



Village of Gilberts

Village Hall: 87 Galligan Road, Gilberts, Illinois 60136

Ph. 847-428-2861 Fax: 847-428-2955

www.villageofgilberts.com

Village Plan Commission / ZBA Meeting Agenda

Wednesday, January 13, 2021 – 7:00 p.m. - Village Hall Board Room

In accordance with recent amendments to the Open Meetings Act that authorize remote meeting attendance during the COVID-19 pandemic, the Chair of the Plan Commission has determined that it is not prudent or practical to conduct an in-person meeting for all members of the Plan Commission and the public due to the pandemic. Therefore, some or all of the Plan Commission members may attend this meeting by electronic means, in compliance with the amended OMA.

In order to comply with the Governor's executive orders regarding limitations on gatherings and to ensure social distancing, members of the public are encouraged to attend and participate in the meeting remotely via video or audio as follows:

Zoom (video and/or audio): <https://zoom.us/j/93944153862>

Meeting ID: 939 4415 3862

Dial-In (audio): (312) 626-6799

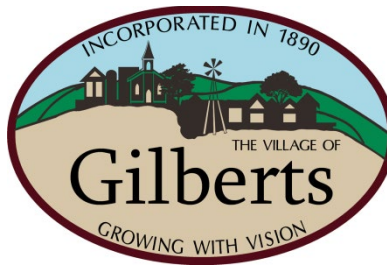
Members of the public can also submit written comments via email at info@villageofgilberts.com. Any comments received by 5:00 p.m. on January 13, 2021 will be submitted into the record of the meeting.

ORDER OF BUSINESS

- 1. CALL TO ORDER**
- 2. ROLL CALL / ESTABLISH QUORUM**
- 3. PUBLIC COMMENT ***
- 4. ITEMS FOR APPROVAL**
 - A. A Motion to Approve Minutes from the December 9, 2020 Plan Commission Meeting
- 5. FURTHER CONSIDERATION AND RECOMMENDATION TO THE VILLAGE BOARD ON A SPECIAL USE APPLICATION CONCERNING THE PROPERTY COMMONLY KNOWN AS 15N288 TYRRELL ROAD TO ALLOW FOR THE KEEPING OF LIVESTOCK AND POULTRY ON A PARCEL OF 5 ACRES OR MORE IN THE A-1 AGRICULTURAL DISTRICT**
- 6. NEW BUSINESS**
- 7. OTHER BUSINESS**
- 8. ADJOURNMENT**

The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861. Assistive services will be provided upon request.

* Intended for public comment on issues not otherwise on the agenda.



**MINUTES FOR VILLAGE OF GILBERTS
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING
Village Hall: 87 Galligan Road, Gilberts, IL 60136
Meeting Minutes
Wednesday, December 9, 2020**

1. CALL TO ORDER

Chairman Mills called the meeting to order at 7:00 p.m.

2. ROLL CALL / ESTABLISH QUORUM

Village Clerk Courtney Baker called the roll. Roll call: Members present: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills. Commissioners McHone and Sullivan were absent. Others present: Village Administrator Brian Bourdeau, Village Attorney Kurt Asprooth, and Village Attorney Julie Tappendorf.

3. PUBLIC COMMENT

There were no public comments at this time.

4. ITEMS FOR APPROVAL

A. Minutes from the February 12, 2020 Plan Commission Meeting –

A Motion was made by Commissioner Del Vecchio and seconded by Commissioner Borgardt to Approve Minutes from the February 12, 2020 Plan Commission Meeting. Roll call vote: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills voted Aye. 0-nays. 0-abstained. Motion carried.

B. Minutes from the November 12, 2020 Plan Commission Meeting –

A Motion was made by Commissioner Page and seconded by Commissioner Lateer to Approve Minutes from the November 12, 2020 Plan Commission Meeting. Roll call vote: Commissioners Page, Lateer, and Chairman Mills voted Aye. 0-nays. Commissioners Borgardt and Del Vecchio abstained. Motion carried.

5. CONTINUATION OF THE NOVEMBER 12, 2020 PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON A SPECIAL USE APPLICATION CONCERNING THE PROPERTY COMMONLY KNOWN AS 15N288 TYRRELL ROAD TO ALLOW FOR THE KEEPING OF LIVESTOCK AND POULTRY ON A PARCEL OF 5 ACRES OR MORE IN THE A-1 AGRICULTURAL DISTRICT

Administrator Bourdeau advised the Commission that the applicants have updated their site plan and have addressed concerns that the Commission had such as adding connecting the corral to the west side of the existing barn. There will be a door allowing the animals to move to and from the barn and corral. Fencing details have also been provided as well as informing that the family who lives on the property will be caring for the animals.

Gilberts resident, Dean Stiegemeier, approached the Commission and stated that noise is still a concern as he can hear the rooster every morning. Mr. Stiegemeier also raised the concern of the animals getting loose and going onto the neighbor's yards.

Gilberts resident, Mr. Dooley, approached the Commission and asked who the homeowners are supposed to call if the animals get into their yard. Commissioner Page stated that residents should be able to call the applicants or the family who lives on the property. Administrator Bourdeau advised that residents are recommended to call the Gilberts Police Department if they have any concerns regarding this matter.

Commissioner Del Vecchio asked who would be responsible for the enforcement of the conditions of the permit. Attorney Asprooth stated that if the applicants do not comply with the conditions of the permit, the Village can take it away.

Gilberts residents, Peggy Stiegemeier, approached the Commission and also shared the concerns of the roosters being loud in the early morning which wakes her up. The applicant stated that they can try to keep the roosters and other animals in the barn longer in the morning so as to not wake up the neighbors.

A Motion was made by Commissioner Lateer and seconded by Commissioner Page to Close the Public Hearing. Roll call vote: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills voted Aye. 0-Nay. 0-abstained. Motion carried.

After some deliberation, the Commissioners decided on the restrictions that should be included with the approval of this permit.

