KENDALL COUNTY
ZONING BOARD OF APPEALS
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 • Fax (630) 553-4179

AGENDA

April 27, 2015 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of minutes from the January 5, 2015 Zoning Board of Appeals meeting

PETITIONS:

1. 15-04 Greg Witek
   Request Variance
   Location 7196 Whitfield Road, MILLBROOK
   Purpose Request for a variance to construct a detached garage that will be located in the 150’ setback from the centerline of the roadway. The structure will be located 50’ from the centerline of the roadway, requesting a 100’ variance.

2. 15-06 Village of Millbrook/Keller
   Request Rezoning
   Location 19 Sherman Street, MILLBROOK
   Purpose Request to rezone 0.22 acres of the 0.46 acres from R-3 to M-1 manufacturing (Millbrook rezoned it in 2008)

3. 15-01 Nancy Austin
   Request Rezoning
   Location Near the southeast corner of Ashley Road and Plattville Road, PLATTVILLE
   Purpose Rezone 3.2 of their 6.4 acre property from A-1 to R-1 to build a single family home (partially in un-incorporated Kendall, Plattville is annexing some property)

4. 14-40 Subdivision Control Regulations- Letters of Credit
   Request Text Amendment
   Purpose Text Amendment to also allow cash bond, irrevocable letter of credit, surety bond, or letter of commitment.

5. 14-37 Home Occupations- Landscape Businesses
   Request Text Amendment
   Purpose Text Amendment to not allow landscape businesses as home occupations

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
None- just variances in January

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on June 1, 2015
CALL TO ORDER
At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Karen Clementi, Tom LeCuyer, Donna McKay (Vice-Chair), Dick Thompson & Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Scott Cherry
In the audience: Joe and Cathy Nash & Rob and Amy Allison

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the December 8, 2014 ZBA meeting minutes as written. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

Chairman Mohr swore in anyone interested in talking at this meeting.

PETITIONS
#14-38 Joe Nash
Planner Zubko stated the property is located at 150 Longbeach Road in the Boulder Hill subdivision on the north side of Longbeach about 0.05 miles east of Winrock Road. The petitioner is requesting a variance to allow a 7’ fence in the side and rear yards. The maximum height permitted by the Zoning Ordinance is 6’.
Staff would recommend approval of the variance as long as there are no objections. Staff has received one phone call from a neighbor but they did not want to attend the meeting or have a written objection. The reasoning was that it’s too tall and does not match the existing fences that exist out there.

Chairman Mohr opened the meeting for public testimony.

Mr. Joe Nash introduced himself and stated the fence starts at 6’ and the backyard slopes down so the fence stays level instead of going along the ground line. The fence in front is about 6’6” and in the back 7’.

Mr. Rob Allison introduced himself stating he lives behind Mr. Nash’s property and is in support of the taller fence. He feels it adds privacy, improved the condition of the fence line and people have replaced fences around.

With no further testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations
were carried out. The fence in the back was already there when the petitioners purchased the house and they would like a taller fence to keep the neighbors dogs and children out. The fence starts out at 6’ in the front and follows the slope to the backyard creating a 7’ fence.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding could request the same variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The fence in the back already existed; the fence between the two homes was just built.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar. The neighbor to the east would be most impacted and they have not voiced any concerns to date.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The fence height will not impair and adequate supply of light and air to adjacent properties, or increase the congestion in the public streets or endanger the public safety or diminish property values.

With no further discussion Tom Lecuyer made a motion, seconded by Donna McKay to approve the findings of fact with one modification and approve the variance for a 7’ tall fence in the side and rear yards. With a roll call vote of 6-0 were in favor and the variance was approved.

#14-41 Greg Randa
Planner Angela Zubko did an overview of the request stating the property is located at 55 E. Charles Street on the east side of Rickard Road, about 0.11 miles north of Route 34. This is located in the Lynwood subdivision. The property faces Rickard and used to have a driveway off of the Charles Street extension but that was changed in 2007 so the driveway is now off of Rickard Drive. The petitioner is working to get the address changed. The petitioners are requesting a variance to construct an attached garage that will be located in the 50’ side/front setback from the Charles road right-of-way. The structure will be located 28’ from the property line, requesting a 22’ variance. Planner Zubko stated she has heard from many neighbors but after they hear what the petition is they have not voiced any concerns. Staff would recommend approval of the requested variance.

There were a few questions on the existing driveway and if a subdivision will be built to the east. Planner Zubko stated the property has been for sale for a long time and if Charles went through the driveway would probably be off Charles again.

