

COUNTY OF MENARD            )  
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STATE OF ILLINOIS            )

The Menard County Zoning Board of Appeals (ZBA) met on Thursday, March 1, 2012, at 7:00 p.m., at the Menard County Courthouse in Petersburg, Illinois.

Chairman Tom Eldridge called the meeting to order at 7:00 p.m. and took the roll call with the following ZBA members in attendance: Barry Bass, Karen Stott, Steve Wilken, Steve Ozella and Tom Eldridge. A quorum was present. Zoning Administrator Steve Duncan was in attendance and took the minutes.

Minutes from the September 7, 2011 meeting were presented for approval. ZBA member Bass moved to approve the minutes, as presented. ZBA member Wilken seconded the motion. The motion carried unanimously.

**NEW BUSINESS**

**ADMINISTRATIVE PUBLIC HEARING: (Case number 12-01SUP) STEVEN (MARK) & VALERIE PLUNKETT APPLICATION FOR A SPECIAL USE PERMIT FOR THE PURPOSE OF ESTABLISHING A KENNEL IN THE A - AGRICULTURAL ZONING DISTRICT. A BRIEF LEGAL DESCRIPTION FOR THE PROPERTIES IS AS FOLLOWS: Part of the east half of the southeast quarter of section 11, township 18, north range 7 west, 3<sup>rd</sup> P.M. & part of the west half of section 1 and part of the northwest quarter of section 12 and part of the northwest quarter of the southwest quarter of section 12, all in township 18, north range 7 west, 3<sup>rd</sup> P.M. THE ADDRESS FOR THE PROPERTY IS 101 VINEYARD HILLS ROAD, PETERSBURG, ILLINOIS.**

Chairman Eldridge opened the public hearing at 7:02 p.m. to give consideration to case number 12-01SUP.

Chairman Eldridge swore-in Steven (Mark) Plunkett to give testimony on the application. He presented exhibit "A" for review. He presented an overview of the proposal to establish a kennel at 101 Vineyard Hills Road including the use of cameras inside the kennel. He informed that the kennel would be an inside/outside kennel with six inch, cinder block walls. He informed there would be five feet by five feet kennels on the inside of the building and five feet by nine feet kennels on the outside. He informed that during the day, dogs will be allowed to go outside and then, in the evening, they will be brought back inside the kennel. He said they would put a metal roof over the "outside" kennels and then the first several stalls on the west side of the property (or Vineyard Hills subdivision side) would have foam board placed in the ceiling to try to mitigate sound. He informed a wood fence would be placed on the west end of the kennel, along with some evergreen trees, to mitigate noise concerns.

Chairman Eldridge asked if Mr. Plunkett would be the actual operator of the kennel. Mr. Plunkett informed that his daughter and future, son-in-law would actually operate the kennel and that they would live in the house located on the property. Chairman Eldridge asked Mr. Plunkett if they had made application to the State of Illinois, Department of Agriculture for a license to operate the kennel. Mr. Plunkett informed that they had filled out the documents but was waiting for County approval before proceeding with other applications.

ZBA member Bass asked how many dogs would be at the kennel. Mr. Plunkett informed that the plan was to establish fifteen inside/outside kennels with another ten kennels located inside only. He informed there would be the capability to board cats as well. He informed that small dogs might be able to share a kennel.

Chairman Eldridge asked if Mr. Plunkett knew where the prevailing winds would blow from. Mr. Plunkett said from the northwest. Chairman Eldridge asked if evergreen trees were the best sound barrier. Mr. Plunkett said he was open to suggestions but he was hoping evergreen trees would cover more area and not lose their leaves.

ZBA member Ozella asked if the measurement of 500 feet, from kennel to the nearest house, was accurate. Mr. Plunkett said it was accurate.

ZBA member Bass asked what the plan was for the use of the property between the proposed kennel and Vineyard Hills Road. Mr. Plunkett said that would likely remain in grass. He said they were not planning to locate any kennel facilities closer to Vineyard Hills than as proposed in the application.

ZBA member Wilken asked if the outside dog runs were oriented to the north. Mr. Duncan said it was more oriented to the northeast.

ZBA member Bass asked if Mr. Plunkett's daughter and future, son-in-law were experienced in running a kennel. Mr. Plunkett informed that they did not have experience and then provided an overview of people that they had consulted with, focusing on the waste management steps to be taken with this kennel.

ZBA member Bass asked for clarification that the kennel managers (daughter and future, son-in-law) would be living on the property. Mr. Plunkett informed that was correct.

ZBA member Bass asked if the applicant would give consideration to a condition of approval that trees would be planted in the area between Vineyard Hills Road and the proposed kennel to act as a visual and sound barrier. Mr. Plunkett informed that he might agree to a row of trees but would like to be able to use the property for other uses as well.

Chairman Eldridge swore-in Mike Fricke, 218 E. Concord Drive, spoke in opposition to the kennel proposal. He informed of a kennel run by his brother (Fricke/Schainker kennel). He said that dogs would bark. He said that people who lived over a mile away from that kennel heard the dogs barking at the kennel. He said he was skeptical of what kind of sound barrier trees would provide for the Plunkett kennel. He said his property would be affected by the dogs.

Mr. Plunkett said that his kennel was not being proposed to be set-up like the Fricke/Schainker kennel in that there was not the concrete and the dogs could see each other at that kennel and that would not be the case at what was being proposed for his kennel. Mr. Plunkett said he was not saying no one would hear dogs barking but that he was trying to mitigate those concerns. Mr. Plunkett informed of a nearby house to the proposed kennel that had three dogs that barked all the time when they were let outside.

Chairman Eldridge asked Mr. Fricke if there were many dogs in the Vineyard Hills subdivision. Mr. Fricke estimated a dozen but said he really didn't know and that many of the dogs were kept indoors.

ZBA member Bass asked Mr. Fricke if he was aware of complaints about barking dogs in the subdivision. Mr. Fricke informed of complaints but that neither the police nor animal control did much to address it.

ZBA member Bass asked Mr. Fricke if there was anything that could be done to cause him not to oppose the kennel. Mr. Fricke said his main concern was the noise and that from his experience there was not much you could do to stop it. He suggested that there were places on the property, further north, where the kennel could be located. Mr. Fricke admitted that would probably not be convenient. Mr. Plunkett informed that the problem with going further north on the property was that there were no utilities.

Chairman Eldridge swore-in Dave Love, 116 Agawam Lane. Mr. Love informed that some of his questions had been answered. He informed he was concerned that the business was just going to be placed on the property with no one living on the property but that the daughter and future, son-in-law were said to be planning to live on the property. Mr. Love said he had experience with kennels in dealing with his customers and that it sounded to him like this kennel was being proposed to be set-up the right way. Mr. Love asked if it was being proposed to raise dogs at the kennel or just boarding dogs.

Mr. Plunkett informed they were just planning to board dogs. He said they would interview people to see what kind of dogs they would be keeping. He said they would allow for dog "daycare" in that people could just board their dog for the day.

Mr. Love informed that his biggest concern was still the potential for noise.

ZBA member Bass asked Mr. Plunkett what the anticipated length of stay would be for a dog. Mr. Plunkett estimated that most people were expected to bring them for five to six days.

Chairman Eldridge swore-in Steve Plaeger, 17757 Old Fairgrounds Road. Mr. Plaeger informed he had concerns when he got the letter about the proposed kennel. He informed that the fact that there was going to be operators of the kennel living on the property had satisfied one of his concerns. He informed that he thought a sound barrier (trees) would be somewhat ineffective due to the sloping of the land. He informed that the winds should go from the southwest to the northeast and away from the subdivision. Mr. Plaeger asked if there was going to be a maximum number of animals allowed and if the applicant would have to go through a process to change what is being proposed here.

Mr. Duncan informed that he was recommending, as conditions of approval, that no new kennel facilities, not being proposed as part of the application, be allowed to be constructed without coming back through the special use permit process to amend the special use permit and that a maximum number of dogs to be kept at the kennel be established.

Mr. Duncan informed that he had a letter that had been submitted to his office, opposing the kennel, with several signatures, including Mr. Fricke and Mr. Love. He asked if anyone in the room, including Mr. Fricke and Mr. Love, wished to remove their name from the letter. Mr. Love indicated he felt that some of his concerns had been addressed

but he ultimately did not ask for his name to be removed from the letter. Mr. Duncan submitted the letter for the public record and informed that Elsie Taapken, 116 Ribier Lane, had called his office before the meeting to inform that she was opposed to the kennel due to noise and traffic concerns. She had also signed the letter, but was not in attendance.

ZBA member Bass asked if anyone in attendance had a concern that had not been addressed. No one from the public expressed any additional concerns.

ZBA member Stott asked who would run the kennel when the daughter and future, son-in-law were on vacation. Mr. Plunkett informed that the future, son-in-law's parents would run the kennel and stay in the house when they were gone.

As there were no other public comments, ZBA member Wilken moved to close the public hearing at 7:43 p.m. ZBA member Ozella seconded the motion. The motion carried unanimously.

The Zoning Board of Appeals spent much time deliberating and preparing the Finding of Facts.

ZBA member Ozella expressed concerns with being able to guarantee control of the noise. He said that he thought trees might help but that nobody could guarantee it. There was much discussion about not being able to guarantee the neighboring properties they wouldn't be affected by noise/dogs barking.

ZBA member Ozella asked if there was any way to address neighbor concerns after the kennel was established and there were noise concerns. Zoning Administrator Duncan informed that the only thing he could think of was to require an annual review of the special use permit to review if the criteria/finding of facts was still being satisfied. Mr. Duncan said there was a sizeable downside to such an approach as he was sure Mr. Plunkett would not want to make the investment in the project to possibly be shut down a year from now if the County felt that it was not being run in a way that wasn't impacting neighboring properties. Mr. Duncan informed that his advice to the Zoning Board of Appeals and Board of Commissioners was that they needed to feel comfortable that their concerns were addressed now.

ZBA member Stott said that she was interested in whether conditions of approval should include no breeding at the kennel. Mr. Duncan informed that a condition of approval could be the size and amount of trees to be placed to hopefully mitigate noise concerns. There was discussion about what kind of trees to require and what size trees to require.

Mr. Plunkett reiterated that his proposed kennel would not allow dogs to see the dogs in the kennel next to them as they would be separated by cinder block walls. There was discussion about limiting the number of dogs and what the number should be. Mr. Plunkett informed that they would like to be able to employ one or two other people.

ZBA member Ozella discussed requiring that dogs should be placed in the kennel at night. There was more discussion about what kind of trees to require and where they should be placed on the property including requiring a double row of pine trees in the northwest corner area of the building.

After more time spent preparing the Finding of Facts and much discussion about what conditions of approval to require, ZBA member Bass moved to approve the Finding of Facts (copy on file) and send a recommendation that the Board of Commissioners approve the special use permit, with conditions as follows:

- Applicant shall present, prior to approval, a landscaping plan to be required to be installed and maintained as part of this special use permit so as to provide a visual and sound barrier on the northwest side of the proposed kennel building. Landscaping plan shall include tree specie(s), the number of trees to be planted and height with the height of proposed trees to be no less than four feet.
- No additional kennel facilities shall be constructed, other than as proposed in this special use permit application and represented by the applicant (including no more than ten inside kennels and fifteen inside/outside kennels), without amendment to the special use permit application or, in other words, applicant shall apply for a special use permit amendment and follow the process for a special use permit as adopted by Menard County.

ZBA member Ozella seconded the motion. The motion carried unanimously.

### **Unscheduled Public Comments/Requests**

No additional public comments were made at the meeting.

### **Zoning Administrator's Report**

Zoning Administrator Duncan informed the Zoning Board of Appeals of new requirements that public body members take the Open Meetings Act training as provided by the Illinois Attorney General's office and provide a copy of the certificate of completion to the County. He informed that there was likely going to be a need for meetings in April and May.

### **Individual ZBA Member Comments**

There were no ZBA member comments.

### **Adjournment**

As no other business was brought before the Zoning Board of Appeals, ZBA member Ozella moved to adjourn the meeting at 8:37 p.m. ZBA member Bass seconded the motion. The motion carried unanimously.