A Motion was made by Commissioner Lateer and seconded by Commissioner Borgardt to Approve a Special Use Application Concerning the Property Commonly Known as 15N288 Tyrrell Road to Allow for the Keeping of Livestock and Poultry on a Parcel of 5 Acres or More in the A-1 Agricultural District, Specifically Allowing No More Than 25 Chickens, 2 Roosters, 4 Turkeys, and 15 Sheep and Goats. Roll call vote: Commissioners Page and Lateer voted Aye. Commissioners Borgardt, Del Vecchio, and Chairman mills voted Nay. 0-abstained. Motion failed.

6. PUBLIC HEARING AND RECOMMENDATION TO THE VILLAGE BOARD ON A VARIANCE APPLICATION CONCERNING THE PROPERTY COMMONLY KNOWN AS 182 PARK COURT TO REQUEST APPROVAL OF A VARIANCE TO DECREASE THE REQUIRED REAR YARD SETBACK IN ORDER TO INSTALL A POOL

A Motion was made by Commissioner Borgardt and seconded by Commissioner Lateer to Open the Public Hearing. Roll call vote: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills voted Aye. 0-Nay. 0-abstained. Motion carried.

Administrator Bourdeau advised the Commission that the applicant has requested a variance for the rear yard building setback requirement for purposes of constructing an above-ground pool. The property, located at 182 Park Court, is located in the R-3 Residential zoning district. The property is bounded by Interstate 90 on the south and single-family homes to the north, east and west, which are all also located in the R-3 Residential zoning district. Within the R-3 Residential zoning district, the minimum rear yard setback is 40 feet for residential served by septic and 30 feet for residential served by sewer. The Applicant's residence is serviced with a septic field, requiring a minimum 40-foot rear yard setback. The pool would also sit 17 feet from the interior lot line; however, the minimum required interior yard setback in the R-3 Residential zoning district is 10 feet for residential and therefore, the interior side setback is not a concern. Construction of the pool would be on the northwest corner of the property. Due to the unique nature of the parcel, which narrows toward the east, the primary residential structure covers most of the eastern portion of the property. The southwestern portion is open; however, the residence is served by a raised septic filter bed located in this area. The presence of the septic field prohibits the construction of any structures on that portion of the property. As a result, the only location for a pool would be on the northwest corner of the parcel. Unfortunately, there is insufficient open space to construct the pool on that area of the property and adhere to the district setback requirement for the rear lot line, thereby creating a hardship for the Applicant.

A Motion was made by Commissioner Del Vecchio and seconded by Commissioner Borgardt to Close the Public Hearing. Roll call vote: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills voted Aye. 0-Nay. 0-abstained. Motion carried.

A Motion was made by Commissioner Borgardt and seconded by Commissioner Del Vecchio to Approve the Variance Application as Presented. Roll call vote: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills voted Aye. 0-Nay. 0-abstained. Motion carried.

7. CONSIDERATION AND RECOMMENDATION TO THE VILLAGE BOARD REGARDING THE FINAL PLAT / PUD FOR NEIGHBORHOODS 2A-2 and 2B-1 OF THE CONSERVANCY DEVELOPMENT

Administrator Bourdeau provided the Commission with background regarding the preliminary site plans for the Conservancy. Administrator Bourdeau advised the Village Engineer and Village Attorney have both reviewed all submitted documents and their recommendations are included within the Plan Commission Packet.

A Motion was made by Commissioner Page and seconded by Commissioner Lateer to Recommend to the Village Board to Approve of the Final Plat/PUD for Neighborhood 2A-2 with the Conditions Listed on Page 4 of the Staff Memo Dated December 9, 2020. Roll call vote: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills voted Aye. 0-Nay. 0-abstained. Motion carried.

A Motion was made by Commissioner Page and seconded by Commissioner Lateer to Recommend to the Village Board to Approve of the Final Plat/PUD for Neighborhood 2B-1 with the Conditions Listed on Page 4 and 5 of the Staff Memo Dated December 9, 2020. Roll call vote: Commissioners Borgardt, Page, Del Vecchio, Lateer, and Chairman Mills voted Aye. 0-Nay. 0-abstained. Motion carried.

8. NEW BUSINESS

Administrator Bourdeau advised the Commission that Staff will be reaching out soon to poll for a quorum for a January, 2021 Plan Commission Meeting.

9. OTHER BUSINESS

There were no items to discuss at this time.

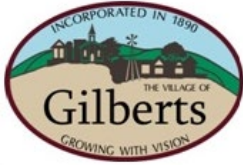
10. ADJOURNMENT

There being no further public business to discuss, **a Motion was made by Commissioner Page and seconded by Commissioner Lateer to adjourn from the public meeting at 8:18 p.m.** Voice vote of Aye carried unanimously. Motion carried.

Respectfully submitted,

Courtney Baker

Courtney Baker
Village Clerk



Village of Gilberts

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To: Plan Commission
From: Brian Bourdeau, Village Administrator
Date: January 13, 2021 Plan Commission Meeting
Re: Item 5: Further Consideration and Recommendation on a Special Use Application for the Keeping of Livestock at 15N288 Tyrrell Road

On November 12 and December 9, 2020, the Plan Commission met to consider a request for a Special Use Permit for the keeping of livestock at the property located at 15N288 Tyrrell Road. Upon the conclusion of the Public Hear and after deliberation, the Plan Commission on a 2-3 vote, advanced a negative recommendation to the Village Board.

The recommendation of the Plan Commission was presented to and discussed by the Village Board on December 15, 2020. Following the discussion, the Board provided direction for an Ordinance to be drafted for consideration which made certain adjustments to the conditions attached to the negative recommendation and further outlined in the attached Staff Memorandum that was part of the January 5, 2020 Village Board Packet. The Ordinance was then discussed at the January 5, 2021 Village Board meeting at which time the Board directed for the item to be remanded to the Plan Commission for further deliberation on the following point:

Is there a limit on the type and/or quantity of animals that would be acceptable that would satisfy the Special Use Standards under the Village's UDO?

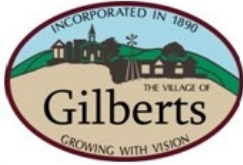
For reference, the Special Use Standards as outlined in section 10-11-11(E)(1) of the UDO are included below:

- a. *The proposed special use complies with all provisions of the applicable district regulations.*
- b. *The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.*
- c. *The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:*
 - i. *The location, nature and height of buildings, structures, walls and fences on the site; and*

- ii. The nature and extent of proposed landscaping and screening on the proposed site.*
- d. Adequate utility, drainage and other such necessary facilities have been or will be provided.*
- e. The proposed special use, where such developments and uses are deemed consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the Village of Gilberts.*

Attachments

- A) Staff Report from the January 5, 2020 Village Board Meeting, including Plan Commission Memos



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To: Village President and Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: January 5, 2021 Village Board Meeting
Re: Item 4.C: Approval of a Special Use Permit and Variance for the Keeping of Livestock at 15N288 Tyrrell Road

At the December 15, 2020 Village Board meeting, the Village Board considered the Plan Commission recommendation regarding the Special Use Application for the breeding, keeping, and grazing of livestock, poultry, and other farm animals at 15N288 Tyrrell Road.

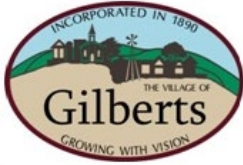
Based on Board direction, an Ordinance granting the Special Use Permit has been prepared for Board consideration. The Special Use Permit would be subject to the following significant conditions:

- A. Permitted Types and Number of Livestock. The maximum number of livestock permitted on the Property will be as follows:
 - 25 chickens
 - 4 turkeys
 - 2 roosters
 - 6 goats or sheep (overall number limited to 6)
- B. Prohibition on Additional Livestock. No other types of livestock besides chickens, turkeys, roosters, goats, and sheep may be kept on the Property. No more than the maximum number of livestock specified in Section 4(A) of this Ordinance may be permitted on the Property without an amendment to the Special Use Permit.
- C. Corral Construction. The owner must construct a corral that is connected to the existing barn on the Property. The corral must have a fence that is eight (8) feet in height, and has chicken wire extending up to a height of at least six (6) feet.
- D. Restricted Hours. The livestock on the Property are permitted to be outside of the barn and in the corral only between the hours of 8:00 a.m. and 8:00 p.m. The livestock must remain inside the barn at all other hours of the day.
- E. Prohibition on Slaughtering. No slaughtering of livestock is permitted on the Property.

Passage of this Ordinance will require an affirmative vote of 2/3 of the Trustees (4 Trustee yes votes).

Attachments

- 1) December 15, 2020 Village Board Packet Memo Regarding Plan Commission Recommendation



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To: Village President and Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: December 15, 2020 Village Board Meeting
Re: Item 6.A: Presentation and Discussion Regarding the Plan Commission Recommendation on Special Use Permit Application for 15N288 Tyrrell Road

Background

Jesus Alvarado and Maria Teresa Ramos (“*Applicants*”) file an application for a Special Use Permit for the breeding, keeping, and grazing of livestock, poultry, and other farm animals on their 5.45 acre property located at 15N288 Tyrrell Road. The UDO allows the keeping of livestock in the A-1 District, but only on parcels of 5 acres or more and only as a special use.

The Plan Commission opened a public hearing on the application at the November 12, 2020 Plan Commission meeting. After receiving public testimony and hearing from the Applicant, the Plan Commission elected to continue the public hearing to December 9, 2020 to allow the applicant to address issues that were raised during the meeting. The public hearing continued on December 9, 2020 at which time, after receiving additional testimony from the applicant and members of the public, the Plan Commission closed the public hearing and proceeded to deliberate on the application.

Following discussion, the Plan Commission proceeded to vote on a recommendation to grant the Special Use Permit. The vote on the recommendation was 2 yeah – 3 nay. Therefore, the recommendation of the Plan Commission is to not recommend approval of the Special Use Permit.

Plan Commission Consideration and Recommendation

Included as attachments to the Village Board packet are the full Plan Commission packets, including staff memorandums and Applicant submitted materials and exhibits. The primary presentation and discussion point considered by the Commission are as follows:

- A) Is the use harmonious with the surrounding zoning? As noted in the Plan Commission packet, the Applicant’s parcel is approximately 5.45 acres, zoned A-1 Agriculture, with the surrounding zoning consisting of R-2, R-3 and R-4 Residential districts. The Applicant’s property abuts several single-family residences.

The Applicants currently own and keep two horses on the property.¹As part of the Applicant’s SUP application, they are seeking to keep: 25 chickens, 2 roosters, 4 turkeys and up to 15 sheep and/or goats.

¹ The keeping of horses on a parcel of 5 acres or more is permitted by right in the A-1 District.

During public testimony, several concerns were raised by members of the public and the Plan Commission. These concerns were focused on potential nuisance issues that may arise from the keeping of livestock/poultry as outlined below and/or the intensity of use based on the proposed number of animals for a property of this size and location:

- Noise. The potential for noise from roosters on the Property was raised by several members of the public. During discussion, consideration was given by the Plan Commission to potentially limiting the hours during which the roosters would be allowed to be kept outside the barn.
 - Odor. Concerns were raised regarding the potential impact on surrounding properties of odors that may be arise from the keeping of larger numbers of livestock/poultry on a property of only 5.45 acres. During public testimony, concerns were also expressed regarding the proper clean-up and disposal of livestock/poultry excrement. The Applicant responded to this concern by noting that they live adjacent to the railroad and intend to store any waste along the railroad tracks.
 - Fencing. During public testimony concerns were raised regarding adequate containment for the animals. On the initial site plan, the Applicant indicated the livestock/poultry would be kept in the existing barn structures and that they would construct a separate corral where the animals could be moved under supervision. Based on concerns raised by members of the public and the Commissioner's, the Applicant revised the site plan prior to the December meeting to connect it via fencing to the barn structures. However, concerns were noted regarding the height of the fence and proposed use of chicken wire to contain the animals and whether these measures were adequate to safely contain the various livestock/poultry. Additionally, concerns were noted regarding fencing the perimeter of the property to minimize the potential for animals to wander off the property. Neighbors providing testimony that Applicant's dogs have on numerous occasions wandered off the property on to adjoining properties.
- B) Should limitations be placed on the potential for on-site slaughter of animals for consumption? The Plan Commission considered the question and the Applicant agreed that any slaughter for consumption would be conducted offsite at a commercial slaughter facility. No slaughtering would take place on the property.
- C) Should any limitations be placed on the overall number and/or specific types of livestock permitted as part of any SUP? During public testimony concerns were raised regarding the appropriateness of the quantity of animals proposed for the property and the potential for significant increases if the livestock/poultry were bred, particularly during the weening period. Concerns over the difficulty in tracking and enforcing a cap on the number of livestock on the Property were also expressed. The Applicant noted that any bred animals would not be retained on the property long-term. However, concerns were noted in testimony and by the Commission regarding the potential for these spikes and the potential intensity of use such spikes would generate.

