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.
That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other staff has recommended.

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.
#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 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 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 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 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 quasi-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 businesses 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 businesses 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 businesses 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 businesses’ 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 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.

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.
We’ll take a 2 minute break.

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- Walter Werderich made a motion to approve the meeting dates for 2015 except he will be absent on March 30th.

ADJOURNMENT- Next meeting will be on March 2, 2015. Chairman Werderich adjourned the Special Use Hearing Officer meeting at 8:28 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary