CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the June 1, 2015 Special Use Hearing Officer Meeting

PETITIONS:

1. 15-11 Rhonda Miller/ Strong Tower of Refuge Ministries
Request: Special Use to allow a place of worship in a B3 Zoning District
Location: 81 Boulder Hill Pass, Montgomery (Boulder Hill)
Purpose: To allow the ministry to lease space in the existing shopping center.

2. 15-12 Dan Koukol
Request: Major Amendment to Special Use
Location: 3485 Route 126 in Na-Au-Say Township, approximately ½ mile west of Schlapp Road
Purpose: To allow outdoor display (trailers) to be located within front yard setback. Current condition of special use is they must be setback 40’. Request is zero setback.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
15-08 Gary and Linda Heap - Passed by County Board on 6.16.15

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING OFFICER - Next meeting on August 31, 2015
CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:23 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich, Special Use Hearing Officer; Pete Iouse, Teska Associates
In the audience: Kevin Heap

MINUTES
Wally Werderich motioned to approve the April 6, 2015 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

1. 15-08 Gary and Linda Heap
Request A-1 Special Use
Location 4819 Route 52, Minooka (northeast corner of Route 52 and Grove Road)
Purpose Request an A-1 Special Use to operate a fall festival, corn maze, bakery, farm market and similar activities.

Mr. Werderich called on Kevin Heap to speak about the activities at the farm. Mr. Heap stated that they were applying for a special use permit to operate a corn and soy bean maze and hold a small festival on the property as in years past. The bakery is a new idea with the addition of a new pole barn. Mr. Heap stated that while they did not have vendors currently, they may in the future. He also stated they may have a haunted corn maze again this year.

Mr. Werderich asked about lighting for the parking spaces. Mr. Heap indicated on the diagram where the poles that had lights were and how they illuminated the area.

Mr. Werderich asked Mr. Heap about future plans to serve alcohol. Mr. Heap stated that many farms do so now, and would be in the distant future if they ever put it into effect.

Mr. Werderich made a finding of fact that the petition met the proposed staff recommendations. He stated that he was moving forward with a favorable recommendation to the Planning, Building and Zoning Committee with the recommendations presented in the staff memo. Mr. Heap agreed to the stipulations.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
15-02 Pasteris - Passed by County Board on 4.21.15
NEW BUSINESS/OLD BUSINESS
None

ADJOURNMENT- Next meeting will be on June 29, 2015. Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:38 p.m.

Respectfully Submitted,
Andrez P. Beltran
Economic Development and Special Project Coordinator
SITE INFORMATION

PETITIONER  Strong Tower of Refuge Ministries- Pastor Rhonda Miller
ADDRESS  81 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, River’s Edge Fellowship)

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>
</tr>
</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)
§ 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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<tr>
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<td>Gas Station</td>
<td>B-3</td>
<td>Suburban Residential</td>
<td>B-3; Montgomery</td>
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<tr>
<td>South</td>
<td>Medical Office</td>
<td>B-3</td>
<td>Suburban Residential</td>
<td>R-3; R-6; R-7 &amp; Oswego</td>
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<tr>
<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 SPECIES REPORT
No Endangered Species Report necessary since it’s an existing building.

NATURAL RESOURCES INVENTORY
An NRI is not necessary since it’s an existing building.

ACTION SUMMARY
OSWEGO TOWNSHIP
The Township has not provided staff with any comments to date.

ZPAC 7.7.15
ZPAC had no concerns with the proposed petition.

KCRPC 7.22.15
The Regional Planning Commission recommended approval of the proposed special use. They had some discussion of potential additional uses that might occur within a Place of Worship such as day care or drug rehabilitation. Pastor Miller noted that Strong Tower of Refuge Ministries has no plans to conduct either of those activities. Their focus will be on worship, bible study and education, and similar religious activities as noted in their application. It was noted that a day care would require a separate special use.

SUHO 7.27.15

PBZ 8.10.15

REQUESTED ACTION
The Petitioner is requesting approval of a B-3 Special Use Permit to operate a place of worship including community outreach events. If approved, Strong Tower would join the recently approved River’s Edge Ministry in the same shopping center.

GENERAL
Strong Tower of Refuge Ministries currently is located at 100 Rocky Way #15 in Montgomery, and is looking to relocate to the Boulder Hill Marketplace. Their ministry is focused on community outreach, and they plan to have services several days a week. They will also offer community workshops. Planned activities include a Tuesday night Bible Study, Thursday night workshop, and Sunday morning Worship Service.

This location is the far eastern end of the existing building, nearest to Boulder Hill Pass.

PARKING
On the whole parcel there are about 44,500 square feet of retail/office 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, planner Angela Zubko counted about 236 parking stalls. Required parking for a Place of Worship is 1 space per 3 seats in the auditorium. We are not sure exactly what the capacity of the auditorium is, but a capacity of approximately 70 would be equivalent to the parking ratio noted above for retail. Given the mix of uses and peak time of demand, parking is not anticipated to be an issue with the proposed special use.

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 be required.
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 Strong Tower of Refuge Ministries 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. Drawing more visitors to the shopping center will likely enhance traffic to other businesses like the nearby restaurant. The large existing parking lot should be able to handle increased use generated by Strong Tower Ministries operation. An occupied shopping center is typically better maintained, and generally enhances property values in the area.

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. The proposed use will comply with all County 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
SPECIAL USE MAJOR AMENDMENT (ORD 97-06)
Front Yard Setback for Trailer Sales

SITE INFORMATION

PETITIONER: Dan Koukol
ADDRESS: 3485 Route 126, Oswego
LOCATION: On Route 126, approximately ½ mile west of Schlapp Road
TOWNSHIP: Na-Au-Say
PARCEL #: 06-16-100-002 (south 18.6 acres) - partial
06-09-300-002 (north 80 acres) – partial
LOT SIZE: 98.6 Acres for both parcels, but Special Use is only for 5 acres in the southeast corner of these tracts

EXITING LAND USE: DK Trailer & Tractor
ZONING: AG Special Use for Agricultural Farm Sales and Service Business

LRMP

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<thead>
<tr>
<th>Land Use</th>
<th>Rural Residential</th>
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</thead>
<tbody>
<tr>
<td>Roads</td>
<td>No new roads suggested on this parcel, Route 126 is classified as an Arterial Road</td>
</tr>
<tr>
<td>Trails</td>
<td>Trail proposed along north side of Route 126</td>
</tr>
</tbody>
</table>

REQUESTED ACTION: Request for elimination of the 40’ setback from the Route 126 right-of-way and side property line for the current sales display.

APPLICABLE REGULATIONS: Ordinance 97-06 – Special Use, Condition 3, which requires the 40’ setback for sales displays.
§11.05.A.1.b (Parking and Storage of Recreational vehicles, Recreational Trailers, Trailers and Mobile Homes.
§9.03.D.8 which regulates permanent outdoor displays in business districts.

SURROUNDING LAND USE

<table>
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<th>Adjacent Zoning</th>
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<th>Zoning within ½ Mile</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
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<td>Rural Residential</td>
<td>A-1</td>
</tr>
<tr>
<td>East</td>
<td>ServPro of Kendall Co.</td>
<td>A-1 (SU)</td>
<td>Rural Residential</td>
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<tr>
<td>West</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
</tbody>
</table>

REQUESTED ACTION: Request for elimination of the required setback for display of trailers and farm equipment parking/sales from Route 126. According to Mr. Koukol, the setback was original required as a home was proposed to be built...
across the street. However, that home was never constructed. He would like to better utilize his property and increase the visibility of his outdoor trailer/equipment display by moving it closer to the roadway. The request is to allow trailers to be located at the property line, with zero setback. A fence is currently located on the property line and encloses the property.

Normally in an A-1 District, the front setback is 100' from a dedicated road right-of-way. However, this setback was reduced with the special use given the nature of the business and need for visibility of equipment for sale. Section 11.05.A.1.b. prohibits trailers in a front yard. This section of the zoning ordinance was added in 2006. The Special Use for Agricultural Farm Sales and Service business was granted in March of 1997. Prior to the 2006 amendment, the zoning ordinance did not specifically address trailer parking or storage. While this 100' setback would apply to any building to be constructed, this specific special use reduces the trailer setback to 40'.

In the business district section of the zoning code, Section 9.03.D.8. has specific conditions for the design and location of permanent outdoor displays. Of relevance to this case is the provision that such displays “shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.” While this standard does not directly apply to this site as the underlying zoning here is Agricultural, the use is similar to what might be found in a business district. Therefore, applying a similar standard for this site is recommended by staff.

![Location Map](image-url)
The Township recommended denial of the Major Amendment to the Special Use. A copy of their feedback is attached from Supervisor Brad Blocker.

ZPAC reviewed the petition on 7.7.15. Concern was raised by the Sheriff’s Department that moving the trailers closer to the right-of-way could be a safety concern given the high rate of speed of motorists along Route 126 and potential for some to be distracted or slow down,
or even pull off the side of the road, to look at trailers and other equipment. They also asked if the definition of outdoor display should be clarified.

KCRPC The Kendall County Regional Planning Commission reviewed the case on July 22, 2015 at their regular meeting. They voted to recommend approval of the Major Amendment with the condition that a 10’ setback for all outdoor sales display be provided from the right-of-way of Route 126.

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 (or in this case a Major Amendment to the Special Use). These findings should be related to the requested amendment to the special use to allow the sales display closer to Route 126. 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. A fence currently exists along the property line. Allowing the outdoor sales display to be within 10’ of the right-of-way would be consistent with other permitted businesses in the County, and would still provide for appropriate visibility along the drive-way.

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. Per the applicant, the setback for outdoor display was imposed original to provide separation from a planned home on the south side of Route 126. However, plans for that have since been dropped. A reduced setback should have no impact on adjacent agricultural uses or the adjacent ServPro of Kendall County restoration business.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A gravel pad is already in place to accommodate the proposed outdoor display. All other facilities 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. All other provisions of Ordinance 97-06 approving this Special Use shall remain in effect, as well as all other provisions of the Agricultural District unless modified in Ord. 97-06 or in this amendment to that 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. Since the Special Use is already in place, this criterion is not relevant to the amendment.
RECOMMENDATION  Staff would recommend approval of the major amendment to the existing Special Use (Ordinance 97-06) to reduce the setback from Route 126 right-of-way and side property line for outdoor sales display from 40’ to 10’. This 10’ setback will be consistent with provisions regulating similar businesses in the B-2 and B-3 districts, provide some buffer along the edge of the property, and provide appropriate intersection visibility.

ATTACHMENTS
1. Letter from Petitioner
2. Ordinance 97-06 Approving Special Use.
3. E-Mail Correspondence from Na-Au-Say Township
Dear Brian Holdiman
Mike Hoffman
Kendall County Zoning

I am asking for the set back change. We originally offered the extra 40ft, because a home was going to be built across from the yard. Property across street changed hands and never built a home. I need to be able to use this 40ft area for selling product. Do to highway speeds business has changed. Thank you for your time on this subject.

[Signature]
6/15/15
ORDINANCE 97-06

GRANTING A SPECIAL USE PERMIT
KOUKOL TRACK
3485-A Route 126

WHEREAS, the County Board, Zoning Board of Appeals, Regional Planning Commission have held all required meetings and Public Hearing and considered the application of Phillip, Betty & Dan Koukol, filed as Special Use Petition #9630, requesting to be allowed to operate a farm equipment sales and service business on the following described property:

That part of the Southwest Corner of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Northeast Corner of said Northwest Quarter; thence South 01°40'39" East, along the East Line of said Northwest Quarter, 466.05 feet to the centerline of Illinois State Route No. 126; thence South 80°28'31" West along said centerline, 320.0 feet; thence North 01°40'39" West, parallel with said East Line, 708.83 feet; thence North 80°19'21" East, perpendicular to the last described course, 317.23 feet to the East Line of said Southwest Quarter of Section 9; thence South 01°36'40" East, along said East Line, 199.09 feet to the point of beginning in Na-Au-Say Township, Kendall County, Illinois and containing 5.000 acres.

NOW THEREFORE, BE IT ORDAINED that the County Board does hereby approve the amended zoning from A-1 to A-1 Special Use in order to allow the Petitioner to operate an Agricultural Farm Sales and Service business on the property herein described and that said Special Use Permit hereby issued shall include the following terms and conditions:

1. That the Site Drawing of Phillip D. Young, Land Surveyor, dated October 28, 1996 is approved and incorporated as part of this Special Use Permit and made a part hereof as Exhibit "A".

2. The Zoning Administrator shall decide whether any proposed construction of a new building or other expansion of the business shall require a revised Special Use Permit.
3. A 40 foot setback from the Route 126 right-of-way and side property line is required for the current sales display.

4. A screening plan of landscaping and fencing along the east edge of the property shall be submitted for a approval to the Zoning Administrator within a month of the granting of this ordinance.

5. The Special Use Permit shall be limited to repair and sale of farm and lawn equipment.

6. Operating hours are limited to 7:00 a.m. to 6:00 p.m. on Monday through Saturday.

7. All inoperable equipment and parts shall be stored inside existing buildings. Only operable, for sale farm and lawn equipment may be stored and displayed outside.

8. Said Special Use Permit shall be subject to an annual review by the Zoning Administrator.

9. The owner has volunteered a covenant stating that the Special Use Permit shall not be transferred beyond the current owner.

IN WITNESS WHEREOF, this Ordinance has been enacted the 18th day of March, 1997.

ATTEST:

[Signature]
County Clerk

[Signature]
Chairman, County Board of Kendall County, Illinois
Good Morning,

At the monthly Township Meeting the Request for Major Amendment to Special Use was discussed and a motion was made to approve the request. The request for approval was denied in a 4-0 vote. Na-Au-Say Township provides the following comments and recommendations.

Comments
- Current zoning is A-1, this normally requires a setback of 100’, however as condition of the special use permit given in 1996 this was reduced to 40’. This setback should allow plenty of visibility for display as well as safety of passing motorists (this is 55mph zone).

- Comparing the zoning codes of a business district in this instance is NOT a fair comparison. The parcel is currently zoned A-1 as well as all surrounding parcels and this would be a much more consistent comparison of setbacks.

- The petitioners claim that the 40’ was to accommodate a future home that has since been withdrawn is not documented anywhere in the original special use permit. This really should not justify the Major Amendment.

- The parcel directly to the east is operating a business, Kendall County Serv-Pro, under a special use permit. The 40’ setback is consistent to what they have.

- The Township has historically received many complaints about the subject parcel from residents. Petitioner has been operating at a zero setback for quite some time now.

- Questions also arise in regards to general appearance and operations of the current business. The parcel is located on the busiest road thru our Township and is seen by many residents in Township as well as County.

- Possibly the parcel would be best operating under ALL business district zoning requirements. County Staff could withdraw ALL A-1 special use provisions and petitioner should seek business district zoning.

Recommendations
- At this time the Na-Au-Say Township Trustees would recommend to County Staff denial of the request for Major Amendment to Special Use.

Thank You for your consideration in your determination of request.

Brad
Bradley A. Blocker
Supervisor
Na-Au-Say Township
“Headwaters of the aux-sable”

Office: 815-254-7708
Mobile: 630-417-2744
Planning Consultant Mike Hoffman called the meeting to order at 9:00 a.m.

Present:
Scott Gryder – PBZ Member
Fran Klaas – County Highway Department
Brian Holdiman – Building Inspector
Mike Peters – Sheriff’s Office
Mike Hoffman – County Planning Consultant with Teska Associates, Inc.
David Guritz – Forest Preserve
Megan Andrews – Soil & Water Conservation District

Absent:
Greg Chismark – Wills Burke Kelsey
Aaron Rybski – Health Department

Audience: Rhonda Miller (Strong Tower of Refuge Ministries), Gary and Jo Lett Kritzberg

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

MINUTES
Fran Klaas made a motion, seconded by David Guritz, to approve the June 2, 2015 meeting minutes as written. The motion was approved 7-0, with Mr. Guritz abstaining.

