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**KENDALL COUNTY**  
**COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
**AGENDA**

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**Wednesday, April 25, 2018 – 5:00 p.m.**

**CALL TO ORDER**

**ROLL CALL:** Larry Nelson (Chair), Kendall County Regional Planning Commission Chairman or Designee (Bill Ashton), Kendall County Zoning Board of Appeals Chairman or Designee (Randy Mohr), Kendall County Board Chairman or Designee (Scott Gryder), Kendall County Soil and Water Conservation District Representative (Megan Andrews), Kendall County Planning, Building and Zoning Committee Chairman or Designee (Bob Davidson), Jeff Wehrli, and John Shaw

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**      Approval of Minutes from March 28, 2018 Meeting (Pages 2-13)

**NEW/OLD BUSINESS**

1. Discussion of Proposed Amendments to the Land Resource Management Plan for Properties Along Route 47 in Lisbon Township (Pages 14-41)
2. Request from the Kendall County Planning, Building and Zoning Committee for Comments Pertaining to Petition 18-07 Regarding Text Amendments Establishing Procedures for Renewing Special Use Permits (Pages 42-48)
3. Discussion of Petition 18-03 Pertaining to Text Amendments to the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments (Pages 49-75)

**OTHER BUSINESS/ANNOUNCEMENTS**

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

**ADJOURNMENT**    Next regularly scheduled meeting on Wednesday, May 23, 2018

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 COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE

*Kendall County Office Building*  
*Rooms 209 & 210*  
*111 W. Fox Street, Yorkville, Illinois*  
**5:00 p.m.**  
**Meeting Minutes of March 28, 2018**

**Members Present:** Larry Nelson (Chairman), Bill Ashton, Robert Davidson (arrived at 5:04 p.m.), Matthew Prochaska (on behalf of Scott Gryder), and Jeff Wehrli

**Member Absent:** John Shaw, Randy Mohr, and Megan Andrews

**Others Present:** Matt Asselmeier, Senior Planner, Paul Pope, Katy Pope, Joe Slivka, Roger Bledsoe, Budd Wormley, and Dan Bixby

Chairman Larry Nelson called the meeting to order at 5:01 p.m.

1. **APPROVAL OF AGENDA**

Mr. Wehrli made a motion to approve the agenda. Mr. Prochaska seconded the motion. With a voice vote of four ayes, the motion carried.

2. **APPROVAL OF MINUTES**

Mr. Prochaska made a motion to approve the minutes of the January 24, 2018 meeting. Mr. Wehrli seconded the motion. With a voice vote of four ayes, the motion carried.

Mr. Ashton made a motion to approve the minutes of the February 28, 2018 meeting. Mr. Prochaska seconded the motion. With a voice vote of four ayes, the motion carried.

Mr. Davidson arrived at this time (5:04 p.m.).

3. **NEW BUSINESS**

**Update on the Sewer Situation in Lisbon Township**

Village of Lisbon President Paul Pope provided an update on the Village's sewer situation. President Pope provided a timeline of the sewer project in the Village (see attachment). The project started in 2000. The bond was originally issued in January 2017. A loan occurred at the same time. The bond was a Nine Hundred Thousand Dollar (\$900,000) General Obligation (GO) Bond. The general note was Four Hundred Fifty Thousand Dollars (\$450,000). If the Village goes bankrupt, the residents will be responsible for repaying the bond. The Village thought the bond and note were payable for a twenty (20) year period. However, both the bond and note were to be repaid in five (5) years. After seven (7) months of work, the payment was negotiated back to a

twenty (20) year payment for the bond and note. As of March 27, 2018, the Village has a working system. President Pope announced that one (1) of the Village's sources of revenue will not materialize during this year because one (1) of the quarries will not be open this year. There are thirty (30) potential hook-ups to the system. The pipes are installed to the property line, but the houses have not connected to the system. The estimated cost to property owners to hook into the system is between Five Thousand and Seven Thousand Dollars (\$5,000-\$7,000). President Pope does not believe the Village can financial pay to hook residents onto the systems.

Joe Slivka, former Village President, explained the situation with the host fees from the quarry. The lost revenue is a host fee from the quarrying operations; sixteen (16) years of host fee left for one (1) quarry and nine (9) years for the other quarry. He believes that the Village will get paid in 2018, but not in 2019 from one (1) of the quarries.

President Pope provided a financial statement of investment in the project (see attachment). In total, the Village has invested approximately Three Million Dollars (\$3,000,000) in this project.

President Pope said that the Village is looking for financial assistance. The Village has been in contact with State Senator Sue Rezin and U.S. Representative Randy Hultgren. The Village will continue to pursue grants. The Village does not have enough money to start operations at the plant.

Chairman Nelson asked if the Village was going to attempt to sell the bond this year. President Pope responded that the bonds have been issued for twenty (20) years.

Mr. Davidson asked if the bond would be tax free. President Pope responded yes.

Mr. Davidson asked how many homes will be involved with the project. President Pope responded that, when the system is complete, approximately ninety-five (95) homes.

Mr. Davidson asked why the quarry was not operating. President Pope stated he received a letter stating that they were not operating this year. The Village is out approximately One Hundred Five Thousand Dollars (\$105,000).

President Pope said backup power systems need to be installed at two (2) lift stations and at the main plant. The repair of the streets needs to be budgeted.

Mr. Davidson asked if the Three Million Dollars (\$3,000,000) included hooking everyone up to the system. President Pope said that information was incorrect. The Three Million Dollars (\$3,000,000) is the money the Village has already invested in the project for twenty-eight (28) homes. Those homes are not hooked up to the system. President Pope did not know the hookup fee.

Mr. Davidson asked about the interest of the bonds. President Pope responded that the interest rate is variable and is currently approximately three point one five percent (3.15%).

The Village does guarantee that it has the ability to make the payments on the bond. If the Village cannot pay, the payments are paid by the residents.

Mr. Davidson asked about the user fee. President Pope said that the user fee is not locked at this time. The user fee was planned to be approximately Fifty Dollars (\$50) per month, but President Pope does not believe this fee is realistic.

Mr. Asselmeier asked if the Village explored CDAP funds or the State loan program for sewer projects. President Pope responded that every avenue has been explored over the last eighteen (18) years. The only way to fund the project was through private funds.

Don Bixby, Chamlin & Associates, Inc., said that the minimum cost to run the plant was Twelve Thousand Dollars (\$12,000) per year. The plant could handle thirty thousand (30,000) gallons per day which could handle the full community, one hundred five (105) users. Stormwater must be separate from the sewer system.

Chairman Nelson asked about retail or commercial potential users along U.S. Route 52 near Route 47; could the Village's system support those types of users. Mr. Bixby saw no issues.

Mr. Bixby will supply the map of the sewer lines (see attachment).

Mr. Bixby believed that the system has more capacity than one hundred five (105) users. The calculations for usage per person changed because people do not use as much water as in previous years. The extension of the sewer lines for a business is a possibility.

Discussion occurred about getting economic development funds into the area around the Village. Discussion also occurred about making the Route 52 corridor commercial.

Chairman Nelson asked about the depth of the limestone. The response was approximately six to eight feet (6'-8'). The lift stations are around twenty to twenty-five feet (20'-25') deep. The overburden is roughly the same out to Route 52.

Mr. Slivka stated that the Village did not steal the quarry from the County. The Village could charge a host fee while the County could not charge a fee. The Village's mining ordinance was the same as the County's regulations (see attached articles).



Budd Wormley, Millbrook, said that he admired the work of the Village of Lisbon. He believed that Lisbon was in a good situation for economic development. He noted that President Trump is proposing funds to states for water, sewer, and transportation infrastructure.

**Discussion of Proposed Amendments to the Land Resource Management Plan for Properties Along Route 47 in Lisbon Township**

Mr. Asselmeier asked if the Committee wanted to make any changes to the proposed map to reflect the comments given at the February 28<sup>th</sup> meeting in Plattville. The maps were not previously changed based on the comments of the February 28<sup>th</sup> meeting.

Chairman Nelson stated he wanted the map to show that the County was open to development in the area. Discussion occurred regarding the comments from the February 28<sup>th</sup> meeting that residents did not want changes in the area along Route 47.

The suggestion was made to invite Audra Hendrix and Andrez Beltran to a future meeting.

Mr. Davidson suggested extending the mixed use business land use towards Lisbon on Route 52 to correspond to the Village's Comprehensive Plan. The corridor should be one half (1/2) mile wide around Route 52.

Grundy County did not allocate money to improve Brisbin Road.

Discussion occurred regarding using incentives to attract businesses to the area.

Mr. Wehrli made a motion to create a mixed use business designation one half (1/2) mile wide on Route 52 west of the commercial designated area at the intersection with Route 47 west to the Lisbon Village limits. Mr. Davidson seconded the motion. With a voice vote five ayes, the motion passed unanimously.

There were no additional comments from the public or press.