Summary of Noted Conditions

After the closure of the public hearing, a motion was made to approve the Applicant's special use permit with the following conditions:

- A variance be granted to allow the construction of an eight foot fence around the coral and connection to the barn, with chicken wire extending up to a height of at least 6 feet;
- The animals are only permitted to be outside of the barn between the hours of 8:00 a.m. and 8:00 p.m.
- No slaughtering of animals is permitted on the property
- The following limits are placed on the quantity/type of animals:
 - o 25 chickens
 - o 2 roosters
 - o 4 turkeys
 - o 15 goats/sheep

A motion was made and seconded to recommend the SUP with the above noted conditions. The motion failed by a vote of 3-2. Therefore, the Plan Commission's recommendation to the Village Board is that the Applicant's special use application be denied.

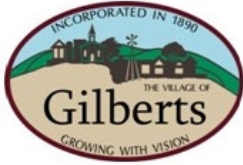
This item has been placed on as an item for discussion. The Board has a number of options in considering the negative recommendation from the Plan Commission:

- A) The Village Board could concur with the Plan Commission's negative recommendation and direct staff to prepare the necessary resolution denying the Applicant's special use application.
- B) If the Village Board desires to approve the special use permit application, the Village Board could direct staff to prepare an Ordinance incorporating appropriate conditions and granting the SUP. Please note, pursuant to Section 11-11(D)(4) of the UDO, passage of this Ordinance would require the affirmative vote of two-thirds of the Trustees as it would be overriding a negative recommendation from the Plan Commission.; or
- C) The Village Board could remand the matter back to the Plan Commission for further consideration if there are additional items that the Village Board believes need to be examined. If the Board desires to go this route, it should have specific direction to the Plan Commission as to what issues should be discussed and examined.

The Applicant is planning to be at the meeting to address the Board. Following discussion, Staff will be looking for direction from the Board on which course of action, as outlined above, the Board may wish to pursue.

Attachments

- A) Staff Reports and SUP Application Materials from the Plan Commission Meetings on November 12 and December 9, 2020
- B) Unapproved Plan Commission Minutes from December 9, 2020



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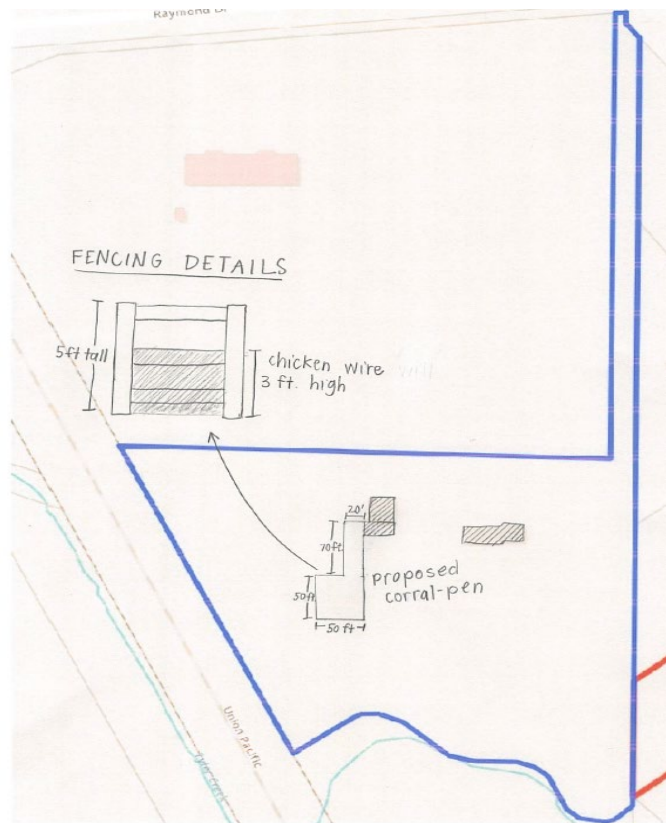
To: Plan Commission
From: Brian Bourdeau, Village Administrator
Riley Lynch, Administrative Intern.
Date: December 9, 2020 Plan Commission Meeting
Re: Item 5: Special Use Permit Application for 15N288 Tyrrell Road

Applicant Revisions to SUP Application

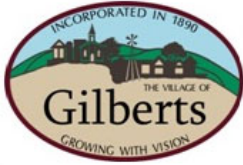
At the November 12, 2020 Plan Commission meeting, the Plan Commission opened a Public Hearing on a Special Use Permit request for the breeding, keeping, and grazing of livestock, poultry, and other farm animals on their property on the property located at 15N288 Tyrrell Road. During the Public Hearing, the Plan Commission requested additional information from the Applicant and elected to continue to the Public Hearing to allow the Applicant time to respond to the questions raised.

Subsequent the November 12 meeting, in response to the previous Plan Commission's questions, the applicants have updated their site plan and have addressed concerns that the Commission had, which are outlined below:

- As indicated by the updated site plan, the corral will be connected to the west side of the existing barn. It then extends south 70ft where it opens up into a 50ft by 50ft enclosure. There will be a door allowing the animals to move to and from the barn and corral.
- The animals will have shade in the barn and under trees on the Northern portion of the corral.
- The animals will be taken care of by family members of the applicants, one of whom lives on the property. Additionally, the applicants are there on a regular basis to take care of them as well.



The November 12, 2020 Plan Commission Memo on this item is attached for reference.



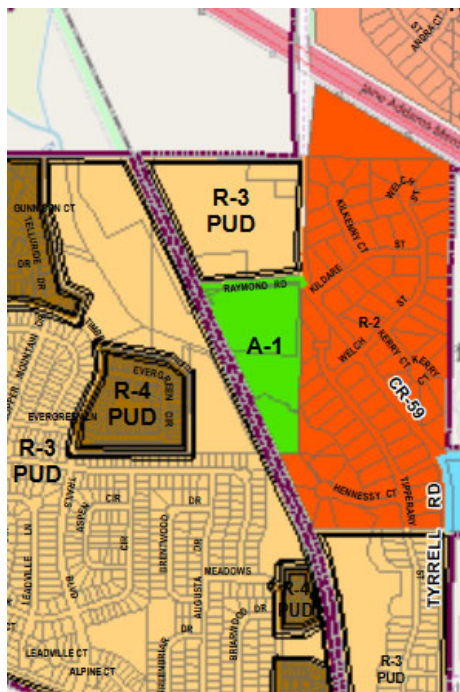
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To: Plan Commission
From: Brian Bourdeau, Village Administrator
Riley Lynch, Administrative Intern.
Date: November 12, 2020 Plan Commission Meeting
Re: Item 4 & 5: Special Use Permit Application for 15N288 Tyrrell Road

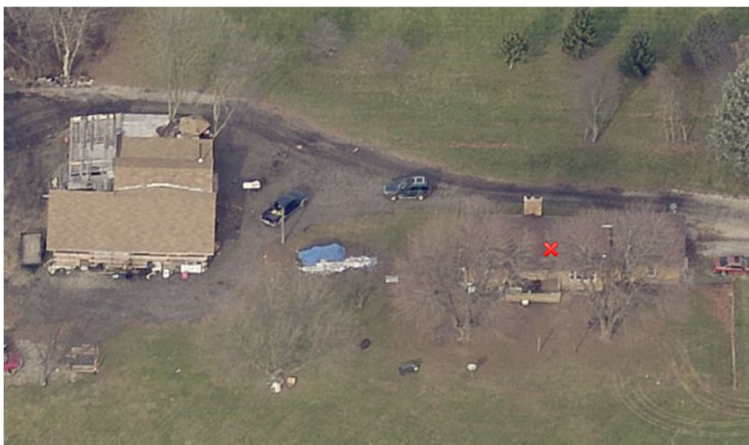
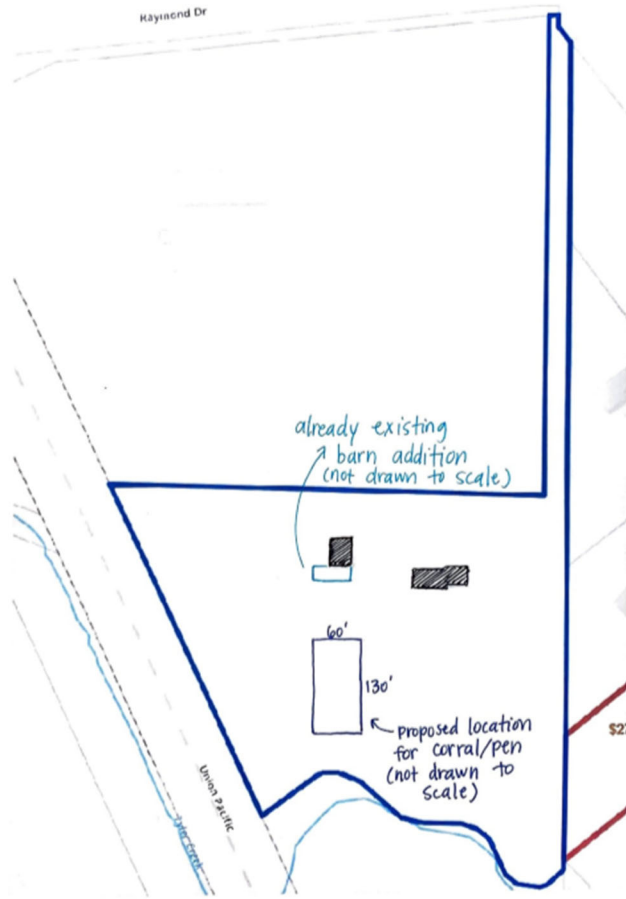
Application Background

Jesus Alvarado and Maria Teresa Ramos (“Applicants”) have requested a Special Use Permit for the breeding, keeping, and grazing of livestock, poultry, and other farm animals on their property.. The applicants’ property is at 15N288 Tyrrell Road (PIN: 02-25-400-016) and is 5.45 acres. The property is bordered on the south by Tyler Creek, the Union Pacific Railway and the Timber Trails subdivision to the west, the Fraternal Order of the Eagles property to the north and single-family residential parcels to the east. As illustrated on the zoning map abstract below, the surrounding land uses are a mix of A-1 immediately north and south with R-2, R-3 and R-4 residential to the east and west of the applicants’ property.



The Applicants currently keep two horses on the property. The keeping of horses is allowed as a permitted use in the A-1 zoning district, but only on a lot consisting of five or more acres (UDO 10-2-2(2)). However, a Special Use Permit is required for the “breeding, keeping, and grazing of livestock, poultry, and other farm animals but only on a lot consisting of five or more acres” (UDO 10-2-3(7)). As the applicants’ property exceeds five acres, their application meets the threshold for consideration as a Special Use in the A-1 zoning district.

Special Use Permit Request



outside of these areas would be when they are moved between the pen and the barn under constant supervision..

The Applicant is pursuing a Special Use Permit to hold and care for certain livestock and poultry on the property. The applicant is proposing to keep:

- 25 Chickens
- 2 Roosters
- 4 Turkeys
- 6 Sheep/Goats

Furthermore, the applicant has expressed interest in expanding the total number of goats and sheep to 15 in the future. The applicants have indicated that the animals will be kept for personal consumption.

There is no fencing around the perimeter of the applicant's property. However, there are existing structures on the property that would be utilized to house these animals, including a 12 foot x 30 foot chicken coop and a 27 foot x 30 foot barn with a 50 foot x 20 foot addition. These buildings are generally located on the western portion of the property. The barn is currently utilized to keep the two existing horses. The applicants have indicated that the additional livestock and poultry will share the enclosure with the horses. In addition to the existing structures, the applicant wishes to construct a 60 foot x 130 foot outdoor corral/pen for the animals. As represented by the applicants' site plan sketch above, the structure will be located south of the existing buildings and detached from other structures. The applicants note that the only time the animals will be

Primary Points for Discussion

- A) The Plan Commission may wish to consider if the proposed Special Use is harmonious with the surrounding zoning, particularly the residential districts. The proposed parcel is located in a heavily urbanized setting. Farm animals, particularly roosters, can be a noise nuisance, often during the early morning hours. Additionally, farm animals pose the potential of odor nuisances in a relatively small urban setting. With respect to the roosters, the Applicants have proposed to keep them in the chicken coop on the western portion and away from the single-family homes located on the eastern side of the property. The Plan Commission may wish to consider these two nuisance issues as part of its deliberations and recommend any appropriate mitigation measures as part of the Special Use request.
- B) The Applicants have indicated that the animals will be kept for personal consumption. During review of the application, staff inquired if there would be any slaughter operations on site. The Applicants indicated that any animals to be slaughtered for meat/poultry consumption would be done offsite at a commercial slaughter facility. The Plan Commission may wish to consider making as a condition of the special use permit, that any slaughtering of animals for personal consumption be done offsite and onsite slaughtering be prohibited.
- C) The Plan Commission may wish to consider the appropriateness of the existing and proposed structures for the keeping of the animals. The Applicants have proposed constructing a detached coral and supervising the movement of animals from the structures to the coral. Please note, the property is not fenced. The Plan Commission may wish to consider whether any conditions would be appropriate as part of a Special Use to ensure animals are not able to roam free on the property, potentially impacting neighboring properties.
- D) The Plan Commission may wish to consider whether it is appropriate to place limitations on either the overall number and/or specific types of farm animals permitted as part of any special use permit.

Summary of Items for Consideration

- Does the Plan Commission feel that the applicants Special Use Permit request meets the General Standards as outlined in section 10-11-11(E)(1) of the UDO:
 - a. *The proposed special use complies with all provisions of the applicable district regulations.*
 - b. *The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.*
 - c. *The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special*

use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

- i. The location, nature and height of buildings, structures, walls and fences on the site; and*
- ii. The nature and extent of proposed landscaping and screening on the proposed site.*
- d. Adequate utility, drainage and other such necessary facilities have been or will be provided.*
- e. The proposed special use, where such developments and uses are deemed consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the Village of Gilberts.*

- Surrounding Zoning / Land Usage

- Does the Plan Commission feel that this use is compatible with the surrounding uses?

- Containment and Number of Animals

- The Commission may want to consider if the proposed methods of containment and supervision are adequate for the number of animals requested.
- Does the Plan Commission feel that the existing structures and proposed pen are adequate to keep the animals contained?
- Does the Plan Commission feel that the number of animals requested is acceptable?
- The commission may also want to consider a limit on the number of animals.

- Nuisances

- Given the proximity to residences, the Commission may want to consider if these potential nuisances are acceptable. Additionally, the commission may want to consider whether any additional mitigation methods be stipulated.
- The applicant has specified that no slaughtering of the animals will take place on the property. The Plan Commission may want to make this a stipulation of the Special Use Permit.

Attachments

1. Application for Special Use
2. Site Plan

VILLAGE OF GILBERTS

APPLICATION FOR SPECIAL USE

Last Revised: October 31, 2002

APPLICATION FOR
SPECIAL USE

CASE#	_____
Revision #1:	_____
Revision #2:	_____
Revision #3:	_____
For office use only	

Development Name: _____ Date of Submission: _____

I. APPLICANT:

Jesús Alvarado
Name _____ Corporation _____

15 N288 Tyrrell Rd.
Street _____

Gilberts IL 60136
City State Zip Code

same 847-754-9355
Contact Person Telephone Number Fax Number

owner
Relationship of Applicant to subject Property (e.g. Owner, Developer, Contract Purchaser, etc.)

II. ACTION REQUESTED (Check applicable boxes):

- Rezoning from _____ to _____
- Special Use for chickens, turkeys, goats, & sheep

Any additional requests, which are being processed with the Special Use (i.e. variances subdivision, etc.): non-applicable

NO variances, subdivisions, or additional requests.

Is this development within the Village limits?

- Yes.
- No, requesting annexation.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.

III. DEVELOPERS STAFF:

Attorney: N/A Telephone Number: _____ Fax Number _____
 Builder: _____ Telephone Number: _____ Fax Number _____
 Developer: _____ Telephone Number: _____ Fax Number _____
 Engineer: _____ Telephone Number: _____ Fax Number _____

IV. PROJECT DATA:

1. General Location: 15 N 288 Tyrrell Rd. Gilberts, IL.
60136

a. County: Kane

b. Township: Rutland

c. PIN#(s): 2-25-400-016

2. General description of the site: 5+ Acre property with
A-1 zoning.

3. Existing zoning on the site: A-1 Agricultural District

4. Acreage of the site: 5+ Acres.

5. Character of surrounding area:

	Zoning	Jurisdiction	Existing Land Use	Adopted Village Plan
North	A-1	Gilberts	Eagles' Club	Agricultural
South	A-1	Gilberts	Creek + Residential	Agricultural
East	R-2	Gilberts	Residential	Residential
West	R-3	Gilberts	Railroad	Railroad

6. List Controlling Ordinances (annexation agreement, development agreement, site plans, any ordinances annexing or zoning the property etc.): _____

Non-Applicable

7. Detailed description of the Special Use requested including type of use, square footage or building or space to be occupied, by the Special Use, hours of operation, and number of parking spaces to be provided: _____

(see attached response)

IV. APPLICATION SIGNATURE

I hereby affirm and agree I have full legal capacity to authorize the aforesaid application/petition and that all information here-with listed and any attached exhibits are true and correct to the best of my knowledge. The authorized signer invites the Village of Gilberts representatives to make all reasonable inspections, investigations and pictures of the subject property during the processing period of the Petition. We further agree to pay all fees related to this application as per Village policy, including engineering, legal, plan review or any other ancillary fee as per policy that may arise during the entitlement process. I further understand that these fees include publication expenses.

I further acknowledge that it is the applicant's responsibility to notify property owners within 250 feet of the subject property via certified mail with return receipt of the time, place, and date of any Planning and Zoning Commission public hearing regarding this petition. I further realize the date of the meeting will be established by Village Staff and will be notified of this date once a full application has been received by the Community Development Department.

J. Alvarado
Applicant Signature

6-11-2020
Date:

Print Name: Jesus Alvarado

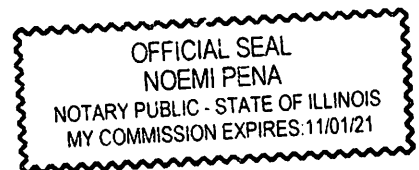
NOTARY:

On this 11 day of June, 2020 before me a Notary Public in the State of Illinois personally appeared the above named person, who did sign the foregoing instrument and that the same is a voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal.

Noemi Pena

Notary Public
(Signature, Seal).



STATE OF Illinois)
)
COUNTY OF Kane)
)
Village of Gilberts)

**PETITION TO THE GILBERTS VILLAGE BOARD
TO GRANT A SPECIAL USE**

THE UNDERSIGNED PETITIONER, the [name or names of owner(s), include business entity any] being owner of record, respectfully petitions the Village of Gilberts to grant a Special Use of the property, commonly known as [address] and legally described on Exhibit "A," and depicted on Exhibit "B," which are both attached hereto and incorporated herein by reference (the "Subject Property") to permit the following uses in accordance with Gilberts Municipal Code:

[List all requested Special Uses]

1. chickens & turkeys (poultry)
2. goats & sheep

IN SUPPORT OF THIS PETITION, the Petitioner represents that:

- 1) The Subject Property is currently zoned, pursuant to [cite applicable Zoning authority (i.e. Village or County)];
- 2) The Subject Property consists of approximately 5 acres, and the property is currently used for residential living & horses. [list any structures on the property]
- 3) The existing land uses surrounding the Subject Property include:
 - (a) to the North: Eagles Club (Far North)
 - (b) to the East: 2 Neighbors (Far East)
 - (c) to the South; and Wooded Land
 - (d) to the West. Railroad Tracks

See the attached "Special Use Narrative" providing details on this.

- 4) The Special Use will allow the property to be utilized in the following manner:
[provide a detailed description of the square footage by type(s) of uses proposed for any existing or proposed buildings, additions, accessory structures including height of buildings, seating capacity (if applicable), number of parking spaces, etc.)
- 5) The proposed Special Use meets the requirements for granting a Special Use in the Zoning Ordinance because:
 - (a) The establishment, maintenance or operation of the Special Use will not be detrimental to, or endanger the public health, safety, comfort, convenience and general welfare because [or "by"]: *[insert explanation]*; and
 - (b) The Special Use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted nor substantially diminish and impair property values within the neighborhood because [or "by"]: *[insert explanation]*; and
 - (c) The establishment of the Special Use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district because [or "by"]: *[insert explanation]*.
- 6) In conjunction with the Special Use, the petitioner is seeking the following variances to the Gilberts Municipal Code (Zoning Regulations Code):
[Cite the relevant sections of the Municipal Code to which the variances are being requested]
- 7) The requested variance(s) comply(ies) with the standards for granting a variance as outlined in Section 6-3-5:2 <<<< **VERIFY** of the Zoning Code in the following Manner:
 - (a) The variance is in harmony with the general purpose and intent of this Title because (or "by"): *[insert explanation]*; and
 - (b) Strict enforcement of this Title would result in practical difficulties or impose exceptional "hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district because (or "by"): *[insert explanation]*,' and
 - (c) The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by this Title; and
 - (d) The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

8) Granting the Special Use to permit the construction described above is appropriate because:

[List factors that demonstrate why the Special Use is appropriate]

WHEREFORE, the Petitioner requests that with respect to the Subject Property, the Village Board and the Planning Commission take action in accordance with the Gilberts Municipal Code to approve an ordinance granting a Special Use in accordance with Exhibit "-" to:

[repeat the list of requested uses from the Recital Section]

Respectfully Submitted,

By: *J. Alvarado*

[Type in name of signatory under signature block]

Jesus Alvarado

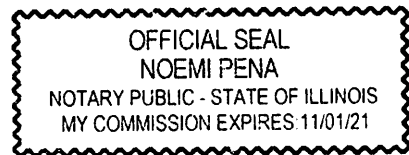
[Type in title or nature of individual (i.e. applicant)]

APPLICANT

STATE OF ILLINOIS
COUNTY OF *COOK*

The foregoing petition was acknowledged before me by *Jesus Alvarado*
on the *11* day of *June*, 2020 A.D.

By: *Noemi Pena - Notary Public*
[Type in name of signatory under signature block]
[Type in title of person notarizing] and Notary Public



Noemi Pena

#7. Detailed Description of the Special Use requested including type of use, square footage or building or space to be occupied, by the Special Use, hours of operation, and number of parking spaces to be provided.

We are requesting to have 25 chickens, 2 roosters, and 4 turkeys. The designated building for this poultry will be the existing chicken coop, which measures 12x30 square feet. The purpose of these animals is for personal use and consumption of eggs.

Besides this, we would like to have a combination of sheep and goats, totaling 6. These sheep and goats will be kept in the existing 30x27 square foot barn. With this permit, we would like to have the option to, in the future, expand to up to a combined total of 15 sheep and goats, as long as we build a corral to accommodate for the increase in animals.

Hours of operation and number of parking spots do not apply to our request. The existing chicken coop and barn are both located on the far west side of the property.

Special Use Narrative
Our Compliance with UDO Standards 11-11(E) 1a-e

The special use we are applying for is permission to have poultry (chickens & turkeys) as well as goats and sheep on our property at 15N288 Tyrrell Rd. Gilberts, IL. The 5-acre property's zoning is classified as A-1, an agricultural district. The following narrative addresses and outlines how we meet the requirements and standards stated in 1a-e of UDO Code 11-11(E) concerning special use permits.

E1a. This special use complies with all provisions of the applicable regulations, since according to "Committee of the Whole Meeting Packet 8/14/2018" found on The Village of Gilberts website, Section 10-2-2 of the UDO states that, A-1 agricultural districts consisting of more than 5 acres are allowed the permitted use of "breeding, keeping, and grazing of livestock, poultry, and other farm animals." Poultry, goats, and sheep fall under that category. Further, the amendment to Section 10-3-3 of the UDO states: "The following uses may be permitted in ~~all residential districts~~ the A-1 Agriculture District, subject to the issuance of a special use permit..." We are complying with this requirement by completing this Application for Special Use. Overall, the special use permit we are requesting complies with A-1 agricultural district regulations regarding permitted uses as stated in Sections 10-2-2 and 10-3-3 of the UDO.