Chairman Mohr opened the meeting for public testimony, with no testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a map amendment, they were approved as follows:
That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners are adding an attached garage and converting their existing garage into a family room. In order to utilize the existing driveway it would need to be located on the south side of the home. Staff also thinks that to the north of the home is the location of the well and septic system.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Since Charles Street (east) has been ‘abandoned’ per the township highway department and determined to be used for a drainage easement, the owner wishes to excuse the Charles street 50’ setback requirement.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owners did not construct the driveway or relocate the driveway. The garage would need to be on the south side of the home in order to utilize the existing (recently moved) driveway.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance will help improve the appearance of the home and allow vehicles to be parked inside.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. As the two car garage is mostly behind the dwelling, we firmly believe the impact will be minimal to any surrounding home owners.

With no further discussion Donna McKay made a motion, seconded by Dick Whitfield to approve the findings of fact as written and approve the variance to construct an attached garage that will be located in the 28’ from the Charles road right-of-way. With a roll call vote of 6-0, all were in favor and the variance was approved.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES
Petition 14-35 Daron & Kimberly Spicher: Village of Plattville approved on 12.15.14
Petition 14-33 Bee Keeping text amendment- going to PBZ on 1.12.15

NEW BUSINESS/OLD BUSINESS – None

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

ADJOURNMENT OF THE ZONING BOARD OF APPEALS- Next meeting will be on February 2, 2015
Donna McKay made a motion to adjourn the ZBA meeting, Karen Clementi seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:30 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary
15-04
Greg Witek
VARIANCE- Front yard setback
In Millbrook

SITE INFORMATION
PETITIONER    Gregory & Lynn Witek
ADDRESS        7196 Whitfield Road, Millbrook
LOCATION       East side of Whitfield Road, about 0.3 miles north of Rogers Road

TOWNSHIP       Fox
PARCEL #        04-09-100-012
LOT SIZE        14.96 Acres
EXISTING LAND USE Single Family Home & heavily wooded
ZONING         A-1 Agricultural District

LRMP
<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Countryside Residential</th>
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<tbody>
<tr>
<td>Roads</td>
<td>Whitfield is classified as a major collector roadway</td>
</tr>
<tr>
<td>Trails</td>
<td>None</td>
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REQUESTED ACTION
Request for a variance to construct a detached garage that will be located in the 150' front yard setback from the centerline of Whitfield Road. The structure will be located 50' from the centerline of the roadway (15' from the
road right-of-way), requesting a 100' variance.

APPLICABLE §7.01.G.2.b (A-1 Setbacks- Accessory structures: Front yard)
REGULATIONS §13.04 (Variations)

<table>
<thead>
<tr>
<th>SURROUNDING LAND USE</th>
<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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<td>A-1</td>
<td>Countryside</td>
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<td>Residential</td>
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</table>

REQUESTED ACTION GENERAL

Request for a variance to construct a detached garage that will be located in the 150' front yard setback from the centerline of Whitfield Road. The structure will be located 50' from the centerline of the roadway (15' from the road right-of-way), requesting a 100' variance.

Map showing floodplain on the east side

Map showing 2' contours
The hardship is the topography and mature oak trees on the site. The petitioner would like to locate the detached garage on the flattest area and where he would minimize cutting down more trees then he needs to. The septic system is between the house and the brown roofed garage. The home is already in the front yard setback and is about 107' from the centerline of the roadway now.

FOX TOWNSHIP

The township met April 13th and staff is waiting to hear what their recommendation.

FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The property is heavily wooded and has a steep slope down to the river. The closer to the roadway the flatter the property is.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Many A-1 properties have structures that are closer than the minimum 150' setback including this home on the property. This property is more unique in that the steep topography on this property down to the river.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The hardship of mature oak trees and the topography has always existed on this site. The petitioner did not create this lot.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The closest neighbors are over 400' away and should not affect surrounding property owners.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or
increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. They will use the existing driveway and the closest neighbors are over 400' away. This variation will not impair light or air to adjacent properties.

RECOMMENDATION
Staff would recommend approval of the variance to construct a detached garage. Staff does have some concerns on the building being located only 15' from the right-of-way line. My suggestion (before hearing from the township or Millbrook) is to either move it to the north side of the lot or locate it 85' from the centerline of the roadway (50' from the right-of-way). The reason is that the accessory building across the street is located at that distance. (By the meeting I am hoping to have more information).

ATTACHMENTS
1. Plat of Survey
**SITE INFORMATION**

**PETITIONERS**  
Kendall County and the Village of Millbrook

**LOCATION**  
On the Southwest side of Sherman Street, about 0.05 miles northwest of Fox River Drive

**TOWNSHIP**  
Fox

**PARCEL #**  
04-16-251-012

**SIZE**  
The location of rezoning will be 0.22 acres of the 0.46 acre property.

**EXISTING LAND USE**  
Manufactured building and parking

**ZONING**  
R-3 Residential and M-1 Manufacturing

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>Millbrook: High Density Residential (Max. 6.0 DU/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Sherman Road is designated as a local roadway</td>
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<tr>
<td>Trails</td>
<td>None</td>
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</tbody>
</table>

**REQUESTED ACTION**  
The Petitioner is requesting approval of a Map Amendment to zone 0.22 acres of their 0.46 acre parcel from R-3 (Residential) to M-1 (Manufacturing District) to match the existing zoning on the property. This was done through the Village of Millbrook in 2008. The Village had an intergovernmental agreement with the County at that time so it should have gone through our entitlement process and then onto...
their Village Board. The County is correcting a mistake.

<table>
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<td>North</td>
<td>Single Family Home</td>
<td>M-1</td>
<td>High Density</td>
<td>B-3; R-3 &amp; A-1</td>
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<tr>
<td>South</td>
<td>Single Family Home</td>
<td>R-3</td>
<td>High Density</td>
<td>R-3; B-3 &amp; A-1</td>
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<td>East</td>
<td>Single Family Home</td>
<td>B-3/R-3</td>
<td>High Density</td>
<td>R-3; B-3 &amp; A-1</td>
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<td>West</td>
<td>Fire Station</td>
<td>R-3</td>
<td>High Density</td>
<td>M-1; B-3; Forest Preserve</td>
</tr>
</tbody>
</table>

ACTION SUMMARY

Township (Fox) The Fox township discussed this at their April 13th meeting and staff is awaiting to hear what their recommendation was.

Municipal (Millbrook) This will go to their Village Board after all our committees for the final vote on April 28th.

STAFF ANALYSIS

Proposed Use The property is for sale and that is how staff found out the zoning was incorrect on our map and that the Village rezoned it back in 2008.

Findings of Fact § 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. The petitioner & staff have answered as follows:
Existing uses of property within the general area of the property in question. About half the property is already zoned M-1 and the other portion is zoned R-3. A house could not be built on that property and most of it is actually a vacated alley. The uses within the general area are mixed with some residential homes and the fire station adjacent to this site.

The Zoning classification of property within the general area of the property in question. The zoning classifications within the general area are single family residential and businesses.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioners would like to rezone part of their property to M-1 to match the other zoning on this lot. This lot would be too small to do most of the activities permitted in the M-1 district but still allow smaller, less intense uses.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in that area is residential mixed with businesses. Since this lot is smaller that will determine what type of uses the lot can handle therefore it would most likely have to be a less intense type of use.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Rezoning this lot to Manufacturing is not consistent with the Village of Millbrook's plan from 2008 but this property was rezoned before they adopted their future land use plan.

**Recommendation**

Staff would defer to the Village of Millbrook as they rezoned the property to M-1 back in 2008.

**Attachments:**

1. Exhibit
2. Village of Millbrook rezoning this property in 2008
Was rezoned through the Village of Millbrook in 2008 but needed to go through the County process
March 6, 2008  
March 13, 2008  
STATE OF ILLINOIS  
COUNTY OF KENDALL  

ORDINANCE NO. 2008-001  

AN ORDINANCE GRANTING REZONING FOR 
LITTLE ROCK FIRE PROTECTION DISTRICT 
FROM R-3 ONE FAMILY RESIDENTIAL DISTRICT 
TO M-1 LIMITED MANUFACTURING DISTRICT  

WHEREAS, the Village Board of the Village of Millbrook have held all necessary  
Public Hearings for a Zoning Map Amendment and considered the application of LITTLE ROCK  
FIRE PROTECTION DISTRICT as the Owner, and JAMIE KELLER, and DONALD ZITT as 
the Developers of the real property legally described in the attached Exhibit "A" for the purpose  
of modifying and amending the zoning map of the Village of Millbrook as to said real property to  
provide a change in Zoning from R-3 One Family Residential District to M-1 Limited  
Manufacturing District for approximately 25% of the subject said real property; the majority  
approximately 75% thereof which is already zoned M-1 Limited Manufacturing District; and  

WHEREAS, publication was duly made in the Kendall County Record giving notice to  
all those interested parties as required under Illinois Compiled Statutes and Ordinances of The  
Village of Millbrook, and certified notice thereof to all necessary parties within Five Hundred  
(500') feet thereof of the proposed amendment to the Zoning Map of the Village of Millbrook,  
modify and rezone from R-3 One Family Residential District to M-1 Limited Manufacturing  

1
District.

WHEREAS the Village Board has made the necessary findings as required in its Zoning Ordinance to approve said Map Amendment for the subject real property:

That Owner and its successors, heirs, and assigns shall be permitted all uses on the subject parcel contained in the Village of Millbrook Zoning Ordinance for M-1 Limited Manufacturing District (a copy of which is attached hereto and incorporated herein as Exhibit "B") including any amendment which may be added as to the list of permitted uses by Village Ordinance at any time in the future as to permitted uses.

NOW THEREFORE, UPON MOTION DILY MADE, SECONDED, AND APPROVED by a majority of those members voting of the Village Board of the Village of Millbrook do ORDAIN and APPROVE an amendment to the Zoning Map of the Village of Millbrook changing the zoning of the subject parcel from R-3 One Family Residential District to M-1 Limited Manufacturing District.

STEVE G. MOELLER  
TINA PERKINS  
NICK BRUSCATO  

PAUL EICHELBERGER  
WILLIAM M. PERKINS  
JACKIE LEMMERHIRT  

Yes  
Yes  
Yes  

Yes  
Yes  
Yes
APPROVED by me, as Mayor of the Village of Millbrook, Kendall County, Illinois, this 22 day of APRIL, A.D. 2008.

[Signature]
VILLAGE PRESIDENT

PASSED by the Village Council of the Village of Millbrook, Kendall County, Illinois this 22 day of APRIL, A.D. 2008.

Attest: [Signature]
VILLAGE CLERK

Prepared by and return to:
Law Offices of Daniel J. Kramer
1107A S. Bridge St.
Yorkville, IL 60560
630.553.9500
LEGAL DESCRIPTION

THAT PART OF LOTS 5, 8, AND 9 IN BLOCK 5 AND LOT 1 IN BLOCK 7 AND VACATED MAY STREET OF THE VILLAGE OF MILLBROOK, KENDALL COUNTY, ILLINOIS ACCORDING TO THE RECORDED PLAT OF SAID BLOCKS RECORDED IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS, IN PLAT BOOK 4, PAGE 78, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 1 IN SAID BLOCK 5; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID BLOCK 5, A DISTANCE OF 116.00 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING SOUTHEASTERLY ALONG SAID EASTERLY LINE OF SAID BLOCK 5 AND THE EASTERLY LINE OF SAID BLOCK 7, A DISTANCE OF 180.27 FEET TO A POINT 55.00 FEET NORTHWESTERLY OF THE SOUTHEAST CORNER OF LOT 1 IN SAID BLOCK 7; THENCE SOUTHWESTERLY PARALLEL WITH THE SOUTH LINE OF SAID LOT 1 IN SAID BLOCK 7, A DISTANCE OF 116.00 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTHWESTERLY ALONG SAID WEST LINE AND WEST LINE EXTENDED NORTHERLY, A DISTANCE OF 54.12 FEET TO A POINT IN SAID VACATED MAY STREET, 40.00 FEET NORTHERLY OF THE NORTH LINE OF SAID BLOCK 7; THENCE NORTHEASTERLY PARALLEL WITH SAID NORTH LINE OF SAID BLOCK 7, A DISTANCE OF 22.75 FEET TO A POINT; THENCE NORTHWESTERLY PARALLEL TO THE EAST LINE OF SAID BLOCKS 5 AND 7, A DISTANCE OF 126.88 FEET TO A POINT 116.00 FEET SOUTHEASTERLY OF THE NORTH LINE OF SAID BLOCK 5; THENCE NORTHEASTERLY PARALLEL TO THE NORTH LINE OF SAID BLOCK 5, A DISTANCE OF 54.47 FEET TO THE POINT OF BEGINNING, ALL IN THE VILLAGE OF MILLBROOK, TOWNSHIP OF YOX, KENDALL COUNTY, ILLINOIS.
SITE INFORMATION

PETITIONER  Nancy Austin

LOCATION  On the east side of Ashley Road, about 300 feet south of Plattville Road

TOWNSHIP  Lisbon

PARCEL #  08-11-100-029 (10 Acres); 08-11-100-031 (4.63 acres)

SIZE  The location of rezoning will be 3.2 acres of the 6.4 acre property. Currently 1.82 acres is unincorporated and 4.63 is incorporated into Plattville.

EXISTING LAND USE  Farmland

ZONING  A-1 Agricultural

LRMP

<table>
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<tr>
<th>Land Use</th>
<th>Plattville: Low Density Residential</th>
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<tbody>
<tr>
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<td>Kendall: Agricultural</td>
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<td>Roads</td>
<td>Ashley Road is designated as a major collector roadway</td>
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<td>Trails</td>
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</table>

FUTURE LAND USE PLANS  Our future land use plans shows half this land as agricultural, therefore the petitioner must get approval from the township before it can proceed. They received approval from the township to rezone on March 10, 2015
REQUESTED ACTION
The Petitioner is requesting approval of a Map Amendment to rezone 3.2 acres of a 6.4 acre parcel from A-1 (Agricultural) to R-1 (One-Family Residence District) to build a home on their property. Plattville would like to annex close to Ashley Road so most of the parcel will be located in Plattville and the rezoning will be as well.

APPLICABLE
§ 8.02 of the Zoning Ordinance (Residential District)

REGULATIONS
§ 13.07 of the Zoning Ordinance (Amendments)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
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<th>Zoning within ½ Mile</th>
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<tr>
<td>North</td>
<td>Single Family Home</td>
<td>A-1</td>
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PHYSICAL DATA

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

Natural Resources Inventory
The NRI indicates that 72% of the soils on this site are soils that are very limited for dwellings with basements. This development should include a soil erosion sediment control plan to be implemented during construction. Also for intense use it is recommended that a drainage tile survey be completed to locate the subsurface drainage tiles.

Land Evaluation: 94
Site Assessment: 116
TOTAL: 210
Level of Protection: Medium

ACTION SUMMARY

Township (Lisbon)
The township Plan Commission met on March 9, 2015 and voted 3-0 in favor of rezoning and then township board met on March 10, 2015 and voted 5-0 in favor of rezoning to R-1.

Municipal (Plattville)
Plattville met on APRIL 20TH, and they are fine with annexing most of the property. They just do not want to take ownership of Ashley Road.

STAFF ANALYSIS

Proposed Use
The Petitioner is requesting approval of a Map Amendment to rezone 3.2 acres of a 6.4 acre parcel from A-1 (Agricultural) to R-1 (One-Family Residence District) to build a home on their property. Plattville would like to annex close to Ashley Road so most of the parcel will be located in Plattville and the rezoning will be as well.

APPLICABLE
§ 8.02 of the Zoning Ordinance (Residential District)

REGULATIONS
§ 13.07 of the Zoning Ordinance (Amendments)
District) to build a home on their property. Plattville would like to annex close to Ashley Road so most of the parcel is located in Plattville and the rezoning will be as well.

Lot Size
The County’s Zoning Ordinance states that the R-1 District may be appropriate in any area suggested for residential use on the County’s LRMP with a minimum square footage of 130,000 square feet (2.995 Acres). The requested 3.2 acres to be rezoned meets the minimum requirements of the Zoning Ordinance.

Findings of Fact
§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. The petitioner & staff have answered as follows:

Existing uses of property within the general area of the property in question. The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request.

The Zoning classification of property within the general area of the property in question. The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioners would like to rezone part of their property to R-1 in order to build a house. The property must be rezoned to build a home.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in that area is agricultural with residential houses. The rezoning to R-1 should have little impact on further development with the area as it would be consistent with surrounding area and the Village of Plattville’s future plan.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Adding a residential home in the area is consistent with the area in Plattville.

Recommendation
Staff would recommend approval of the requested Map Amendment to rezone 3.2 acres from A-1 (Agricultural) to R-1 (One-Family Residence District) to build a home on their property in Plattville.

Attachments:
1. ZPAC Meeting minutes on 2.3.15
2. RPC Meeting minutes on 3.25.15
3. RPC Meeting minutes on 4.22.15 (will be discussed at meeting)
#15-01 Nancy Austin
Planner Zubko stated Nancy Austin is requesting to rezone 3.2 acres of the 6.4 acre property located on the east side of Ashley Road, about 300 feet south of Plattville Road in order to build a house. Currently 1.82 acres on the west side is unincorporated and 4.63 acres on the east side is incorporated into Plattville. Staff is waiting to hear if Plattville would like to annex to Ashley Road or de-annex 62,720 square feet of property so the whole parcel is located in unincorporated Kendall County. If Plattville de-annexes the property that section of the comprehensive plan shows this property to be agricultural so staff cannot even approved rezoning unless the Lisbon Township approves the rezoning. Planner Zubko would not like to split the zoning since it’s between unincorporated and corporate property. There are no endangered species on the site. Staff would recommend approval no matter which way Plattville or the township decides to handle this property. She also stated they’re looking to build 1 house at this time but could in the future rezone the eastern portion to R-1 in the Village of Plattville and have access off Plattville Road.

Brian Holdiman stated a building permit will be required.

Aaron Rybski stated a well and septic permit will be required and if they plan to have horses on the property that care is given to make sure the horses are placed away from the well and septic.

Megan Andrews stated an executive summary will be needed which is a reduced fee. Their meeting is Monday, February 9th so if the application can be submitted ASAP that would be great.

Scott Gryder- Mr. Gryder asked if the neighbor had any concerns. Planner Zubko stated they have not been notified yet but thinks they sold them the property.

Fran Klaas wanted to discuss the corporate and unincorporated issue; he asked if there is any other property like that in the County? No one remembers this happening in the past. We discussed the setback in the R-1 if that will affect the property. His concern is developing the flag lot as they would need an access variance for the driveway.

With no further comments Scott Gryder made a motion, seconded by Aaron Rybski to approve the rezoning and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.
#15-01 Nancy Austin
Planner Zubko stated Nancy Austin is requesting to rezone 3.2 acres of the 6.4 acre property located on the east side of Ashley Road, about 300 feet south of Plattville Road in order to build a house. Currently 1.82 acres on the west side is unincorporated and 4.63 acres on the east side is incorporated into Plattville. Plattville will de-annex 62,720 square feet of property so the whole parcel is located in un-incorporated Kendall County. The comprehensive plan shows this property to be agricultural so staff had to wait till the Lisbon Township board approved the rezoning which they did this month. She also stated they’re looking to build 1 house at this time but could in the future could rezone the eastern portion to R-1 in the Village of Plattville and have access off Plattville Road. Staff recommends approval of the rezoning.

The ZPAC Committee had no objections and recommended approval. They had the same basic concerns, needing a building and well and septic permit; also approval from the township for a culvert.

The petitioner is not present tonight. Mr. Ashton asked a procedural question if it’s agricultural on our comp plan we cannot rezone the property without changing the comp plan. There was discussion on Plattville annexing up to 50' from the roadway so it can be annexed and they don’t have to maintain Plattville Road. There’s a case law that specifies how close you can go to the roadway.

This will be continued next month.
To: ZBA  
Date: March 24, 2015  
Re: Text Amendment – Subdivision Regulations- Bonds (Petition 14-40)

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.

SECTION 10.00 – REQUIRED LAND IMPROVEMENTS

PROCEDURE

B. Construction Surety

1. Prior to the start of any work, the subdivider shall post with the Clerk of the County of Kendall, a non-revocable letter of credit, a cash bond, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company, deemed acceptable to the State’s Attorney of Kendall County in an amount equal to 125% of the full costs of the required improvements as estimated by a Registered Professional Engineer and approved by the Plat Officer or 110% of the full costs of the required improvements provided in line item format in a construction contract entered into between the subdivider and a contractor or contractors licensed in the State of Illinois. Such line item contract shall be approved by the Plat Officer.

D. As-Built Plans:

1. Stormwater Management Facilities: After completion of stormwater management facilities and prior to acceptance of said improvements (excepting final landscaping and short-term maintenance) the subdivider shall make or cause to be made, a detailed one foot contour topographic survey and engineering plans of said facilities to verify final dimensions and volumes required under the approved engineering plans and calculations have been provided. A comparison table of approved versus as-built volumes for each foot of detention volume elevation shall be provided. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the
Letter of Credit cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion.

2. Infrastructure Improvements: After completion of all public improvements, and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, engineering plans showing the actual location, size, and elevation of all structures and associated piping inverts; culvert location, size, and invert elevations; ditch line location and grade at maximum 100 foot intervals; vertical and horizontal alignment of roadway centerlines; street lighting locations and electrical cable routing; and electric, gas, telephone and other private utility locations and routing. The presentation of these plans shall be a condition of final acceptance of the improvements, and release of the Letter of Credit cash escrow, cash bond, irrevocable letter of credit, surety bond, or letter of commitment assuring their completion. The as-built plans shall be filed with the Plat Officer.

G. Maintenance Guarantee
Upon completion of the improvements acceptance thereof by all relevant authorities the improvements shall thereafter be maintained by the appropriate corporate authorities, providing however, for a period of 12 months following the acceptance as above provided the subdivider shall be responsible for the continued condition of said improvements as accepted. In the event failure occurs in the improvements the subdivider shall restore the improvements to the criteria specified in this Ordinance. To assure responsibility the subdivider shall, prior to acceptance of the improvements as outlined in Section 10.00.F of this ordinance, deposit with the Clerk of the County of Kendall a cash escrow, or maintenance letter of credit cash bond, irrevocable letter of credit, surety bond, or letter of commitment acceptable to the State’s Attorney’s office of Kendall County in an amount not less than ten percent (10%) of the total cost of all improvements, which deposit may be used by the County to restore the improvements in the event such are not addressed by the subdivider within 12 months following acceptance of the improvements by all relevant authorities. Upon receipt of said maintenance surety, the Plat Officer shall be authorized to return the original financial surety(ies) posted to guarantee the satisfactory completion of the required improvements to the developer or issuing financial institution.

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

Attachments:
1. ZPAC Meeting minutes on 1.6.15
2. RPC Meeting minutes on 1.26.15
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
and would like to see more on drainage. Mr. Gallo stated they won’t do the retention pond and thought it would be a benefit but the neighbors seem to not want one. They are under time pressure so would not like this petition continued at this time. The water will continue to flow northwest to the pond which is where if flows currently.

Tom Casey made a motion to approve the special use changing the one condition from 5 to 1 semi-load to be gone in a week and no berm but a fence. Roger Bledsoe seconded the motion. With a roll call vote of 2-3 the committee’s recommendation was denial.

Casey- Yes
Bledsoe- Yes
Wormley- No
Ashton- No
Wilson- No

This will move onto the SUHO meeting next Monday. The 3 no votes were due to drainage issues, concerns about overland drainage and grading are still concerns. Also the use as described is too intense for a 3 acre lot. This was a private airstrip at one time and the Pheasant Drive homes are what caused the water issues. He has mixed feelings since there is a nursery nearby but feels this is too intense. The last no vote agrees with the others and maybe the trend is becoming more business like it would be more suited as a one or two employee operation and not this type of use in a quisi-residential area, it’s too intense and there could be traffic issues.

We took a 5 minute break.

**#14-40 Subdivision Control Regulations - Letters of Credit**

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

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

**#14-37 Home Occupations - Landscape Business**

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

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

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**
14-35 Daron & Kimberly Spicher- Approved by the Plattville Board on 12.15.14
To: ZBA
Date: March 24, 2015
Re: Text Amendment – Home Occupations (Petition 14-37)

Within the last year the PBZ Department has had a lot of issues with regards to landscape businesses and if they qualify for home occupations. Also we have had A LOT of people wanting to do it as a home occupation. Staff is of the opinion they should not qualify due to the type of equipment they use and we’ve had issues in the past trying to prove there are employees and the amount of employees. Staff proposed to specify that landscape businesses cannot be home occupations.

LANDSCAPE BUSINESS. Offers products and services to clients that involve planting and caring for trees, shrubs, flowers, ground covers and grass. Some offer design and implementation services for sidewalks, walkways, decks, retaining walls, patios, lighting and other external design elements outside of a building. There are two types of landscape business’ lawn care only and all others.

LANDSCAPE BUSINESS- LAWN CARE ONLY. A landscape business run by only one or two employees and only maintains yards with no large equipment, i.e. only mowers, weed wackers and trimmers. All equipment must be stored indoors, no materials brought to the property it is run out of and no goods for sale.

HOME OCCUPATION. Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

HOME OCCUPATION - AGRICULTURAL. A home occupation in an agricultural zoning district. The following shall not be deemed to be “home occupation:” tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, landscape business (not including lawn care only), stables, undertaking establishments and funeral parlors. shall not be deemed to be "home-occupation".-(Amended 04/18/2000)

HOME OCCUPATION- RESIDENTIAL A home occupation in a residential zoning district. The following shall not be deemed to be “home occupation:” tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, landscape business (not including lawn care only), stables, undertaking establishments and funeral parlors. shall not be deemed to be "home-occupation".-(Amended 04/18/2000)
Wording for a special use in the A-1 Agricultural District, B-3 Business District and M-1 and M-2 Manufacturing districts:

   Landscaping business, provided that:
   
a. 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.

   b. 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)

   c. No landscape waste generated off the property can be burned on this site.

For reference:

4.06 HOME OCCUPATION- AGRICULTURAL provided:

   a. It is conducted entirely within the dwelling or permitted accessory building by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.

   b. A maximum sign of 8 square feet will be permitted but must meet setback requirements in section 11 of the Zoning Ordinance and be unlit.

   c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.

   d. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the Zoning Board of Appeals pursuant to an application for special use filed in accordance with the provisions of this ordinance.

   e. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.

   f. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.

4.07 HOME OCCUPATION- RESIDENTIAL provided:

   a. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such
home occupation is clearly incidental and secondary to the use of the dwelling as a residence.

b. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.

c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.

d. No more than ten (10) vehicle trips by either customers, delivery persons or employees may be made throughout a day to and from the home occupation.

e. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.

f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.

g. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.

h. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. To exceed this limit requires a variance.

i. Salons shall be limited to one chair or nail table, commonly referred to as a station.

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

Attachments:
  1. ZPAC Meeting minutes on 11.3.14
  2. RPC Meeting minutes on 12.3.14
  3. RPC Meeting minutes on 1.26.15
#14-33 Bee Keeping
Planner Angela Zubko stated couple months ago the PBZ office was asked about allowing bee keeping in residential districts. This topic has been discussed a few times at the PBZ (Planning, Building and Zoning) Committee and the committee would like to see a text amendment to allow these in residential districts. Planner Zubko is of the opinion this is a bad idea and it is permitted in A-1 Agricultural districts now. Staff proposes the following text amendment per the direction of the PBZ Committee. She proposes it be a conditional use in the R-1, R-2 and R-3 Districts with the 14 conditions listed on the memo.

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

Brian Jahp has no comments at this time.

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

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

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

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

Brian Holdiman agrees with this text amendment.

Aaron Rybski has no objection.

Brian Jahp has no comments at this time.

Fran Klaas agrees with Brian Holdiman.

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

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

PUBLIC COMMENT- There were no comments.

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

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

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

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

Rodger Bledsoe dated by coincidence he ran into a beekeeper in the Pullman district and him and his next door neighbor have 4 and 6 hives which their lots being 26' wide and 19' wide respectively and have only had one complaint over the years. You have to leave about 60 lbs. of honey over the winter, you need about 4 hives for an individual family to make it worthwhile to keep the bees. Bees like to stay within a ¼ mile radius and up to 4 miles but prefer to stay close.

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

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

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

The ZPAC Committee recommended approval with no changes.
There was discussion to allow this as a conditional use in the ag district but not allow it as a home occupation in residential district. If they have more than 2 employees they would need to seek a special use and meet the requirements. There was discussion on if someone brings back 2 lawn mowers is that a home occupation? Would they be in violation? We discussed adding a definition of landscape business. Maybe to include skid loaders, back hoes, lawn installation, excluding lawn mowing and lawn maintenance. The Commission would like to add a definition of landscape business. A home occupation in the residential district if a small business. The plan is to re-work this text amendment and bring it back to the Plan Commission.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-26 Critter Care- Passed on 10.21.14
14-28 Hively Landscaping- Withdrawn petition due to Plainfield denying the request and surrounding property owners concerns
14-25 Medical Cannabis Distribution Center- Approved on 11.18.14 (manufacturing districts- special use)

CITIZENS TO BE HEARD/ PUBLIC COMMENT- None

NEW BUSINESS
Approval of the 2015 meeting calendar- We need to add Feb. 7th annual meeting 9am. Larry Nelson made a motion to approve the meeting dates with the one correction, Vern Poppen seconded the motion. All were in favor and the meeting calendar was approved.

OLD BUSINESS
Update on developer meeting on 10.22.14- Planner Zubko stated in the packet were the meeting minutes from the special ad-hoc meeting. The plan was to discuss needed changes in the Zoning Ordinance but it really turned into a discussion on economic development and how important bringing businesses and transportation to the community. Mr. Nelson stated people around us are going to beat us up with enterprise zones, we'll be the hole in the donut. We should worry about jobs and not just retail, anywhere in Kendall County.

Matt Prochaska stated Oswego are looking at having an economic commission.

ADJOURNMENT
The next meeting will be on January 28, 2015. Larry Nelson made a motion to adjourn the meeting, Vern Poppen seconded the motion. All were in favor and the meeting was adjourned at 8:01 p.m.

Submitted by,
Angela L. Zubko, Planning & Zoning Manager
and would like to see more on drainage. Mr. Gallo stated they won't do the retention pond and thought it would be a benefit but the neighbors seem to not want one. They are under time pressure so would not like this petition continued at this time. The water will continue to flow northwest to the pond which is where if flows currently.

Tom Casey made a motion to approve the special use changing the one condition from 5 to 1 semi-load to be gone in a week and no berm but a fence, Roger Bledsoe seconded the motion. With a roll call vote of 2-3 the committee’s recommendation was denial.

Casey- Yes
Bledsoe- Yes
Wormley- No
Ashton- No
Wilson- No

This will move onto the SUHO meeting next Monday. The 3 no votes were due to drainage issues, concerns about overland drainage and grading are still concerns. Also the use as described is too intense for a 3 acre lot. This was a private airstrip at one time and the Pheasant Drive homes are what caused the water issues. He has mixed feelings since there is a nursery nearby but feels this is too intense. The last no vote agrees with the others and maybe the trend is becoming more business like it would be more suited as a one or two employee operation and not this type of use in a quisi-residential area, it’s too intense and there could be traffic issues.

We took a 5 minute break.

**#14-40 Subdivision Control Regulations- Letters of Credit**

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

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

**#14-37 Home Occupations- Landscape Business**

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

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

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

14-35 Daron & Kimberly Spicher- Approved by the Plattville Board on 12.15.14