**Adjournment:**

The next meeting will be April 25, 2018. Mr. Davidson made a motion to adjourn the meeting. Mr. Ashton seconded the motion. With a voice vote of five ayes, the motion passed and the meeting adjourned at 6:20 p.m.

Respectfully submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

Encs: Contact Information

Timeline for Sewers  
Expense Sheet  
Sewer Line Map  
Board Articles for Mining

# Village of Lisbon

Paul Pope - President



v-lisbon@att.net

Katy Pope - Clerk



Joe Slivka -

FORMER MAYOR



# Time line for Sewer

- 2000 - Village received a letter from the IEPA and County stating Lisbon may be in violation for pollution
  - 7/23/2000 - At a regular board meeting in Lisbon Kendall country stated "county will work with homeowners and village to resolve pollution problems"
  - 10/21/2008 - Village received an EPA grant for Chase Engineering to study a WWTP \$78535
  - 12/15/2010 - Violation Notice #W-2010-30294
  - 2/4/2011 - Village received an IEPA village received a Rejection of Compliance Permit
  - 4/7/2011 - IEPA request for additional information for loan request *IEPA turned down Lisbons grants request because it would have pushed village over debt limit.*
  - 8/3/2012 - Village received notice of "discharge violation w/ civil/criminal penalties"
  - 8/3/2012 - village received approval to contract, own, and operate a sewage plant
  - 9/25/14 - letter received stating need for financial sustainability
  - 2/26/2015 - EPA grant - on-site evaluation
  - 12/19/2016 - Lisbon Ordinance #2016-12-19.000 intent to issue bond
  - 12/29/2016 - Published ordinance & notice of intent to issue bond. & BINA Public Hearing
  - 1/16/2017 - Order and minutes of BINA public hearing
  - 1/30/2017 - certified copy of ordinance 2017-1.30.001 authorizing issuance of bond
  - 2/14/2017 - filing of certificate of county clerk RE: ordinance # 2017-1.30.001
  - 2/14/2017 - Equalized Assessed Valuation Certificate
  - 1/31/2017 - The bond is dated January 31, 2017
  - 1/31/2017 - Loan is dated January 31, 2017
- > Bond & Note were assumed to be 20 yr. ~~per~~ agreements, when paper work was gone over it turned out to be 5yr agreement!

COPY

# WATP Expenses Old By Village

	A	B	C	D	E	F	I	J	K
1	Year	Legal	Construction	Engineering	Payroll	Publications	Financing		
2	2018	1,855.00	41,751.80	20,306.30	0.00	0.00	22,753.96	Int	
3	2017	1,814.63	56,856.47	46,666.00		117	8750	(ice Miller	
4							827.62	(int)	
5							14,195.50	(BNYMellon	
6	2016	1,418.63	29,881.08	13,489.50			5,961.65	(int)	
7	2015	18,221.66	773,929.74	175,151.85			1,655.00	Loan Proc	
8							2,667.34	(int)	
9	2014	113,425.09	46,328.85	10,000.00	4,041.50				
10	2013	1,700.88	8,904.50	21,950.38	957.00				
11	2012	1,902.63	84,931.19	66,046.50	8,708.50				
12	2011	881.13	2,007.20	54,161.82	660.00				
13	2010	420.00	11,640.00	75,110.20					
14	2009	791.00		16,943.00					
15	2008	1,504.00		8,811.53					
16	2007	4,000.00		4,606.25					
17	2006	275.00							
18		148,209.65	1,056,230.83	513,243.33	14367	117	56,811.07		
19									
20				TOTAL COSTS					
21				148,209.65					
22				1,056,230.83					
23				513,243.33					
24				14,367.00					
25				117.00					
26				56,811.07					
27			TOTAL COSTS PD BY VILLAGE:	1,788,978.88					

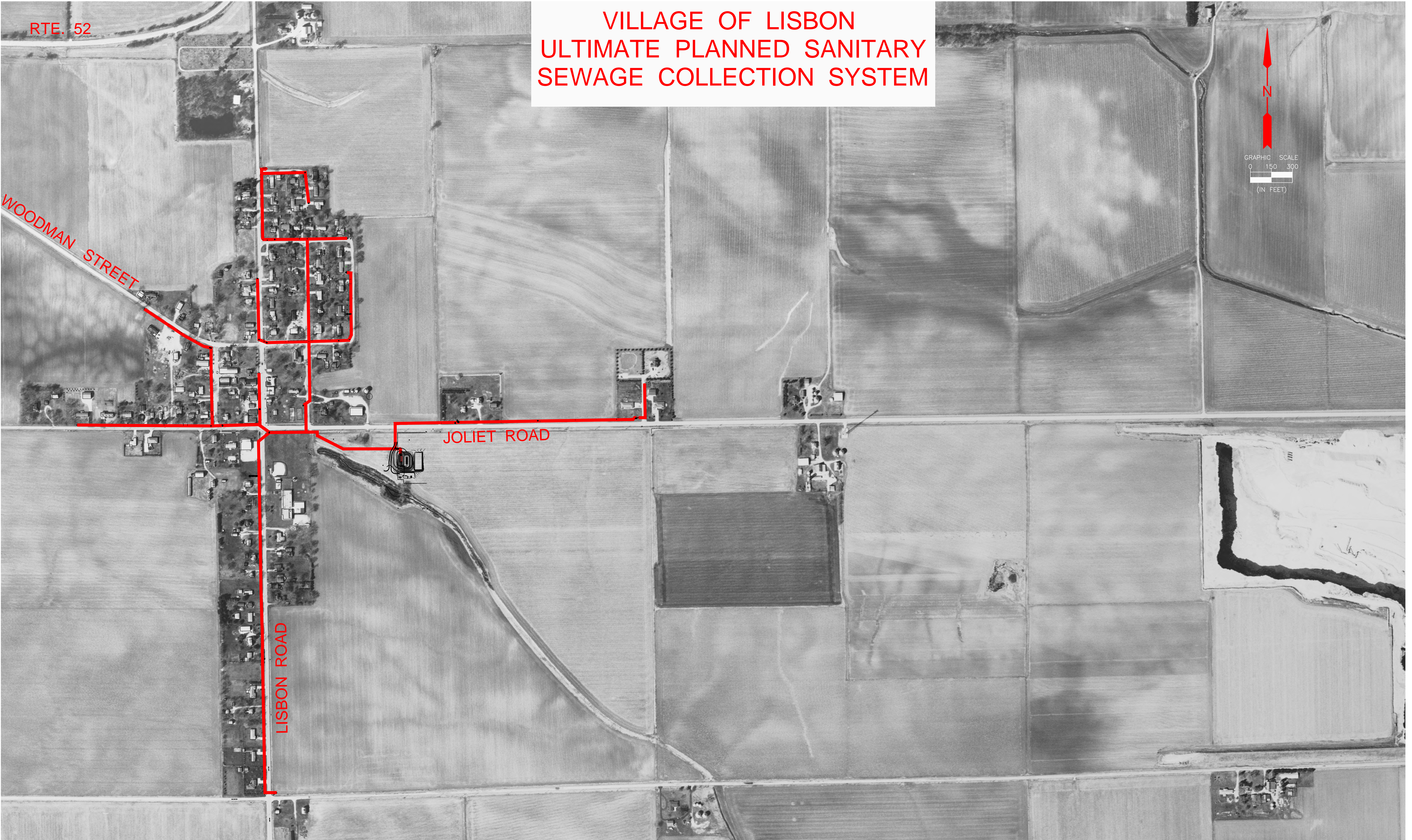
+ 1,300,000.00 - \$900,000 G.O.B. \$400,000.00 Bank note

Check on Numbers 2017 & 2018 No numbers from Fisher

Village has paid out \$1,788,978

Village is liable for additional \$1,300,000.00  
 3,000,000.00 + is what the Village has invested in project.







## Lisbon Board Meeting

Lisbon Village Board held its monthly meeting November 17, 2003, 7 p.m. in the Village Hall. Present were Village President Jim Morris and trustees Joe Slivka, Bill Rehberg, Landy Walker, Dennis Davidson, Terri Nichols and treasurer Beverly Horsley.

Minutes of the October meeting were read and corrections made. Rehberg made motion to accept minutes. Nichols seconded, all present voted in favor, motion carried.

Monthly bills were reviewed. Nichols made motion to pay first 3 bills as stated. Waste Management \$1,242.24, SBC \$40, UTI \$20, Nicor Gas \$40 and Gerard Friestedt \$1000 also needed to be paid not to exceed amounts given. Davidson seconded, all present voted in favor, motion carried.

Slivka stated he had received a fax from Paul Chase stating that we had to revise a page of the grant, it was corrected and resent. Were waiting to hear from them. We should have a decision by mid December.

Horsely stated we have received a tax employee number. You will need take the letter with when using tax employee number.

