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

AGENDA

September 29, 2014 – 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 (absent for this meeting), Dick Thompson and Dick Whitfield

MINUTES: Approval of minutes from the September 3, 2014 Zoning Board of Appeals meeting

PETITIONS:

1. 14-29 Paul Cervenka
   Request Variance
   Location 16155 Burr Oak Road, Plano
   Purpose Request for a variance to construct an accessory structure that will be in the front yard setback located 42’ from the centerline of the roadway (about 2’ off the current right-of-way).

2. 14-30 Michael Rutkas
   Request Variance
   Location 14633 Big Grove Road, Newark
   Purpose Request for a variance to construct an addition to the home that will be in the front yard setback located 63’ from the centerline of the roadway.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-12 Central Limestone Company, Inc. - Approved by County Board on 9.16.14
14-17 Medical Cannabis Cultivation Center- Approved by County Board on 9.16.14
14-22 Clean-up and Restoration Services- Approved by County Board on 9.16.14
14-24 Divyesh Patel/ Council Court Motel- Approved by County Board on 9.16.14
14-25 Medical Cannabis Distribution Center- Oh hold for SAO to review

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on October 27, 2014

CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the September 3, 2014 Special use Hearing Officer Meeting

PETITIONS:

1. 14-23 DTG Investments LLC
   Request Request an A-1 Special use
   Location 3485 Route 126, Oswego
   Purpose Request an A-1 Special use to operate a cleanup restoration service
2. 14-26 Critter Care
    Request Request an A-1 Special use
    Location  4287 Eldamain Road, Plano
    Purpose Request an A-1 Special use to operate a veterinary clinic

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-12 Central Limestone Company, Inc.- Approved by County Board on 9.16.14
14-24 Divyesh Patel/ Council Court Motel- Approved by County Board on 9.16.14

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on October 27, 2014
CALL TO ORDER- ZONING BOARD OF APPEALS TO BE HELD JOINTLY WITH THE SPECIAL USE HEARING OFFICER
At 7:00 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.
At 7:00 p.m., Vice-Chairman Donna McKay called the Zoning Board of Appeals meeting to order.

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

ROLL CALL FOR THE ZONING BOARD OF APPEALS
Members present: Scott Cherry, Karen Clementi, Donna McKay, Dick Thompson and Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Randy Mohr (Chairman) and Tom LeCuyer
In the audience: David Patel, Attorney Ken Carlson, County Board Chairman John Shaw, PBZ Chair Scott Gryder and Greg Dady

A quorum was present to conduct business.

MINUTES for the SPECIAL USE HEARING OFFICER
Wally Werderich motioned to approve the July 28, 2014 Special Use Hearing Officer Meeting minutes as written.

MINUTES for the ZONING BOARD OF APPEALS
Karen Clementi motioned to approve the July 28, 2014 ZBA meeting minutes. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

Planner Zubko stated we will move petition 14-25 to the end (number 5) moving petition 14-24 first.

Chairman Werderich explained how the meeting works and swore in all members of the audience.
Vice-Chairman McKay swore in all that wished to talk.

PETITIONS
#14-24 Divyesh Patel/Council Court Motel
Planner Angela Zubko did an overview of the request stating the property is located at 1016 Route 30 about 0.06 miles north of Gastville Street. The petitioner is requesting a B-3 special use to build a dwelling unit for a watchman and families. The petitioner, Divyesh Patel owns 4.2 acres and the business is really on 2.94 acres. Mr. Patel would like to relocate his family to this site for better efficiency and to keep an eye on his business. This motel has been here since before 1973 and Mr. Patel has owned the property since 2000. The petitioner will be requesting a variance as he would like to possibly locate the home 5’ from the northern property line and when built would demolish the existing shed. To the north there is a 175’ ComEd ROW so the variance
would not really affect anyone. The side and/or rear lot line setback is a minimum of twenty (20) feet. As you will see on the plat 2 different locations are proposed but clearly only 1 location will be built on. The Special Use will be for anywhere on the property. Staff recommends approval of the special use to build a dwelling unit for a watchman and families. At ZPAC there were no concerns just a comment that a septic permit will be required during the building permit process. The Plan Commission’s only concern was renting the house out but Planner Zubko stated it would only be for a watchman and family so that person who’s in charge might technically be renting the home. Also the rest of the property is rented so why not this home for the watchman? The Plan Commission recommended approval. Mr. Patel is in attendance for any questions.

Mr. Werderich had a few questions, in the packet there was not a reply by Oswego or Oswego township. The petitioner and planner Zubko stated they have not heard from either. He did not have any further questions.

Walter Werderich opened the meeting for the public hearing.

With no testimony Walter Werderich closed the public hearing.

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. 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 watchman’s quarter will actually help the public health, safety, morals, comfort and general welfare having security on site.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The petitioner is trying to locate the watchman’s quarters as far from any residents as possible with the motel that’s been in existence to be the buffer. This will help security on site and also inform the owners of what’s going on at all times on the site.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A driveway already exists to the property and a new septic field will be installed onsite.

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. This property is zoned commercial and used in a commercial capacity. The watchman’s quarter conform to the applicable regulations of the commercial district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP and municipal plans and policies as the property is zoned commercial and it’s always good to have a watchman’s onsite.
Wally Werderich made a favorable recommendation with the above findings of fact.

Ms. McKay asked about how large the house will be, Mr. Patel stated about 2,000 square feet. Mr. Cherry asked for clarification on who would be living at the home. Mr. Patel stated his wife and one child will live at the home.

Ms. Clementi stated there has been crime in the area so this would be great and an improvement.

Ms. Donna McKay opened the meeting for the public hearing on the variance, with no testimony made, Vice-Chairman McKay closed the public hearing and reviewed the Findings of Fact for a variance as follows:

§ 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. There is not much location that can be built on this property as the large open space is where the septic system is and the rest of the property used to the railway ROW.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the ComEd ROW on the north, the vacated railway ROW to the east, Route 30 to the south this variance would not be applicable to any other property around.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. This motel has been here quite some time before 1973 and the current owner purchased it in the year 2000.*

*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. The variance would help keep the building further from any properties and closer to the ComEd ROW which will never be built on.*

*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 watchman’s quarters will not impair an adequate supply of light and air to adjacent properties. It will not add any congestion on Route 30. The watchman’s quarters will actually benefit the property values in the neighborhood as it will have 24 hour security on site.*

With no further suggestions or changes Karen Clementi made a motion, seconded by Dick Thompson to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.
#14-12 Central Limestone Company, Inc.

Planner Angela Zubko did an overview of the request stating the petitioners are seeking approval to rezone 10 acres from M-2 to M-3 and also seeking a special use to operate an asphalt and concrete mixing plant with associated recycling facilities. This will be located on 10 acres of the 150 acre parcel. Central Limestone has a total of about 200 acres. It is located at the southwest corner of Joliet Road and Quarry Road. Staff is of the opinion this is an appropriate location since it is a manufacturing district. It is also appropriate as other mines are to the west and the property north is zoned for mining. Planner Zubko stated this went to the Lisbon Township on August 12th and their Plan Commission had some concern over truck traffic and recommended approval and the township board also recommended approval. Planner Zubko also talked to the mayor of Lisbon and he did not feel he needed to have his board review the petition due to all the County meetings and township meetings but did express some concerns over truck traffic and expected truck traffic. The petitioner has stated that currently all the materials are hauled out of this quarry up to the plant in Yorkville so the truck traffic will increase but not too much as these plants will use the materials from on site. They projected about 200 trucks extra a day. Planner Zubko stated we did take of the facility and learned the asphalt plant will be hooking up to natural gas shortly which would reduce the smell a little and also talked about having an entrance off Joliet Road or Quarry Road to help mitigate dust that travels southeast of the truck traffic at the quarry. Also Mr. Narvick talked to ComEd and they want level ground so no berm in the Comed property would be permitted. However, since the last meeting the petitioner has proposed to install an 8’ berm as depicted on the new site plan that was handed out tonight. The closet home to this site is about 1,300 feet (0.24 miles) southeast of this property, Quarry Road is to the east and a little further east is Route 47. No new access points are being proposed at this time but there have been some preliminary discussions about an entrance further north on Quarry Road and possibly Joliet Road but Joliet Road would probably be a safety concern. The trucks will enter and exit the proposed site from Quarry Road. The applicant will post signage as requested by the Village of Lisbon which advises drivers that travel on Joliet Road west of the intersection of Joliet Road and Quarry Road is prohibited. The proposed hours of operation for both plants will be 6am to 6pm during weekdays. The plants will operate outside of those hours as may be required to perform projects on governmental projects. It is anticipated that the plants will be operational from April 15th to December 15th (depending on weather). The subject site will not generate waste from the proposed operations. The petitioner has stated no new lighting is proposed other than lighting on the plants. The applicant will focus all such lighting in a downward direction. The applicant also has stated no new signs are proposed at this time. There is an existing berm that will shield the concrete plant. Planner Zubko asked the petitioner what are the heights of the tallest equipment for both plants are? The petitioner has stated the height of the silos for both the asphalt plant and the concrete plant are less than 61 feet. Planner Zubko asked the petitioner to explain how each plant works and they provide the information in the packet.

If both the asphalt plant and the concrete plant are in operation, it is anticipated that there will be four (4) to five (5) employees and the applicant anticipates designating an area for employee parking in proximity to each of the facilities.

At the Plan Commission meeting some of the concerns brought up were dust from the trucks, truck traffic, smell, truck parking and berms. There was also discussion that there previously used to be an asphalt plant on site about 30 years ago and the current surrounding residents bought their property knowing the mine existing and most knew an asphalt plant was there as well.
The Plan Commission recommended approval and also wanted consideration be given to make a recommendation for the County Board to petition IDOT about to take a look at traffic control at that particular intersection (Route 47 and Joliet Road).

Attorney Ken Carlson introduced himself and stated this will be on the existing mining site.

Mr. Werderich asked about truck traffic on site. Attorney Carlson stated an additional 40-50 trips in and out per day. At full efficiency about 200 trucks a day. Mr. Werderich asked about the proposed route of travel. Mr. Carlson explained they will use quarry road, which is where the quarry is currently accessed and exit the same location heading north on Quarry Road. There was a brief discussion of the 8’ berm and hope it will deflect noise and help dust. The mine will continue to mitigate dust as they currently have always done. There was a brief discussion that the Friestad’s talked to Planner Zubko today about a wall or fence along Quarry Road but knew safety was a concern. Attorney Carlson stated unfortunately people are trying to steal the copper wiring. There was discussion on the governmental jobs and use.

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

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. An asphalt and concrete plant should not be any more dangerous than weekly mine blastings.*

*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. An asphalt and concrete plant noises will be consistent with the noises of a mine. The petitioner has proposed to install a berm to the south of this plant to help with noise and dust mitigation.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. An entrance already exists to this piece of property and there will be no utilities on this property except a generator.*

*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. Asphalt and concrete plants are consistent with being in the mining district.*
That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP and municipal plans and policies as the ultimate goal is to eventually be a mine but in the meantime used for an asphalt and concrete plant. This use will be used mainly for major road construction.

Wally Werderich made a favorable recommendation with the above findings of fact and staff’s 4 conditions as listed in the report.

Ms. Donna McKay opened the meeting for the public hearing on the rezoning and asked the Committee if anyone had any questions. Ms. Clementi wanted to ask Dick since he got to take the tour. Mr. Whitfield heard some positive things that have gone on including the ramp into the quarry which makes everything quiet. With this new plant there is more noise then they’re used to but there was preliminary discussion to put an entrance further north on Quarry Road. With no further questions or comments. Vice-Chairman McKay closed the public hearing and reviewed the Findings of Fact for a variance, they were approved as follows:

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. Staff has answered as follows:

Existing uses of property within the general area of the property in question. This property and the property to the west is already being mined and the property to the north is zoned to mine. This zoning will make it conforming.

The Zoning classification of property within the general area of the property in question. The property to the north is shown on the LRMP as potential mining and the property to the west is already zoned for mining so the M-3 zoning is consistent with the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is currently zoned M-2 which was the zoning for mining back in the 70’s. The land suitability is good for mining just the M-2 district is no longer the district for mining, the M-3 Zoning District is intended for mining.

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. This mine has been in existence since the late 1800’s and the trends of development in the area are potential mining districts or are already mines.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This land fits more with the purpose and objectives in the

Zoning Board of Appeals & SUHO 9.3.14 Page 6
M-3 District which is to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use.Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein. The M-2 intent no longer fits the future use of this property which ultimately is to be mined.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the rezoning with staff’s findings of fact. With a roll call vote all were in favor and the rezoning passed.

**#14-22 Clean-up and Restoration Services**

Planner Angela Zubko stated that Servpro is looking to open up a franchise in the County and currently staff is of the opinion it really does not fall into a current category in the Zoning Ordinance. Therefore staff is proposing the following text amendment. SERVPRO of Kendall County provides the following services: residential and commercial restoration services for water damage, fire damage, disaster, storm and flood damage and mold damage. They also perform biohazard remediation like sewage cleanup, crime scene cleanup and/or vandalism cleanup. Staff proposes it to be a Special Use in the A-1 (Agricultural District) and Permitted in the B-3 (Highway Business District), M-1 (Limited Manufacturing) & M-2 Districts (Heavy Industrial District).

a) If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.

b) All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.

c) All operations are to take place inside an enclosed structure.

d) No materials that are brought in can be burned on this site.

e) All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).

f) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

The ZPAC commented allowing this is Agricultural districts might be good in one location but not another, he’s kind of concerned. Planner Zubko stated because everything has to be in enclosed buildings that would make it hard for most businesses. The Plan Commission also recommended approval with some modifications shown in the memo. With that Planner Zubko recommends approval.

Ms. McKay asked about the burning of materials on site. Ms. Clementi would like to add the following conditions about a waste plan submitted and where materials will be stored on site must be on the approving site plan.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Dick Thompson to approve the text amendment with the two additions and forward this onto the PBZ Committee. With a roll call vote with one no vote the text amendment will be forwarded. The no vote is he was just not comfortable with it and has seen some bad operations. This motion was rescinded.
Dick Whitfield made a motion, seconded by Dick Thompson to approve the text amendment with the two additions and forward this onto the PBZ Committee. With a roll call vote, 3-2 with two no votes the text amendment will be forwarded. One member would like these connected to a sanitary service and not on septic and the other is just not comfortable with it and has seen some bad operations.

#14-23 DTG Investments LLC
Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. The property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown it is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:

1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

The ZPAC did not have many concerns, the Health Department will be meeting with the petitioner to discuss the septic system and they have met with the building department and know their concerns. The Plan Commission also recommended approval.

Since Mr. Dady was not here in the beginning of the meeting Mr. Werderich swore in the whole ZBA and petitioner so everyone could ask appropriate questions to help aide in the text amendment.
Mr. Greg Dady introduced himself. Mr. Werderich asked about the operation and type of equipment they use. Mr. Werderich asked if there would be storage of waste on this site. Mr. Dady stated if the carpet is wet they throw it out at that specific site and they have an enclosed dumpster.

Walter Werderich opened the meeting for the public hearing. Ms. Clementi asked about odors? Planner Zubko stated she toured their facility and it was very clean and Mr. Dady stated they bring back materials, clean them and store them in the clean facility until returned to the owner. Ms. McKay asked about storage of the building. Planner Zubko stated since we added a condition to the special use to add a waste plan so that will be submitted and included as an exhibit to the approving ordinance.

With no testimony Walter Werderich closed the public hearing.

We went back to the text to approve the text amendment.

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:

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

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP.

Wally Werderich made a favorable recommendation with the above findings of fact and staff’s 4 conditions as listed in the report including the two modifications to the text including 8 conditions.
#14-25 Medical Cannabis Distribution Center
Planner Angela Zubko stated last month we discussed cultivation centers, which is proposed to be on the September 16th County Board agenda. Now we will be discussing the distribution centers. Attached is the proposed text and the back page shows what the surrounding Counties are doing. The Plan Commission made some minor modifications that are shown and recommended approval and modified to allow this as a special use in the M-1 and M-2 districts only. The Commission is afraid it’s going to start like riverboats and then grow into something big.

Ms. Donna McKay opened the meeting for the public hearing on the text amendment. Planner Zubko stated the dispensaries are permitted per population which is 1 per Kendall and Grundy County. There was discussion there is no sales tax on medicines. There was discussion on if there is any benefit? Planner Zubko stated she is not aware of any benefits. There was discussion this will probably go into a municipality and the County Board can make the decision.

With no public testimony made; Vice-Chairman McKay closed the public hearing.

With no further suggestions or changes Karen Clementi made a motion, seconded by Dick Whitfield to approve the text amendment and forward this onto the PBZ Committee. With a roll call vote all were in favor and the text amendment will be forwarded.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- ZBA
14-11 Concrete Crushers- Approved at the 8.19.14 CB meeting
14-17 Medical Cannabis Cultivation Center text- waiting on the SAO, proposed to go to CB on 9.16.14
SUHO:
14-20 Peaceful Pathways Montessori School- Approved at the 8.19.14 CB meeting

NEW BUSINESS/ OLD BUSINESS- Ms. Clementi asked about the seminar. Donna McKay stated she went to.

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

ADJOUR ZONING BOARD OF APPEALS & SPECIAL USE HEARING OFFICER- Next meeting will be on September 29, 2014 (1 variance and 2 Special Uses) Dick Whitfield made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Vice-Chair Donna McKay adjourned the Zoning Board of Appeals meeting at 8:34 p.m.

Chairman Werderich adjourned the Special Use Hearing Officer meeting at 8:35 p.m.

Respectfully Submitted,

Angela L. Zubko
Planning & Zoning Manager & Recording Secretary
14-29
Paul Cervenka
VARIANCE- Front Yard Setback

SITE INFORMATION
PETITIONER Paul Cervenka (looking to purchase this property)
ADDRESS 16155 Burr Oak Road, Plano
LOCATION On the north side of Burr Oak Road about 0.7 miles southeast of the intersection of Griswold Springs and Burr Oak Road; Directly west of the Deer Ridge PUD Subdivision
TOWNSHIP Little Rock
PARCEL # 01-32-200-012
LOT SIZE 3.04 Acres
EXITING LAND USE Single Family Home
ZONING A-1 Agricultural with a variance for the pool (Petition 1998-11)

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>County: Countryside Residential (south of creek) Rural Estate Residential (north of creek)</th>
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</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Burr Oak Road is classified as a local street</td>
<td></td>
</tr>
<tr>
<td>Trails</td>
<td>There is a proposed trail on the north side of Burr Oak Road on this property</td>
<td></td>
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<tr>
<td>Floodplain</td>
<td>Zone A floodplain on this property</td>
<td></td>
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REQUESTED ACTION
Request for a variance to construct an accessory structure that will be closer than the 150’ minimum to the centerline of the roadway. The accessory structure will be located 42’ from the centerline of the roadway (about 2’ off the current right-of-way).

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

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>
</tr>
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<tbody>
<tr>
<td>North</td>
<td>Woods/floodplain</td>
<td>A-1</td>
<td>Rural Estate</td>
<td>R-7; Montgomery</td>
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<tr>
<td>South</td>
<td>Farmland</td>
<td>A-1</td>
<td>Agricultural</td>
<td>R-7; Oswego</td>
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<tr>
<td>East</td>
<td>Residential</td>
<td>R-2 PUD</td>
<td>Countryside Residential</td>
<td>R-7; Oswego</td>
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<tr>
<td>West</td>
<td>Vacant</td>
<td>A-1</td>
<td>Countryside Residential</td>
<td>R-7; R-6</td>
</tr>
</tbody>
</table>

REQUESTED ACTION
GENERAL  Request for a variance to construct an accessory structure that will be closer than the 150’ minimum to the centerline of the roadway. The accessory structure will be located 42’ from the centerline of the roadway (about 2’ off the current right-of-way). To help put it in perspective it will be 14’ from the current roadway.

This property was granted a variance for the pool back in 1998 for the pool to be located in a side yard. Pools were only permitted in the rear yards. The petition for the pool stated the pool will be about 30’ from the west property line and about 90’ from the road right-of-way. Looking at the plat of survey the pool is 20’ from the west property line (concrete surround) and 77’ from the centerline of the roadway which is 33’ from the ROW.

This property is large but about 2.05 acres of the property is in floodplain leaving the small area (@ 0.8 acres) shown below remaining for buildings and the septic field. The septic area is northeast of the house and the well is in the front yard not too far off the southwest corner of the garage. The current ROW line is about 40’ from the centerline of the roadway and the petitioner proposes to put the detached garage at an angle to match the pool so only the southeast corner of the garage would be about 42’ from the centerline of the roadway.

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. About half the home and the entire pool is located in the front yard setback. Also behind the home is floodplain which limits where a detached garage can be built.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The properties east of this property are all zoned R-2 PUD which has a front yard setback of 50' from the right-of-way line and this property does not have much buildable square footage due to the creek.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. This variance would be created by the future buyer.

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.

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. Due to the amount of landscaping this variance would not impair and adequate supply of light and air to adjacent properties or increase congestion to the public street.

CONCLUSION
Due to the opposition the petitioner has stated they will no longer request a new curb cut therefore leaving all the existing lilacs that are about 8' tall.

ATTACHMENTS
1. Write-up from petitioners
2. Proposed elevations
3. Plat of Survey
4. Pictures of the property
5. Letter from Township Plan Commission and Township supervisor
6. Letter opposing from Jim & Doris Carpenter
7. Letter opposing from Richard & Kris Christie
8. Letter opposing from Craig & Linda Stevenson
9. Petition opposing
August 29, 2014

Dear Kendall County Zoning Board,

Thank you for taking the time to consider our variance request.

Our reasons for wanting to build an accessory building are:

* To store our fishing boat and other vehicles. This property has only a 2-car garage.
* General storage for our hobbies and belongings.
* To store pool supplies, and provide an area for changing, towels, rafts, and other pool related items.

After consulting a local builder (Joe Wisniewski of Wise Construction), we determined that the best place to put the accessory building would be near the south end of the pool in the corner of the front yard. The only other area with enough space to put a building would be on the east side of the pool. However, placing
the building there would require extensive re-grading and adding dirt to fill in natural slopes. It would also block the view of (and from) the main house, and thus seems aesthetically unbalanced in that area.

We will landscape after construction is completed. Our plan is to integrate the new building into the property as seamlessly as possible.

Rather than running a driveway off of the existing drive and across the expanse of lawn (which may not be possible due to road right-of-way set backs and water well placement anyway), we would like to add a short, one-car-width-wide new entrance drive from road to new building. The short driveway would coincide with a carriage house style garage door (or similar), which would be placed in the center of the length of building facing the street.
We plan to coordinate the new building with the main house as closely as possible architecturally and with some color of siding and roofing shingles. It will be constructed of wood, and also have details such as windows, doors, overhangs and trim so that it is pleasing to the eye from all vantage points.

We feel extremely fortunate to have the opportunity to live in this peaceful and beautiful community, and are dedicated to conserving, maintaining, and contributing to the nature around us. If approved, our new building will compliment its surroundings... not detract from them.

Thank you for your time and consideration.

Sincerely,
Paul & Karen Cervenka
#630-379-1522
PLAT OF SURVEY OF
PART OF THE NORTHEAST QUARTER OF SECTION 32, T37N—R6E, 3rd PM
LITTLE ROCK TOWNSHIP  KENDALL COUNTY  ILLINOIS

LEGAL DESCRIPTION:
That part of the Northeast Quarter of Section 32, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of said Northeast Quarter; thence South 00°05' East along the West Line of said Northeast Quarter, 1322.77 feet to the North Line of the South Half of said Northeast Quarter; thence South 89°38'40" East along said North Line, 1666.73 feet for the point of beginning; thence South 89°38'40" East along said North Line, 204.24 feet; thence South 00°15' West to the center line of a road; thence North 89°47'54" West along said center line, 204.34 feet to a line drawn South 00°15' West from the point of beginning; thence North 00°15' East, 663.51 feet to the point of beginning, in the Township of Little Rock, Kendall County, Illinois.

BUILDING DETAIL
Scale: 1"=30'

N

SCALE
1"=60'

- Indicates Iron Stake Found
O Indicates Iron Stake Set
— Indicates Line of Fence

NOTE: This property is commonly known as 16155 Burr Oak Road.

State of Illinois
County of Kendall

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements on the above described tract as shown by the plat hereon drawn which is a representation of said survey. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated September 24, 2014 at Yorkville, Illinois

Phillip D. Young
Illinois Professional Land Surveyor No. 2678
(Expires 11/30/16)

Phillip D. Young and Associates, Inc.
11079 South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1380
Depicting the slopes:
Proposed Location of New building:
Looking towards street (showing slope)
Views from street to proposed location:
View from Neighbor to west:
Hi Angela, on this petition this is what I received from the our Plan Commission.

The requested variance of 108' would bring the proposed out building within 44' of the center line and inside of the 40' easement of the north side of Burr Oak Rd.

As it is currently, the swimming pool is already over the 150' from the center line, hence the previous variance. The home is also less than 150' from the center line.

There are other spots on the property to locate the building that would not require such a large variance at all. A building this large in this spot would require removal of many trees and be an eyesore in this particular setting.

There has been a petition of objection circulated and signed by many of the current residents of Burr Oak Rd. and surrounding neighborhood as well as a letter of objection sent to the Kendall County Board of appeals from Craig and Linda Stevenson, the nearest neighbor to the west of the property seeking the variance. The neighbors oppose this variance and the out building of this size in this location.

The proposal of an additional driveway access to the proposed building is also of concern. The proposed building suggests a "pool house" which leads to the question of water and electrical service. This is a concern as it could leave the potential of another "residence" or living area, which would be in violation of current zoning.

The Commission voted "NO" on this matter.

I as Township supervisor also object to this petition.

Frank Carreno III
Kendall County Zoning Board of Appeals
Planning, Building and Zoning Department
111 West Fox Street
Yorkville, Illinois 60560

Attention: Ms. Angela Zubco

RE: Petition #14-29

Dear Ms. Zubco,

While we as a couple are in the eighth decade of life, have learned one thing about life, and that is; you can expect “change”. Fifty of those years have been lived on Burr Oak Road. We have been proud how the majority of the properties have maintained an inviting and beautiful landscape that is pleasing to see.

Many persons have commented to us how much they enjoy seeing the nice variety in the styles of homes, as well as attractive lawns and gardens when driving on Burr Oak Road. This proposed “change” would destroy all that.

Construction of the “accessory structure” (storage building) would surely be an eyesore, especially to those of us who live on Burr Oak Road. Therefore, we definitely oppose having this accessory structure built in the proposed location.

Sincerely,

James and Doris Carpenter

[Signature]

[Signature]
September 18, 2014

Dear Ms. Zubco,
RE: Variance for 16155 Burr Oak Road Plano, Illinois - We do not support

Thank you for taking the time to read our letter. We live at the intersection of Oak Meadow Court and Burr Oak Road in Plano. We built here about 10 years ago simply because of the area. The houses are all on an acre or more, diverse in their architecture and well-maintained. Our subdivision, Deer Ridge P.U.D., was owned by the Anderson Family. Bev and Bob Anderson’s dream was to build an area that honored the memory of her parents and their farm. In fact, we planted a tree in our front yard in memory of her Mom.

Since moving here, we feel like we have been under assault. The first thing that happened is that after over a year of building, on the day we were to move in, our house burned to the ground. We got through by the grace of God and cheerleading from the neighbors on the street. We found out how wonderful they all were and how proud they were of Burr Oak Road. It was not just a street name, it was where they lived.

The next assault of mention was when the people who owned the land across the street were going to sell. The buyer wanted to put manufactured (mobile) homes in and fit a lot of people into a small area. Although our first house was indeed a trailer, we moved out into the "country" to get away from it all and have some space. Thank you for defeating this.