PETITIONS

#15-11 Rhonda Miller/Strong Tower of Refuge Ministries
Mike Hoffman summarized the request, which is a special use to operate a place of worship in a b3 zoning District. The property is at 81 Boulder Hill Pass. He noted that this is similar to another church which was granted a Special Use to operate in the same shopping center earlier this year. The space proposed for lease is at the far eastern end of the shopping center, nearest to Boulder Hill Pass. He feels that the existing parking should be sufficient for the proposed use. He noted that the shopping center is not considered a prime location, as it is not located on a major roadway and traffic counts are lower than other similar shopping centers. Mr. Hoffman suggested that he was recommending approval.

Rhonda Miller expanded on her request. She noted that her ministry will integrate with other area churches. They are non-denominational. She has lived in Boulder Hill for 16 years, and has always thought this location would be a great multi-purpose building. The facility will be used for a variety of activities throughout the week, including seminars, bible study, like skills classes, and other programs for families. Their goal is to improve relationships, physical and mental wholeness, all in a keeping with principals of God’s kingdom. Scott Gryder asked how many members the church has that would use the facility at one time. Rhonda Miller said 22, with a maximum goal of around 70. David Guritz asked if we were o.k. on parking given the other recently approved church. Brian Holdiman said he felt they were given the 239 spaces that were currently available in the shopping center. Rhonda Miller noted that their time for services would be different than the other church operating in this shopping center. They hope to bring in more business for the existing restaurant. David Guritz asked what the seating capacity was in the facility and Brian Holdiman noted that they were estimating a capacity of 70, but they would need to coordinate with the Fire Protection District to arrive at a specific number. Fran Klaas asked what zoning districts would allow for a place of worship without a special use. Mike Hoffman replied that they would require a special use in all zoning districts.
Scott Gryder moved to forward the petition on through the process, which includes a presentation before the Regional Planning Commission on July 22nd and a Public Hearing before the Special Use Hearing Officer on July 27th. The motion was seconded by Fran Klaas. The motion was approved 7-0.

#15-12 Dan Koukol
Mike Hoffman summarized the request, which is an amendment to an existing Special Use to allow trailers and farm equipment (outdoor sales displays) to be located closer to the front property line. He noted that a fence is currently located along the right-of-way line. Currently, the existing Special Use (Ord. 97-06) requires sales displays to have a 40’ setback from the Route 126 and side property lines. Mr. Koukol is requesting that the setback be reduced to zero for enhanced visibility of his product along Route 126. The request notes that the 40’ setback was originally imposed due to a home that was proposed across the street, but that home was never constructed. Mr. Hoffman is recommending a 10’ setback be maintained, consistent with how other outdoor sales displays are treated in the County’s business districts. He noted this case was driven by a complaint to the department regarding the setback of the outdoor displays, and Mr. Koukol has moved all displays back to the 40’ required setback pending the outcome of this case.

Mike Peters noted that he was concerned about reducing the setback and its impact on public safety. He was concerned with motorist slowing down to look at equipment, or potentially pulling off to the side of the road to look at a piece of equipment. He noted a concern with potential gapers should equipment be located too close to the right-of-way. He did not have a specific minimum setback recommendation, but he felt that 10’ would be too close.

Fran Klaas asked for the definition of outdoor sales, and what other types of items could be placed on the site for sale. Mr. Hoffman noted that the Special Use allows for “farm and lawn equipment sales and services”. He noted that the Kendall County zoning code does not have a definition of outdoor displays. He noted that the County could be more specific with the definition through approval of the special use.

David Guritz moved to forward the petition on through the process with the noted concerns regarding setback from the Sheriff’s office, which includes a presentation before the Regional Planning Commission on July 22nd and a Public Hearing before the Special Use Hearing Officer on July 27th. The motion was seconded by Fran Klaas. The motion was approved 5-0, with Scott Gryder and Fran Klaas voting present.

