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.
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 is 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