mr. Kramer stated the building would not change; it’s adequate but simply broader coverage to have another vet to allow time off. With regards to the survey there is more acreage so a surveyor will be redrawing the special use area. The stalls are 12’ x19’ currently. Mr. Werderich asked from the Plan Commission meeting about the building code. Planner Zubko explained the thoughts of Plan Commission. Mr. Werderich asked if the petitioner would like to rezone this property to commercial. Mr. Kramer stated she already owns an overnight kennel which seems to serve the community so not at this time. Mr. Kramer stated there has been no feedback from neighbors.

Walter Werderich opened the meeting for the public hearing. With no testimony Walter Werderich closed the public hearing.

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. The petitioner 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 proposed special use for continuation of the veterinary office and clinic that is currently located on Eldamain Road continues a long agricultural use. It presents no change in the character of the neighborhood or use of the property and is beneficial to the large residential population needing critical animal care surrounding the area and potential boarding of animal.

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

Zoning Board of Appeals & SUHO 9.29.14 Page 3
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. There is adequate distance between the existing special use and the expansion thereof and surrounding properties. As is pointed out in the current LRMP of Kendall County in its Agricultural Easement Kendall County has a long and rich history in agriculture and t is a primary objective of the Kendall County LRMP to encourage and continue the expansion of agriculture and agricultural related uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. There are no public utility or development needs that in any way place a burden on local taxing districts or bodies or surrounding property owners. The subject property is served by Eldamain Road which is designated as a major collector and likely to be improved with a bridge over the Fox River in the near term. The business of the veterinary clinic as a destination business which is served well by being on a major artery such as Eldamain Road. There are adequate utilities on site, drainage is no problem given the large site and there are no new facilities that needed.

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 Special use conforms to all regulations of the Kendall County Agricultural Ordinance.

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. The Special use requested is consistent with the LRMP, Agricultural Special use Ordinance and the trend in development along major corridors such as Eldamain Road in the area. The provision of quality veterinary care is as an asset to the agricultural and residential community in Kendall County. It encourages development by offering qualified veterinary services.

Wally Werderich made a favorable recommendation with the petitioner’s findings of fact and staff’s 1 condition as listed in the report.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- ZBA
14-12 Central Limestone Company, Inc.- Approved by County Board on 9.16.14
14-24 Divyesh Patel/ Council Court Motel- Approved by County Board on 9.16.14

NEW BUSINESS/ OLD BUSINESS- None

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

ADJOUR SPECIAL USE HEARING OFFICER- Next meeting will be on October 27, 2014. Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:15 p.m.
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  § 9.04.C (B-3 Special Uses Permitted: Places of Worship)

REGULATIONS  § 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</th>
<th>Zoning within ½ Mile</th>
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</thead>
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<td>North</td>
<td>Gas Station</td>
<td>B-3</td>
<td>Suburban Residential</td>
<td>B-3; Montgomery</td>
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<td>South</td>
<td>Medical Office</td>
<td>B-3</td>
<td>Suburban Residential</td>
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<td>East</td>
<td>Oswegoland Park District, Dental Office &amp; Wedgewood Manor</td>
<td>B-1, B-3 &amp; R-7</td>
<td>Suburban Residential</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>
<td>R-1SU, M-1, M-3 and Montgomery</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

The Township has not provided staff with any comments to date.

There were just two minor comments, that the petitioner 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.

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.
PARKING  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 236 parking stalls. This lot would be close to the requirements if not meet them.

SIGNAGE  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.

Oswego Fire Protection District  *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

FINDINGS OF FACT  § 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. 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.

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
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 publicly 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 Japh, 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 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 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.
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>
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<tr>
<td>Roads</td>
<td>Woolley Road is a minor collector roadway</td>
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<tr>
<td>Trails</td>
<td>Per Oswego’s plans there is a trail proposed on the north side of Woolley Road.</td>
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<tr>
<td>Floodplain/Wetlands</td>
<td>There is no floodplain or wetland on the property</td>
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</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 Zoning</th>
<th>Zoning within ½ Mile</th>
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<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>A-1</td>
<td>Rural Estate</td>
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<tr>
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<td>Rural Estate</td>
<td>A-1; A-1 SU</td>
</tr>
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**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 80,000 lbs anyways so why limit them to 36,000. Planner Zubko will contact the township highway commissioner to discuss.

**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 manager 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 and also install a six foot tall berm behind the bulk storage bins (no fence in this area).

WASTE  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.

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.

FINDINGS OF FACT § 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. 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 not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

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 ensure 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 be consistent with the County's LRMP. The petitioners will live in the home and a landscape business will have the same equipment and hours of operation as the surrounding farms and other commercial businesses.

RECOMMENDATION 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.

ATTACHMENTS
1. Business description
2. Location map
3. Site plan showing location of storage and parking.
4. ZPAC Meeting minutes on 1.6.15
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 3/4 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
Planer 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 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 Grosskopf 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**
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.

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
Listing of ZBA/SU-HO Dates for 2015
7:00PM (Monday following KCRPC)

January 5, 2015
February 2, 2015
March 2, 2015
March 30, 2015
April 27, 2015
May (No Meeting)
June 1, 2015
June 29, 2015
July 27, 2015
August 31, 2015
September 28, 2015
October (No Meeting)
November 2, 2015
December 7, 2015