#15-13 Gary Kritzberg
Mike Hoffman summarized the case, which is a request for a front yard setback variance request to allow a garage to be constructed closer than the required 50’ setback along Game Farm Road. Mr. Hoffman noted that the property is surrounded by the City of Yorkville. He noted that the property is heavily wooded, and has significant slopes along the north and west sides of the property sloping towards Blackberry Creek. He noted that two alternative locations for locating the garage outside of the required setback were discussed with the applicant. Suggested location “A” was not desired by the applicant as they plan to split off another lot in that location. Suggested location “B” was not desired by the applicant given existing landscaping.

Fran Klaas asked what the setback would be if the property were annexed into Yorkville, particularly given the reduced setback of other structures visible from the air photo on properties in Yorkville. Mr. Hoffman replied that he would need to confirm surrounding setbacks with the City, but that typically municipal setbacks are in the range of 30’.

Gary Kritzberg introduced himself and noted that the garage will primarily be used as a craft room or play room, but may be used for a car in winter. It will have more of a coach house appearance, and will be designed to be similar in appearance. He noted the proposed location is tucked away in the trees, and choose the proposed location to fit with the existing landscape, and that the proposed location would not block any views or sightlines. He felt this is the only location on the site where he would build on. He stated that he was not in favor of either alternative location suggested by staff. In particular, he added that power lines and cable television lines are located where staff had suggested alternative “B” adjacent to the existing garage. Mr. Hoffman asked if the garage would have a bathroom, and Mr. Kritzberg suggested it would not – and that it would be more like a three season room.
Fran Klaas noted that given the recent roadway improvements on Game Farm Road and the surroundings, the proposed location was probably o.k. However, he recommended checking with the City of Yorkville, and suggested deferring to their recommendation.

Megan Andrews noted that if approved, the garage should be located back from the top of the slope. Brian Holdiman noted that the proposed location was located back from the top of the slope, and is staked out to allow for an appropriate setback from the slope.

Fran Klaas, seconded by Scott Gryder, recommended to move the petition on for a public hearing before the ZBA on July 27th, with a recommendation of support provided Yorkville was o.k. with the proposed variation.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

**14-37 Home Occupations – Landscape Business** – Denied by the County Board on June 6, 2015

Mike Hoffman explained that the item was referred back to the PBZ Committee, adjusted a little, and sent back to the County Board where it received a tie vote, which resulted in a denial of the petition and no change to the existing zoning code. Scott Gryder mentioned that neither he nor Jeff Wehrli were able to make that particular County Board meeting. He suggested there were still some concerns about if the amendment would create any additional violations.

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

**OLD BUSINESS/NEW BUSINESS**

Mike Hoffman distributed a letter he sent to the Townships, and a letter from the Na-Au-Say Township Planning Commission. He noted that he had heard back from Oswego, Na-Au-Say and Kendall Townships regarding the proposed text change to require both primary and secondary septic systems to be on individual lots. He noted that all 3 Townships would prefer a minimum lot size of one acre. All Townships will be invited to the July 22nd Ad Hoc meeting to continue the discussion, and hopefully reach a consensus prior to moving forward. He suggested several options, including the draft text amendment, to do nothing, or to draft some standards to allow straight one or two acre zoning with some conditions or restrictions. Such restrictions could address the size of the subdivision, require a buffer, or perhaps not allowing any lots to front on an arterial or collector roadway. Yet another option is to scale back the LRMP to reduce the area dedicated to potential residential use. Mr. Hoffman also noted he was going to get in touch with the Health Department regarding any issues with back-up septic systems in common open space. Scott Gryder asked what the driving issue was behind this request. Mr. Hoffman noted concern was lot size, but it was also maintenance of common open space. Fran Klaas noted that often hears concerns for maintenance of common open space. David Guritz noted concerns with the County getting properties they owned like Heneberry up to an appropriate standard, and it would be difficult to take on more responsibility.

**AJOURNMENT - Next meeting on August 4th, 2015**

With no further business to discuss Mike Peters made a motion, seconded by David Guritz to adjourn the meeting at 9:43 a.m. The motion carried.

Submitted by,
Mike Hoffman, AICP, PLA
Teska Associates, Inc./ County Planning Consultant