



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, June 14, 2017

7:00 PM

Yorkville City Hall Council Chambers

800 Game Farm Road

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous meeting minutes: May 10, 2017

Citizen's Comments

Public Hearings

1. **PZC 2017-06** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment for consideration of updates to "Chapter 18: Telecommunication Tower and Antenna Regulations" of the United City of Yorkville Zoning Ordinance regarding small cell antennas.

Old Business

New Business

1. **PZC 2017-06** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment for consideration of updates to "Chapter 18: Telecommunication Tower and Antenna Regulations" of the United City of Yorkville Zoning Ordinance regarding small cell antennas.

Action Item

Text Amendment

2. **PZC 2017-05** Semper Fi Land, Inc., petitioner, has filed an application with Kendall County requesting Special Use authorization to operate a waste composting facility. The property is located at 1996 Cannonball Trail in Bristol Township approximately 0.5 miles south of Galena Road.

- Action Item

1.5 Mile Review

Additional Business

1. City Council Action Updates

The following items were presented to the City Council on May 23, 2017

- a. **PZC 2017-04** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to two Chapters of the United City of Yorkville Zoning Ordinance including “Chapter 2: Definitions” and “Chapter 6: Permitted and Special Uses.” The amendment to Chapter 2 defines a health and fitness club/center. The Chapter 6 amendment will provide that health and fitness clubs/centers will be permitted in the B-2 Retail Commercial District, B-3 General Business District, B-4 Service Business District and the M-1 Limited Manufacturing District.

Action – Motion approved by City Council

3. Kendall County Action Update on 1.5-mile Reviews

The following item was presented to the Kendall County Board on May 2, 2017

- a. **PZC 2016-02** Jet’s Towing and Services, petitioner, has filed an application with Kendall County requesting a Zoning Map Amendment (rezoning) from A-1 Agricultural to M-1 Limited Manufacturing. The property is located at 790 Eldamain Road in Bristol Township and is currently being used for a towing and truck storage area.

Action – Motion approved by Kendall County Board

4. Yorkville/Kendall County Future Land Use Plan Differences

Adjournment

DRAFT

PLANNING & ZONING COMMISSION
City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, May 10, 2017 7:00pm

Planning & Zoning Commission Members in Attendance:

Bill Gockman	Jeff Olson
Don Marcum	Randy Harker
Reagan Goins	

Absent: Richard Vinyard, Deborah Horaz

City Staff

Jason Engberg, Senior Planner

Other Guests

Catherine Rajcan, Vitosh Court Reporting

Meeting Called to Order

Planning and Zoning Commission Chairman Randy Harker called the meeting to order at 7:00pm.

Roll Call

Roll call was taken and a quorum was established.

Previous Meeting Minutes March 8, 2017

The minutes of the meeting were approved on a motion and second by Commissioners Gockman and Olson, respectively.

Roll call: Goins-yes, Marcum-yes, Olson-yes, Gockman-yes, Harker-yes. Passed 5-0.

Citizen's Comments None

Public Hearings

The Public Hearing was opened at 7:03pm on a motion by Ms. Goins and second by Mr. Gockman.

Roll call: Marcum-yes, Olson-yes, Gockman-yes, Goins-yes, Harker-yes. Passed 5-0.

Chairman Harker read the details of the Public Hearing as follows:

1. **PZC 2017-04** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to two Chapters of the United City of Yorkville Zoning Ordinance including "Chapter 2: Definitions" and "Chapter 6: Permitted and Special Uses." The amendment to Chapter 2 defines a health and fitness club/center. The Chapter 6 amendment will provide that health and fitness clubs/centers will be permitted in the B-2 Retail Commercial District, B-3

General Business District, B-4 Service Business District and the M-1 Limited Manufacturing District.

(See Court Reporter's Transcript)

A motion was made at 7:07pm to close the Public Hearing. Motion and second by Commissioners Goins and Marcum, respectively.
Roll call: Marcum-yes, Olson-yes, Gockman-yes, Goins-yes, Harker-yes. Passed 5-0.

Old Business None

New Business

1. **PZC 2017-04** (See description above)

Chairman Harker commented that the amendments would give more clarity to the ordinance. The Commissioners had no further comments or questions.

Action Item

Mr. Gockman made the following motion which was seconded by Ms. Goins:
In consideration of testimony presented during a Public Hearing on May 10, 2017, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated May 3, 2017.

Roll call: Olson-yes, Gockman-yes, Goins-yes, Marcum-yes, Harker-yes. Passed 5-0.

2. Appointment of a Vice-Chairperson for the Planning and Zoning Commission: Chairman Harker nominated Ms. Goins to be the Vice-Chairman which was approved by a unanimous voice vote.

Additional Business

1. City Council Action Updates

Mr. Engberg said PZC 2016-04, text amendment to the manufacturing district in relation to the noise ordinance, was presented to the full Council on April 25, 2017 and was approved by them. He said equipment to measure noise levels is currently being tested.

Adjournment

There was no further business and the meeting was adjourned at 7:13pm.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION MEETING
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, May 10, 2017
7:00 p.m.

1 PRESENT:

2 Mr. Randy Harker, Chairman;

3 Mr. Bill Gockman,

4 Mr. Donald Marcum,

5 Mr. Jeff Olson,

6 Ms. Reagan Goins.

7

8 ALSO PRESENT:

9 Mr. Jason Engberg, Senior Planner;

10 Marlys Young, Minute Taker.

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12 REPORTED BY:

13 MS. CATHERINE ARMBRUST RAJCAN,
14 CSR, RMR, RDR, CRR, CRC.

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1 (The following
2 proceedings were had in
3 public hearing:)

4 CHAIRMAN HARKER: I call this May 10,
5 2017 Planning Commission meeting to order. I'm
6 Chairman Harker, and I will be presiding over
7 tonight's meeting.

8 Roll call.

9 MS. YOUNG: Gockman.

10 COMMISSIONER GOCKMAN: Present.

11 MS. YOUNG: Goins.

12 COMMISSIONER GOINS: Present.

13 MS. YOUNG: Marcum.

14 COMMISSIONER MARCUM: Here.

15 MS. YOUNG: OLSON.

16 COMMISSIONER OLSON: Here.

17 MS. YOUNG: Vinyard is absent.

18 Harker.

19 CHAIRMAN HARKER: Here.

20 MS. YOUNG: Thank you.

21 CHAIRMAN HARKER: May I have a motion to
22 approve the meeting minutes from the March 8th,
23 2017 Planning and Zoning Commission meeting?

24 COMMISSIONER MARCUM: So moved.

1 COMMISSIONER OLSON: Second.

2 CHAIRMAN HARKER: Is there any questions
3 or amendments that we'd like to make to the
4 meeting minutes?

5 (No response.)

6 CHAIRMAN HARKER: Seeing there's none,
7 can I get a roll call vote on the motion to
8 approve the minutes as is?

9 MS. YOUNG: Goins.

10 COMMISSIONER GOINS: Yes.

11 MS. YOUNG: Marcum.

12 COMMISSIONER MARCUM: Yes.

13 MS. YOUNG: Olson.

14 COMMISSIONER OLSON: Yes.

15 MS. YOUNG: Gockman.

16 COMMISSIONER GOCKMAN: Yes.

17 MS. YOUNG: Harker.

18 CHAIRMAN HARKER: Yes.

19 MS. YOUNG: Thank you.

20 CHAIRMAN HARKER: All right.

21 MR. ENGBERG: Public hearing.

22 CHAIRMAN HARKER: Seeing there's nobody
23 here, we're going to skip over the citizen
24 comments tonight and move on to the public

1 petitioner will make a presentation; those who
2 want to speak for and against it; and then any
3 questions that we have from the Plan
4 Commission -- Plan Commissioners to the
5 petitioner.

6 May I have a motion to open public
7 hearing on petition No. PZC 2017-04?

8 COMMISSIONER GOINS: So moved.

9 COMMISSIONER GOCKMAN: Second.

10 CHAIRMAN HARKER: Awesome.

11 Roll call vote on the motion,
12 please.

13 MS. YOUNG: Marcum.

14 COMMISSIONER MARCUM: Yes.

15 MS. YOUNG: Olson.

16 COMMISSIONER OLSON: Yes.

17 MS. YOUNG: Gockman.

18 COMMISSIONER GOCKMAN: Yes.

19 MS. YOUNG: Goins.

20 COMMISSIONER GOINS: Yes.

21 MS. YOUNG: Harker.

22 CHAIRMAN HARKER: Yes.

23 PZC 2017-04, the United City of
24 Yorkville, Kendall County, Illinois, Petitioner,

1 is proposing a text amendment to two Chapters of
2 the United City of Yorkville Ordinance including
3 "Chapter 2: Definitions," and "Chapter 6:
4 Permitted and Special Uses." The amendment to
5 Chapter 2 defines a health and fitness center --
6 club/center, and Chapter 6 amendment will provide
7 that health and fitness clubs/centers will be
8 permitted in B-2 Retail Commercial District, B-3
9 General Business District, B-4 Service Business
10 District, and M-1 Limited Manufacturing District.

11 Staff, you ready to --

12 MR. ENGBERG: Yes. I'm proposing it, so
13 I'll give a brief explanation on what we're doing
14 here. It's going to be a text amendment to the
15 zoning ordinance.

16 Back in 2015 the Plan Commission
17 amended the zoning ordinance to allow fitness
18 clubs in the M-1 district. The background being
19 a cross-fit type of use wanted to go into an M-1
20 area; and the zoning ordinance had health centers
21 or gyms in the B-2, B-3, B-4.

22 It was amended so, and I think what
23 really was supposed to be amended, the way it was
24 supposed to go down is just adding that to M-1.

1 What ended up happening was fitness club got
2 added as a new use, and then was only allowed to
3 be M-1.

4 Over the past few months I've been
5 getting some commercial permit applications for a
6 studio, like a yoga studio or cross-fit in the
7 business districts; and I went to the land use
8 table and said, is this a fitness center or a
9 health club?

10 There's no definition in the
11 business district. So I'm going, okay, this
12 should be cleaned up a little bit.

13 We already allow cross -- cross-fits
14 are allowed in the business district, allowed in
15 M-1 and vice versa with health clubs, studio,
16 things like that. So we were just -- this is
17 just really a cleanup to make sure it's a lot
18 easier for anybody who wants to open a business
19 to read, and us for permitting, to understand,
20 yes, they're allowed everywhere.

21 I will say that when we took this to
22 EDC, there was some mention of outright
23 permitting said uses in the M-1, even though it
24 was approved a year ago -- or two years ago.

1 I did some investigating, looking up
2 other municipalities in the region, and it's
3 pretty standard that these M-1 -- some people
4 even M-2 -- allow gyms and cross-fit centers.
5 It's one of those things for those bigger areas,
6 those bigger spaces, even like, you know, the
7 indoor golf stuff, baseball training, they need
8 those big spaces.

9 And a lot of M-1 uses have vacant
10 space. So it kind of helps the business users to
11 make sure they're filling their vacancies. And
12 it just seems like, yeah, many neighborhood
13 municipalities, the EDC overall as a group
14 decided, yes, just leave it permitted, B-2, B-3,
15 B-4, M-1.

16 So that's the story behind it.
17 Staff's just recommending the zoning ordinance
18 change. And I'd be happy to answer any -- oh, we
19 added a health and fitness club/center as a
20 combined definition, went over it with Krysti,
21 the new Development Director, and our city
22 attorney to make sure it was encompassing of all
23 these types of uses.

24 So now we have a definition; it's

1 very clear as one line in our land use table. So
2 hopefully it will be clear to everybody that this
3 is how we handle things.

4 So...I'll be happy to answer any
5 questions if you guys have them.

6 CHAIRMAN HARKER: The only question I
7 have -- I guess you started without saying
8 that -- we just made a change; right?

9 MR. ENGBERG: Yes, 2015. Yep.

10 CHAIRMAN HARKER: Awesome.

11 MR. ENGBERG: It was just -- I think
12 that was the original intent of the -- but it was
13 coded as two different uses.

14 CHAIRMAN HARKER: Okay.

15 MR. ENGBERG: Going back and reading the
16 old planner's notes, it was for a cross-fit and
17 that type of center to be just allowed; it just
18 got coded differently.

19 CHAIRMAN HARKER: Yeah. Does anybody
20 else have any questions?

21 COMMISSIONER GOINS: No.

22 COMMISSIONER GOCKMAN: No.

23 CHAIRMAN HARKER: Okay. Since all the
24 public testimony regarding this petition has been

1 taken, may I have a motion to close the taking of
2 testimony and this public hearing?

3 COMMISSIONER GOINS: So moved.

4 COMMISSIONER MARCUM: Second.

5 CHAIRMAN HARKER: Roll call vote on the
6 motion, please.

7 MS. YOUNG: Marcum.

8 COMMISSIONER MARCUM: Yes.

9 MS. YOUNG: Olson.

10 COMMISSIONER OLSON: Yes.

11 MS. YOUNG: Gockman.

12 COMMISSIONER GOCKMAN: Yes.

13 MS. YOUNG: Goins.

14 COMMISSIONER GOINS: Yes.

15 MS. YOUNG: Harker.

16 CHAIRMAN HARKER: Yes.

17 Okay. Fantastic.

18 (Which were all the
19 proceedings had in the
20 public hearing portion
21 of the meeting.)

22 ---o0o---

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1 STATE OF ILLINOIS)

2 COUNTY OF DU PAGE)

3 I, CATHERINE A. RAJCAN, a Certified
4 Shorthand Reporter of the State of Illinois, do
5 hereby certify that I reported stenographically by
6 means of machine shorthand the proceedings had at
7 the hearing aforesaid, thereafter reduced to
8 typewriting via computer-aided transcription under
9 my personal direction, and that the foregoing is a
10 true, complete and correct transcript of the
11 proceedings of said hearing as appears from my
12 stenographic notes so taken and transcribed under
13 my personal direction.

14 I further certify that my
15 certificate attached hereto applies to the
16 original transcript and copies thereof, signed and
17 certified under my hand only. I assume no
18 responsibility for the accuracy of any reproduced
19 copies not made under my control or direction.

20 IN WITNESS WHEREOF, I do hereunto
21 set my hand at Wheaton, Illinois, this 20th day of
22 May, 2017.

23 _____
Certified Shorthand Reporter

24 C.S.R. Certificate No. 084-002503.

Vitosh Reporting Service

815.993.2832 cms.vitosh@gmail.com

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Memorandum

To: Planning and Zoning Commission
From: Erin Willrett, Assistant City Administrator
CC: Krysti J. Barksdale-Noble, Community Development Director
Date: April 26, 2017
Subject: **PZC 2017-06** – Text Amendment to Chapter 18 Telecommunication and Antenna Regulations for Small Cell Antennas

Summary

Consideration of a text amendment to Chapter 18: Telecommunication and Antenna Regulations of the Zoning Ordinance regarding Small Cell Antennas.

Background

Municipalities throughout Illinois have seen a proliferation of small cell antenna applications from wireless/phone companies for both an array of improvements to existing utility poles and new poles within the right of way. Driven by the vast increase in data usage on cell phones, companies around the country are trying to find cheaper, easier ways to increase network capacity. Below are links to a sampling of articles regarding the increase of small cell antennas and government regulation of them:

- <http://www.fiercewireless.com/wireless/mobilitie-downplays-small-cell-concerns-says-sprint-really-spending-network-upgrades>
- <http://www.rcrwireless.com/20170322/network-infrastructure/small-cell-siting-update-tag4>

The City received two small cell tower applications from a company over the past few months. The initial request was for an 80' wooden monopole within the right-of-way adjacent to City Hall. This application was denied for a variety of reasons, and the company reapplied for an eight foot (~8') antenna to be attached to an existing ComEd power pole on Game Farm Road, southwest of City Hall. This application was reviewed by staff and processed in accordance with the current ordinance, with minimal issue. This application would have been processed in a substantially similar matter under the ordinance referenced below, and staff did not have a legal basis to withhold issuance of the permit for the work. The staff let the applicant know that future work would have to be subject to the new ordinance.

The Illinois Municipal League (IML) published a model Small Cell Antenna/Tower Siting Ordinance, addressing regulations for the expanding use of municipal rights-of-way. Staff took the model and incorporated the recommendations for the Small Cell Antennas into Chapter 8 Construction of Utility Facilities in Rights in Title 7: Way of the Public Ways and Property, as well as Chapter 18 Telecommunication and Antenna Regulations of Title 10: Zoning in Yorkville's Codified Ordinances.

Both of these ordinances were reviewed by the Public Works Committee on May 16th with favorable recommendations and now the Planning and Zoning Commission will be reviewing Chapter 18 for consideration of its impact to the Zoning Ordinance as a result of the proposed a text amendment. Final consideration of both amended chapters will be made by the City Council at an upcoming meeting. Staff is providing both proposed revised chapters to the Planning and Zoning Commission so that a full understanding of the changes are presented for your consideration, however, only Chapter 18 will be voted upon.

In the attached red-lined version of Chapter 8, staff added several definitions per the IML recommended ordinance. An “Alternative Antenna Structure” definition was added. The Alternative Antenna Structure is what was used to place the newest small cell tower within the City, which was allowable under the current version of the Ordinance. A definition was also added for “Monopole” which was what the company that pursued the City originally applied for a permit to construct. Within Chapter 8, Section 15, Location of Facilities, Free Standing Facilities – Above Ground, staff added nine additional requirements for above ground free standing facilities per the IML. They range from the number of allowable small cell facilities on an alternative antenna structure, to the height of the structures and/or antenna and also the color of the new structure and/or antenna. All of the items that were added limit the small cell companies from installing a number of poles that are unsightly and tall. All other items and processes within the Chapter remain the same. A permit is required for construction and will be reviewed by staff and the variance process also remains the same.

The changes to Chapter 18, which are also red-lined, include an updated definition of “Antenna” to make it more general so that it includes other Antenna’s other than those regulated by the FCC. The definitions were also cleaned up to eliminate items that are no longer relevant. The Ordinance also cross references Chapter 8 if any Antenna being constructed is located within the public right of way.

Recommendation

Staff recommends approval of the updates to Chapter 18 Telecommunication and Antenna Regulations as it relates to Small Cell Antennas as it establishes a consistent measurement requirement for distances in-between the antennas and/or towers, regardless if it is on private property or public right of way.

Proposed Motion for Amendment

In consideration of testimony presented during a Public Hearing on June 14, 2017, the Planning and Zoning Commission recommends approval to the City Council of a request to amend Chapter 18 Telecommunication and Antenna Regulations of the United City of Yorkville Zoning Ordinance as it relates to Small Cell Antennas presented by staff in a memorandum dated April 26, 2017 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Attachments

1. Title 10: Zoning Chapter 18: Telecommunication Tower and Antenna Regulations with redlined revisions.
2. Title 7: Public Ways and Property Chapter 8: Construction of Utility Facilities in Rights of Way with redlined revisions.

Chapter 8

CONSTRUCTION OF UTILITY FACILITIES IN RIGHTS OF WAY

[7-8-1: PURPOSE AND SCOPE:](#)

[7-8-2: DEFINITIONS:](#)

[7-8-3: ANNUAL REGISTRATION REQUIRED:](#)

[7-8-4: PERMIT REQUIRED; APPLICATIONS AND FEES:](#)

[7-8-5: ACTION ON PERMIT APPLICATIONS:](#)

[7-8-6: EFFECT OF PERMIT:](#)

[7-8-7: REVISED PERMIT DRAWINGS:](#)

[7-8-8: INSURANCE:](#)

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[7-8-11: PERMIT SUSPENSION AND REVOCATION:](#)

[7-8-12: CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS:](#)

[7-8-13: GENERAL CONSTRUCTION STANDARDS:](#)

[7-8-14: TRAFFIC CONTROL:](#)

[7-8-15: LOCATION OF FACILITIES:](#)

[7-8-16: CONSTRUCTION METHODS AND MATERIALS:](#)

[7-8-17: VEGETATION CONTROL:](#)

[7-8-18: REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES:](#)

[7-8-19: CLEANUP AND RESTORATION:](#)

[7-8-20: MAINTENANCE AND EMERGENCY MAINTENANCE:](#)

[7-8-21: VARIANCES:](#)

[7-8-22: PENALTIES:](#)

[7-8-23: ENFORCEMENT:](#)

7-8-1: PURPOSE AND SCOPE:  

A. Purpose: The purpose of this chapter is to establish policies and procedures for constructing facilities on rights of way within the city's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city rights of way and the city as a whole.

B. Intent: In enacting this chapter, the city intends to exercise its authority over the rights of way in the city and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including, without limitation:

1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. Prevent interference with the facilities and operations of the city's utilities and of other utilities lawfully located in rights of way or public property;
4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
5. Protect against increased storm water runoff due to structures and materials that increase impermeable surfaces;
6. Preserve the character of the neighborhoods in which facilities are installed;
7. Preserve open space, particularly the tree lined parkways that characterize the city's residential neighborhoods;
8. Prevent visual blight from the proliferation of facilities in the rights of way; and
9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

C. Facilities Subject To This Chapter: This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights of way within the jurisdiction of the city. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

D. Franchises, Licenses, Or Similar Agreements: The city, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the city rights of way. Utilities that are not required by law to enter into such an agreement may request that the city enter into such an agreement. In such an agreement, the city may provide for terms and conditions inconsistent with this chapter.

E. Effect Of Franchises, Licenses, Or Similar Agreements:

1. Utilities Other Than Telecommunications Providers: In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the city, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
2. Telecommunications Providers: In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the city and any telecommunications provider, the provisions of such franchise, license or similar

agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

F. Conflicts With Other Chapters: This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

G. Conflicts With State And Federal Laws: In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.

H. Sound Engineering Judgment: The city shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the city so determines. Nothing herein shall be construed to limit the ability of the city to regulate its rights of way for the protection of the public health, safety and welfare. (Ord. 2007-97, 12-18-2007)

7-8-2: DEFINITIONS:

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Illinois administrative code section 530.30, unless the context clearly requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

ALTERNATIVE ANTENNA STRUCTURE: An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a City-owned infrastructure. Designed to shield, conceal or disguise the presence of antennas or towers and blend with the surrounding setting. Alternative structures may include, but are not limited to, unobtrusive architectural features on new or existing structures, clock towers, flagpoles and church steeples.

ANSI: American National Standards Institute.

ANTENNA: Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

ASTM: American Society for Testing and Materials.

APPLICANT: A person applying for a permit under this chapter.

BACKFILL: The methods or materials for replacing excavated material in a trench or pit.

BORE OR BORING: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

CABLE OPERATOR: That term as defined in 47 USC 522(5).

CABLE SERVICE: That term as defined in 47 USC 522(6).

CABLE SYSTEM: That term as defined in 47 USC 522(7).

CARRIER PIPE: The pipe enclosing the liquid, gas or slurry to be transported.

CASING: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

CITY: The united city of Yorkville, Illinois.

CITY-OWNED INFRASTRUCTURE: Infrastructure in public right-of-way within the boundaries of the city, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the City.

CLEAR ZONE: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO "Roadside Design Guide".

COATING: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

CODE: The municipal code of the united city of Yorkville, Illinois.

CONDUCTOR: Wire carrying electrical current.

CONDUIT: A casing or encasement for wires or cables.

CONSTRUCTION OR CONSTRUCT: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

COVER: The depth of earth or backfill over buried utility pipe or conductor.

CROSSING FACILITY: A facility that crosses one or more right of way lines of a right of way.

DIRECTOR OF PUBLIC WORKS: The city director of public works or his or her designee.

DISRUPT THE RIGHT OF WAY: For the purposes of this chapter, any work that obstructs the right of way or causes a material adverse effect on the use of the right of way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

DISTRIBUTED ANTENNA SYSTEM (DAS): A type of personal wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally serves multiple

characters.

EMERGENCY: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right of way or immediate maintenance required for the health and safety of the general public served by the utility.

ENCASEMENT: Provision of a protective casing.

ENGINEER: The city engineer or his or her designee.

EQUIPMENT: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

EXCAVATION: The making of a hole or cavity by removing material, or laying bare by digging.

EXTRA HEAVY PIPE: Pipe meeting ASTM standards for this pipe designation.

FACILITY: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights of way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the city.

FREESTANDING FACILITY: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

FRONTAGE ROAD: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

HAZARDOUS MATERIALS: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the city engineer to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

HIGHWAY: A specific type of right of way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

HIGHWAY CODE: The Illinois highway code, 605 Illinois Compiled Statutes 5/1-101 et seq., as amended from time to time.

HOLDER: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois cable and video competition law, 220 Illinois Compiled Statutes 5/21-401.

ICC: Illinois commerce commission.

IDOT: Illinois department of transportation.

JULIE: The joint utility locating information for excavators utility notification program.

JACKING: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

JETTING: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

JOINT USE: The use of pole lines, trenches or other facilities by two (2) or more utilities.

LANDSCAPE SCREENING: The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a personal wireless telecommunication facility from public view.

MAJOR INTERSECTION: The intersection of two (2) or more major arterial highways.

MONOPOLE: A structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure.

OCCUPANCY: The presence of facilities on, over or under right of way.

PARALLEL FACILITY: A facility that is generally parallel or longitudinal to the centerline of a right of way.

PARKWAY: Any portion of the right of way not improved by street or sidewalk.

PAVEMENT CUT: The removal of an area of pavement for access to a facility or for the construction of a facility.

PERMITTEE: That entity to which a permit has been issued pursuant to sections [7-8-4](#) and [7-8-5](#) of this chapter.