E1b. The special use will not be unreasonably detrimental to the value of other properties in the neighborhood or to the public welfare at large. When the surrounding homes were built, our property already had the uses we are requesting. The animals will be kept on the far west side of the property, where there are no immediate residences. On the north and south side there are also no immediate residences. There are only 3 immediately adjacent residential properties on the far east side, but there are trees, shrubbery, and easement creating a barrier between our property and theirs. Since our property is very secluded and distant from those homes, the values of those residential areas should not be affected. In regards to the public welfare at large, it should also not be affected since the animals will be contained on our property, far from our distant neighbors.

E1c. The special use will not immediately require the addition of any buildings or constructions. Animals will be kept in the existing 12'x30' chicken coop, 27'x30' barn, and the 50'x20' barn addition. These are all located on the far west side of the property, near the railroad tracks. The operation of the animals will be limited to personal consumption and will not dominate the immediate neighborhoods. Landscaping and screening do not apply to this special use.

E1d. Utilities and drainage do not apply to this special because we are not building anything.

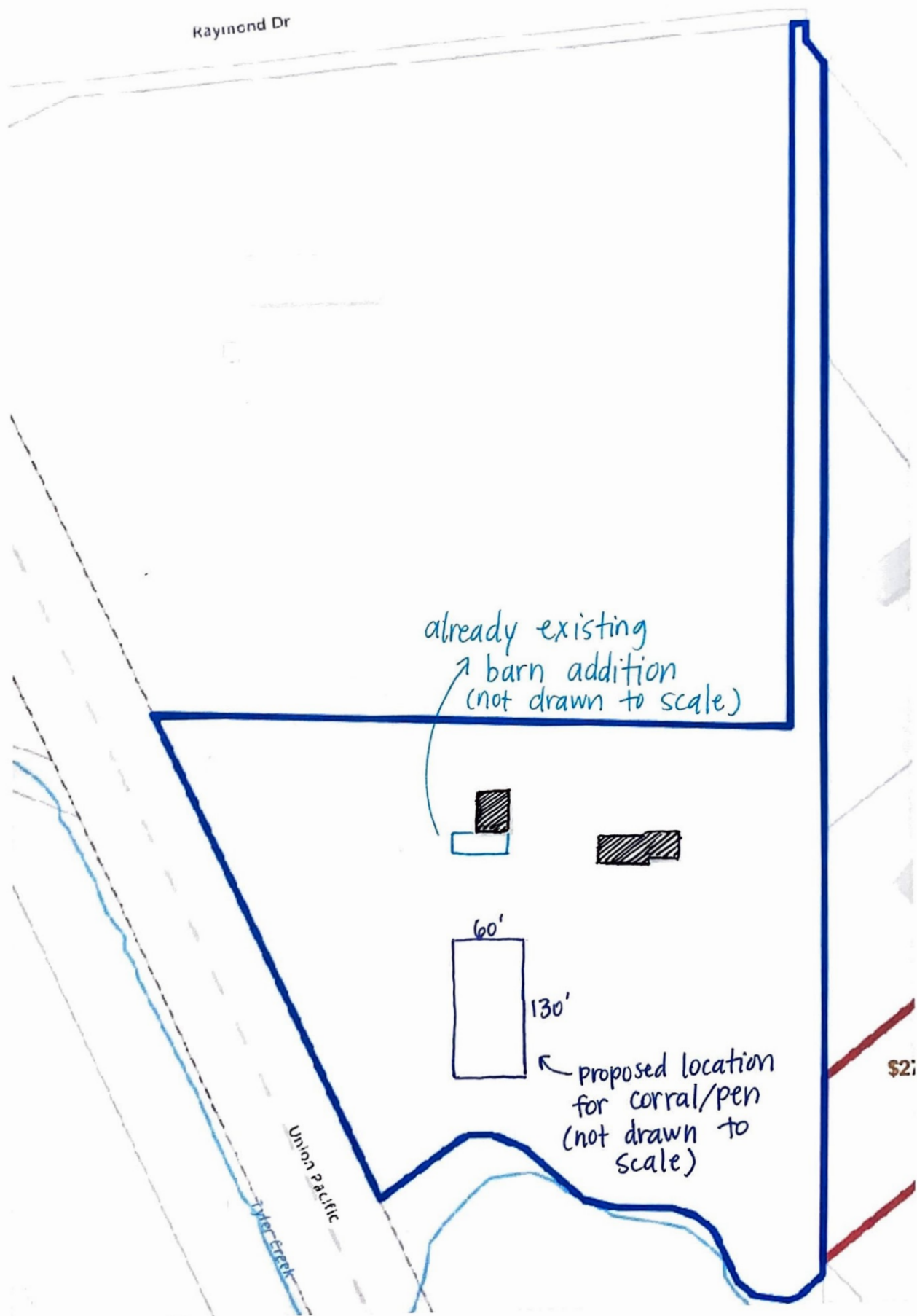
E1e. Everything will be contained and secluded. We will not be making any structural changes. We are adjacent to 2 A-1 properties and our request should not affect the use of any of the other adjacent properties. We are within the agricultural district and our special use is not extending to the public, it is solely for personal use and should not have any impact on future developments in the surrounding community since it will only remain on our property. We are also not requesting a large amount of animals. We simply would like to use our property with the liberty to exercise its existing uses when we purchased the property.

Being residents of Timber Trails for over 18 years, it is also in our interest to preserve the value and quality of our community. Please note that it is our intention to be as reasonable as possible, by limiting this special use for personal purposes, by containing the animals far away from the few adjacent residential homes, and by putting a limit to the number of animals. We in turn kindly ask that you also be reasonable and approve this request which is simply a mere reinstatement of previously existing uses on our property.

Sincerely,

Maria T. Ramos
Jesus Alvarado

Kaymond Dr



already existing
barn addition
(not drawn to scale)

proposed location
for corral/pen
(not drawn to
scale)

\$2: