

KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
AGENDA

Monday, March 12, 2018 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Lynn Cullick, Bob Davidson (Chair), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chair)

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from February 13, 2018 Meeting (Pages 4-19)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 20-22)

PUBLIC COMMENT:

PETITIONS:

1. **Petition 17-33 – Kendall County Planning, Building and Zoning Committee (Pages 23-61)**
Request: Text Amendments to Sections 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Transferring the Authority to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments
Purpose: Transfers the Authority to Hear Applications, Amendments and Revocations of Special Use Permits from the Hearing Officer to the Zoning Board of Appeals. Also Makes Citation Changes to Various Sections of the Zoning Ordinance to Reflect this Transfer.
2. **Amended Petition 17-29 – Kendall County Planning, Building and Zoning Committee (Pages 62-86)**
Request: Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural
Purpose: Text Amendment Increases Notification Requirement from Five Hundred Feet (500') to One Thousand Feet (1,000') Instead of Two Thousand Six Hundred Feet (2,600') as Originally Proposed for Applications for Special Use Permits on Properties Zoned A-1 and Clarifying that Only Adjoining Properties must be Notified on Special Use Permit Applications for Properties not Zoned A-1.
3. **Petition 18-06 – Laura Hubbard (Pages 87-89)**
Request: Conditional Use Permit to Hold a Seasonal Event on June 30, 2018 and September 29, 2018
Location: 7626 Ashley Road, Yorkville, Kendall Township
PIN: 05-11-300-002
Purpose: Request for a Conditional Use Permit to Allow Petitioner to Hold a Seasonal Event on June 30, 2018 and September 29, 2018 at the Subject Property.

NEW BUSINESS:

1. Approval of a Resolution to Release All Claims on a Bank Account Owned by Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3,000.00 Pursuant to Condition 18 of Ordinance 2016-11 (Granting a Special Use Permit at 9111 Ashley Road in Kendall Township to Operate a Banquet Hall) (Pages 90-93)

OLD BUSINESS:

1. Approval of Amendments to Petition 17-28 Pertaining to Outdoor Target Practice and Shooting Zoning Regulations (Pages 94-106)
2. Discussion of Proposed Regulations of Solar Panels Used for Offsite Consumption of Energy-Committee Could Initiate Text Amendments to the Zoning Ordinance (Pages 107-125)
3. Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)
 - a. Committee Could Grant Mr. Antos' Request to Complete Bridge by May 1, 2018
4. Request for Guidance RE: Conditional Use Permits-Committee Could Initiate Text Amendments to the Zoning Ordinance on This Matter (Pages 126-140)
5. Discussion of Citation Writing Possibility
6. Planning, Building and Zoning Staffing Issues (Page 141)
 - a. Review and Recommendation of Senior Planner Assuming the Duties of the Zoning Administrator and Plat Officer
 - b. Review and Recommendation of County Administrator Continuing the Duties of the Director of Planning, Building and Zoning Department

REVIEW VIOLATION REPORT: (Pages 142-144)

1. Approval to Forward Violation of Inoperable Vehicle Ordinance at 93 Longbeach Road, Montgomery to Either the State's Attorney's Office or Hearing Officer (Pages 145-160)
2. Approval to Forward Violation of Inoperable Vehicle Ordinance at 190 Boulder Hill Pass, Montgomery to Either the State's Attorney's Office or Hearing Officer (Pages 161-168)

REVIEW NON-VIOLATION COMPLAINT REPORT: (Page 169)

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

1. February 21, 2018 Event (Pages 170-171)

REVIEW PERMIT REPORT: (Pages 172-176)

REVIEW REVENUE REPORT: (Page 177)

CORRESPONDENCE:

1. Churchill Club Stormwater Issue (Pages 178-213)
2. Correspondence Related to Fields of Farm Colony Stormwater Issue (Pages 214-219)
3. Correspondence Related to 45 Cheyenne Court (Pages 220-222)

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of February 13, 2018 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:31 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman), Judy Gilmour (arrived at 6:32 p.m.), Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Scott Koeppel (County Administrator), Jim Williams, David Lombardo, Jerry Lizalek, John Millington, Michael King, and Patrick Dalseth

APPROVAL OF AGENDA

Motion by Member Cullick, seconded by Member Gryder, to move the Approval of Amendments to Petition 17-28 Pertaining to Outdoor Target Practice and Shooting Zoning Regulations to between Petitions and New Business. With a voice vote of four ayes, the motion carried.

Member Gilmour arrived at this time (6:32 p.m.)

APPROVAL OF MINUTES

Motion by Member Cullick, seconded by Member Kellogg, to approve the minutes of the January 8, 2018 meeting. With a voice vote of five ayes, the motion carried.

Motion by Member Cullick, seconded by Member Kellogg, to approve the minutes of the January 30, 2018 special meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Motion by Member Kellogg, seconded by Member Cullick, to forward the claims to the Finance Committee. With a voice vote of five ayes, the motion carried.

PUBLIC COMMENT

David Lombardo, Shorewood, provided his curriculum vitae. Mr. Lombardo expressed concerns regarding the requirements that backstops must be one hundred fifty feet (150') for ranges for handguns and rifles with the same or less power than .22. He advised that the requirement be lowered to fifty feet (50'). He also expressed concerns regarding the backstop for rifles with more power than a .22 long rifle because of the financial costs to construct a range. Mr. Lombardo agreed to meet with Mr. Asselmeier to offer his suggestions. Mr. Asselmeier will bring Mr. Lombardo's comments to the March committee meeting.

Jerry Lizalek, Channahon, echoed Mr. Lombardo's comments regarding the distances from the firing line contained in the proposal. He recommended having short ranges because of safety

reasons. He expressed concerns regarding the size of property needed to have the firing line one thousand fifteen hundred feet (1,500') from the property lines of adjoining properties. Mr. Asselmeier stated that the current regulations are one thousand feet (1,000') from existing dwellings and property lines of schools, daycares, places of worship, and airstrips. Mr. Lizalek requested that the phrase "public or private" after "ranges" in item "t". He also requested that the phrase "open to the public" be added after "ranges" in item "u". Lastly, he requested that word "yard" be replaced with "on your property" to the definition at the beginning of the proposal.

Chairman Davidson noted that the proposal will not be finalized until July at the earliest.

John Millington, Chicago, is a member of the Howell Shooting range. He asked if the State's Attorney has the final say. Chairman Davidson said that the State's Attorney provides legal advice, but the County Board has the final say on the proposal.

Michael King, Minooka, asked about the direct access requirement. Mr. Asselmeier noted that the State's Attorney's Office reviewed this requirement at the request of the Committee and the State's Attorney's Office questioned the public purpose related to this portion of the proposal. Mr. Asselmeier noted that this requirement was included because of concerns regarding changing a land use in a previous application. In that case, the property was formerly a house and was proposed to be a gun range. Some Committee members felt that the easement did not adequately protect the underlying property owner. Mr. King noted that the intent of public, perpetual easements are to provide access to property.

PETITIONS

None

OLD BUSINESS

Approval of Amendments to Petition 17-28 Pertaining to Outdoor Target Practice and Shooting Zoning Regulations

Discussion occurred regarding the distance of the firing line from dwellings. No decision was made on this portion of the proposal.

Motion by Member Gryder, seconded by Member Cullick, to bring this item back for the March meeting with Mr. Lombardo's comments included in the proposal. With a voice vote of five ayes, the motion carried.

NEW BUSINESS

Planning, Building and Zoning Staffing Issues-Discussion of Planning, Building and Zoning Director Position

Member Kellogg asked about a job description for this position. Mr. Koeppel said that he did not believe the Department requires a full-time director. Member Gryder suggested making Mr. Asselmeier the Zoning Administrator and removing the Interim title from the County Administrator's duties. The job descriptions for Planning, Building and Zoning Staff will be examined after completion of review of the job descriptions of employees in the Administrative Office. Mr. Koeppel will prepare proposed job descriptions and bring those job descriptions to the HR Committee for review. The proposed job description will then be sent back to the Planning, Building and Zoning Committee.

Planning, Building and Zoning Staffing Issues-Discussion of Part-Time and/or Intern Position

Mr. Koeppel explained that the Department had a full-time position. The person holding that position left the position and the previous County Administrator felt hiring a part-time person and an intern was the best option financially. The current part-time position works from 8:00 a.m. until 1:00 p.m. Monday-Friday and is at capacity. The existing intern will graduate in May; his employment will end upon graduation. The existing internship is paid. There is money in the budget to cover the salary of a part-time person. The part-time position would not be eligible for healthcare, but would be eligible for IMRF; the person would work one thousand (1,000) hours per year. Mr. Koeppel would like to post the job in April. The consensus of the Committee was to hire a part-time person instead of an intern.

Discussion of Citation Writing Possibility-Committee Could Refer This Matter to the State's Attorney's Office

Mr. Asselmeier read his memo on the subject. The Department already has the ability to issue notices. The question to the State's Attorney's Office is does the Department need additional authority to issue citations. Mr. Asselmeier also recommended that the Committee examine the fine schedule. Mr. Koeppel suggested that the fine schedule should be reviewed.

Jim Williams, Boulder Hill, reported a trailer parked on neighboring property and discussed additional complaints he previously filed.

The consensus of the Committee was to have Staff meet with the State's Attorney's Office to ensure the existing enforcement procedures allows for citation ability. If changes are required, a proposal will come back to the Planning, Building and Zoning to allow citations.

Discussion of Memo from Brian Holdiman to Planning, Building and Zoning Committee Pertaining to Property Maintenance Codes

Mr. Asselmeier read Mr. Holdiman's memo. The consensus of the Committee was to have Mr. Holdiman research the matter further and to propose specific changes to the ordinances to address issues.

Approval to Publish the Noxious Weed Annual Notice In a Newspaper of General Circulation in Kendall County At a Cost Not To Exceed \$100; Related Invoice(s) Will Be Paid from the Planning, Building and Zoning Legal Publication Line Item (010-2-002-6209)

Mr. Asselmeier read his memo on the subject. The State requires the County to publish the notice at least one (1) time per year. In the Noxious Weed Work Plan approved in 2017, the notice was to be published in first quarter of 2018.

Motion by Member Kellogg, seconded by Member Gryder, to recommend approval of publishing and paying for the notice as proposed.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on February 20th.

Approval of Intergovernmental Agreement with the United City of Yorkville for Building Inspection Services

Mr. Asselmeier provided information on the proposal; there were no changes from the 2017 agreement.

Motion by Member Gryder, seconded by Member Cullick, to recommend approval of the intergovernmental agreement as presented.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on February 20th.

Approval of Resolution to Release All Claims on a Certificate of Deposit Owned by Vincent Domino at Old Second Bank in the Amount of \$923.19

Mr. Asselmeier read his memo on the request. Mr. Domino established this account at his own initiative; the County did not require the creation of the account. Mr. Domino placed a condition on the account that the account cannot be liquidated without "Yorkville's approval". The funds were to be used to cover the land cash costs for a four (4) bedroom house in the Rancho Real Subdivision. Mr. Domino no longer owns the property. If someone applied for a building permit on the property, the Planning, Building and Zoning Department would charge them the applicable land cash fee.

Motion by Member Kellogg, seconded by Member Cullick, to recommend approval of the resolution releasing all claims on a certificate of deposit owned by Vincent Domino at Old Second Bank in the amount of Nine Hundred Twenty-Three Dollars and Nineteen Cents (\$923.19).

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on February 20th.

OLD BUSINESS

Approval to Release Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21))

Motion by Member Kellogg, seconded by Member Gryder, to approve the release of the executive session minutes from the following meetings:

June 9, 1997, August 11, 1997, May 8, 2000, February 13, 2001, February 7, 2005 B, April 11, 2005, May 2, 2005, May 9, 2005, October 5, 2006, February 5, 2007, and April 9, 2007.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Update on Trailer Parked in Front Yard/Driveway Complaint at 18 Ridgefield Road, Montgomery. Committee Could Refer the Matter to the State's Attorney's Office or Code Hearing Unit

Mr. Asselmeier reported that the trailer parked in the driveway at 18 Ridgefield Road was removed.

Discussion of Solar Panel Regulations-Committee Could Initiate Text Amendments to the Zoning Ordinance on (a) and (b) below

(a) Proposed Regulations of Solar Panels Used for Onsite Consumption of Energy

Mr. Asselmeier read his memo on the issue. Solar panels used for onsite consumption of energy up to one hundred twenty percent (120%) of the energy generated is a permitted use in all districts. Yorkville's solar panel regulations were presented. The consensus of the Committee was not to make any changes at this time.

(b) Proposed Regulations of Solar Panels Used for Offsite Consumption of Energy

Mr. Asselmeier presented a table comparing the solar panel regulations of Boone, DeKalb, Grundy, Kankakee, Tazewell, and Will Counties. Mr. Asselmeier noted that LaSalle County does not have specific conditions on special use permits for solar farms. Chairman Davidson suggested obtaining Chris Childress' recommendations on a proposal. Mr. Asselmeier favored Grundy County's regulations. Several members favored DeKalb County's regulations with the inclusion of the field tile requirements.

Patrick Dalseth, employee of solar developer SunVest Solar, Inc., was trying to get the pulse of Kendall County for solar development. The window of incentive availability was short. Applications must be submitted in June; securing the correct zoning must occur prior to application. There could be three (3) application opportunities by the end of the first quarter of 2019. Projects must be built in eighteen (18) months. Mr. Dalseth said that the City of Kankakee in the industrial was the easiest area to get permitted. He also likes DeKalb County's regulation and Will County's regulation without the landscaping provisions. Leases are twenty-five (25) years with a five (5) year option.

Mr. Asselmeier will obtain an updated copy of DeKalb County's regulations. Any applications submitted under the current regulations would be evaluated on a case-by-case basis because the County could not adopt a solar panel regulation before the incentives from the State expire.

The consensus of the Committee was to bring this proposal back at the March meeting.

Review of Commercial Wind Farm Regulations

Mr. Asselmeier presented his memo on the subject. The consensus of the Committee was not to make any changes at this time.

Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)

Mr. Asselmeier reported that neither the State's Attorney's Office nor the Planning, Building and Zoning Department received correspondence from Mr. Antos since Mr. Antos requested permission to complete the bridge by May 1st. The consensus of the Committee was to have the State's Attorney's Office ready to file paperwork in court if Mr. Antos fails to remove the low water crossing by May 1, 2018.

Request for Guidance RE: Conditional Use Permits

Mr. Asselmeier read his memo on the subject. He divided each conditional use into permitted or special use based on potential negative impacts to neighborhoods. The consensus was to set seasonal festivals as a special use.

The consensus of the Committee was to review this proposal at the March meeting.

Review of Proposed Special Use Renewal Procedure-Committee Could Initiate Text Amendments to the Zoning Ordinance on This Matter

Mr. Asselmeier read his memo on the subject.

Motion by Member Kellogg, seconded by Member Gryder, initiate a text amendment to the Zoning Ordinance establishing special use permit renewal procedures.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

Review Violation Report

The Committee reviewed the Violation Report. Member Gryder asked about the violation at 14824 Millhurst Road. Mr. Asselmeier will provide Member Gryder the specifics of that case.

Review Non-Violation Report

The Committee reviewed the Non-Violation Report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

February 21, 2018 Event

Mr. Asselmeier reported that as of February 13th, twenty-seven (27) people have RSVP'd for the event.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

December 28, 2017 Email from Greg Stromberg to Brian Holdiman RE: 45 Cheyenne Court
Mr. Asselmeier read the email on this matter.

January 9, 2018 Email from Matt Asselmeier to PBZ Committee RE: Follow-up from January PBZ Committee Meeting
Mr. Asselmeier read the email on this matter.

January 9, 2018 Email from Matt Asselmeier to PBZ Committee RE: Questions from January PBZ Committee Meeting
Mr. Asselmeier read the email on this matter.

January 18, 2018 Memo from Matt Asselmeier to PBZ Committee RE: 2017 Residential Building Permit Information
Mr. Asselmeier read the memo on this matter.

February 3, 2018 Report to the Kendall County Regional Planning Commission Annual Meeting
Mr. Asselmeier read the report on this matter.

Correspondence Related to Schaefer North Phase 3 Bond
Mr. Asselmeier read the correspondence on this matter.

Memo from Brian Holdiman to Planning, Building and Zoning Committee RE: Building Permit Process
Mr. Asselmeier read the memo on this matter.

January 25, 2018 Letter from Matt Asselmeier to Thomas Schnabel, Jr. RE: Bond for Appraisal of 9092 Ashley Road
Mr. Asselmeier read the letter on this matter. If Mr. Schnabel does not act on the bond, the question of releasing the bond will be on the March Planning, Building and Zoning Committee agenda.

Correspondence Related to Drinking Water 1 2 3
Mr. Asselmeier read the correspondence on this matter.

February 15th Yorkville Downtown Overlay District Meeting
Mr. Asselmeier read the flyer on this matter.

PUBLIC COMMENT

Jim Williams, Boulder Hill, discussed resolving issues with abandoned houses. Mr. Asselmeier stated the house that suffered a fire in Boulder Hill did not have visible code violations. Without a property maintenance code, the inspector can only resolve matters if the violations are visible. The suggestion was made to work with the Health Department to cite the property for health code violations.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

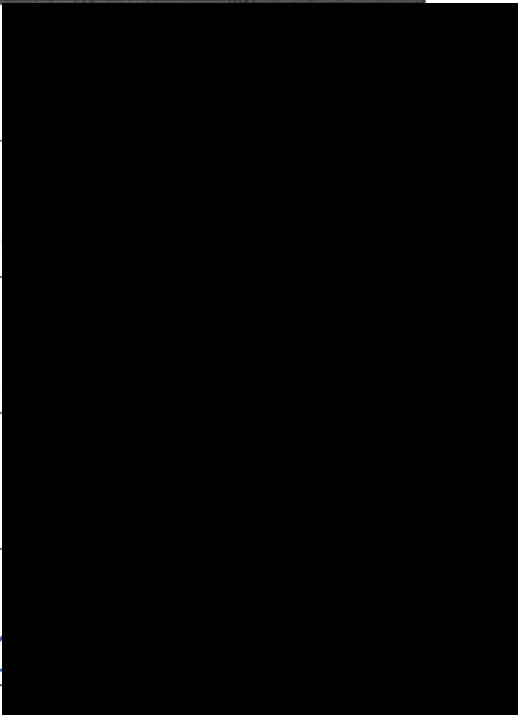
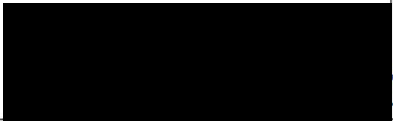
ADJOURNMENT

Member Kellogg motioned to adjourn, seconded by Member Gryder. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:34 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Encs.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
FEBRUARY 13, 2018**

NAME	ADDRESS	EMAIL ADDRESS
DAVID Lombardo	SHOREWOOD, IL	
Jerry Lizak	Channahon IL	
JOHN MILLINGTON	CHICAGO, IL	
Michael King	Minooka Kendall Co	
PATRICK DALSETH		

DAVID A. LOMBARDO

ILLINOIS CERTIFIED EXPERT WITNESS

Court qualified expert witness in the design, maintenance, operation and use of firearms and levels of force relating to the use of firearms for personal protection, range safety and standard operating procedures and training program design and implementation.

CERTIFICATION & QUALIFICATION

U.S. Army Marksman (Rifle)
Illinois Certified Firearms Instructor
Illinois Concealed Carry Instructor
Utah Concealed Carry Instructor
NRA Law Enforcement Instructor (Handgun)
NRA Training Counselor/Instructor - Teach all NRA courses plus train & certify instructors
NRA Chief Range Safety Officer
NRA Range Development & Operations Certificate
NRA Marksmanship Qualification: Distinguished Expert Handgun
NRA Regional Counselor - Refuse To Be A Victim program
Chicago Firearm Certification Instructor (entire duration of the program)
Illinois Hunter Safety Master Instructor (6/00 - 6/05)

RANGE LITIGATION/CONSULTING

Denton I-35 v. Milam County Sheriff's Office (Cameron, TX)
Consulting - Uncontained rounds on neighbor's property
Attorney: Chris Smith, Smith Jolin LLP; Austin, TX

City of Harvey v. John Howard & USI Outdoor Range

Administrative Hearing
Administrative closure of the shooting range
Attorney: Stephanie A. Wolfson (Goldberg Law Group)
City of Harvey closed the range

FIREARM LITIGATION/CONSULTING

People v. Jeffrey Keller
18th Judicial Circuit Court
Murder
Attorney: Paul Moreschi
To go on appeal

People v. George Kleopa

Circuit Court of Cook County 6th District

12CR14792

Murder

Attorney: Theodore Gailan

Charges dropped from murder to manslaughter - Pending court date

People v. Donald J. Sullivan

DuPage County Case No. 11 CF 1695 (2012)

Unlawful Use of a Weapon - nolle prosequi

Aggravated Assault - nolle prosequi

Attorney: Walter P. Maksym, Jr.

Wilson v. Cook County

237 Ill.2d 593 (2010) upon remand

Wilson v. Cook County 07 CH 4848

Challenge to Blair Holt Assault Weapon Ban

Attorneys: James Vogts (Swanson, Martin & Bell) & Victor Quilici (general counsel IL State Rifle Assoc)

Voluntary dismissal - Pending decision by 4th Circuit Court of Appeals in Kolbe v. Hogan

Arie S. Friedman, M.D. and the Illinois State Rifle Association v. City of Highland Park

U.S. District Court for the Northern District of Illinois Eastern Division

Challenge to Highland Park Assault Weapon Ban

Attorneys: James Vogts (Swanson, Martin & Bell)

Petition for Certiorari - Denied

People v. Jeremy Lydon

State of Illinois County of Cook Case No. 13CR-13331

Illegal possession of automatic weapon & silencer

Attorney: Daniel E. Radakovich

Weapons charges dismissed

APPLICABLE EXPERTISE

Translating technical jargon into easy to understand language

Video production script writing, shooting, editing & talent (teleprompter & ear prompter proficient)

EDUCATION

University of Illinois; Urbana, IL

Jan 77 - Jan 79 Coursework completed for Ph.D. Counseling & Psychotherapy
Department of Educational Psychology

Jan 74 - Jan 77 M.Ed. Vocational/Technical Education.
Emphasis on curriculum design/development

Jun 72 - Jan 74 BS Industrial Education
Emphasis on aviation flight & maintenance training

Jan 70 - Jun 72 Institute of Aviation graduate
Professional Pilot and Aircraft Maintenance Curricula

ADDITIONAL TRAINING

Feb 5, 2018

Jun 3, 2017	Combat Focus Shooting Carbine(8 hrs)Barret Kendrick. I.C.E.
May 10, 2016	Combat Focus Shooting Pistol (16 hrs)Rob Pincus. I.C.E.
May 23, 2015	Tactical Rifle I (4 hrs) - Eric Callis. SAFER USA, Inc
May 23, 2015	Tactical Rifle II (4 hrs) - Eric Callis. SAFER USA, Inc
Nov 29, 2014	Platform Rifle (4 hrs) - Eric Callis. SAFER USA, Inc
Aug 30, 2014	Instructor: Defensive Tactics & Handcuffing (4 hrs). Jeffery Gregorec. Lamperd Less Lethal
Aug 29, 2014	Instructor: Monadnock Expandable Baton (4 hrs) Jeffery Gregorec. Safariland Monadnock.
Aug 29, 2014	Instructor: OC Pepper Spray Instructor Course (4 hrs) Jeffery Gregorec. Fox Labs International
Aug 23, 2014	Instructor: Shotgun, Defender 1, Defender 2 and .50 Cal (4 hrs). Jeffery Gregorec. Lamperd Less Lethal
Apr 27, 2011	The Bulletproof Mind (7 hrs) - LTC David Grossman. Tri-River Police Training Region.
Apr 10, 2011	Armed Citizens' Rules of Engagement (20 hrs). Massad Ayooob. Massad Ayooob Group
Feb 23, 2011	Firearms Training Course: Revolver, Semi-automatic, rifle & shotgun. Illinois Dept of Financial & Professional Regulation.
Nov 19, 2010	Law Enforcement Handgun Instructor School (48 hrs). NRA Law Enforcement Division.
Jul 20, 2006	Underwater Egress Training (8 hrs). Stark Survival Training.
Jul 19, 2006	Open Water Survival Training(12 hrs). Stark Survival Training.
Feb 14, 2001	NBAA 10 th Annual Corporate Aviation Leadership Conference. "Your Most Important Asset? People!" Embry-Riddle Aeronautical University Executive Management Institute. Anaheim, CA.
Jul 19, 2000	Strategic Management for Aviation Services. Kellogg Graduate School of Management, Transportation Center, Northwestern University; Evanston, IL
Feb 29, 2000	Glock Armorer's Course (8 hrs). Glock Firearms.
Jul 11, 1999	Advanced Handgun Skills(24 hrs) Massad Ayooob Lethal Force Institute
May 15, 1999	Hazardous Materials Awareness Course (8 hrs). Illinois Emergency Management Agency.
Mar 10, 1998	Verbal Judo (8 hrs). Northeast Multi-Regional Law Enforcement Training.
Dec 16, 1997	Edged Weapons Defense Training (8 hrs). Tri-River Police Training Region.
Nov 23, 1996	Use of Force Protocol Training (24 hrs). Will County Sheriff's Department
Apr 13, 1996	Part time/Reserve Basic Law Enforcement Training (250 hrs). Tri-River Police Training Region.
Jul 2, 1994	Mandatory 40-hour Firearms Training. State of Illinois Law Enforcement Officers Training Board.

NRA COURSES I TEACH

- Basic Pistol
- Basic Rifle
- Basic Shotgun
- Home Firearm Safety
- Personal Protection in the Home
- Personal Protection outside the Home
- Chief Range Safety Officer
- Range Safety Officer
- Metallic Cartridge Reloading
- Shotgun Shell Reloading

Refuse To Be A Victim
Basic Instructor Training
Instructor courses for all of the above

OTHER COURSES I TEACH

Illinois Concealed Firearm Permit
Home Protection & Concealed Carry Seminar
State of Illinois 40-hour Armed Security program
Winchester Marksmanship Qualification Program: Handgun
Winchester Marksmanship Qualification Program: Rifle
Chicago Firearm Certification
Utah Concealed Carry
Florida Concealed Carry
Concealed Carry (practical)
Long Range Rifle
Tactical Pistol I & II
Basic Practical Ballistics

RELATED EXPERIENCE

Aurora Sportsmen's Club (Waterman, IL); 2500+ member, 283 acre shooting club

10/11 - present	President
9/11 - 10/11	Vice President
1/10 - 9/11	Board of Directors

Illinois State Rifle Association - (Life member).

National Rifle Association (Endowment Life member).
NRA Recruiter

Fox Valley Friends of the NRA Committee member

Wood County, Ohio Sheriff's Auxiliary, Special Deputy (6/90 - 8/91)

1/22/91 - FBI Domestic Counter-Terrorism Briefing. (4 hrs)
4/13/91 - Ohio Peace Officer Asc Seminar: Control Non-Violent Crowds,
Confronting Hostile Crowds & Riot Formations. (4 hrs)
6/3-8/91 USAF/USCG Inland Search & Rescue School. Madison, WI. (40 hrs)
6/25-27/91 - Review, briefing and evaluation of US Army ROTC Leadership
Assessment Program. Fort Knox, KY. (45 hrs)
7/13/91 - Hazardous Materials Awareness Level. Ohio Fire Academy & Haz Mat
Bureau. Bowling Green, OH. (6 hrs)

Will County Sheriff's Department Auxiliary Deputy

Leadership

8/03-11/11 Sergeant & Executive Board member
5/97-11/11 Background investigations
4/93-11/11 Auxiliary Deputy

Training

12/10/05 - CDP/AED refresher training (4.0 hrs)
01/29/04 - Tactical training (simunition) (4.0 hrs)
01/27/04 - Use of deadly force and floor fighting (4.0 hrs)
04/15/03 - Hazmat refresher (1.0 hr)
03/22/03 - Tactical firearms - Use of shield and move-and-shoot (4.0 hrs)
03/22/03 - Active Shooter Immediate Action Rapid Deployment (4.0 hrs).

02/20/03 - CPR & AED recertification (8.0 hrs)
 05/17/02 - Mgmt of Incidents Involving Subjects w/Mental Illness (2.0 hr).
 05/14/02 - Hazardous Materials Awareness Refresher Training (4.0 hr).
 05/14/02 - Clandestine Laboratory Awareness (3.0 hrs).
 03/12/02 - Active Shooter Immediate Action Rapid Deployment (6.0 hrs).
 01/17/02 - Building Searches (5.0 hrs).
 01/15/02 - Building Searches (4.0 hrs).
 11/17/01 - Use of force refresher & night shooting (8.0 hrs).
 10/16/01 - Tactical Firearms Training: pistol & shotgun (2.0 hr).
 09/20/01 - Strategies & Tactics of Patrol Stops (S.T.O.P.S.) (8.0 hr).
 04/26/01 - Sexual, Ethnic, Racial or Religious Harassment (2.0 hr).
 04/24/01 - Hazardous Materials Awareness Refresher Training (4.0 hr).
 08/24/00 - Ethics and Policing (2.0 hr).
 08/22/00 - Hazardous Materials Awareness Refresher Training (4.0 hr).
 08/22/00 - Sexual, Ethnic, Racial or Religious Harassment (2.0 hr).
 07/14/00 - Automated External Defibrillator certification (3.0 hrs)
 04/18/00 - Gang Awareness Training (1.5 hrs)
 02/21/00 - CPR Recertification (3.0 hrs)
 01/18/00 - Managing Force Escalation (0.75 hr)
 11/07/99 - Tactical Firearms (8.0 hr)
 05/15/99 - Hazardous Materials Awareness (29CFR 1910.120) for Hazardous Waste Ops & Emergency Response Trng (8.0 hr).
 05/01/99 - Sexual, Ethnic, Racial or Religious Harassment (2.0 hr).
 05/01/99 - Blood-borne Pathogens (1.0 hr).
 05/01/99 - Police Ethics (1.0 hr).
 10/03/98 - Motor Vehicle Pursuit, Emergency/High Speed Response Driving, & Pursuit Termination Devices (3.0 hrs)
 03/10/98 - Verbal Judo; North East Multi-Regional Training, Inc. (8.0 hrs)
 12/16/97 - PPCT Edged Weapons Defense Training; Flores & Assoc Law Enforcement & Security Training Consultants (8.0 hr)
 05/20/97 - AIDS Awareness/Prevention for Emer Svc Personnel (0.5 hr)
 04/15/97 - Severe Weather Spotter certification - Will County Emergency Management (1.0 hr)
 02/18/97 - Use of Seat Belts and Crash Survival (0.5 hr)
 02/18/97 - Protection: Filipino-style Knife Tactics (0.5 hrs)
 01/21/97 - Disguised & Street Weapons (0.5 hrs)
 11/23/96 - Use of Force Protocol Training (24 hrs)
 05/04/96 - ASP Baton certification (8 hrs)
 04/13/96 - Tri-River Police Training: 250 Hr Part-Time Law Enforcement Trng (Scholastic Standing - 3rd Place 95.5%)
 06/20/95 - Oleoresin Capsicum certification (2 hrs)
 02/21/95 - Gang Awareness training (1 hr)
 08/14/94 - Building Search training exercise (16 hrs)
 04/05/93 - Firearm Qualification Course (40 hrs)

Howell Shooting Club

6/99 - 10/11 Member
 11/03 - 10/11 President & member of the Board of Directors. Developed new Constitution, By-laws and Operating Rules for the organization.
 11/02 - 11/03 Vice president & member of the Board of Directors, Membership Chairman, develop by-laws and organizational chart for Youth Shooting Camp. Organize and staff promotional booth at numerous trade shows.
 8/02 - 11/02 Range Safety Office & member of the Board of Directors

EMPLOYMENT

Sep 12 - On Target Media Group

For four years Executive producer and co-host of 215 On Target Radio shows, a 60 minute, live talk show that aired Sunday evenings from 9:00 to 10:00 PM on Chicago's AM560 WIND. On Target Radio takes calls from the listening audience and has subject matter experts in the studio to cover the red meat issues that affect your life from gun control to freedom of speech. OTM also published On Target Newsletter, a free, weekly firearm industry newsletter for about four years and produces On Target News which provides video coverage of major firearm-related events and posts them on its YouTube Channel - On Target Radio. Beginning in November 2016 On Target Radio is now a podcast show.

Oct 06 - SAFER USA; Shorewood, IL

Founder, President & NRA Training Counselor/Instructor: Firearm safety education school. SAFER USA instructors offer over 35 different courses to approximately 7,000 students since October 2006. SAFER USA has also provided consulting on various law enforcement and military contract research projects helping to design safety protocols and supplying firearms, ammunition, marksmanship and range safety services.

Oct 09 - SAFER USA Outreach Fund, NFP; Shorewood, IL

Founder, President. An IRS 501C3 not for profit educational foundation to provide firearm safety training and second amendment education to non-traditional shooters (women, youth, minorities and persons with disabilities). Our Clyde Howell NRA Youth Shooting Sports Camp, now in its 19th year, has trained over a thousand youth ages 10 to 16.

Sep 00 - Sep 16 Aviation International News; Midland Park, NJ

Senior Editor: Features and news. **AINtv:** Producer/news anchor/reporter. Write features and news for monthly Aviation International News (cover Asian market and write columns: Hot Section News and Hot Section Profile); Write monthly industry blog; Business Jet Traveler (write column Safety Matters and occasionally Getaways column), Convention News issues, weekly online column **AINmxReports**, and produce/anchor **AINtv** news broadcasts from the world's major air shows: Paris, Farnborough, Dubai, Singapore, Geneva, etc. Over 1500 articles published. Traveled over 1.7 million airline miles cover stories and was six times a finalist for the International Aerospace Journalist of the Year.

May 93 - Sep 00 Self-employed Journalist, Writer, Actor, and Speaker

WRITER: Midwest Correspondent - Aviation International News, Contributing editor - Aviation Maintenance Magazine and Rotor&Wing magazine, and frequent contributor to numerous international publications, newsletter articles, and research publications. Developed numerous grant proposals, speech writing and promotional materials. **AUTHOR:** Aircraft Systems - Understanding Your Airplane; Aircraft Systems (Spanish version); Aircraft Systems (Chinese version); Advanced Aircraft Systems; Aerospace Facts & Figures - 1999 - 2000; and Vertical Flight Training: Alternative Training Systems. **ACTOR:** Numerous independent films, television productions, commercials, and industrial films. Over 40 years acting experience in community and regional theaters. **SPEAKER:** Over 6,000 hours of motivational speaking and seminars. Established reputation for an informal, humorous style. As a contract speaker I have traveled all over North America and spoken to groups ranging in size from a few, to as large as 20,000 (appx 120 seminars).

Sep 81 - Sep 00 Lombardo & Associates

International aviation consultant: Flight, maintenance and simulation training program development and prudent pilot expert witness. Taught over 200 aviation

safety seminars and flight instructor refresher clinics. Clients have included the Departments of Transportation for the states of Illinois, Louisiana, Ohio, Mississippi, Michigan, Wisconsin and Missouri; the Civil Air Patrol; EAA AirVenture '03 Oshkosh, The 99's; Federal Aviation Administration, NASA, numerous colleges, universities and aviation organizations, and domestic and international corporations.

Jan 95 - Jun 95 "Five By Five" - WAUR AM 930 (Part time)

Host and Programming Director of live, aviation call-in radio program. Develop programming and conduct live interviews. Broadcast coverage area included most of the Greater Chicago Metro area.

Aug 91 - May 93 Lewis University; Romeoville, IL

Associate Dean of Aviation and Associate Professor, Division of Aviation. Responsible for all aviation budgets, strategic planning, resource management, 540+ students, 25+ faculty/staff members, FAR 141 and 147 schools, and all programming for 11 academic majors in Aviation Maintenance Management, Aviation Administration and Aviation Flight Management. Facility management of three academic buildings and coordination of \$2.25 M new facility project planning.

Aug 88 - Aug 91 Bowling Green State Univ.; Bowling Green, OH

Assistant Professor, Aerotechnology Program, Dept of Tech Systems. Promoted May 1991: Director, Division of Aviation Studies. Teach primary and advanced lecture and flight courses. Coordinate all facets of Aerotechnology program: flight, maintenance and management. Extensive curriculum, program and facility development. Airport facility management including extensive space reclamation, development and reorganization. Advisor Alpha Eta Rho professional aviation fraternity- increased active membership 400+%. Seek and write grant proposals; received \$30,000 research grant. Lay foundation for interdisciplinary human factor aviation research program. Member graduate faculty, advisor to 120 undergraduate and graduate students. Administer \$400,000+ budget and 20+ employees. Major research interest: flight simulation.

Mar 85 - Aug 88 Frasca International; Champaign, IL

Director of Training: International consultant on effective use of simulators in flight training, research, pilot selection, and training program development. Conduct domestic and offshore training for numerous international organizations. Editor and feature writer Simulation Newsletter. Other responsibilities include: internal human factors design consultant, marketing, advertising, civilian and government proposal writing, and technical documentation. Produce and direct promotional video programming. Supervise 3 employees. Work with numerous outside contractors, and high-ranking international government, corporate, airline and military personnel. Set up and staff numerous trade shows.

Sep 82 - Mar 85 Louisiana Tech University; Ruston, LA

Assistant Professor, Department of Professional Aviation - taught courses in aerodynamics, multiengine theory, Boeing 727 flight engineer theory, instrument flight instructor, and airline transport pilot. Maintenance supervisor of 13 aircraft. Developed and taught career development and job search seminars (appx 10 taught). Part 141 Phase check pilot. Faculty advisor Alpha Eta Rho professional aviation fraternity - increased membership 500+%. Advisor 2 other organizations. Supervise flight dispatch operation and 13 employees. Conducted and published interdisciplinary research project in emergency aircraft lighting.

frmPrctClaim	Kendall County	Claims Listing				02/05/18	10:25:07 AM	Page 001
Vendor #	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount	
BUILDING AND ZONING								
1 020541	BUILDING & ZONING PETTY CASH	JAN 12, 2018	OFFICE SUPPLIES	02/02/17	01020026200	OFFICE SUPPLIES	10.00	
2 110565	KENDALL PRINTING	2491	ENVELOPES	02/02/17	01020026200	OFFICE SUPPLIES	46.45	
3 191522	SOURCE ONE OFFICE PRODUCTS	531540	OFFICE SUPPLIES	02/02/17	01020026200	OFFICE SUPPLIES	28.06	
							84.51*	
4 110515	KENDALL COUNTY RECORD	41053	OSWEGO LEDGER RENEWA	02/02/17	01020026202	BOOKS/SUBSCRIPTIONS	28.00	
							28.00*	
5 020541	BUILDING & ZONING PETTY CASH	JAN 17, 2018	CMAF CONFERENCE 1/17	02/02/17	01020026204	CONFERENCES	18.00	
							18.00*	
6 012018	AT & T MOBILITY	01282018	JANUARY FINAL AT&T C	02/05/18	01020026207	CELLULAR PHONE	11.88	
							11.88*	
7 012290	AUTOMOTIVE SPECIALTIES INC	22697	2017 TRUCK MAINTENAN	02/02/17	01020026217	VEHICLE MAINT/REPAIRS	102.87	
8 110531	KENDALL CO HIGHWAY DEPT	JANUARY 2018	JANUARY FUEL PBZ TRU	02/02/17	01020026217	VEHICLE MAINT/REPAIRS	76.42	
							179.29*	
9 261005	RANDY ERICKSON	JANUARY 2018	JANUARY PLUMBING INS	02/02/17	01020026361	PLUMBING INSPECTIONS	1,400.00	
							1,400.00*	
10 110545	KENDALL COUNTY RECORDER	898	NOVEMBER 2017 RECORD	02/02/17	01020026370	RECORDING EXPENSE	201.00	
							201.00*	
11 020541	BUILDING & ZONING PETTY CASH	2/3/2018	RPC ANNUAL MEETING R	02/05/18	01020026380	REGIONAL PLAN COMMISSION	38.46	
							38.46*	
Total BUILDING AND ZONING							1,961.14*	
GRAND TOTAL							1,961.14**	

frmPrtClaim	Kendall County	Supplemental Claims Listing				02/15/18	9:50:28 AM	Page 001
Vendor #	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount	
BUILDING AND ZONING								
1 011351	AMERICAN STAMP & MARKING PRODU	1700157	DATE STAMP - OFFICE	02/15/18	01020026200	OFFICE SUPPLIES	112.49 112.49*	
2 090330	IAFSM	7129220	2018 NFIP 101 SEMINA	02/15/18	01020026206	TRAINING	95.00 95.00*	
3 190816	SHAW MEDIA	011810101009	LEGAL PUBLICATIONS	02/15/18	01020026209	LEGAL PUBLICATIONS	282.60 282.60*	
4 160189	PARADISE CAR WASH	223603	TRUCK WASHES	02/15/18	01020026217	VEHICLE MAINT/REPAIRS	14.00 14.00*	
5 230933	WBK ENGINEERING, LLC	18698	REVIEW SERVICES-BP P	02/15/18	01020026363	CONSULTANTS	189.00 189.00*	
6 190816	SHAW MEDIA	01/31/2018	LEGAL PUBLICATIONS	02/15/18	01020026380	REGIONAL PLAN COMMISSION	77.40 77.40*	
7 190816	SHAW MEDIA	1/31/2018	LEGAL PUBLICATIONS	02/15/18	01020026381	ZONING BOARD OF APPEALS	127.80 127.80*	
Total BUILDING AND ZONING							898.29*	
ENGINEERING/CONSULTING ESCROW ACCT								
8 230933	WBK ENGINEERING, LLC	18699	FOX METRO EXPANSION	02/15/18	59020000046	FOX METRO WATER REC DIST	526.50 526.50*	
9 230933	WBK ENGINEERING, LLC	18700	NICOR - ROUTE 34	02/15/18	59020000057	NICOR - US 34 ELDAMAIN &	42.00 42.00*	
Total ENGINEERING/CONSULTING ESCROW							568.50*	
GRAND TOTAL							1,466.79**	

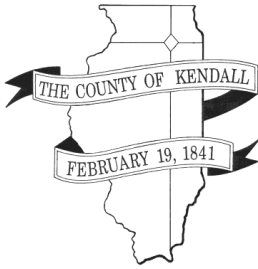
KENDALL COUNTY TREASURER
FUND BALANCES
Balances as of: 02/28/18

04:03:04 PM
02/28/18
Page 001

	Budget	MTD	YTD	%Budget

BUILDING & ZONING				

01020026101 SALARY/ADMINISTRATOR	.00	.00	.00	.00
01020026102 SALARIES - PLANNING & ZONING MANAGE	66,950.00	5,150.00	15,450.00	23.08
01020026103 SALARIES - COMPLIANCE OFFICERS	55,234.00	4,376.24	13,128.72	23.77
01020026104 SALARY - CLERICAL	36,322.00	2,626.00	8,214.50	22.62
01020026106 SALARIES - OVERTIME	.00	.00	.00	.00
01020026115 ZBA PER DIEM	2,450.00	200.00	200.00	8.16
01020026151 REPORTER - NON SALARY	.00	.00	.00	.00
01020026200 OFFICE SUPPLIES	1,550.00	197.00	658.11	42.46
01020026201 POSTAGE	650.00	53.96	134.18	20.64
01020026202 BOOKS/SUBSCRIPTIONS	200.00	28.00	50.00	25.00
01020026203 DUES	750.00	.00	240.00	32.00
01020026204 CONFERENCES	2,000.00	18.00	18.00	.90
01020026205 MILEAGE	200.00	.00	.00	.00
01020026206 TRAINING	200.00	95.00	95.00	47.50
01020026207 CELLULAR PHONE	890.00	281.96	431.20	48.45
01020026209 LEGAL PUBLICATIONS	750.00	282.60	466.20	62.16
01020026216 EQUIPMENT	500.00	.00	.00	.00
01020026217 VEHICLE MAINT/REPAIRS	3,500.00	193.29	493.08	14.09
01020026238 MICROFILMING/REPRODUCTION	150.00	.00	.00	.00
01020026361 PLUMBING INSPECTIONS	12,000.00	1,400.00	3,920.00	32.67
01020026363 CONSULTANTS	24,000.00	189.00	378.00	1.58
01020026364 NOXIOUS WEED MOWING	.00	.00	.00	.00
01020026365 CONTRACTED INSPECTION SERVICES	500.00	.00	.00	.00
01020026367 NPDES PERMIT FEE	1,000.00	.00	.00	.00
01020026368 NPDES PERMIT ASSISTANCE	.00	.00	.00	.00
01020026370 RECORDING EXPENSE	700.00	201.00	303.00	43.29
01020026380 REGIONAL PLAN COMMISSION	750.00	115.86	115.86	15.45
01020026381 ZONING BOARD OF APPEALS	750.00	127.80	127.80	17.04
01020026382 HEARING OFFICER	2,100.00	.00	.00	.00
01020026383 HISTORICAL PRESERVATION COMM	750.00	.00	.00	.00
01020026384 AD HOC ZONING	750.00	.00	.00	.00
01020026385 REFUNDS	.00	.00	.00	.00
	215,596.00*	15,535.71*	44,423.65*	20.61*
Ending Balance 02/28/18			-44,423.65	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: March 1, 2018

Re: 17-33 Proposed Text Amendments Transferring Certain Powers and Duties from the Hearing Officer to the Zoning Board of Appeals

At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Office would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

A worksheet of proposed changes is enclosed. Proposed changes are shown in red and are bolded.

ZPAC met on this matter on November 7th and unanimously recommended approval of this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their November 29th meeting and unanimously recommended approval of the proposal.

The Kendall County Zoning Board of Appeals held a public hearing on this matter on January 29th and unanimously recommended approval of the proposal.

This proposal was mailed to each township on October 25th and each township was notified on January 30th of the recommendation of the Kendall County Zoning Board of Appeals. No township submitted comments on this proposal.

A draft ordinance is enclosed for the Committee's consideration.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendments
1.29.18 Record of Decision from ZBA Hearing
Draft Ordinance

Ref: Ordinance 2004-13 (Created Hearing Officer)

Ref: 55 ILCS 5/5-12009.5 (Gives ZBA Authority to Hear Special Uses)

4.19 TEMPORARY USES PERMITTED

An owner seeking an approval of a permitted temporary use shall submit an application for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.0~~07~~) if the stated time limit is to be exceeded.

5.08 CONVERSION TO SPECIAL USE

Any non-conforming use may be made a Special Use by the granting of a Special Use Permit as authorized by sub-section 13.0~~07~~, if the use meets the requirements and standards applicable to Special Use approval, and if the use is authorized by the provisions of the Kendall County Zoning Ordinance.

6.07 Pipelines

G.2 All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13.0~~07~~ of this Ordinance.

7.01 A-1 Agricultural District

D. The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13.0~~07~~:

7.01 A-1 Agricultural District

D. SPECIAL USES PERMITTED

53 . Wind Farms, Commercial, subject to the following:

- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert

witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

- C. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07**:

8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

- H.1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.0**07** if approved with the Planned Development or as an amendment to a Planned Development.
- H.2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07** without inclusion in the Planned Development or a subsequent amendment.

10.01 M-1 LIMITED MANUFACTURING DISTRICT

C. SPECIAL USES.

27. Wind Farms, Commercial, subject to the following:
- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data

searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

Wind Farming, Commercial is also a special use in M-2.

SECTION 10.03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION

I. FEES

All applications for an M-3 zoning designation shall be accompanied by a fee for map amendments in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

13.01 ADMINISTRATIVE OFFICERS

A. THE ZONING ADMINISTRATOR

2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:

- e. Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the Zoning Board of Appeals, ~~the Hearing Officer as appointed by the County Board in subsection D of this Section 13.01~~, the Zoning, Platting Advisory Committee (ZPAC), the Planning, Building and Zoning Committee (PBZ), or the full County Board.

B. ZONING BOARD OF APPEALS

8. Rules and Procedures. The Zoning Board of Appeals shall adopt such rules concerning the filing of appeals and applications for amendments, and variances, **and special use permits**, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of the Zoning Board of Appeals and shall be a public record.

10. Powers and Duties. The Zoning Board of Appeals shall:

- e. **To hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.**
- ef. Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.
- fg. No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.

11. Jurisdiction. The concurring vote of three members of a Board consisting of five members or the concurring vote of four members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions.

- a. Judicial Review. All decisions and findings of the Zoning Board of Appeals, on appeals, application for variations, **special use permits** or amendments, shall, after a hearing, be subject to review by court as by law may be provided.

D. HEARING OFFICER.

A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer.

- 1. Powers and Duties. Hearing Officer shall be responsible for:

- ~~a) Conducting hearings and making recommendations to the PBZ and County Board on all Special Use applications. The procedures for conducting such hearings and recommendations shall be as specified in Section 13.07. herein. (Amended 8/17/04)~~

- a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County.

13.08 SPECIAL USES & PLANNED DEVELOPMENTS

- A. PURPOSE. The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. **Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.**

C. PROCESSING.

- 1. An application for a special use shall be filed with the Zoning Administrator.
- 2. A copy of such application shall be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review, comment, and recommendation
- 3. A copy of such application and the committee report from the Zoning and Platting

Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.

4. A copy of such application and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission shall thereafter be forwarded to the **Zoning Board of Appeals Hearing Officer** with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.

5. The recommendation and findings of the **Zoning Board of Appeals Hearing Officer** shall be forwarded to the Planning, Building and Zoning (PBZ) Committee of the County Board for review and recommendation prior to final action by the County Board.

- D. **CONDITIONS AND GUARANTEES.** Prior to or after the granting of a special use, the **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance.

E. **DECISIONS.**

1. **The Zoning Board of Appeals shall report to the County Board a finding of fact using the criteria listed in Section 13.08.J of this ordinance and a recommendation as to whether the County Board should deny, grant or grant subject to conditions the special use.**

24. The County Board, upon report of the **Zoning Board of Appeals Hearing Officer** and without further public hearing, may grant or deny a proposed special use, or may refer back to the **Zoning Board of Appeals Hearing Officer** for further consideration.

32. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.

- F. **REVOCATION.** In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the **Zoning Board of Appeals Hearing Officer** shall hold a public hearing (following procedures outlined in Section 13.087.H below) and submit to the County Board a report of **their his/her** findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing.

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

- H. **HEARING ON APPLICATION.** Upon receipt in proper form of the application and statement referred to in paragraph 13.08.G 7-2 of this **ordinance Section**, the **Zoning Board of Appeals Hearing Officer** shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the

township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, ~~and~~ place ~~and~~ date of such hearing shall be published in a newspaper published ~~in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:~~

1. ~~The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.~~
2. ~~Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.~~
3. ~~Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.~~
4. ~~Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.~~
5. ~~Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.~~
6. ~~A brief statement of the proposed special use. of general circulation in Kendall County.~~

~~In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use and the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use. The petitioner or applicant must pay the costs of the publication of the notice required by this Section.~~

An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the ~~Zoning Board of Appeals Hearing Officer~~ in conducting the hearing in accordance with the schedule of fees as established by the County Board.

- I. AUTHORIZATION. For each application for a special use the ~~Zoning Board of Appeals Hearing Officer~~ shall report to the County Board of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or deny any application for a special use.

No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve 12 months from the date of said denial.

- J. STANDARDS. No special use shall be recommended by the ~~Zoning Board of Appeals Hearing Officer~~ unless said ~~Zoning Board of Appeals Hearing Officer~~ shall make a written finding. The ~~Zoning Board of Appeals Hearing Officer~~ shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items:

1. That the establishment, maintenance, or operation of the special use will not be

detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
4. 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.
5. 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.

K. CONDITIONS. The **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may provide such conditions or restrictions **reasonably necessary to meet the standards listed in Section 13.08.J** upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.

O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA).

P. PLANNED DEVELOPMENTS.

3. Procedure.

d. The formal petition for a Planned Development shall be filed with the Zoning Administrator. The Zoning Administrator or his/her deputies shall be responsible for distributing the complete application to the following at the appropriate time:

- i. Zoning, Platting and Advisory Committee (ZPAC)
- ii. Members of the Regional Planning Commission
- iii. **Zoning Board of Appeals The Hearing Officer**
- iv. The County Board

The applicant shall be responsible for providing copies via certified mail return receipt request to the following as soon as possible after filling the application with the County.

- i. Township(s) affected by the application
 - ii. All municipalities within 1½ miles of the subject property
- e. The **Zoning Board of Appeals Hearing Officer** shall set a hearing date and shall cause notice of the hearing to be published at least once ~~following the procedures set forth in Section 13.08.H of this ordinance no more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least 5 days prior to the hearing date by certified mail to the tax payer of record for all parcels within five hundred feet (500'), excluding road right-of-way, of the parcel to be rezoned. For all other zoning categories, only adjacent properties must be notified directly.~~
 - f. The petition shall be heard by the **Zoning Board of Appeals Hearing Officer** and reviewed by the Planning Commission and the report of each shall be submitted to the County Board. The Plan Commission shall submit its review to the **Zoning Board of Appeals Hearing Officer** prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
 - g. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.

Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

- 1. In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, Kendall County has divided into two manufacturing performance districts - M-1 and M-2 graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.

It is recognized, however, that among the uses first permitted in the M-2 Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in these M-1 Districts. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts.

The **Zoning Board of Appeals Hearing Officer** is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the **Zoning Board of Appeals Hearing Officer** is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the **Zoning Board of Appeals Hearing Officer** may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M -1 performance standards should the establishment in fact fail to so comply.

- 2. Preliminary to granting a Special Use permit as prescribed in Section 13.087.H, the **Zoning Board of Appeals Hearing Officer** shall require the applicant for a Special

Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following: *[Amended 4/20/04]*

- a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
- b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
- c. Such other pertinent information as the **Zoning Board of Appeals Hearing Officer** shall deem necessary to assist it in making its findings and report.

Any application for a special use permit lawfully submitted prior to the date of the adoption of this text amendment shall be processed under the rules and regulations in place on the date of the application submittal.

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
January 29, 2018 – 7:00 p.m.

CALL TO ORDER

At 7:06 p.m., the Zoning Board of Appeals meeting was called to order. Due to the absence of Chairman Mohr, Mr. Whitfield, seconded by Mr. LeCuyer, moved to open the floor for nominations for Chairman and nominated Ms. Clementi for the position. There were no additional nominations. With a voice vote of all ayes, the motion was approved.

ROLL CALL

Members Present: Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Whitfield, and One Vacancy

Members Absent: Randy Mohr and Dick Thompson

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson and Walter Werderich

The Zoning Board of Appeals started the review of Petition 17-33 at 7:08 p.m.

PETITIONS

17-33 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Sections 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Transferring the Authority to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Purpose: Transfers the Authority to Hear Applications, Amendments and Revocations of Special Use Permits from the Hearing Officer to the Zoning Board of Appeals. Also Makes Citation Changes to Various Sections of the Zoning Ordinance to Reflect this Transfer.

Mr. Asselmeier summarized the request. At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Office would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

ZPAC met on this matter on November 7th and unanimously recommended approval of this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their November 29th meeting and unanimously recommended approval of the proposal.

This proposal was mailed to each township on October 25th. To date, no township has submitted comments on the proposal.

Acting Chairwoman Clementi asked where the proposal goes after the hearing. Mr. Asselmeier responded that the townships will be notified of the recommendation of the Board. The proposal will then go to the Planning, Building and Zoning Committee and County Board in March.

Mr. Asselmeier noted that the certificate of publication was on file in the Planning, Building and Zoning Department Office.

Acting Chairwoman Clementi opened the public hearing at 7:11 p.m.

Walter Werderich, current Kendall County Hearing Officer, was duly sworn and stated that he had no position in favor or in opposition to the proposal.

Mr. Asselmeier noted that a Committee can have debate; the Hearing Officer does debate a petition with anyone. Also, the position of Hearing Officer would not be dissolved. The Hearing Officer would still hear administrative adjudication hearings.

The Board will need to determine the procedure for determining an official finding of fact and recommendation. The criteria for findings of fact would remain the same.

Acting Chairwoman Clementi adjourned the public hearing on this matter at 7:18 p.m.

Mr. LeCuyer stated that he liked the idea of having more people on the record for recommendations instead of one (1) person.

Mr. LeCuyer, seconded by Mr. Cherry, made a motion to recommend approval of the text amendments as proposed.

The votes were as follows:

Ayes (4): Cherry, Clementi, LeCuyer, and Whitfield
Nays (0): None
Absent (2): Mohr and Thompson

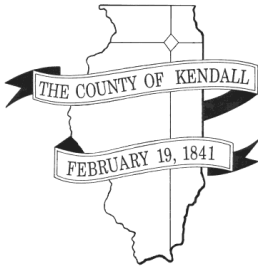
The motion passed. The townships will be notified of the Board's recommendation. This matter will go to the Kendall County Planning, Building and Zoning Committee on March 12th.

The Zoning Board of Appeals concluded the review of Petition 17-33 at 7:19 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits

1. Staff Report on Petition 17-33 Dated December 4, 2017.
2. Certificate of Publication for Petition 17-33 (Not Included with Report but on file in Planning, Building and Zoning Office).



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: December 4, 2017

Re: 17-33 Proposed Text Amendments Transferring Certain Powers and Duties from the Hearing Officer to the Zoning Board of Appeals

At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Office would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

A worksheet of proposed changes posed language is enclosed. Proposed changes are shown in red and are bolded.

ZPAC met on this matter on November 7th and unanimously recommended approval of this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their November 29th meeting and unanimously recommended approval of the proposal.

This proposal was mailed to each township on October 25th. To date, no township has submitted comments on the proposal.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendments
11.7.17 ZPAC Minutes
11.29.17 KCRPC Minutes

Ref: Ordinance 2004-13 (Created Hearing Officer)

Ref: 55 ILCS 5/5-12009.5 (Gives ZBA Authority to Hear Special Uses)

4.19 TEMPORARY USES PERMITTED

An owner seeking an approval of a permitted temporary use shall submit an application for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.0~~07~~) if the stated time limit is to be exceeded.

5.08 CONVERSION TO SPECIAL USE

Any non-conforming use may be made a Special Use by the granting of a Special Use Permit as authorized by sub-section 13.0~~07~~, if the use meets the requirements and standards applicable to Special Use approval, and if the use is authorized by the provisions of the Kendall County Zoning Ordinance.

6.07 Pipelines

G.2 All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13.0~~07~~ of this Ordinance.

7.01 A-1 Agricultural District

D. The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13.0~~07~~:

7.01 A-1 Agricultural District

D. SPECIAL USES PERMITTED

53 . Wind Farms, Commercial, subject to the following:

- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert

witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

- C. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07**:

8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

- H.1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.0**07** if approved with the Planned Development or as an amendment to a Planned Development.
- H.2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07** without inclusion in the Planned Development or a subsequent amendment.

10.01 M-1 LIMITED MANUFACTURING DISTRICT

C. SPECIAL USES.

27. Wind Farms, Commercial, subject to the following:
- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data

searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

Wind Farming, Commercial is also a special use in M-2.

SECTION 10.03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION

I. FEES

All applications for an M-3 zoning designation shall be accompanied by a fee for map amendments in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

13.01 ADMINISTRATIVE OFFICERS

A. THE ZONING ADMINISTRATOR

2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:

- e. Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the Zoning Board of Appeals, ~~the Hearing Officer as appointed by the County Board in subsection D of this Section 13.01~~, the Zoning, Platting Advisory Committee (ZPAC), the Planning, Building and Zoning Committee (PBZ), or the full County Board.

B. ZONING BOARD OF APPEALS

8. Rules and Procedures. The Zoning Board of Appeals shall adopt such rules concerning the filing of appeals and applications for amendments, and variances, **and special use permits**, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of the Zoning Board of Appeals and shall be a public record.

10. Powers and Duties. The Zoning Board of Appeals shall:

- e. **To hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.**
- ef. Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.
- fg. No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.

11. Jurisdiction. The concurring vote of three members of a Board consisting of five members or the concurring vote of four members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions.

- a. Judicial Review. All decisions and findings of the Zoning Board of Appeals, on appeals, application for variations, **special use permits** or amendments, shall, after a hearing, be subject to review by court as by law may be provided.

D. HEARING OFFICER.

A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer.

- 1. Powers and Duties. Hearing Officer shall be responsible for:

~~a) Conducting hearings and making recommendations to the PBZ and County Board on all Special Use applications. The procedures for conducting such hearings and recommendations shall be as specified in Section 13.07. herein. (Amended 8/17/04)~~

- a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County.

13.08 SPECIAL USES & PLANNED DEVELOPMENTS

- A. PURPOSE. The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. **Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.**

C. PROCESSING.

- 1. An application for a special use shall be filed with the Zoning Administrator.
- 2. A copy of such application shall be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review, comment, and recommendation
- 3. A copy of such application and the committee report from the Zoning and Platting

Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.

4. A copy of such application and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission shall thereafter be forwarded to the **Zoning Board of Appeals Hearing Officer** with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.

5. The recommendation and findings of the **Zoning Board of Appeals Hearing Officer** shall be forwarded to the Planning, Building and Zoning (PBZ) Committee of the County Board for review and recommendation prior to final action by the County Board.

- D. **CONDITIONS AND GUARANTEES.** Prior to or after the granting of a special use, the **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance.

E. **DECISIONS.**

1. **The Zoning Board of Appeals shall report to the County Board a finding of fact using the criteria listed in Section 13.08.J of this ordinance and a recommendation as to whether the County Board should deny, grant or grant subject to conditions the special use.**

24. The County Board, upon report of the **Zoning Board of Appeals Hearing Officer** and without further public hearing, may grant or deny a proposed special use, or may refer back to the **Zoning Board of Appeals Hearing Officer** for further consideration.

32. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.

- F. **REVOCATION.** In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the **Zoning Board of Appeals Hearing Officer** shall hold a public hearing (following procedures outlined in Section 13.087.H below) and submit to the County Board a report of **their his/her** findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing.

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

- H. **HEARING ON APPLICATION.** Upon receipt in proper form of the application and statement referred to in paragraph 13.08.G 7-2 of this **ordinance Section**, the **Zoning Board of Appeals Hearing Officer** shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the

township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, ~~and~~ place ~~and~~ date of such hearing shall be published in a newspaper published ~~in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:~~

1. ~~The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.~~
2. ~~Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.~~
3. ~~Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.~~
4. ~~Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.~~
5. ~~Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.~~
6. ~~A brief statement of the proposed special use. of general circulation in Kendall County.~~

~~In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use and the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use. The petitioner or applicant must pay the costs of the publication of the notice required by this Section.~~

An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the ~~Zoning Board of Appeals Hearing Officer~~ in conducting the hearing in accordance with the schedule of fees as established by the County Board.

- I. AUTHORIZATION. For each application for a special use the ~~Zoning Board of Appeals Hearing Officer~~ shall report to the County Board of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or deny any application for a special use.

No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve 12 months from the date of said denial.

- J. STANDARDS. No special use shall be recommended by the ~~Zoning Board of Appeals Hearing Officer~~ unless said ~~Zoning Board of Appeals Hearing Officer~~ shall make a written finding. The ~~Zoning Board of Appeals Hearing Officer~~ shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items:

1. That the establishment, maintenance, or operation of the special use will not be

detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
4. 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.
5. 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.

K. CONDITIONS. The **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may provide such conditions or restrictions **reasonably necessary to meet the standards listed in Section 13.08.J** upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.

O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA).

P. PLANNED DEVELOPMENTS.

3. Procedure.

d. The formal petition for a Planned Development shall be filed with the Zoning Administrator. The Zoning Administrator or his/her deputies shall be responsible for distributing the complete application to the following at the appropriate time:

- i. Zoning, Platting and Advisory Committee (ZPAC)
- ii. Members of the Regional Planning Commission
- iii. **Zoning Board of Appeals The Hearing Officer**
- iv. The County Board

The applicant shall be responsible for providing copies via certified mail return receipt request to the following as soon as possible after filling the application with the County.

- i. Township(s) affected by the application
 - ii. All municipalities within 1½ miles of the subject property
- e. The **Zoning Board of Appeals Hearing Officer** shall set a hearing date and shall cause notice of the hearing to be published at least once ~~following the procedures set forth in Section 13.08.H of this ordinance no more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least 5 days prior to the hearing date by certified mail to the tax payer of record for all parcels within five hundred feet (500'), excluding road right-of-way, of the parcel to be rezoned. For all other zoning categories, only adjacent properties must be notified directly.~~
 - f. The petition shall be heard by the **Zoning Board of Appeals Hearing Officer** and reviewed by the Planning Commission and the report of each shall be submitted to the County Board. The Plan Commission shall submit its review to the **Zoning Board of Appeals Hearing Officer** prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
 - g. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.

Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

- 1. In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, Kendall County has divided into two manufacturing performance districts - M-1 and M-2 graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.

It is recognized, however, that among the uses first permitted in the M-2 Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in these M-1 Districts. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts.

The **Zoning Board of Appeals Hearing Officer** is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the **Zoning Board of Appeals Hearing Officer** is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the **Zoning Board of Appeals Hearing Officer** may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M -1 performance standards should the establishment in fact fail to so comply.

- 2. Preliminary to granting a Special Use permit as prescribed in Section 13.087.H, the **Zoning Board of Appeals Hearing Officer** shall require the applicant for a Special

Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following: *[Amended 4/20/04]*

- a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
- b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
- c. Such other pertinent information as the **Zoning Board of Appeals Hearing Officer** shall deem necessary to assist it in making its findings and report.

Any application for a special use permit lawfully submitted prior to the date of the adoption of this text amendment shall be processed under the rules and regulations in place on the date of the application submittal.

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 7, 2017 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:13 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Sgt Mark Bunting – Sheriff's Office
Aaron Rybski – Health Department
Don Clayton – GIS
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

David Guritz – Forest Preserve
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

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

MINUTES

Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the October 3, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-33 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 4.19, 5.08, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Pertaining to Transferring the Powers and Duties to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Mr. Asselmeier provided a summary of this proposed text amendment. At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Officer would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

Staff mailed this proposal to each township on October 25th. To date, no township has submitted comments.

Mr. Rybski asked about the net effect of this proposal. Mr. Asselmeier responded that the proposed text amendments would not, on the surface, increase or decrease the amount of time required to adopt a special use permit. The proposal would give the Zoning Board of Appeals the right to approve findings of fact. The Zoning Board of Appeals consists of seven (7) members and each member could state why they supported or opposed a proposal. In the case of the Hearing Officer, there is no one to debate his decision or interpretation of findings.

Ms. Andrews asked about the professional qualifications of the Hearing Officer. Mr. Asselmeier responded that the current Hearing Officer is an attorney. The Hearing Officer is appointed by the County Board Chairman with the approval of the County Board.

Mr. Klaas asked if PBZ supported the proposal. Mr. Asselmeier stated that the Planning, Building and Zoning Committee is the applicant.

Mr. Rybski expressed concerns regarding potential delays in issuing recommendations. Mr. Asselmeier responded that the Zoning Board of Appeals or Hearing Officer could delay a proposal if they felt that the information provided was not adequate to make a decision.

Mr. Klaas made a motion, seconded by Ms. Andrews, to recommend approval of the text amendment as proposed.

Ayes (6): Klaas, Rybski, Andrews, Bunting, Clayton and Asselmeier
Nays (0): None
Abstain (0): None
Absent: (4) Davidson, Chismark, Guritz and Holdiman

The motion passed. This matter will go before the Kendall County Regional Planning Commission on November 29th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that the Kendall County Planning, Building and Zoning Committee is evaluating each use listed as special use to see if a larger (2,600') notification is required. This matter will be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The Kendall County Regional Planning Commission requested that the PBZ Committee review the proposed outdoor shooting range regulations. This matter will also be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The proposed text amendments related to medical marijuana regulations has been sent to the townships and is expected to go to the County Board in December.

Midwest Materials may submit an amendment to their special use permit.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Clayton, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:30 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of November 29, 2017

Vice-Chairman Wormley called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton (arrived at 7:22 p.m.), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley and Angela Zubko (arrived at 7:04 p.m.)

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson

APPROVAL OF AGENDA

Mr. Nelson made a motion, seconded by Mr. Shaw, to amend the agenda by moving New Business to ahead of Old Business and to approve the agenda as amended. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Ms. Wilson made a motion, seconded by Mr. Bledsoe, to approve the October 25, 2017 minutes. With a voice vote of all ayes, the motion carried.

Ms. Zubko arrived at this time (7:04 p.m.)

PETITIONS

17-33 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. The proposal transfers the authority of Hearing Officer to hear applications for special use permits, applications for major amendments to special use permits and applications for involuntary revocations of special use permits to the Kendall County Zoning Board of Appeals. The proposal also makes citation amendments throughout the Zoning Ordinance to reflect this transfer of review.

Mr. Asselmeier provided a history of the judicial and legislative decisions that occurred since 2004 on this topic.

The proposal does not abolish the Hearing Officer position. The Hearing Officer can still hear and rule on administrative adjudication cases.

ZPAC reviewed this proposal on November 7th and unanimously recommended approval.

This proposal was mailed to the townships on October 25th. To date, no township submitted comments on the proposal.

Mr. Nelson provided a history of how Kendall County created and used the Hearing Officer.

Ms. Wilson asked if this proposal streamlined the application and approval process. The proposal does not streamline the process; the proposal only changes which body hears the application.

The application fee would remain the same if the proposal passed.

Mr. Nelson asked if the criteria for the findings of fact would change with this proposal. Mr. Asselmeier indicated that the criteria for findings of fact would not change with this proposal.

Ms. Zubko expressed concerns about the notification requirement for special uses. Mr. Asselmeier will adjust the text to reflect the five hundred foot (500') notification requirement. A petition exists to increase the notification requirement to one thousand feet (1,000').

Chairman Ashton arrived at this time (7:22 p.m.).

Walter Werderich is the current Hearing Officer.

Ms. Zubko made a motion to recommend approval of the proposed text amendments as presented, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on January 29th.

NEW BUSINESS

Reorganization of Ad-Hoc Zoning Ordinance Committee

Mr. Nelson provided a history of the Ad-Hoc Zoning Ordinance Committee and how the Committee evolved from a Committee used to update and implement the Land Resource Management Plan to a Committee that examined other zoning related matters.

Pursuant to Article XI of the By-Laws of the Kendall County Regional Planning Commission, Chairman Ashton announced the creation of a Comprehensive Land Plan and Ordinance Committee. The members of the Committee are the Chairman of the Kendall County Regional Planning Commission, the Chairman of the Kendall County Zoning Board of Appeals or his designee, the Chairman of the Kendall County Board or his designee, a representative from the Kendall County Soil and Water Conservation District, the Chairman of the Planning, Building and Zoning Committee or his designee, Jeff Wehrli, John Shaw, the County Administrator and Larry Nelson. Larry Nelson will be the Chairman of the Comprehensive Land Plan and Ordinance Committee.

Chairman Ashton invited other members of the Commission to attend and participate in the meetings of the Comprehensive Land Plan and Ordinance Committee. If other members of the Commission would like to be on the new Committee, please let Chairman Ashton know.

Mr. Casey suggested that Commissioners rotate between meetings and attend the Comprehensive Land Plan and Ordinance Committee meeting whenever they see a topic that interests them.

Ms. Zubko expressed concerns about keeping the full Commission updated on the activities and projects of the Comprehensive Land Plan and Ordinance Committee.

Mr. Asselmeier will draft a letter for Chairman Ashton asking the individuals and organizations previously listed if they would like to be on the Comprehensive Land Plan and Ordinance Committee.

Appointments to the Comprehensive Land Plan and Ordinance Committee will be made annually.

OLD BUSINESS

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee will hold a special meeting in January 2018 on this topic. The specific date and time of this meeting shall be determined at the December Planning, Building and Zoning Committee meeting.

Commissioners will be informed of the date and time of this special meeting.

Approval to Initiate Text Amendments to Section 3.02 and Section 13.09 of the Kendall County Zoning Ordinance Pertaining to Code Hearing Unit Regulations

Mr. Asselmeier read his memo on the subject. He explained that the Planning, Building and Zoning Committee favored not making any changes to the Code Hearing Unit Regulations at this time because of the small number of cases sent to the State's Attorney's Office and because defendants can appeal the decision of the Hearing Officer to the courts. If no changes were made to the existing regulations, the Hearing Officer would remain on the books as an alternative to sending cases to the State's Attorney's Office.

Ms. Zubko requested clarification on the definition of "Code" found in the existing regulations. Mr. Asselmeier will check with the Planning, Building and Zoning Committee to see if they would like to update this definition.

The consensus of the Commission was that the Code Hearing Unit regulations remain "as is."

Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier provided an update on this project.

Discussion occurred about the location of the court ordered mining areas and the Prairie Parkway.

This matter was referred to the Comprehensive Land Plan and Ordinance Committee with the timeline of meeting in December and January in order to have draft document at the meeting on the first Saturday in February.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

No petitions went to the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

None

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Bledsoe, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:43 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

ORDINANCE # 2018-_____

**TEXT AMENDMENT TO SECTIONS 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27
10.03.I AND 13 OF THE KENDALL COUNTY ZONING ORDINANCE
TRANSFERRING THE AUTHORITY TO HEAR APPLICATIONS FOR SPECIAL
USE PERMITS, APPLICATIONS FOR MAJOR AMENDMENTS OF SPECIAL USE
PERMITS, AND APPLICATIONS FOR NON-OWNER INITIATED REVOCATIONS
OF SPECIAL USE PERMITS FROM THE HEARING OFFICER TO THE ZONING
BOARD OF APPEALS**

WHEREAS, the Kendall County Planning, Building and Zoning Committee requested text amendment to Sections 4.19, 5.08, 6.07.G.2 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I, and 13 transferring the authority to hear applications for special use permits, applications for major amendments of special use permits and applications for non-owner initiated revocations of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals;

WHEREAS, the Kendall County Board amends this ordinance from time to time in the public interest; and

WHEREAS, the Kendall County Board established the Hearing Officer by Ordinance 2004-13; and

WHEREAS, 55 ILCS 5/5-12009.5 allows a county zoning board of appeals to hold public hearings on applications related to special use permits; and

WHEREAS, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings of a county zoning boards of appeal on applications related to special use permits; and

WHEREAS, the current language of various sections of the Kendall County Zoning Ordinance currently require applications for special uses to be heard by the Hearing Officer; and

WHEREAS, the Kendall County Board believes that the Kendall County Zoning Board of Appeals is the more appropriate body to hear special use related applications; and

WHEREAS, all administrative procedures required prior to passing text amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on January 29, 2018;

and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I, and Section 13 of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The reference to “Section 13.07” contained in Section 4.19 is hereby deleted and replaced with “Section 13.00”.
- III. Amended Text: The reference to “Section 13.07” contained in Section 5.08 is hereby deleted and replaced with “Section 13.00”.
- IV. Amended Text: The reference to “Section 13.07” contained in Section 6.07.G.2 is hereby deleted and replaced with “Section 13.00”.
- V. Amended Text: The reference to “Section 13.07” contained in the first paragraph of Section 7.01.D is hereby deleted and replaced with “Section 13.00”.
- VI. Amended Text: The reference to the “hearing officer” contained in Section 7.01.D.53.d is hereby deleted and replaced with “Zoning Board of Appeals”.
- VII. Amended Text: The reference to “Section 13.07” contained in the first paragraph of Section 8.02.C is hereby deleted and replaced with “Section 13.00”.
- VIII. Amended Text: The reference to “Section 13.07” contained in the first paragraph of Section 8.03.H.1 is hereby deleted and replaced with “Section 13.00”.
- IX. Amended Text: The reference to “Section 13.07” contained in the first paragraph of Section 8.03.H.2 is hereby deleted and replaced with “Section 13.00”.
- X. Amended Text: The reference to the “hearing officer” contained in Section 10.01.C.27 is hereby deleted and replaced with “Zoning Board of Appeals”.
- XI. Amended Text: The reference to the “hearing officer” contained in Section 10.03.I is hereby deleted and replaced with “Zoning Board of Appeals”.

XII. Amended Text: The existing language contained Section 13.01.A.2.e is hereby deleted and replaced with the following:

“Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the Zoning Board of Appeals, the Zoning, Platting Advisory Committee (ZPAC), the Planning, Building and Zoning Committee (PBZ), or the full County Board.”

XIII. Amended Text: The existing language contained in Section 13.01.B.8 is hereby deleted and replaced with the following:

“Rules and Procedures. The Zoning Board of Appeals shall adopt such rules concerning the filing of appeals and applications for amendments, variances, and special use permits, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of the Zoning Board of Appeals and shall be a public record.”

XIV. Amended Text: The existing language contained in Section 13.01.B.10.e is hereby replaced with the following:

“To hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.”

XV. Amended Text: The existing Section 13.01.B.10.e and Section 13.01.B.10.f are hereby re-lettered as Section 13.01.B.10.f and Section 13.01.B.10.g respectively.

XVI. Amended Text: The existing language contained in Section 13.01.B.11.a is hereby deleted and replaced with the following:

“Judicial Review. All decisions and findings of the Zoning Board of Appeals, on appeals, application for variations, special use permits or amendments, shall, after a hearing, be subject to review by court as by law may be provided.”

XVII. Amended Text: The existing language contained in Section 13.01.D.11.a is hereby deleted.

XVIII. Amended Text: The existing language contained in Section 13.01.D.11.b is hereby re-lettered as Section 13.01.D.11.a.

- XIX. Amended Text: The existing language contained in Section 13.08.A is hereby deleted and replaced with the following:

“PURPOSE. The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.”

- XX. Amended Text: The reference to the “Hearing Officer” contained in Section 13.08.C.4 is hereby deleted and replaced with “Zoning Board of Appeals”.

- XXI. Amended Text: The reference to the “Hearing Officer” contained in Section 13.08.C.5 is hereby deleted and replaced with “Zoning Board of Appeals”.

- XXII. Amended Text: The reference to the “Hearing Officer” contained in Section 13.08.D is hereby deleted and replaced with “Zoning Board of Appeals”.

- XXIII. Amended Text: Section 13.08.E.1 is added to the Zoning Ordinance with the following language:

“The Zoning Board of Appeals shall report to the County Board a Finding of Fact using the criteria listed in Section 13.08.J of this ordinance and a recommendation as to whether the County Board should deny, grant or grant subject conditions.”

- XXIV. Amended Text: The existing language contained in Section 13.08.E.1 is hereby re-lettered as Section 13.08.E.2 and the two (2) references to the “Hearing Officer” are hereby deleted and replaced with “Zoning Board of Appeals”.

- XXV. Amended Text: The existing language contained in Section 13.08.E.2 is hereby re-lettered as Section 13.08.E.3.

- XXVI. Amended Text: The reference to the “Hearing Officer” contained in Section 13.08.F is hereby deleted and replaced with “Zoning Board of Appeals”.

- XXVII. Amended Text: The reference to “Section 13.07.H” contained in Section 13.08.F is hereby deleted and replaced with “Section 13.08.H”.

- XXVIII. Amended Text: The reference to “his/her findings” contained in Section 13.08.F. is hereby deleted and replaced with “their findings”

XXIX. Amended Text: The existing language contained in Section 13.08.H is hereby deleted and replaced with the following:

“HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13.08.G of this ordinance, the Zoning Board of Appeals shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, place and date of such hearing shall be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:

1. The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.
2. Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.
3. Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.
4. Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.
5. Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
6. A brief statement of the proposed special use.

In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use and the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use. The petitioner or applicant must pay the costs of the publication of the notice required by this Section.

An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the Zoning Board of Appeals in conducting the hearing in accordance with the schedule of fees as established by the County Board.”

XXX. Amended Text: The reference to the “Hearing Officer” contained in Section 13.08.I is hereby deleted and replaced with “Zoning Board of Appeals”.

XXXI. Amended Text: The two references to the “Hearing Officer” contained in the first paragraph of Section 13.08.J are hereby deleted and replaced with “Zoning Board of Appeals”.

XXXII. Amended Text: The existing language contained in Section 13.08.K is hereby deleted and replaced with the following:

“CONDITIONS. The Zoning Board of Appeals may recommend and the County Board may provide such conditions or restrictions reasonably necessary to meet the standards listed in Section 13.08.J upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.”

XXXIII. Amended Text: The reference to the “Hearing Officer” contained in Section 13.08.P.3.d is hereby deleted and replaced with “Zoning Board of Appeals”.

XXXIV. Amended Text: The existing language contained in Section 13.08.P.3.e is hereby deleted and replaced with the following:

“The Zoning Board of Appeals shall set a hearing date and shall cause notice of the hearing to be published at least once following the procedures set forth in Section 13.08.H of this ordinance.”

XXXV. Amended Text: The two references to the “Hearing Officer” contained in Section 13.08.P.3.f are hereby deleted and replaced with “Zoning Board of Appeals”.

XXXVI. Amended Text: The three references to the “Hearing Officer” contained in the third paragraph of Section 13.08.Q.1 are hereby deleted and replaced with “Zoning Board of Appeals”.

XXXVII. Amended Text: The reference to “Section 13.07.H” contained in the first paragraph of Section 13.08.Q.2 is hereby deleted and replaced with “Section 13.08.H”.

XXXVIII. Amended Text: The references to the “Hearing Officer” contained in the first paragraph of Section 13.08.Q.2 and Section 13.08.Q.2.c are hereby deleted and replaced with “Zoning Board of Appeals”.

XXXIX. In the event of conflict between this Ordinance and Ordinance 2004-13, this Ordinance shall take precedence.

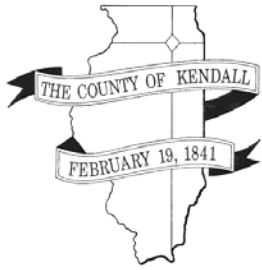
XL. Any completed application for a special use permit, major amendment to a special use permit, or non-owner initiated special use permit revocation lawfully submitted prior to the adoption of this ordinance shall follow the rules and procedures for adoption in place on the date the application was submitted.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 21st day of March, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: March 1, 2018

Re: Amended Petition 17-29 Proposed Text Amendments to Section 13.08 Pertaining to Notification Requirements for Special Use Permit Applications

At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600').

At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Six Dollars and Seventy-Four Cents (\$6.74) per receipt (Corrected at RPC Meeting). One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.
6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0): None
Abstain (1): Asselmeier
Absent (4): Davidson, Chismark, Langston and Andrews

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. The townships were also notified on January 30th of the decision of the Zoning Board of Appeals. No townships submitted comments on this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on January 24, 2018, and unanimously recommended that the distance remain five hundred feet (500') and that notices be sent by certificate of mailing instead of certified return receipt. The cost of certificate of mailing is One Dollar and Thirty-Five Cents (\$1.35). Commissioners felt the change was not necessary and that certain uses allowed in the M districts had greater negative impacts than some A-1 special uses. A rezoning to from A-1 to another district would only require a five hundred foot (500') notification.

Staff would like to note that all of the zoning related notifications in the Kendall County Zoning Ordinance are by certified return receipt.

The Kendall County Zoning Board of Appeals held a public on this proposal on January 29th and unanimously recommended that the notification distance be set at five hundred feet (500').

A draft ordinance is included for the Committee's consideration.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENCS: Proposed Text Amendment
1-29-18 Record of Decision from ZBA Hearing
Draft Ordinance

Section 13.08

H. HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13.07-2 of this Section, the Hearing Officer shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing notice of the time and place of such hearing shall be published in a newspaper of general circulation in Kendall County. **In addition to the publication requirement, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within one thousand feet (1000'), excluding road right-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested.**

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
January 29, 2018 – 7:00 p.m.

CALL TO ORDER

At 7:06 p.m., the Zoning Board of Appeals meeting was called to order. Due to the absence of Chairman Mohr, Mr. Whitfield, seconded by Mr. LeCuyer, moved to open the floor for nominations for Chairman and nominated Ms. Clementi for the position. There were no additional nominations. With a voice vote of all ayes, the motion was approved.

ROLL CALL

Members Present: Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Whitfield, and One Vacancy

Members Absent: Randy Mohr and Dick Thompson

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson and Walter Werderich

The Zoning Board of Appeals began their review of Petition 17-29 at 7:19 p.m.

PETITIONS

Amended 17-29 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Purpose: Text Amendment Increases Notification Requirement from Five Hundred Feet (500') to One Thousand Feet (1,000') Instead of Two Thousand Six Hundred Feet (2,600') as Originally Proposed for Applications for Special Use Permits on Properties Zoned A-1 and Clarifying that Only Adjoining Properties must be Notified on Special Use Permit Applications for Properties not Zoned A-1.

Mr. Asselmeier summarized the request. At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600').

At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Six Dollars and Seventy-Four

Cents (\$6.74) per receipt. One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.

3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.
6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5):	Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0):	None
Abstain (1):	Asselmeier
Absent (4):	Davidson, Chismark, Langston and Andrews

At their meeting on January 24, 2018, the Kendall County Regional Planning Commission unanimously recommended that the distance remain five hundred feet (500') and that notices be sent by certificate of mailing instead of certified return receipt. The cost of certificate of mailing is One Dollar and Thirty-Five Cents (\$1.35). Commissioners felt the change was not necessary and that certain uses allowed in the M districts had greater negative impacts than some A-1 special uses. A rezoning from A-1 to another district would only require a five hundred foot (500') notification.

Staff would like to note that all of the zoning related notifications in the Kendall County Zoning Ordinance are by certified return receipt.

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

Mr. Asselmeier noted that the certificate of publication was on file in the Planning, Building and Zoning Department Office.

Mr. Asselmeier noted that meeting notices must be posted onsite and in the newspaper.

Acting Chairwoman Clementi asked how the distance requirement was measured. Mr. Asselmeier responded that the applicant submits a legal description of the proposal. The GIS Department then creates a map based on the legal description and the GIS Department extends the boundaries out five hundred feet (500') from the description provided in the legal.

Acting Chairwoman Clementi asked the cause of this request. Mr. Asselmeier stated that the County Board received complaints from people near gun ranges and banquet facilities regarding noise. The residents also reported that they were not notified of the meetings. The petitioner at 1996 Cannonball Trail had few people attend the ZPAC, Kendall County Regional Planning Commission, or Special Use Hearing. However, the meeting room was full for the Planning, Building and Zoning Committee meeting. One (1) resident complained that they were not notified; this resident lived just outside the notification area.

Mr. Whitfield noted that anyone could attend a hearing and the comments stated by people living within the notification requirement have the same standing and the comments stated by people not living within the notification area. Mr. Whitfield also noted that social media and neighbors talking to neighbors also spreads the word regarding hearings.

Mr. Asselmeier stated he examined having different notification requirements for different special uses, but Staff cannot predict which cases will be controversial until the hearing occurs.

Acting Chairwoman stated her support of certificate of mailing, but the statute says certified mail. Mr. Asselmeier noted potential problems that could arise if someone had to apply for a variance and special use using different mailing procedures.

Several Board members noted the number of people required for notification for petition in the country could be different compared to properties located closer to incorporated areas.

Acting Chairwoman Clementi opened the public hearing at 7:39 p.m.

No one from the public submitted comments.

Acting Chairwoman Clementi adjourned the public hearing on this matter at 7:39 p.m.

Mr. LeCuyer asked if the proposed amendment would eliminate any problems. Mr. Asselmeier responded that more people would be notified of petitions.

Mr. LeCuyer asked how notifications worked in municipalities. Mr. Asselmeier responded that the municipal code requires a two hundred fifty foot (250') notification requirement.

Acting Chairwoman Clementi expressed concerns regarding the increased cost for the petitioner.

Several Board members expressed their support of map amendments instead of special use permits.

Mr. Whitfield, seconded by Mr. LeCuyer, made a motion to recommend that the notification distance requirement be set at five hundred feet (500') for special use permits on A-1 zoned property and that notification be by certified return receipt mail.

The votes were as follows:

Ayes (4): Cherry, Clementi, LeCuyer, and Whitfield
Nays (0): None
Absent (2): Mohr and Thompson

The motion passed. The townships will be notified of the Board's recommendation. This matter will go to the Kendall County Planning, Building and Zoning Committee on March 12th.

Mr. Cherry said that he favored raising the notification requirements in the rural areas, but did not see how to differentiate A-1 zoned properties further away from the incorporated areas and those closer to the incorporated towns.

Mr. LeCuyer concurred with Mr. Cherry and said that controversial cases will bring people out for hearings.

Mr. Whitfield said that neighbors will inform neighbors on social media about hearings that controversial cases will bring people out for hearings. Neighbors will encourage neighbors to attend meetings in controversial cases.

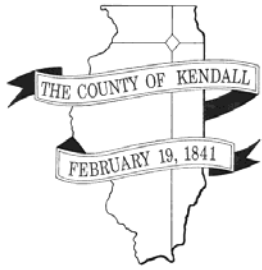
Acting Chairwoman Clementi concurred with Mr. Whitfield's opinion on social media and favored certified mailings because of applicable law.

The Zoning Board of Appeals concluded their review of Petition 17-29 at 7:53 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits

1. Staff Report on Amended Petition 17-29 Dated January 25, 2018.
2. Certificate of Publication for Amended Petition 17-29 (Not Included with Report but on file in Planning, Building and Zoning Office).



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: January 25, 2018

Re: Amended Petition 17-29 Proposed Text Amendments to Section 13.08 Pertaining to Notification Requirements for Special Use Permit Applications

At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600').

At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Six Dollars and Seventy-Four Cents (\$6.74) per receipt (Corrected at RPC Meeting). One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.
6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

ZBA Memo
January 25, 2018

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0): None
Abstain (1): Asselmeier
Absent (4): Davidson, Chismark, Langston and Andrews

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on January 24, 2018, and unanimously recommended that the distance remain five hundred feet (500') and that notices be sent by certificate of mailing instead of certified return receipt. The cost of certificate of mailing is One Dollar and Thirty-Five Cents (\$1.35). Commissioners felt the change was not necessary and that certain uses allowed in the M districts had greater negative impacts than some A-1 special uses. A rezoning to from A-1 to another district would only require a five hundred foot (500') notification.

Staff would like to note that all of the zoning related notifications in the Kendall County Zoning Ordinance are by certified return receipt.

A copy of the October 3rd and December 5th ZPAC minutes and related notification maps are attached. A copy of the January 24, 2018 minutes of the Kendall County Regional Planning Commission are also attached.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENCS: Proposed Text Amendment
10-3-17 ZPAC Minutes
Updated Notification Maps
12-5-17 ZPAC Minutes
1-24-18 RPC Minutes

Section 13.08

H. HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13.07-2 of this Section, the Hearing Officer shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing notice of the time and place of such hearing shall be published in a newspaper of general circulation in Kendall County. **In addition to the publication requirement, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within one thousand feet (1000'), excluding road right-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested.**

**ZONING, PLATTING & ADVISORY COMMITTEE
(ZPAC) October 3, 2017 – Approved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Don Clayton – GIS (Arrived at 9:01 a.m.)
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

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

Mr. Clayton arrived at this time (9:01 a.m.).

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 1, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier provided a summary of this proposed text amendment. Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment. The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Mr. Guritz asked about the handling of lead management plan documents. Mr. Asselmeier stated that he was unsure how lead management plan documents were handled previously. The existing ranges were governed by their special use permit. If a Federal or State law existed that superseded the local law, then the gun range would have to follow those requirements.

Mr. Klaas asked how many outdoor gun ranges existed in Kendall County. The answer was five (5) not counting the State park.

Discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate.

Indoor shooting range regulations already exist in the Zoning Ordinance.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. The amendment would increase the notification requirement from five hundred feet (500') to two thousand six hundred feet (2,600') for applications for special use permits on properties zoned A-1 and clarifying that only adjoining properties must be notified on special use permit applications for properties not zoned A-1.

Mr. Clayton presented two (2) scenarios. One (1) property near Aurora would have to mail three hundred ninety-two (392) notices under the current rules and would have to mail notices to one thousand nine hundred one (1,901) parcels if the text amendment was approved. In the case of Hideaway Lakes, sixty-three (63) parcels would have to be notified presently. If the proposal was approved, five hundred thirty-seven (537) parcels would need to be notified.

The cost for return receipt is Two Dollars and Seventy-Five Cents (\$2.75). This cost is paid by the petitioner.

Will, LaSalle and Kane Counties notify adjacent property owners only. Grundy County notifies up to five hundred feet (500'). DeKalb County notifies up to two hundred fifty feet (250'). DuPage County notifies up to three hundred feet (300').

Neighbors beyond five hundred feet (500') express concerns that they were not notified when odor or noise impacts their property.

Several Committee members felt that the two thousand six hundred foot (2,600') requirement was arbitrary.

Mr. Asselmeier explained the application process. When someone submits an application for a special use permit on A-1 zoned property, the GIS Department prepares a list of addresses that need to be notified. Any applicable municipality and township are added to the list. Staff then checks off the address list when the applicant presents green cards.

Discussion occurred about having different distance requirements for different special uses. Mr. Asselmeier stated that Staff does not know when an application is submitted if that application will be controversial. The more specificity in the Ordinance, the less likely the decision of who received notification and who did not receive notification could be viewed as arbitrary.

Mr. Guritz made a motion, seconded by Mr. Langston, to request that the Planning, Building and Zoning Committee leave the notification requirement at five hundred feet (500').

Ayes:	Langston, Rybski and Guritz (3)
Nays:	Klaas (1)
Abstain:	Andrews, Clayton and Asselmeier (3)
Absent:	Chismark, Holdiman and Davidson (3)

The reasons members voted yes were because of the added expense to the petitioner, the added time for the applicant to mail the notices, added review time for Staff to process the green cards, the proposed regulations were

larger than the notification requirements of other Counties and regardless of the distance requirement no method exists to notify everyone that thinks they should be notified. Mr. Klaas stated that he would like the notification requirement to be set at one thousand feet (1,000') maximum. Several Committee members concurred with Mr. Klaas, but felt that one thousand feet (1,000') was arbitrary.

Mr. Asselmeier will inform the Planning, Building and Zoning Committee of ZPAC's request.

17-30 Kendall County Planning, Building and Zoning Committee – Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County's Medical Cannabis Related Regulations

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Mr. Asselmeier presented the fiscal year 2017-2018 meeting calendar.

Mr. Guritz made a motion, seconded by Mr. Clayton, to approve the meeting calendar. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2017 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:04 a.m.

Present:

Aaron Rybski – Health Department
Don Clayton – GIS
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Megan Andrews – Soil and Water Conservation District
Deputy Commander Jason Langston
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience:

None

AGENDA

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

MINUTES

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

PETITIONS

Amended 17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property from Five Hundred Feet (500') to One Thousand Feet (1,000') and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. At their meeting on November 13th, the Planning, Building and Zoning Committee voted to amend this petition by changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000') for A-1 zoned properties. Only adjoining properties would be notified for non-A-1 zoned properties.

Mr. Holdiman expressed his opposition to the increased notification requirement because he believes the existing requirements are adequate and that the increased requirements would be burdensome to Staff and the applicant. The increased cost of mailing could hamper some petitioners.

Mr. Rybski asked how the current system works. Mr. Asselmeier said that the address of the property in question is forwarded to GIS. GIS generates a listing of all of the properties within the radius. This list is given to the applicant. Roughly one (1) week before the Planning Commission meeting, Staff asks the petitioner for copies of the green cards. Staff then checks the addresses off the list of outstanding green cards.

Mr. Klaas asked the reason for this initiative. Mr. Asselmeier responded that the petition on Cannonball Trail caused part of the initiative, but a concern did exist among some Planning, Building and Zoning Committee members that neighbors were not being sufficiently noticed of petitions.

Mr. Clayton asked Mr. Asselmeier to read the statute on the matter. Mr. Asselmeier read the State statute on notification for special use applications.

Mr. Guritz suggested differentiating the notification requirement for various special uses. Mr. Asselmeier said that issue was discussed at the Planning, Building and Zoning Committee and there were concerns that Staff does not know which cases will be controversial until the case is finalized.

Mr. Rybski noted that the proposal will cost the petitioner more money and will require additional Staff time to gather and process the green cards.

Mr. Klaas asked about the notification process. Mr. Asselmeier said that neighboring property owners receive mailings, a sign is posted at the property, the notice is printed in the newspaper and each active petition is listed on the County's website.

Mr. Guritz made a motion, seconded by Mr. Klaas, to keeping the notification requirement at five hundred feet (500').

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0): None
Abstain (1): Asselmeier
Absent: (4) Davidson, Chismark, Langston and Andrews

The motion passed. This matter will go before the Kendall County Regional Planning Commission on January 24th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Guritz asked for an update regarding forest preserves and exemption to the Stormwater Management Ordinance. Mr. Asselmeier responded that the City of Plano pursued and received a variance for their project at Foli Park. No additional discussions regarding parks/forest preserves and exemptions to the Stormwater Management Ordinance occurred.

PUBLIC COMMENT

None

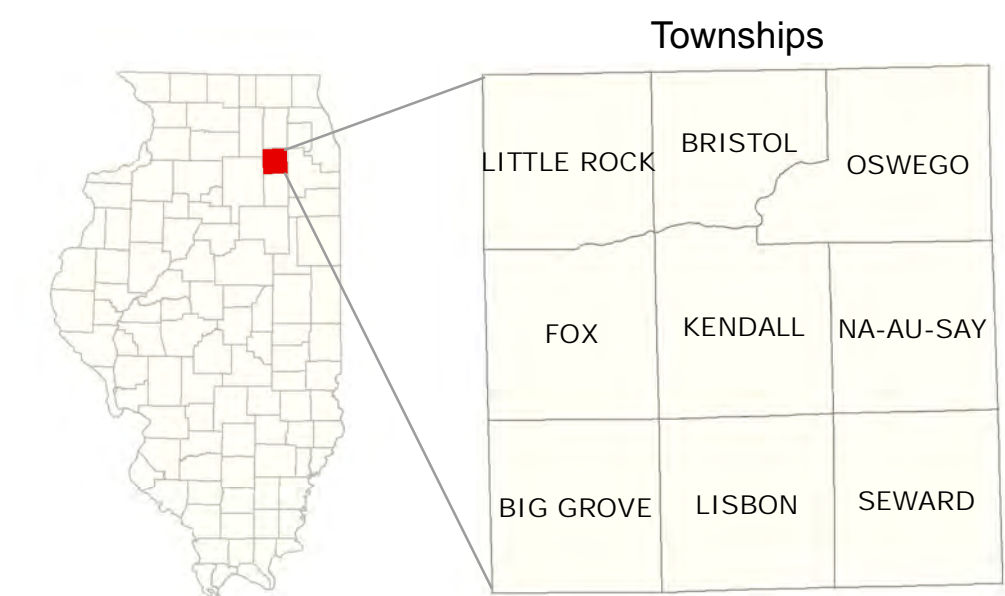
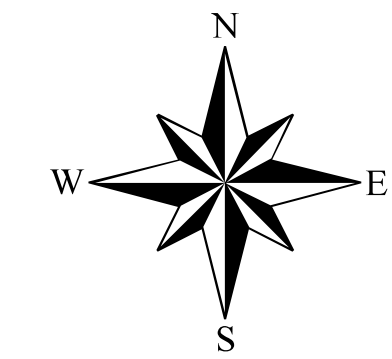
ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:35 a.m., adjourned.

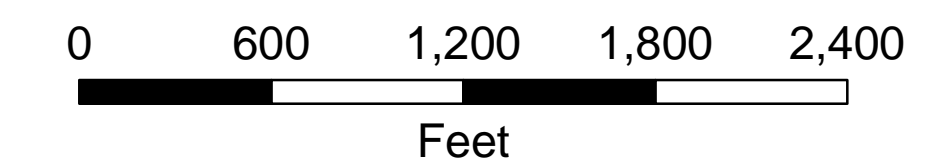
Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

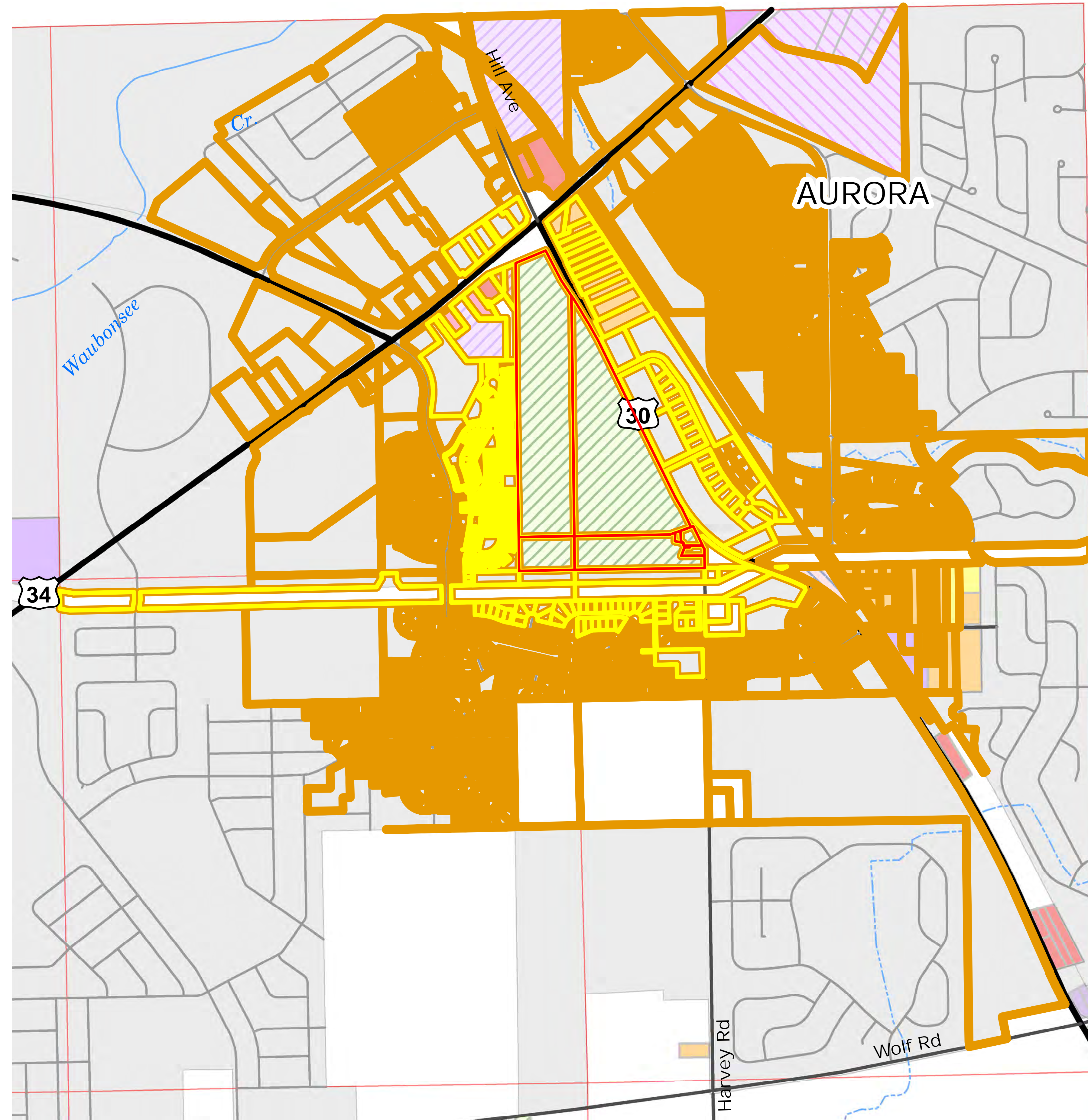


Scale: 1 in = 600 feet



Legend

- 500 ft Buffer - 388 Parcels
- 2600 ft Buffer - 1892 Parcels
- Subject Property

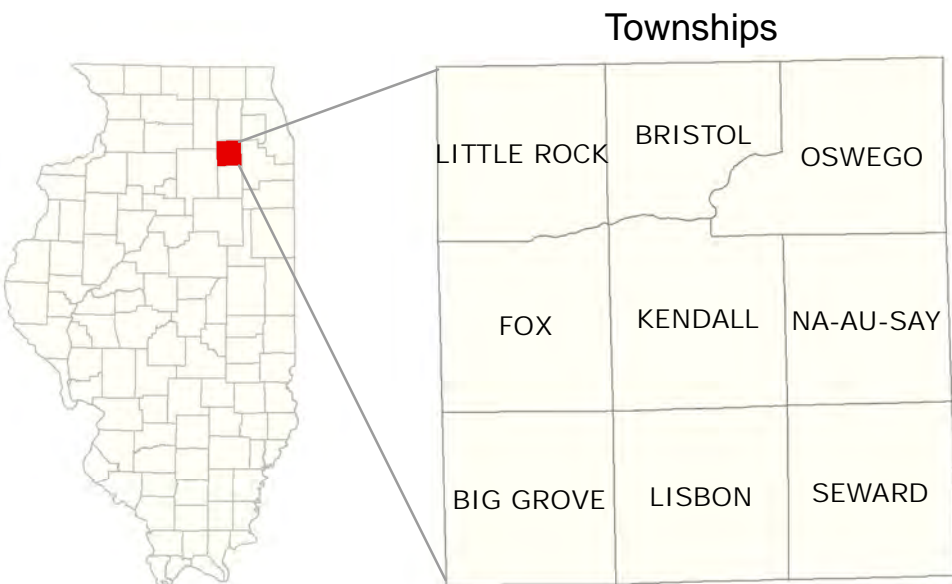
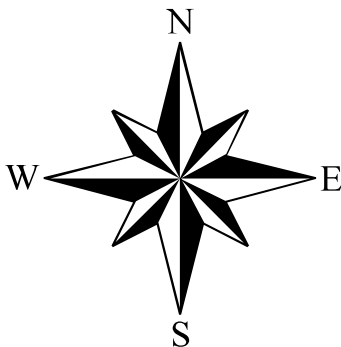


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

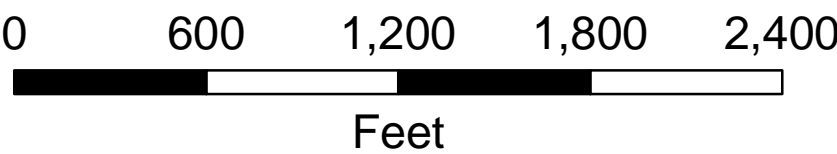
1000 ft Buffer Scenario
Oswego Twp

KENDALL COUNTY
- 2017 -

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

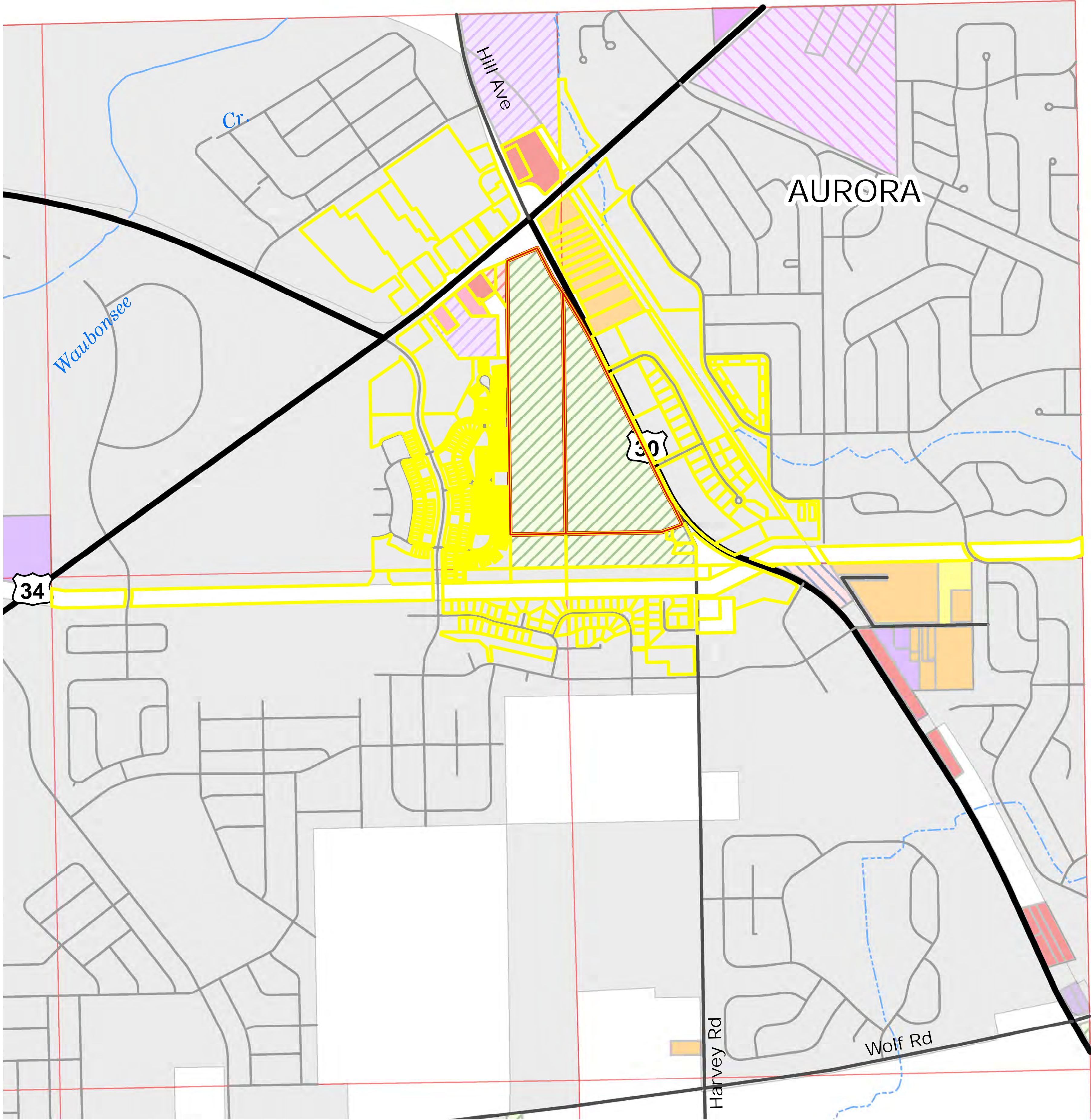


Scale: 1 in = 600 feet



Legend

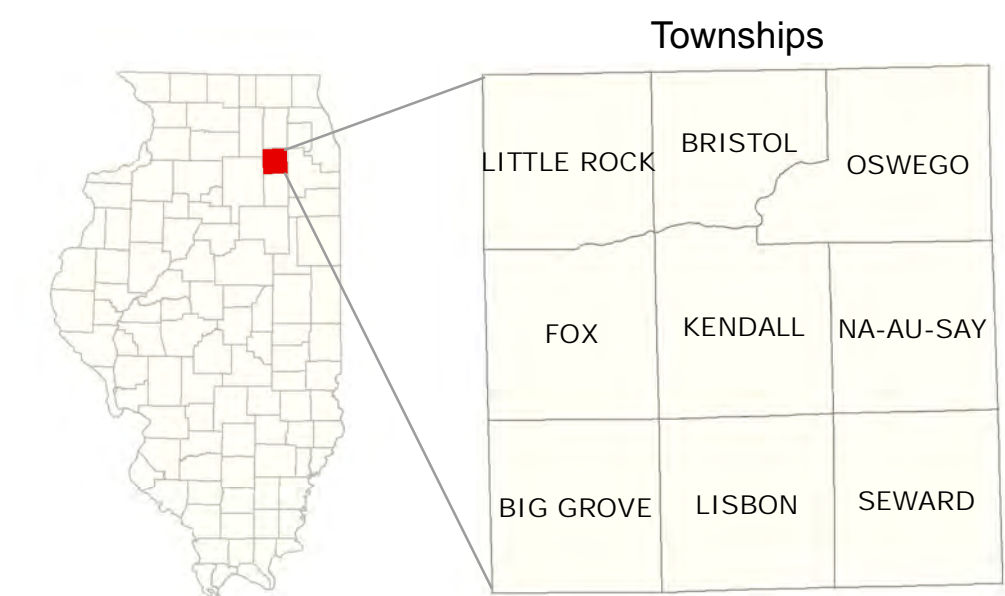
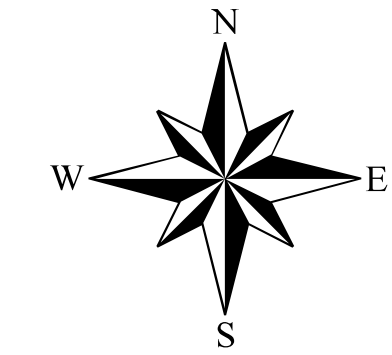
- Subject Property
- 1000 ft Buffer - 598 Parcels



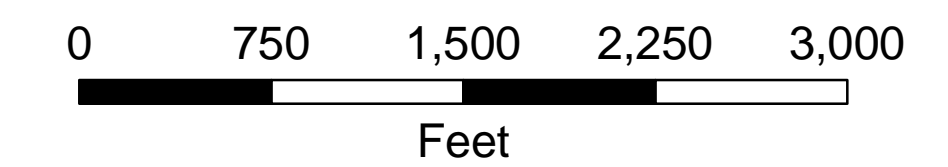
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

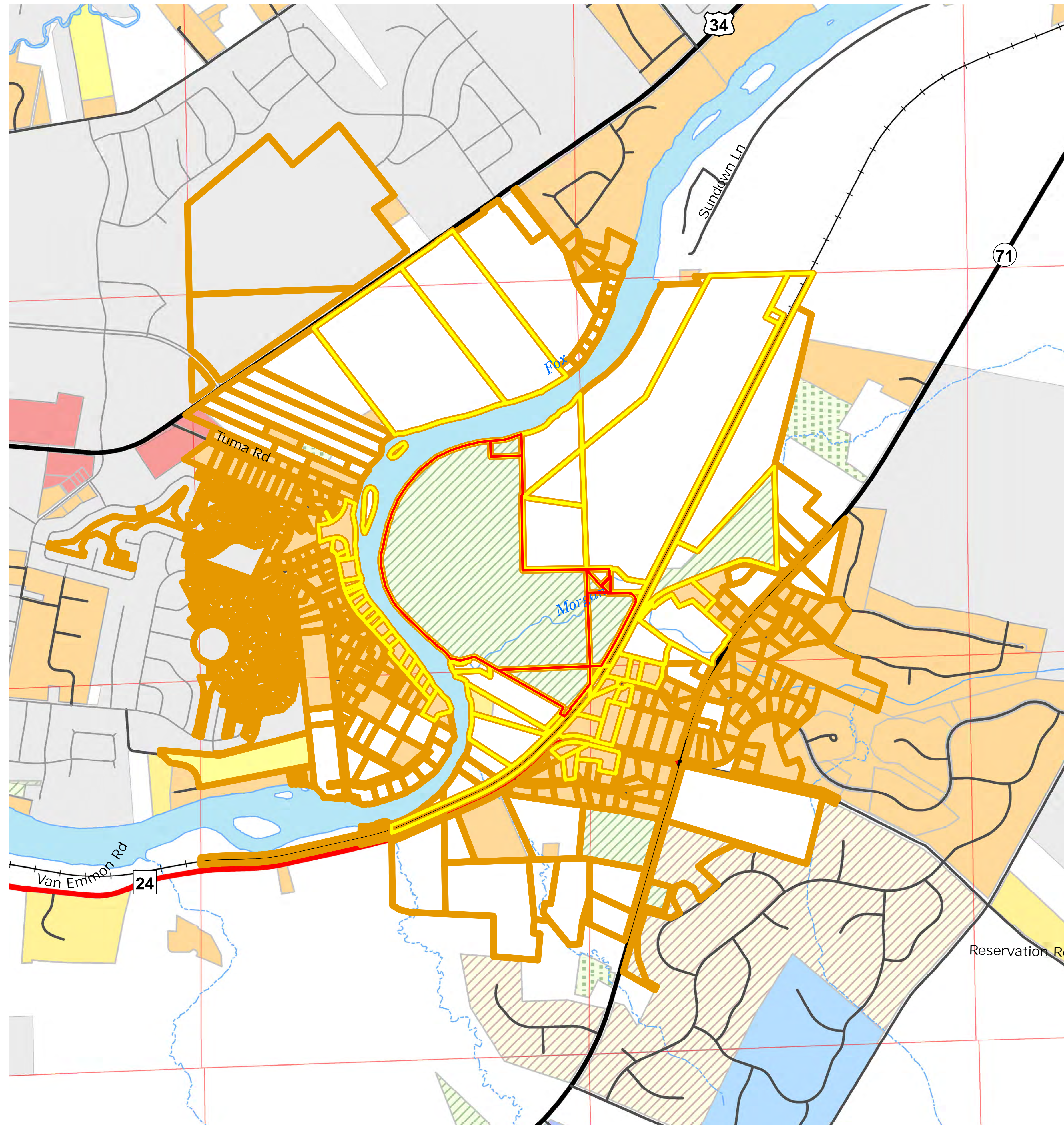


Scale: 1 in = 750 feet

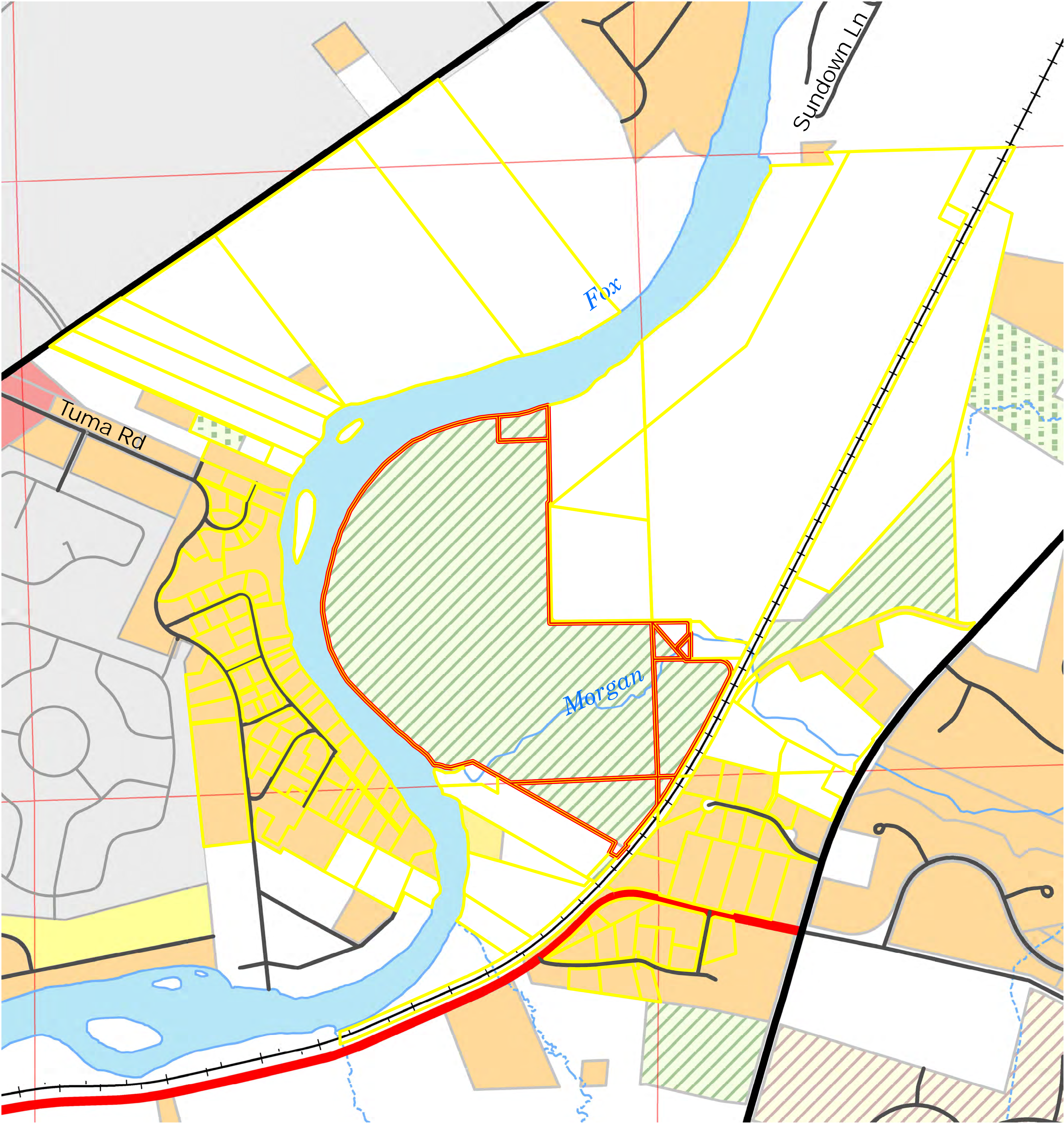


Legend

- 500 ft Buffer - 59 Parcels
- 2600 ft Buffer - 533 Parcels
- Subject Property



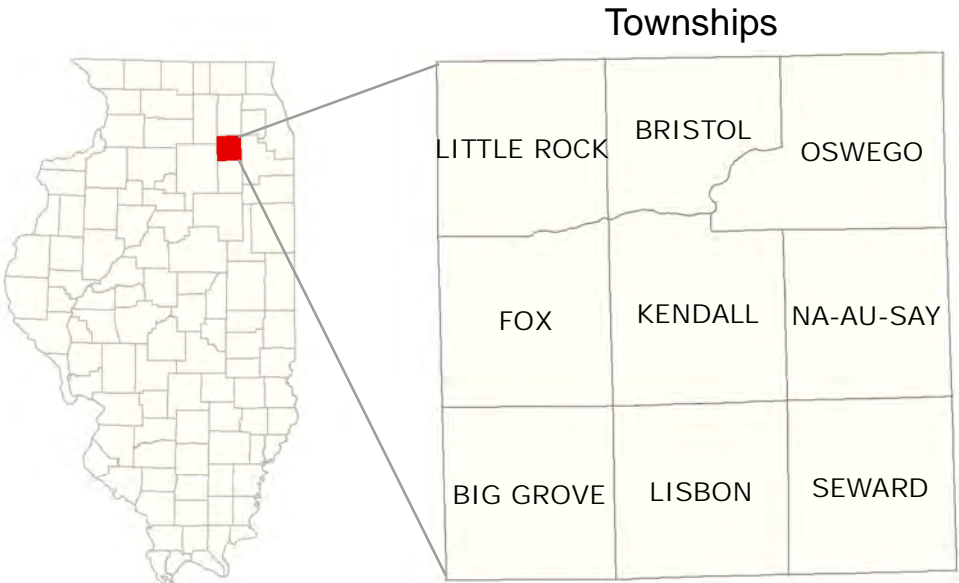
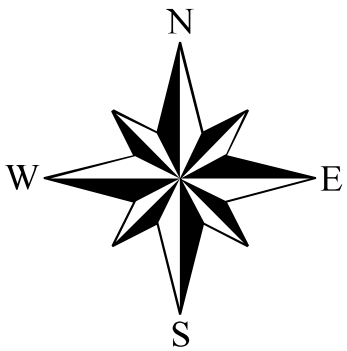
Kendall County GIS
 111 West Fox Street - Room 308
 Yorkville, Illinois 60560-1498
 630.553.4030



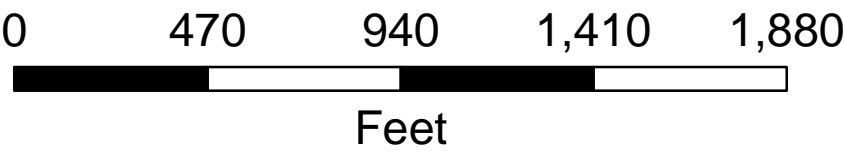
1000 ft Buffer Scenario
Bristol Twp

KENDALL COUNTY
- 2017 -

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



Scale: 1 in = 467 feet



Legend

- Subject Property
- 1000 ft Buffer - 155 Parcels



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

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of January 24, 2018

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: None

APPROVAL OF AGENDA

Ms. Zubko made a motion, seconded by Mr. Wormley, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Casey made a motion, seconded by Ms. Wilson, to approve the November 29, 2017 minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

Amended Petition 17-29 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600'). At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Two Dollars and Seventy-Five Cents (\$2.75) per receipt. One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.

6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties.

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman

Nays (0): None

Abstain (1): Asselmeier

Absent (4): Davidson, Chismark, Langston and Andrews

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

Several Commissioners asked why the change was necessary. Mr. Asselmeier responded that the Planning, Building and Zoning Committee wanted to ensure all of the neighbors impacted by a special use permit application were notified. Mr. Asselmeier also noted that the distance requirement only applied to special use applications and not variances or other amendments.

Ms. Wilson asked how the measurement was calculated. Mr. Asselmeier responded that the GIS Department takes the description given to them and draws lines out the required notice requirement area.

Mr. Nelson noted that some manufacturing uses have more negative impacts than some A-1 special uses. The notification requirement for a rezoning from A-1 to any M district would remain five hundred feet (500').

The cost of certified return receipt was corrected to Six Dollars and Seventy-Four Cents (\$6.74). Commissioners expressed concerns about people not signing green cards and thus negatively impacting the ability of petitioners to receive hearings.

Ms. Zubko made a motion to recommend that the notification requirement be set at five hundred feet (500') and that the mailing be by certificate of mailing instead of certified return receipt, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on January 29th.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Annual Meeting

Mr. Asselmeier reported that the Annual Meeting will be February 3, 2018, at 9:00 a.m. Commissioners reviewed the agenda for the meeting. Mr. Nelson made a motion to approve the agenda for the February 3, 2018 meeting, seconded by Mr. Shaw. The motion passed unanimously.

Discussion occurred regarding filling the vacancy from Big Grove Township. Efforts to find someone to fill that seat have been unsuccessful.

Election of Officers

Mr. Nelson made a motion to open the floor for nominations for officers and nominated Bill Ashton for Chairman, Budd Wormley for Vice-Chairman, Larry Nelson for Secretary, and Matt Asselmeier for Treasurer and Recording Secretary. Mr. Wormley seconded the motion. There were no additional nominees. Mr. Casey made a motion to close the call for nominations, seconded by Ms. Wilson. Without objection, the call for nominations was closed. The vote on the nominees was as follows:

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The nominees were approved.

OLD BUSINESS

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee will hold a special meeting on January 30, 2018 at 6:00 p.m. on this topic.

Update on Land Resource Management Plan Amendments for Properties Along Route 47 in Lisbon Townships

Mr. Asselmeier provided an updated map on the project. At their December meeting, the Comprehensive Land Plan and Ordinance Committee extended the Mining Area to Route 47 in the south, added a Commercial Area on the east side of Route 47 at the Grundy County Line, replaced the Rural Settlement Area with a Mixed Use Business Area and replaced all Transportation Corridor Areas with Mixed Use Business Areas. The Planning, Building and Zoning Committee reviewed the map at their January meeting and replaced the Commercial Area at the southeast corner of the intersection of Routes 47 and 52 and replaced the Mixed Use Business Area west of the intersection of Routes 47 and 52 with Commercial Area.

Ms. Wilson requested clarification on the types of uses allowed in each category. Mr. Asselmeier stated that the Mining Area allowed M-3 uses, Mixed Use Business allowed B-6, M-1, M-2, and M-3 uses, Transportation Corridor allowed B-3, B-5, and B-6 uses, and Commercial allowed B-1, B-2, and B-3 uses.

Mr. Nelson expressed his support for the map with the changes made by the Planning, Building and Zoning Committee; he would like the map displayed at the February 3rd meeting and then having a joint meeting of the Comprehensive Land Plan and Ordinance Committee and the Kendall County Regional Planning Commission in Lisbon Township. The tentative date for the joint meeting is February 28, 2018, at 7:00 p.m. at the Fire Barn. Chairman Ashton will confirm the meeting date and location.

Ms. Zubko made a motion to approve the map with the Planning, Building and Zoning Committee changes as the official draft map, seconded by Mr. Nelson. With a voice vote of all ayes, the motion passed unanimously.

Mr. Nelson made a motion to authorize the Chairman of the Kendall County Regional Planning Commission to call a special meeting of the Commission in Lisbon Township for the purpose of obtaining feedback from the community impacted by the proposed changes to the Future Land Use Map and to conduct normal monthly Commission business with the specific time, location, and date of the special meeting determined by Chairman, seconded by Ms. Zubko. With a voice vote of all ayes, the motion passed unanimously.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-30 extending the expiration deadline from January 1, 2018 to July 1, 2020 of Kendall County's medical cannabis related zoning regulations passed at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Mr. Wormley made a motion, seconded by Mr. Casey, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:44 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

ORDINANCE # 2018-_____

**TEXT AMENDMENT TO SECTION 13.08.H OF THE KENDALL COUNTY
ZONING ORDINANCE INCREASING THE NOTIFICATION REQUIREMENTS
FOR APPLICATIONS FOR SPECIAL USE PERMITS ON PROPERTIES ZONED A-
1 AGRICULTURAL DISTRICT**

WHEREAS, Kendall County historically required that property owners seeking applications for special use permits on A-1 Agricultural zoned properties notify neighboring property owners within five hundred feet (500') of the property subject to the special use application by certified mail return receipt within at least fifteen (15) days prior to the public hearing; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee requested a text amendment to Section 13.08.H of the Kendall County Zoning Ordinance related to the notification of neighboring property owners in cases of special use permit applications on A-1 Agricultural zoned properties; and

WHEREAS, the Kendall County Board amends this ordinance from time to time in the public interest; and

WHEREAS, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings on special use applications; and

WHEREAS, the Kendall County Board adopted Ordinance 2011-01 on January 18, 2011 setting the notification requirement at five hundred (500') feet in cases of map amendment and text amendment applications on A-1 Agricultural zoned property;

WHEREAS, the current language of Section 13.08.H of the Kendall County Zoning Ordinance does not specifically state a notification requirement for applications for special use permits; and

WHEREAS, all administrative procedures required prior to passing text amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on January 29, 2018; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.08.H of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The following language is hereby added to the end of the first paragraph of Section 13.08.H:

“In addition to the publication requirement, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within one thousand feet (1,000’), excluding road right-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested.”

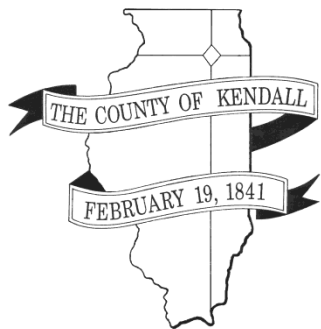
- III. Any completed application for a special use permit, major amendment to a special use permit, or non-owner initiated special use permit revocation lawfully submitted prior to the adoption of this ordinance shall follow the rules and procedures for notification of public hearings in place on the date the application was submitted.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 21st day of March, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee

From: Matthew H. Asselmeier, AICP

Date: March 5, 2018

Re: A-1 Conditional Use – Seasonal Festival – 7626 Ashley Road, Kendall Township

Laura Hubbard filed a conditional use permit application for the property at 7626 Ashley Road in Kendall Township to hold a one-day festival on Saturday, June 30, 2018, and Saturday 29, 2018, from 9:00am to 5:00pm. The subject property is zoned A-1. Seasonal Festivals, such as the proposed event, are permitted as conditional uses in the A-1 Agricultural District. The petitioner held two (2) similar events last year on June 24th and September 30th.

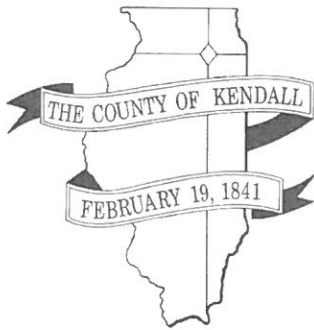


The Zoning Ordinance restricts the amount of seasonal festivals that may occur on a property to one (1) event during a calendar year. Additional seasonal festivals may occur on a property only with the authorization from the Planning, Building, and Zoning Committee.

Staff recommends approval of the Conditional Use permit for the season festival contingent on a completed and signed affidavit by the applicant stating that all requirements will be met. This affidavit is the same as previous affidavits for this use at the subject property and is included as Exhibits A and B. If the PBZ Committee concurs with Staff's recommendation, it may take final action on the application.

MHA

Attachment



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

CONDITIONAL USE PERMIT

This CONDITIONAL USE PERMIT is for the purpose of operating a seasonal festival in the A-1 zoning district on June 30, 2018.

NAME(S): Laura Hubbard

PIN(S): 05-11-300-002

ADDRESS: 7626 Ashley Road, Yorkville, IL

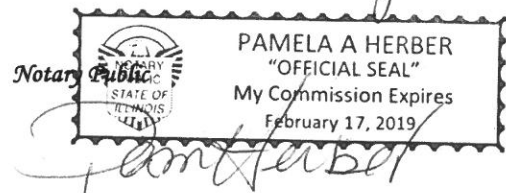
The petitioners agree to the following terms and conditions on the conditional use:

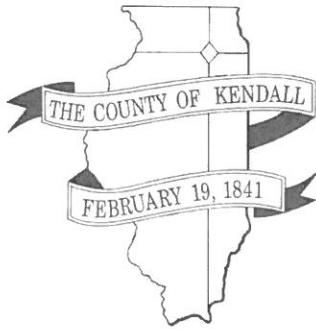
1. Adequate parking on site shall be provided in such a way that no on-street parking is necessary.
2. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
3. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
4. No alcohol shall be sold on the premises.
5. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services.
6. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
7. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property.
8. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
9. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday.
10. Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
11. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
12. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
13. All signage shall comply with Section 12.00 of the Zoning Ordinance.
14. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line.
15. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.

Signature of Owner/ Date

Subscribed and sworn to before me
this 27 day of February 2018

2-27-2018





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

CONDITIONAL USE PERMIT

This CONDITIONAL USE PERMIT is for the purpose of operating a seasonal festival in the A-1 zoning district on September 29, 2018.

NAME(S): Laura Hubbard

PIN(S): 05-11-300-002

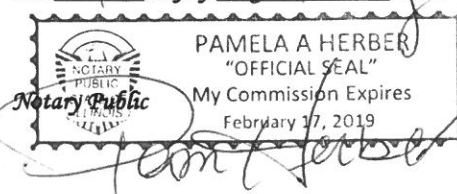
ADDRESS: 7626 Ashley Road, Yorkville, IL

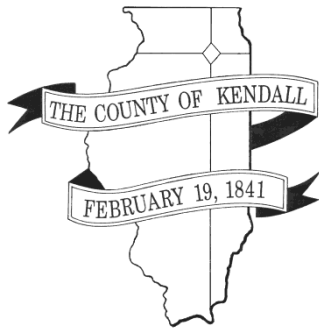
The petitioners agree to the following terms and conditions on the conditional use:

1. Adequate parking on site shall be provided in such a way that no on-street parking is necessary.
2. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
3. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
4. No alcohol shall be sold on the premises.
5. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services.
6. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
7. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property.
8. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
9. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday.
10. Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
11. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
12. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
13. All signage shall comply with Section 12.00 of the Zoning Ordinance.
14. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line.
15. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.

Signature of Owner/ Date

Subscribed and sworn to before me
this 27 day of February 2018





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building & Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 5, 2018
Re: Request to Release Funds from a Bank Account Owned by Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3,000

When the Kendall County Board approved the special use permit for a banquet facility at 9111 Ashley Road in 2016, they included a condition that required Whitetail Ridge Golf Club, LLC to create a bond in the amount of Three Thousand Dollars (\$3,000) to cover the costs of an appraisal of 9092 Ashley Road. The ordinance establishing the special use permit at 9111 Ashley Road (Ordinance 2016-11) required the owner of 9092 Ashley Road to pursue and complete an appraisal of 9092 Ashley Road within one (1) year of the establishment of the special use permit or the money would be returned to Whitetail Ridge Golf Club, LLC. The special use permit was established on July 19, 2016; Whitetail Ridge Golf Club, LLC established the bank account on February 28, 2017.

On January 25, 2018, the Planning, Building and Zoning Department sent a letter to the owner of 9092 Ashley Road requesting an update on the status of the appraisal. The owner of 9092 Ashley Road was also informed that the bank account could be liquidated after February 28th. As of the close of business on February 28th, the Kendall County Planning, Building and Zoning Department has not received an update from the owner of 9092 Ashley Road regarding the status of the appraisal.

Accordingly, the Planning, Building and Zoning Department believes that Whitetail Ridge Golf Club, LLC has completed the requirements of condition 18 of Ordinance 2016-11 and the restriction on their bank account at First National Bank could be lifted. A resolution and letter to that effect is attached.

If you have any questions, please let me know.

MHA

ENC: Resolution
Letter Withdrawing Claims

KENDALL COUNTY
Resolution No. _____

***Resolution to Release All Claims on a Bank Account Owned by
Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3000.00***

WHEREAS, in April 2016, Whitetail Ridge Golf Club, LLC petitioned the Kendall County Board for a special use permit to operate a banquet hall at 9111 Ashley Road in Kendall Township; and

WHEREAS, during the adoption process for the special use permit, the property owner of 9092 Ashley Road expressed concerns that the issuance of the requested special use permit would cause the devaluation of their property at 9092 Ashley Road; and

WHEREAS, on July 19, 2016, the Kendall County Board approved the issuance of a special use permit for the operation of a banquet hall at 9111 Ashley Road by Ordinance 2016-11; and

WHEREAS, Ordinance 2016-11 placed 19 conditions on the special use permit allowing the operation of a banquet hall at 9111 Ashley Road; and

WHEREAS, condition 18 of Ordinance 2016-11 required the petitioner to establish a bond in the amount of \$3,000.00 to ensure the completion of an appraisal of the property located at 9092 Ashley Road; and

WHEREAS, condition 18 of Ordinance 2016-11 stipulated that the property owner at 9092 Ashley Road must request and complete the appraisal of the property at 9092 Ashley Road within 1 year of the approval of the special use ordinance or the bond would be released to the petitioner; and

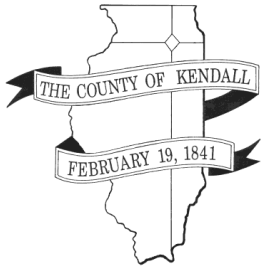
WHEREAS, on February 28, 2017, the petitioner, Whitetail Ridge Golf Club, LLC, established a bank account at First National Bank in the amount of \$3,000.00 to cover the costs of the appraisal required by condition 18 of Ordinance 2016-11; and

WHEREAS, a requirement was placed on the bank account owned by Whitetail Ridge Golf Club, LLC at First National Bank requiring the approval of Kendall County for the liquidation of the bank account; and

WHEREAS, on January 25, 2018, the Kendall County Planning, Building and Zoning Department contacted the owner of 9092 Ashley Road requesting an update on the appraisal process and notifying the property owner of 9092 Ashley Road of the potential liquidation of the subject bank account per the requirement of condition 18 of Ordinance 2016-11; and

WHEREAS, as of the close of business on February 28, 2018, the owner of 9092 Ashley Road has not provided the Kendall County Planning, Building and Zoning Department with an update of the status of an appraisal at 9092 Ashley Road; and

WHEREAS, as of March 1, 2018, 1 year has passed since Whitetail Ridge Golf Club, LLC established a bank account at First National Bank in the amount of \$3,000.00 to cover the costs of the appraisal required by condition 18 of Ordinance 2016-11; and



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

March 21, 2018

Brent Ekwinski
First National Bank
109 W. Veterans Parkway
Yorkville, IL 60560

RE: Whitetail Ridge Golf Club, LLC Bank Account

Dear Brent Ekwinski:

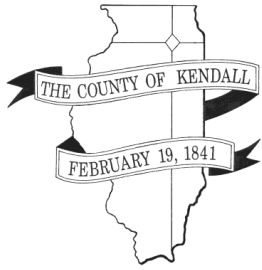
According to the records of Kendall County, Whitetail Ridge Golf Club, LLC established a bank account at First National Bank on February 28, 2017. The balance of the account was Three Thousand Dollars (\$3,000) and the funds were to be used to finance an appraisal of 9092 Ashley Road per the requirements of Kendall County Ordinance 2016-11. A restriction was placed on this account requiring the approval of the Kendall County Planning, Building and Zoning Department and Whitetail Ridge Golf Club, LLC before the release of funds.

Please let this letter serve as Kendall County's written permission to allow Whitetail Ridge Golf Club, LLC to withdraw any and all funds from this account. Kendall County hereby releases any and all claims that Kendall County may have/had on the subject bank account effective March 21, 2018.

If you have any questions, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or masselmeier@co.kendall.il.us.

Sincerely,

Scott R. Gryder, Chairman
Kendall County Board



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: February 26, 2018

Re: 17-28 Proposed Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Attached please find the revised Petition 17-28 regarding outdoor target practice and shooting range zoning regulations based on the suggestions from the January 30, 2018 meeting.

Following the February Planning, Building and Zoning Committee meeting, Staff met with David Lombardo and his suggest changes are also attached to this memo.

As noted in a.5, the Kendall County Health Department favors the EPA standards regarding lead abatement.

Regarding berming, the Sheriff Department's range in Lisbon Township has one (1) backstop at six hundred feet (600') and one (1) at one hundred fifty feet (150'). The lateral berms run from the backstops past the firing line and behind the firing line creating a three hundred six (360) degree berm, minus the entrance.

The Newark Sportsman's' Club has an estimated ten feet (10') from the shooting line to the berm. Their firing lines range from thirty feet (30') feet to three hundred feet (300') in length.

Silver Springs State Park only allows shotguns. They do not have berming per se. Their range is two hundred ten feet (210') long and one hundred twenty feet (120') wide.

Howell's Gun Club has fifteen feet (15') to one hundred feet (100') from the backstops to the firing line. The berms are fifteen feet (15') in front and seventy-five feet (75') in back.

As of the date of this memo, Staff has not heard from any of the other gun ranges.

Regarding the easement question, the State's Attorney's Office stated that restrictions on uses must constitute a valid public purpose. An easement requirement may not necessarily serve a valid public purpose.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendment
Lombardo Comments

Updated 2-2-18 (Typos Fixed 2-14-18)
Bolded Red is New Language
Bolded Black is Changed Language or Comment

Exhibit A

Amendment to 7.01.D.32 (Special Uses in A-1)

Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice **(such exclusion extends to shooting ranges not located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks)**, athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses.

Amendment to 7.01.D.33 (Special Uses in A-1) and 10.03.B.4 (Special Uses in M-3)

Outdoor Target Practice or Shooting **(but not including private shooting in your own yard or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks)** with the following conditions:

- a. **At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association's Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.**
 1. **The above referenced plans shall contain information as suggested by the National Rifle Association.**
 2. **Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.**
 3. **The safety plan shall describe the duties and qualifications of range supervisor(s).**
 4. **The safety plan shall require everyone on the firing line to wear hearing protection and safety glasses.**
 5. **In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association's standards, the National Shooting Sports Foundation's standards, or the United States Environmental**

Protection Agency's best management practices standards. (Health Department Recommends EPA Rules)

- 6. In addition to the above requirements,** the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
 - 7. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.**
- b. **Range layout** ~~R~~requires conformity with **National Rifle Association** standards with regard to layout and dimensions. ~~;~~ ~~provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.~~ The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100'). A licensed engineer or land surveyor shall prepare the documents.
- c. **The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site. Ranges shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:**
- Shotgun ranges** ~~one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.~~
- Ranges for handguns and rifles not more powerful than .22 long rifle** ~~seven thousand feet (7,000').~~
- Ranges for rifles more or equal power than a .22 long rifle** ~~thirteen thousand five hundred feet (13,500').~~
- The downrange safety area requirement for handgun, and rifle and archery ranges may be waived by the County Board if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association.**
- 1. The safety area shall conform to National Rifle Association's standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.**
 - 2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.**

- d. **(WAITING ON LOCAL RANGES) Ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:**
 1. **Shotgun ranges – No berming required.**
 2. **Ranges for handguns and rifles with the same or less power than .22 long rifle**
 - a. **Backstop at least one hundred fifty feet (150') from the firing line.**
 - b. **Lateral not closer than thirty feet (30') from the firing line.**
 3. **Ranges for rifles with more power than a .22 long rifle**
 - a. **Backstop at least three hundred feet (300') from the firing line.**
 - b. **Lateral not closer than thirty feet (30') from the firing line.**
 4. **All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.**
 5. **In addition to berms, appropriate baffling shall be installed over the targets to prevent projectiles from overshooting the berm for hand gun and rifle ranges.**
- e. **Requires minimum parcel size of ~~5 forty (40)~~ ten (10) acres for firearms.**
- f. **The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.**
- g. **The outdoor target practice or shooting range must have a sign that lists allowed firearm types **or allowed velocities of bullets**, rules of operation; hearing and vision protection required.**
- h. **~~At least one (1) State recognized, nationally recognized or National Rifle Association~~ certified range supervisor must be present **at all times when firing is taking place at for-profit outdoor target practice or shooting ranges.** The supervisor shall be certified for the type of shooting being supervised and shall know and enforce all range rules.**
- i. **~~At least one (1) Range flag flown,~~ a sign or red light lit at all times that firing is taking place. **If a range flag is used, the flagpole shall be at least eighteen feet (18') high and the flag shall be bright red forty inches (40'') long and twenty inches (20'') inches wide at the pole and six inches (6'') wide a the free end.****
- j. **Hours and days of operation shall be specified in the special use permit and determined by the County Board. ~~as specified in the Special Use Permit to be determined by the County Board shall be as follows: No range shall open prior to 9:00 am any day of the week. No range shall remain open~~**

~~after 5:00 6:00 pm Mondays through Fridays, 3:00 5:00 pm on Saturdays and ranges shall be closed 3:00 pm on Sundays.~~

- k. Access must be controlled by a lockable gate. **The range proper shall be fenced in a manner so to prohibit entrance on the property by members of the public and shall have signed posted at one hundred foot (100') intervals warning members of the public of the danger.**
- l. Must be at least ~~1,000 feet~~ **one thousand five hundred feet (1,500')** from **the firing line** to the ~~existing dwellings and~~ property lines of ~~schools, daycares, places of worship and airstrips~~ adjoining properties. **The required distance is both parallel and perpendicular to the firing line.**
- m. No alcohol allowed.
- n. No projectiles shall leave the boundaries of the site.
- o. **The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. sufficient accident and liability insurance in the amount of Ten Million Dollars (\$10,000,000) for outdoor target practice or shooting ranges An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.**
- p. All applicable Federal, State and ~~County~~ **local** rules and regulations shall be adhered to.
Includes:
 - 1. Not discharging lead shot into wetlands.
 - 2. Providing restroom facilities for employees and patrons.
 - 3. Meeting all of the requirements of the Kendall County Health Department.
 - 4. Signage requirements.
 - 5. Lighting standards contained in Section 11.02.F.12.d (Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. (Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future nonresidential as shown on the officially adopted

version of on the Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011))

- q. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- r. **(SAO IS REVIEWING THIS REQUIREMENT) Ranges must have direct access to a public road. For the purposes of this restriction “direct access” shall mean frontage; “direct access” shall not mean access via easement or license across property not owned by the range owner.**
- s. **Noise generated by the business allowed by this special use shall comply with the following:**
 - 1. **~~Day Hours:~~ No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.**
 - 2. **~~Night Hours:~~ No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.**
 - 3. **EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.**
- t. **Outdoor target practice and shooting ranges in existence prior to the date of the adoption of this ordinance (insert date) shall be exempt from this**

sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.

- u. Outdoor target practice and shooting ranges established after the date of the adoption of this ordinance (insert date) must comply with the above regulations or secure applicable variances.**

Updated 2-2-18 (Typos Fixed 2-14-18)
Bolded Red is New Language
Bolded Black is Changed Language or Comment
Bolded Purple Lombardo Comments (Added 2-26-18)

Exhibit A

Amendment to 7.01.D.32 (Special Uses in A-1)

Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice **(such exclusion extends to shooting ranges not located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks)**, athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses.

Amendment to 7.01.D.33 (Special Uses in A-1) and 10.03.B.4 (Special Uses in M-3)

Outdoor Target Practice or Shooting (**but** not including private shooting in your own yard **or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks**) with the following conditions:

- a. **At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association's Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.**
 1. **The above referenced plans shall contain information as suggested by the National Rifle Association.**
 2. **Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.**
 3. **The safety plan shall describe the duties and qualifications of range supervisor(s).**
 4. ~~The safety plan shall require everyone on the firing line to wear hearing protection and safety glasses. (Delete this Requirement-Micromanaging Operations)~~
 5. **In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association's standards, the National Shooting Sports**

Foundation's standards, or the United States Environmental Protection Agency's best management practices standards. (Health Department Recommends EPA Rules)

6. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
 7. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.
- b. ~~Range layout R~~requires conformity with National Rifle Association standards with regard to layout and dimensions. ~~; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.~~ The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100'). A licensed engineer or land surveyor shall prepare the documents.
- c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site. ~~Ranges shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:~~
- ~~Shotgun ranges one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.~~
 - ~~Ranges for handguns and rifles not more powerful than .22 long rifle seven thousand feet (7,000').~~
 - ~~Ranges for rifles more or equal power than a .22 long rifle thirteen thousand five hundred feet (13,500').~~
 - ~~The downrange safety area requirement for handgun, and rifle and archery ranges may be waived by the County Board if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association.~~
1. The safety area shall conform to National Rifle Association's standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
 2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.

- d. **(WAITING ON LOCAL RANGES) Commercial Ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:**
 1. **Shotgun ranges – No berming required.**
 2. **Ranges for handguns and rifles with the same or less power than .22 long rifle**
 - a. **Target placement Backstop not to exceed twenty feet (20') at least one hundred fifty feet (150') from the backstop firing line.**
 - b. **Lateral not closer than thirty feet (30') from the firing line. (Requirement not for containment.)**
 3. **Ranges for rifles with more power than a .22 long rifle**
 - a. **Backstop at least three hundred feet (300') from the firing line.**
 - b. **Lateral not closer than thirty feet (30') from the firing line.**
 4. **All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.**
 5. **In addition to berms, appropriate baffling shall be installed over the targets the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm for hand-gun-and-rifle-ranges based on the surrounding conditions.**
- e. **Requires minimum parcel size of ~~5-forty (40)~~ ten (10) acres for firearms. (Why 10 acres?)**
- f. **The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.**
- g. **The outdoor target practice or shooting range must have a sign that lists allowed firearm types or allowed velocities of bullets, rules of operation; hearing and vision protection required (Requirement is micromanaging).**
- h. **At least one (1) ~~Sstate recognized, nationally recognized or National Rifle Association~~ certified range supervisor must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The supervisor shall be certified for the type of shooting being supervised and shall know and enforce all range rules.**
- i. **At least one (1) Rrange flag flown, a sign, cone, or red light lit at all times that firing is taking place. If a range flag is used, the flagpole shall be at least eighteen feet (18') high and the flag shall be bright red forty inches (40") long and twenty inches (20") inches wide at the pole and six inches (6") wide a the free end. (Don't micromanage specifics)**

- j. Hours and days of operation shall be specified in the special use permit and determined by the County Board. ~~as specified in the Special Use Permit to be determined by the County Board shall be as follows: No range shall open prior to 9:00 am any day of the week. No range shall remain open after 5:00 6:00 pm Mondays through Fridays, 3:00 5:00 pm on Saturdays and ranges shall be closed 3:00 pm on Sundays.~~
- k. Access must be controlled by a lockable gate. **The range proper shall be fenced in a manner so to prohibit entrance on the property by members of the public and shall have signed posted at one hundred foot (100') intervals warning members of the public of the danger.**
- l. Must be at least ~~1,000 feet~~ **one thousand five hundred feet (1,500')** from ~~the firing line~~ to the ~~existing dwellings and~~ property lines of ~~schools, daycares, places of worship and airstrips~~ adjoining properties. **The required distance is both parallel and perpendicular to the firing line.**
- m. No alcohol allowed.
- n. No projectiles shall leave the boundaries of the site.
- o. **The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. sufficient accident and liability insurance in the amount of Ten Million Dollars (\$10,000,000) for outdoor target practice or shooting ranges An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.**
- p. All applicable Federal, State and **County local** rules and regulations shall be adhered to.
Includes:
 - 1. Not discharging lead shot into wetlands.
 - 2. Providing restroom facilities for employees and patrons.
 - 3. Meeting all of the requirements of the Kendall County Health Department.
 - 4. Signage requirements.
 - 5. Lighting standards contained in Section 11.02.F.12.d (Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. (Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto

the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future nonresidential as shown on the officially adopted version of on the Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

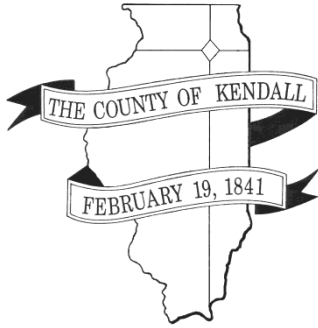
Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011))

- q. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- r. **(SAO IS REVIEWING THIS REQUIREMENT) Ranges must have direct access to a public road. For the purposes of this restriction “direct access” shall mean frontage; “direct access” shall not mean access via easement or license across property not owned by the range owner.**
- s. **Noise generated by the business allowed by this special use shall comply with the following:**
 - 1. **Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.**
 - 2. **Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.**
 - 3. **EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of**

property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

- t. Outdoor target practice and shooting ranges in existence prior to the date of the adoption of this ordinance (insert date) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.**
- u. Outdoor target practice and shooting ranges established after the date of the adoption of this ordinance (insert date) must comply with the above regulations or secure applicable variances.**

At the February PBZ Committee meeting, Jerry Lizalek suggested that the phrase “public or private” after “ranges” in item “t”. He also requested that the phrase “open to the public” be added after “ranges” in item “u”. Lastly, he requested that word “yard” be replaced with “on your property” to the definition at the beginning of the proposal.



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Planning, Building & Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: February 28, 2018
Re: Solar Panel Regulations for Offsite Energy Consumption

At the December Planning, Building and Zoning Committee meeting, Staff was requested to research the zoning regulations for solar panels.

The Kendall County Planning, Building and Zoning Department received several requests for the County's regulations for larger solar panel operations (i.e. solar energy used at an offsite location). Currently, this use is considered a public or private utility and is a special use in the A-1, all Residential, B-1, B-2, B-3 and B-6 zoning districts. This use is a permitted use in M-1 and M-2. No restrictions are listed in the Zoning Ordinance for this type of use.

Several other counties in Illinois received similar requests. Staff prepared a table comparing the existing or proposed zoning regulations for large solar panel operations for Boone, DeKalb, Grundy, Kankakee, Tazewell, and Will Counties. LaSalle County allows large solar panel operations as a special use, but does not have specific regulations. At the January Planning, Building and Zoning Committee meeting, Staff was requested to update DeKalb County's information. A revised table is attached.

If any Committee members have any questions, please let me know.

MHA

ENC: Comparison Table

County Solar Panel Regulations (Updated DeKalb 2/28/18)

Boone (B)
DeKalb (D)
Grundy (G)
Kankakee (K)
Tazewell (T)
Will (W)

Note: LaSalle County Allows Solar Panels as Special Use, But Has No Stated Restrictions.

	B	D	G	K	T	W
Differentiate Between Community and Utility Systems	Yes	No, but Does Differentiate in Size at 5 Acres 20 Acres Maximum for Solar Gardens	No	No	No, but Does Differentiate in Size at 5 Acres	Concentrated Solar Not Allowed
Districts Where Permitted Use	None	None Solar Gardens May Be Approved if Neighbors Approve Otherwise They Are Special Use	None	None	None	None
Districts Where Special Use	A-1, A-2, RE, R-1, RC, RC-2, RTN, B-1, B-2, I-1, and I-2	Less than 5 Acres In All Districts 5 Acres or Greater A-1 Only	All Agricultural and Industrial Districts	A-1	Less than 5 Acres In All Districts 5 Acres or Greater A-1, Conservation and Industrial	A-1, I-1, I-2, and I-3

Districts Where Special Use Continued		Solar Farms are Special Use in A-1 Applications Meeting the Requirements of the Ordinance Do Not Require Committee Review			Districts	
Foundation	Must be Certified by a Qualified Engineer	Must be Certified by a Qualified Engineer for Solar Farms Must be an Impervious Surface (Gravel or Compacted Soils Are Impervious)	Not Mentioned	Must be Certified by Qualified Engineer	Panels Must Be Installed by Qualified Installer	Not Mentioned
	B	D	G	K	T	W

	B	D	G	K	T	W
Glare	No Glare on Adjacent Properties or ROWs	No Glare on Adjacent Properties or Airports within 500 Feet of Airport or Approach Zone If Within 500 Feet of Airport or Approach Zone, Solar Glare Hazard Analysis Tool Report Must be Submitted; Potential FAA Review Required	No Glare on Adjacent Residential Property	Not Mentioned	No Glare on Adjacent Properties or Airports within 500 Feet of Airport or Approach Zone	Minimize Glare to Adjacent Property No Glare on ROWs or Impacting Air Traffic or Create a Safety Hazard
Lighting	Photometric Plan Required, Security Lights Max 30 Feet in Height, Lighting Elements Shielded from Adjacent Property, Foot Candle at Property Line Max 0.5	Security Lighting Only and Lighting Required by FAA and FCC	Cannot Cross Property Lines	Cannot Cross Property Lines	Not Mentioned	No Artificial Lighting Unless Required by FAA or Other Governmental Entity
Drainage Tile	Must Be Repaired and Restored-Boone County SWD Chooses Inspector and Applicant Pays for Inspection	Not Mentioned	Must Be Repaired and Bond or Letter of Credit Required, No Specifics	Not Mentioned	Not Mentioned	Must Be Maintained and Repaired

	B	D	G	K	T	W
Electrical Lines	Inspected Prior to Burial	Must Be Buried (Also Communication Lines)	Must Be Buried (Also Communication Lines or Wireless)	Must Be Buried (Also Communication Lines)	Not Mentioned	All Utilities Must Be Buried Unless Waived by SU Permit
Minimum Lot Size	Not Specified	Not Specified	Not Specified	5 Acres	Not Specified	Not Specified
Height	Systems, Equipment and Structures Shall Not Exceed 30 Feet in Height at Maximum Tilt (Lines and Utility Poles are Exempt)	Systems, Equipment and Structures Shall Not Exceed 20 Feet in Height at Maximum Tilt (Lines and Utility Poles are Exempt) Must Follow Height Restrictions of the District at Maximum Tilt	Systems, Equipment and Structures Shall Not Exceed 20 Feet in Height at Maximum Tilt	Systems, Equipment and Structures Shall Not Exceed 30 Feet in Height (Lines and Utility Poles are Exempt)	Systems, Equipment and Structures Shall Not Exceed 20 Feet in Height at Maximum Tilt (Cannot Exceed 30 Inches Above Grade in the Front Yard)	Systems, Equipment and Structures Shall Not Exceed 25 Feet in Height at Maximum Tilt
Setbacks-Front	75 Feet from ROW (Fences Excluded)	Not Mentioned 500 Feet Unless Waived by Road District (50 Foot Min) No System in Front Yards	150 Feet	100 Feet (Fences Excluded)	Cannot Encroach on Setbacks at Minimum Tilt	Follow Setback Regulations of District

	B	D	G	K	T	W
Setbacks- Adjoining Property	40 Feet from Property Lines (Excluding Fences)	50 Feet from Property Lines Min 500 Feet Unless Waived by Neighbors	150 Feet	50 Feet from Property Lines (Excluding Fences)	Cannot Encroach on Setbacks and Minimum Tilt 50 Feet from Property Lines	25 Feet from Property Lines
Setbacks- Residential	150 Feet from Properties with Residences (Neighbor Can Waive this Requirement and Record Waiver)	500 from Neighboring Residence Residential Property Lines (Neighbor Can Waive up to 300 50 Feet)	Not Mentioned	100 Feet (As Measured From Property Line to Property Line)	Cannot Encroach on Setbacks and Minimum Tilt 500 Feet from Neighboring Residence	Not Mentioned
Setbacks Internal	None	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
Landscaping	Follow Zoning Ordinance (Must Submit Landscaping Plan, Name Type(s) of Evergreen Planted and Location, Must Submit Soil Evaluation, Incorporate Native Plantings)	When Visible for Adjoining Residential Use or Residential Zoned Property, Use View Obstructing Vegetation, a Wall, Semi- Opaque Fence or Berm Designed to Obscure Views to a Height of 6	Landscaping Plan Required Use Native Plantings Use as Screening, But No Specifics Shall be Inspected Monthly by County	Landscaping Plan Must be Submitted	Do Not Block View or Shading of Properties to the North	Must be Screened from All Roads and Dwelling Units within 1000 Feet (Screening May Be in Setbacks)

		Feet (For Mechanical Equipment the Screening Shall be the Height of the Equipment Plus 6 Inches)				
Fencing	Not Mentioned	Not Required but if Used Then Maximum 8 Feet in Height with Warning Sign	Maximum 8 Feet in Height with Warning Sign	Minimum 8 Feet in Height (Must Have Knox Box and Keys)	Maximum 8 Feet in Height with Warning Sign	Privacy Fence May Be Substituted for Buffer if 6 Feet Tall. At Least 1 Evergreen Must is Required Per 30 Linear Feet of Fence or Wall, Perimeter Fencing is Required with a Minimum of 7 Feet in Height; Barbed Wire and Razor Wire Prohibited Unless Waived
	B	D	G	K	T	W

	B	D	G	K	T	W
Buffers	25 Foot Wide Buffer of Compact Evergreen Hedges or Other Type of Evergreen Foliage (Shall Be Located Along Road Frontage and Perimeter of Any Single-Family Dwelling) Minimum 3 Feet Tall; Hedge Must be 6 Feet Tall Within 5 Years; Replace Dead Growth and Maintain in Good Condition. Topographical Features and Existing Woodlands May Be Incorporated in Buffer	<p>Minimize View of System to Surrounding Properties Screened to Protect from Routine View from Public ROWs; Screening May Be Required to the Extent It Does Not Affect the Operation of the System</p> <p>Building Integrated or Roof Mounted Systems Do Not Need to be Screened</p> <p>Top Soils Cannot Be Removed from Solar Farms</p>	Not Mentioned in Specifics	30 Foot Wide Buffer of Compact Evergreen Hedges or Other Type of Evergreen Foliage Minimum 3 Feet Tall; Hedge Must be 8 Feet Tall Within 3 Years; Replace Dead Growth and Maintain in Good Condition. Earth Berms, Topographical Features and Existing Woodlands May Be Incorporated in Buffer	Not Mentioned	A Landscaped Area at Least 10 Feet in Width with at Least 1 Shrub Per 5 Linear Feet Plus 1 Evergreen Tree per 25 Linear Feet of the Perimeter Area Evergreens Must Be at Least 5 Feet Tall at Time of Planting, Top Soils Cannot be Removed Without Permission of the County Board, Perennial Vegetation Must Be Maintained

	B	D	G	K	T	W
Noise	No Detectible Noise by the Human Ear at 500 Feet. Noise Does Not Include Routine Maintenance, Repair, or Construction (Construction is Limited to Monday-Saturday 7-7; Sundays and Holidays 9-6)	Not Mentioned	Not Mentioned	50 dBA When Located Adjacent to Residence or Residential Zoning District	Not Mentioned	Not Mentioned
Signage	Warning Sign at Entrance Which Includes Facility's 911 Address and 24 Hour Emergency Contact Phone Number	Not Mentioned	High Voltage Signs Posted at Each Entrance and Base of All Pad Mounted Transformers Emergency Contact Information Near Tower, Operations Building and Maintenance Building	Warning Sign at Entrance Which Includes Facility's 911 Address and 24 Hour Emergency Contact Phone Number	Manufacturer's Specs Must be Displayed	Not Mentioned

	B	D	G	K	T	W
Site Plan Requirements	<p>Existing Property Lines Extending Five Hundred Feet from the Exterior Boundary, Including the Names of Adjacent Property Owners and Current Use of Those Properties</p> <p>Exiting Public and Private Roads, Show Width and Easements</p> <p>Location and Size of Existing and Abandoned Wells and Sewage Treatment Systems</p> <p>Existing Buildings and Impervious Surfaces</p> <p>Contour Map Showing Topography at 2 Foot Intervals, May Include Topography of Neighboring Properties</p> <p>Existing Vegetation and Type of Vegetation</p>	<p>Not Mentioned Directly</p> <p>Must Submit Horizontal and Vertical Elevations Showing the Location of the System, Buildings, and Property Lines</p> <p>Highest Finished Slope of Roof Must be Provided</p>	<p>25 Copies of Required Submittals</p> <p>Evidence of Control of Site Must Be Provided</p> <p>Plan Must Include Number and Capacity of Arrays, Placement, Fencing and Landscaping, and Total Height of Arrays</p> <p>Topography Information at 5 Foot Intervals</p> <p>Fire Protection Plan, Revegetation Plan, Drainage and Erosion Plan</p>	<p>50 Copies of Required Submittals</p> <p>Same as Boone Except No Utility Information</p> <p>Also Must Submit Manufacturer's Specs, Itemized Cost of Construction and Connection Method</p>	<p>Same as Boone Except No Utility Information</p>	<p>Must Provide Proof that Owner/Operator Has the Financial Ability to Construct the Solar Farm</p> <p>Must Provide Notice of Development Letter to Will County Board Representatives</p> <p>Site Plan Must Show Same Property Line, Property Ownership and Floodplain Locations as Boone</p> <p>Must Include Number Location and Spacing of Solar Panels</p> <p>Include Product Cut Sheets</p> <p>Traffic Control Information</p> <p>Operation and Maintenance Plan</p>

Site Plan Requirements Continued	Waterways, Watercourses, Lakes, and Wetlands Wetland Boundaries FEMA FIRM Map and 100 Year Flood Elevation Floodway, Flood Fringe, and General Flood Plain District Boundary Mapped Soils Surface Water Drainage Patterns Location of Subsurface Drainage Tiles Location of All Utilities		Emergency Plan Provided to Local Fire Department			Emergency Services Plan Redact Copy of Lease
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	B	D	G	K	T	W
Site Plan Conditions	<ol style="list-style-type: none"> 1. Location, Number and Spacing of Solar Panels 2. Location of Access Roads and Access Points 3. Planned Location of Underground or Overhead Electric Lines Connecting the Solar Farm to a Building, Substation, or Other Electric Load. 4. New Electrical Equipment Other Than Existing Building or Substation 5. Certified Drawings of Elevation of the Premises Accurately Depicting the System 6. Weed Control Plan Approved by Boone County Conservation District, No Soil Sterilant Shall Be Permitted to be Used Onsite 	<p>Must Submit Operation and Maintenance Report Within 14 Days Upon Request</p> <p>Must Submit EcoCat and Illinois Historic Preservation Agency Consultation Information</p> <p>Must Allow Access for Fire Protection Personnel</p> <p>Must Follow Noxious Weed Ordinance</p>	Included with Site Plan Requirements	<p>Same as Boone 1-6</p> <p>\$500 Per Week Weed Violation</p>	<p>Same as Boone 1-6</p> <p>\$500 Per Week Weed Violation</p>	Included with Site Plan Requirements

	B	D	G	K	T	W
Road District Approval	Not Mentioned	Not Mentioned	Required and Panels Must Be 150 Feet From Public or Private Roads Bonds or Letter of Credit Required for Maintenance, Amount Not Provided	Required	Required	Required
Utility Approval	Not Mentioned	Not Mentioned Required	Not Mentioned	Required, Copy of the Agreement Must be Submitted as Part of Application	Required	Required

	B	D	G	K	T	W
Decommissioning Plan	<p>Required as Part of Application</p> <p>Must Occur if Panels Not Used in 12 Consecutive Months, Operating Company or Land Owners has 6 Months to Complete Plan</p> <p>County Board May Grant Extensions</p> <p>Plan Must Include Removal of Structures, Equipment, Fencing, Hazardous or Special Materials, Roads, Foundations, and Restoration of Soil and Vegetation</p> <p>Bond in the Amount of 150% of the Engineer's Estimate for Decommission Costs Must Be Submitted Prior to Issuance of Occupancy Permit</p>	<p>Required as Part of Application</p> <p>If Not Used for 90 Consecutive Days</p> <p>6 Months to Complete Removal</p> <p>County May Request Written Approval that System is Still Operational; Must Respond in 14 Days</p> <p>Remove All Structures and Foundations and Restore Vegetation</p> <p>Bond or Letter of Credit May Be Required (Dollar Amount Not Listed)</p>	<p>Required as Part of Application</p> <p>If Not Used for 9 Months</p> <p>9 Months to Remove</p> <p>Must Remove All Structures and Pads to a Depth of 4 Feet Below Ground Surface</p> <p>Bond or Letter of Credit Required, Amount Determined by Engineer or Contractor, Must Pay 50% Before Construction Starts and Balance is Due Within 5 Years of the Start of Construction</p>	<p>Required as Part of Application</p> <p>Same as Boone Financial Security of \$1000 Per Acre in the Form of Irrevocable Letter of Credit or Escrow in lieu Boone Bond</p>	<p>If Not Used for 6 Months, Must be Removed in 30 Days (Violation)</p> <p>Required as Part of Application</p> <p>Must Occur if Panels Not Used for 12 Months, Have 6 Months to Remove Panels and Foundations to a Depth of 4 Feet Below Ground Surface.</p> <p>Hazardous Materials Must be Disposed Per Applicable Laws</p> <p>Surety Bond or Escrow Must Be Provided to Cover Cost of Removal at Time of Application</p>	<p>Required as Part of Application</p> <p>Removal within 180 Days</p> <p>Considered Abandoned if Not Producing Electricity for 1 Year</p> <p>Remove all Structures, Foundations, Barriers, and Transmission Lines</p> <p>Re-Vegetated as Necessary</p> <p>Hazardous Materials Must be Disposed Per Applicable Laws</p> <p>Owners Must Provide Cost Estimates at Time of Special Use Permit Application</p>

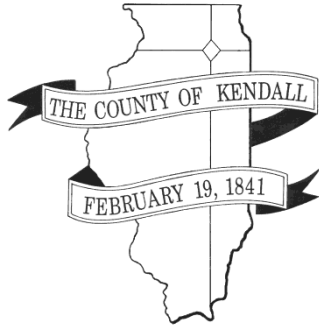
Decommission Plan Continued	<p>Updated Decommissioning Plans Must Be Submitted Every 3 Years, Plans Must Be Signed by Party Responsible for Decommissioning and/or Land Owner</p> <p>County May Request Additional Information</p> <p>Construction Must Commence within 2 Years of Approval by the County Board, Board May Grant Extension If Requested Prior to 60 Days of 2nd Anniversary of the Issuance of the Special Use Permit</p> <p>Must Comply with State Laws as They Relate to Decommissioning</p>		Revegetation Plan		<p>County May Collect Escrow or Bond and Enter Property if Decommissionin g Not Completed in 6 Months</p> <p>County May Also Place a Lien on Property to Cover Costs</p>	
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	B	D	G	K	T	W
Fees	Reimburse County for Costs Greater than \$500 and Pay All Invoices within 10 Days	Building Permit Fees 0-10 KW \$150 11-50 KW \$300 51-100 KW \$600 101-500 KW \$1200 501-1000 KW \$2750 1001-2000 KW \$6000 Over 2000 KW \$200 for Each Additional 0- 100 KW Fees Double if Construction Commences before Obtaining Building Permit	Not Mentioned	Filing Fee of \$5,000 Plus Reimburse County for Costs Greater than \$5,000 and Pay All Invoices with 10 Days	Building Permit Fees 0-4 KW \$75 5-10 KW \$150 11-50 KW \$300 51-100 KW \$500 101-500 KW \$1000 501-1000 KW \$3000 1001-2000 KW \$5000	Not Mentioned

	B	D	G	K	T	W
Insurance	<p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$20 Million in Aggregate</p> <p>Must Have Policy for Duration of Special Use Permit and Submit Copy of Renewals to the Building Department</p> <p>County is Named as Additional Insured</p>	<p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at Least \$3 Million Per Occurrence and \$5 Million in Aggregate, Must Have Policy for Duration of Special Use Permit, Such Insurance May Be Provided Pursuant to a Plan of Self-Insurance by a Party with a Net Worth of \$20 Million Dollars or More,</p> <p>County Named as Additional Insured</p>	<p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$5 Million in Aggregate with a Deductible of No More Than \$5,000</p>	Not Mentioned	<p>Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$5 Million in Aggregate with a Deductible of No More Than \$5,000,</p> <p>Must Have Policy for Duration of Special Use Permit,</p> <p>County is Named as Additional Insured</p>	Required, No Specifics

	B	D	G	K	T	W
Outdoor Storage	Not Mentioned	Not Mentioned	Ordinance Hints that Outdoor Storage is Allowed, But Does Not Provide Any Perimeters	Only Equipment and Materials Related to the Operation and Maintenance of the Solar Farm (Must be paved with a Bituminous Surface and either Fenced or Screened from Adjoining Properties and Uses)	Not Mentioned	Not Allowed
UL (Underwriters Laboratories, Inc) Listing	Not Mentioned	Not Mentioned Required and Must Have Anti-Reflective Coating	Not Mentioned, But Equipment Must Meet Industry Standards	Required and Must Have Anti-Reflective Coating	Required for Components	Required for Electrical Systems Components
Indemnification of County	Yes	Yes	Non Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
Public Nuisance Statement	Yes	Not Mentioned	Not Mentioned	Cost Statement	Must Be Maintained in Good Order	Must Be Maintained in Good Order
Severability Statement	Yes	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
High Water Mark	Not Mention	Not Mentioned	150 Feet	Not Mentioned	Not Mentioned	Not Mentioned
Adjoining Property Value Evaluation	Not Mention	Not Mentioned	Yes	Not Mentioned	Not Mentioned	Not Mentioned

	B	D	G	K	T	W
Follow Federal, State, and Local Laws	Yes	Yes	Yes-Annual Inspection	Yes	Yes-County Will Do Annual Inspection	Not Mentioned



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: February 15, 2018
Re: Conditional Uses

At the January PBZ Committee meeting, the Committee requested Staff to draft a table showing conditional uses reclassified as either permitted or special uses. The requested table is attached.

Upon further consideration, Staff reclassified places of worship and schools as a proposed special use in the RPD District. This change occurred because places of worship and schools are special uses in every other zoning classification. In addition, Staff changed seasonal events to proposed special uses because of potential negative impacts (particularly noise) that could occur with seasonal festivals.

If you have any questions, please let me know.

MHA

ENC: Conditional Use Table

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
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Table of Permitted and Special Uses

APPENDIX A-9

P Permitted Use
C Conditional Use
S Special Use
T Temporary Use
Blank Not Permitted

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Accessory Agricultural Services (includes blacksmith, sale of farm supplies by farmers as agents, or similar accessory use to a farm residence)	C S															See Ordinance
Agricultural Labor Housing or living quarters for groomsman or employee watchman	C P															See Ordinance
Athletic fields	S	S	C S	S	S	S	S				S		S	S		See Ordinance
Bee Keeping		C P		C P	C P											See Ordinance
Contractor or Construction Services									C S	C S			P	P		See Ordinance
Contractors' Office and Shops									C P	C P			P	P		See Ordinance
Dry Cleaning and Pressing Establishments								C P	C P	P						See Ordinance
Elderly Cottage Housing (ECHO)	C P															See Ordinance
Electrical Appliances Stores and Repairs								C P	P	P						See Ordinance
Feed Yards	C P															See Ordinance
Guest house w/kitchen facilities	C P															See Ordinance

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Home based retail and/or wholesale food operation	CP	CP	CP	CP	CP	CP	CP									See Ordinance
Laboratories (medical, dental, research, experimental, and testing)									CS	P		P	P	P		See Ordinance
Laundries, Automatic Self-Service Types								CP	CP	P						See Ordinance
Livestock Sales and Purchasing (does not include stockyard or slaughter house)	CS															See Ordinance
Model Homes		CP	CP	CP	CP											
Outdoor Display									CP	CP						
Places of Worship	S	S	CS	S	S	S	S	S	S	S	S	S	S	S		See Ordinance
Processing or Assembly									CP	CP			P	P		See Ordinance
Public 911 Safety Towers	CP															See Ordinance
Riding Stables including polo clubs, rodeo clubs and similar uses	S/CS		S								S		S	S		See Ordinance
Schools (elementary, junior high and high school)	S	S	CS	S	S	S	S									See Ordinance
Seasonal Festivals	CS										P					See Ordinance
Self Service Storage Facilities									CS	CS		S	S	S		See Ordinance
Single-Family Dwelling (130,00 square foot minimum and evidence that it is incompatible with agricultural uses)	CP															See Ordinance
Small Wind Energy Systems	CP	CP	CP	CP				CP	CP	CP	CP	CP	CP	CP	CP	See Ordinance
Truck and Tractor Amusement Competition Events	CS										P					See Ordinance

Conditional Uses

A-1

a. **Special Use**-Accessory agricultural services such as a Black smith; Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided:

- i. The applicant shall send notice to all owners of property within five hundred (500) feet of the subject site by certified mail within five (5) days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten (10) days after the date of the notice, file a written objection with the Zoning Administrator thereto, the question of whether such application shall be granted shall be referred to the Zoning Board of Appeals which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for a determination.
- ii. Such use shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six (6) feet in height.
- iii. Such use shall not utilize more that twenty-five (25%) percent of the lot area or two (2) acres, whichever is less.
- iv. On-site employees shall consist of immediate family members, and not more that three (3) other persons.
- v. Said business shall be owned by the owner of the residence.
- vi. Such businesses shall provide a parking area to accommodate at least two (2) cars in addition to one parking space for each on-site employee. Such off-street parking area shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
- vii. No more than one business shall be permitted on a site.
- viii. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use.

b. **Permitted Use**-Agricultural Labor Housing or living quarters for a groomsman or an employee-watchman, provided that the following conditions and restrictions are met:

- i. Shall be used in connection with an agricultural purpose as defined in State Statute 55ILCS 5/5-12001 as here after amended.
- ii. Shall meet all requirements of the Kendall County Health Department.
- iii. Shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and immediate family.
- iv. Shall meet all required setbacks and minimum lot size.

c. **Permitted Use**-Elderly Cottage Housing Opportunities (ECHO Housing), provided:

- i One manufactured home is permitted on a separate ground area of not less than five acres in an A-1 District. Current health codes must be met.
- ii. The following purpose is served:
 - To permit adult offspring to provide small temporary residences for their aging parents who are in need of support while maintaining independence.
 - To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities.

- To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
- To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
- To permit E.C.H.O. housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.

iii A conditional use permit must meet the following requirements for Temporary E.C.H.O.:

- There can only be one (1) E.C.H.O. housing unit located on each parcel.
- The E.C.H.O. housing unit must comply with all setbacks within the respective zoning districts.
- The E.C.H.O. housing unit must not exceed one thousand-two hundred (1,200) square feet of living space with not more than two (2) bedrooms.
- The E.C.H.O. housing unit must be compatible with the surrounding area.
- The E.C.H.O. housing unit must be an attached or detached pre-manufactured home with a removable foundation or a mobile home.
- Each E.C.H.O. housing unit may have one (1) parking space.
- The owner of the principal residence and at least one occupant of the E.C.H.O. unit must be related by blood, marriage or adoption.
- The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. No more than two occupants shall reside in an E.C.H.O. unit.
- In order to be eligible for E.C.H.O. housing, at least one of the occupants of the E.C.H.O. unit must be over sixty-two (62), or unable to live independently because of mental or physical disabilities. All disabled occupants must submit a letter from a physician verifying the disability and stating the projected duration of the disability.
- The principal owner of the property must annually submit an affidavit to the Zoning Administrator, verifying that the unit is still occupied by the eligible resident(s). Once the unit is no longer occupied by the eligible resident(s), the principal owner has six (6) months to remove the unit from the property. If the unit is not removed within six (6) months, the Kendall County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost. If the principal owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.

d. **Permitted Use**-Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.

e. **Permitted Use**-Guest house with kitchen facilities provided it meets the following conditions:

- i. The parcel must be 3.0 acres or greater in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principle residence and guest house in accordance with all applicable Health Department regulations and guidelines in effect at the time of application.
- ii. The guest house shall comply with the building setbacks of the Agricultural district and shall be a minimum of 20 feet from the principle structure.
- iii. All guest houses shall not exceed the height of the main dwelling.

- iv. Adequate off-street parking shall be available for the guest house.
- v. **Covenant or Deed Restrictions:** As a condition of securing a Building Permit for construction of a guest house being added to an existing parcel containing a single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the guest house separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County Planning, Building and Zoning Department prior to the issuance of the Building Permit for the guest house.
- vi. The materials, colors, and architectural style of the guest house shall be similar to the principal residence.
- vii. The livable floor area of the guest house shall not exceed 50% (fifty percent) of the livable floor area of the principal residence.
- viii. Construction of all guest houses shall meet applicable building codes.

f. **Permitted Use**-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

g. **Special Use**-Livestock sales and purchasing, but not a stockyard or a slaughter house. Such uses may not be located nearer than one thousand (1,000) feet from a Residence District.

h. **Permitted Use**-Public 911 safety towers provided:

- i. The height cannot exceed 200' if it is located within 1.5 miles from the corporate limits of any municipality with a population of 25,000 or more. If it is further than 1.5 of a municipality with a population of 25,000 or more, it can be 350'.
- iii. No building or tower that is part of a public 911 safety tower should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- iv. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
- v. No public 911 safety tower should encroach onto an existing septic field.
- vi. Except as provided in this section, no yard or setback regulation shall apply to or be required for a public 911 safety tower.
- vii. No minimum lot area, width, or depth shall be required for a public 911 safety tower and unless the tower is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a public 911 safety tower. If the tower is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the site. No loading facilities are required.
- viii. No portion of a tower's supporting structure or equipment housing shall be less than 15 feet from the front lot line or less than 10 feet from any other lot line.
- ix. Fencing should be installed around a public 911 safety tower. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.

i. **Special Use**-Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided:

- i. The lot is not located nearer than five hundred (500) feet from an existing dwelling other than the owners residence or a Residential District.
 - ii. All such facilities shall meet all State Animal Management Statutes.
 - iii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time.
 - iv. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - v. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
 - vi. Submission of a manure management plan for review and approval by the Kendall County Health Department.
 - vii. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
 - viii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - ix. Provision of handicapped accessible bathroom facilities for customers and employees.
 - x. Compliance with basic life safety requirements for building ingress and egress.
- (Amended 6/20/2006)*

j. **Special Use Permitted Use**—Seasonal Festivals provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*

- i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary
- ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office
- iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
- iv. No alcohol shall be sold on the premises
- v. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
- vi. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- vii. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
- viii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- ix. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday

- x. Events shall be permitted once a year unless otherwise approved by the PBZ Committee
- xi. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year
- xii. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
- xiii. All signage shall comply with Section 12.00 of the Zoning Ordinance
- xiv. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line
- xv. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.

k. Permitted Use-Single Family Dwellings may be authorized under the following conditions:

- i. Each such dwelling shall be located on a zoning lot that meets the standards of single-family residential lots, one hundred and thirty thousand (130,000) sq. ft. minimum.
- ii. Septic suitability is approved by the Health Department.
- iii. It is the intent to limit such usage, and if, in the judgment of the County Board, contiguous parcels requesting approval hereunder represent an unwarranted expansion of this usage, then denial is warranted.
- iv. That application shall be made on forms provided by the Zoning Administrator and shall include specific written and graphic statements and illustrations establishing evidence that the site meets the standards as follows:

That the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one or more of the following criteria:

- 1) Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height;
- 2) Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less;
- 3) Excessive slopes;
- 4) Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings.

- v. That such application shall be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the application to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action.

It is the policy that allowance of dwellings under this section shall not change the general character of agricultural use in the surrounding area.

l. Permitted Use-Small Wind Energy Systems subject to the conditions of Section 4.17

m. **Special Use-Truck and Tractor Amusement Competition Events**, provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*

- i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
- ii. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
- iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
- iv. No alcohol shall be sold on the premises without a Kendall County liquor license.
- v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- vi. Events shall not exceed six (6) consecutive days in duration.
- vii. Events shall not exceed two (2) times per calendar year on any particular property.
- viii. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.
- ix. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- x. Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.
- xi. Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.

R-1 and R-2

1. **Permitted Use-Beekeeping** with the following conditions:

- i. Beekeeping and the honey produced from beekeeping shall be for personal use only
- ii. Annual permit required with fee of \$50 the first year the permit is issued and \$25 each year after
- iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
- iv. No colony shall be permitted within a front yard setback
- v. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).
- vi. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height
- vii. All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
- viii. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.
- ix. During the application submittal there must be documentation from the Homeowners

Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.

x. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.

xi. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.

xii. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.

xiii. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.

xiv. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.

xv. All approved permits shall comply with the *Bees and Apiaries Act* of Illinois (510 ILCS 20)

2. Permitted Use-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

3. Permitted Use-Model homes, with the following restrictions:

(i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.

(ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.

(iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.

(iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

4. Permitted Use-Small Wind Energy Systems subject to the conditions of Section 4.17

RPD-1, 2 and 3

Permitted Uses Except Churches and School Which Are Special Use Conditional Uses. In residential planned developments containing over fifty (50) dwelling units, the following uses shall be allowed, provided that the general conditions and use-specific conditions are met.

1. General Conditions.

a. Conditional uses shall not occupy more than fifteen percent of the buildable acreage of the development.

b. Conditional uses, shall front arterial or major collector level streets, as defined in the County Transportation Plan. Model homes shall be excluded from this provision.

2. Specific Conditions

a. Home based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

b. Model homes, with the following restrictions:

(i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.

(ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.

(iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.

(iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

c. **Places of Worship subject to the following:**

(i) **The maximum lot coverage of structures may not exceed 35%; total impervious surfaces may not exceed 70% of the lot area.**

(ii) **Buildings shall maintain a minimum setback of eighty (80) feet from the center of the road and 30' from all other property lines**

(iii) **The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.**

v) **Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.**

vi. **Other related uses, such as schools, child day care services, kindergartens shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.**

d. **Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic fields auxiliary thereto, subject to the following:**

(i) **The minimum lot area shall be one (1) acre.**

(ii) **The minimum lot width requirement shall be one hundred and twenty (120) feet.**

(iii) **A front setback of eighty (80) feet from the center of the road shall be required.**

(iv) **Side and rear yards of no less than twenty-five (25) feet shall be provided. Where any outdoor activity area, swimming pool, ball field or court adjoins a residential land uses, such yards shall be buffered with landscaping across 50% of the lot width.**

(v) **Off-street parking and loading facilities shall be provided as required or permitted in section 11.00.**

(vi) **Hours of operation shall be limited to the following:**

(1) **Outdoor group activities shall not be allowed after 10 PM.**

(2) **The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.**

(3) **Lighted outdoor recreation facilities, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and types, deflectors and other such measures may be required as necessary to**

prevent overspill and excessive intensity of light.

e. Small Wind Energy Systems subject to the conditions of Section 4.17

R-3

1. Permitted Use-Beekeeping with the following conditions:

- i. Beekeeping and the honey produced from beekeeping shall be for personal use only
- ii. Annual permit required with fee of \$50 the first year the permit is issued and \$25 each year after
- iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
- iv. No colony shall be permitted within a front yard setback
- v. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).
- vi. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height
- vii. All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
- viii. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.
- ix. During the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.
- x. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.
- xi. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.
- xii. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.
- xiii. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.
- xiv. Proof of Apiary Registration with the Illinois Department of Agriculture shall be

submitted to the PBZ Department within 30 days of the application submittal.
xv. All approved permits shall comply with the *Bees and Apiaries Act* of Illinois (510 ILCS 20)

2. **Permitted Use**-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

3. **Permitted Use**-Model homes, with the following restrictions:

- (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
- (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
- (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
- (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

R-4, R-5, R-6 and R-7

1. **Permitted Use**-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

B-1

1. **Permitted Use**-Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.

2. **Permitted Use**-Electrical Appliance Stores and Repair with a size limit of 10,000 square feet.

3. **Permitted Use**-Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.

4. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18

B-2 and B-3

1. **Special Use**-Contractor or construction Services such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating.

2. **Permitted Use**-Contractors' offices and shops, where no fabrication is done on the premises and where all storage of material and equipment is within a building.

3. **Permitted Use**-Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire

Marshal.

4. **Special Use**-Enclosed self-service storage facility, provided that:

- a. Each self-service storage facility shall be governed by the provisions of the Illinois Self-Service Storage Facility Act, 770 ILCS 95/1 et seq.
- b. A fence and landscaping shall be provided which completely encloses the facility and screens it from view of residential structures and residentially zoned property

5. **Special Use**-Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place

6. **Permitted Use**-Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.

8. **Permitted Use**-Outdoor Display may be permitted subject to the following:

a. TEMPORARY SEASONAL DISPLAYS

- (i) Seasonal displays not exceeding 60 days per calendar year may be conducted on the same zoning lot as the principal business.
- (ii) A site plan must be submitted by the applicant and approved by the Zoning Administrator showing the location of the seasonal display, the items to be displayed and the duration of the display.
- (iii) Seasonal display areas shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.

All signage for seasonal display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.

b. PERMANENT OUTDOOR DISPLAYS

- (i) Shall only be permitted on the same zoning lot as the principal business, and shall only display merchandise which is sold at the subject premises. Items which are not sold on the premises or which are general outdoor storage are not permitted.
- (ii) Shall not exceed 10% of the subject area or 1,000 square feet in area, whichever is smaller.
- (iii) Shall be subject to site plan review and approval by the Zoning Administrator.
- (iv) Shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
- (v) Displays shall not be higher than 15 feet in height.
- (vi) All signage for outdoor display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.
- (vii) A zoning certificate and fee are required for approval of an outdoor display area.
- (viii) Any outdoor display area shall be subject to review by the Planning, Building and Zoning Committee and may be rescinded if deemed necessary.
- (ix) Any outdoor display area which does not meet these requirements may be permitted as a special use.

9. **Permitted Use**-Processing or assembly, provided that space occupied in a building does not exceed six thousand square feet of total floor space and basement space, not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other conditions which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand square feet, they shall then be located in the M-1 Manufacturing District.

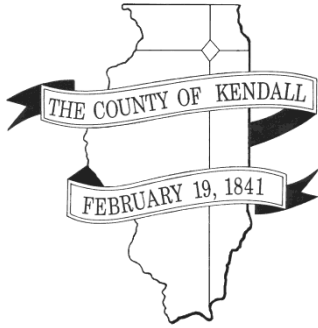
10. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18

B-4 and B-6

1. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18

M-1, M-2 and M-3

1. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building & Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 7, 2018
Re: Zoning Administrator, Plat Officer and Planning, Building and Zoning Director Duties

The Planning, Building and Zoning Department has been reviewing the duties of the employees of the Department. Staff requests clarification on which employee(s) should have the duties of the Plat Officer and the Department Director.

The duties of the Plat Officer are stated in the Subdivision Control Ordinance and include the following:

The Plat Officer shall exercise the authority and have the responsibility provided in this (Subdivision Control) Ordinance. The Plat Officer shall administer the provisions of this Ordinance and, in addition thereto, and in furtherance of said authority, shall:

- a. Maintain permanent and current records of this Ordinance including amendments thereto.
- b. Receive and file all Preliminary and Final Plats.
- c. Forward copies of the Preliminary Plats to other appropriate agencies for their recommendations and report.
- d. Receive and file all Final Plats and check their compliance with the Preliminary Plat.
- e. Make all other determinations required of him/her by the regulations herein.
- f. Discourage the subdividing of lands that are far in advance of the needs of the development of the County; or which, by their locations, cannot be efficiently served by public utilities, fire protection, or other community services; or which are located in areas subject to flooding, or are topographically unsuitable for development; or which, for any other reason, are being unwisely or prematurely subdivided.

The Plat Officer signature is also required on plats. In recent years, the County Administrator served as the Plat Officer. The recommendation of the County Administrator is that the Senior Planner should assume these duties.

During the years when Kendall County had a Planning, Building and Zoning Director, special use ordinances would be passed requiring various documents be turned into the "Director". From time-to-time, the County Board would assign the Director the responsibility of enforcing provisions of various special use permits. In recent years, the County Administrator performed these duties or assigned these duties to the Senior Planner. The recommendation of the County Administrator is that the duties of the Planning, Building and Zoning Director remain with the County Administrator.

With the review of the job descriptions underway, Staff requests guidance as to which position(s) in the Department should serve these functions.

If you have any questions prior to the March Planning, Building & Zoning Committee meeting, please let me know.

MHA

2018 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Closed	SAO
V18-001	Bilek/Derevianko	01-34-300-008	14824 Milnhurst Rd		Storage Containers	12/12/2017		
V18-002	Romero/Rios	03-05-229-002	20 Fernwood	Boulder Hill	Pool w/o fencing & Junk and Debris	12/12/2017		
V18-003	Stradal	03-04-380-008	32 Saugatuck Rd	Boulder Hill	Junk & Debris on Trailer	12/19/2017	3/1/2018	
V18-004	Hutchings	03-04-380-002	20 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	12/19/2017	Reopened	
V18-005	Hornbaker	03-04-377-018	31 Saugatuck Rd	Boulder Hill	Prohibited Parking	12/19/2017	1/15/2018	
V18-006	Gonzalez	03-09-152-019	14 Ridgefield	Boulder Hill	Inoperable Vehicle	1/25/2018		
V18-007	Rod	08-02-300-008	7775 Plattville Rd		Sunroom built w/o Permit	2/1/2018	2/8/2018	
V18-008	Jordan	03-04-480-011	130 Saugatuck Rd	Boulder Hill	Prohibited Parking - Boat in yard	2/8/2018		
V18-009	Petersen	03-04-454-015	63 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	2/8/2018		
V18-010	Hafenrichter	03-03-352-003	138 Saugatuck Rd	Boulder Hill	Prohibited Parking - Rec. Vehicle	2/8/2018	2/13/2018	
V18-011	Ring	06-02-177-007	1551 Cherry Rd	Oswego Plains	Landscaping Bus in R3 Zoning	2/15/2018		
V18-012	Stradal	03-04-380-008	32 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	3/1/2018		

2017 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Closed	SAO
V17-002	Randy Fowler	01-28-252-001	1203 W. South Street	Caquelin's Sub	Abandoned Structures	12/7/2016	1/18/2018	
V17-003	March & Lisa Schulz	03-04-278-041	146 Heathgate Rd	Boulder Hill	Inoperable Vehicle	1/25/2017	2/7/2017	
V17-004	Meyers/Presnell	03-04-255-010	119 Heathgate Rd	Boulder Hill	Inoperable Vehicle	12/7/2016	11/18/2017	
V17-005	Stevenson	02-13-429-004	15 Clark Avenue	Owner's	Occupied Rec. Vehicle	12/19/2016	1/4/2017	
V17-006	Ramiro Guzman	09-04-300-002	McKanna Rd		Fill in Floodplain Violation	1/10/2017	8/17/2017	
V17-007	Mario Ramirez	03-07-276-002	15 Shell Court	Marina Terrace	Inop Vehicles & Parking on Grass	1/17/2017	8/17/2017	
V17-008	Steven Odermatt	03-04-255-012	123 Heathgate Rd	Boulder Hill	Inoperable Vehicle	1/25/2017	2/6/2017	
V17-009	George Olmstead	06-02-201-002	27 Oswego Plains Dr	Oswego Plains Sub	Remodeling w/o Permit	1/31/2017	4/18/2017	
V17-010	Fed Home Ln Mortg	01-03-353-010	35 Earl Street	Stainfield	Junk & Debris/ Inop Vehicle	2/7/2017	3/21/2017	
V17-012	Gomez Salvador	09-27-200-004	2511 Wildy Rd		Bus w/o Prop Zoning/Stormwater Permit/Sign Ord Violation/ Poss.	3/1/2017	8/17/2017	
V17-013	Leroy Richmond	02-10-227-004	61 W. Larkspur	Willowbrook	Zoning Ordinance Violation	3/1/2017	3/21/2017	
V17-014	Two Star Enterp., LLC	02-06-400-006			Unsecured structure	3/13/2017	8/17/2017	
V17-016	Aguirre, Marciana	03-12-203-001	12 Council Ave		Stormwater Violation	3/10/2017	8/17/2017	
V17-017	Daugherty, Richard	03-27-401-001	4520 Douglas Rd	Ring Neck	Remodeling w/o Permit	3/13/2017	5/7/2017	
V17-018	Wargo, Craig & Susan	03-04-477-038	80 Springdale Ln	Boulder Hill	Inoperable Vehicle/Illegal sign	3/14/2017	3/30/2017	
V17-019	Fitzgerald, Richard	03-08-326-008	75 Century Dr	Wormley Estates	Junk & Debris	3/20/2017	4/12/2017	
V17-020	Ballines, Noe	03-08-227-008	54 Codorus Dr	Boulder Hill	Inoperable Vehicle - Motor Home	3/24/2017	4/12/2017	
V17-021	Coyne	09-24-100-001	15200 Ridge Road	Clark's	Junk & Debris	3/20/2017	4/10/2017	
V17-022	Montano	03-15-251-002	2450 Wolf Road		Operating Bus. w/o Proper Zoning	3/31/2017	8/29/2017	
V17-023	LaSalle Natl Bank	02-19-400-006	11443 Route 34		Operating Bus. w/o Proper Zoning	3/20/2017		
V17-024	Jimenez	03-08-280-006	12 Ceblod Drive	Boulder Hill	Junk & Debris/Unsecured Structures	4/10/2017	5/12/2017	
V17-025	Murray	03-31-427-001	38 Eagle View Lane	Reservation Heights	Non-Permitted Animals	4/27/2017	5/2/2017	
V17-027	Kelley, Craig & Renee	09-22-400-003	2100 Bell Road		Remodeling w/o Permit			
V17-028	Pugsley, Mary	03-04-380-001	106 Circle Drive East	Boulder Hill	Junk & Debris/Inoperable Vehicles	4/11/2017	8/17/2017	
V17-029	Matlie, Dennis	03-09-152-006	230 Boulder Hill Pass	Boulder Hill	Trailer parked in front area	5/11/2017	5/23/2017	
V17-030	Daum, Andrew	05-02-201-005	6111 Audrey Ave	Rose Hill	Trailer parked in front area	5/11/2017	6/6/2017	
V17-031	Garcia, Luis	03-04-478-005	51 Springdale Rd	Boulder Hill	Inoperable Vehicle/Junk & Debris	5/15/2017	6/6/2017	
V17-032	SL Enterprises	03-04-430-008	164 Tealwood Rd	Boulder Hill	Repair Bus./ Vehicles not permitted	5/31/2017	6/20/2017	
V17-034	Berger, Richard	04-08-200-015	7428 Oakbrook Rd		RV Parked in Front yard	6/1/2017	6/21/2017	
V17-035	Pepple	03-04-431-004	57 Sonora Dr	Boulder Hill	2 homes on R-1 zoned lot	6/1/2017	8/29/2017	
V17-037	Temes	02-35-382-008	5812 Danielle Lane	Fields Of Farm Colony	Bus Operating in R6 Residential District	6/9/2017	8/17/2017	
V17-038	Memming	03-32-328-005	8 Crestview Drive	Crestview Woods	RV Parked in Front yard	6/8/2017	8/17/2017	
V17-039	Ramon Ramirez	03-08-277-031	33 Fieldpoint Rd	Boulder Hill	RV Parked in Front yard	6/9/2017	8/17/2017	
V17-040	McDonald	08-14-200-003	14207 Church Rd		Garage/Shed built w/o Permit	6/20/2017	8/4/2017	
V17-041	Hernandez	03-05-476-012	10 Clay Street	Boulder Hill	Pos. Op. Indoor Shooting Range	6/23/2017	7/17/2017	
V17-042	Hrvatin, Arthur	01-19-476-006		Hvatin	Prohibited Parking on non-approved surface	7/12/2017	8/4/2017	
V17-043	First American Bank	05-18-226-002	8115 E. Highpoint Rd	Tucke-Oak Grove	Violation of Stormwater Management	7/12/2017	8/10/2017	
V17-044	Davis, Carlos & Tracy	09-23-400-006	15875 Ridge Road		Op. Trucking Bus in a Res Zoned parcel	7/27/2017		
V17-046	Greenslade	03-09-152-021	18 Ridgfield Rd	Boulder Hill	Dumping Dirt/Stormwater Violation	8/7/2017	11/13/2017	
V17-045	Scull, Enoch	01-16-427-001		Meierbrook	Prohibited Parking of Trailer in front area	8/9/2017	1/18/2018	
V17-047	Friel, Steven	03-08-253-012	20 Ashlawn	Boulder Hill	Ill. Parking - Limit 2 Rec Veh/or Trailers	8/14/2017	8/29/2017	
V17-048	Evans, Eun	03-05-428-015	10 Hampton Rd	Boulder Hill	Accessory Building w/o Permit	8/14/2017	9/29/2017	
V17-049	Shockerland Co.	02-28-252-027	9316 Route 34		Junk&Debris & Illegal Parking of Commercial Vehicles	8/9/2017	8/29/2017	
V17-050	Beery	01-35-284-001	13040 River Road	Minnetonka Springs	Illegal Banners, Inoperable Vehicles, Junk & Debris	8/14/2017	12/7/2017	
V17-051	Villesenor, Emmanuel	03-08-230-003	34 Old Post Road	Boulder Hill	Accessory Building w/o Permit	9/7/2017	9/26/2017	
V17-052	Schanz	03-04-454-017	67 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	9/8/2017	10/18/2017	
V17-053	Paxton	03-04-455-001	56 Saugatuck Rd	Boulder Hill	Prohibited Parking of Commercial Vehicle	9/11/2017	11/14/2017	
V17-054	Szchinski	03-04-355-004	8 Saugatuck Rd	Boulder Hill	Trailer parked in front area	9/18/2017	10/10/2017	
V17-055	Natalia Perez	03-35-376-005	1481 Plainfield Rd		VOID			
V17-056	Moran	03-04-476-019	93 Longbeach Rd	Boulder Hill	Running Landscaping Business in R2-zoning & Farm Animals no Inoperable Vehicle	9/27/2017		
V17-057	Larsen	03-08-276-002	6 Old Post Rd	Boulder Hill	Inoperable Vehicle	10/11/2017		
					Prohibited Parking	10/18/2017	11/14/2017	

2017 VIOLATIONS

V17-058	Hernandez	05-16-300-005	9850 Ament Rd		Structure Built without Permit	10/24/2017		
V17-059	Christensen	04-16-204-007	8255 Fox River Rd	Millbrook	Remodeling without a Permit	10/30/2017	11/14/2017	
V17-060	Walper	04-16-126-001	8025 Whitfield Rd	Millbrook	Possible occupied Mobile Home	10/30/2017	11/13/2017	
V17-061	Hernandez	03-12-203-011	29 Gastville Rd	Gastville Acreage	Running a Landscaping business in R-3 Zoning District	10/30/2017	11/13/2017	
V17-062	Bernister	05-09-152-001	33 Bonnie Lane	Williams	Fence placed in township right of way	11/13/2017	11/27/2017	
V17-063	Amstadt	02-35-386-001	7796 Madeline Dr	Fields Of Farm Colony	Prohibited Parking Rec Vehicle	11/17/2017	12/15/2017	
V17-064	Alvarez	02-35-431-010	5748 Audrey Ave	Fields Of Farm Colony	Inoperable Vehicle	11/17/2017	12/7/2017	
V17-065	Blesterfeld	05-06-127-001	42 W. Fox Glen Drive	Fox Glen	Shed being built without Permit	11/21/2017	11/30/2017	
V17-066	Merchants Nt Bank	03-18-403-015	5375 Route 34		Occupying B-2 commercial building as living space	11/27/2017	12/11/2017	
V17-067	Karen Coonley	03-04-428-001	162 Heathgate Rd	Boulder Hill	Shed being built without Permit "Stop Work order"	11/29/2017	12/14/2017	
V17-068	Johnson	05-02-101-002	324 Austin	Fields of Farm Colony	Illegal Trailer Parking in Front Yard	11/28/2017	12/7/2017	
V17-069	Commonwealth Edison	03-07-251-001	Commerce Drive		Illegal Dumping / Junk & Debris	11/30/2017	1/16/2018	
V17-070	Melrose Holdings 1 LLC	03-07-177-004	Commerce Drive		Illegal Dumping / Junk & Debris	11/30/2017	1/18/2018	
V17-071	Stephens	04-16-251-009	7 Sherman St	Village of Millbrook	Shipping container used as storage R-3 Zoned Prop. Violation	11/30/2017	1/23/2018	
V17-072	Alcala	03-04-355-001	190 Boulder Hill Pass	Boulder Hill	Inoperable Vehicles	11/20/2017		

Kendall County Planning, Building and Zoning

(630) 553-4141

10/11/2017

MORAN TIMOTHY F & GERALDINE M



Violation # 17056

Parcel # 03-04-476-019

93 LONGBEACH RD
MONTGOMERY, IL 60538 -

It is often easy in our busy schedule to overlook the condition of our property. We sometimes do not even realize that an ordinance requiring safety procedures may be in effect.

In an effort to prevent problems, your County Board Members have passed ordinances which require certain procedures to be followed in an effort to protect the well being and health of the citizens of Kendall County. An Inspection of your property conducted as of this date revealed the following violation:

INOPERABLE VEHICLE

Since most residents are not aware of such code violations, the County allows the property owner a fourteen (14) day period in which to correct this situation. Please contact our office by Wednesday, October 25, 2017.

Kendall County can only continue to prosper through its citizen's positive attitude towards home, neighborhood, and community. Your prompt attention and cooperation in this matter would be appreciated. Should you have any questions, please contact this office at the above number.

If said violation is not corrected, this matter will be forwarded to the Kendall County States Attorney's Office for prosecution and the possible imposition of fines.

Sincerely,

A handwritten signature in black ink, appearing to be 'JHE'.

Code Compliance Officer

Kendall County Planning, Building and Zoning

(630) 553-4141

10/31/2017

MORAN TIMOTHY F & GERALDINE M



Violation # 17056

Parcel # 03-04-476-019

93 LONGBEACH RD
MONTGOMERY, IL 60538 -

The attached letter was sent to you recently. As of today's date, the following violation still exists:

INOPERABLE VEHICLE

Failure to correct this violation will require us to refer this violation to the Kendall County States Attorney's Office for the appropriate legal action. Please contact our office on or before Friday, November 10, 2017.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. M.', written in a cursive style.

Code Compliance Officer

Kendall County Planning, Building and Zoning

(630) 553-4141

11/28/2017

MORAN TIMOTHY F & GERALDINE M



2nd.
Notice

Violation # 17056

Parcel # 03-04-476-019

93 LONGBEACH RD
MONTGOMERY, IL 60538 -

The attached letter was sent to you recently. As of today's date, the following violation still exists:

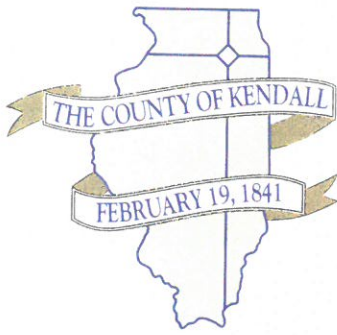
INOPERABLE VEHICLE

Failure to correct this violation will require us to refer this violation to the Kendall County States Attorney's Office for the appropriate legal action. Please contact our office on or before Friday, December 08, 2017.

Sincerely,

A handwritten signature in black ink, appearing to be "J. M. Moran", written over a horizontal line.

Code Compliance Officer



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET – ROOM 316 YORKVILLE, ILLINOIS 60560-1498

630/553-4141 • FAX 630/553-4179

January 3, 2018

Moran, Timothy & Geraldine



Violation # 17-056

Parcel#: 03-04-476-019

93 Longbeach Rd.

Montgomery, IL. 60538

The attached letter was sent to you recently. As of today's date 01/03/2018, the following violation still exists:

INOPERABLE VEHICLE

VIOLATION OF ZONING ORDINANCE #8815

10 DAY NOTICE GIVEN TO COMPLY.

PROCESS TO FORWARD TO STATE'S ATTORNEY'S OFFICE ON 1/15/2018.

Failure to correct this violation will require us to refer this violation to the Kendall County State's Attorney's Office for the appropriate legal action. Please contact our office on or before Friday 1/12/2018.

Sincerely,

Brian Holdiman
Code Compliance Officer



10/06/2017 15:48

10/06/2017 15:47



10/30/2017 14:41



11/07/2017 14:54



01/18/2018 10:53



01/25/2018 11:45



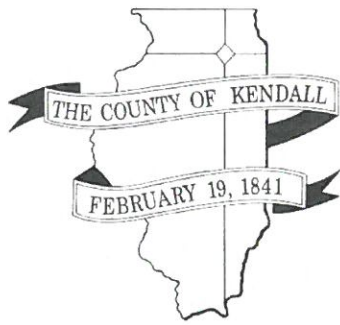
01/25/2018 11:45

03/01/2018 11:11





03/01/2018 11:11



CODE ENFORCEMENT INVESTIGATION REPORT
DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Violation #

V 17-056

Date

10/6/17

Address of Violation:

93 Longbeach Rd. Montgomery

City & Zip:

Montgomery 60538

Subdivision:

Boulderfield

Unit

Lot

22

Parcel Number:

03-04-476-09

Zoning:

Owner or Tenant:

Timothy + Geraldine Moran
"

Description of Complaint:

Inoperable Vehicle

Complainant's Name:



Inspector

Date

Field Notes

Photos Taken?

Yes

No

Section of Applicable Code

Violation and Enforcement

Re-Inspection Date

Kendall County Planning, Building and Zoning**Request For Compliance****Violation #****17056****REQUEST DATE: 10/11/2017****Parcel #****03-04-476-019**

PROPERTY INFORMATION93 LONGBEACH RD
MONTGOMERY, IL 60538 -

MAILING INFORMATIONMORAN TIMOTHY F & GERALDINE M


VIOLATION DESCRIPTION

INOPERABLE VEHICLE

Date of First Inspection:

10/6/2017

Red Tag Issued? N**First Inspector:**




BH

Red Tag Date:**Picture Taken?**

Y

Complainant:**MG**

COMMENTS



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: Timothy / Geraldine Moran 		B. Received by (Printed Name) TIMOTHY F MORAN	C. Date of Delivery 1-18-18
2. Article Number (Transfer from service label) 		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, July 2013 Domestic Return Receipt

7006 2760 0000 1887 8495

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com ®	
OFFICIAL USE	
Postage	\$.46
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.56

mailed 1/3/18
Postmark Here
DAN 11

Sent To	Timothy / Geraldine Moran
Street, Apt. No., or PO	
City, State, ZIP+4®	

PS Form 3800, August 2006 See Reverse for Instructions

Kendall County Planning, Building and Zoning

(630) 553-4141

11/30/2017

ALCALA SERVANDO & ANABEL

Violation # 17072

Parcel # 03-04-355-001

190 BOULDER HILL PASS
MONTGOMERY, IL 60538 -

It is often easy in our busy schedule to overlook the condition of our property. We sometimes do not even realize that an ordinance requiring safety procedures may be in effect.

In an effort to prevent problems, your County Board Members have passed ordinances which require certain procedures to be followed in an effort to protect the well being and health of the citizens of Kendall County. An Inspection of your property conducted as of this date revealed the following violation:

INOPERABLE VEHICLES

Since most residents are not aware of such code violations, the County allows the property owner a fourteen (14) day period in which to correct this situation. Please contact our office by Thursday, December 14, 2017.

Kendall County can only continue to prosper through its citizen's positive attitude towards home, neighborhood, and community. Your prompt attention and cooperation in this matter would be appreciated. Should you have any questions, please contact this office at the above number.

If said violation is not corrected, this matter will be forwarded to the Kendall County States Attorney's Office for prosecution and the possible imposition of fines.

Sincerely,



Code Compliance Officer

Kendall County Planning, Building and Zoning

(630) 553-4141

01/22/2018

ALCALA SERVANDO & ANABEL



Violation # 17072

Parcel # 03-04-355-001

190 BOULDER HILL PASS
MONTGOMERY, IL 60538 -

The attached letter was sent to you recently. As of today's date, the following violation still exists:

**INOPERABLE VEHICLES
VIOLATION OF KENDALL COUNTY ORDINANCE #8815**

Failure to correct this violation will require us to refer this violation to the Kendall County States Attorney's Office for the appropriate legal action. Please contact our office on or before Thursday, February 01, 2018.

Sincerely,

A handwritten signature in black ink, appearing to be "Dmy", followed by a long horizontal line.

Code Compliance Officer



11/30/2017 09:56

01/18/2018 10:58

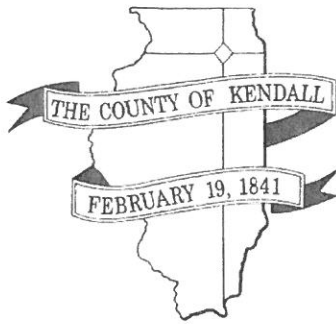




01/25/2018 11:49

03/01/2018 11:17





CODE ENFORCEMENT INVESTIGATION REPORT
DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Violation #

Date

11/30/17

Address of Violation:

190 Boulder Hill Pass

City & Zip:

Montgomery 60538

Subdivision:

Boulder Hill

Unit

7

Lot

14

Parcel Number:

03-04-355-001

Zoning:

R-6

Owner or Tenant:

Sevando + Anabel Alcala

11

Description of Complaint:

In operable Vehicles

Complainant's Name:

Contact Info:

Inspector

BZH

Date

11/30/17

Field Notes

Inoperable Vehicles

Photos Taken?

Yes

No

Section of Applicable Code

Violation and Enforcement

Letter

2nd notice 1/18/18

Re-Inspection Date

Kendall County Planning, Building and Zoning**Request For Compliance****Violation #****17072****REQUEST DATE: 11/30/2017****Parcel #****03-04-355-001**

PROPERTY INFORMATION190 BOULDER HILL PASS
MONTGOMERY, IL 60538 -**MAILING INFORMATION**ALCALA SERVANDO & ANABEL


VIOLATION DESCRIPTION

INOPERABLE VEHICLES

Date of First Inspection:	11/30/2017	Red Tag Issued? N
First Inspector:	BH	Red Tag Date:
Picture Taken?	Y	Complainant: Jim Williams

COMMENTS

1st Notice sent 11/30/17

NON VIOLATION COMPLAINTS

Date	Name	Address	Subdivision	PIN #	Description	Date Inspected	Violation Y/N
12/7/2017	Machado	31 Whitney Way	Boulder Hill	03-04-329-012	Inoperable Vehicles and parked illegally	12/12/2017	N
12/28/2017	Beyer	140 Circle Drive East	Boulder Hill	03-09-108-007	Junk & Debris/Boat in front yard	1/31/2018	N
1/22/2018	Five HLLC	6361 Minkler Rd		05-02-100-002	On Hilltop- Stormwater drainage	2/3 2/21/18	N
1/26/2018	Firstar Bank	1250 Route 34		03-02-400-003	Remodeling without a Permit	1/31/2018	N
1/30/2018	Meyer	64 Fallcreek Circle	Boulder Hill	03-04-284-012	ComEd/Electrical box exposed wires	1/31/2018	N

KENDALL COUNTY
Historic Preservation Commission
Kendall County Historic Courthouse
East Wing Conference Room
110 W. Madison Street, Yorkville, Illinois
7:00 p.m.

Special Meeting Minutes of February 21, 2018-Unofficial Until Approved

CALL TO ORDER

Chairwoman Heiman called the meeting to order at 7:01 p.m.

KCHPC ROLL CALL AND INTRODUCTIONS

Present: Kristine Heiman, Elizabeth Flowers, and Jeff Wehrli

Absent: Melissa Maye

Also present: Matt Asselmeier, Senior Planner, Mike Bortel, Leif Hendrickson, David Hagen, Joan Hardekopf, Janet Blue, Shirley Riis, Beverly Case, Deena Boatman, Howard Manthi, Deb Peterson, Leon Liss, Bethany Salmon, Sarah Slaith, Jeanne Valentine, Candice Hadley, Kara Kohn, Shelly Augustine, Jonathan Proulx, Jayne Bernhard, Lisa DiChiera, Greg Peerbolte, Jason Engberg, and Leigh Anne Scorghon

WELCOMING REMARKS

Chairwoman Heiman welcomed everyone to the meeting.

PRESENTATION BY THE VILLAGE OF PLAINFIELD ON THEIR HISTORIC PRESERVATION EFFORTS

Jonathan Proulx, Mike Bortel, and Leif Hendrickson presented information on the historic preservation efforts of the Village of Plainfield; see attached presentation. Mr. Bortel provided a booklet from the National Alliance of Preservation Commissions; they will be having an event in Kankakee in 2019. Mr. Proulx advocated that communities celebrate successes.

UPDATE ON FEDERAL AND STATE HISTORIC INCENTIVES

Lisa DiChiera from Landmarks Illinois provided an update on federal and state historic incentives; see attached presentation. Ms. DiChiera said that the State has a website honoring Illinois' bicentennial; the website has a spot where communities can publicize their events. She also explained Landmark Illinois' quarterly grant program.

ROUNDTABLE DISCUSSION

The Farnsworth House will be replacing a piece of glass when the water recedes. They open the first weekend of April. They are searching for a new executive director.

The Chapel of the Green reported that a local man is researching local buildings and showcasing them on Facebook. They are also working on weddings and are replacing the front steps of the chapel. Landmarks Illinois encouraged them to apply for a grant from Landmarks Illinois for their work on the chapel.

Representatives from Plainfield asked if there was anything in Oswego related to Levi Arnold. The representative from Oswego will investigate the matter.

The representative from Ferndell discussed their improvements.

The representative from Millington discussed preserving their blacksmith's shop. The representative from Plainfield offered his assistance. Landmarks Illinois recommended an intergovernmental between Kendall

County and Millington for historic preservation services. Landmarks Illinois also offered to post information about the blacksmith shop on Landmarks Illinois' social media pages and website. Historic easements were also discussed.

Oswego is still having trouble getting quorums for their Historic Preservation Commission meetings. They are worried about losing CLG status. Landmarks Illinois suggested reaching out to local American Planning Association and American Landscape Architects members to see if they would like to serve on the Oswego Historic Preservation Commission.

Yorkville discussed their downtown form based code zoning efforts and streetscape plans in the downtown area. They are also working on a traditional design neighborhood manual and façade program.

Oswego Library discussed their urban barn and genealogical group.

Joliet Museum discussed the Joliet prison site and Route 66 story.

City of Joliet discussed the composition of the Joliet Historic Preservation Commission. They hope to landmark one (1) property in the coming year and survey one (1) area. They are working on a walking tour. Joliet also hoped to update their rules and regulations and generate neighborhood excitement. Discussion occurred regarding urban conservation districts.

Chairwoman Heiman announced a vacancy on the Historic Preservation Commission. Chairwoman Heiman said that the Commission was open to partnering with other organizations for community events similar to PrairieFest.

Commissioner Wehrli said that the possibility existed that the Millbrook Bridge will be demolished. A public comment meeting will occur in the near future. Also, the Historic Preservation Commission previously had a booth at the Kendall County Fair and showcased the current and 1939 aerials of the County.

DISCUSSION OF FUTURE MEETING(S)

None

OTHER BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Chairwoman Heiman thanked everyone for attending. Without objection, Chairwoman Heiman adjourned the Historic Preservation Commission meeting at 8:50 p.m.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Encs.

Permit Summary by Category by Month

Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	3	1	2	0	0	0	0	0	0	0	0	0	0
Garage	1	0	1	0	0	0	0	0	0	0	0	0	0
Additions	3	1	2	0	0	0	0	0	0	0	0	0	0
Remodeling	3	1	2	0	0	0	0	0	0	0	0	0	0
Commercial - M Zone	2	2	0	0	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	3	3	0	0	0	0	0	0	0	0	0	0	0
Decks	1	0	1	0	0	0	0	0	0	0	0	0	0
Demolitions	1	1	0	0	0	0	0	0	0	0	0	0	0
Towers (Comm.)	2	2	0	0	0	0	0	0	0	0	0	0	0
Driveway	1	0	1	0	0	0	0	0	0	0	0	0	0
Fire Restoration	2	1	1	0	0	0	0	0	0	0	0	0	0
Generator	1	0	1	0	0	0	0	0	0	0	0	0	0
	23	12	11	0	0	0	0	0	0	0	0	0	0

Permit Summary by Category
Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	2	\$250,000	\$10,365	\$5,565
Garage	1	\$15,000	\$0	\$0
Additions	2	\$41,485	\$218	\$0
Remodeling	2	\$167,000	\$801	\$0
Decks	1	\$20,000	\$200	\$0
Driveway	1	\$1,000	\$200	\$0
Fire Restoration	1	\$35,000	\$660	\$0
Generator	1	\$7,000	\$110	\$0
	11	\$536,485	\$12,554	\$5,565

Permit Approval Date Report Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit ID					
2/26/2018	01 House	012018013	0605401008	T J BAUMGARTNER CUSTOM HOMES CORPORATION 0430200003	4215 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 1	SAME
2/1/2018	02 Garage	022018031	0430200003	DIPPOLD JEREMY & SAMANTHA	10135 FOX RIVER DR NEWARK, IL 60541-		
2/22/2018	04 Additions	042018032	0802300008	ROD ROSS R & CARMEN R	7775 PLATTVILLE RD NEWARK, IL 60541-		Weather Seal Nu Sash Inc
2/21/2018	05 Remodeling	052018033	0518300006	PETERS DANIEL	8751 B E HIGHPOINT RD YORKVILLE, IL 60560-	HIGHPOINT HILLS	SAME
2/1/2018	06 Commercial - M Zone	062018027	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
2/1/2018	06 Commercial - M Zone	062018025	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
2/1/2018	13 Decks	132018030	0223303008	MCGREGOR SCOTT & JILL	10 TIMBER RIDGE DR YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 1	Warner's Decking
2/28/2018	18 Driveway	182018038	0416251009	STEPHENS BRYAN	7 SHERMAN ST MILLBROOK, IL 60536-		SAME
2/16/2018	19 Fire Restoration	192018035	0127400001	CEDARDELL GOLF CLUB	14264 HALE RD PLANO, IL 60545-		S&P Builders, Inc.
2/16/2018	23 Generator	232018034	0504177013	KATZ DAVID W & CATHERINE M	99 WOODEN BRIDGE DR YORKVILLE, IL 60560-	CROOKED CREEK WOODS	LEE LEGLER CONSTRUCTION & FINISHING INC

Permit Approval Date Report

Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
1/16/2018	012018017	01 House	0236106006	BAUGHMAN ROBERT & VICKI	233 FOXTAIL LANE YORKVILLE, IL. 60560	FARM COLONY UNIT 2 PHAE 3	BMF Remodeling LLC
2/26/2018	012018013	01 House	0605401008	T J BAUMGARTNER CUSTOM HOMES CORPORATION	4215 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 1	SAME
2/1/2018	022018031	02 Garage	0430200003	DIPPOLD JEREMY & SAMANTHA	10135 FOX RIVER DR NEWARK, IL 60541-		
1/30/2018	042018029	04 Additions	0908300002	GRAHAM PAUL W & JANET K	13870 GROVE RD MINOOKA, IL 60447-		
2/22/2018	042018032	04 Additions	0802300008	ROD ROSS R & CARMEN R	7775 PLATTVILLE RD NEWARK, IL 60541-		Weather Seal Nu Sash Inc
2/21/2018	052018033	05 Remodeling	0518300006	PETERS DANIEL	8751 B E HIGHPOINT RD YORKVILLE, IL 60560-	HIGHPOINT HILLS	SAME
1/24/2018	052018024	05 Remodeling	0305454031	RY PROPERTY MANAGEMENT CORPORATION	9 CREVE CT MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	SAME
2/1/2018	062018027	06 Commercial - M Zone	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
2/1/2018	062018025	06 Commercial - M Zone	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
1/24/2018	082018023	08 Barns/Farm Buildings	0921100008	JIMENEZ, LINDA	3579 BELL RD MINOOKA, IL 60447-		
1/16/2018	082018019	08 Barns/Farm Buildings	0517300010	STUCK GEORGE M & JILL S	8945 IMMANUEL RD. YORKVILLE, IL. 60560		

Permit Approval Date Report

Kendall County

Issue Date	Permit ID	Permit		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
		Permit Category	Permit Description					
1/16/2018	082018018	08 Barns/Farm Buildings	Buildings	0734100009	CARLSON JASON D & ERICA	14908 WHITEWILLOW RD NEWARK, IL 60541-		
2/1/2018	132018030	13 Decks		0223303008	MCGREGOR SCOTT & JILL	10 TIMBER RIDGE DR YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 1	Warner's Decking
1/22/2018	142018021	14 Demolitions		0515100002	COOPER LARRY R LTD PARTNERSHIP	8641 AMENT RD YORKVILLE, IL 60560-		
1/22/2018	162018020	16 Towers (Comm.)		0201200005	BOLAND, EILEEN (AGENT FOR VERIZON)	6136 GALENA RD BRISTOL, IL 60512-		WINDY CITY TOWER TECHS, LLC.
1/30/2018	162018028	16 Towers (Comm.)		0311100001	COMMONWEALTH EDISON	1726 ROUTE 34 OSWEGO, IL 60543-		
2/28/2018	182018038	18 Driveway		0416251009	STEPHENS BRYAN	7 SHERMAN ST MILLBROOK, IL 60536-		SAME
2/16/2018	192018035	19 Fire Restoration		0127400001	CEDARDELL GOLF CLUB	14264 HALE RD PLANO, IL 60545-		S&P Builders, Inc.
1/22/2018	192018022	19 Fire Restoration		0307279001	LIGHT ROAD LLC	1800 LIGHT RD OSWEGO, IL 60543-		Synergy Construction Group
2/16/2018	232018034	23 Generator		0504177013	KATZ DAVID W & CATHERINE M	99 WOODEN BRIDGE DR YORKVILLE, IL 60560-	CROOKED CREEK WOODS	LEE LEGLER CONSTRUCTION & ELECTRIC INC

PLANNING BUILDING & ZONING RECEIPTS 2018

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 18	TOTAL FY18	MONTHLY FY 17	TOTAL FY17
December	\$2,288.40				\$2,288.40	\$2,288.40	\$3,044.28	\$3,044.28
January	\$5,753.00	\$50.00	\$6,717.13		\$12,520.13	\$14,808.53	\$3,791.34	\$6,835.62
February	\$5,304.40	\$545.00	\$2,188.27		\$8,037.67	\$22,846.20	\$10,989.52	\$17,825.14
March							\$8,130.89	\$25,956.03
April							\$7,598.93	\$33,554.96
May							\$16,086.31	\$49,641.27
June							\$14,174.98	\$63,816.25
July							\$21,087.73	\$84,903.98
August							\$25,401.68	\$110,305.66
September							\$36,883.57	\$147,189.23
October							\$18,678.40	\$165,867.63
November							\$14,088.97	\$179,956.60
TOTAL	\$13,345.80	\$595.00	\$8,905.40	\$0.00	\$22,846.20		\$179,956.60	

Matt Asselmeier

From: Dave Markowski [DMarkowski@oswego.il.org]
Sent: Wednesday, March 07, 2018 2:00 PM
To: Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Matt,

We are working on sending him a violation notice with possible fines, I am also waiting for the results from water samples I took on the 1st of March .

Dave

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, March 07, 2018 8:43 AM
To: Dave Markowski
Subject: RE: Churchill Club Stormwater Issue

Dave:

Any update on the Churchill Club stormwater issue?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Dave Markowski [mailto:DMarkowski@oswego.il.org]
Sent: Friday, February 16, 2018 1:25 PM
To: Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Matt,

I have a meeting scheduled for the 23rd with Director Hughes, Jay Hoover (building department manager) and Jim Burbridge (chief infrastructure inspector) to discuss the sample results and our next course of action.

Dave

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Friday, February 16, 2018 10:52 AM
To: Dave Markowski
Subject: RE: Churchill Club Stormwater Issue

Matt Asselmeier


From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 1:37 PM
To: 'Jenny Holloway'
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego.il.org
Subject: RE: Churchill Club Stormwater Issue

Jenny:

The next Planning, Building and Zoning Committee meeting is March 12th at 6:30 p.m. in the County Board Room at 111 W. Fox Street.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:
Sent: Tuesday, February 20, 2018 1:25 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego.il.org
Subject: Re: Churchill Club Stormwater Issue

I'm looking for all of the stormwater plans on the township side of our properties. I will call the civil engineer I have talked to in the past and get them. Could you please let me know when the PBZ will be having it's next board meeting?

On Tue, Feb 20, 2018 at 1:15 PM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jenny:

The Kendall County Soil and Water Conservation District may have information about drain tile in the area, but agricultural lands usually do not have stormwater plans.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner

Matt Asselmeier

From: Jenny Holloway [redacted]
Sent: Tuesday, February 20, 2018 1:25 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego.il.org
Subject: Re: Churchill Club Stormwater Issue

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Jenny:

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Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Jenny Holloway [mailto:jholloway@kendall.il.us]
Sent: Tuesday, February 20, 2018 1:09 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego.il.org
Subject: Re: Churchill Club Stormwater Issue

Matt Asselmeier


From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 1:15 PM
To: 'Jenny Holloway'
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego-il.org
Subject: RE: Churchill Club Stormwater Issue

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Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:
Sent: Tuesday, February 20, 2018 1:09 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego-il.org
Subject: Re: Churchill Club Stormwater Issue

Could you please let me know who would have stormwater plans for this area?

On Tue, Feb 20, 2018 at 12:55 PM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jenny:

The County does not have drainage plans for the horse farm or the agricultural lands around the horse farm.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 12:56 PM
To: 'Jenny Holloway'
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Jenny:

The County does not have drainage plans for the horse farm or the agricultural lands around the horse farm.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:jholloway@oswegoil.org]
Sent: Tuesday, February 20, 2018 12:54 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

I would like to get the plans for the horse farm and other areas around it. Does the county have those?

On Tue, Feb 20, 2018 at 12:52 PM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jenny:

The Village of Oswego would have the stormwater plans for Churchill Club. I am not aware of any stormwater plans for the other subdivision you mentioned.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 12:53 PM
To: 'Jenny Holloway'
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Jenny:

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Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:jholloway@oswegoil.org]
Sent: Tuesday, February 20, 2018 12:28 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

I would like to see the plans for the stormwater system that was set up when this subdivision was put into place as well as the subdivision that was supposed to go up on the other side of wolfs crossing, but didn't because of the recession. Is the BPZ responsible for those or is there an outside source that I need to go to.

On Tue, Feb 20, 2018 at 12:12 PM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jenny:

The road and ditches along the road are owned by Oswego Township. The horse farm owner cannot discharge horse manure into the Village of Oswego's stormwater infrastructure per the Clean Water Act. Illinois Drainage Law requires downstream properties to accept upstream water. At this point, to the best of our knowledge, there are no violations of the Kendall County Stormwater Management Ordinance.

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 12:12 PM
To: 'Jenny Holloway'
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego.il.org
Subject: RE: Churchill Club Stormwater Issue

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Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:jenny.holloway@kendall.il.us]
Sent: Tuesday, February 20, 2018 11:57 AM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego.il.org
Subject: Re: Churchill Club Stormwater Issue

Please explain why the county doesn't have jurisdiction?

On Tue, Feb 20, 2018 at 11:09 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jenny:

At this time, the County does not have jurisdiction over this matter.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

Matt Asselmeier


From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 11:09 AM
To: 'Jenny Holloway'
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Jenny:

At this time, the County does not have jurisdiction over this matter.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:
Sent: Tuesday, February 20, 2018 11:04 AM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

Matt,

So what you're saying is that the county BPZ is NOT going to do anything further about this situation or the properties involved? The county is going to leave the problem with the township and the village? Please specify, so I can report this information.

Thanks,

On Tue, Feb 20, 2018 at 10:54 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jenny:

Oswego Township is the lead agency investigating the drainage along Wolf Road. The Village of Oswego is the lead agency investigating illicit discharges in your backyard.

If you have any questions, please let me know.

Thanks,

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 10:54 AM
To: [REDACTED]
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Jenny:

Oswego Township is the lead agency investigating the drainage along Wolf Road. The Village of Oswego is the lead agency investigating illicit discharges in your backyard.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: [REDACTED] <[REDACTED]@oswegoil.org>
Sent: Tuesday, February 20, 2018 8:50 AM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

They have cleaned the ditches before and that doesn't help our situation. Are you saying that the county and township are willing to do nothing else? I would like a clear answer in this before I report to the rest of the group.

Sent from my iPhone

On Feb 20, 2018, at 8:08 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jenny:

I checked with Oswego Township and they will be cleaning the ditches along Wolf Road. The Village of Oswego continues to collect water samples off of the horse farm.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 8:09 AM
To: 'Jenny Holloway'
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue


Jenny:

I checked with Oswego Township and they will be cleaning the ditches along Wolf Road. The Village of Oswego continues to collect water samples off of the horse farm.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:
Sent: Thursday, February 15, 2018 2:29 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

Hi Matt,

I'm just checking in to see what PBZ chairman Davidson found out while meeting with the Oswego Township Highway Commissioner? Spring is coming and the destruction happening in our backyards needs to be stopped. I have also taken some recent photos of the enormous pile of manure that is mounding over the fence. If you would like to see them, please let me know. I have a large group of neighbors that are interested in this information as well. If it's easier for us to attend the next board meeting please let me know as well.

Thanks,

On Thu, Dec 14, 2017 at 7:52 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Patty:

I spoke with PBZ Chairman Davidson yesterday and he is going to evaluate the situation with the Oswego Township Highway Commissioner.

Thanks,

Matt Asselmeier

From: [REDACTED]
Sent: Tuesday, February 20, 2018 7:47 AM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswego-il.org
Subject: Re: Churchill Club Stormwater Issue
Attachments: Video.MOV; ATT00001.htm; image1.jpeg; ATT00002.htm; image2.jpeg; ATT00003.htm; image3.jpeg; ATT00004.htm







Matt Asselmeier

From: Jenny Holloway [mailto:jholloway@oswegoil.org]
Sent: Thursday, February 15, 2018 2:29 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

Hi Matt,

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Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Patty Deering [mailto:pdeering@oswegoil.org]
Sent: Wednesday, December 13, 2017 12:43 PM
To: Matt Asselmeier; Jenny Holloway

Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswego-il.org

Subject: RE: Churchill Club Stormwater Issue

This has been dragging on for such a long time. A resolution needs to be found to stop all of this water from going into our residents back yards.

Patty Deering, CMCA, AMS

Community Association Manager

[REDACTED]
Associa Chicagoland - An Associa® Company

[REDACTED]
Phone [REDACTED]

[REDACTED]
Fax [REDACTED]



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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, December 13, 2017 7:58 AM
To: Patty Deering; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Patty:

The Village of Oswego is the lead investigating agency for any stormwater issues inside the subdivision. The County is working with Oswego Township on stormwater issues on properties outside of the Village of Oswego.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Patty Deering [mailto:██]
Sent: Tuesday, December 12, 2017 5:13 PM
To: Matt Asselmeier; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Matt,

Have you heard anything more with this? I have copied Dave Markowski on this e-mail as his is the name on the letter sent by the Village on 7/17/17. The owner at 420 Fayette behind this horse farm is still having issues from the run off at this horse farm.

Patty Deering, CMCA, AMS

Community Association Manager

[REDACTED]

Associa Chicagoland - An Associa® Company

[REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]



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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Monday, November 20, 2017 2:01 PM
To: Jenny Holloway; Patty Deering
Cc: Scott Koeppel; Robert Davidson
Subject: RE: Churchill Club Stormwater Issue

Jenny:

The Village of Oswego is the lead investigative agency on this matter.

I know that earlier this month they were trying to get water samples, but I have not heard anything since that time.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Jenny Holloway [mailto: [REDACTED]]
Sent: Monday, November 20, 2017 11:45 AM
To: Patty Deering; Dave Markowski; Matt Asselmeier
Cc: Scott Koeppel; Robert Davidson
Subject: Re: Churchill Club Stormwater Issue

Matt Asselmeier

From: Dave Markowski [DMarkowski@oswegoil.org]
Sent: Friday, February 16, 2018 1:25 PM
To: Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Matt,

I have a meeting scheduled for the 23rd with Director Hughes, Jay Hoover (building department manager) and Jim Burbridge (chief infrastructure inspector) to discuss the sample results and our next course of action.

Dave

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Friday, February 16, 2018 10:52 AM
To: Dave Markowski
Subject: RE: Churchill Club Stormwater Issue

Dave:

Pending the outcome of those samples, does the Village have any plans to file charges against the horse farm owner for illicit discharges? Is the Village working with the farmer to move the manure pile?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Dave Markowski [mailto:DMarkowski@oswegoil.org]
Sent: Friday, February 16, 2018 10:22 AM
To: Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Morning Matt,

Attached are the results from testing done back in January. Although coliforms were found upstream of the farm they were greatly increased leaving the farm.

With rain forecasted for next week I will be taking more samples.

Dave

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Thursday, February 15, 2018 3:59 PM
To: Dave Markowski


Cc: Jennifer Hughes; Scott Koeppel
Subject: FW: Churchill Club Stormwater Issue

Dave:

Is there an update on testing the stormwater for horse manure in the Churchill Club subdivision?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jenny Holloway [mailto:
Sent: Thursday, February 15, 2018 2:29 PM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

Hi Matt,
I'm just checking in to see what PBZ chairman Davidson found out while meeting with the Oswego Township Highway Commissioner? Spring is coming and the destruction happening in our backyards needs to be stopped. I have also taken some recent photos of the enormous pile of manure that is mounding over the fence. If you would like to see them, please let me know. I have a large group of neighbors that are interested in this information as well. If it's easier for us to attend the next board meeting please let me know as well.
Thanks,

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Patty:

I spoke with PBZ Chairman Davidson yesterday and he is going to evaluate the situation with the Oswego Township Highway Commissioner.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning



Est. 1965

ARRO Laboratory, Inc.

P.O. Box 686 Caton Farm Road
Joliet, Illinois 60434



Phone: 815-727-5436
FAX 815-740-3234

Bacteriological Analysis

Batch 180122H

Customer: DAVE MARKOWSKI
Company: VILLAGE OF OSWEGO
Address: 100 PARKERS MILL
City/State/Zip: OSWEGO, IL 60543

P.O. Number:
Date Received: 1/22/2018
Date Completed: 1/25/2018

Sample ID	Sample Description	Sample Date
420167	UPSTREAM 2575 WOLFS X-ING	1/22/2018

Analyte	Concentration	Units	Analyst	Date	Method
Fecal Coli	880	col/100 ml	PW	01/22/18 2:00 PM	SM9222D

Sample ID	Sample Description	Sample Date
420168	DOWNSTREAM 2575 WOLFS X-ING	1/22/2018

Analyte	Concentration	Units	Analyst	Date	Method
Fecal Coli	> 2000	col/100 ml	PW	01/22/18 2:00 PM	SM9222D

I CERTIFY THAT I AM FAMILIAR WITH THE INFORMATION CONTAINED IN THIS REPORT AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF SUCH INFORMATION IS TRUE, COMPLETE AND ACCURATE.

APPROVED BY

1/25/2018

Joan Rolih, Director
Environmental Services

Comments:

Matt Asselmeier

From: Jenny Holloway [REDACTED]
Sent: Wednesday, December 13, 2017 10:45 AM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

Hi Matt,

I'm glad to hear you are working on properties outside of the Village of Oswego, because that is exactly where the horse farm property is located (outside the village of Oswego). With that being said, can you give us an update on what you are doing to make sure this problem is fixed? Should I come to the next board meeting and ask the panel or will your department be handling this? Please let me know as soon as possible. This problem has been going on for years, but more recently brought to your specific attention about 8 months ago. That seems like a very long time to be waiting for a solution to a huge problem, that is getting worse by the month.

Thank You,

Jennifer Holloway

On Wed, Dec 13, 2017 at 7:57 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Patty:

The Village of Oswego is the lead investigating agency for any stormwater issues inside the subdivision. The County is working with Oswego Township on stormwater issues on properties outside of the Village of Oswego.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Patty Deering [mailto:p[REDACTED]]
Sent: Tuesday, December 12, 2017 5:13 PM
To: Matt Asselmeier; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswego-il.org
Subject: RE: Churchill Club Stormwater Issue

Matt,

Have you heard anything more with this? I have copied Dave Markowski on this e-mail as his is the name on the letter sent by the Village on 7/17/17. The owner at 420 Fayette behind this horse farm is still having issues from the run off at this horse farm.

Patty Deering, CMCA, AMS

Community Association Manager



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From: Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]

Sent: Monday, November 20, 2017 2:01 PM

To: Jenny Holloway; Patty Deering

Cc: Scott Koeppel; Robert Davidson

Subject: RE: Churchill Club Stormwater Issue

Jenny:

The Village of Oswego is the lead investigative agency on this matter.

I know that earlier this month they were trying to get water samples, but I have not heard anything since that time.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

Matt Asselmeier

From: Patty Deering; [REDACTED]
Sent: Thursday, December 14, 2017 11:06 AM
To: Matt Asselmeier; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Thank you. Please let me know what they find.

Patty Deering, CMCA, AMS

Community Association Manager
[REDACTED]

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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Thursday, December 14, 2017 7:52 AM
To: Patty Deering; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Patty:

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Thanks,

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Senior Planner
Kendall County Planning, Building & Zoning

111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Patty Deering [mailto: [REDACTED]]
Sent: Wednesday, December 13, 2017 12:43 PM
To: Matt Asselmeier; Jenny Holloway
Cc: Scott Koepfel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

This has been dragging on for such a long time. A resolution needs to be found to stop all of this water from going into our residents back yards.

Patty Deering, CMCA, AMS

Community Association Manager
[REDACTED]

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Sent: Wednesday, December 13, 2017 7:58 AM
To: Patty Deering; Jenny Holloway
Cc: Scott Koepfel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Patty:

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If you have any questions, please let me know.

Matt Asselmeier

From: Dave Markowski [DMarkowski@oswegoil.org]
Sent: Tuesday, December 05, 2017 7:54 AM
To: Matt Asselmeier
Subject: RE: Churchill Club Subdivision

Morning Matt,

Not much going on. The work he committed to do I do not believe is being done, not much we can do about that. We are trying to get a "dirty" sample of water leaving his property and entering our storm system, to have it tested in a Lab. That is really our only course of action at this time. Right now with no water going into the storm drain he is doing nothing wrong. This is a long ongoing process due to the timing of rain and the lab being open.

Wish I had more to report.

Dave Markowski
Village of Oswego
Public Works Dept.

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Monday, December 04, 2017 11:34 AM
To: Dave Markowski; Jennifer Hughes
Subject: Churchill Club Subdivision

Dave and Jennifer:

Do you have any update regarding the Churchill Club stormwater issue?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Dave Markowski [mailto:DMarkowski@oswegoil.org]
Sent: Wednesday, November 08, 2017 12:44 PM
To: Matt Asselmeier
Subject: RE: manure pile

Afternoon Matt,

Not much happening, we took upstream and downstream samples back on the 14th of October when we had the heavy rains but unfortunately they are only good for testing 6

Matt Asselmeier

From: Jenny Holloway
Sent: Monday, November 20, 2017 11:45 AM
To: Patty Deering; Dave Markowski; Matt Asselmeier
Cc: Scott Koepfel; Robert Davidson
Subject: Re: Churchill Club Stormwater Issue

Hi Matt & Dave,

I was just wondering if any progress has been made at the horse farm? My yard is completely saturated again and there is a steady stream still coming in under the fence where there isn't a drain to catch it. Please let me know when you get a chance.

Thanks,

Jennifer Holloway

On Mon, Oct 2, 2017 at 3:53 PM, Patty Deering <[REDACTED]> wrote:

Thank you Matt for staying on top of this.

Patty Deering, CMCA, AMS

Community Association Manager

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Matt Asselmeier

From: Bob Rogerson [brogeron@oswegotownship.org]
Sent: Friday, October 27, 2017 9:42 AM
To: Jennifer Hughes; Dave Markowski (dmarkowski@oswegoil.org); Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Hello, just an FYI update. Mr. Pat Benes called me on 10/24/17 at 3:49 pm raising his voice at me about the water on his property and threatening to sue all of the Governmental agencies. So after hearing him out, I called him yesterday to explain to him that we have been trying to acquire a Gradall company to help us with the right of way drainage. I told him that we were unable to contract that out this year due to all the companies full schedules and that he will be first on our list ASAP in the spring. That being said, until we get out there and shoot grade, I don't know if there will be enough pitch to drain the ditch line in either direction. He said he has been trying to get this fixed for the last three years, and then threatened to sand bag the culvert under the road. I told him that I wouldn't advise that.

Bob Rogerson

*Highway Commissioner
Oswego Township Road District
1150 Rt. 25
Oswego, IL 60543
Phone: (630) 264-4587
Fax: (630) 264-6695*

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From: Jennifer Hughes [mailto:JHughes@oswegoil.org]
Sent: Wednesday, July 5, 2017 8:02 AM
To: Bob Rogerson <bob@oswegotownship.org>
Subject: RE: Churchill Club Stormwater Issue

Sure.

Jennifer Hughes, P.E., CFM
Public Works Director/Village Engineer



PH: 630.551.2366
Email: jhughes@oswegoil.org

From: Bob Rogerson [mailto:bob@oswegotownship.org]
Sent: Wednesday, July 05, 2017 7:36 AM
To: Jennifer Hughes
Subject: RE: Churchill Club Stormwater Issue

Matt Asselmeier

From: [REDACTED]
Sent: Monday, October 02, 2017 10:43 AM
To: Matt Asselmeier; Patty Deering
Subject: Fwd: meeting follow-up
Attachments: manure.jpg

Hi Matt,

Below is the response I received from the village. It looks like they haven't done anything yet. I have attached a photo that I took this weekend as well to show how out of hand the maure situation is getting. It is up over the fence and wider than I have ever seen it. If we have one good rain, our drains will be plugged with this again. You might want to forward this on to your environmental department. Please let me know if there is anything that can be done.

Thanks,
[REDACTED]

----- Forwarded message -----

From: Dave Markowski <DMarkowski@oswegoil.org>
Date: Mon, Oct 2, 2017 at 9:19 AM
Subject: RE: meeting follow-up
To: [REDACTED]

Morning [REDACTED]

No response from the farm owner. We did send a 2nd letter to him making him aware if any contaminated water enters the storm system he will be in violation of Village and County Ordinances. With that he will begin to be fined for every occurrence until the issue is corrected to our satisfaction.

Dave Markowski

Village of Oswego

Public Works Dept.

From: [REDACTED]
Sent: Friday, September 29, 2017 11:19 AM
To: Dave Markowski
Cc: [REDACTED]
Subject: Re: meeting follow-up



Matt Asselmeier

From: Dave Markowski [DMarkowski@oswegoil.org]
Sent: Monday, October 02, 2017 9:12 AM
To: Matt Asselmeier
Subject: 2575 wolf road 2nd letter.doc
Attachments: 2575 wolf road 2nd letter.doc

Morning Matt,

As of September 13th we have not been back to inspect his property, nor have we heard from him. Going forward we will be monitoring and sampling any rainfall amount that could cause contaminated water to enter the storm system. He will then start receiving fines for every occurrence until the issue has be resolved to our satisfaction.

Dave Markowski
Village of Oswego
Public Works Dept.

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9/15/2017

Patrick Benes
2575 Wolfs Crossing
Oswego Illinois 60543

RE: Code Violation at 2575 Wolfs Crossing

Dear Mr. Benes:

This letter is to inform you the Village of Oswego inspected 2575 Wolfs Crossing on September 5, 2017 and again on September 13, 2017. The following items that we agreed upon at our meeting on July 12, 2017 have not been completed and need to be addressed. We anticipate that runoff from your property will violate the provisions of the Village of Oswego Discharge Detection and Elimination Ordinance and the Kendall County Storm Water Management Ordinance due to the discharge of non-storm water namely fecal matter from your property into the Village storm sewer system.

Again your commitments as discussed at our meeting on July 12, 2017 were as follows:

1. The manure pile is to be removed weekly and storm water shall be diverted around the pile at all times.
2. You committed to constructing a gravel trough east of the manure pile in the low area just west of the horse stable to slow and filter some of the water run-off from the stable areas.
3. You will conduct exploratory excavation east and west between the horse pens to search for existing field tiles.

The Village of Oswego will inspect the site after rainfall events to confirm that all non-compliant items have been remediated.

If there are any questions or objections to the information contained in this letter feel free to contact me by phone at 630-551-2161 or by email at dmarkowski@oswego-il.org. If no objections are received within 5 business days, the Village will consider this letter to be accepted with no alterations.

Sincerely,

Dave Markowski
Village of Oswego
Public Works Department

Summary of Violation Notification Procedure

1st Notice: Oswego furnish a Violation Notification to applicant and/or representative via fax and Certified Mail outlining necessary corrective measures to be completed and re-inspected within 5-working days of said notification. After which time, if violations are still not corrected, a *Red Tag* will be issued for the site (i.e. all work to stop except for activities related to correcting violations). Note: The Village may issue an immediate Red Tag if the Village determines the nature of the violation to be an immediate hazard to the health, safety, or welfare of the public.

2nd Notice: Oswego issues a *Red-Tag* for the site along with a Conditional Stop Work Order (allowing only remediation activities) via fax and Certified Mail granting an additional 5-working day deadline to complete remedial work to cure said WDO violation(s). Fines continue to accrue.

3rd and Final Notice: If corrective measures have not been completed within the period allowed by 2nd Notice, the Oswego shall meet with the applicant/developer to discuss the Village's additional punitive actions and the plan and schedule within which the necessary remedial measures will be completed. Fines continue to accrue and the Conditional Stop Work Order remains in effect.

NOTE: Building and/or Occupancy Permits and surety reduction requests will be withheld until all violations are resolved and levied fines are paid.

Matt Asselmeier

From: Dave Markowski [DMarkowski@oswegoil.org]
Sent: Tuesday, September 12, 2017 7:55 AM
To: Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Morning,

Matt we have not received any response from the property owner at this time. I did have a phone conversation with him to check progress and was informed that his tractor was in need of repairs and he was hoping to do some work over the Labor Day holiday. I did stop by on September 5th to inspect the property and nothing has been done. We will be sending a non-compliance letter with possible fines forthcoming.

Dave Markowski
Village of Oswego
Public Works Dept.

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Tuesday, September 05, 2017 9:46 AM
To: Jennifer Hughes
Cc: Dave Markowski; Scott Koeppel; Robert Davidson
Subject: RE: Churchill Club Stormwater Issue

Jennifer:

Did you receive any response from the owner at 2575 Wolf Crossing regarding the stormwater issues?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jennifer Hughes [mailto:JHughes@oswegoil.org]
Sent: Thursday, July 27, 2017 2:55 PM
To: Matt Asselmeier
Cc: Dave Markowski; Scott Koeppel; Robert Davidson
Subject: Re: Churchill Club Stormwater Issue

It's a FOIA'ble document. It should be released.

Jennifer Hughes, P.E., CFM
Public Works Director



PH: 630.551.2366

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 20, 2018 8:30 AM
To: Pam Herber
Subject: RE: Hilltop Washout

Pam:

Please notify the township and make sure the ditches are cleaned out.


Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Pam Herber
Sent: Tuesday, February 20, 2018 8:08 AM
To: Matt Asselmeier
Subject: FW: Hilltop Washout

This is from the President of the board at Fields of Farm Colony.

Pam Herber
Kendall County Planning, Building & Zoning
111 West Fox Street B203 Yorkville, IL. 60560
Phone: 630-553-4141 Fax: 630-553-4179

From: Larry Kavulich [mailto:
Sent: Tuesday, February 20, 2018 7:29 AM
To: Pam Herber
Subject: Hilltop Washout

Good morning Pam

Hilltop is covered in mud again this morning. Wondering if anyone in the county will be in the area to check it out? Also you can see by them mud trail how it is washing out our path.

Thanks
Larry Kavulich


Matt Asselmeier

From: Pam Herber
Sent: Tuesday, February 20, 2018 8:14 AM
To: Matt Asselmeier
Subject: FW: HILLTOP
Attachments: IMG_0023.jpg; ATT00001.txt; IMG_0024.jpg; ATT00002.txt; IMG_0025.jpg; ATT00003.txt; IMG_0026.jpg; ATT00004.txt

Here are the pictures of the water run off from the field that they are concerned about. Since the removal of the trees and berm that used to be there, the water now runs from the farm land across the street and washes out into the ditch on the other side of the road. It has begun to break down Hilltop asphalt and has washed out the gravel pathway as well.

Pam Herber
Kendall County Planning, Building & Zoning
111 West Fox Street B203 Yorkville, IL. 60560
Phone: 630-553-4141 Fax: 630-553-4179

-----Original Message-----

From: Pam Herber [mailto:
Sent: Tuesday, February 20, 2018 8:09 AM
To: Pam Herber
Subject: HILLTOP









Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, February 21, 2018 4:33 PM
To: [REDACTED]
Cc: Brian Holdiman; Scott Koeppel
Subject: RE: Permit #04-2008-211

Ed Westerdahl:

The Kendall County Planning, Building and Zoning Committee instructed the Staff of the Kendall County Planning, Building and Zoning Department to send the owner of this property a letter asking him to put siding on his house and giving the property owner additional time to complete the project. There was no timeline given to the property owner to complete the work.

If you would like to let the Committee know your opinion of this matter in person, their next meeting is March 12th at 6:30 p.m. in the County Board Room at 111 W. Fox Street in Yorkville.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

----- Forwarded message -----

From: "Edward Westerdahl" [REDACTED]
Date: Wed, Feb 21, 2018 at 3:16 PM -0600
Subject: Fw: Permit #04-2008-211
To: "Brian Holdiman" <BHoldiman@co.kendall.il.us>, "Judy Gilmour" <jgilmour@co.kendall.il.us>, "Lynn Cullick" <lcullick@co.kendall.il.us>, "mkello@co.kendall.il.us" <mkello@co.kendall.il.us>, "Robert Davidson" <rdavidson@co.kendall.il.us>, "Scott R. Gryder" <sgryder@co.kendall.il.us>, "Jeff Wilkins" <JWilkins@co.kendall.il.us>, "Pam Herber" <pherber@co.kendall.il.us>

Please advise the disposition of #04-2008-211 , notwithstanding , 2 violations Ord# 8815 .
Thank You .

On Tuesday, January 9, 2018 7:41 AM, Edward Westerdahl [REDACTED] wrote:

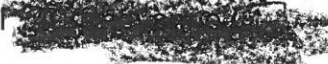
We now approach 10 years from issuance ... and ? . Please advise if my concern for our property values is misplaced .
Regards , Ed Westerdahl .

On Tuesday, September 5, 2017 5:24 PM, Scott R. Gryder <sgryder@co.kendall.il.us> wrote:

Hi Ed, thank you for your email. We will be discussing at our PBZ committee meeting next Monday evening.

Scott

From: Edward Westerdahl [mailto:
Sent: Wednesday, August 23, 2017 9:26 AM
To: Brian Holdiman <BHoldiman@co.kendall.il.us>; Robert Davidson <rdavidson@co.kendall.il.us>; Lynn Cullick <lcullick@co.kendall.il.us>; Judy Gilmour <jgilmour@co.kendall.il.us>; Scott R. Gryder <sgryder@co.kendall.il.us>; mkello@co.kendall.il.us
Subject: Permit #04-2008-211

This permit is over 9 years old . We look at this everyday .
The view is quite unworthy of the taxes we pay . Please
tell me why this is acceptable ? Respectfully submitted ,
Ed Westerdahl 

Brian Holdiman

From: Greg Stromberg [REDACTED]
Sent: Thursday, December 28, 2017 10:04 AM
To: Brian Holdiman
Subject: 45 cheyenne court. Oswego.

To: Brian holdiman- inspector

Kendall county building and zoning
board.

All others concerned

My name is greg stromberg. I live at 45 cheyenne court in oswego. Over the past many years our home has been under an extreme construction project. We have experienced several extreme setbacks in this time. The 2 worst being the economy recession and a crooked business partner whom almost cost us our home completely. In starting our business anew in 2012. It has been a slow up and down road back. With that being said. We have continually tried to keep up with neatness and push forward with what we have had to work with. As of late things with work are great. Brian holdiman has been nothing short of exceptional in his help and understanding with all of this. I know i have needed to try to establish a timeline of where we are at to try to ease some tension over this. Believe me tension at home has been very hard. My wife and i have been thru hell but do not quit. I feel i can now give you a better outlook for this. Our major construction has been basically done for a while. Our exterior is tyvek paper as of now. I am working internally on staircases and sorting out electric and such. When weather breaks we are set to install our soffits,fascia, and gutters. Siding and new tyvek also will be done. Also pouring our new front porch. Completing exterior is our priority as our neighbors have mostly been great. During winter i am working inside and will keep in touch with brian in regards to electrical work. I hope this will shed light on this for you. Had we have known what was in store for us. Our plan would have changed obviously. We will get thru and done. I thank you all for your patience and understanding. Please contact me if you need any further information from me.

Thank you much

Sincerely,

Greg stromberg