PERSONAL WIRELESS TELECOMMUNICATION ANTENNA: An antenna that is part of a personal wireless telecommunications facility.

PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT: Equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility.

PERSONAL WIRELESS TELECOMMUNICATION FACILITY: An antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

PETROLEUM PRODUCTS PIPELINES: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

PRACTICABLE: That which is performable, feasible or possible, rather than that which is simply convenient.

PRESSURE: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

PROMPT: That which is done within a period of time specified by the city. If no time period is specified, the period shall be thirty (30) days.

PUBLIC ENTITY: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

RESTORATION: The repair of a right of way, highway, roadway, or other area disrupted by the construction of a facility.

RIGHT OF WAY OR RIGHTS OF WAY: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the city has the right and authority to authorize, regulate or permit the location of facilities other than those of the city. "Right of way" or "rights of way" shall not include any real or personal city property that is not specifically described in the previous two (2) sentences and shall not include city buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right of way.

ROADWAY: That part of the highway that includes the pavement and shoulders.

SALE OF TELECOMMUNICATIONS AT RETAIL: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SECURITY FUND: That amount of security required pursuant to section [7-8-10](#) of this chapter.

SHOULDER: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

SMALL CELL FACILITIES: A Personal Wireless Telecommunications Facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provide installation.

SOUND ENGINEERING JUDGMENT: A decision(s) consistent with generally accepted engineering principles, practices and experience.

TELECOMMUNICATIONS: This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated nontraffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end to end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the cable communications act of 1984 (47 USC section 521 and following), as now or hereafter amended, or

cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the rules of the federal communications commission (47 CFR section 76.1500 and following), as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER: Any person that installs, owns, operates or controls facilities in the right of way used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure.

TRENCH: A relatively narrow open excavation for the installation of an underground facility.

UTILITY: The individual or entity owning or operating any "facility" as defined in this chapter.

UTILITY POLE: An upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.

VENT: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

VIDEO SERVICE: That term as defined in section 21-201(v) of the Illinois cable and video competition law of 2007, 220 Illinois Compiled Statutes 21-201(v).

WATER LINES: Pipelines carrying raw or potable water.

WET BORING: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material. (Ord. 2007-97, 12-18-2007)

WI-FI ANTENNA: An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

7-8-3: ANNUAL REGISTRATION REQUIRED:

Every utility that occupies right of way within the city shall register on January 1 of each year with the engineer, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right of way and a twenty four (24) hour telephone number for each such person, and evidence of insurance as required in section [7-8-8](#) of this chapter, in the form of a certificate of insurance. (Ord. 2007-97, 12-18-2007)

7-8-4: PERMIT REQUIRED; APPLICATIONS AND FEES:

A. Permit Required: No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any city right of way which: 1) changes the location of the facility, 2) adds a new facility, 3) disrupts the right of way (as defined in this chapter), or 4) materially increases the amount of area or space occupied by the facility on, over, above, along,

under, across or within the right of way, without first filing an application with the city engineer and obtaining a permit from the city therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right of way.

B. Permit Application: All applications for permits pursuant to this chapter shall be filed on a form provided by the city and shall be filed in such number of duplicate copies as the city may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

C. Minimum General Application Requirements: The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility's name and address and telephone and telecopy numbers;
2. The applicant's name and address, if different than the utility, its telephone and telecopy numbers, e-mail address, and its interest in the work;
3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
5. Evidence that the utility has placed on file with the city:
 - a. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the "Illinois Manual On Uniform Traffic Control Devices", to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - b. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the city and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the city finds that additional information or assurances are needed;
6. Drawings, plans and specifications showing the work proposed, including the certification of an Illinois licensed professional engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
7. Evidence of insurance as required in section [7-8-8](#) of this chapter;

8. Evidence of posting of the security fund as required in section [7-8-10](#) of this chapter;
9. Any request for a variance from one or more provisions of this chapter (see section [7-8-21](#) of this chapter); and
10. Such additional information as may be reasonably required by the city.

D. Supplemental Application Requirements For Specific Types Of Utilities: In addition to the requirements of subsection C of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
3. In the case of water lines, indicate that all requirements of the Illinois environmental protection agency, division of public water supplies, have been satisfied;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois environmental protection agency, division of water pollution control, the metropolitan water reclamation district, and the Yorkville-Bristol sanitary district have been satisfied; or
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

E. Applicant's Duty To Update Information: Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the city within thirty (30) days after the change necessitating the amendment.

F. Application Fees: Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee in the amount of fifty dollars (\$50.00). No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the electricity infrastructure maintenance fee act. (Ord. 2007-97, 12-18-2007)

7-8-5: ACTION ON PERMIT APPLICATIONS:

A. City Review Of Permit Applications: Completed permit applications, containing all required documentation, shall be examined by the city engineer within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the city engineer shall reject such application in writing, stating the reasons therefor. If the city engineer is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the city engineer shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the city engineer, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.

B. Additional City Review Of Applications Of Telecommunications Retailers:

1. Pursuant to section 4 of the telephone company act, 220 Illinois Compiled Statutes 65/4, a telecommunications retailer shall notify the city that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the city not less than forty five (45) days prior to the commencement of work requiring no excavation and not less than forty five (45) days prior to the commencement of work requiring excavation. The city engineer shall specify the portion of the right of way upon which the facility may be placed, used and constructed.
2. In the event that the city engineer fails to provide such specification of location to the telecommunications retailer within either: a) forty five (45) days after service of notice to the city by the telecommunications retailer in the case of work not involving excavation for new construction or b) forty five (45) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
3. Upon the provision of such specification by the city, where a permit is required for work pursuant to section [7-8-4](#) of this chapter the telecommunications retailer shall submit to the city an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection A of this section.

C. Additional City Review Of Applications Of Holders Of State Authorization Under The Cable And Video Competition Law Of 2007: Applications by a utility that is a holder of a state issued authorization under the cable and video competition law of 2007 shall be deemed granted forty five (45) days after submission to the city, unless otherwise acted upon by the city, provided the holder has complied with applicable city codes, ordinances, and regulations. (Ord. 2007-97, 12-18-2007)

7-8-6: EFFECT OF PERMIT:  

A. Authority Granted; No Property Right Or Other Interest Created: A permit from the city authorizes a permittee to undertake only certain activities in accordance with this chapter on city rights of way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights of way.

B. Duration: No permit issued under this chapter shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

C. Preconstruction Meeting Required: No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the city with such city representatives in attendance as the city deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights of way by the public during construction, and access and egress by adjacent property owners.

D. Compliance With All Laws Required: The issuance of a permit by the city does not excuse the permittee from complying with other requirements of the city and applicable statutes, laws, ordinances, rules, and regulations. (Ord. 2007-97, 12-18-2007)

7-8-7: REVISED PERMIT DRAWINGS:

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the city within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with section [7-8-21](#) of this chapter. If the city denies the request for a variance, then the permittee shall either remove the facility from the right of way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefore. (Ord. 2007-97, 12-18-2007)

7-8-8: INSURANCE:

A. Required Coverages And Limits: Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right of way or constructing any facility in the right of way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the city, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in subsections A1 and A2 of this section:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:

- a. Five million dollars (\$5,000,000.00) for bodily injury or death to each person;
- b. Five million dollars (\$5,000,000.00) for property damage resulting from any one accident; and
- c. Five million dollars (\$5,000,000.00) for all other types of liability;
2. Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000.00) for personal injury and property damage for each accident;
3. Workers' compensation with statutory limits; and
4. Employer's liability insurance with limits of not less than one million dollars (\$1,000,000.00) per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

B. Excess Or Umbrella Policies: The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

C. Copies Required: The utility shall provide copies of any of the policies required by this section to the city within ten (10) days following receipt of a written request therefor from the city.

D. Maintenance And Renewal Of Required Coverages: The insurance policies required by this section shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Mayor of such intent to cancel or not to renew.

Within ten (10) days after receipt by the city of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the city evidence of replacement insurance policies meeting the requirements of this section.

E. Self-Insurance: A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection A of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection A of this section, or the requirements of subsections B, C and D of this section. A utility that elects to self-insure shall provide to the city evidence sufficient to

demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection A of this section, such as evidence that the utility is a "private self-insurer" under the workers' compensation act.

F. Effect Of Insurance And Self-Insurance On Utility's Liability: The legal liability of the utility to the city and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

G. Insurance Companies: All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the state of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company. (Ord. 2007-97, 12-18-2007)

7-8-9: INDEMNIFICATION:

By occupying or constructing facilities in the right of way, a utility shall be deemed to agree to defend, indemnify and hold the city and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights of way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the city, its officials, officers, employees, agents or representatives. (Ord. 2007-97, 12-18-2007)

7-8-10: SECURITY:

A. Purpose: The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:

1. The faithful performance by the permittee of all the requirements of this chapter;
2. Any expenditure, damage, or loss incurred by the city occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the city issued pursuant to this chapter; and
3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the city may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is

required by this chapter to perform that the city must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the city from the permittee pursuant to this chapter or any other applicable law.

B. Form: The permittee shall provide the security fund to the city in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the city, or an unconditional letter of credit in a form acceptable to the city. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:

1. Provide that it will not be canceled without ninety (90) day prior cancellation notice to the city and the permittee;
2. Not require the consent of the permittee prior to the collection by the city of any amounts covered by it; and
3. Shall provide a location convenient to the city and within the state of Illinois at which it can be drawn.

C. Amount: The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right of way to at least as good a condition as that existing prior to the construction under the permit, as determined by the city engineer, and may also include reasonable, directly related costs that the city estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the city, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the city engineer may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.

D. Withdrawals: The city, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the city for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

1. Fails to make any payment required to be made by the permittee hereunder;
2. Fails to pay any liens relating to the facilities that are due and unpaid;
3. Fails to reimburse the city for any damages, claims, costs or expenses which the city has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or
4. Fails to comply with any provision of this chapter that the city determines can be remedied by an expenditure of an amount in the security fund.

E. Replenishment: Within fourteen (14) days after receipt of written notice from the city that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection C of this section.

F. Interest: The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the city, upon written request for said withdrawal to the city, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection C of this section.

G. Closing And Return Of Security Fund: Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the city for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the city to the extent necessary to cover any reasonable costs, loss or damage incurred by the city as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

H. Rights Not Limited: The rights reserved to the city with respect to the security fund are in addition to all other rights of the city, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the city may have. Notwithstanding the foregoing, the city shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated. (Ord. 2007-97, 12-18-2007)

7-8-11: PERMIT SUSPENSION AND REVOCATION:

A. City Right To Revoke Permit: The city may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
2. Noncompliance with this chapter;
3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights of way presents a direct or imminent threat to the public health, safety, or welfare; or
4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

B. Notice Of Revocation Or Suspension: The city shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

C. Permittee Alternatives Upon Receipt Of Notice Of Revocation Or Suspension: Upon receipt of a written notice of revocation or suspension from the city, the permittee shall have the following options:

1. Immediately provide the city with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the city, the deficiencies stated in the written notice, providing written proof of such correction to the city within five (5) working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights of way and restore the rights of way to the satisfaction of the city providing written proof of such removal to the city within ten (10) days after receipt of the written notice of revocation.

The city may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

D. Stop Work Order: In addition to the issuance of a notice of revocation or suspension, the city may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection A of this section.

E. Failure Or Refusal Of The Permittee To Comply: If the permittee fails to comply with the provisions of subsection C of this section, the city or its designee may, at the option of the city: 1) correct the deficiencies; 2) upon not less than twenty (20) days' notice to the permittee, remove the subject facilities or equipment; or 3) after not less than thirty (30) days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the city. The permittee shall be liable in all events to the city for all costs of removal. (Ord. 2007-97, 12-18-2007)

7-8-12: CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS:

A. Notification Of Change: A utility shall notify the city no less than thirty (30) days prior to the transfer of ownership of any facility in the right of way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right of way.

B. Amended Permit: A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the city's right of way.

C. Insurance And Bonding: All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer. (Ord. 2007-97, 12-18-2007)

7-8-13: GENERAL CONSTRUCTION STANDARDS:  

A. Standards And Principles: All construction in the right of way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. "Standard Specifications For Road And Bridge Construction";
2. "Supplemental Specifications And Recurring Special Provisions";
3. "Highway Design Manual";
4. "Highway Standards Manual";
5. "Standard Specifications For Traffic Control Items";
6. "Illinois Manual On Uniform Traffic Control Devices" (92 Ill. adm. code section 545);
7. "Flagger's Handbook"; and
8. "Work Site Protection Manual For Daylight Maintenance Operations".

B. Interpretation Of Municipal Standards And Principles: If a discrepancy exists between or among differing principles and standards required by this chapter, the city engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the city engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future. (Ord. 2007-97, 12-18-2007)

7-8-14: TRAFFIC CONTROL:  

A. Minimum Requirements: The city's minimum requirements for traffic protection are contained in IDOT's "Illinois Manual On Uniform Traffic Control Devices" and this code.

B. Warning Signs, Protective Devices, And Flaggers: The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights of way.

C. Interference With Traffic: All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

D. Notice When Access Is Blocked: At least forty eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to section [7-8-20](#) of this chapter, the utility shall provide such notice as is practicable under the circumstances.

E. Compliance: The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the city. (Ord. 2007-97, 12-18-2007)

7-8-15: LOCATION OF FACILITIES:

A. General Requirements: In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

1. No Interference With City Facilities: No utility facilities shall be placed in any location if the city engineer determines that the proposed location will require the relocation or displacement of any of the city's utility facilities or will otherwise interfere with the operation or maintenance of any of the city's utility facilities.
2. Minimum Interference And Impact: The proposed location shall cause only the minimum possible interference with the use of the right of way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right of way.
3. No Interference With Travel: No utility facility shall be placed in any location that interferes with the usual travel on such right of way.
4. No Limitations On Visibility: No utility facility shall be placed in any location so as to limit visibility of or by users of the right of way.

5. Size Of Utility Facilities: The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

B. Parallel Facilities Located Within Highways:

1. Overhead Parallel Facilities: An overhead parallel facility may be located within the right of way lines of a highway only if:
 - a. Lines are located as near as practicable to the right of way line and as nearly parallel to the right of way line as reasonable pole alignment will permit;
 - b. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (2') (0.6 m) behind the face of the curb, where available;
 - c. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (4') (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
 - d. No pole is located in the ditch line of a highway; and
 - e. Any ground mounted appurtenance is located within one foot (1') (0.3 m) of the right of way line or as near as possible to the right of way line.
2. Underground Parallel Facilities: An underground parallel facility may be located within the right of way lines of a highway only if:
 - a. The facility is located as near the right of way line as practicable and not more than eight feet (8') (2.4 m) from and parallel to the right of way line;
 - b. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - c. In the case of an underground power or communications line, the facility shall be located as near the right of way line as practicable and not more than five feet (5') (1.5 m) from the right of way line and any above grounded appurtenance shall be located within one foot (1') (0.3 m) of the right of way line or as near as practicable.

C. Facilities Crossing Highways:

1. No Future Disruption: The construction and design of crossing facilities installed between the ditch lines or curb lines of city highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

2. Cattle Passes, Culverts, Or Drainage Facilities: Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
 3. Ninety Degree Crossing Required: Crossing facilities shall cross at or as near to a ninety degree (90°) angle to the centerline as practicable.
 4. Overhead Power Or Communication Facility: An overhead power or communication facility may cross a highway only if:
 - a. It has a minimum vertical line clearance as required by ICC's rules entitled, "construction of electric power and communication lines" (83 Ill. adm. code 305);
 - b. Poles are located within one foot (1') (0.3 m) of the right of way line of the highway and outside of the clear zone; and
 - c. Overhead crossings at major intersections are avoided.
 5. Underground Power Or Communication Facility: An underground power or communication facility may cross a highway only if:
 - a. The design materials and construction methods will provide maximum maintenance free service life; and
 - b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
 6. Markers: The city may require the utility to provide a marker at each right of way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 CFR section 192.707 (1989)).
- D. Facilities To Be Located Within Particular Rights Of Way: The city may require that facilities be located within particular rights of way that are not highways, rather than within particular highways.
- E. Freestanding Facilities:
1. The city may restrict the location and size of any freestanding facility located within a right of way.
 2. The city may require any freestanding facility located within a right of way to be screened from view.
- F. Facilities Installed Aboveground: Aboveground facilities may be installed only if:
1. No other existing facilities in the area are located underground;

2. New underground installation is not technically feasible; and
3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
4. No more than two (2) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structure of ninety (90) feet or less.
5. No more than three (3) personal wireless telecommunications facilities will be permitted on utility poles or Alternative Antenna Structure in excess of ninety (90) feet and less than one-hundred and twenty (120) feet.
6. Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or City-owned infrastructure only where such pole, structure or infrastructure is located no closer than a distance equal to one hundred (100) percent of the height of such a facility to any residential building and no closer than three hundred (300) feet from any other personal wireless telecommunication facility.
7. The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven (7) cubic feet in volume.
8. The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed thirty-two (32) cubic feet.
9. The operator of a personal wireless telecommunication facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
10. The top of the highest point of the antenna cannot extend more than seven (7) feet above the highest point of the utility pole, alternative antenna support structure, tower or City-owned infrastructure. If necessary, the new replacement or new utility pole, alternative antenna support structure, or City-owned infrastructure located within the public right of way may be no more than ten (10) feet higher than existing poles adjacent to the replacement or new pole structure, or no more than ninety (90) feet in height overall, whichever is less.
11. A personal wireless telecommunication facility, including all related equipment and appurtenances, must be a color that blends with the surrounding pole, structure tower or infrastructure on which it is mounted and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.
12. Extensions to utility poles, alternative support structures, towers and City-owned infrastructure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards (National Electric Safety Code, ANSI, and EIA). The evaluation of the structural integrity must be prepared by a professional structural engineer licensed in the State of Illinois. An extension must be securely

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bound to the utility pole, alternative antenna structure, tower or City-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.

3. Personal wireless telecommunication facilities may be attached to a utility pole that is located no closer than one hundred (100) feet to any residential building and no closer than five hundred (500) feet from any other personal wireless telecommunication services facility

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G. Facility Attachments To Bridges Or Roadway Structures:

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - b. The type, length, value, and relative importance of the highway structure in the transportation system;
 - c. The alternative routings available to the utility and their comparative practicability;
 - d. The proposed method of attachment;
 - e. The ability of the structure to bear the increased load of the proposed facility;
 - f. The degree of interference with bridge maintenance and painting;
 - g. The effect on the visual quality of the structure; and
 - h. The public benefit expected from the utility service as compared to the risk involved.

H. Appearance Standards:

1. The city may prohibit the installation of facilities in particular locations in order to preserve visual quality.
2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right of way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed. (Ord. 2007-97, 12-18-2007)

7-8-16: CONSTRUCTION METHODS AND MATERIALS:

A. Standards And Requirements For Particular Types Of Construction Methods:

1. Boring Or Jacking:

- a. Pits And Shoring: Boring or jacking under rights of way shall be accomplished from pits located at a minimum distance specified by the city director of public works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than forty eight (48) hours in advance of boring or jacking operations and backfilled within forty eight (48) hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- b. Wet Boring Or Jetting: Wet boring or jetting shall not be permitted under the roadway.
- c. Borings With Diameters Greater Than Six Inches: Borings over six inches (6") (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (1") (25 mm).
- d. Borings With Diameters Six Inches Or Less: Borings of six inches (6") or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- e. Tree Preservation: Any facility located within the drip line of any tree designated by the city to be preserved or protected shall be bored under or around the root system.

2. Trenching: Trenching for facility installation, repair, or maintenance on rights of way shall be done in accord with the applicable portions of section 603 of IDOT's "Standard Specifications For Road And Bridge Construction".

- a. Length: The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half ($1/2$) of any intersection may have an open trench at any time unless special permission is obtained from the city engineer.
- b. Open Trench And Excavated Material: Open trench and windrowed excavated material shall be protected as required by [chapter 6](#) of the "Illinois Manual On Uniform Traffic Control Devices". Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right of way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off road location.
- c. Drip Line Of Trees: The utility shall not trench within the drip line of any tree designated by the city to be preserved.

3. Backfilling:

- a. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications For Road And Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

- b. For a period of three (3) years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the engineer, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the engineer.
4. Pavement Cuts: Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection A4 is permitted under section [7-8-21](#) of this chapter, the following requirements shall apply:
- a. Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-7 gradation, as designated by the engineer.
- b. Restoration of pavement, in kind, shall be accomplished as soon as practicable and at twice the amount of the existing pavement depth, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the city.
- c. All saw cuts shall be full depth.
- d. For all rights of way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.
5. Encasement:
- a. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one piece fabrication or by welding or jointed installation approved by the city.
- b. The venting, if any, of any encasement shall extend within one foot (1') (0.3 m) of the right of way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- c. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or city approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the city. Bell and spigot type pipe shall be encased regardless of installation method.
- d. In the case of gas pipelines of sixty (60) psig or less, encasement may be eliminated.
- e. In the case of gas pipelines or petroleum products pipelines with installations of more than sixty (60) psig, encasement may be eliminated only if: 1) extra heavy pipe is used that precludes future maintenance or repair and 2) cathodic protection of the pipe is provided.
- f. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right of way.

6. Minimum Cover Of Underground Facilities: Cover shall be provided and maintained at least in the amount specified in the Yorkville subdivision control ordinances 2000-2, as amended from time to time.

B. Standards And Requirements For Particular Types Of Facilities:

1. Electric Power Or Communication Lines:

a. Code Compliance: Electric power or communications facilities within city rights of way shall be constructed, operated, and maintained in conformity with the provisions of 83 Illinois administrative code part 305 (formerly general order 160 of the Illinois commerce commission) entitled "rules for construction of electric power and communication lines", and the national electrical safety code.

b. Overhead Facilities: Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.

c. Underground Facilities:

(1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: a) the crossing is installed by the use of "moles", "whip augers", or other approved methods which compress the earth to make the opening for cable installation or b) the installation is by the open trench method which is only permitted prior to roadway construction.

(3) Cable shall be grounded in accordance with the national electrical safety code.

d. Burial Of Drops: All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the city. Weather permitting, utilities shall bury all temporary drops, excluding snow drops, within ten (10) business days after placement.

2. Underground Facilities Other Than Electric Power Or Communication Lines: Underground facilities other than electric power or communication lines may be installed by:

a. The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;

b. Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

c. Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

d. Tunneling with vented encasement, but only if installation is not possible by other means.

3. Gas Transmission, Distribution And Service: Gas pipelines within rights of way shall be constructed, maintained, and operated in a city approved manner and in conformance with the federal code of the office of pipeline safety operations, department of transportation, part 192 - transportation of natural and other gas by pipeline: minimum federal safety standards (49 CFR section 192), IDOT's "Standard Specifications For Road And Bridge Construction", and all other applicable laws, rules, and regulations.
4. Petroleum Products Pipelines: Petroleum products pipelines within rights of way shall conform to the applicable sections of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
5. Water Lines, Sanitary Sewer Lines, Storm Water Sewer Lines Or Drainage Lines: Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights of way shall meet or exceed the recommendations of the current "Standard Specifications For Water And Sewer Main Construction In Illinois" and "Yorkville's Standard Specifications For Improvements".
6. Ground Mounted Appurtenances: Ground mounted appurtenances to overhead or underground facilities, when permitted within a right of way, shall be provided with a vegetation free area extending one foot (1') (305 mm) in width beyond the appurtenance in all directions. The vegetation free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the engineer. With the approval of the engineer, shrubbery surrounding the appurtenance may be used in place of vegetation free area. The housing for ground mounted appurtenances shall be painted a neutral color to blend with the surroundings.

C. Materials:

1. General Standards: The materials used in constructing facilities within rights of way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications For Road And Bridge Construction", the requirements of the Illinois commerce commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. Material Storage On Right Of Way: No material shall be stored on the right of way without the prior written approval of the city engineer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right of way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right of way maintenance or damage to the right of way and other property. If material is to be stored on right of way, prior approval must be obtained from the city.
3. Hazardous Materials: The plans submitted by the utility to the city shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

D. Operational Restrictions:

1. Construction operations on rights of way may, at the discretion of the city, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and

welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right of way or other property.

2. These restrictions may be waived by the engineer when emergency work is required to restore vital utility services.
3. Unless otherwise permitted by the city, the hours of construction are those set forth in section [8-1-2B](#) of this code.

E. Location Of Existing Facilities: Any utility proposing to construct facilities in the city shall contact JULIE and ascertain the presence and location of existing aboveground and underground facilities within the rights of way to be occupied by its proposed facilities. The city will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the city or by JULIE, a utility shall locate and physically mark its underground facilities within forty eight (48) hours, excluding weekends and holidays, in accordance with the Illinois underground facilities damage prevention act¹. (Ord. 2007-97, 12-18-2007)

7-8-17: VEGETATION CONTROL:

A. Electric Utilities; Compliance With State Laws And Regulations: An electric utility shall conduct all tree trimming and vegetation control activities in the right of way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the city as permitted by law.

B. Other Utilities; Tree Trimming Permit Required: Tree trimming that is done by any other utility with facilities in the right of way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.

1. Application For Tree Trimming Permit: Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
2. Damage To Trees: Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The city will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The city may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

C. Specimen Trees Or Trees Of Special Significance: The city may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

D. Chemical Use:

1. Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the city for any purpose, including the control of growth, insects or disease.
2. Spraying of any type of brush killing chemicals will not be permitted on rights of way unless the utility demonstrates to the satisfaction of the engineer that such spraying is the only practicable method of vegetation control. (Ord. 2007-97, 12-18-2007)

7-8-18: REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES:  

A. Notice: Within ninety (90) days following written notice from the city, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights of way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon, or the operations of the city in or upon, the rights of way.

B. Removal Of Unauthorized Facilities: Within thirty (30) days following written notice from the city, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights of way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights of way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or
4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

C. Emergency Removal Or Relocation Of Facilities: The city retains the right and privilege to cut or move any facilities located within the rights of way of the city, as the city may determine to be

necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

D. Abandonment Of Facilities: Upon abandonment of a facility within the rights of way of the city, the utility shall notify the city within ninety (90) days. Following receipt of such notice the city may direct the utility to remove all or any portion of the facility if the city engineer determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the city does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the city, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person. (Ord. 2007-97, 12-18-2007)

7-8-19: CLEANUP AND RESTORATION:

The utility shall submit a landscape restoration plan to the city engineer for approval. The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights of way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the city engineer. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the city engineer in the landscape restoration plan. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right of way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the city engineer for good cause shown. (Ord. 2007-97, 12-18-2007)

7-8-20: MAINTENANCE AND EMERGENCY MAINTENANCE:

A. General: Facilities on, over, above, along, upon, under, across, or within rights of way are to be maintained by or for the utility in a manner satisfactory to the city and at the utility's expense.

B. Emergency Maintenance Procedures: Emergencies may justify noncompliance with normal procedures for securing a permit:

1. If an emergency creates a hazard on the traveled portion of the right of way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right of way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
2. In an emergency, the utility shall, as soon as possible, notify the city engineer or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the

nature of the emergency is such as to interfere with the free movement of traffic, the city police shall be notified immediately.

3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

C. Emergency Repairs: The utility must file in writing with the city a description of the repairs undertaken in the right of way within forty eight (48) hours after an emergency repair. (Ord. 2007-97, 12-18-2007)

7-8-21: VARIANCES:  

A. Request For Variance: A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the city engineer as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.

B. Authority To Grant Variances: The city engineer shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

C. Conditions For Granting Of Variance: The city engineer may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right of way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
2. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

D. Additional Conditions For Granting Of A Variance: As a condition for authorizing a variance, the city engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

E. Right To Appeal: Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the city engineer under the provisions of this chapter shall have the right to appeal to the city council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the city clerk within thirty

(30) days after the date of such order, requirement, decision or determination. The city council shall commence its consideration of the appeal at the council's next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The city council shall timely decide the appeal. (Ord. 2007-97, 12-18-2007)

7-8-22: PENALTIES:

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the penalty provisions of this code. There may be times when the city will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the city's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the city. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. (Ord. 2007-97, 12-18-2007)

7-8-23: ENFORCEMENT:

Nothing in this chapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this chapter. (Ord. 2007-97, 12-18-2007)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): 220 ILCS 50/1 et seq.

Chapter 18

TELECOMMUNICATION TOWER AND ANTENNA REGULATIONS

10-18-1: DEFINITIONS:

10-18-2: APPLICABILITY:

10-18-3: GENERAL REQUIREMENTS:

10-18-4: PERMITTED USES:

10-18-5: SPECIAL USES AND ACCESSORY USES:

10-18-6: NONCONFORMING USES:

10-18-7: ANNUAL REPORTING OF INFORMATION:

10-18-1: DEFINITIONS:

ALTERNATIVE TOWER STRUCTURE: Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas and towers.

ANTENNA: ~~Any structure or device used to receive or radiate electromagnetic waves as defined by the FCC or any successor agency. Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.~~

ANTENNA STRUCTURES: Those structures which include the radiating and/or receiving system, its supporting structures (see definition of Tower), and any appurtenance mounted thereon as defined by the FCC or any successor agency.

~~BACKHAUL NETWORK: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.~~

FAA: The federal aviation administration.

FCC: The federal communications commission.

HEIGHT: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and antenna structures.

NO-IMPACT ANTENNA AND TOWERS: A tower or antenna which is either: a) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or b) camouflaged so as to blend in with its surroundings to such an extent that it is no more obtrusive to the casual observer than the structure on which it is: 1) placed, such as a rooftop, lighting standard, or existing tower, or 2) replacing, such as a school athletic field light standard.

PERSONAL WIRELESS FACILITY: Any facility for the provision of personal wireless services as defined by the FCC or any successor agency.

PERSONAL WIRELESS SERVICES: Commercial mobile services, unlicensed wireless services and

common carrier wireless exchange access services as defined by the FCC or any successor agency.

PREEXISTING TOWERS OR ANTENNAS: Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date hereof, including permitted towers and antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

~~**TOWER AND ANTENNA ORDINANCE:** Shall refer to this chapter.~~

~~**UNLICENSED WIRELESS SERVICE:** That service which offers telecommunications services using duly authorized devices which do not require individual licenses issued by the FCC, but does not mean the provision of direct to home satellite services as defined by the FCC or any successor agency. (Ord. 2014-73, 11-25-2014)~~

10-18-2: APPLICABILITY:

- A. New Towers And Antennas: All new towers or antennas in Yorkville shall be subject to these regulations, except as provided in subsections B through D of this section inclusive.

- B. Amateur Radio Station Operator/Receive Only Antennas: This chapter shall not govern any tower, or the installation of any antenna, that is under eighty feet (80') in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. No receive only antenna shall exceed the highest point on the nearest residential rooftop of a dwelling by more than ten feet (10').

- C. Preexisting Towers Or Antennas: Existing towers and existing antennas which predated this chapter, shall not be required to meet the requirements of this chapter other than the requirements of subsections [10-18-3F](#), H and R of this chapter. All preexisting towers and antennas shall be subject to the tower and antenna administrative fee.

- D. AM Array: For purposes of implementing this chapter, AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right. (Ord. 2014-73, 11-25-2014)

E. If the Tower and/or Antenna is situated within the Public Right of Way, such tower and/or antenna must meet the requirements of Chapter 8, Construction of Utility Facilities in Rights of Way

10-18-3: GENERAL REQUIREMENTS:

A. Special Or Accessory Use: Antennas and towers may be considered either special or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

B. Lot Size: For purposes of determining whether the installation of a tower or antenna complies with Yorkville's development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

C. Inventory Of Existing Sites: Each applicant for approval of an antenna and/or tower shall provide to the zoning officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Yorkville or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The zoning officer may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of Yorkville, provided, however that the zoning officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics: Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural settings and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- E. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- F. State Or Federal Requirements: All towers must meet or exceed current standards or regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more restrictive compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- G. Building Codes/Safety Standards: Any owner or operator of an antenna, antenna structure or tower shall maintain the antenna, antenna structure or tower in compliance with the standards contained in the current and applicable state or local building codes and the applicable standards for towers that are published by the national electrical code NFPA 70 and international building code; radio, television sec. 3108, as amended from time to time. If, upon inspection, the city of Yorkville concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring the antenna, antenna structure, or tower into compliance within the thirty (30) day period shall constitute grounds for the removal of the antenna, antenna structure or tower at the owner's expense.
- H. Measurement: For purposes of measurement, tower setbacks and tower separation distances shall be calculated and applied to facilities located in Yorkville irrespective of municipal and county jurisdictional boundaries.
- I. Not Essential Services: Antennas, antenna structures, and towers shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- J. Public Notice: For purposes of this chapter, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice and individual notice by the city of Yorkville to all abutting property owners and all properties that are located within two hundred fifty feet (250') of the zoning lot in question. Streets, alleys and watercourses shall not be considered in the determination of "abutting" nor in calculating the two hundred fifty feet (250').

K. Signs: No signs shall be allowed on an antenna or tower other than those required by the FCC.

L. Buildings And Support Equipment: Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection [10-18-5K](#) of this chapter.

M. Multiple Antenna/Tower Plan: The city of Yorkville encourages all plans for towers and antenna sites to be submitted in a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

N. Antenna On Existing Structures: Any antenna which is not attached to a tower may be approved by the city of Yorkville as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

1. The antenna does not extend more than thirty feet (30') above the highest point of the structure;
2. The antenna complies with all applicable FCC and FAA regulations; and
3. The antenna complies with all applicable building codes and safety standards as referenced in subsection G of this section.

O. Antennas On Existing Towers: An antenna which is attached to an existing tower may be approved by the zoning officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

1. Additional Antenna: A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the zoning officer allows reconstruction as a monopole.
2. Height:
 - a. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, such height not exceeding one hundred fifty feet (150') in total, to accommodate the collocation of an additional antenna.
 - b. The height change referred to in subsection O2a of this section may only occur one time per communication tower.

c. The additional height referred to in subsection O2a of this section shall not require an additional distance separation. The tower's premodification height shall be used to calculate such distance separations.

3. On Site Location:

a. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within fifty feet (50') of its existing location.

b. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

c. A relocated on site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The relocation of a tower hereunder shall in no way be deemed to cause a violation of this chapter.

d. The on site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in this zoning ordinance shall only be permitted when approved by the zoning officer.

4. New Towers In Nonresidential Zoning Districts: An applicant may locate any new tower in an O, B-1, B-2, B-3, B-4, M-1, M-2, or A-1 zoning district, provided that: a) a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; b) the zoning officer concludes the tower is in conformity with the goals set forth in this subsection O and the requirements of this subsection; c) the tower meets the setback and separation requirements in subsection [10-18-5E](#) of this chapter; and d) the tower meets the following height and usage criteria:

a. For a single user, up to and including one hundred twenty feet (120') in height;

b. For two (2) users, up to one hundred fifty feet (150') in height; and

c. For three (3) or more users, up to and including one hundred eighty feet (180') in height.

P. Roadway Access: All sites on which antennas, antenna structures and towers are located must have a passable roadway access of compacted macadam base not less than seven inches (7") thick surfaced with not less than two inches (2") of asphaltic concrete or some comparable dustless material.

Q. Fencing: The structures upon any site upon which an antenna, antenna structure, or tower is located shall be surrounded by an opaque screen which is no less than six feet (6') in height and equipped with an appropriate anticlimbing device. Screening materials shall include either wooden or chainlink fencing. Shrubbery and bushes shall be required, in addition to the wooden or chainlink fence, unless specifically waived by Yorkville in its discretion in appropriate cases.

R. Disguised Structures: The provider of an antenna, antenna structure, or tower may propose to disguise the proposed antenna, antenna structure or tower. Any such disguise must be aesthetically consistent with the character of the surrounding area and environment, and be constructed in such a manner where the health or safety of Yorkville residents shall not be endangered. Yorkville may require the disguise of an antenna, antenna structure or tower as a condition of approval of a building permit or special use permit if the antenna, antenna structure or tower is to be erected on a golf course or other public recreational area.

S. Annual Administrative Fee And Certifications:

1. The annual administration fee payable to the city of Yorkville by any owner and/or operator of an antenna, antenna structure, or tower shall be the sum of thirty five dollars (\$35.00) which shall be due on or before January 10 of each calendar year commencing with calendar year 2001.
2. In the event a tower is inspected and a certification provided by the owner and/or operator of said tower or related facility showing compliance with all regulations, the above fee shall be the only fee charged. In the event the owner and/or operator of an antenna, antenna structure, or tower fails to have the certification as is required annually to be filed with the city under the terms of this subsection, the owner and/or operator shall reimburse the city for the actual cost of the outside consultant the city deems necessary to conduct said inspection which shall be a minimum of three hundred fifty dollars (\$350.00) and any additional cost incurred therein.

The city of Yorkville reserves the right to increase or decrease the amount of the administrative fee as it deems necessary. A separate administrative fee shall be paid by each user or collocator on a tower.

T. Permit Required: Prior to the construction of an antenna, antenna structure or tower the provider of the radio, television, or telecommunications services shall obtain a permit from Yorkville for the erection of such antenna, antenna structure or tower. An applicant for a permit for an antenna, antenna structure, or tower shall pay a fee in accordance with the fee schedule set forth in [title 8, chapter 10](#) of this code, plus any reasonable legal, engineering, or consulting fees at the conclusion of the review.

U. Waiver Of Provisions: An applicant can request a waiver of any provision of this chapter upon the showing of appropriate justification and benefit to the public. Such request shall be treated as a request for a variance and the appropriate procedures thereto shall apply. (Ord. 2014-73, 11-25-2014)

10-18-4: PERMITTED USES:

A. General: The following uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

B. Uses: Antennas, antenna structures and towers are specifically permitted in any zoning classification, except that part of any zoning district which is located in a floodplain, so long as said antennas or towers conform to the following and all other requirements of this title:

Antennas and towers located on property owned, leased, or otherwise controlled by Yorkville, particularly and expressly including Yorkville's water tower sites, and city hall and police station sites, provided that a lease authorizing such antenna, antenna structure, or tower has been approved by Yorkville.

Antennas or towers are permitted to be located on the Burlington Northern Railroad easement running southwest and northeast through Yorkville, subject to subsections [10-18-3A](#) through U of this chapter.

No-impact antennas and towers. (Ord. 2014-73, 11-25-2014)

10-18-5: SPECIAL USES AND ACCESSORY USES:

A. General Provisions:

1. Radio and telecommunications antennas, antenna structures and towers used for personal wireless facilities, personal wireless services, radio transmission, or television transmission shall be subject to the special use provisions contained within section [10-4-9](#) of this title and applications for special use permits shall be subject to the procedures and requirements of this title, except as modified in this chapter.
2. In granting a special use permit, the plan commission may impose conditions to the extent the plan commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
4. An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the city council of Yorkville to reimburse Yorkville for the cost of reviewing the application.
5. Antennas, antenna structures and towers shall be allowed as special uses only consistent with all of the requirements of this chapter in the following zoning districts: R-1, single-family suburban residence - private school, church, golf course, public utility facilities, public service use facilities with radio or TV tower sites only; R-2, single-family traditional residence - private school, church, golf course, public utility facilities, public service use facilities with radio or TV tower sites only; B-1, local business district; B-2, retail commerce business district; B-3, general business district; B-4, service business district; and A-1, agricultural district.
6. Antennas, antenna structures and towers shall be allowed as a special use in the E-1, estate district if it is consistent with all of the requirements of this chapter and the following criteria:
 - a. The parcel that any antennas, antenna structures and towers are located on must be at least two (2) acres.

- b. The total height of the structure must be less than the distance from the base of the structure to the closest property line of all adjacent parcels.
7. Antennas, antenna structures and towers shall be allowed as accessory uses only consistent with all of the requirements of this chapter in the following zoning districts: M-1, limited manufacturing district, and M-2, general manufacturing district.

B. Information Required: In addition to any information required for applications for special use permits referenced above, each petitioner requesting a special use permit under this chapter for an antenna, antenna structures, and tower shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation signed and sealed by appropriate licensed professionals, showing the location, type and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, proposed means of access, parking, fencing, landscaping, adjacent uses, adjacent roadway, and other information deemed necessary by Yorkville to be necessary to assess compliance for this chapter. In addition, the following information shall be supplied:

1. Legal description of the parent track and leased parcel (if applicable);
2. The setback distance between the proposed structure and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned property;
3. The separation distance from other structures in the inventory of existing sites submitted pursuant to subsection [10-18-3C](#) of this chapter shall be shown on an updated site plan or map and the applicant shall also identify the type of construction of the existing structure(s) and the owner/operator of the existing structure(s), if known;
4. A landscape plan showing specific landscape materials;
5. The method of fencing and finish color and, if applicable, the method of camouflage and illumination;
6. A description of compliance with subsections [10-18-3C](#), E, F, G, H, I, and M of this chapter and all applicable federal, state or local laws;
7. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;
8. Identification of the entities providing the backhaul network for the structure(s) described in the application and other cellular sites owned or operated by the applicant in Yorkville;
9. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower; and
10. A description of the feasible location(s) of future towers or antennas within Yorkville based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

11. An applicant shall be notified within thirty (30) days if the application is incomplete. The city shall make a decision on collocation within ninety (90) days and all other siting applications within one hundred fifty (150) days of the receipt of a completed application.

C. Factors Considered In Granting Special Use Permits: The city of Yorkville shall consider the following factors in determining whether to issue a special use permit above and beyond those factors referenced in section [10-4-9](#) of this title. The city of Yorkville may waive or reduce the burden on the petitioner of one or more of these criteria if Yorkville concludes that the goals of this chapter are better served thereby.

1. Height of the proposed antenna, antenna structure or tower;
2. Proximity of the antenna, antenna structure or tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the antenna, antenna structure or tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress.

D. Height: No antenna, antenna structure, or tower shall exceed a height of one hundred (100) linear feet in aerial height. Where an arm has been installed to facilitate collocation of an additional antenna on the existing antenna structure or tower, the arm shall not exceed a length of twelve (12) linear feet.

E. Setbacks And Separation:

1. Setbacks: Antennas, antenna structures or towers must be set back a distance equal to the height of the antenna, antenna structure, or tower from any off site, residential structure. Antenna structures, guylines, and equipment shelters must satisfy the minimum setback requirements for E-1, R-1, R-2, R-2D, B-1, B-2, B-3, B-4, M-1, M-2, and A-1 zoning districts.
2. Separation: The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the plan commission may reduce the standard separation requirements if the goals of this chapter would be better served thereby, or if enforcement of said setback would effectively prohibit said tower:
 - a. Separation From Off Site Uses/Designated Area:

- (1) Tower separation shall be measured from the base of the tower to the lot line of the off site uses and/or designated areas as specified in table 10.18.01 of this section, except as otherwise provided in table 10.18.01 of this section.
- (2) Separation requirements for towers shall comply with the minimum standards established in table 10.18.01 of this section.

TABLE 10.18.01
SEPARATION REQUIREMENTS

Off Site Use/Designated Area	Separation Distance
Single-family or duplex residential units principal building	500 feet
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	500 feet
Vacant unplatted residentially zoned lands, including unplatted residential use property without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex	500 feet
Existing multi-family residential units greater than duplex	100 feet or 100 percent of the tower height, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None
The Fox River or any watercourse	500 feet, as measured from the shore
Major highways (as defined in the Yorkville comprehensive plan)	500 feet from the right of way

b. Separation Distances Between Towers:

- (1) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in table 10.18.02 of this section.

TABLE 10.18.02
EXISTING TOWER SEPARATION DISTANCES

Existing Tower Type	Separation Distance			
	Lattice	Guyed	Monopole (Taller Than 75 Feet)	Monopole (Shorter Than 75 Feet)
Lattice	1,000	1,500	500	250
Guyed	1,000	1,750	1,500	1,250
Monopole (taller than 75 feet)	500	1,500	250	250
Monopole (shorter than 75 feet)	250	1,250	250	250

- F. Siting On Wetland Prohibited: No antenna, antenna structure, or tower shall be located in an area which has been designated as a wetland either by the city of Yorkville, Kendall County, the state of Illinois department of natural resources, the United States department of the interior or the United States army corps of engineers, and any and all governmental bodies and agencies having jurisdiction.
- G. FCC Signage: To the extent that signage is required by the FCC on an antenna structure, or tower, that signage shall constitute no more than five percent (5%) of the square footage of the antenna, antenna structure, or tower or shall be no larger than is required by the FCC, whichever shall constitute the smallest signage area.
- H. Preservation Of Landscape: Existing mature tree growth and natural landforms on the proposed antenna, antenna structure, or tower site shall be preserved to the maximum extent possible.
- I. Utilities And Access Required: Radio and telecommunications antennas, antenna structures, and towers, including, but not limited to, those used for personal wireless services, personal wireless facilities and unlicensed wireless services, shall be required to include adequate utilities, access, and/or other facilities necessary for the servicing of the antenna, antenna structure or tower. All such utilities shall be buried.
- J. Signal Interference: No signal transmission from any antenna, antenna structure, or tower shall interfere with police, fire, public works or any other governmental radio band signals. In the case of the possibility of such interference based upon the frequencies selected for the proposed antenna, antenna structure, or tower, the petition for special use shall be denied.

K. Equipment Shelter And Equipment Cabinets:

1. Equipment Shelter: A provider of a radio, television, or telecommunications antenna, antenna structure, or tower may provide an equipment shelter on the site of the antenna, antenna structure, or tower. The square footage of the equipment shelter may not exceed more than twenty percent (20%) of the total square footage of the antenna, antenna structure or tower ground site or four hundred fifty (450) square feet, whichever is greater. At any antenna, antenna structure, or tower site in which more than one antenna has been collocated, no more than three (3) equipment shelters shall be allowed. Multiple equipment shelters shall be contained under one roof if at all practicably possible. No equipment shelter shall be approved as part of the site plan unless appropriate electrical power and road ingress and egress facilities are planned for inclusion at the equipment shelter site.

2. Equipment Cabinets:

- a. In residential districts, the equipment cabinet or structure may be located in a front or side yard provided the cabinet or structure is no greater than four feet (4') in height or twenty four (24) square feet of gross floor area and the cabinet/structure is located a minimum of six feet (6') from all lot lines. The cabinet/structure shall be screened by hedging or shrubbery with an ultimate height of at least forty two (42) to forty eight inches (48") and a planted height of at least thirty six inches (36").
- b. In a rear yard, provided the cabinet or structure is no greater than six feet (6') in height or sixty four (64) square feet in gross floor area. The structure or cabinet shall be screened by hedging or shrubbery with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or a hedge with an ultimate height of eight feet (8') and a planted height of thirty six inches (36").
- c. In commercial or industrial districts the equipment cabinet or structure shall be no greater than six feet (6') in height or sixty four (64) square feet in gross floor area. The structure or cabinet shall be screened by a hedge or shrubbery with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or a hedge with an ultimate height of eight feet (8') and a planted height of at least thirty six inches (36").

L. Code Requirements: Any antenna, antenna structure, or tower must meet code requirements established by the national electrical code, NFPA 70 and international building code; radio, television towers codes currently in effect as required by Yorkville and all applicable marking and lighting standards as established by the federal aviation administration.

M. Removal Of Abandoned Antennas, Antenna Structures, Or Towers: Any antenna, antenna structure, or tower that is not operated for a continuous period of twelve (12) months or for which the annual administrative fee is not paid within a twelve (12) month period shall be considered abandoned, and the owner of such antenna, antenna structure, or tower shall remove same from within ninety (90) days of receipt of written notice from Yorkville notifying the owner of such abandonment. If such antenna, antenna structure, or tower is not removed within said ninety (90)

days Yorkville shall remove such antenna, antenna structure, or tower at the owner's expense and file a lien against the real estate for the cost of removal or such other action as provided by law. If there are two (2) or more users of a single antenna, antenna structure, or tower, then this provision shall not become effective until all users cease using the antenna, antenna structure, or tower.

N. Collocation: A request for approval of a special use permit for the installation of an antenna, alternative antenna, antenna structure or tower, the zoning board may by express condition require that the applicant shall allow, on a commercially reasonable basis, other providers of personal wireless telecommunications services to collocate additional antennas or antenna structures on a freestanding pole which is part of applicant's proposed personal wireless facility, where collocation is technologically feasible. (Ord. 2014-73, 11-25-2014)

10-18-6: NONCONFORMING USES:

A. Prohibited Expansion Of Nonconforming Use: Towers that are constructed and antennas that are installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Preexisting Towers: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

C. Rebuilding Damaged Or Destroyed Nonconforming Antennas, Antenna Structures Or Towers: Notwithstanding any provision in this chapter to the contrary, bona fide nonconforming antennas, antenna structures or towers or antennas that are damaged or destroyed may be rebuilt without having first obtained administrative approval or a special use permit and without having to meet the separation requirements specified elsewhere in this chapter. The type, height, and location of the tower on site shall be of the same type and intensity as the original facility approved. Building permits to rebuild a facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained within the time specified or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection [10-18-5M](#) of this chapter. (Ord. 2014-73, 11-25-2014)

10-18-7: ANNUAL REPORTING OF INFORMATION:

Each owner of an antenna, antenna structure, or tower regulated under this chapter, and including those previously existing structures which would have been regulated under this chapter, shall, on an annual basis, furnish Yorkville with such information as is required by Yorkville to aid with the administration of this chapter, such as changes in availability of space on any tower for collocation of additional antennas, plans to abandon a position on a tower, thereby leaving space for the possible collocation of another antenna, plans and/or willingness to modify said tower and antenna structure

so as to provide for the possibility of collocation, or intentions to abandon a tower structure, or other nonproprietary information as may be required by Yorkville. Upon written notice from the city of Yorkville to the owner thereof, the effective date of this chapter, which tower and/or antenna structure would otherwise be regulated by this chapter, shall register with Yorkville, and shall provide such nonproprietary information as is deemed useful by Yorkville for administration of this chapter. This section is specifically deemed to have retroactive effect. (Ord. 2014-73, 11-25-2014)

PUBLIC NOTICE OF A HEARING BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment for consideration of updates to “Chapter 18: Telecommunication Tower and Antenna Regulations” of the United City of Yorkville Zoning Ordinance.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing at a meeting on said amendments on Wednesday, June 14, 2017 at 7 p.m. at the Yorkville City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN
City Clerk

BY: Lisa Pickering
Deputy Clerk

Memorandum



To: Planning and Zoning Commission
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: May 19, 2017
Subject: **Kendall County Case #17-09 – Semper Fi (1.5 Mile Review)
Special Use for a Proposed Landscape Waste Compost Facility
1996 Cannonball Trail**

Proposal Summary

Staff has reviewed the request from Kendall County Planning & Zoning Department along with the subsequent documents attached. This subject property is located within one and a half miles of the planning boundary for Yorkville allowing us the opportunity to review and provide comments to Kendall County. The petitioner, Semper Fi Land, Inc. (Robert Velazquez), is requesting Special Use authorization from Kendall County to operate a landscape waste composting facility on an approximately 5.2-acre parcel located about half (1/2) mile south of Galena Road in Bristol Township. The location of the proposed compost operation will be at 1996 Cannonball Trail.

According to information obtained from the County and a meeting staff had with the petitioner, the property is currently zoned A-1 Agricultural District and has an existing special use permit to operate a landscaping business. All of the surrounding properties are within the City of Yorkville's corporate boundary and zoned R-2 Single Family or R-2D Two-Family Attached residential. A mixed use residential development called Bristol Ridge, consisting of over 400 single family, duplexes and townhome units was approved by the City in 2006. Although development has yet to occur on this property, all entitlements remain and the owners have recently expressed interest in reviving the project in the near future.

The petitioner currently resides in a detached single family house on the property. As proposed, the petitioner plans to collect only landscape and yard waste on the site, and no food or organic waste material will be permitted. The majority of the waste (approximately 85%) will be turned into mulch with the



remainder converted into compost material. It is estimated the proposed landscape waste and composting operation would receive between 100 to 150 cubic yards per day with a daily maximum of 250 cubic yards. All truck traffic entering and exiting the property will be monitored by the petitioner to ensure that only clean waste materials are deposited onsite. There will be between 2 to 5 employees assisting with daily operations at the proposed landscape waste and composting facility during the hours of 7:00 am to 3:00 pm, Monday through Friday. While some heavy equipment will be utilized as part of the proposed composting operation, such as a tub grinder, wheel loader and skid loader, the petitioner will be restricted to a maximum dbA of 65 during the day time (7:00 am – 10:00 pm) and 55 dbA during nighttime hours (10:00 pm to 7:00 am). Parking for the proposed use can be adequately accommodated on the property and access for the truck traffic will come from Cannonball Trail via a gravel driveway path installed on the southern portion of the site. All vehicles and equipment will be stored inside a building when not in use and additional evergreen trees have already been installed by the petitioner for screening where the bulk of the proposed operations will occur. Further details of the proposed operation and site plan has been provided in the attached Kendall county staff report and petitioner application prepared by Deigan & Associates, LLC, environmental consultants.

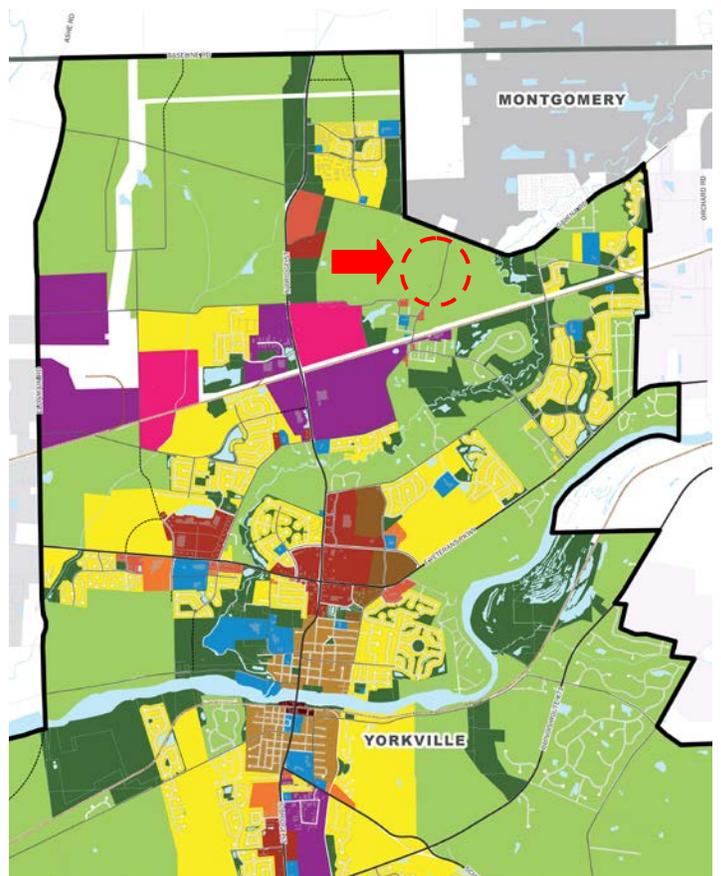
The proposed use is similar to a previously approved landscape waste composting facility located in the southeast quadrant of Galena and Beecher Roads. The Green Organics facility has approximately 9.5-acres dedicated to the composting operation and processes between 150,000 cubic yards to 175,000 cubic yards of landscaping material annually. Green Organics also is situated adjacent to an approved residential development that has yet to begin construction.

Kendall County’s Land Resource Management Plan designated the future land use for this property as Planned Rural Residential which has a maximum density of 0.6 dwelling units per acre. According to the LRMP, the Planned Rural Residential land use category promotes large-lot, low-density detached single-family residential development. Additionally, the district strives to provide a semi-rural or countryside setting, retaining a greater amount of open space with compatible governmental, educational, religious, and recreational uses also permitted in these areas.

Yorkville Comprehensive Plan

The recently updated Yorkville Comprehensive Plan has the future land use designation of the subject property as Estate/Conservation Residential (ECR). This land use designation is intended to provide flexibility for residential design to accommodate low-density detached single-family housing but also support retaining and enhancing sensitive environmental and scenic features of the land.

Furthermore, the Comprehensive Plan envisions properties designated within the Estate/Conservation Residential to serve as



transitions between more traditional suburban neighborhoods and agricultural zones and as a place identifiable by its scenic views, tree masses and environmental features.

Staff Recommendation & Comments

Staff has reviewed the petitioner's request and the Kendall County staff report which has detailed conditions as the use, operation, personnel, noise/dust/order/vector controls, as well as water and soil quality standards and have no substantial objections to the request. Staff had recommended the petitioner incorporate a paved or compacted driveway surface in the plan for truck traffic entering and existing off of Cannonball Trails into the site to further reduce dust and rock debris on Cannonball Trail at the entrance of the property. According to the Kendall County Senior Planner, the petitioner has agreed to pave the western 30 feet of the driveway off of Cannonball Trail.

Staff also recommended since the proposed compost facility will be located adjacent to a potential future residential development, that the petitioner stipulates that upon such time any new residential dwelling unit is permitted for construction and occupancy is established for at least sixty (60) days in the City of Yorkville within one-eighth (1/8) mile of the subject property, the City will notify the owner/operator to establish a timeframe for closure of the composting facility within three (3) years and require a closure plan be developed and submitted to the City and IEPA in compliance with Section 830.213 Standards for Compost Facilities of the Illinois Environmental Protection Act. This is also the condition placed on the Green Organics property as part of their Special Use authorization. Per staff's recent discussion with Kendall County, the Special Use hearing officer agreed with this condition and has included this stipulation as part of the draft approving ordinance.

Finally, with regards to adherence to the designated future land use, both the Kendall County and City of Yorkville future land use plans envisioned the subject property as residential, rural in character with elements of conservation design. It is staff's opinion that the use of the property for a landscape waste and compost facility operation is transitional until large planned residential development moves to this area. Furthermore, since the request is for Special Use approval, any change in scope, intensity or size of the proposed landscape waste and compost operation will require an amendment, public hearing and notification by Kendall County.

Staff will be available to answer any questions the Planning and Zoning Commission may have regarding the County Petition. This item was delivered to the City on April 26, 2017 with feedback requested prior to Kendall County Board consideration. This item was heard at the May 2, 2017 Zoning and Platting Advisory Committee conducted by Kendall County with final consideration heard by the County Board on June 20, 2017.

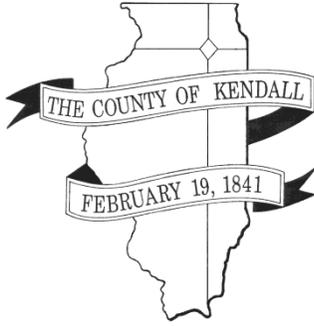
Attachments:

1. Kendall County Planning and Zoning Memo with Attachments.
2. http://www.co.kendall.il.us/wp-content/uploads/Petition_17-09.pdf



1996 Cannonball Trail | 1/8 Mile Buffer





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 17-09

Semper Fi Land, Inc. (Robert Velazquez)

A-1 Special Use – Composting of Landscape Waste

INTRODUCTION

Semper Fi Land, Inc., on behalf of Robert Velazquez, submitted a petition for a special use permit to operate a composting of landscape waste facility at 1996 Cannonball Trail. In 2012, the petitioner received a special use permit to operate a landscape business and residence at the subject property (Ordinance 2012-23).

SITE INFORMATION

PETITIONER Semper Fi Land, Inc. (Robert Velazquez)

ADDRESS 1996 Cannonball Trail

LOCATION On the East Side of Cannonball Trail about 0.5 Miles South of Galena Road



TOWNSHIP Bristol

PARCEL # 02-15-101-003

LOT SIZE 5.2 acres

EXITING LAND USE Residential/Agricultural

ZONING A-1 Agricultural District with a Special Use Permit

LRMP	Land Use	County: Planned Rural Residential (Max 0.6 Du/Ac) United City of Yorkville: Estate/Conservation Residential
	Roads	Cannonball Trail is a County Road classified as a Major Collector Road
	Trails	A multi-use trail is shown on the East Side of Cannonball Trail
	Floodplain/ Wetlands	There are no wetlands or floodplain on the property.

REQUESTED ACTION A-1 Special Use to Operate a Composting of Landscape Waste

APPLICABLE REGULATIONS Section 7.01 D.16 – A-1 Special Uses – Permits Composting of Landscape Waste and Food Waste with the following stipulations:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.

8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
10. Truck weights shall be limited to 73,280 pounds.
11. The operator shall provide weight receipts to Kendall County.
12. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
13. Other conditions as appropriate for the particular facility. (*Amended 6/20/2006*)

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Farming	Yorkville (R-2)	Suburban Residential (County) Estate Residential (Yorkville)	Yorkville, Montgomery and A-1
South	Agricultural/Farming	Yorkville (R-2D)	Suburban Residential (County) Estate Residential and Commercial Office (Yorkville)	Yorkville, M-1, B-1, B-2, B-3, R-3 and A-1
East	Agricultural/Farming	Yorkville (R-2)	Planned Rural Residential and Open Space (County) Estate Residential (Yorkville)	Yorkville and A-1
West	Agricultural/Farming	Yorkville (R-2)	Suburban Residential (Estate Residential)	Yorkville, A-1 and R-3

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated. The EcoCat was included with the Application Materials; see Attachment 5.

NATURAL RESOURCES INVENTORY

LESA score was 169 indicating a low level of protection. The NRI was included with the Application Materials; see Attachment 5.

ACTION SUMMARY

BRISTOL TOWNSHIP

Petition information was sent to Bristol Township 4.25.17. No comments have been received from Bristol Township.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville 4.25.17. This matter will be discussed at their June PZC meeting.

BUSINESS OPERATION

The petitioner desires to operate a landscape waste composting business at the subject property. This business would be in addition to the landscaping business that the petitioner currently possesses a special use permit for at the subject property. The owner of Semper Fi Land, Inc., Robert Velazquez, also lives on the subject property.

The petitioner submitted a business plan which is included with the Application Materials; see Attachment 5. As noted on page 5 of the Project Narrative, the petitioner plans to collect only landscape and yard waste and the site, no food waste or organic material will be collected. The majority of the waste (85%) will be turned into mulch with the remainder turned into compost material. The petitioner anticipates receiving approximately 100 to 150 cubic yards per day with a daily maximum of 250 cubic yards. The petitioner plans to monitor all truck loads to ensure that only clean material is deposited onsite. Anticipated equipment on the site include trucks, Morbark 1000 Tub Grinder, a wheel loader and skid loader. The petitioner has a windrow plan (see page 8 of the Project Narrative), and a plan to control dust, odor, noise, and vectors (see page 9 of the Project Narrative). The petitioner also supplied additional information on stormwater and leachate controls; Application Addendum Attachment 6.

Because the petitioner submitted documents at various stages, some of the figures referenced in the application materials may be numbered differently.

Per 415 ILCS 5/3.270, "landscape waste" means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

The proposed business will have between 2 and 5 employees.

The petitioner was agreeable to addressing Staff's concerns regarding hours of operation, tub grinder operation, noise restrictions, and capping the amount of material received. The details of a host agreement need to be finalized.

BUILDING CODES

No new buildings are planned as a result of this proposal. Any new structures constructed would be required to follow applicable building codes.

ACCESS

The property fronts Cannonball Trail. The petitioner plans to install a gravel driveway south of the lawn; see Attachments 7 and 8.

TRAILS

The petitioner already dedicated the necessary ROW for trails as required in the previous special use permit application.

PARKING

The petitioner already possesses a small amount of parking near the house and sheds; no additional parking is planned.

LIGHTING

No additional lighting is planned.

SIGNAGE

On page 5 of the Project Narrative, see Attachment 5, the petitioner outlined the type of signage that will be placed on the property.

SCREENING

All vehicles and equipment that can be moved shall be stored inside a building when not in use. The petitioner installed evergreen to separate the composting facility from the residential use. Additional screen may be required around the property.

STORMWATER

No portion of the property is in a flood area and no wetlands exist on the property.

The petitioner submitted a stormwater management proposal to WBK and this proposal is currently under review.

RECOMMENDATION

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
3. The hours during which landscape waste may be received shall be 7:00am to 3:00pm (**not 7:00 pm as originally proposed by the petitioner**) Monday through Friday. **The petitioner does not wish to have Saturday hours.** Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards **or 65 dBA between 7:00am and 10:00pm and 55 dBA between 10:00pm and 7:00am as measured from the property line on receiving residential lands. This restriction shall not apply to noise generated from maintenance vehicles. The noise level shall be measured at the property line. The petitioner agrees that the stricter noise regulations shall apply in cases of conflict.**
5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling. **Frequency of tests?**
7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling. **Frequency of tests?**
8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
10. Truck weights shall be limited to 73,280 pounds.
11. The operator shall provide weight receipts to Kendall County. **Frequency?**

12. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
13. Tub grinders located on the property shall operate between the hours of 9:00am and 3:00pm, Monday through Friday.
14. The owner of the business allowed by this special use permit shall reside on the premises as his/her primary residence.
15. Waste collected on the site shall be clean landscape waste only; no food scrap waste shall be collected onsite.
16. The facility will be permitted to take in a maximum 26,000 cubic yards annually.
17. The site plan shall be kept on file as **Exhibit X** attached to the ordinance approving the special use permit.
18. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility allowed by this special use permit.
19. If the business allowed by this special use permit receives any violations or citations from the Illinois Environmental Protection Agency, the business shall submit notifications of violations or citations to the Kendall County Solid Waste Coordinator within 30 days of receipt.
20. All vehicles and equipment with wheels shall be stored entirely within an enclosed structure when the business allowed by this special use permit is closed.

21. Host Fee

22. The business allowed by this special use permit shall follow all applicable federal, state, and local laws related to the operation of the business.
23. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
24. The special use permit awarded by this ordinance shall be considered separate from the special use permit awarded by Ordinance 2012-23. Nothing in the special use permit awarded for a composting of landscape waste business removes any obligations the property owner may have as it relates to the requirements of Ordinance 2012-23.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Zoning Plat
2. Plat of Easement
3. Site Operations
4. Aerial
5. Application Materials (Including Business Plan and Project Narrative, Proof of Ownership, NRI Summary, EcoCat, and Applicant's Version of Findings of Fact)
6. Application Addendum (Additional Business Information and Stormwater Information)
7. Entrance from Cannonball
8. Looking East
9. Looking East from Southeast Corner of Grass
10. Looking Southeast
11. Looking East from Driveway

12. Looking South from Driveway
13. Looking North from Driveway

PLAT OF EASEMENT

PART OF THE SOUTHWEST QUARTER OF SECTION 10 and PART OF THE NORTHWEST QUARTER OF SECTION 15, T37N-R7E, 3rd PM BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS

State of Illinois)
County of Kendall) SS

Attachment 2-Plat of Easement

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed the attached described tract as shown by the plat hereon drawn which is a representation of said survey. Field work was completed February 24, 2017. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated April 13, 2017 at Yorkville, Illinois

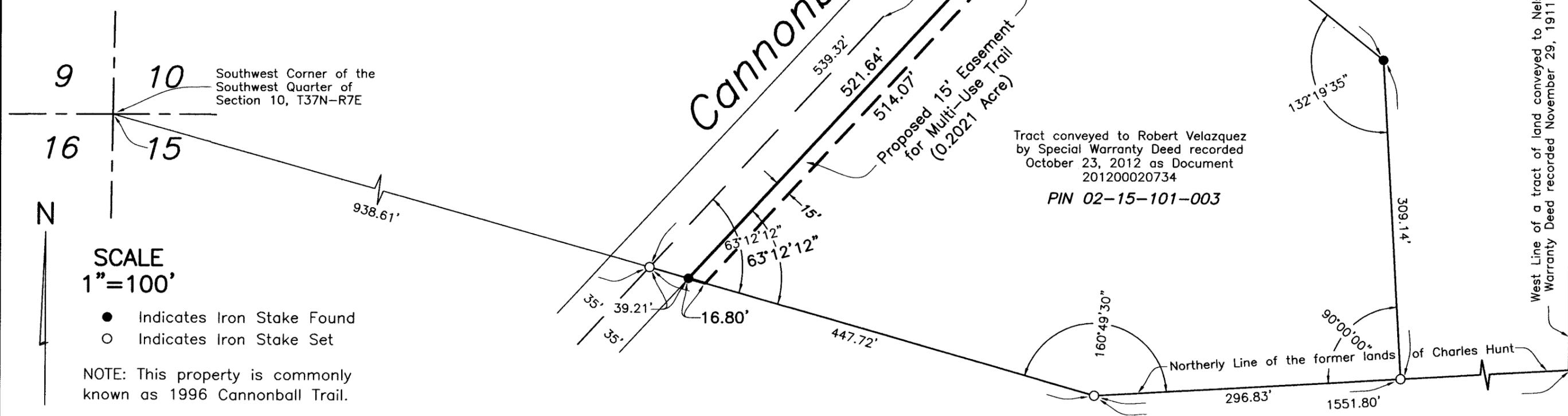
Phillip D. Young

Phillip D. Young
Illinois Professional Land Surveyor No. 2678
(Expires 11/30/18)



LEGAL DESCRIPTION:

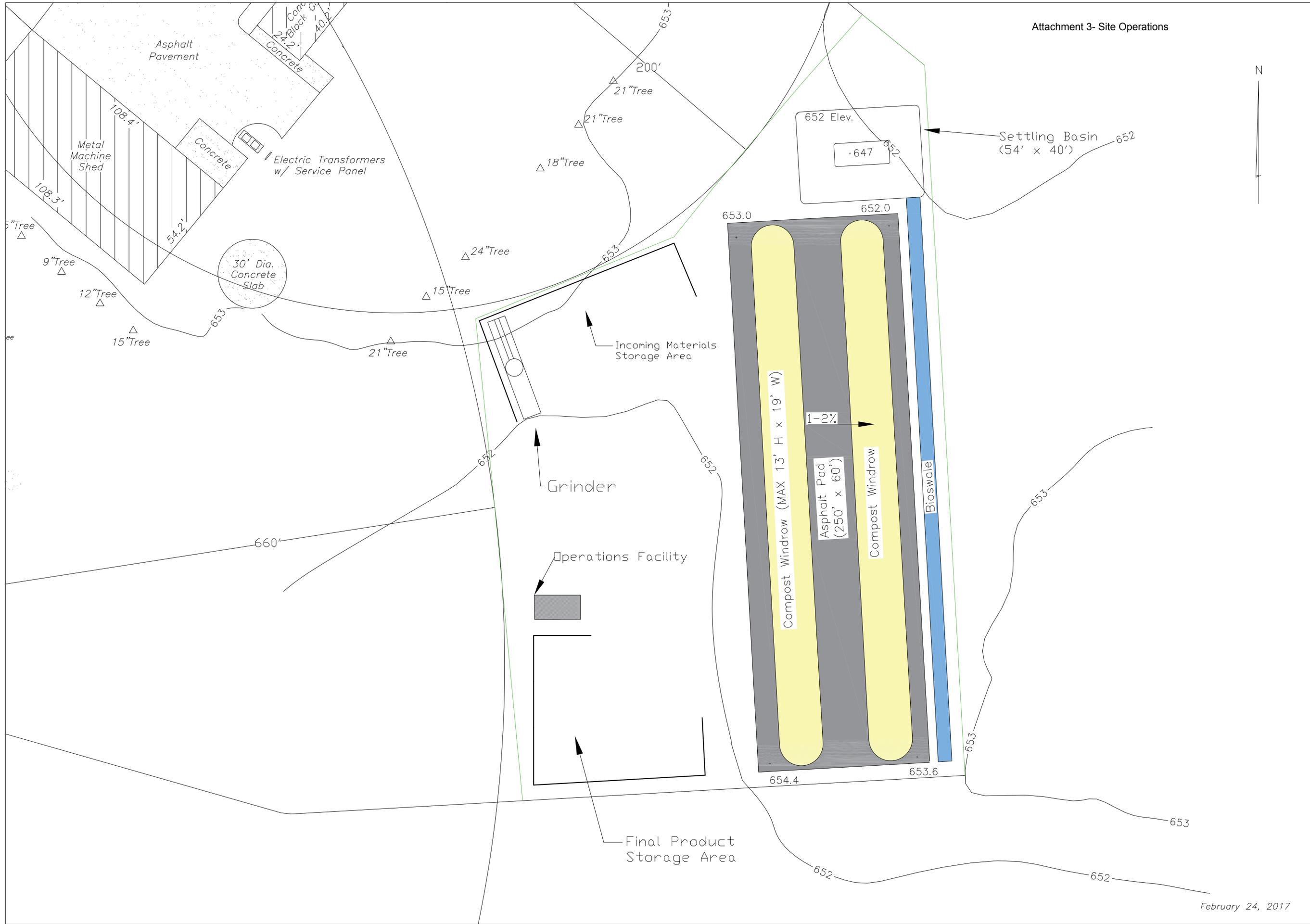
That part of the Southwest Quarter of Section 10, Township 37 North, Range 7 East of the Third Principal Meridian, and that part of the Northwest Quarter of Section 15, Township and Range aforesaid, described as follows: Commencing at the Southwest Corner of said Southwest Quarter; thence Southeasterly along a line which if extended would intersect the Northerly Line of the former lands of Charles Hunt at a point on said Northerly Line which is 1551.80 feet Westerly of the West Line of a tract of land conveyed by Nelson C. Rider to Jerry W. Rider by a Warranty Deed recorded November 29, 1911 in Book 66 of Deeds, Page 25 and depicted in Plat Book 1 at Page 62, a distance of 938.61 feet to the center line of Cannonball Trail; thence Southeasterly, along the line of the last described course, 39.21 feet to the Southeasterly Right-of-Way Line of Cannonball Trail for a point of beginning; thence Southeasterly along the last described course, 16.80 feet to a line which is 15.0 feet Southeasterly of and parallel with said Southeasterly Right-of-Way Line; thence Northeasterly, parallel with said Southeasterly Right-of-Way Line, 514.07 feet; thence Northeasterly, along a tangential curve to the left with a radius of 1091.70 feet and being 15.0 feet Southeasterly of and concentric with said Southeasterly Right-of-Way Line, 69.45 feet to the Northeasterly Line of a Tract conveyed to Robert Velazquez by Special Warranty Deed recorded October 23, 2012 as Document 201200020734; thence Northwesterly, along said Velazquez Tract, 15.0 feet to said Southeasterly Right-of-Way; thence Southwesterly along said Southeasterly Right-of-Way, being a curve the the right with a radius of 1076.70 feet, an arc distance of 68.49 feet; thence Southwesterly, along said Southeasterly Right-of-Way, 521.64 feet to the point of beginning in Bristol Township, Kendall County, Illinois.



1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

JOB NO. 17023
JOB NAME DEIGAN & ASSOC
DWG FILE 17023C



JOB NO.	16-082
JOB NAME	Semper Fi
DWG FILE	17023B-3-Fig.3
REVISION DATE	

Figure 3
Site Operations

Deigan & Associates, LLC
Layout 28835 N. Herky Dr., Unit 120
Tel. (847) 578-5000

Environmental Consultants
Lake Bluff, IL 60044
Website: www.deiganassociates.com

Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic #184-002775



02-10

Cannonball Trl

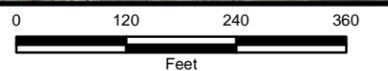
02-15

02-15-101-003
Bristol Twp.
Kendall County Illinois



Kendall County GIS
111 West Fox Street - Room 309
Yorkville, Illinois 60560-1498
630.653.4039

Aerial : 2016



1 inch = 200 feet

Created : 04/19/2017

Attachment 5-Application Materials



Deigan & Associates, LLC
Environmental Consultants

28835 N Herky Dr. Unit 120

Lake Bluff, Illinois 60044

Phone 847.578.5000

Fax 847.549.3242

www.deiganassociates.com

January 24, 2017

Department of Planning, Building & Zoning
Kendall County
111 West Fox Street
Yorkville, Illinois 60560

Re: Special Use Application for Compost Facility
Semper Fi Land Inc.
1996 Cannonball Trail
Bristol, Kendall County, Illinois 60512

To Whom It May Concern:

Enclosed for your review is a Special Use application to develop a landscape waste compost facility for Semper Fi Land, Inc. located at 1996 Cannonball Trail in Bristol, Kendall County, Illinois. Please contact the applicant and the undersigned with questions or should your Staff need additional information.

Sincerely,
Deigan & Associates, LLC


Steven M. Schilling, P.E.
Sr. Project Manager/Sr. Engineer



Gary J. Deigan
Principal

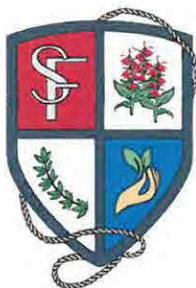

Enclosures

Sustainable Environmental Solutions

www.deiganassociates.com

Special Use Application Landscape Waste Compost Facility

Owner:



Robert R. Velazquez
PRESIDENT

SEMPER FI LAND INC.
LAND SERVICES & PRESERVATION

VOSB CVE MBE DBE SBE

Facility Location:
1996 Cannonball Trail
Bristol, Kendall County, Illinois 60512

January 24, 2017

Submitted to:
Kendall County
Department of Planning, Building & Zoning
111 West Fox Street
Yorkville, Illinois 60560

Prepared by:



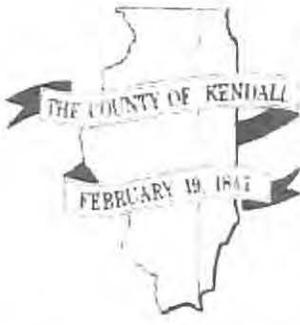
Deigan & Associates, LLC
Environmental Consultants

28835 N Herky Dr. Unit 120
Lake Bluff, Illinois 60044
Phone 847.578.5000
Fax 847.549.3242

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Sustainable Environmental Solutions

www.deiganassociates.com



DEPARTMENT OF PLANNING, BUILDING & ZONING
 111 West Fox Street • Yorkville, IL • 60560
 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME Semper Fi Compost Facility **FILE #:** 17-09

NAME OF APPLICANT Robert Velazquez		
CURRENT LANDOWNER/NAME(s) Robert Velazquez		
SITE INFORMATION ACRES 5.2	SITE ADDRESS OR LOCATION 1996 Cannonball Trail, Bristol, Illinois	ASSESSOR'S ID NUMBER (PIN) 02-15-101-003
EXISTING LAND USE Ag - Residential	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP Suburban Residential
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT Robert Velazquez	PRIMARY CONTACT MAILING ADDRESS 1996 Cannonball Trail, Bristol, IL	PRIMARY CONTACT EMAIL
PRIMARY CONTACT PHONE # 	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
2 ENGINEER CONTACT Gary Deigan	ENGINEER MAILING ADDRESS 28835 N. Herky Drive, Unit 120, Lake Bluff, IL	ENGINEER EMAIL
ENGINEER PHONE # 	ENGINEER FAX #	ENGINEER OTHER #(Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT 	DATE 1-24-17	

FEE PAID: \$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants



Deigan & Associates, LLC
Environmental Consultants

Project Narrative

Special Use Application – Sempre Fi Land Inc.
1996 Cannonball Trail, Bristol, Kendall County, Illinois

1.0 Applicant Identification and Location Information

The Special Use Application proposes to utilize the property located at 1996 Cannonball Trail in Bristol, Kendall County, Illinois (the “Site”), depicted in **Figure 1** (the Site Map), as a landscape waste composting facility operated by Semper Fi Land, Inc. (Semper Fi). The property is currently approved for operation as a landscape contracting Co. This special use application would simply allow yard waste to be processed into mulch as an important recycling benefit to managing yard waste. Semper Fi is a veteran-owned small, disadvantaged business enterprise, owned and operated by Mr. Robert Velazquez. Semper Fi has been operating as a business in Kendall County for over 10 years.

Semper Fi has completed the Special Use Application (including the application fee) which is included as an attachment.

According to the Plat of Survey, the legal description of the Site is as follows:

“THAT PART OF THE SOUTHWEST QUARTER OF SAID SECTION 10 TOWNSHIP 37 NORTH RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 15, TOWNSHIP AND RANGE AFORESAID DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SHOUTHEASRTLY ALONG A LINE WHICH IF EXTENDED WOULD INTERSECT THE NORTHERLY LINE OF THE FORMER LANDS OF CHARLES HUNT AT A POINT ON SAID NORTHERLY LINE WHICH IS 1551.80 FEET WESTERLY OF THE WEST LINE OF A TRACT OF LAND CONVETED BY NELSON C. RIDER TO JERRY W. RIDER BY A WARRANTY DEED RECORDER NOVEMBER 29, 1911 IN BOOK 66 DEEDS, PAGE 25 AND DEPICTED IN PLAT BOOK 1 AT PAGE 62, A DISTANCE OF 938.61 FEET TO THE CENTER LINE OF CANNONBALL TRAIL, FOR A POINT OF BEGINNING; THENCE SOUTHEARLY ALONG THE LAST DESCRIBED COURSE EXTENDED, 447.72 FEET TO SAID NORTHERLY LINE; THENCE EASTERLY ALONG SAID NORTHERLY LINE, WHICH FORMS AN ANGLE OF 160 DEGREES 49 MINUTES 30 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 296.83 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 309.14 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 132 DEGREES 19 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURE CLOCKWISE THEREFROM, 386.56 FEET TO THE CETNER LINE OF CANNONBALL TRAIL; THENCE SOUTHWESTERLY ALONG CENTERLINE TO THE POINT OF BEGINNING, EXCEPTING THEREFORE THAT PART TAKEN FOR PUBLIC ROAD PURPOSES, IN BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS.”

A. Proposed Use of Site

Semper Fi has applied for all necessary Illinois EPA permits to become a landscape waste compost facility concurrently with its application for Special Use Zoning. A landscape waste compost facility provides important recycling and processing of landscape waste into mulch. Semper Fi will utilize only landscape waste including yard waste and other woody material for compost material. Food waste or other organic waste will not be received. Approximately 85% of the landscape waste will be processed into mulch and the other 15% of the material will be processed compost material that is used as a soil supplement for planting.

The site's existing use as landscape waste contractor yard and its rural setting with large buffer zones and proposed vegetative screening make this property a compatible use for compost/mulch production. The Semper Fi Owner resides on the property, thus further ensuring that the facility will be a good neighbor.

B. Days and Hours of Operation

Business hours for the landscape waste composting facility will be 7 AM to 3:00 PM Monday through Friday. The facility will be closed on Saturday and Sunday. The grinder will only be operated during the above business hours.

At the entrance of the compost facility a permanent sign will be placed containing pertinent information for operating such landscape waste compost facility. The sign shall read:

Semper Fi Land Inc. Landscape Waste Compost Facility
1996 Cannonball Trail, Bristol, Illinois 60512

Operating Hours: M – F 7 AM – 3 PM (post project contractor landscape waste unloading may occur until 7PM).

Materials Accepted: Wood materials including wood chips, branches and logs

Yard waste including leaves, grass clippings and small branches

COMPLAINTS CONCERNING THIS FACILITY CAN BE MADE TO THE FOLLOWING PERSONS: OWNER/OPERATOR: ROBERT VELAZQUEZ, (630) 518-8484 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, BUREAU OF LAND (217) 782-3397

It is important to note that IEPA or its delegated inspection program to the County will have authority to inspect this facility and cite non-compliance matters.

C. Employees & Training Procedures

It is estimated that 2-5 employees will be used for the Semper Fi composting operation. These employees can be broken down into the following job descriptions: facility owner, equipment operators, and landscape waste truck drivers.

The facility owner/manager is directly responsible for overall day-to-day operations. Additional employees on-site will include two equipment operators. Responsibilities will be to keep the operating areas clean and organized. The equipment operators will also be responsible for greeting visitors, completing paperwork, and directing customers to designated landscape waste areas for processing. Equipment operators move landscape waste from designated storage areas to the facility grinder for processing. Equipment operators will process materials to make mulch and compost. Semper Fi drivers will transport landscape waste from Semper Fi jobs for processing. Operating hours for material brought to the site are from 7 AM to 7 PM, all material brought to the site will be processed within the applicable IEPA standards. The tub grinder will only operate from 7AM to 3PM.

Semper Fi management and employees will be trained to ensure compliance with all conditions of the IEPA permit and Kendall County requirements.

D. Logistics

Landscape waste is processed at the facility as shown on **Figure 3**. Landscape waste is delivered to the facility by Semper Fi trucks, other landscape waste contractors, or homeowners who have generated landscape waste. To access the compost facility operations a driveway will be constructed on the southern portion of the Site, that provides access from Cannonball Trail. This proposed driveway will be the main path for incoming and outgoing trucks. The road will provide suitable load bearing capacity and appropriate turning radius for the types of trucks that enter and exit the Semper Fi Facility. As trucks enter the facility, they are directed to operations building to gather information on the incoming material and complete an inspection of the material. The visual inspection will ensure raw materials brought to the facility are only woody materials or landscape waste and are free of any materials that would pose as a hazard to human health, including glass or metal shards. The visual inspections will ensure materials brought to the site do not contain man made materials larger than four millimeters in size. Once incoming material is inspected and recorded, trucks are directed to the appropriate unloading area by employees. The quantity of incoming compost material and mulch will be measured by monitoring the size of the truck loads, and maintaining a count of loads per day. Records will be kept in the operations building onsite.

Semper Fi will accept woody material and yard waste including wood chips, branches, logs, leaves, grass clippings, and small tree limbs for compost material. The material accepted at the Site will consist of approximately 70% woody material and 30% landscape waste. The landscape waste brought to the facility will be sorted into material requiring further processing including size separation and grinding. The estimated amount of

landscape waste to be received by the facility ranges between 100 and 150 cubic yards per day. The maximum the facility anticipates receiving in a day is 250 cubic yards. This low volume will ensure timely processing (which ensures odors are mitigated) and reasonable, low profile material stockpiles.

The typical composition of the daily recycle stream is approximated in the following table. Percentages are based on waste composition by quantity of material received.

Daily Recycle Stream Categories	Material Types	% of Total Recycle Stream (By Weight)
Wood Material	Wood Chips	70%
	Branches	
	Logs	
Landscape Waste	Grass Clippings	30%
	Leaves	
	Small tree limbs	

This typical composition may vary widely based on the type of landscape jobs being completed in the area. Approximately 85% of material will be processed into mulch and 15% will be processed into compost material.

F. Composting and Mulching Procedure

Two equipment operators will be employed at the Site. The equipment operators will be responsible for maintaining the operations area, greeting and directing customers, managing paperwork, and processing composting material. Semper Fi anticipates receiving approximately 2,000 to 3,000 cubic yards of landscape waste per month to process during the 9-10 month landscape season. Incoming composting waste will be quantified through monitoring incoming truck loads and the various truck sizes.

Methods implemented to control the type of landscape waste received will include inspecting each load received to verify that non-compostable waste is not being transported to the Site. If non-compostable material is transported to the Site, the non-compostable material will be rejected and prohibited from being dumped on-site.

Staging areas on-site will be adequate in size and design to facilitate the unloading of landscape waste from delivery vehicles. The southeast portion of the Site property will be utilized for vehicle delivery and turnaround, staging of unprocessed materials (drop-off), tub grinder operations, and stockpiled compost material. The staging areas on-site comprise approximately 1.2 acres.

Prior to windrowing, the compost waste will be processed through a tub grinder. The maximum length of time required to process each day's receipt of waste into windrows will be by the end of day.

The windrows will be constructed for optimum oxygen transfer, while maintaining temperatures in the proper range. Windrow construction will include lifting the compostable material with an excavating bucket of a front-end loader, and letting it cascade to the ground to form a loose pile of compost. After windrowing the compostable material, the material will be lightly compacted with a loader or excavator bucket. The dimensions of the two windrow piles will each be approximately 13 feet high by 19 feet wide, and between 200-250 linear feet. Both windrow piles will be turned at least monthly (or more frequently as needed) using a front-end loader. The Site will be lined with trees that will provide a visual buffer and aesthetics. Some areas of the site may be fenced to prevent unknowing trespasser safety concerns around equipment.

Approximately 85% of landscape waste brought to the Site will be ground into mulch for reuse and resale. The woody material will be ground and placed in the designated storage areas for Semper Fi landscape jobs or resale to contractors and home owners.

The source and providers of landscape waste will include Semper Fi and others who have clean usable materials available. The end users will include Semper Fi, homeowners, and other landscape contractors.

H. Equipment

Semper Fi Trucks: The Semper Fi truck fleet will bring landscape waste to the Site from Semper Fi jobs for composting.

Tub Grinder: The role of the Morbark 1000 Tub Grinder is to reduce the landscape waste to mulch/compost material. The grinder can operate at a capacity of 30 tons/hour. The grinder is 48'2" in length, 8'6" wide, 12'11" in height, and weighs approximately 28,740 lbs.

Wheel Loader: A three-yard wheel loader will be used to support the unloading/sorting process and to move heavy objects around the facility.

Skid-steer Loader: A tracked skid-steer will be used for onsite operations, primarily for clean up around site operation equipment. They are also used for other site tasks when needed.

In the event of equipment break down causing facility operations to cease, proper equipment will be leased/rented until repairs can be made to ensure processing times and composting procedures are achieved.

I. Dust, Odor, Noise, and Vector Control

In the unlikely event that temporary odors are observed on-site, the compost piles will be immediately aerated. Compost piles will be aerated frequently to prevent potential odors at the Site.

All loads delivered to the Site will undergo visual inspection to ensure only landscape material is brought onsite prior to proper dumping. Loads that are observed with improper material will be directed off the premises by Semper Fi employees.

If noticeable dust is observed at the Site, Semper Fi Land, Inc. will wet the ground (or source of dust) with water to prevent further spreading. Noise mitigation strategies will be implemented at the Site through the use of a vegetative perimeter buffer. If noise issues persist at the Site, an engineered noise barrier will be installed at the Site. Further, the Site will only operate during regular business hours to not disrupt the surrounding residences.

Vectors, such as insects, ticks, rodents, some birds, and other animals, will be controlled through various strategies. One method of vector control would be density reduction, by focusing population density controls at the breeding sites. Methods would include environmental management (drainage, filling, leveling of depressions and borrow pits, etc.) or the use of insecticides (larvicides). Larvicides may only be used as a last resort and in extreme cases, and if larvicides are used, the chemical should not kill non-target organisms or contaminate soil or groundwater. Additionally, garbage will not be left out at the Site and odor will be controlled with methods previously described.

J. Daily Cleanup

The facility is maintained on a daily basis by placing incoming landscape waste into designated storage area for processing. Once material have been processed, material will be placed in the correct corresponding area for making compost material. The loading/unloading area is cleaned with the tracked skid-steer to maintain safe truck access. Facility is cleaned daily to minimize dust, debris, odors, and vectors onsite by utilizing equipment onsite, hand brooms, and/or wetting surfaces when necessary.

3. Stormwater Runoff Management

Stormwater and landscape waste leachate controls as required pursuant to 35 IAC 830.204 will be used. Stormwater or other water which comes into contact with landscape waste will be considered landscape waste leachate and will be collected and reused in the process,

properly disposed of off-site, or treated as necessary prior to discharge off-site. Particular design measures will prevent ponding of landscape waste leachate on-site.

The design of the facility will prevent any compost material from being placed within five feet of the water table pursuant to 35 IAC 830.203(a)(3). Published groundwater data (obtained from the ISGS ILWATER Interactive Online Map) shows that the static groundwater level at the nearest private water well located approximately 585 feet to the west of the Site is approximately 19 feet below ground surface (bgs). Further, the Site elevation at this well is noted as 669 feet above mean sea level (amsl). It is likely that groundwater elevation at the Site is similar to that of the nearby well. Thus, due to the location of the water table in relation to site elevation, compost material would not be placed within five feet of the water table. Additionally, during the sub-surface investigation on-site on September 2, 2016, a soil boring was advanced to 12 feet below ground surface (bgs). The water table was not encountered during this investigation, thus indicating that the water table is located greater than 12 feet bgs at the Site.

According to 35 IAC Part 830, Standards for Compost Facilities, soil on-site must be “relatively impermeable soil”, meaning soil located above the water table that has a hydraulic conductivity no greater than 1×10^{-5} centimeters per second for a thickness of at least one foot. Test results from the permeability tests reveal a hydraulic conductivity of 1.33 cm/sec. This result will require construction of an impermeable surface at the Site.

To ensure any stormwater that comes in contact with the Site will not infiltrate to the native soils, an impermeable surface will be constructed in the entire compost facility operations. The compost facility surface will be constructed of impermeable surfaces including asphalt, concrete, compacted asphalt grindings, or another impermeable surface. The impermeable surface will be sloped approximately 0.5% to 2% from west to east towards the bioswale that will collect and infiltration stormwater eliminating any non-stormwater discharge. Impermeable surfaces will be inspected frequently to ensure compliance. Measures will be taken to correct any impermeable surface imperfections that would otherwise allow infiltration to the native soils below.

Drainage on the eastern portion of the property will be directed to a 300' bioswale that will collect, infiltrate, and filter runoff from the site. During large storm events water will be diverted to an under drain system below the bioswale to collect water and transport to the settling basin depicted in **Figure 3**. The settling basin will allow for additional settlement/treatment of stormwater runoff that is not treated from the bioswale. Excess water from the settling basin will be utilized for dust control operations as well as composting moisture. This allows for a 100% recycling operation of stormwater. A Kendall County Stormwater Permit Application has been prepared for the facility using stormwater best management practices.

Semper Fi Land, Inc.
Bristol, Kendall County, Illinois
Application for Permit
REV – 0
January 24, 2017



According to the Illinois State Geological Survey (ISGS) Illinois Water Well (ILWATER) Interactive Online Map, the nearest well (API 120932485100) is located approximately 585 feet to the west-southwest of the Site (depicted in **Figure 3**).

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map Number 17093C0035H, the Site is located outside the boundary of the 10-year floodplain.



Deigan & Associates, LLC
Environmental Consultants

Proof of Ownership

Special Use Application – Sempre Fi Land Inc.
1996 Cannonball Trail, Bristol, Kendall County, Illinois



AFTER RECORDING RETURN TO: !

- ex D: 11 T

Robert Velazquez

[Redacted signature area]

201200020734

DEBBIE GILLETTE
KENDALL COUNTY, IL

RECORDED: 10/23/2012 12:10 PM
WD: 511.00 RHPFS FEE: 10.00
PAGES: 3

PERMANENT INDEX NUMBER:

02-15-101-003

PROPERTY ADDRESS:

1996 Cannonball Trail
Bristol, Illinois 60512

SPECIAL WARRANTY DEED

THIS INDENTURE is made as of September 28 2012 between PB IL OREO, LLC, an Illinois limited liability company, having an address of 70 W. Madison Street, Suite 200, Chicago, Illinois 60602 (the "Grantor"), and ROBERT VELAZQUEZ, having an address of 1275 Golfview Street, Aurora, Illinois 60506 (the "Grantee");

WITNESSETH, Grantor, for and in consideration of the sum of Ten Dollars in hand paid by the Grantee, the receipt whereof is hereby acknowledged, by these presents does hereby GRANT, SELL AND CONVEY unto the Grantee, his successors and assigns, the following described real estate, together with any and all improvements located thereon and all rights, easements and appurtenances thereto in any way belonging (collectively, the "Property"), situated in the County of Kendall, State of Illinois, and described on Exhibit A attached hereto.

Grantor hereby covenants, promises and agrees, to and with Grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the Property granted is, or may be, in any manner encumbered or charged, except as herein recited; and that the Property, against all persons lawfully claiming, or to claim the same, by, through or under it, it WILL WARRANT AND DEFEND.

658001645

[SIGNATURE PAGE FOLLOWS]

154.00 DT



REAL ESTATE TRANSFER TAX
0030800
FP 103035

0000018059

DT

FIDELITY NATIONAL TITLE

3

IN WITNESS WHEREOF, Grantor has signed this instrument the day and year first above written.

PB IL OREO, LLC

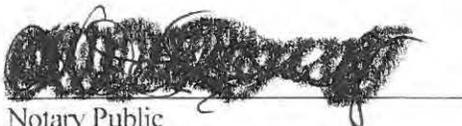
By: 
Its: MANAGING DIRECTOR

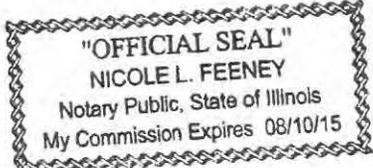
By: 
Its: James Thompson
Managing Director

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The undersigned, Nicole L. Feeney, a notary public in and for said County, in the State aforesaid, DOES HEREBY CERTIFY that Andrew Cathelina and Edward Corbett, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they signed and delivered the said instrument as their and voluntary act, on behalf of PB IL OREO, LLC, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this 28th day of September, 2012.


Notary Public



This instrument was prepared by: H. Jeffrey McCown, McCown Law Offices, 22837 S. Wirth, Frankfort, Illinois 60423

Exhibit A

Legal Description

THAT PART OF THE SOUTHWEST QUARTER OF SAID SECTION 10 TOWNSHIP 37 NORTH RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 15, TOWNSHIP AND RANGE AFORESAID DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTHEASTERLY ALONG A LINE WHICH IF EXTENDED WOULD INTERSECT THE NORTHERLY LINE OF THE FORMER LANDS OF CHARLES HUNT AT A POINT ON SAID NORTHERLY LINE WHICH IS 1551.80 FEET WESTERLY OF THE WEST LINE OF A TRACT OF LAND CONVEYED BY NELSON C. RIDER TO JERRY W. RIDER BY A WARRANTY DEED RECORDED NOVEMBER 29, 1911 IN BOOK 66 DEEDS, PAGE 25 AND DEPICTED IN PLAT BOOK 1 AT PAGE 62, A DISTANCE OF 938.61 FEET TO THE CENTER LINE OF CANNONBALL TRAIL, FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE LAST DESCRIBED COURSE EXTENDED, 447.72 FEET TO SAID NORTHERLY LINE; THENCE EASTERLY ALONG SAID NORTHERLY LINE, WHICH FORMS AN ANGLE OF 160 DEGREES 49 MINUTES 30 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 296.83 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 309.14 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 132 DEGREES 19 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 386.56 FEET TO THE CENTER LINE OF CANNONBALL TRAIL; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS.

PERMANENT INDEX NUMBER:

02-15-101-003

PROPERTY ADDRESS:

1996 Cannonball Trail
Bristol, Illinois 60512

Kendall County Land Evaluation and Site Assessment (LESA):

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
318C2	6	69	0.8	55.2
369A	2	94	3.9	366.6
791A	4	79	0.3	23.7
Totals			5.0	445.5
LE Score		LE= 445.5/5.0		LE= 89.1 (89)

The Land Evaluation score for this site is **89**, indicating that this site is predominately prime farmland well suited for agricultural production.

Table 4b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	5
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	10
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	2
	Site Assessment Score:	80

Land Evaluation Value: 89 + Site Assessment Value: 80 = LESA Score: 169

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score** for this site is **169** which indicates a **low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Semper Fi Land Service for the proposed Semper Fi Compost Facility project. This parcel is located in Section 10 & 15 of Bristol Township (T.37N.-R.7E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 89 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. All of the soils identified onsite are designated as prime farmland. The proposed project is requesting an A-1 Special Use permit to operate a landscape waste compost facility.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 100% of the soils are very limited for shallow excavations; 85.5% of the soils are very limited for local roads/streets and 15% are rated as unsuitable for onsite conventional sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Blackberry Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


Chair


Date



Deigan & Associates, LLC
Environmental Consultants

Endangered Species Consultation Report

Special Use Application – Sempre Fi Land Inc.
1996 Cannonball Trail, Bristol, Kendall County, Illinois

Applicant: Deigan & Associates
Contact: Katie Kult
Address: 28835 N. Herky Drive, Unit 120
Lake Bluff, IL 60044

IDNR Project Number: 1706246
Date: 01/16/2017

Project: Semper Fi Compost Facility
Address: 1996 Cannonball Trail, Bristol, IL

Description: The EcoCAT is being submitted for the development of a Compost Facility for the property located at 1996 Cannonball Trail in Bristol, Kendall County, Illinois as a landscape waste composting facility operated by Semper Fi Land, Inc. Semper Fi is owned and operated by Robert Velazquez. The compost facility will be developed in accordance to Title 35 Illinois Administrative Code 830 and other Federal, State, and Local rules and regulations. The Site is currently utilized as a residential dwelling and agricultural land.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

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.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall

Township, Range, Section:

37N, 7E, 10

37N, 7E, 15



IL Department of Natural Resources

Contact

Keith Shank
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction

Kendall County
Brian Holdiman
111 West Fox Street Room 203
Yorkville, Illinois 60560

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



EcoCAT Receipt	Project Code 1706246
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APPLICANT	DATE
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Deigan & Associates Gary Deigan 28835 N.Herky Drive, Unit 120 Lake Bluff, IL 60044	1/16/2017
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DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
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EcoCAT Consultation	\$ 500.00	\$ 11.75	\$ 511.75
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	TOTAL PAID	\$ 511.75
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Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov



Deigan & Associates, LLC
Environmental Consultants

Special Use Findings of Fact

Special Use Application – Sempre Fi Land Inc.
1996 Cannonball Trail, Bristol, Kendall County, Illinois

Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.

The facility will be constructed and operated in accordance with all Kendall County ordinances and Illinois EPA permits/regulations and will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other properties 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.

Property surrounding the Site is predominantly zoned agricultural land. The petitioners propose using the property as a compost business which is compatible with agricultural farming.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

The proposed compost facility has adequate access from Cannonball Trail. The petitioners will submit a Stormwater Submittal in accordance with Article 5, Table 502 of the Countywide Stormwater Ordinance for review and approval prior to construction.

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

The proposed Special Use will allow for the existing permitted landscaping operation to effectively manage landscape waste. Petitioners have provided a construction and operating plan that conforms to the applicable regulations of the A-1 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.

This Special Use is consistent with the LRMP in providing an essential service to the surrounding land use categories contemplated by the Future Land Use Plan. The agricultural nature of this facility is consistent with the overall character of the area.

Attachment 6- Application Addendum



Deigan & Associates, LLC
Environmental Consultants

28835 N Herky Dr. Unit 120

Lake Bluff, Illinois 60044

Phone 847.578.5000

Fax 847.549.3242

www.deiganassociates.com

April 17, 2017

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Re: Addendum to Special Use Permit Application
Semper Fi Land Inc.
1996 Cannonball Trail
Bristol, Kendall County, Illinois 60512

Dear Mr. Asselmeier:

Enclosed are revised Plat of Survey and Site Plan for the Special Use Permit application to develop a landscape waste compost facility for Semper Fi Land, Inc. located at 1996 Cannonball Trail in Bristol, Kendall County, Illinois. These drawings replace Figures 1 and 3 in our original submittal. In addition, we have included a Stormwater Submittal of which the Plat of Survey and Site Plan are components.

Please contact the undersigned with questions.

Sincerely,

Deigan & Associates, LLC

[REDACTED]

Gary J. Deigan
Principal

[REDACTED]

Steven Schilling, P.E.
Sr. Project Manager/Sr. Engineer

Sustainable Environmental Solutions

www.deiganassociates.com

Addendum to Application for a Special Use Permit



Facility Location:
1996 Cannonball Trail
Bristol, Kendall County, Illinois 60512

April 17, 2017

Submitted to:
Kendall County Planning,
Building & Zoning Department

Prepared by:



Deigan & Associates, LLC
Environmental Consultants

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Sustainable Environmental Solutions

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Addendum Contents

Supplemental Narrative Text – Stormwater Submittal

- Figure 1 – Zoning Plat for Special Use Permit (1-24”x36” plus 15-11”x17” Copies)
- Figure 3 – Site Operations Layout (1-24”x36” plus 15-11”x17” Copies)
- Figure 4 – ISGS Illinois Water Well Map
- Figure 5 – FEMA Flood Insurance Map
- Figure 6 – Settling Basin Detail

Stormwater Submittal

Applicant Identification and Location Information

The Kendall County Stormwater Application has been prepared for the development of a Compost Facility for the property located at 1996 Cannonball Trail in Bristol, Kendall County, Illinois (the “Site”), depicted in Figure 1 (the Site Map), as a landscape waste composting facility operated by Semper Fi Land, Inc. (Semper Fi). Semper Fi is owned and operated by Robert Velazquez.

The compost facility will be developed in accordance to Title 35 Illinois Administrative Code 830 and other Federal, State, and Local rules and regulations. The Site is currently utilized as a residential dwelling and agricultural land. Surrounding land uses include both residential and agricultural. According to the Kendall County Geographic Information Systems (GIS) Online Mapper, the Site is zoned agricultural – special use (A1-SU).

Immediately adjoining land uses relative to the Site include:

- North—Cannonball Trail followed by cultivated agricultural land.
- East— Cultivated agricultural land.
- West—Cannonball Trail followed by cultivated agricultural land.
- South—Cultivated agricultural land followed by residential use.

Logistics and Operation

The facility will operate as a composting facility that will utilize only landscape waste including yard waste and other woody material for compost material. Organic waste will not be received or processed at the facility. Approximately 70% of the landscape waste proposed to be received by the facility includes wood material (wood chips, branches and logs) and the other 30% of the material will be yard waste (compost) including leaves, grass clippings and small branches.

Landscape waste processed at the facility is delivered by Semper Fi trucks, other landscape waste contractors, or homeowners who have generated landscape waste. The facility will not accept organic waste. The estimated amount of landscape waste to be received by the facility ranges between 100 and 150 yards per day. The maximum the facility anticipates receiving in a day is 250 yards. Business hours for the landscape waste composting facility will be 7:00 a.m. to 3:00 p.m. Monday through Friday. The facility will be closed on Saturday and Sunday.

The material processed at the Site will consist of approximately 85% mulch and 15% compost. The landscape waste brought to the facility will be sorted into material requiring

further processing. The composting operation on-site will be a large-scale composting business, utilizing windrow composting methods to produce compost material. A mixture of composting ingredients will be placed in long, narrow piles. The initial step in constructing the compost pile will be to grind and shred ingredients using an on-site grinder. The grinder will only be operated during the Site operating hours mentioned above. Grinding ingredients also reduces the particle size which increases temperature and thus speeds up the composting process. Materials will then be mixed and the windrow piles will be constructed. The dimensions of the windrows will be approximately 13 feet high by 19 feet wide, and 250 linear feet. A tracked skid-steer and a three-yard wheel loader will be utilized to load the windrow piles. These machines will also be used to turn the windrow piles to redistribute the heat and also aerate the compost, aiding in the decomposition process.

Staging areas on-site will be adequate in size and design to facilitate the unloading of landscape waste from delivery vehicles. The southeast portion of the Site operations area will be utilized for vehicle delivery and turnaround, staging of unprocessed materials (drop-off), tub grinder operations, and stockpiled compost material. The processing and staging areas on-site comprise approximately 1.2 acres.

Stormwater Runoff Management

Stormwater and landscape waste leachate controls as required pursuant to 35 IAC 830.204 and the Kendall County Stormwater Ordinance. Stormwater or other water which comes into contact with landscape waste will be considered landscape waste leachate and will be collected and reused in the process, properly disposed of off-site, or treated as necessary prior to discharge off-site. Stormwater that comes in contact with the site will be collected in the adjacent bioswales within the Site operations area and the filtered water will be collected in the onsite operations settling basin. Further detail detailed design measures are discussed **Section B** and depicted in **Figure 3**. Design measures will prevent ponding of landscape waste leachate on-site.

Additionally, soil surfaces will not come into contact with the compost piles, as impervious surfaces will be present (depicted in **Figure 3**). Thus, the compost material will remain in aerobic conditions and drain into the onsite bioswale.

A. Hydrology of the Compositing Facility

According to the Illinois State Geological Survey (ISGS) Illinois Water Well (ILWATER) Interactive Online Map, the nearest well (API 120932485100) is located approximately 585 feet to the west-southwest of the Site. The ISGS Illinois Water Well Map is included as **Figure 4**.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 17093C0035H, the Site is located outside the boundary of the 10-year and 100-year floodplain (depicted in **Figure 5**).

The design of the facility will prevent any compost material from being placed within five feet of the water table pursuant to 35 IAC 830.203(a)(3). Published groundwater data (obtained from the ISGS ILWATER Interactive Online Map) shows that the static groundwater level at the nearest private water well located approximately 585 feet to the west of the Site (discussed above) is approximately 19 feet below ground surface (bgs). Further, the Site elevation at this well is noted as 669 feet above mean sea level (amsl). Due to the relatively flat topography and no major water body (lake or ocean) nearby, it is likely that groundwater elevation at the Site is similar to that of the nearby well. Thus, it is inferred that due to the location of the water table in relation to site elevation, compost material would not be placed within five feet of the water table.

According to 35 IAC Part 830, Standards for Compost Facilities, soil on-site must be “relatively impermeable soil”, meaning soil located above the water table that has a hydraulic conductivity no greater than 1×10^{-5} centimeters per second (cm/sec) for a thickness of at least one foot. Test results from the permeability tests reveal a hydraulic conductivity of 1.33 cm/sec. During the sub-surface investigation on-site on September 2, 2016, a soil boring was advanced to 12 feet below ground surface (bgs). The water table was not encountered during this investigation, thus indicating that the water table is located greater than 12 feet bgs at the Site.

To ensure any stormwater that comes in contact with the Site is properly managed, an impermeable surface will be constructed within the entire composting area. The composting area surface will be constructed of impermeable surfaces including asphalt, concrete, compacted asphalt grindings, or another impermeable surface. The impermeable surface will be sloped approximately 1% to 2% from west to east towards the bioswale that will collect and filter the stormwater. Impermeable surfaces will be inspected frequently to ensure compliance. Measures will be taken to correct any impermeable surface imperfections that would otherwise allow infiltration to the native soils below.

Detailed below is the current stormwater runoff rate:

$$Q \text{ (Peak Runoff Rate)} \\ = C \text{ (Runoff Coefficient)} i \text{ (rainfall intensity)} A \text{ (Drainage Area)}$$

$$C = 0.2$$

$$i_{2 \text{ yr. } 24 \text{ hr.}} = 3.04 \frac{\text{inches}}{24 - \text{hour}}$$

$$i_{10 \text{ yr. } 24 \text{ hr.}} = 4.47 \frac{\text{inches}}{24 - \text{hour}}$$

$$A = 5.4 \text{ acres}$$

$$Q_{2 \text{ yr.}} = 3.23 \text{ cubic feet per second (cfs)}$$

$$Q_{10 \text{ yr.}} = 4.86 \text{ cfs}$$

Using the American Society of Civil Engineers Coefficient Table, a runoff coefficient of 0.2 was selected based on the current Site conditions being comprised of majority residential area with vegetation and portions being agricultural lands with crop coverage. Using the duration of 24-hours, the rainfall intensity constants for a 2-year storm and 10-year storm were selected from the Bulletin 70 Rainfall Distribution and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois provided by Illinois State Water Survey.

B. Stormwater and Landscape Waste Leachate Controls

The Site composting operations only utilize the eastern portion of the property and a driveway connecting Cannonball Trail to the operations area; therefore, the western half of the property will continue to drain as it did prior to this development.

Material staged outdoors will be conducted on an improved surface consisting of concrete, asphalt, or compacted asphalt grindings. The Site will be sloped to allow drainage from the composting operations to the bioswale system discussed below. Materials to be staged outdoors will consist of mulch and compost material. Runoff that contacts material and equipment stored outside is managed through the constructed bioswale and settling basins.

Drainage within the operations area of the property will be directed to a 250' bioswale that will collect, infiltrate, and filter runoff from the site. The bioswale will include native plantings that aid in the filtration process through microbial activity removing any contaminants generated from the composting process. During large storm events, water will be diverted to an under-drain system below the bioswale to collect water and transport to the settling basin as depicted on **Figure 3**. The settling basin will allow for additional storage, infiltration and settlement/treatment of stormwater runoff that is not treated from the bioswale. Excess water from the settling basin will be utilized for dust control operations as well as composting moisture. This allows for a 100% recycling operation of stormwater.

A. Site Development Runoff Calculations

The Site development will consist of a 0.3 acre impervious asphalt pad. To be conservative, calculations have been based on 1.2-acres of impervious surface for the composting area. Detailed below is the stormwater runoff rate with the impervious surface used in the composting area.

$$Q \text{ (Peak Runoff Rate)} \\ = C(\text{Runoff Coefficient}) i \text{ (rainfall intensity)} A \text{ (Drainage Area)}$$

$$C = 0.7$$

$$i_{2 \text{ yr. } 24 \text{ hr.}} = 3.04 \frac{\text{inches}}{24 - \text{hour}}$$

$$i_{10 \text{ yr. } 24 \text{ hr.}} = 4.47 \frac{\text{inches}}{24 - \text{hour}}$$

$$A = 1.2 \text{ acres}$$

$$Q_{2 \text{ yr.}} = 2.51 \text{ cubic feet per second (cfs)}$$

$$Q_{10 \text{ yr.}} = 3.78 \text{ cfs}$$

Using the American Society of Civil Engineers Coefficient Table, a runoff coefficient of 0.7 was selected based on the Site being developed with an impervious surface. The Site is relatively flat, with an approximated drainage slope of 0.3%. Using the duration of 24-hours, the rainfall intensity constants for a 2-year storm and 10-year storm were selected from the Bulletin 70 Rainfall Distribution and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois provided by Illinois State Water Survey.

B. Bioswale Sizing

The bioswale has been designed to infiltrate 50% of the largest designed storm event. Stormwater that falls onto the impervious site operations area will be directed to the 250' linear bioswale located along the east portion of the property. The impervious surface within the operations area will slope approximately 1% to 2% from west to east to allow for drainage into the bioswale and eliminate any non-stormwater discharge from the Site. The bioswale will be 250' in length, 5' in width, and a minimum 12" in depth. The bioswale will be backfilled with the permeable soils and planted with native species to promote infiltration. Test results from a Site permeability tests reveal a hydraulic conductivity of 1.33 cm/sec. Side slopes within the bioswale will be no greater than 3:1. Native plantings will include grasses and a couple of varieties of flower plants for a visual aesthetics. The

bioswale will be sloped approximately 0.3% to 0.5% longitudinally to allow for flow of excess filtered stormwater to the settling basin.

To accommodate large storm events a perforated pipe will be placed approximately 12” longitudinal below ground surface that will drain into a sedimentation basin discussed in the following Section. In the event the bioswale becomes inundated with stormwater, water will move to a 12” diameter perforated pipe embedded in open graded aggregate wrapped in filter fabric to transport to the settling basin. This pipe will be flat in order to encourage infiltration for stormwater cleansing before leaving the pipe to the settling basin.

$$d \text{ (pipe diameter)} = \sqrt{\frac{4 Q_{10 \text{ yr.}}}{\pi v}}$$

$$\text{Assumed velocity (v)} = 5 \text{ ft/s}$$

$$d \text{ (pipe diameter)} = 11.8 \text{ inches}$$

C. Settling Basin Sizing

Stormwater that is not able to be infiltrated through the natural soils will flow through the 12” diameter perforated pipe that is sloped longitudinally 0.5% to 2.0% towards the settling basin.

$$\text{Volume Storage} = i_{10 \text{ yr } 24 \text{ hr}} * C_{\text{Developed}} * A_{\text{Developed}}$$

$$\text{Volume Storage} = 4.47 \text{ in} * \frac{1 \text{ ft}}{12 \text{ in}} * 0.7 * 1.2 \text{ acres} * \frac{43560 \text{ ft}^2}{1 \text{ ac}}$$

$$\text{Volume Storage Needed} = 13,629.9 \text{ ft}^3$$

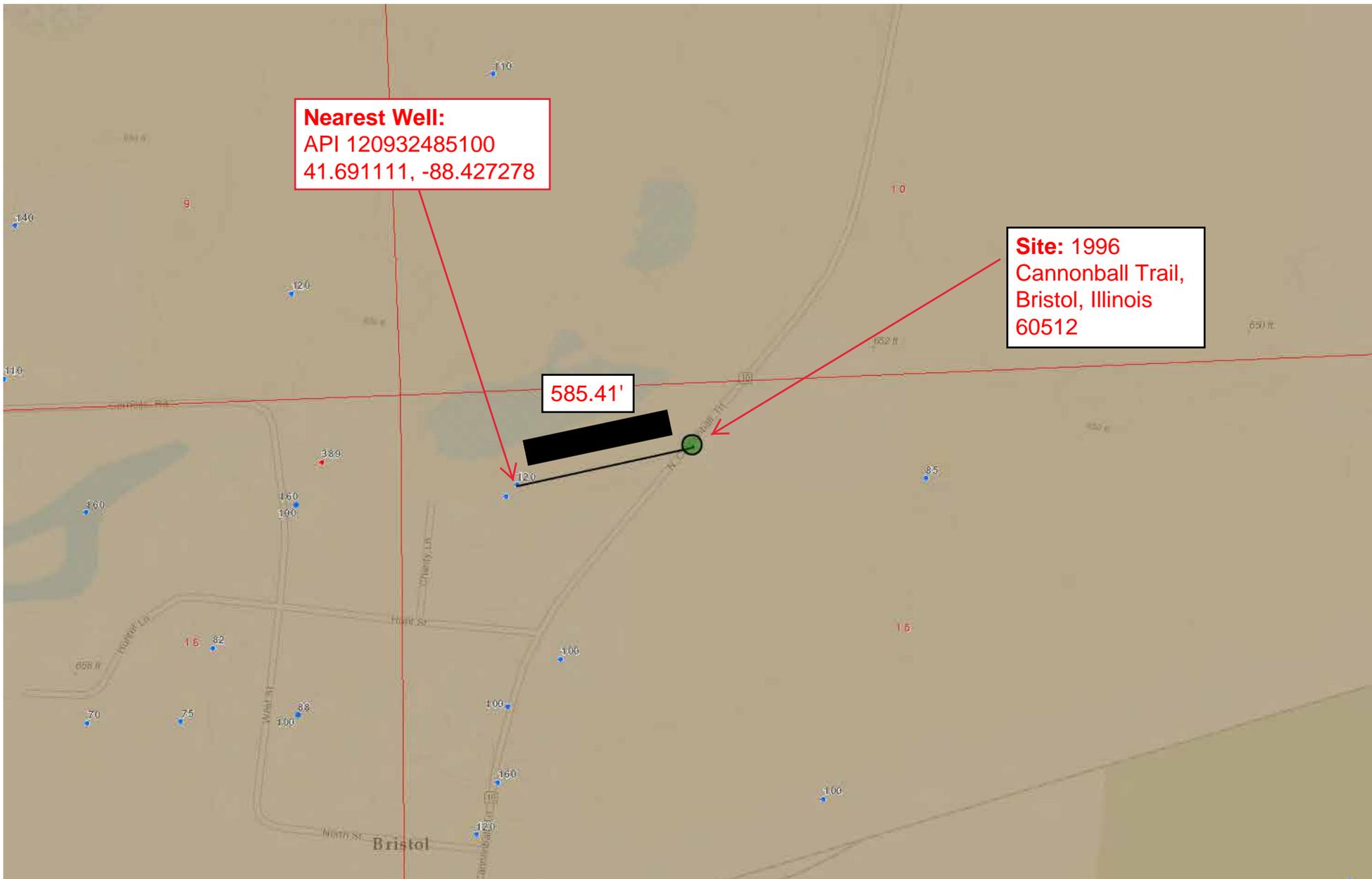
The bioswale provides approximately 1,650 ft³ of stormwater storage. The bioswale has been designed to infiltrate 50% of the largest designed storm event. The volume of stormwater storage required for a settling basin, if 50% of the stormwater is infiltrated in the bioswale and 1,650 ft³ of stormwater can be stored is 5,164 ft³. A conservative approach is to allow for excess storage in the basin.

$$\text{Basin Size (truncated right pyramid)} = \\ 54 \text{ ft (l)} \text{ by } 40 \text{ ft (w)} \text{ by } 5 \text{ ft (d)} = 5,250 \text{ ft}^3$$

The settling basin will allow for additional settlement/treatment of stormwater runoff that is not treated from the bioswale. Excess water from the settling basin will be utilized for dust control operations as well as composting moisture. This allows for a 100% recycling operation of stormwater. A detail of the settling basin layout and storage calculation is shown on **Figure 6**.

C. Additional Permitting Requirements

Construction of the facility will require a NPDES Permit for Construction Site Activities from the Illinois Environmental Protection Agency. A Notice of Intent for General Permit will be filed no later than 30 days prior to commencement of construction and will include a Storm Water Pollution Prevention Plan (SWPPP).



ILLINOIS STATE
GEOLOGICAL SURVEY
PRAIRIE RESEARCH INSTITUTE

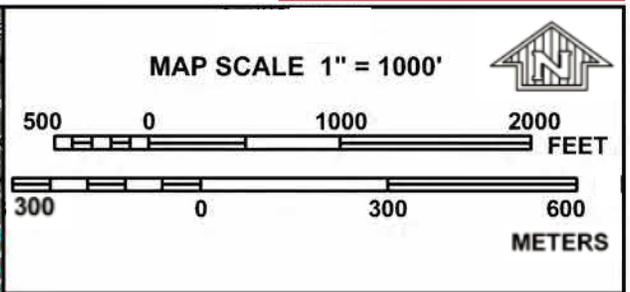
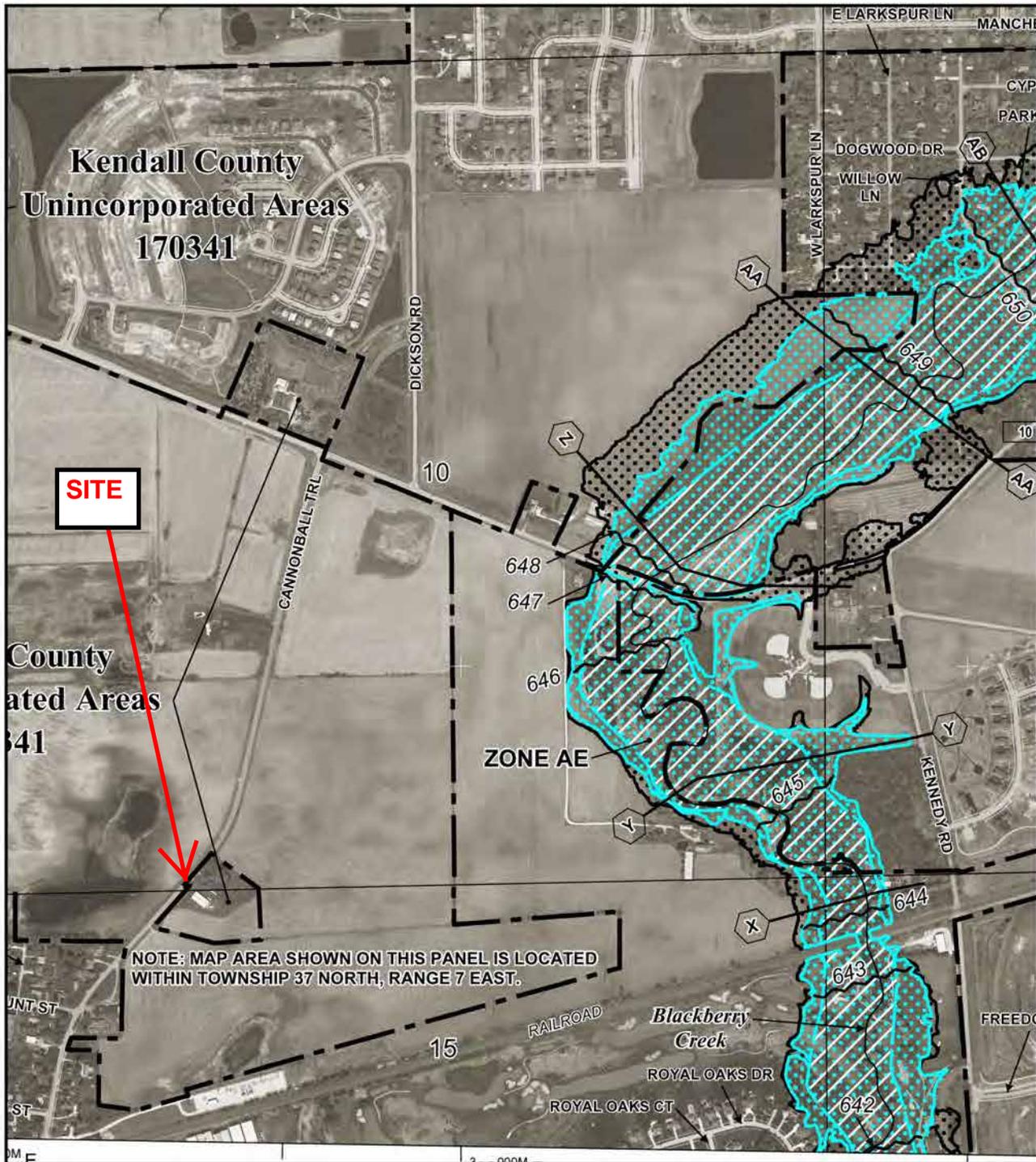
1996 Cannonball Trail, Bristol, Illinois

Date: Aug 12, 2016

FIGURE 4



FIGURE 5



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0035H

FIRM
FLOOD INSURANCE RATE MAP
KENDALL COUNTY,
ILLINOIS
AND INCORPORATED AREAS

PANEL 35 OF 225
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
KENDALL COUNTY	170341	0035	H
MONTGOMERY, VILLAGE OF	170328	0035	H
OSWEGO, VILLAGE OF	170345	0035	H
YORKVILLE, CITY OF	170347	0035	H

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
17093C0035H
MAP REVISED
JANUARY 8, 2014

Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



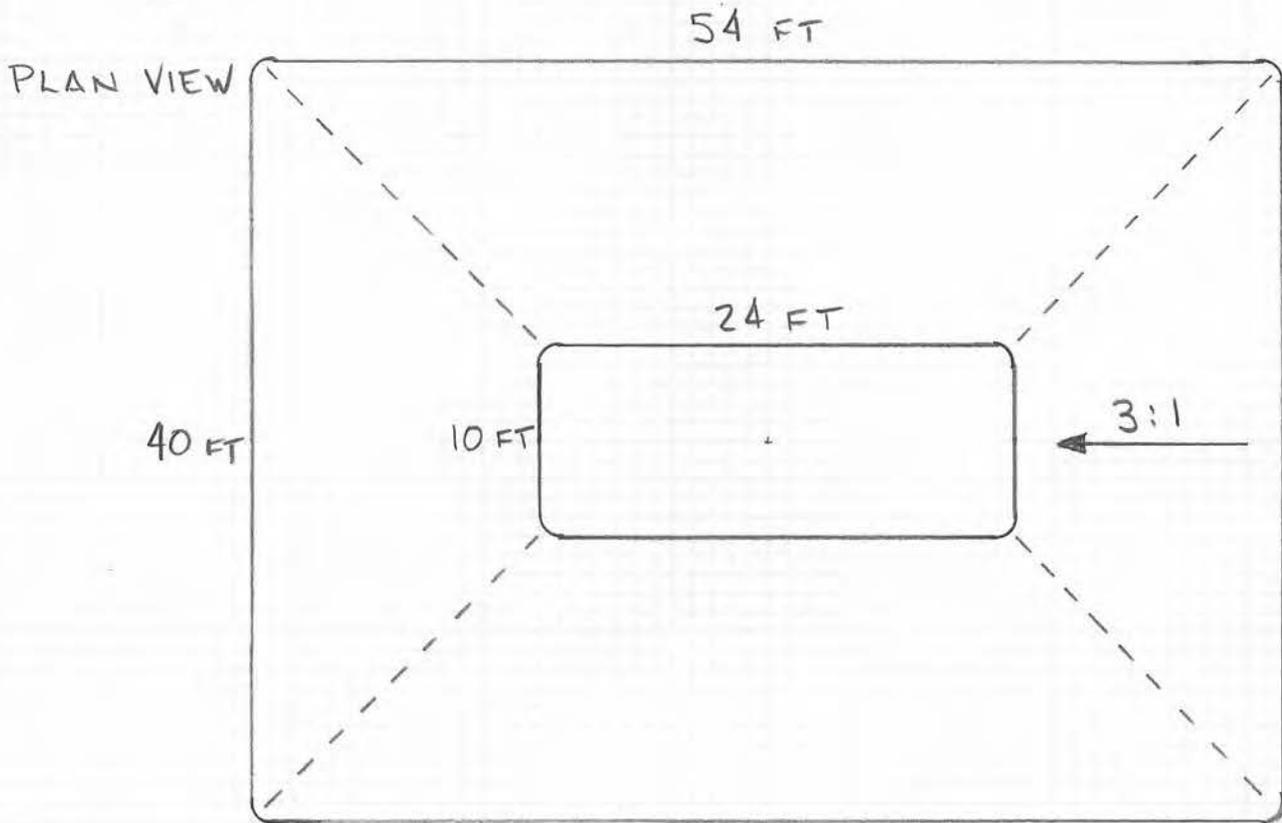
BY SAS	DATE 2-17-2017	SUBJECT STORMWATER SETTLING BASIN	SHEET NO. 1 OF 1
CHECKED BY	DATE	SEMPRE FI COMPOSTING	PROJECT NO. 16-082

SETTLING BASIN (TRUNCATED RIGHT PYRAMID)
3:1 MAXIMUM SIDE SLOPES
5,200 FT³ STORAGE NEEDED

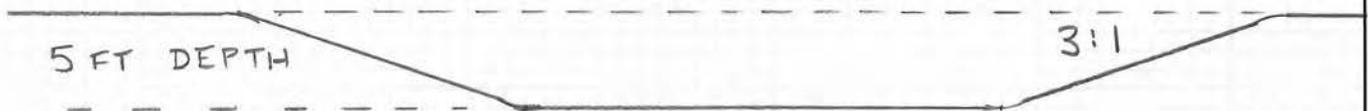
$$V = \frac{1}{6} \times H \times (B + (a+c) \times (b+d) + T)$$

$$= \frac{1}{6} \times 5 \times [(54 \times 40) + (54+24) \times (40+10) + (24 \times 10)] \quad * \text{ ALL IN FT}$$

$$= 5,250 \text{ FT}^3$$



ELEVATION



Bioswale

Definition

- Vegetated swale system with an infiltration trench designed to retain and temporarily store stormwater. Bioswales are planted with native grasses and forbs that enhance filtration, cooling, and cleansing of water in order to improve water quality and prevent sealing of subsoils.



© Conservation Design Forum

bioswale in a parking lot (Tellabs, Naperville, IL)
(Conservation Design Forum)

Applicability

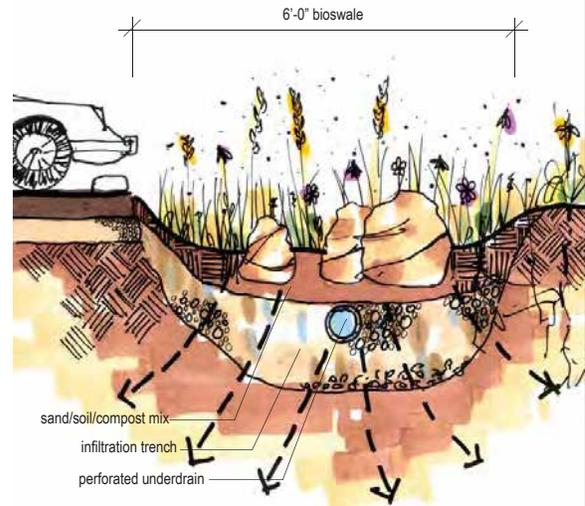
- Scale
 - Watershed/County
 - Town/Village
 - Neighborhood
 - Lot
- Applications
 - Retrofit
 - Preventive
 - Roofs
 - Parking Lots
 - Runoff Rate Control
 - Nutrient Control
 - New
 - Remedial
 - Streets
 - Lawn
 - Runoff Volume Control
 - BOD Control
 - Ongoing/ Maintenance
 - Driveways
 - Sensitive Areas
 - Physical Habitat Preservation/Creation
 - Sediment Pollution Control
 - Other Pollutant Control
- Effectiveness
 - Runoff Rate Control
 - Runoff Volume Control
 - Nutrient Control
 - BOD Control
 - Ongoing/ Maintenance
 - Driveways
 - Sensitive Areas
 - Physical Habitat Preservation/Creation
 - Sediment Pollution Control
 - Other Pollutant Control

Benefits

- Reduces impervious runoff volumes and rates.
- Recharges groundwater and sustains base flows.
- Reduces sediment and nutrient runoff.
- Can reduce detention needs.

Design Considerations

- Bioswales must be sized and designed to account for drainage area and soils.
- Filtration benefits can be improved by planting native deep-rooted vegetation.
- Infiltration storage should be designed to drain in 24 hours to prevent sealing of subsoils.
- Topsoil should be amended with compost and/or sand to improve organic content for filtering and to achieve adequate infiltration rates.
- Bioswales should be protected from construction site runoff to prevent sealing of topsoil and/or subsoils.
- Direct entry of stormwater runoff into infiltration trench should be prevented to preserve groundwater quality and to prevent sealing of subsoils.
- Underdrain should be sufficiently low in the trench to provide adequate drainage of aggregate base of adjacent paved areas but sufficiently high to provide infiltration storage.



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cross section of bioswale (Conservation Design Forum)

Attachment 7-Entrance
from Cannonball

**Proposed
Gravel Drive**



Attachment 8-
Looking East

Approximate
Location of
Operations



Approximate Location
of Operations



Attachment 10-
Looking Southeast

Approximate
Location of
Operations



**Attachment 11-
Looking East from
Driveway**

Approximate
Location of
Operations



Attachment 12-Looking
South from Driveway

Gravel
Driveway

Gravel
Driveway



Attachment 13-Looking
North from Driveway



State of Illinois
County of Kendall

Zoning Petition
#12-32

ORDINANCE NUMBER 2012 - 23

GRANTING A SPECIAL USE FOR
1996 CANNONBALL TRAIL
SEMPER FI YARD SERVICES INC.

WHEREAS, Semper Fi Yard Services Inc. has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.2 acre property located on the east side of Cannonball Trail about 0.5 miles south of Galena Road, commonly known as 1996 Cannonball Trail (PIN# 02-15-101-003), in Bristol Township, and;

WHEREAS, said petition is to allow the operation of a landscape business and live in the house; and

WHEREAS, said property is currently zoned A-1 Agricultural; and

WHEREAS, said property is legally described as:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 15 , TOWNSHIP AND RANGE AFORESAID DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE SOUTHEASTERLY ALONG A LINE WHICH IF EXTENDED WOULD INTERSECT THE NORTHERLY LINE OF THE FORMER LANDS OF CHARLES HUNT AT A POINT OF SAID NORTHERLY LINE WHICH IS 1551.80 FEET WESTERLY OF THE WEST LINE OF A TRACT OF LAND CONVEYED BY NELSON C. RIDER TO JERRY W. RIDER BY A WARRANTY DEED RECORDED NOVEMBER 29, 1911 IN BOOK 66 DEEDS, PAGE 25 AND DEPICTED IN THE PLAT BOOK 1 AT PAGE 62, A DISTANCE OF 938.61 FEET TO THE CENTER LINE OF CANNONBALL TRAIL, FOR A POINT OF BEGINNING , THENCE SOUTHEASTERLY ALONG THE LAST DESCRIBED COURSE EXTENDED, 447.72 FEET TO SAID NORTHERLY LINE; THENCE ESATERLY ALONG SAID NOTEHRLY LINE, WHICH FORMS AN ANGEL OF 160°49' 30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 296.83 FET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 309.14 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 132°19'35" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 386.56 FEET TO THE CENTER LINE OF CANNONBALL TRAIL; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS AND CONTAINING 5.727 ACRES.

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 13.07.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on October 1, 2012; and

WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. All equipment will be stored inside the structures and shall not be detrimental or endanger the public health, safety, morals,

comfort or general welfare.

*That the special use will not be injurious to the use and enjoyment of other properties 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. **All property surrounding this piece of land is farm land. The petitioners will still be using the property as a landscape business which is compatible with agricultural farming. The zoning classification within the general area is still agricultural.***

*That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **The special use permit requested is consistent with the existing zoning and uses within the district.***

*That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided. **All the utilities, access roads and drainage already exist for this site.***

*That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **The site currently has two entrances at the north and south end of the property. The proposed special use will add minimal additional traffic to the site and will not cause congestion on Cannonball Trail.***

*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 building already exists and the petitioner is not requesting any variances.***

*That the special use is consistent with the spirit of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use permit will be consistent with the County's LRMP and the City of Yorkville's future plan which calls for the property to be residential. The petitioners will live in the home and a landscape business will have the same equipment and hours of operation as the surrounding farms.***

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 landscape business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

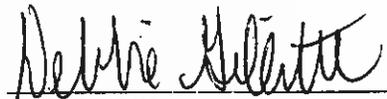
1. All equipment must be stored inside buildings at night.

2. Dedication of a 15' trail easement within sixty (60) days of the approval of the special use.
3. Plat of Dedication of 35' of right of way on the northwest side of the property within sixty (60) days of the approval of the special use. Please contact the Highway Department with any questions.
4. The current sign on Route 71 be permitted to be moved to this site and be lit.
5. Any existing or proposed storage of fuel, pesticides or other hazardous materials shall comply with any and all applicable codes and permit requirements including those required by the State Fire Marshall.

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 on October 16, 2012.

Attest:



Debbie Gillette
Kendall County Clerk



John Purcell
Kendall County Board Chairman

NORTH

P.I.N. 02-10-

ANCES IN FEET AND DECIMAL PARTS THEREOF. NO
INS TO BE ASSUMED FROM SCALING.

YOUR DESCRIPTION AND SITE MARKINGS WITH THIS PLAT
ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

USE BUILDING LINE RESTRICTIONS OR EASEMENTS SHOWN ON
DED SUBDIVISION PLAT ARE SHOWN HEREON UNLESS THE
IONS ORDERED TO BE SURVEYED CONTAINS A PROPER
TION OF THE REQUIRED BUILDING LINES OR EASEMENTS.

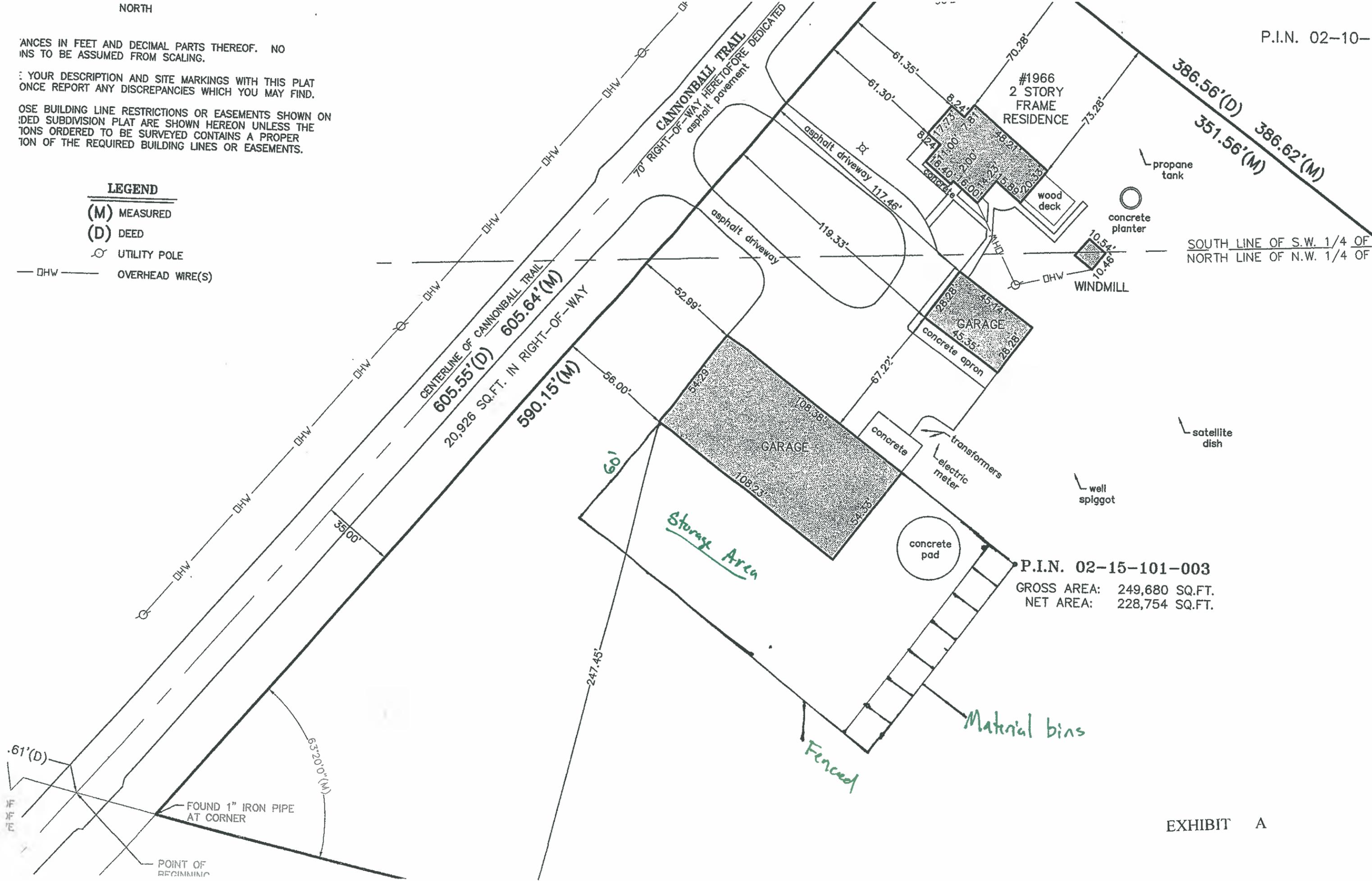
LEGEND

(M) MEASURED

(D) DEED

UTILITY POLE

DHW OVERHEAD WIRE(S)



SOUTH LINE OF S.W. 1/4 OF
NORTH LINE OF N.W. 1/4 OF

P.I.N. 02-15-101-003
GROSS AREA: 249,680 SQ.FT.
NET AREA: 228,754 SQ.FT.

EXHIBIT A

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
May 2, 2017 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:05 a.m.

Present:

John Burscheid – Highway Department
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve (Arrived at 9:12 a.m.)
Megan Andrews – Soil & Water Conservation District
Robert Davidson – PBZ Committee Chair (Arrived at 9:14 a.m.)
Matt Asselmeier – PBZ Department

Absent:

Brian Holdiman – PBZ Department
Greg Chismark – WBK Engineering, LLC

Audience: Robert Velazquez, Jeff Corneils and Robert Walker

AGENDA

Mr. Rybski made a motion, seconded by Ms. Andrews, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Ms. Andrews made a motion, seconded by Mr. Rybski, to approve the March 7, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITION

17-09 Semper Fi Land, Inc. (Robert Velazquez) – Special Use Request to Operate a Landscape Waste Composting Facility at 1996 Cannonball Trail Approximately 0.5 Miles South of Galena Road in Bristol Township (PIN 02-15-101-003)

Mr. Asselmeier provided a summary of the request. The petitioner desires to operate a landscape waste composting facility at the subject property. The petitioner already possesses a special use permit to operate a landscaping business at the property; the petitioner lives at the subject property. The property is zoned A-1 Agricultural District. All of the adjoining properties are zoned Residential and are inside the boundaries of the United City of Yorkville. The Land Resource Management Plan calls for the area to be Rural Residential.

As part of the previous special use permit, the petitioner had to dedicate a certain amount of land for trails. The petitioner has dedicated the requested land. The Highway Department requested that the special use plat classify this area as right-of-way instead of trails only.

The EcoCat consultation was terminated and the LESA score was 169. Ms. Andrews stated that the proposed use would not prevent the property from reverting to other agricultural uses in the future.

The petitioner agreed to follow the standard noise regulations of 65 dBA during the day and 55 dBA during the night as measured at the property line.

The petitioner will have a sign as listed in their business plan.

The petitioner agreed to have all vehicles and equipment that could be placed inside during non-operational hours be placed inside one of the buildings.

WBK provided a letter regarding the petitioner's stormwater plans. The petitioner is working with his engineer to address the items mentioned in the letter.

The requirements for landscape waste composting facilities were discussed and the petitioner agreed to all of the requirements of the Zoning Ordinance. The petitioner agreed to cease operations at 3:00 p.m. and not have Saturday hours.

Mr. Rybski discussed soil and water sampling and host fee as they relate to this type of business. Mr. Rybski felt that the regulations were scalable and that the proposed business should follow the same regulations as other landscape waste composting facilities. The water and soil sampling should occur at least once per year; the Health Department would conduct additional sampling if complaints arose. The Health Department also conducts site visits. For the other company, the weights are reported with the payment of the host fee. The petitioner would like to cap the amount of material at 26,000 cubic yards per year. Based on the proposed host fee of \$0.80 per ton, the petitioner would have to pay about \$6,700 per year. The petitioner agreed to track type of material and quantity measured by size of truck. The conversion factor is 3.3. The petitioner agreed to pay the same host fee on a monthly basis.

Mr. Davidson asked what the petitioner was going to do with the yard waste. Mr. Velazquez responded he would process everything in a tub grinder and make into a compost or mulch for reuse on projects. Mr. Davidson requested a bond be created to fund a cleanup of the site if the petitioner abandoned the property. The petitioner agreed to research bond information. Mr. Davidson also requested a limit be placed on the amount of material be placed on the property. The petitioner agreed to cap the height of piles of material at 20 feet. The petitioner hopes to start operations in 2018.

Mr. Langston asked where the petitioner would get his material and if the business would cause an increase in traffic on Cannonball Trail. Mr. Velazquez responded that the majority of material would be generated from his business, but that he would accept material from other sources, small landscape businesses. He plans to have a maximum five (5) people onsite and does not anticipate an increase of traffic on Cannonball Trail because of his business.

Discussion occurred regarding fencing and buffering. The petitioner agreed to install evergreens along the east, south, and southwest portion of the property.

A gravel road shall be installed this fall.

Mr. Corneils expressed concerns regarding odor. There was no definitive answer to this concern, but Mr. Velazquez believes that the size of the operation will minimize odor.

Mr. Walker asked about the size of trucks going onto the property. The petitioner responded that material be dumped at his shop and then hauled to the site.

Mr. Rybski made a motion, seconded by Ms. Andrews, to forward the petition onto the Plan Commission with a favorable recommendation subject to the following conditions:

1. The special use plat shall be amended to show a dedicated ROW instead of a trail.
2. The host fee shall be the same as the fee paid by Green Organics (\$0.80 per ton until November 30, 2019 then the fee goes to \$0.85 per ton starting December 1, 2019).
3. The host fee shall be converted to per cubic yard.
4. The host fee shall be paid monthly.
5. The petitioner shall create a form to track deliveries and quantities.
6. Sampling of water shall occur at least one (1) time per year.
7. Sampling of soil shall occur at least one (1) time per year.
8. The petitioner shall supply a bond to Kendall County to fund the cleanup of the site. The petitioner shall research dollar amounts for the bond.
9. No piles of materials shall be stacked higher than 20 feet.
10. The petitioner shall plant evergreen trees along the eastern, southern and southwestern property lines for screening.
11. The petitioner shall maintain the existing tree line.
12. The petitioner shall replace trees as quickly as possible if they die or severely damaged.

By a roll call vote, the motion passed unanimously.

UPDATES OF PETITIONS

Mr. Asselmeier reported that the Delaney Gun Range Case will go before the PBZ Committee on May 8th and the Pagel rezoning case will also go before the PBZ Committee on May 8th.

The request by DKR Group on Walker Road was withdrawn by the petitioner.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that the rezoning of 790 Eldamain Road from A-1 to M-1 went to the County Board on April 18th. Because Yorkville filed a formal objection, eight (8) members of the County Board were needed to approve the proposal and seven (7) members of the Board were present when the item came up for discussion. The proposal will go before the County Board on May 2nd.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

Ms. Andrews made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:50 a.m., adjourned.

Ordinance No. _____

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, AMENDING THE YORKVILLE ZONING ORDINANCE BY ADDING THE DEFINITION OF HEALTH AND FITNESS CLUB/CENTER AND ADDING SUCH USE AS PERMITTED USES IN THE B-2, B-3, B-4 AND M-1 ZONING DISTRICTS

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to Section 10-4-10 of the Yorkville Zoning Ordinance the City may initiate amendments to the Yorkville Zoning Ordinance; and,

WHEREAS, the City filed seeking an amendment to the Yorkville Zoning Ordinance to add the definition of Health and Fitness Club/Center and allowing such use in the City’s B-2, B-3, B-4 and M-1 zoning districts; and,

WHEREAS, the Planning and Zoning Commission convened and held a public hearing on May 10, 2017, to consider the request and made recommendations to the City Council to approve the requested text amendments.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The above recitals are incorporated and made a part of this Ordinance.

Section 2: That Section 10-2-3, Definitions, of the United City of Yorkville Zoning Ordinance of the Yorkville City Code is hereby amended by adding the following definition:

“HEALTH AND FITNESS CLUB/CENTER: A facility which provides for individual or group exercise activities. Programs may include but are not limited to aerobics, calisthenics, weight training, running, swimming, court games, studio lessons and all types of instructional classes related to physical fitness. Health and Fitness Clubs/Centers may offer a variety or recreational and fitness amenities such as weightlifting machines, free weights, swimming pools, gymnasiums, studios, sport courts, shower and changing areas and may include incidental uses such as childcare facilities, food services, saunas, and pro shops oriented towards customers during their use of the club/center.”

Section 3: That Table 10.06.03 of the United City of Yorkville Zoning Ordinance of the Yorkville City Code be and is hereby amended by deleting “Fitness clubs” and “Health club or gymnasium” from the list of uses and adding as a permitted use “Health and Fitness Club/Center” in the following zoning districts:

“B-2, retail commerce business district
B-3, general business district
B-4, service business district
M-1, limited manufacturing district”

Section 4: This Ordinance shall be in full force and effect after its passage, publication, and approval as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____, 2017.

City Clerk

CARLO COLOSIMO _____

KEN KOCH _____

JACKIE MILSCHEWSKI _____

ARDEN JOE PLOCHER _____

CHRIS FUNKHOUSER _____

JOEL FRIEDERS _____

SEAVER TARULIS _____

ALEX HERNANDEZ _____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____, 2017.