The next big issue was the proposed marijuana farm across the street. We understand that the public can not have access to these plants, but to hear it would require an 8 foot wall with razor wire and security just did not fit the area. It sounded like a jail. Thanks for saving us from that.

We also heard about the requested expansion at 16155 Burr Oak. Although we understand the desire to personalize your home, we don’t feel it should be at the expense of the neighbors. You see, 10 lots/houses on Burr Oak are under the Anderson’s strict covenants. We all knew the rules and abide by them to maintain continuity. Although the Gamble's house (16155) is not in this group, we hope that the standard which was there when we bought, would be maintained. A large garage in the front of the property, near the road, seems unimaginable.

Finally, we are now concerned about the Janick farm. It is a beautiful property, but will be auctioned in a few weeks due to the death of one of the owners. We are hoping that the additional property (beside the 7 acres that goes with the house) will not be subdivided for "dense" housing.

In short, we love Burr Oak. Please help us to keep it "beautiful". Thank you.

Sincerely,

[Signature]

[Another Signature]
This letter is to the Kendall County Board of Appeals to be introduced at the public hearing on September 29, 2014 at the Kendall County Zoning Board of Appeals hearing. It is regarding Petition #14-29 by Paul and Karen Cervenka on the property located at 16155 Burr Oak Road in Plano, Illinois. Unfortunately, we can’t be present at the hearing since we will be out of town. Our address is 16211 Burr Oak Road. Our property is the first property directly adjacent west of the proposed building.

The petition is asking for a 108’ variance of the 150’ setback regulation of a structure from the road. I am very surprised at the request for such a variance. It is asking for a variance of 72% of the code. I can understand a request of up to 10’, but 108’ is an excessive request.

I believe that the purpose and spirit of the 150’ setback zoning regulation is to prevent accessory structures from being constructed in front yards thus distracting from the beauty of a property. This request goes completely against the purpose of the regulation.

A number of years ago we did not object to a variance request by our neighbors to place a swimming pool on this property closer to the road than the 150’ set back, but farther back on the property than the current proposal. Our feeling at the time was that the pool with a 4’ high fence would be a low profile and unobtrusive since a line of bushes and a number of trees would shield it. We also wanted to be good and understanding neighbors.

The 30’ x 48’ building proposed is huge considering the area where they want it located. The building site had been staked. I don’t believe the people who staked it knew the exact location of the west property line since the corner stake is only about 6’ from the true lot line. Moving it 4’ east would bring it even closer to the road. They would have to remove at least 8 trees. The front corner of the building would be 18’ or less from the center of the row of lilac bushes along the road. The building would be very visible and out of place.

I believe there is a 40’ easement on the north side of Burr Oak Road for future road widening and/or a walking or bike path. Everyone who has built or developed along the road has had to comply with the easement. There is only one structure close to the easement. That is the historic old Denman farmhouse near the road that is grandfathered in. The structure proposed would be within 5 feet of the easement if not on it.

There is a request for a second driveway. We believe Little Rock Township would have to approve that. We are also opposed to that. There are no homes along our road that have two driveways except the historic Cedar Valley Farm at 16480 Burr Oak Road. Those lanes have been there for decades if not a century. Removing the lilacs on the property in question to construct the additional driveway would visually open the area and make it even more unsightly.
The construction of this building would impact the value of our home negatively. When the leaves are off the trees, the building would be highly visible from our dining area and from our driveway year round.

For the above mentioned reasons we oppose this request. The size of the proposed structure is just too large to fit anywhere on the property unless the pool is removed. We also want to state that no structure should be allowed on the property any closer to the road than the front of the house to comply with the purpose and spirit of the zoning regulation. There are no outbuildings on any properties on the road that are any closer to the road than the houses.

There is a reason for zoning regulations and we are fortunate that we are in an area that has good zoning regulations. Not far from here there are areas that haven’t had zoning regulations and the results are obvious. We ask you not to ignore a good zoning rule. Doing so may set a very bad precedent.

Burr Oak Road is a unique and beautiful historic two mile long road. It runs south and west of Little Rock Creek with beautiful trees lining the creek and the road on the north side of the road and agricultural fields on the south side. When we tell people where we live, they always comment on what a beautiful road it is and they hope it never loses that character. We agree and hope you do also.

Sincerely,

Craig A. Stevenson

Linda Stevenson
The following owners of property along and near Burr Oak Road have signed this petition, starting on the east end of Burr Oak Road as follows:

Margaret Janick 15331 Burr Oak Road
Stephanie Stevenson 15625, 15681, and 15751
Beverly Anderson 15963
Stan Stanszewski & Karen Cotter 16073
Robert O’Brien 16125
Craig & Linda Stevenson 16211
James & Doris Carpenter 16287A
Christopher & Jennifer Carpenter 16287B
Tom, Jeff & Athena Anderson 16480
Robert & Quendred Carpenter 16505

Owners on Oak Meadow Ct

Richard & Kris Christie 5337 Oak Meadow Ct
Chris & Lori Ruhl 5308
Jody & Deanna Howard Lot 10

Only two residence owners didn’t sign the petition. The petition wasn’t presented to the current owners of 16155 Burr Oak Road, the property in question. The owners of 16031 didn’t sign because of a potential conflict of interest.

The owners of property along Burr Oak road are united in their opposition to petition #14-29 seeking a variance from section 7.01.H.2 of the Kendall County Zoning Ordinances. They are also unified in the feeling that no structure should be built any closer to the road than the front of the residence.
The following people, being property owners and/or residents on or adjoining Burr Oak Road, Plano, Illinois in Kendall County are opposed to petition #14-29 seeking a variance from Section 7.01.H.2 of the Kendall County Zoning Ordinances.

We, the undersigned, feel the proposed structure should not be built and that no structure should be built on the property closer to the road than the front of the existing home.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Printed Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Christie</td>
<td>Rich Christie</td>
<td>5337 Oak Meadow Ct, Plano</td>
</tr>
<tr>
<td>Jody Howard</td>
<td>Jody Howard</td>
<td>Lot 10 Burr Oak Rd, Plano</td>
</tr>
<tr>
<td>Larry W. Carpenter</td>
<td>Larry W. Carpenter</td>
<td>16287 Burr Oak Rd, Plano</td>
</tr>
<tr>
<td>Doris E. Carpenter</td>
<td>Doris E. Carpenter</td>
<td>16287 Burr Oak Rd, Plano</td>
</tr>
<tr>
<td>Linda Stevenson</td>
<td>Linda Stevenson</td>
<td>16211 Burr Oak Rd, Plano</td>
</tr>
<tr>
<td>Craig A. Stevenson</td>
<td>Craig A. Stevenson</td>
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</tr>
<tr>
<td>Deanna Howard</td>
<td>Deanna Howard</td>
<td>Lot 10 Burr Oak Rd, Plano</td>
</tr>
<tr>
<td>Tom Anderson</td>
<td>Tom Anderson</td>
<td>16480 Burr Oak Rd, Plano</td>
</tr>
<tr>
<td>Robert O'Brien</td>
<td>Robert O'Brien</td>
<td>16125 Burr Oak Rd, Plano, IL 60545</td>
</tr>
</tbody>
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<tbody>
<tr>
<td>Amber Fergusson</td>
<td>Chris Ruhl</td>
<td>5308 Oak Meadows Ct.</td>
</tr>
<tr>
<td>Chris Ruhl</td>
<td>G. Ruhl</td>
<td>5308 Oak Meadows Ct.</td>
</tr>
<tr>
<td>Stephanie Stevenson</td>
<td>Stephanie Stevenson</td>
<td>15751 Burr Oak Rd.</td>
</tr>
<tr>
<td>Mrs. Stevenson owns three homes, 15751, 15681, 15625</td>
<td>Burr Oak Rd</td>
<td></td>
</tr>
<tr>
<td>Margaret R. Janick</td>
<td>Kris Christie</td>
<td>5337 Oak Meadow Court</td>
</tr>
<tr>
<td>Beverly Anderson</td>
<td>Beverly Anderson</td>
<td>15753 Burr Oak Rd.</td>
</tr>
</tbody>
</table>
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<tbody>
<tr>
<td>Robert L. Carpenter</td>
<td>ROBERT L. CARPENTER</td>
<td>16535 Burr Oak Rd, Randol.</td>
</tr>
<tr>
<td>Quin D. Carpenter</td>
<td>QUIN D. CARPENTER</td>
<td>16535 Burr Oak Rd, Plano IL</td>
</tr>
<tr>
<td>Christopher D. Carpenter</td>
<td>CHRISTOPHER D. CARPENTER</td>
<td>16287A Burr Oak Rd, Plano IL</td>
</tr>
<tr>
<td>Jennifer Carpenter</td>
<td>JENNIFER L. CARPENTER</td>
<td>16287A Burr Oak Rd, Plano IL</td>
</tr>
<tr>
<td>JeffAnderson</td>
<td>Jeff Anderson</td>
<td>16480 Burr Oak Rd, Plano IL</td>
</tr>
<tr>
<td>Athem Anderson</td>
<td>Athem Anderson</td>
<td>16480 Burr Oak Rd, Plano IL</td>
</tr>
<tr>
<td>Stan Staszewski</td>
<td>STAN STASZEWSKI</td>
<td>16073 Burr Oak Rd, Plano IL</td>
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<tr>
<td>Karen Miller</td>
<td>KAIREN MILLER</td>
<td>15573 Burr Oak Rd, Plano IL</td>
</tr>
<tr>
<td>Jerry Ferguson</td>
<td>Jerry Ferguson</td>
<td>15885 Burr Oak Rd, Plano IL</td>
</tr>
</tbody>
</table>
SITE INFORMATION

PETITIONER  Michael Rutkas

ADDRESS  14633 Big Grove Road, Newark

LOCATION  On the northwest side of Big Grove Road about 0.2 miles southwest of Bushnell School Road

TOWNSHIP  Big Grove

PARCEL #  07-15-400-003

LOT SIZE  5.74 Acres

EXITING LAND USE  Single Family Home

ZONING  A-1 Agricultural

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Agricultural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Big Grove Road is classified as a local road.</td>
</tr>
<tr>
<td>Trails</td>
<td>There are no proposed trails.</td>
</tr>
</tbody>
</table>

REQUESTED ACTION  Request for a variance to construct an addition/front porch to the home that will be closer than the 150' minimum to the centerline of the roadway. The addition will be located 63' from the centerline of the roadway. The home currently is 79.9' from the centerline of the roadway.

APPLICABLE REGULATIONS

§7.01.G.2.a (A-1 Setbacks: Principal Structures)
§13.04 (Variations)
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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<tr>
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<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
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<td>South</td>
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REQUESTED ACTION

REQUESTED ACTION

GENERAL Request for a variance to construct an addition/front porch to the home that will be closer than the 150’ minimum to the centerline of the roadway. The addition will be located 63’ from the centerline of the roadway. The home currently is 79.9’ from the centerline of the roadway.

This property was built in 1910 and the entire home is located in the front yard setback.

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 has a house that was constructed in 1910. It is legally non-conforming and was built well before any zoning or setback laws were put into place. In try to improve livability and utilize the property in the best possible way the petitioner would like to put a 16' deep by 26' wide front porch. Architecturally it would be built in a prairie/mission style to help compliment the surrounding property and tie into the existing 1910 home. It was common practice for that style house to have a front porch.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Countless older farm homes in Kendall and surrounding counties have front porches. It’s the quintessential must have if you live in the county.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The house was built and positioned in 1910 well before the petitioners’ ownership.

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. This will be improving the front of their house and upping the curb appeal, it will only increase property value. No impact on air, water, blocking of views, or interfering with public or private works will take place to do this project.

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. This is a simple open air covered porch. All adjacent properties are far enough away it would not block light, air, or put any impact or hardship on them. It would not block any views and would not interfere with any public streets.

RECOMMENDATION

Staff would recommend approval of the variance to construct an addition/front porch that will be located 63' from the centerline of the roadway.

ATTACHMENTS

1. Plat of Survey
ORDINANCE # 2014-28

AMENDMENT TO SECTIONS 3.02 AND 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO TEMPORARILY ALLOW MEDICAL CANNABIS CULTIVATION CENTERS. TEMPORARY

WHEREAS, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

WHEREAS, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers; and

WHEREAS, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

WHEREAS, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act on January 1, 2018; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on July 28, 2014; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 3.02, "Definitions" & 10.01.C "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

I. RECITALS. The recitals set forth above are incorporated as is fully set forth herein.

II. THE FOLLOWING TERMS ARE ADDED TO SECTION 3.02 "DEFINITIONS" OF ZONING ORDINANCE:

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain
consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center’s agents or a Dispensing Organization’s agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

III. THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C "MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)" OF ZONING ORDINANCE:

10.01.C Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on January 1, 2018)

a. Definitions: All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.), as amended

b. Preliminary Requirements. All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.

2. **Registration.** Applicants must be registered with the Illinois Department of Agriculture.

3. **Location.** A Cultivation Center must be located more than 2,500 feet from the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130-105.

4. **Security Measures.** Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

5. **Code Compliance.** Cultivation Centers must meet all federal, state and local building, zoning and fire codes and all local ordinance requirements.

6. **Other Requirements:** Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130-105, as amended.

c. **Required Permit Information.** Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:

1. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130-105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.

2. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.

3. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

4. A location map demonstrating the property meets location conditions identified in 410 ILCS 130-105, as amended, and

5. Proof that applicant is registered with the Illinois Department of Agriculture.

d. **Operational and Facility Requirements:**

1. **Enclosed, Locked Facility.** All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.

2. **Storage.** No outdoor storage of any kind will be permitted at Cultivation Centers.

3. **Edibles.** Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130-80.

4. **Waste.** Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with
the requirements set forth in 410 ILCS 130-180 and 8 Ill. Admin. Code 1000-460, as amended respectively.

5. Signs. All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.

6. Other Products. It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.

7. Fence. All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.

8. Registration: The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.

c. Legal Protections.

1. Limitation of Liability. Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center’s owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted Cultivation Center’s participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.

2. Indemnification. The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5-3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State’s Attorney and shall be appointed a Special Assistant State’s Attorney.

3. Violations of the Law: The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.
Revocation: Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.

IV. REPEAL. This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

IV WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 16th day of September, 2014 and is automatically repealed on January 1, 2018.

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

14-23
DTG Investments LLC
A-1 Special Use

SITE INFORMATION
PETITIONERS DTG Investments LLC
LANDOWNERS Triple B South LLC (Current location of Countryside Landscaping)
LOCATION 3485 Route 126, Oswego on the north side of Route 126, 0.45 miles west of Schlapp Road

TOWNSHIP NaAuSay
PARCEL # 06-09-400-005
SIZE 5.93 Acres
EXISTING LAND USE Landscape Business
ZONING A-1 SU Agricultural Special Use (Ordinance 2007-10: Special use for a Landscape Business)

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Rural Residential; Village of Oswego: Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Route 126 is a major arterial roadway</td>
</tr>
<tr>
<td>Trails</td>
<td>There is a trail proposed along the south side of Route 126</td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>There is floodplain on the north end of the property (Zone A- no base flood elevation determined)</td>
</tr>
</tbody>
</table>

REQUESTED ACTION Approval of an A-1 Special Use Permit to operate a cleanup restoration business.

APPLICABLE REGULATIONS §7.01.D (A-1 Agricultural Special Uses)
§11.01 (Parking Regulations)
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>
</tr>
</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>
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</tr>
<tr>
<td>West</td>
<td>Ag implement sales</td>
<td>A-1 SU</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
</tbody>
</table>

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 An NRI is not required as no new structures will be built on site.

ACTION SUMMARY

TOWNSHIP (NaAuSay) They will be on the township board’s agenda on September 8th. A preliminary discussion has taken place and the township will most likely recommend approval.

MUNICIPALITY (Oswego) Emailed to Rod Zenner on 7.28.14, have not heard back from.

ZPAC (8.4.14) The ZPAC Committee had some concerns over the septic system and requested to meet with the petitioner; they were not too concerned as the property already has a triple basin. The Committee made a favorable recommendation.

RPC (8.27.14) The Plan Commission made some modifications to the text amendment which is also reflected in this petition. There was some discussion that Countryside Landscaping will operate out of this facility till December and then in January ServPro will be utilizing the entire building. The Committee made a favorable recommendation.

SUHO (9.3.14) There were some concerns on waste and chemical storage so a few conditions were added to the text amendment. The Special use hearing officer made a favorable recommendation.

REQUESTED ACTION

GENERAL Approval of an A-1 Special Use Permit to operate a cleanup restoration business

BACKGROUND ServPro is currently operating out of 3 separate buildings in the Stonehill Industrial Park in Oswego, IL and would like a larger building. This will make the business more efficient and in one location. Servpro will be renting from DTG Investments LLC. How the operation works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and
store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence.

EMPLOYEES  There are about 18 employees that will park on site. The employees will be parking behind the building.

PARKING  All commercial vehicles will be parking inside the building and employees will be the only ones parking outside the building.

R.O.W.  Staff will defer to IDOT if ROW will be requested to be dedicated at this time. IDOT has stated no ROW will be requested at this time.

STORAGE  There will be no outdoor storage except the employee vehicle. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this.
SIGNAGE  No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit.

ACCESS  The property currently has 2 access points off of Route 126, the east entrance will be used by the business and already blacktopped and the west entrance is primarily used for the farmhouse.

FARMHOUSE  The farmhouse will be rented most likely to people working on the property.

FLOODPLAIN  There is floodplain on the property as shown below. It is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway.

BUILDING  No new buildings are proposed at this time. The petitioner has contacted the Oswego Fire Protection District and the District has stated the building already exists and is being used in a manner that is similar in nature to how the new tenant will be using it so it's a change in occupancy and no sprinklers will be required. The petitioner has met with the building inspector and a change of occupancy/remodel permit would be required. A licensed architect or engineer would need to evaluate the building for life safety, egress, and state plumbing code.
requirements (including required floor drains and triple basins) based upon the new occupancy and provide an evaluation report. Stamped drawing would be required for remodel of the existing loft into office space.

BUSINESS PLAN
Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building.

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. Staff has answered as follows:

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

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP.

CONCLUSION
There is currently no use category for a cleanup restoration service in the County’s zoning ordinance. Petition #14-22 contains a proposed amendment to the text of the zoning ordinance that will provide a category for such a use with the following conditions:

Clean-up and restoration services with the following conditions:

a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.

b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.

c. All operations are to take place inside an enclosed structure.

d. A waste management plan must be submitted and an exhibit to the approving ordinance.
e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
f. No materials that are brought in can be burned on this site.
g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

RECOMMENDATION

Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions be placed on the special use, if approved:

2. Must meet all the conditions of the text amendment:
   a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
   b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
   c. All operations are to take place inside an enclosed structure.
   d. A waste management plan must be submitted and an exhibit to the approving ordinance.
   e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
   f. No materials that are brought in can be burned on this site.
   g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
   h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

3. No outdoor storage except employee’s cars.
4. No activity including parking or storage is permitted in the floodplain.
5. If any future expansion is proposed a major amendment to the special use will need to be filed.

ATTACHMENTS

1. ZPAC Meeting minutes on 8.4.14
2. RPC Meeting minutes on 8.27.14
3. SUHO Meeting minutes on 9.3.14
4. Draft Ordinance including Plat of Survey
Scott Gryder thinks allowing this is Agricultural districts might be good in one location but not another, he’s kind of concerned. Planner Zubko stated because everything has to be in enclosed buildings that would make it hard for most businesses.

With no further comments or discussion Megan Andrews made a motion, seconded by Aaron Rybski to approve the text amendment and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

**#14-23 DTG Investments LLC**

Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. The property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basin exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown below. It is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. An Endangered special report has been completed and there are no records of threatened or endangered species. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:

1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

Megan Andrews stated no new NRI will be needed.

Brian Jahp has no comments at this time.

Aaron Rybski had some questions on the septic systems and would like to meet with the petitioner. The use is changing and they will be washing and sanitizing of different items that will be taking place, the Health Department requests meeting the petitioner to make sure all concerns are taken care of.

Scott Gryder asked if the special use will run with the owner or land? Planner Zubko stated typically everyone wants to have it run with the land but any new petitioner will need to follow the exact same use or come back through the process.

Greg Dady introduced himself and stated ServePro will have a 7 year lease so there is no plan to leave. He stated they can try to figure out gallons per day based on the existing usage in Oswego. He will look into the septic for the Health Department.

ZPAC Meeting Minutes 8.4.14
With no further comments Scott Gryder made a motion, seconded by Megan Andrews to approve the special use and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

#14-24 Divyesh Patel/Council Court Motel
Planner Angela Zubko did an overview of the request stating the property is located at 1016 Route 30 about 0.06 miles north of Gastville Street. The petitioner is requesting a b-3 special use to build a dwelling unit for a watchman and families. The petitioner, Divyesh Patel owns 4.2 acres and the business is really on 2.94 acres. Mr. Patel would like to relocate his family to this site for better efficiency and to keep an eye on his business. This motel has been here since about 1973 and Mr. Patel has owned the property since 2000. There were actually 2 more buildings on this property to the east of the circle driveway but they were demolished in 2005. The petitioner will be requesting a variance as he would like to locate the home 5’ from the northern property line and when built would demolish the existing shed. The side and/or rear lot line setback is a minimum of twenty (20) feet. As you will see on the plat 2 different locations are proposed but clearly only 1 location will be built on. The Special Use will be for anywhere on the property. An endangered species report has been completed and no threatened or endangered species exists on the property. An NRI is not applicable since the property is already zoned business and not agricultural. Staff recommends approval of the special use to build a dwelling unit for a watchman and families.

Megan Andrews stated no NRI will be needed.

Brian Jahp has no comments at this time.

Aaron Rybski stated when they go through the process to submit the septic plans.

Scott Gryder has no comments.

With no further comments Aaron Rybski made a motion, seconded by Brian Jahp to approve the special use and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

#14-19 Prairie Leaf Farms, LLC
Planner Angela Zubko stated as you can tell from your packets she has tried to contact the petitioner a few times and have not heard back from them since July 8, 2014 so this petition will stay tabled.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD:
14-11 Concrete Crushers- PBZ on 8.11.14
14-12 Central Limestone – continued at 7.23.14 Plan Commission till we hear from township
14-17 Medical Cannabis Cultivation Center text and medical cannabis distribution center- Split into 2 petitions, the cultivation center will be heard by PBZ on 8.11.14
14-20 Peaceful Pathways Montessori School- PBZ on 8.11.14
14-21 David & Cathy Price- Withdrawn due to IDOT ROW
14-25 Medical Cannabis Distribution Centers- separated from Petition 14-17 and continued till next month for more information at Plan Commission

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS- None

AJOURNMENT- Next meeting on September 2, 2014 (TUESDAY)
With no further business to discuss Megan Andrews made a motion, seconded by Scott Gryder to adjourn the meeting at 9:22 a.m. The motion carried.
Larry suggested that for only Ag districts to have it along an major state route or arterial roadway. Ms. Wilson asked if we have restrictions on burning in the County? Larry explained the rules of the County and Planner Zubko stated she added it to be safe as landscape business seem to have an issue. The petitioner, Greg Dady stated they have never burned currently and have no issue with burning. Mr. Ashton brought up an incinerator and if that’s burning.

With no further comments Larry Nelson made a motion with the 1 change, seconded by Tom Casey to recommend approval and forward the text onto the Zoning Board of Appeals. Ms. Wilson if we should consider all operations are inside in an enclosed structure. Larry Nelson made an amended motion with that change. With all in favor the motion carried.

#14-23 DTG Investments LLC
Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. The property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown it is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. An Endangered special report has been completed and there are no records of threatened or endangered species. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:

1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.
The ZPAC did not have many concerns, the Health Department will be meeting with the petitioner to discuss the septic system and they have met with the building department and know their concerns.

Greg Dady introduced himself and stated ServePro will have a 7 year lease. Countryside Landscaping will be leasing the building till December and then ServePro will be utilizing the entire building. Mr. Ashton asked about signage and if 2 signs will be on the property at the same time. The petitioner stated no since Countryside Landscaping will be out in December and the sign taken down and a sign stickly for ServePro.

With no further suggestions or changes Vern Pappen made a motion with the suggested changes, seconded by Claire Wilson to recommend approval and forward the petition onto the Zoning Board of Appeals. With a roll call vote all were in favor.

**#14-24 Divyesh Patel/Council Court Motel**

Planner Angela Zubko did an overview of the request stating the property is located at 1016 Route 30 about 0.06 miles north of Castville Street. The petitioner is requesting a B-3 special use to build a dwelling unit for a watchman and families. The petitioner, Divyesh Patel owns 4.2 acres and the business is really on 2.94 acres. Mr. Patel would like to relocate his family to this site for better efficiency and to keep an eye on his business. This motel has been here since about 1973 and Mr. Patel has owned the property since 2000. There were actually 2 more buildings on this property to the east of the circle driveway but they were demolished in 2005. The petitioner will be requesting a variance as he would like to locate the home 5’ from the northern property line and when built would demolish the existing shed. The side and/or rear lot line setback is a minimum of twenty (20) feet. As you will see on the plat 2 different locations are proposed but clearly only 1 location will be built on. The Special Use will be for anywhere on the property. An endangered species report has been completed and no threatened or endangered species exists on the property. An NRI is not applicable since the property is already zoned business and not agricultural. Staff recommends approval of the special use to build a dwelling unit for a watchman and families. Mr. Patel is in attendance for any questions.

At ZPAC there were no concerns and a septic permit will be required during the building permit process.

Larry Nelson asked how do we prevent them from renting out the house in the future. Planner Zubko stated it’s the definition of watchman’s quarters.

Ms. Wilson had a question about the variance of the lot line and what was to the north, Planner Zubko stated the Comed ROW is to the north.

With no further comments Tom Casey made a motion, seconded by Claire Wilson to approve the special use and forward the petition onto the SUHO meeting in August. All were in favor and the motion carried.

**#14-25 Medical Cannabis Distribution Center**

Planner Angela Zubko stated the cultivation center will on the County Board in September but now
we’re discussing the distribution centers. The back page shows what the surrounding Counties are doing and Planner Zubko stated last month we talked about bullet proof glass which is in the rules that bullet proof glass is needed.

Larry Nelson had some concerns still about dispensaries and people hanging around. There was some discussion why pharmacies cannot sell medical cannabis and the fact it’s all cash. The Plan Commission would like to add condition ‘I’ back in that No dispensary shall be established in multiple use. Ms. Wilson had some discussion on condition e but was fine with the condition. With condition J is it covered by L? Also she’s afraid it could be challenged. Planner Zubko stated I is state regulations. The group would like to delete J. She had a question on O, manger needs to be changed to manner. Add something about text and slang not being permitted.

Mr. Nelson is afraid it’s going to start like riverboats and then grow into something big. There was discussion to only allow it as a special use in the M-1 or M-2 district.

Larry Nelson made a motion to approve the text as modified as a special use in the M-1 and M-2 districts. Claire Wilson seconded the motion. All were in favor and this text will be moved onto the Zoning Board of Appeals.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**
14-20: Peaceful Pathways Montessori School: Approved at the 8.19 CB meeting
14-11: Concrete Crushers: Approved at the 8.19 CB Meeting

**CITIZENS TO BE HEARD/ PUBLIC COMMENT** - None

**NEW BUSINESS**

**OLD BUSINESS**
Update on possible changes for Kendall & NaAuSay Township- Planner Zubko stated we had an ad-hoc meeting and it was decided we will have a meeting with developers and then a separate meeting with townships about what is selling or what they think will sell in the future. The meeting with the township will be about what’s good and bad with the existing subdivisions. The special ad-hoc meeting will be at 7am at the Meadowhawk lodge on September 24th with the developers.

Mr. Ashton would like to add we need someone from Oswego, Big Grove and NaAuSay Township.

**ADJOURNMENT**
The next meeting will be on September 24, 2014. Larry Nelson made a motion to adjourn the meeting, Vern Poppen seconded the motion. All were in favor and the meeting was adjourned at 8:35 p.m.

Submitted by,
Angela L. Zubko, Planning & Zoning Manager
Dick Whitfield made a motion, seconded by Dick Thompson to approve the text amendment with the two additions and forward this onto the PBZ Committee. With a roll call vote, 3-2 with two no votes the text amendment will be forwarded. One member would like these connected to a sanitary service and not on septic and the other is just not comfortable with it and has seen some bad operations.

#14-23 DTG Investments LLC
Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. The property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown it is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:

1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

The ZPAC did not have many concerns, the Health Department will be meeting with the petitioner to discuss the septic system and they have met with the building department and know their concerns. The Plan Commission also recommended approval.

Since Mr. Dady was not here in the beginning of the meeting Mr. Werderich swore in the whole ZBA and petitioner so everyone could ask appropriate questions to help aide in the text amendment.
Mr. Greg Dady introduced himself. Mr. Werderich asked about the operation and type of equipment they use. Mr. Werderich asked if there would be storage of waste on this site. Mr. Dady stated if the carpet is wet they throw it out at that specific site and they have an enclosed dumpster.

Walter Werderich opened the meeting for the public hearing. Ms. Clementi asked about odors? Planner Zubko stated she toured their facility and it was very clean and Mr. Dady stated they bring back materials, clean them and store them in the clean facility until returned to the owner. Ms. McKay asked about storage of the building. Planner Zubko stated since we added a condition to the special use to add a waste plan so that will be submitted and included as an exhibit to the approving ordinance.

With no testimony Walter Werderich closed the public hearing.

We went back to the text to approve the text amendment.

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:

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

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP.

Wally Werderich made a favorable recommendation with the above findings of fact and staff’s 4 conditions as listed in the report including the two modifications to the text including 8 conditions.
ORDINANCE NUMBER 2014 -

GRANTING A SPECIAL USE FOR
3485 ROUTE 126
FOR A CLEAN-UP RESTORATION SERVICE/BUSINESS

WHEREAS, DTG Investments LLC, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.93 acre property located on the north side of Route 126, 0.45 miles west of Schlapp Road, commonly known as 3485 Route 126 (PIN#06-09-400-005), in NaAuSay Township, and;

WHEREAS, said petition is to allow the operation of a clean-up restoration service/business; and

WHEREAS, petition #14-22 was approved the same day as a text amendment to allow such a use as a special use in the A-1 Agricultural district; and

WHEREAS, said property is currently zoned A-1 Agricultural with an existing Special Use for the operation of a landscape business; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2007-10 on March 20, 2007; and

WHEREAS, said property is legally described as:

THAT PART OF THE WEST ¼ OF THE SOUTHEAST ¼ OF SECTION 9 AND PART OF THE WEST ¼ OF THE NORTHEAST ¼ OF SECTION 16 ALL IN TOWNSHIP 36N, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE CENTERLINE OF ILLINOIS ROUTE NO. 126 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼ OF SECTION 9; THENCE NORTH 01 DEGREES, 36 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST ¼, 260 FEET; THENCE NORTH 88 DEGREES, 44 MINUTES, 53 SECONDS EAST, 335 FEET; THENCE SOUTH 01 DEGREES, 39 MINUTES, 11 SECONDS EAST, 677.39 FEET TO THE CENTERLINE OF SAID ROAD; THENCE SOUTH 80 DEGREES, 28 MINUTES, 31 SECONDS, WEST ALONG SAID CENTERLINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST ¼; THENCE NORTH 01 DEGREES, 40 MINUTES, 39 SECONDS WEST ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NAAUSAY, KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on September 3, 2014; and

WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The property was previously used for a landscaping business and this new use will be less noticeable as everything takes place inside the buildings including storage of the vehicles.
That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a clean-up restoration service/business in accordance to the submitted Site Plan included as “Exhibit A” attached hereto and incorporated herein subject to the following conditions:

1. Must meet all the conditions of the text amendment:
   a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
   b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
   c. All operations are to take place inside an enclosed structure.
   d. A waste management plan must be submitted and an exhibit to the approving ordinance. (Exhibit B)
   e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings. (Exhibit C)
   f. No materials that are brought in can be burned on this site.
   g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
   h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
State of Illinois
County of Kendall

2. No outdoor storage except employee’s cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of September, 2014.

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman
SITE INFORMATION

PETITIONERS  Critter Care Veterinary Services, Ltd.

LANDOWNERS  Kim K. Peterson TR

LOCATION  On the west side of Eldamain Road, 0.45 miles south of Route 34
           4287 Eldamain Road, Plano

TOWNSHIP  Little Rock Township

PARCEL #  01-25-200-006

SIZE  3.9 Acres

EXISTING LAND USE  Veterinary Clinic

ZONING  A-1 Agricultural

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Rural Residential; Plano: Estate Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Eldamain Road is a major collector roadway</td>
</tr>
<tr>
<td>Trails</td>
<td>There is a trail proposed along the east side of the roadway.</td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>There is no floodplain or wetland on the property</td>
</tr>
</tbody>
</table>

REQUESTED ACTION  Approval of an A-1 Special Use Permit to operate a veterinary establishment, but not including the boarding of animals except for overnight stays for medical treatment and observation.
APPLICABLE §7.01.D.42 (A-1 Agricultural Special Uses - Veterinary Establishment)
REGULATIONS §11.01 (Parking Regulations)
§12.08 (Agricultural Sign Regulations)
§13.08 (Special Uses)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1; Plano, B-4</td>
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<tr>
<td>South</td>
<td>Agricultural/Equestrian Facility</td>
<td>A-1</td>
<td>Rural Residential</td>
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<tr>
<td>East</td>
<td>Agricultural</td>
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<tr>
<td>West</td>
<td>Agricultural</td>
<td>Plano</td>
<td>Plano</td>
<td>Plano</td>
</tr>
</tbody>
</table>

PHYSICAL DATA

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

- Fox River INAI Site
- Osprey (Pandion haliaetus)
- River Redhorse (Moxostoma carinatum)

An IDNR staff member has evaluated the information and concluded that adverse effects are unlikely, therefore, the consultation is terminated.

NATURAL RESOURCES INVENTORY

An NRI is not required as no new structures will be built on site.

ACTION SUMMARY

TOWNSHIP
Little Rock

MUNICIPALITY
Plano

Received an email from the City of Plano on 8.14.14 that states that the City of Plano has no objections to Petition #14-26.

ZPAC 9.2.14

There was some discussion on the septic system and that this will only be for small animals like cats and dogs, not large animals. The Committee recommended approval.

REQUESTED ACTION

GENERAL

Approval of an A-1 Special Use Permit to operate a veterinary establishment, but not including the boarding of animals except for overnight stays for medical treatment and observation. The petitioner would like to do boarding in the future but a variance cannot be requested for a use so they would need to rezone to commercial.

BACKGROUND

Apparently the veterinary clinic has been running at this site for some time and would like to become legal since they are becoming larger.

EMPLOYEES

Staff would like to know how many employees work on site to calculate parking. The petitioner has stated there are 2 employees. The Health Department will need to look at the septic to determine how big it is and what the soil is like to allow for calculations. The Health Department also will need to ensure that it is protected from animal/vehicle traffic. The water system may qualify as a non-community if there are enough people at this site.
PARKING  Staff is waiting to hear how large the building is to calculate parking. The ratio would be one (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area. Looking at an aerial there seems to be 26 parking stalls provided including 1 handicapped parking stall but staff is not sure the size of the stalls. A plat of survey is requested.

R.O.W.  Staff will defer to the Highway Department if ROW will be requested to be dedicated at this time.

SIGNAGE  No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit.

HOURS OF OPERATION  Currently the hours of operation are from 8-6 on weekdays and 8-12 on Saturdays. The hours might change to 8-7pm on weekdays and 8-2pm on Saturday.

ACCESS  The property currently has an access point off of Eldamain Road and also access through the property to the north, which is where Kim lives.

BUILDING  The petitioner will need to contact the Little Rock Fox Fire Protection District to determine if this building needs to be sprinkled. No new buildings are proposed at this time. A change of occupancy permit will be required for all structures that will be used for the proposed special use. The current structures are classified as agricultural buildings, utility and miscellaneous occupancy classification U. The petitioner will be required to provide stamped and sealed drawings prepared by a design professional indicating the new proposed occupancy classifications for each structure and certifying compliance with the 2012 International Building Code, 2012 Energy Conservation Code, 2011 National Electric Code, IL State Plumbing Code, 2012 International Mechanical Code and IL accessibility code.

STORMWATER  Since there are no proposed improvements a stormwater permit is not 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. Staff has answered as follows:

That the establishment, maintenance, or operation of the special use will not
be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed special use for continuation of the veterinary office and clinic that is currently located on Eldamain Road continues a long agricultural use. It presents no change in the character of the neighborhood or use of the property and is beneficial to the large residential population needing critical animal care surrounding the area and potential boarding of animal.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. There is adequate distance between the existing special use and the expansion thereof and surrounding properties. As is pointed out in the current LRMP of Kendall County in its Agricultural Easement Kendall County has a long and rich history in agriculture and it is a primary objective of the Kendall County LRMP to encourage and continue the expansion of agriculture and agricultural related uses.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The Special use conforms to all regulations of the Kendall County Agricultural Ordinance.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Special use requested is consistent with the LRMP, Agricultural Special use Ordinance and the trend in development along major corridors such as Eldamain Road in the area. The provision of quality veterinary care is an asset to the agricultural and residential community in Kendall County. It encourages development by offering qualified veterinary services.

RECOMMENDATION

Staff would recommend approval and the following conditions be placed on the special use, if approved:
1. A recent plat of survey be drawn showing the parking lot with dimensions.

ATTACHMENTS
1. Old Plat of Survey
2. ZPAC Meeting minutes on 9.2.14
3. RPC Meeting minutes on 9.24.14

G:\REPORTS\2014\14-26 Critter Care Veterinary (A-1 Special Use)SUHO (9.25.14).docx
Prepared by Angela L. Zubko, Planning & Zoning Manager
Page 4 of 4
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
September 2, 2014 – Meeting Minutes

Planner Angela Zubko called the meeting to order at 9:03 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Aaron Rybski – Health Department
Brian Jahp – Sheriff’s Office
Angela Zubko – PBZ Planning & Zoning Manager

Absent:
Fran Klaas- County Highway Department
Greg Chismark – Wills Burke Kelsey
Scott Gryder – PBZ Member
Brian Holdiman- Building Inspector
Jason Petit- Forest Preserve

Mary Ludemann- Plainfield Fire Protection District

Also present: Jim Hively & Attorney Daniel Kramer

AGENDA
A motion was made by Aaron Rybski to approve the agenda as written, Brian Jahp seconded the motion. All were in favor and the motion carried.

MINUTES
Megan Andrews made a motion, seconded by Brian Jahp, to approve the August 4, 2014 meeting minutes as written. All were in favor and the motion carried.

PETITIONS

#14-26 Critter Care
Planner Angela Zubko did an overview of the request stating the property is located at 4287 Eldamain Road on the west side of Eldamain Road about 0.45 miles south of Route 34. The property is about 3.9 acres and the petitioner is requesting an A-1 Special use to operate a veterinary establishment, but not including the boarding of animals except for overnight stays for medical treatment and observation. The petitioner would like to do boarding in the future but a variance cannot be requested for a use so they would need to rezone to commercial. The veterinary clinic has been running at this site for some time and would like to become legal since they are becoming larger. The petitioner has stated there are 2 employees. Staff is waiting to hear how large the building is to calculate parking. The ratio would be one (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area. Looking at an aerial there seems to be 26 parking stalls provided including 1 handicapped parking stall but staff is not sure the size of the stalls. A plat of survey is requested. The property currently has an access point off of Eldamain Road and also access through the property to the north, which is where Kim, the petitioner/owner lives. An EcoCat was filed and there are some endangered species in the vicinity so IDNR will be contacting the petitioner within 30 days. The Village of Plano has not objection to the special use and we have not heard from the Little Rock Township Board yet. The building inspector had a few comments and stated that a change of occupancy permit will be required for all structures that will be used for the proposed special use. The current structures are classified as agricultural buildings, utility and miscellaneous occupancy classification U. The petitioner will be required to provide stamped and sealed drawings prepared by a design professional indicating the new proposed occupancy classifications for each structure and certifying compliance with the 2012 International Building Code, 2012 Energy Conservation Code, 2011 National Electric Code, IL State Plumbing Code, 2012 International Mechanical Code and IL accessibility code. Also the petitioner will need to contact the Little Rock Fox Fire Protection District to determine if this building needs to be sprinkled. Since there are no proposed improvements a stormwater permit is not required.
Staff would recommend approval and the following conditions be placed on the special use, if approved:

1. A recent plat of survey be drawn showing the parking lot with dimensions.
2. If any future expansion is proposed a major amendment to the special use will need to be filed.

Megan Andrews had no comments at this time

Brian Jahp had no comments at this time.

Aaron Rybski stated the Health Department will need to look at the septic to determine how big it is and what the soil is like to allow for calculations. The Health Department also will need to ensure that it is protected from animal/vehicle traffic. The water system does not qualify as a non-community. Mr. Kramer stated this is only small animals like cats and dogs and this went to the Little Rock Township last week. There are 2 part time employees and the owner.

With no further comments Megan Andrews made a motion, seconded by Brian Jahp to approve the special use and forward the petition onto the Plan Commission meeting in September. All were in favor and the motion carried.

#14-28 Hively Landscaping

Planner Angela Zubko did an overview of the request stating the property is located at 1451 Johnson Road on the north side of Johnson Road about 1 mile west of Ridge Road. The property is about 10 acres and the petitioner is requesting an A-1 Special use to operate a landscape business. They currently operate out of Plainfield, IL and have been in operation for approximately 10 years. Their business focuses on light commercial and residential patio and landscapes. They will not meet with customers or perform any retail operations at this time. They employ about 15 employees consisting of 1 sales staff, 1 landscape architect, 1 for general office and about 8-12 work force/laborers. The work force arrives at 7am, load company trucks and disperse to job sites returning at the end of the day. The employee parking will be behind the buildings in the northwest corner of the gravel area. The hours of operation are from 7am to 4:30pm Monday through Friday with an occasional Saturday. The parking ratio would be one (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise. The site plan depicts 14 employee stalls and 4 office parking stalls. That will exceed the parking requirement. The special use in the Zoning Ordinance states that: All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit. The petitioner proposes to store most of the company vehicles indoors but does show some overflow parking outside. The landscape materials will be stored on the northeast corner of the proposed gravel area. Staff would like to know what the plan is for landscape waste, if it will be brought back on site. Staff will place a condition that no landscape waste generated off the property can be burned on this site. The petitioner will not be living in the house. Staff would like to know what it will be used for. Staff is waiting to hear back from the Village of Plainfield with regards to the roadway as a condition for a landscape business is: The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County’s LRMP unless otherwise approved in writing by the agency having jurisdiction over said Highway. The Village of Plainfield has jurisdiction over the roadway. The property currently has an access point off of Johnson which would remain the same. The building department has stated that a change of occupancy permit will be required for the metal arena and barn structure. The project is on the border line on requiring stormwater detention.

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

1. No landscape waste generated off the property can be burned on this site.
2. Submit information on storm water calculations.
3. Hours of operation will be from 7am to 4:30pm Monday thru Friday and an occasional Saturday.

Megan Andrews asked about the office and the petitioner has stated it would be a temporary trailer but will be in an existing building or a new building. Megan stated an NRI has not submitted for an NRI yet.
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois

Meeting Minutes of September 24, 2014
(Unofficial until Approved)

Chairman Bill Ashton called the meeting to order at 7:17 pm. (We started late due to a meeting

ROLL CALL
Members Present: Chair Bill Ashton, Larry Nelson, Vern Poppen, Claire Wilson and Budd Wormley
Others present: Planning & Zoning Manager Angela Zubko
Members Absent: Tom Casey Brian Leonard, Tim Sidles & 2 vacancies (Oswego Township & Big Grove Township)
In the Audience: Attorney DJ Kramer, Matt Hively, Chris Mazzoni, Michele & John Nitzki

APPROVAL OF AGENDA
Budd Wormley a motion to approve the agenda as written. Larry Nelson seconded the motion. All were in favor and the agenda was approved

APPROVAL OF MINUTES
Larry Nelson made a motion to approve the minutes from August 27, 2014 meeting, Claire Wilson seconded the motion. All were in favor and the minutes were approved.

SPECIAL RECOGNITION
Tim Sidles- 6 years (Appointed on 2.19.08)

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

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

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

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

Attorney DJ Kramer is in attendance for questions or comments. Planner Zubko stated she has not heard from any neighbors on complaints or questions.

Claire Wilson stated this has been running for awhile so asked which buildings the operation has been running out of? Mr. Kramer stated this has been in operation at least 3 years and they are operating out of the middle building. Claire asked if they’ve been up and running without a permit if it was in violation? Planner Zubko stated they’ve come in voluntarily. Claire feels it is onerous to update the building codes and sprinkler. Just because it’s not up to code it may still be structurally sound. There was discussion that updating these old structures is onerous. Little Rock Fox does not require sprinkler systems so that should not be an issue. Mr. Nelson stated the Board can make exemptions. Claire would like to see a recommendation to not have to follow the current building codes but an inspection for life safety violations and verify it’s structurally sound.

Claire Wilson made a motion to approve the special use with the recommendation in lieu of stamped drawings the petitioner would be permitted to acquire a building inspection stating the building is structurally sound and no life safety issues exist. Larry Nelson seconded the motion. With a roll call vote all were in favor and this will move onto the next SUHO meeting next Monday.

#14-28 Hively Landscaping
Planner Angela Zubko did an overview of the request stating the property is located at 1451 Johnson Road on the north side of Johnson Road about 1 mile west of Ridge Road. The property is about 10 acres and the petitioner is requesting an A-1 Special use to operate a landscape business. They currently operate out of Plainfield, IL and have been in operation for approximately 10 years. Their business focuses on light commercial and residential patio and landscapes. They will not meet with customers or perform any retail operations at this time. They employ about 15 employees consisting of 1 sales staff, 1 landscape architect, 1 for general office and about 8-12 work force/laborers. The work force arrives at 7am, load company trucks and disperse to job sites returning at the end of the day. The employee parking will be behind the buildings in the northwest corner of the gravel area. The hours of operation are from 7am to 4:30pm Monday through Friday with an occasional Saturday. The parking ratio would be one (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise. The site plan depicts 14