Mayor



201700006804

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 5/5/2017 9:01 AM
ORDI: 52.00 RHSPS FEE: 10.00
PAGES: 7

Unofficial

State of Illinois
County of Kendall

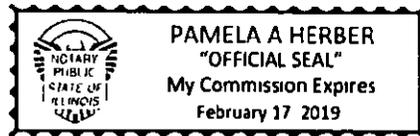
Zoning Petition
#16-22

ORDINANCE # 2017-06

**MAP AMENDMENT FOR AN 8.8 ACRE PARCEL LOCATED AT 790 ELDAMAIN
ROAD**
Rezone from A-1 to M-1

Mailed to and Prepared by
Matthew Asselmeier
111 West Fox Street Rm 203
Yorkville, IL 60560

SEAL



Subscribed and sworn to before me
This 5th day of May, 2017

Matthew Asselmeier

Matthew Asselmeier
Kendall County Senior Planner

Pamela A Herber
Notary Public

ORDINANCE NUMBER 2017- 06

MAP AMENDMENT FOR AN 8 8 ACRE PARCEL LOCATED AT 790 ELDAMAIN ROAD

Rezone from A-1 to M-1

WHEREAS, there is a request for a map amendment from A-1 to R-1, for part of a property located on the east side of Eldamain Road, approximately one-third mile south of Galena Road in Bristol Township, more commonly known as 790 Eldamain Road, and

WHEREAS, said property is identified with the tax identification numbers 02-06-300-009 and 02-06-300-010 and the part for rezoning is legally described below, and

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHEAST QUARTER, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 2255 11 FEET FOR THE POINT OF BEGINNING, THENCE NORTHEASTERLY, PARALLEL WITH THE CENTERLINE OF ELDAMAIN ROAD, WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM), 1149 27 FEET, THENCE WESTERLY, PARALLEL WITH SAID SOUTH LINE, 443 0 FEET TO SAID CENTERLINE, THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 1149 27 FEET TO SAID SOUTH LINE, THENCE EASTERLY, ALONG SAID SOUTH LINE WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES AND 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 443 0 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 2365 11 FEET FOR THE POINT OF BEGINNING, THENCE NORTHEASTERLY, PARALLEL WITH THE CENTERLINE OF ELDAMAIN ROAD, WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM) 132 44 FEET, THENCE NORTHWESTERLY, PERPENDICULAR TO THE LAST DESCRIBED COURSE, 313 40 FEET TO SAID CENTERLINE, THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 245 0 FEET TO SAID SOUTH LINE, THENCE EASTERLY ALONG SAID SOUTH LINE WHICH FORMS AN ANGLE OF 70 DEGREES 14 MINUTES 38 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 333 0 FEET TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN CONVEYED TO KENDALL COUNTY, ILLINOIS BY DOCUMENT 201000023222 RECORDED DECEMBER 12, 2010 AND BY DOCUMENT 201400006872 RECORDED MAY 27, 2014, ALL IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS

WHEREAS, the petitioner desires to rezone 8 8 acres to M-1 (Limited Manufacturing District), and

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 07 F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on April 3, 2017, and

WHEREAS, the findings of fact were approved as follows

Existing uses of property within the general area of the property in question **The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal**

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

The suitability of the property in question for the uses permitted under the existing zoning classification **The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this type of business at the subject property**

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. Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies **The subject property and adjoining properties are identified as Mixed Use Business on the Future Land Use & Transportation Map of the Land Resource Management Plan. In addition, recommendation 3 (b) on page 6-34 of the Land Resource Management Plan states: "Ensure Lisbon/Eldamain Road is maintained as a commercial-industrial corridor." The proposed map amendment would assist in implementing this recommendation. However, the proposal is inconsistent with the Comprehensive Plan of the United City of Yorkville, adopted in 2016. Yorkville identified the area as Estate Residential in their new Comprehensive Plan. Yorkville previously identified the area as industrial in their previous Comprehensive Plan.**

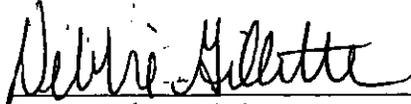
WHEREAS, the United City Yorkville filed a formal objection to this proposal in August 2016, and,

WHEREAS, 55 ILCS 5/5-12014 requires a $\frac{3}{4}$ favorable vote by the County Board to enact this ordinance because of the formal objection filed by the United City of Yorkville, and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a zoning map amendment from A-1 to M-1 on the tract of land located and depicted on the drawing attached as "Attachment 1 Plat of Survey" hereto and incorporated herein

IN WITNESS OF, this ordinance has been enacted on May 2, 2017

Attest

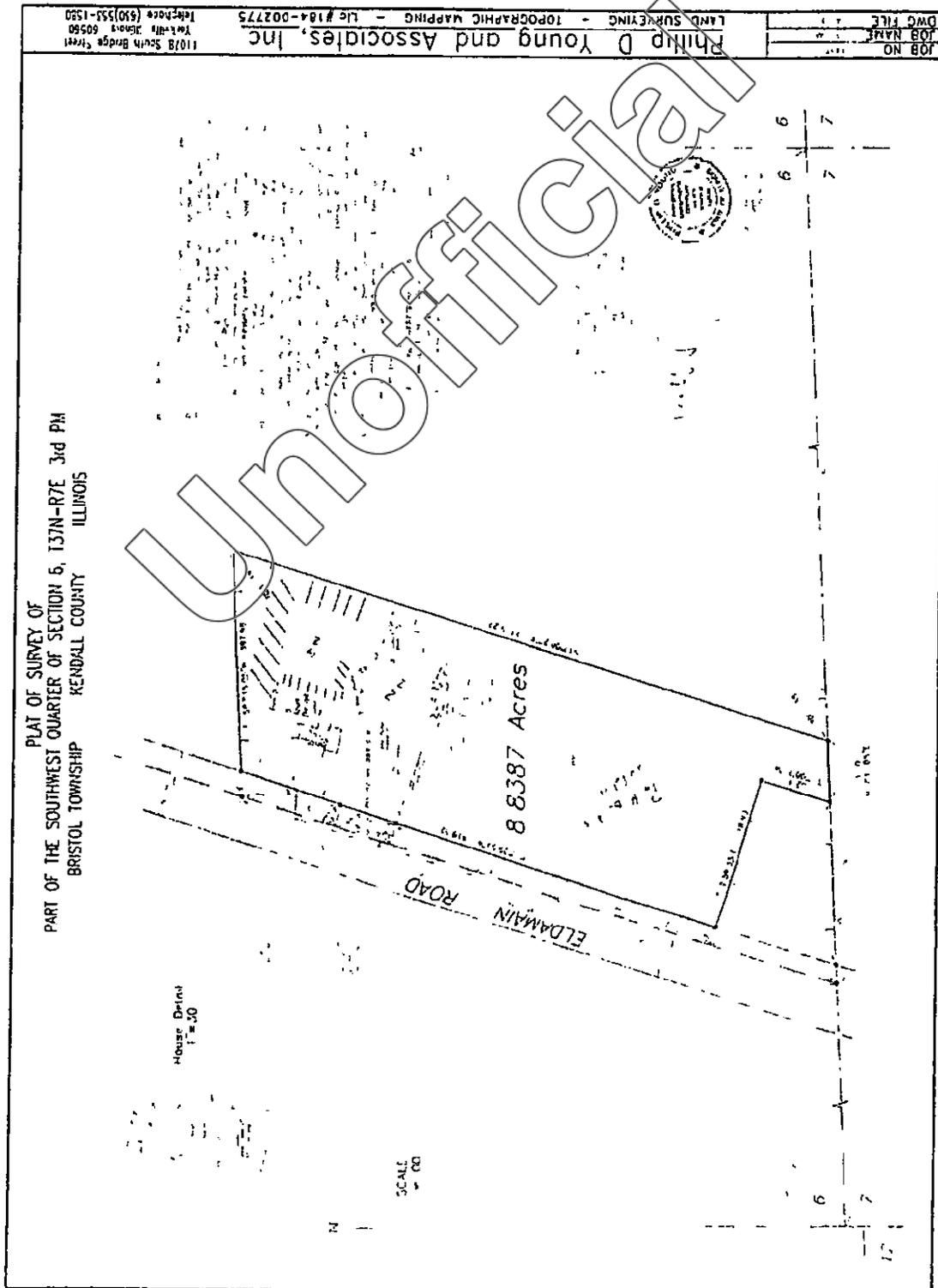


Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder

Unofficial



LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter thence Westerly, along the South Line of said Southwest Quarter, 2255.11 feet for the point of beginning thence Northeasterly, (parallel with the centerline of Eldomain Road, which forms an angle of 70° 14' 38" with the last described course (measured counterclockwise therefrom), 1149.27 feet, thence Westerly, parallel with said South Line, 443.0 feet to said centerline thence Southwesterly, along said centerline 1149.27 feet to said South Line, thence Easterly along said South Line which forms an angle of 70° 14' 38" with the last described course (measured clockwise therefrom), 443.0 feet to the point of beginning.

EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter thence Westerly, along the South Line of said Southwest Quarter, 2305.14 feet for the point of beginning, thence Northeasterly, parallel with the centerline of Eldomain Road, which forms an angle of 70° 14' 38" with the last described course (measured counterclockwise therefrom), 132.44 feet thence Northwesterly, perpendicular to the last described course, 313.40 feet to said centerline thence Southwesterly, along said centerline 245.0 feet to said South Line, thence Easterly, along said South Line which forms an angle of 70° 14' 38" with the last described course (measured clockwise therefrom), 333.0 feet to the point of beginning.

AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6, Township 37 North Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 12 2010 and by Document 201400006872 recorded May 27 2014 all in Bristol Township, Kendall County Illinois

-R7E, 3rd PM
ILINOIS

LEGAL DESCRIPTION

That Part of the Southwest Quarter of Section 6 Township 37 North Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly, along the South line of said Southwest Quarter 2255.11 feet for the point of beginning thence Northeasterly, parallel with the centerline of Eldomain Road which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom) 1149.27 feet thence Westerly, parallel with said South Line 443.0 feet to said centerline, thence Southwesterly along said centerline 1149.27 feet to said South Line thence Easterly along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom) 443.0 feet to the point of beginning EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6 Township 37 North, Range 7 East of the Third Principal Meridian described as follows Commencing at the Southeast Corner of said Southwest Quarter, thence Westerly along the South Line of said Southwest Quarter 2365.11 feet for the point of beginning thence Northeasterly, parallel with the centerline of Eldomain Road which forms an angle of 70°14'38" with the last described course (measured counterclockwise therefrom), 132.44 feet thence Northwesterly perpendicular to the last described course 313.40 feet to said centerline thence Southwesterly along said centerline, 243.0 feet to said South Line thence Easterly along said South Line which forms an angle of 70°14'38" with the last described course (measured clockwise therefrom) 333.0 feet to the point of beginning AND ALSO EXCEPTING THEREFROM That Part of the Southwest Quarter of Section 6 Township 37 North Range 7 East of the Third Principal Meridian conveyed to Kendall County, Illinois by Document 201000023222 recorded December 17, 2010 and by Document 201400006877 recorded May 27, 2014 all in Bristol Township Kendall County, Illinois



Memorandum

To: Planning and Zoning Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: May 24, 2017
Subject: **Yorkville/Kendall County Future Land Use Plan Differences**

Background/Purpose

Every year since 2011, staff has attended the annual Kendall County Regional Planning Commission (KCPC) Meeting. As part of that meeting, the County invites representatives from municipalities to share their current and future planning projects and goals. While this sharing is voluntary, staff has always participated, being that the City is the County seat, in providing a brief but compact summary of planning related matters happening in Yorkville.

At the February 25, 2017 meeting, staff provided a summary of building permit activity, current projects under construction, status of current development incentive programs, planning goals and the recently adopted Comprehensive Plan Update. Following our presentation, staff was asked by members of the Kendall County Planning Commission (KCPC) about our current Comprehensive Plan land use designation along Eldamain Road and the lack of notice the individual members of the KCPC, and the County as a whole, received during the preparation and approval process.

In response to the question, staff reminded the KCPC we had attended the prior two (2) annual meetings and provided updates throughout the process. We also informed the commission that the 24-month long comprehensive planning process included stake holder meetings with the County, public outreach, public hearing processes, public notices, City website updates, a separate project website and coordination with the two (2) previous Kendall County Senior Planners throughout the process. Additionally, the County's Senior Planner position sat vacant for about a year and there was no staff counterpart for the City or the City's consultant to contact. However, staff did speak with the County's planning consultant Mike Hoffman of Teska, the former County Administrator Jeff Wilkins and County Highway Director Fran Klaas as part of the Comprehensive Plan update.

At the conclusion of the meeting, city staff provided a copy of the adopted Yorkville Comprehensive Plan Update to the County's Planning Commission and offered to speak with any KCPC member who had any specific concerns regarding the plan anytime via telephone, email or in-person. Staff has learned during a subsequent Kendall County Ad-Hoc Zoning Ordinance Committee meeting held on March 22, 2017, Senior Planner Asselmeier was asked to prepare a comparison of Yorkville's Future Land Use Map with the County's Land Resource Management Future Land Use Map. Attached for your review is the memo prepared by the County staff and a supplemental map illustrating the areas where differences in future land use occurs.

Staff Comments

Staff has reviewed the approximately ten (10) incidents within the 70-square mile planning area the County has identified where the City of Yorkville's 2016 adopted Comprehensive Plan Update differs from the Kendall County Land Resource Management Plan.¹ The original Kendall County Land Resource Management Plan was adopted in 1994 with select updates/amendments occurring between the years

¹ http://www.co.kendall.il.us/wp-content/uploads/PBZ_Sections_1-4.pdf

1997- 2011, with the updates to specific areas called out in the attached map prepared by the County happening in the following years:

- 2001 - Changes made to reflect new planned development regulations, municipal annexations and new plans and economic development opportunities.
- 2003 – Changes to include a more detailed plan for the Northern Three Townships (Little Rock, Bristol & Oswego Townships).²
- 2004/2005 – Changes to include a more detailed plan for Fox and Kendall Townships.³

Additionally, subsequent changes were also made in 2008 to the Kendall County plan, at the height of the housing boom, to include supplemental plans such as the Fox River Corridor Plan.⁴

Specific Differences

Generally, the concerns of land use differences listed in the memo prepared by Kendall County indicates land being designated for commercial or mixed use business in their Land Use Resource Management Plan but identified as Suburban or Estate Residential in the Yorkville Comprehensive Plan Update.

Suburban and Estate Residential future land use designations in the Yorkville Comprehensive Plan Update intend to have single-family homes as the primary use. However, it is noted in the Land Use Strategy of the Yorkville Comprehensive Plan Update (page 80) the approach of the future land use designations was to establish a balance between land uses to ensure a stable and growing tax base and realistically address the changes experienced in the local and regional economic conditions. Although, the Yorkville Comprehensive Plan land use map is a guide to future development and zoning decisions, it is also meant to be adjusted and changed when circumstances warrant a change in planning direction in a given area of the City.

Staff has prepared the attached map to illustrate the location of the identified differences cited by Kendall County on the City's adopted Future Land Use Map for your review and consideration. As part of our analysis of Kendall County's map and memo, we did note that there were descriptive errors in cardinal directions (#4 listed as northeast should be northwest; #5 listed as southeast should be southwest and #6 listed as southeast should be southwest).

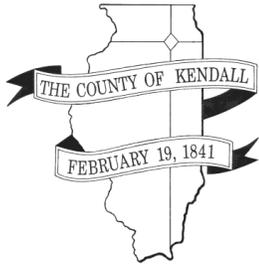
Kendall County staff has indicated that they will only use the information gathered in their memo to advise future county petitioners of the differences that exist between the two (2) plans and that they should contact the City of Yorkville prior to the submission of any application seeking land use related entitlements. It was further stated that Kendall County staff is uncertain if a committee of the County or the Kendall County Board itself will request changes to either document in the future.

City staff will be available at Wednesday night's meeting to discuss this matter in greater detail with the Planning and Zoning Commission and answer any questions from the members.

² http://www.co.kendall.il.us/wp-content/uploads/PBZ_Section_06.pdf

³ http://www.co.kendall.il.us/wp-content/uploads/PBZ_Section_07.pdf

⁴ http://www.co.kendall.il.us/wp-content/uploads/PBZ_FoxRiverCorridor.pdf



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Ad-Hoc Zoning Ordinance Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 19, 2017
Re: Yorkville/Kendall County Future Land Use Plan Differences

At the March 22nd Ad-Hoc Zoning Ordinance Committee meeting, the Committee requested that Staff compare Yorkville's Future Land Use Map with the Future Land Use Map in the Land Resource Management.

Attached is a copy of the Yorkville Planning Area from the Land Use Resource Management. Differences are listed by number; the numbers on the map correspond to numbers listed below this paragraph.

1. Eldmain Road - The Land Resource Management Plan calls for this area to be Mixed Use Business. The Yorkville Plan calls for the area to be Estate Residential.
2. North Side of Galena Road Near Eldmain Road – The Land Resource Management Plan calls for this area to be Commercial. The Yorkville Plan calls for the area to be Estate Residential.
3. Both Beecher Roads – The Land Resource Management Plan calls for this area to Mixed Use Business. The Yorkville Plan calls for the area to be Estate Residential.
4. Northeast Corner of Route 34 and Beecher Road – The Land Resource Management Plan calls for this area to be Commercial. The Yorkville Plan calls for the area to be Suburban Residential.
5. Southeast Corner of Route 47 and Corneils Road – The Land Resource Management Plan calls for this area to be Commercial. The Yorkville Plan calls for the area to be General Industrial.
6. Southeast Corner of Route 47 and Cannonball Trail – The Land Resource Management Plan calls for this area to be Commercial. The Yorkville Plan calls for the area to be Estate Residential.
7. Area along Blackberry Creek by River Road – The Land Resource Management Plan calls for this area to be Suburban Residential. The Yorkville Plan calls for this area to be Parks or Institutional.
8. West Highpoint Road West of Lisbon Road – The Land Resource Management Plan calls for this area to be Mixed Use Business. The Yorkville Plan calls for this area to be Estate Residential.

Ad-Hoc Memo

May 15, 2017

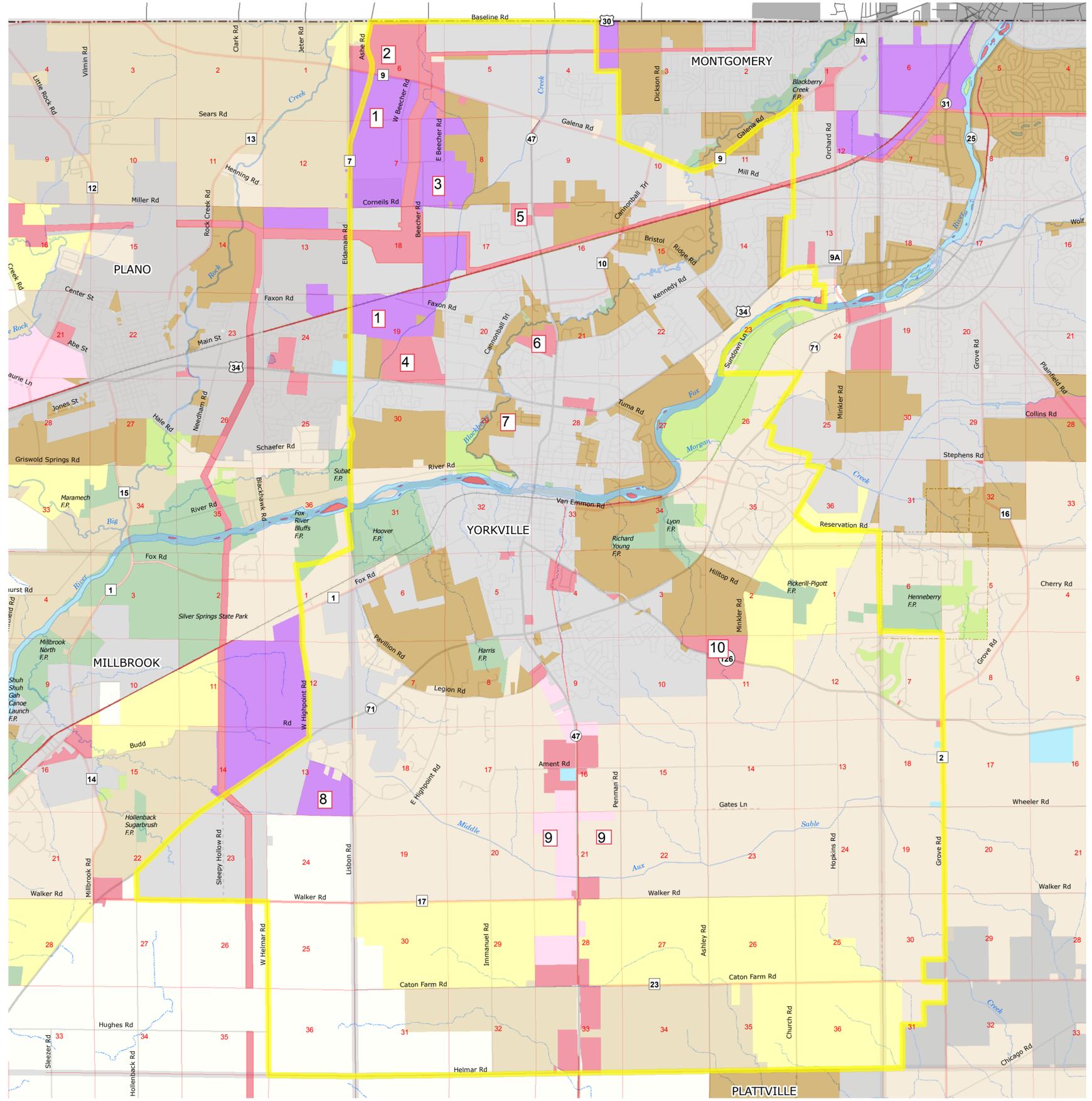
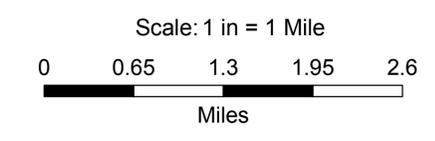
9. South of Yorkville City Limits – The Land Resource Management Plan calls for Residential, Commercial and Transportation Corridor. The Yorkville Plan calls for this area to be Estate Residential and Agricultural Zone.
10. Route 126 at Minkler Road – The Land Resource Management Plan calls for this area to be Commercial. The Yorkville Plan calls for this area to be Estate Residential.

MHA

ENC: Future Land Use in Yorkville Planning Boundary Map

Future Land Use in Yorkville Planning Boundary KENDALL COUNTY - 2017 -

<http://www.co.kendall.il.us>



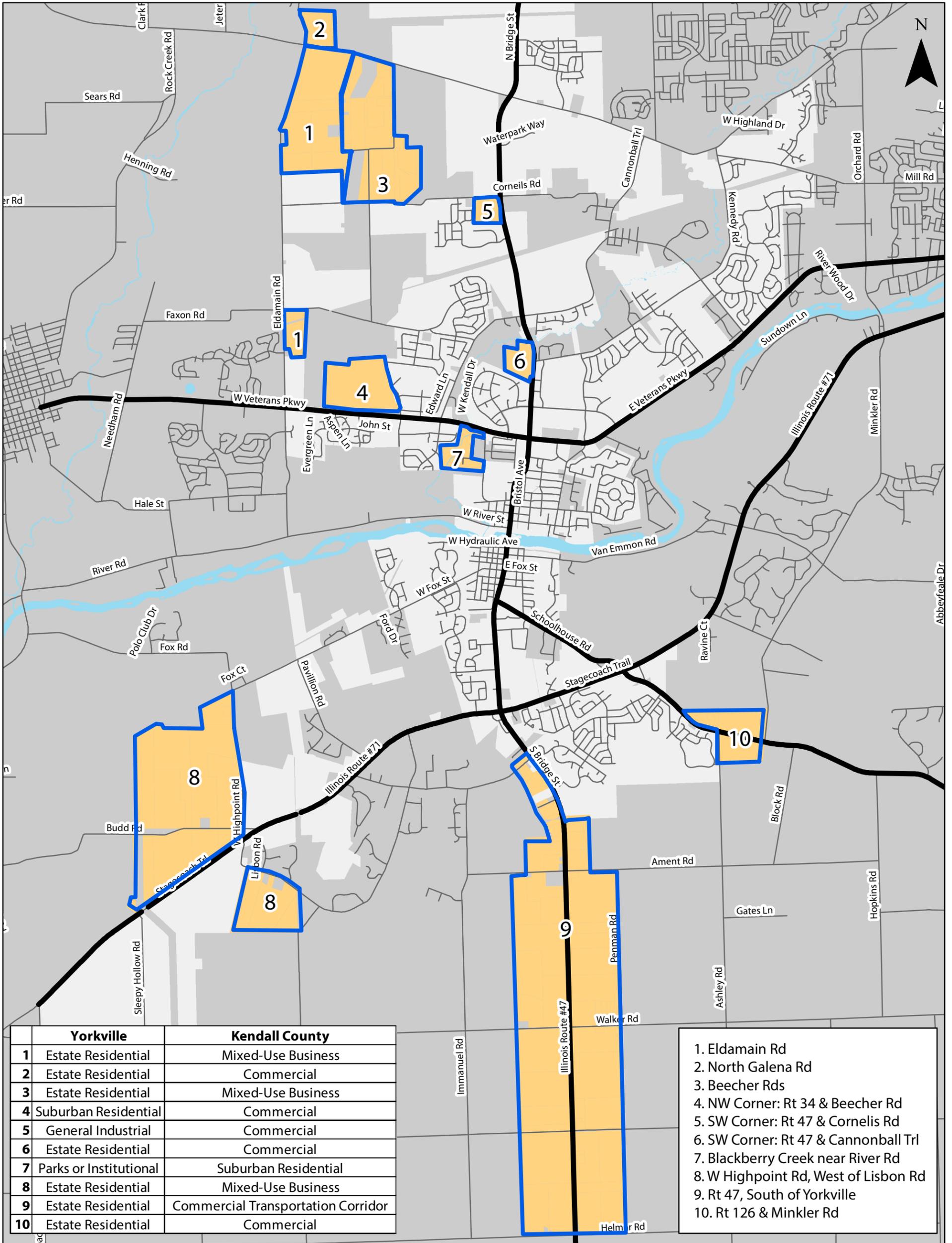
Legend

- ADJACENT COUNTY
 - COUNTY
 - INTERSTATE
 - STATE
 - FEDERAL
 - BITUMINOUS
 - GRAVEL
 - DIRT
 - LOCAL
 - RAILROAD
 - SECTIONS
 - POLITICAL TOWNSHIPS
 - COUNTY FOREST PRESERVE
 - STATE PARK
- BoundaryAgreements
- Future Land Use**
- Land Use Type**
- Urban Areas - Incorporated
 - Suburban Residential - Max Density 1.00 DU Acres
 - Rural Residential Max Density 0.65 DU Acres
 - Rural Estate Residential Max Density 0.45 DU Acre
 - Countryside Residential Max Density 0.33 DU Acre
 - Commercial
 - Commonwealth Edison
 - Mixed Use Business
 - Transportation Corridors
 - Mining
 - Potential Mining District
 - Public/Institutional
 - Agriculture
 - Open Space
 - Forest Preserve/State Parks
 - Unknown



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Future Land Use Map Discrepancies



0 0.5 1 2 3 Miles

Yorkville, IL | Kendall County, IL