Horsley also stated that a \$10,000 check for consulting fee was received from Valley Run Stone and it was deposited in general fund. Slivka made motion that if it's acceptable to our attorney, Valley Run Stone's letter dated August 1, 2003 will provide an additional one time fee of \$10,000 to the Village of Lisbon to hire a zoning consultant to review existing Kendall County mining quarry operations ordinances to insure that it would be sufficient for the Village of Lisbon and if it meets with his approval we will proceed. Walker seconded, Rehberg and Davidson voted in favor, Nichols voted no.

Walker gave report. Truck is fueled and ready for snow. Junk cars on streets still need to be removed. Tree on west Joliet St. still needs to be cut down.

Davison made motion to adjourn meeting, Nichols seconded, motion carried, meeting adjourned.  
Marilyn Burnett, Village Clerk

## Lisbon Village Board Meeting

Lisbon Village Board held its monthly meeting Sept. 20, 2004, 7 p.m. in the Village Hall. Present were President Jim Morris, trustees Terri Nichols, Joe Slivka, Landy Walker, Dennis Davidson, Bill Rehberg, Adam Burnett and treasurer Beverly Horsley.

Minutes of the August meeting were read. Davidson made motion to accept, Nichols seconded, motion carried.

Treasurer's report was given by treasurer Horsley. Rehberg made motion to accept, Walker seconded, motion carried.

Current bills were read. Nichols made motion pay bills. Davidson seconded, motion carried.

Slivka stated Mining Ordinance still on hold because states atty. is looking at language that was added to ordinance.

Walker gave his report, tree work was done, more ditch work for drainage needs to be taken care of.

Kenneth & Art Frewalt from Jas Venture Partners want to build a spec home. Rehberg made motion for building permit pending approval from Kendall Co. Health Dept. for well and septic. Adam Burnett seconded, motion carried.

Walker state he received past ordinance that we might use as an outline to dictate letter concerning junk vehicles. Slivka handed copies of letter for board members to look over and

18

2005

## Lisbon Village Board

The Lisbon Village Board met July 18. Present were Mayor Joe Slivka and Trustees Adam Burnett, Bill Rehberg, Jim Morris, Virgil Stacy and Treasurer Beverly Horsley.

Bill Rehberg made a motion to appoint Rick Tollefson to take Landy Walker's trustee position and the motion was carried.

The treasurer's report was looked over. The sewer fund was in the hole by \$812.75 Slivka suggested taking \$1,000 out of the general fund to cover it as matching funds. The budget will be discussed at the next workshop. Joe Slivka read a report from Paul Chase concerning the sewer project. It was stated that if the village doesn't have any results by fall, a disconnect ordinance would be passed.

It was stated that some property hasn't been cleaned up. Dallas Ingemunson has been informed to take the next step concerning the junk letter that was sent. Garbage men will not pick up 42 gallon containers, only 30 gallon containers.

Slivka stated that Ingemunson informed him that the county will update their mining ordinance on Aug. 16. Slivka said he is hopeful that Lisbon will be adopting Kendall County Zoning ordinances in September. It was decided that the board would discuss this further at their next workshop. Avery is questioning if the village is interested. They were told that yes and the village wants a five percent host fee. Rehberg made a motion for the workshop meeting to be changed to the second Monday of the month and the motion was carried. Pictures had to be taken of the property that the village wants condemned. Ingemunson is investigating and taking further steps. Chamlin and Assoc engineering firm was hired for street and maintenance repairs. Paperwork has been done for the tarring and chipping for I.D.O.T. People have volunteered to help with the Labor Day activities.

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## Lisbon Village Board Meeting

Lisbon Village Board held its monthly meeting March 15, 2004, 7 pm in the Village Hall. Present were Pres. Jim Morris, acting Village Pres. Joe Slivka, and Trustees Terri Nichols, Bill Rehberg, Landy Walker, Dennis Davidson and Treasurer Beverly Horsley.

Minutes of the January meeting were read. Davidson made motion to accept minutes, Rehberg seconded, all present voted in favor, motion carried.

Treasurer's report was given by treasurer Beverly Horsley.

Current bills were read. Davidson made motion to pay bills. Nichols seconded, all present voted in favor, motion carried.

Slivka stated at our next workshop, April 6, 2004, we'll have a draft for Smith Engineering. After village attorney has reviewed it board will look it over.

Slivka also stated that design of sewage treatment should be done in week and a half. Discussed what property we could buy for sewage field.

Morris stated our insurance policy with Bliss McKnight of Illinois needs to be looked over when we receive it. If any changes need to be made we need to let Terry Larson know.

Need for lawn mowing at the park was discussed. Proof of insurance needs to be kept on file.

It was questioned whether Ron Shorkey's job at village hall had been completed.

Walker's report was given. He stated need for patching to be completed and air conditioner needs to be installed in village hall. Snow posts needs to be purchased, also discussed need for impact fees.

Lisbon Grade school wants to be included in Labor Day activities.

Davidson made motion to adjourn meeting. Rehberg seconded; motion carried and meeting was adjourned.

Marilyn Burnett - Village Clerk

2003

## Lisbon Village Board meets

The Lisbon Village Board met May 19 in the Village Hall. The meeting began with swearing in of the elected trustees, Adam Barnett, Terri Nichols, and Landy Walker.

Grant Avery presented the Board with the current proposal for annexation of Valley Run Stone to the village.

Jim Morris, Village President, stated he would like to meet with other nearby small villages to discuss annexations and other matters relevant to small communities.

It was noted that the Village Treasurer has moved out of the Village, and discussion was held regarding appointing a new Treasurer. Village resident Beverly Horsley offered to assume the treasurer's position, and the Board voted to appoint her.

Landy Walker stated that paint for the Village Hall has been purchased. Cold patch work was done on streets, and storm sewer pipes that were broken have been repaired. There are still sewer pipes needing repair that will have to be contracted.

The Village Board thanked Bill and Randy Rehberg and William Eisenbrandt for equipment donated to the village.

It was stated that consultant Paul Chase is working on a disconnect ordinance for the village. The ordinance will have to be reviewed by the Village Board and the Village Attorney.

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# Quarry offers help with sewer woes if it is annexed to Lisbon

By Tony Scott

A stone quarry firm near Lisbon has requested to be annexed into the village. However, village officials are still considering the idea before putting it to a vote.

Valley Run Stone is seeking to expand their operation, and annex 356 acres of land owned by the Avery family, who owns the company, into the village.

In a letter to Lisbon residents dated Aug. 1, the owners of Valley Run Stone outline an offer made to the Lisbon Village Board if the board decides to annex the land.

The letter states the firm will contribute a \$250,000 "host community fee" to the village, which guarantees the village \$50,000 a year for five years. This would be in addition to the \$8,000 to \$15,000 the firm states it will bring the village in annual sales and property tax revenue.

The firm also states annexing the land will help alleviate the village's existing antiquated wastewater collection system. The letter says the firm will donate a two-acre site dedicated to the village for a sewer or lagoon system.

Village Board member Joe Slivka, who has spearheaded efforts to improve the village's wastewater collection system, said Monday the village needs to do "a lot of research" into the issue before a vote can be taken.

"It sounds like it's too good to be true," Slivka said. "We just have to investigate it."

Regarding Valley Run Stone's offer,

Slivka said rather than accepting the firm's proposed "host community fee" for five years, he prefers to charge the firm for a percentage of their stone sold "as long as [the facilities] operate." Slivka also said cities such as Morris may get sales tax revenue from the firm if trucking firms that are out of the area use the firm's proposed operation.

Slivka said the village would also have to adopt a mining ordinance. The firm's letter states that the company would provide \$10,000 to the village for a zoning consultant to review Kendall County's zoning and mining ordinances. Slivka said the amount is "not enough."

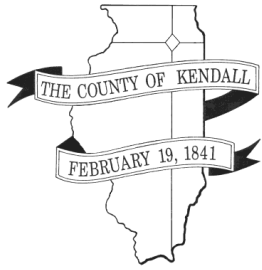
But Grant Avery, one of the firm's four owners, said the village would simply need to adopt the county's ordinance as its own. Avery said the company has been discussing the issue with village officials for the past five years, and that it's "dragging its feet," and voiced frustration that the village hasn't accepted the firm's offer.

"I've gotten no response [from the village], other than 'No, we don't want you here,'" he said. "That's basically what I've been told."

He added, "I thought the offer we gave them was more than generous. It's a win-win for them. We continue, they continue, it solves their sewer problem, for the most part."

Avery said Tuesday that if the village doesn't make a decision on the issue soon, he will instead go through the county to get the approval of the expansion.

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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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To: Kendall County Comprehensive Land Plan and Ordinance Committee  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: April 16, 2018  
Re: Future Land Use Along Illinois Route 47 in Lisbon Township

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At the March meeting, the Committee approved several changes to the proposed Future Land Use Map in Lisbon Township from the Land Resource Management Plan. A copy of the revised map, previous versions of the map, the Village of Lisbon's future land use map, the proposed findings of fact, and the uses within the business and manufacturing zoning districts are attached.

The following land use/zoning matrix should be kept in mind:

Mining=M-3

Mixed Use Business=B-6, M-1, M-2 and M-3

Transportation Corridor= B-3, B-5 and B-6

Commercial= B-1, B-2 and B-3

Rural Settlements=Areas with a maximum 2,000 residents with a combination of residential and support services.

MHA

ENCS:4-16-18 Future Draft Lisbon Future LRMP

1-9-18 Future Draft Lisbon Future LRMP

Current Future Land Use Map for Lisbon Township

Future Land Use Map, Village of Lisbon

Proposed Findings of Fact and Draft Future Land Use Map

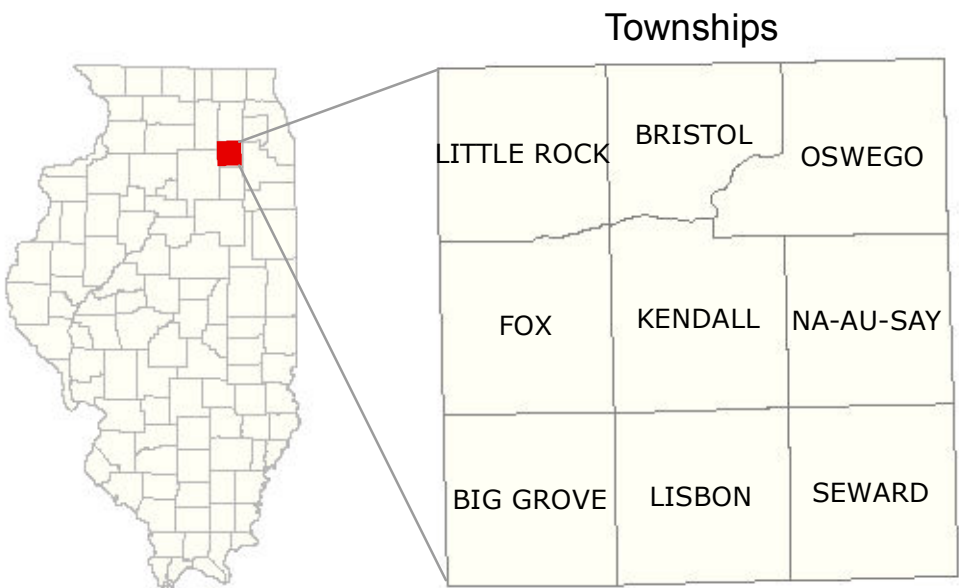
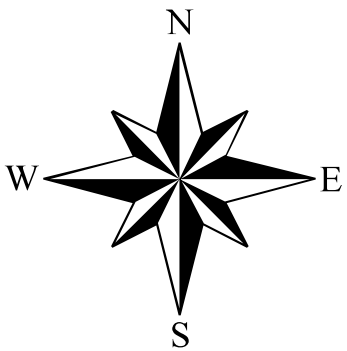
Business and Manufacturing District Permitted and Special Uses



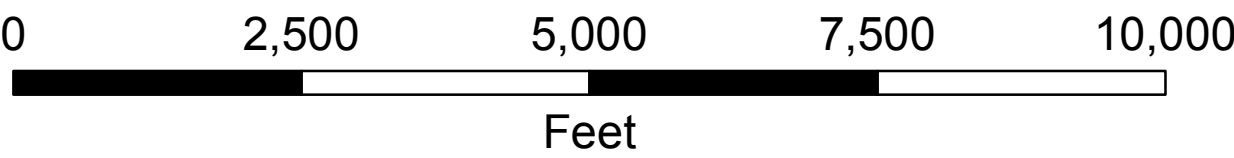
DRAFT Lisbon Future LRMP  
Helmar Rd to Sherrill Rd  
KENDALL COUNTY

- 2018 -

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

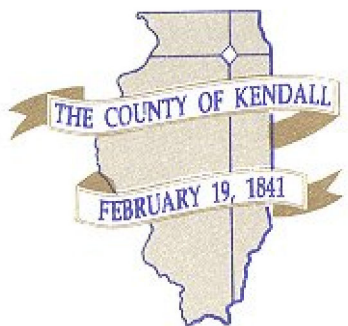


Scale: 1 in = 1,667 feet

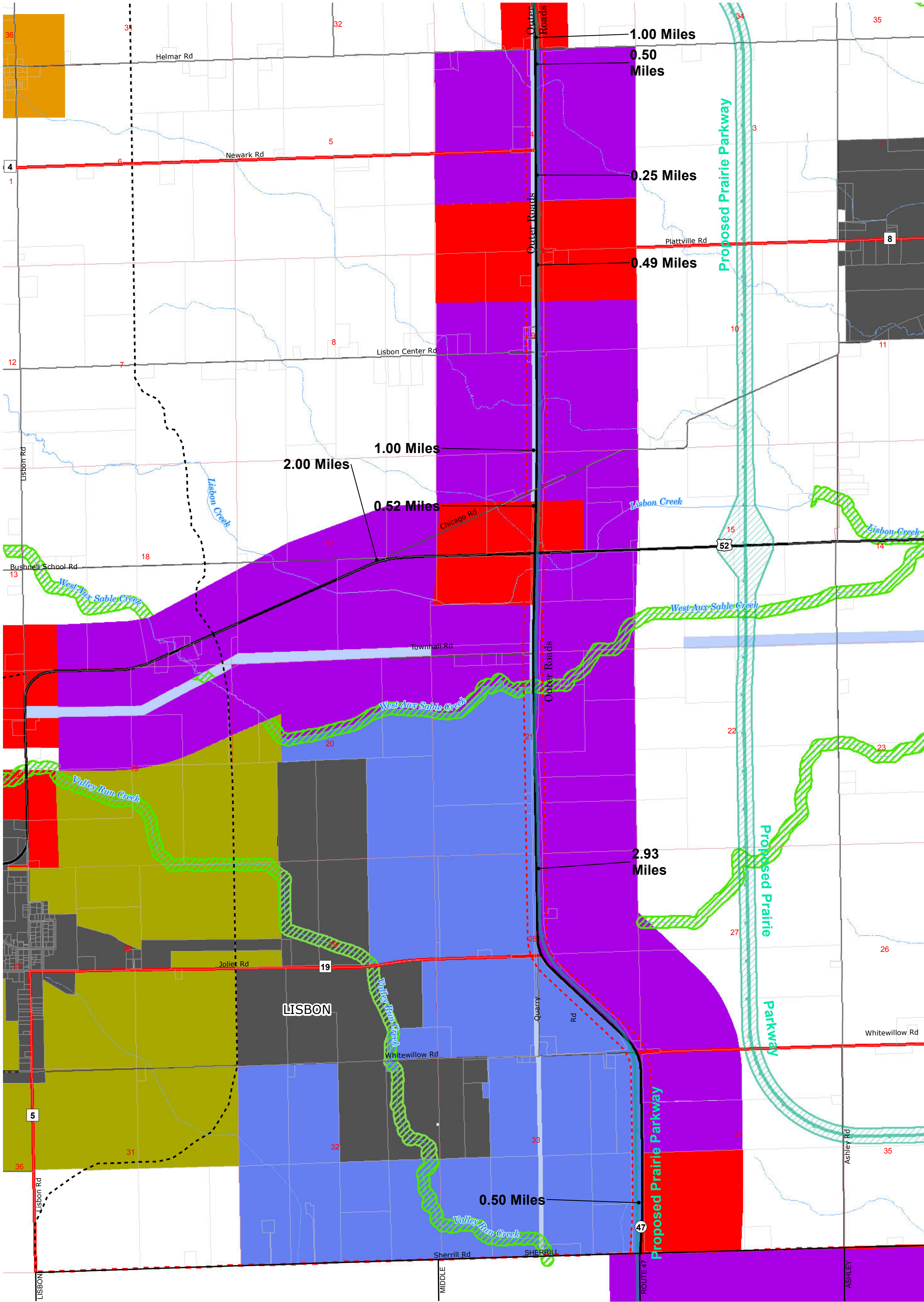


Legend

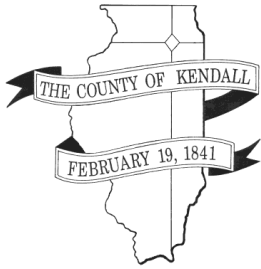
- Outer Roads
- Proposed Roadways
- Future LRMP
- Abbreviation
  - Natural Resource Areas
  - Grundy Mixed Use Business
  - Court Ordered Mining
  - Open Space
  - Urbanized Areas
  - Mixed Use Business
  - Transportation Corridors
  - Public Institutional
  - Mining
  - Rural Settlements
  - Commercial
  - Continued Growth Suburban Residential



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







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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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February 9, 2018

RE: Draft Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

The Kendall County Regional Planning Commission and Kendall County Comprehensive Land Plan and Ordinance Committee are considering changing the Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. In general, the proposed changes are as follows:

1. Changing the Agricultural Area West of Route 47 from Slightly North of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business

The existing Future Land Use Map and the Draft Future Land Use Map are enclosed for your reference. The map key is:

Mining=M-3 (Mining and Mining Related Uses)

Mixed Use Business=B-6, M-1, M-2 and M-3 (Large Office and Manufacturing Uses)

Commercial= B-1, B-2 and B-3 (Small Office and Retail Uses)

A meeting to obtain input from property owners impacted by this proposal shall be held on Wednesday, **February 28<sup>th</sup> at 7:00 p.m.** at the Plattville Fire Barn (**6410 Chicago Road**). Both Committees may make changes to the Draft Future Land Use Map based on the comments received at this meeting. A public hearing and review by the County Board will be required prior to the adoption of a final proposal.

If the Draft Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

Sincerely,

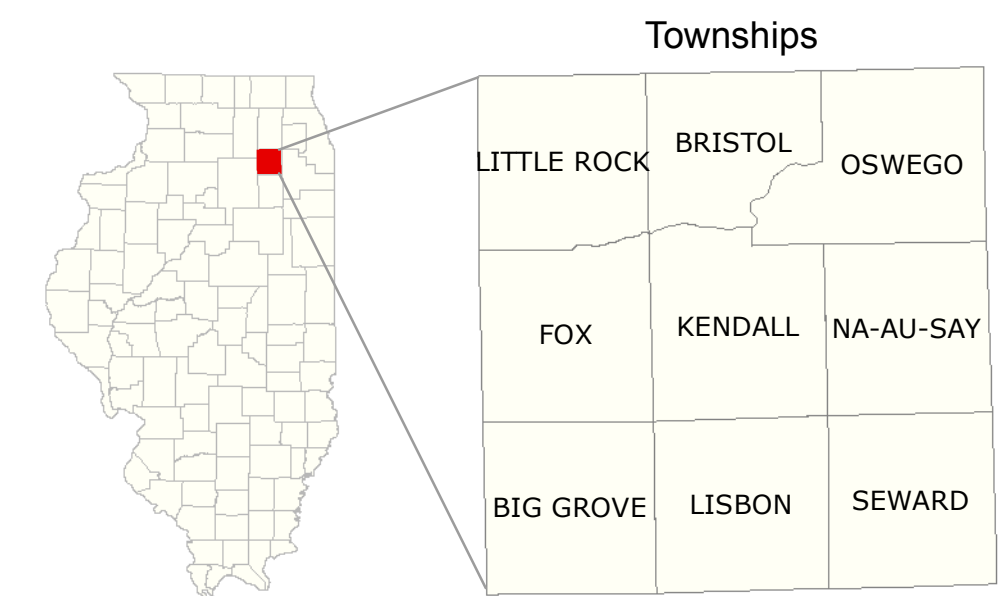
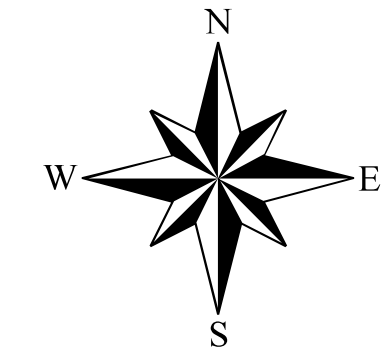
**THE COUNTY OF KENDALL**

Matthew H. Asselmeier, AICP  
Senior Planner

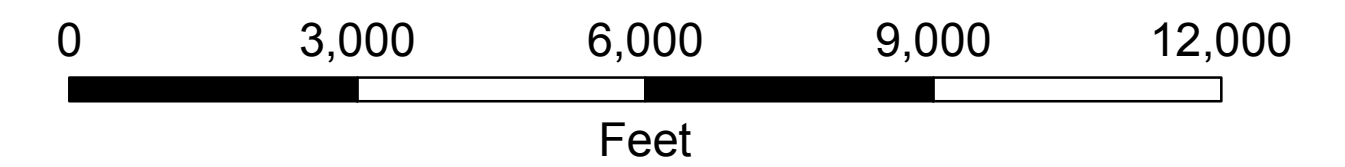
Encs:   Current Future Land Use Map  
          Draft Future Land Use Map

# Future Land Use Lisbon Township KENDALL COUNTY - 2017 -

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



Scale: 1 in = 2,000 feet

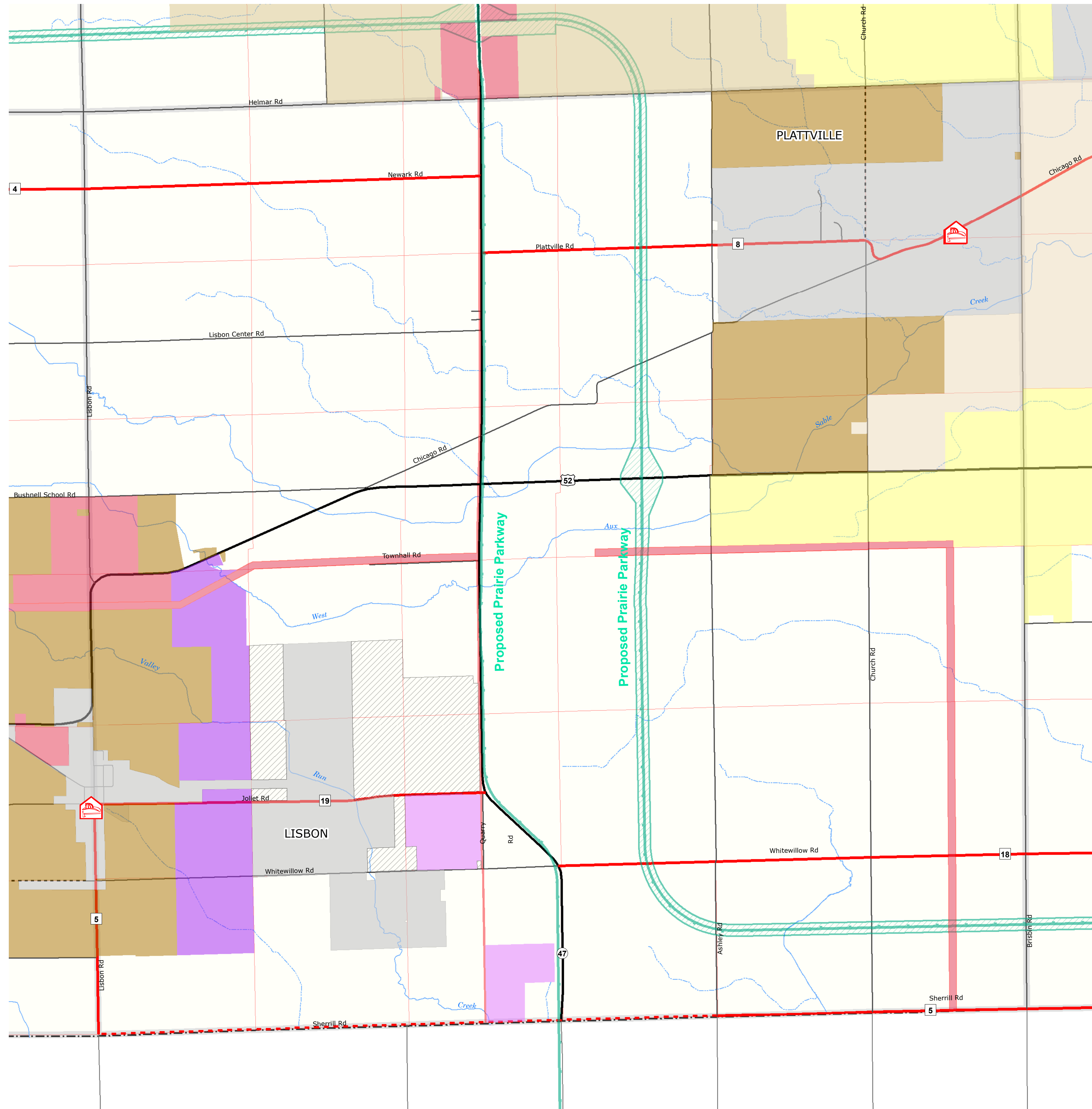


## Legend

### Future Land Use

#### Land Use Type

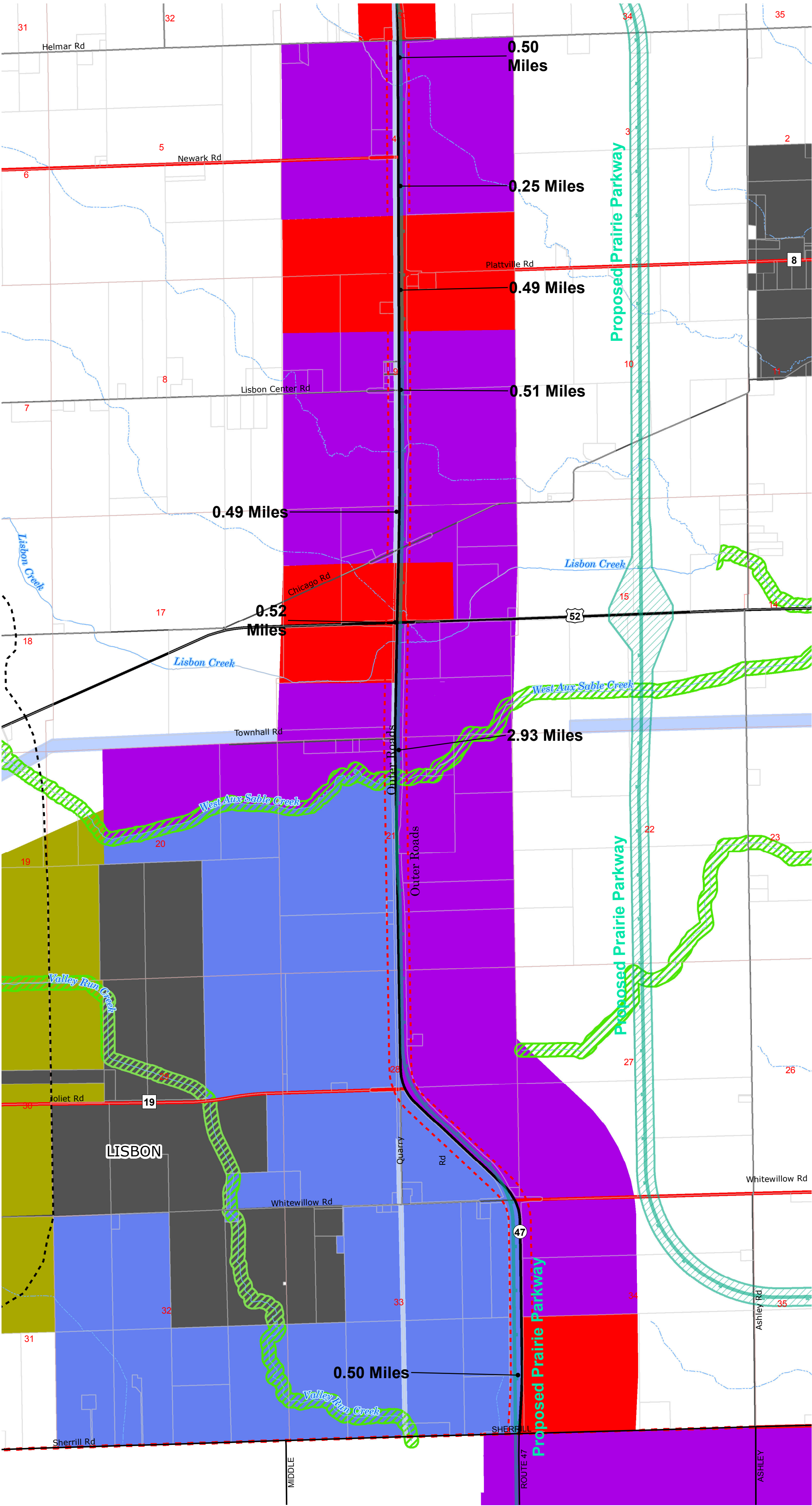
- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Residential Max Density 0.45 DU Acre
- Countryside Residential Max Density 0.33 DU Acre
- Commercial
- Commonwealth Edison
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Agriculture
- Open Space
- Forest Preserve/State Parks
- Unknown
- FEIS\_centerline
- Protected Corridor - 2007



**Kendall County GIS**

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

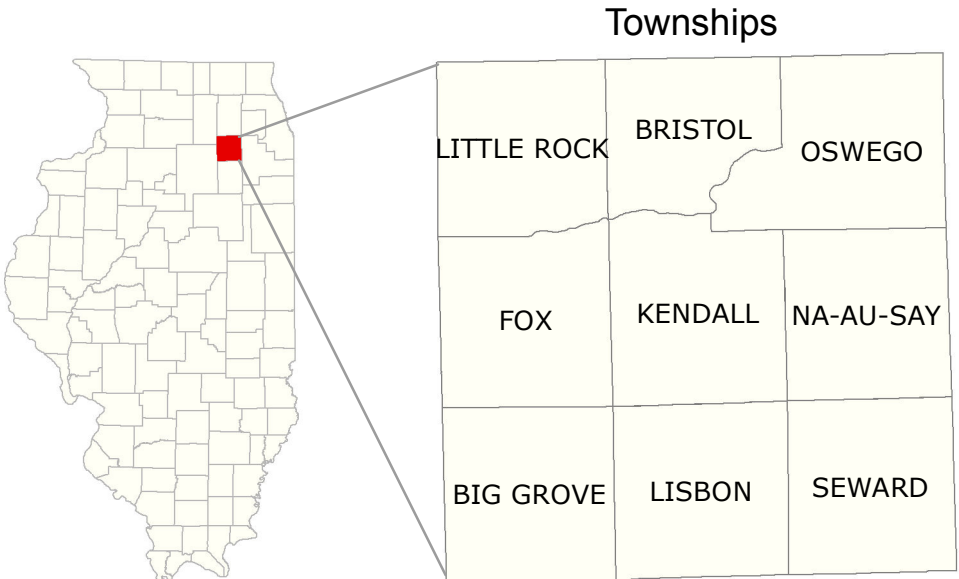
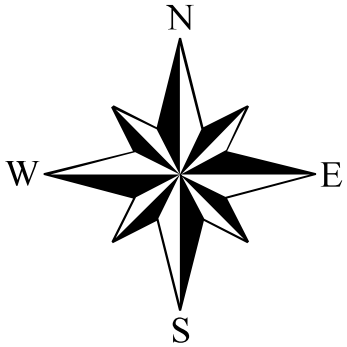




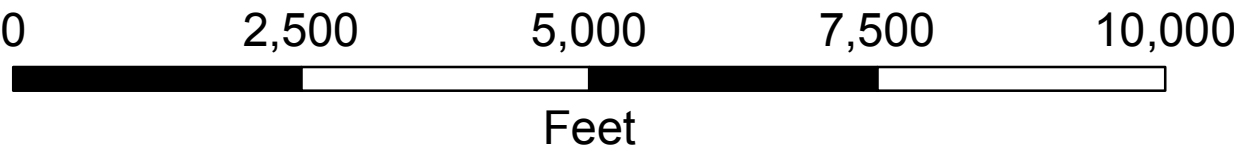
DRAFT Lisbon Future LRMP  
Helmar Rd to Sherrill Rd  
KENDALL COUNTY

- 2018 -

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

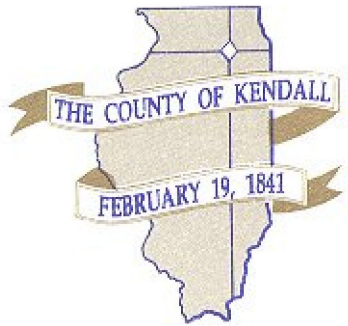


Scale: 1 in = 1,667 feet



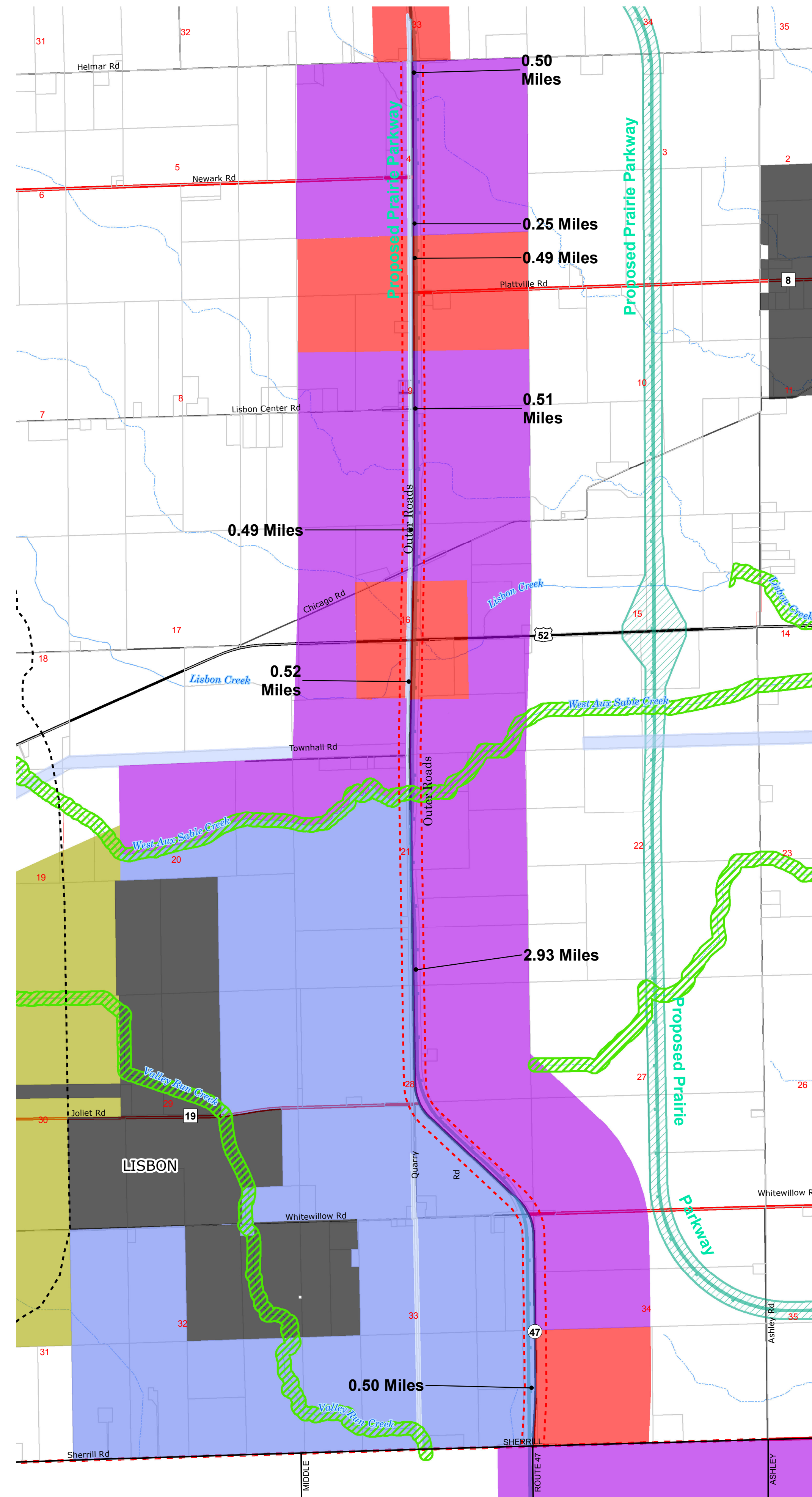
Legend

- Outer Roads
- Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resourse Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



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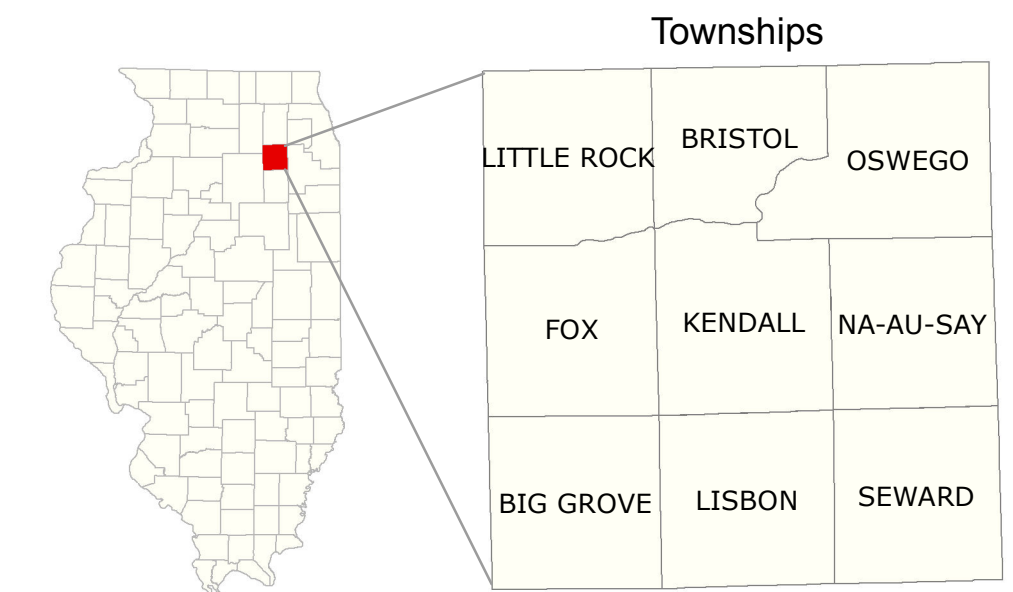
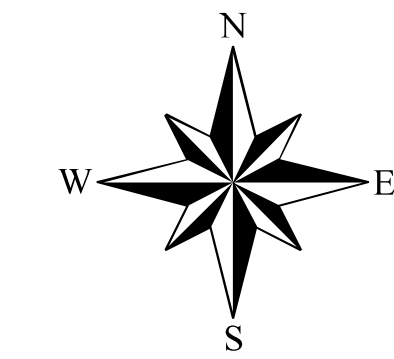




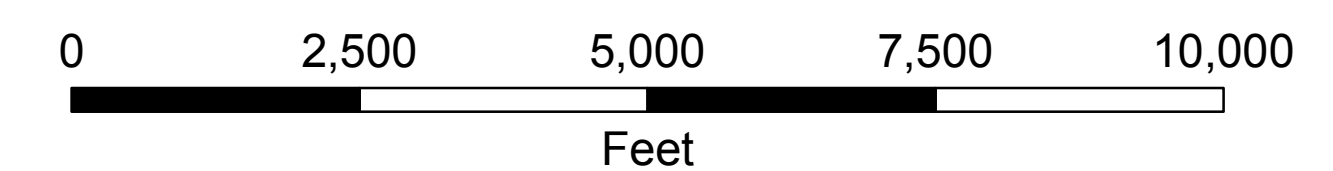
# DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



## Legend

--- Outer Roads

--- Proposed Roadways

### Future LRMP

#### Abbreviation

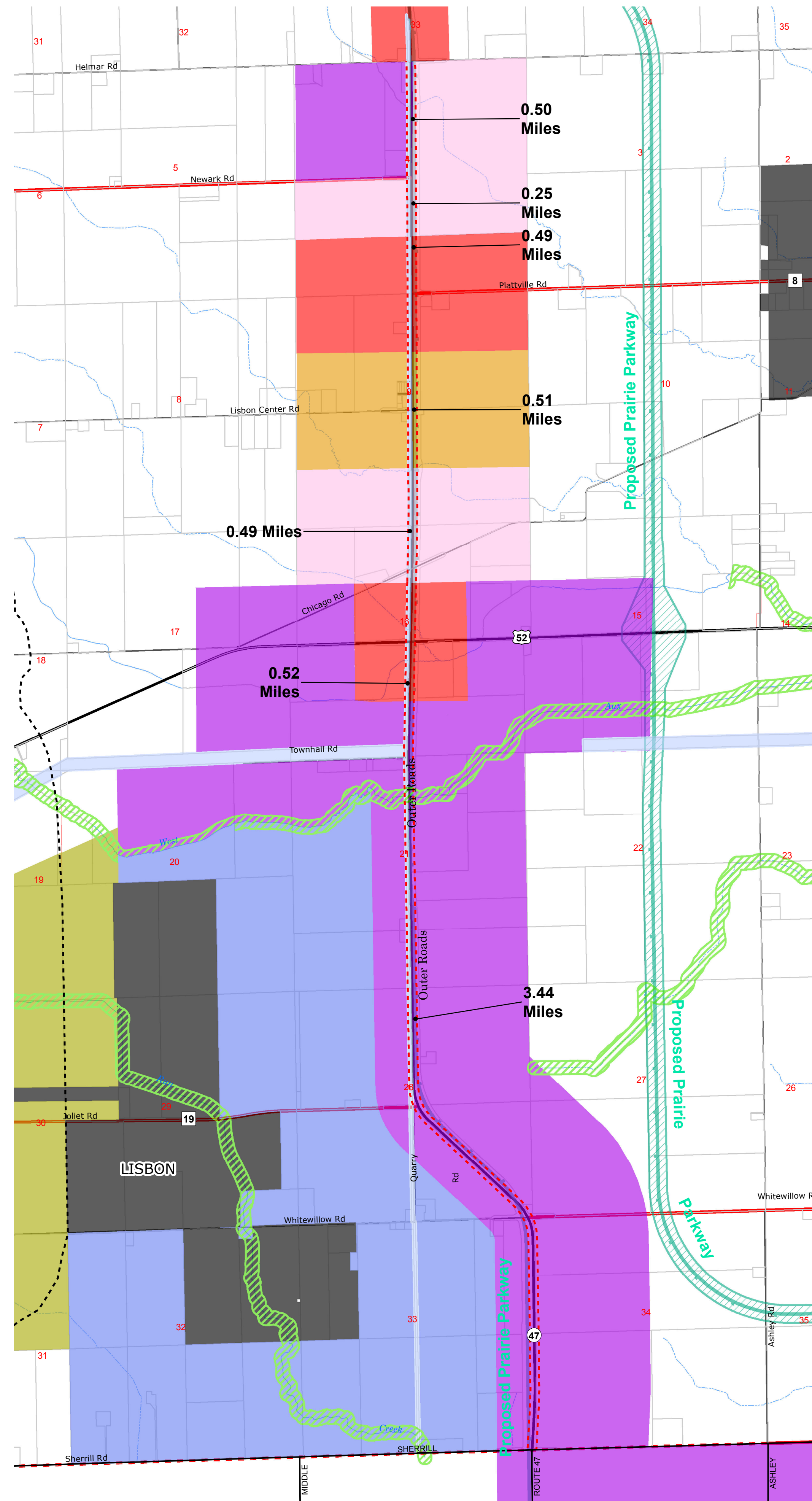
- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



### Kendall County GIS

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Yorkville, Illinois 60560-1498  
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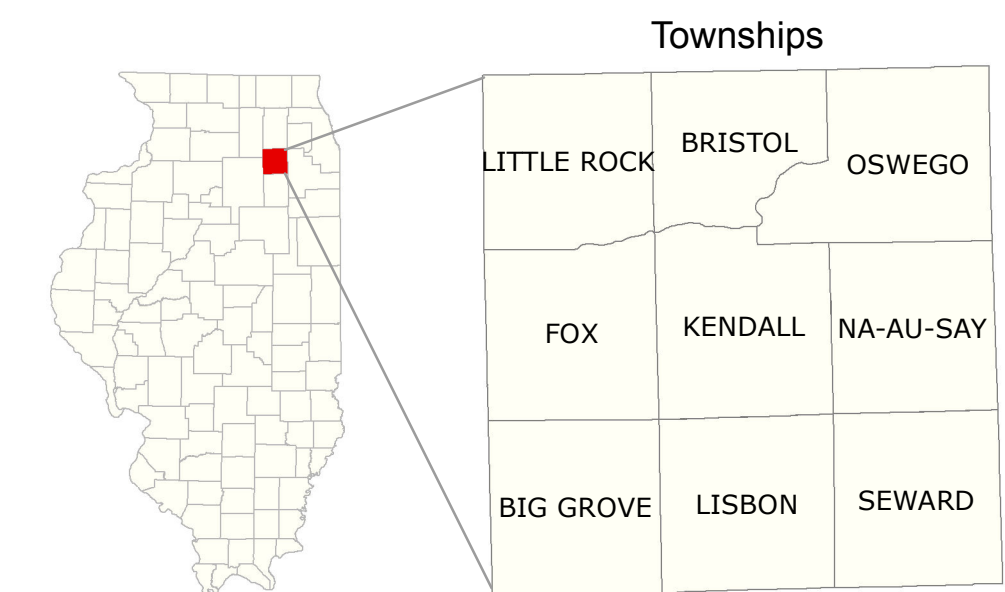
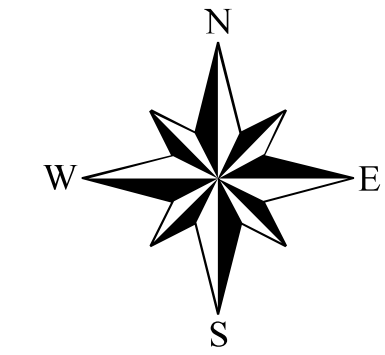




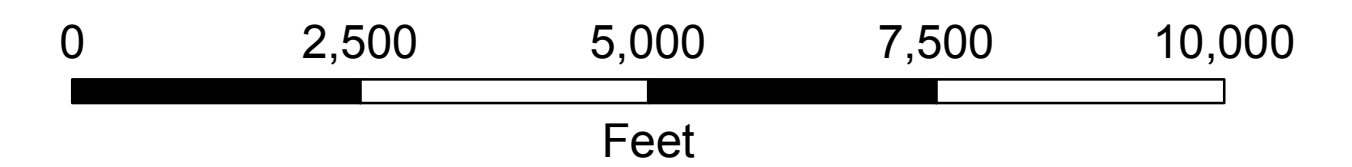
# DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2017 -

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



Scale: 1 in = 1,667 feet



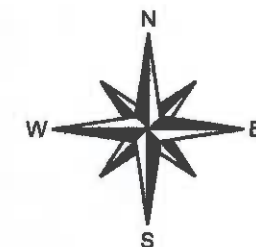
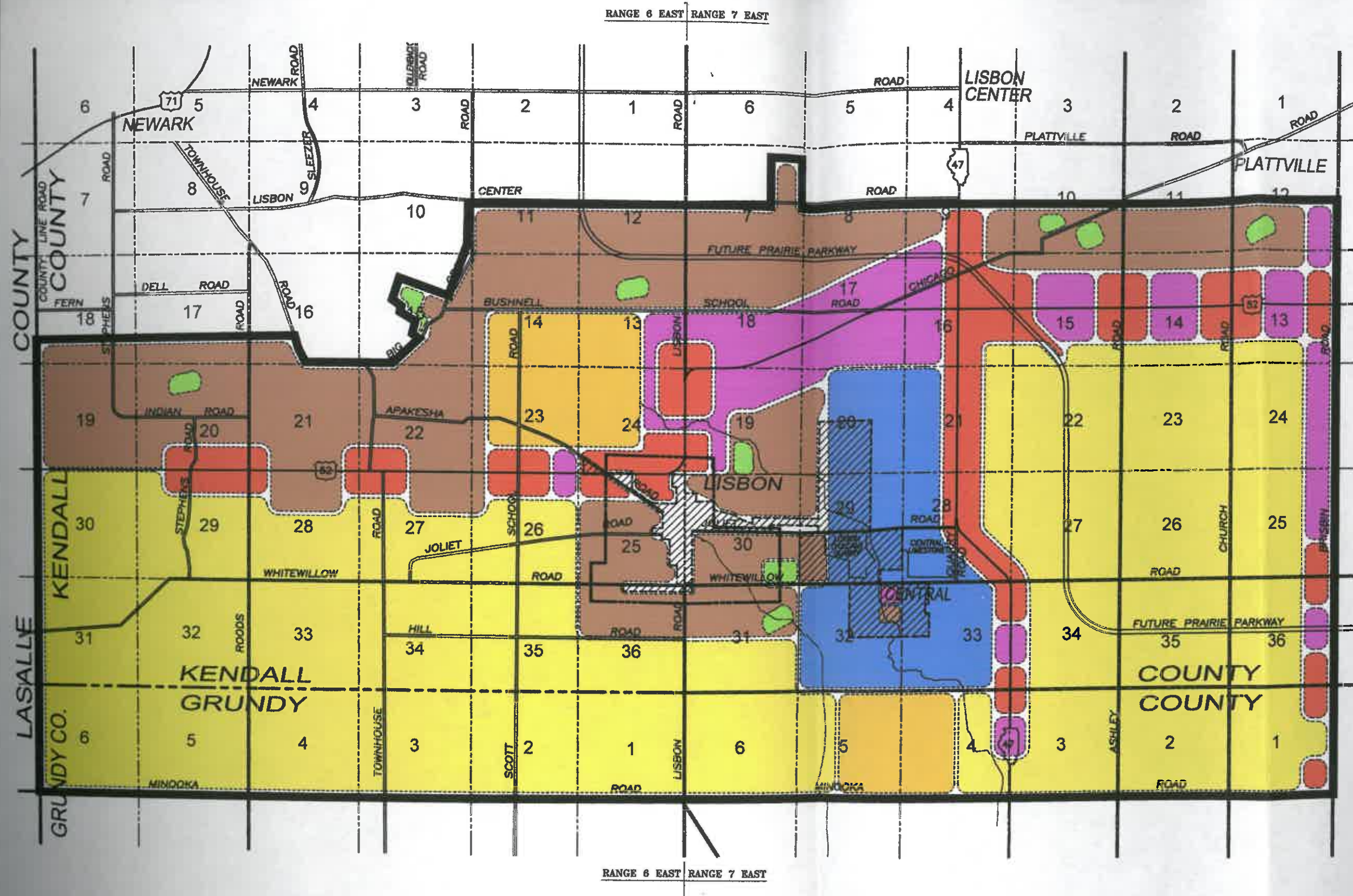
## Legend

- Outer Roads
  - Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resource Areas
  - Grundy Mixed Use Business
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  - Continued Growth Suburban Residential



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





# LEGEND

- LISBON COMPREHENSIVE BOUNDARY
- EXISTING LISBON VILLAGE LIMITS
- ORIGINAL LISBON VILLAGE LIMITS
- COMMERCIAL
- MIXED USE BUSINESS
- MINING
- OPEN SPACE
- 1 ACRE CITY LOTS
- INDUSTRIAL
- AGRICULTURAL

TOWNSHIP 34 NORTH  
TOWNSHIP 33 NORTH

DRAWN BY: MAR	SCALE: 1" = 1700'
CHECKED BY: GRC	DATE: 8/14/07

**CHAMLIN**  
ASSOCIATES

PERU MORRIS  
ILLINOIS

## COMPREHENSIVE PLANNING MAP VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

PLANNING AREAS

SCALE: 1" = 1700'

SHEET

FILE NO.:

OF

Findings of Fact for Proposed LRMP Map Changes Along Route 47 (Approximately 5.5 Miles)  
in Lisbon Township

1. The Illinois Department of Transportation approved Alternative B5 in 2007 which called for the widening of Route 47 from Caton Farm Road to the Grundy County Line through Lisbon Township as part of the Prairie Parkway Project.
2. The purpose of the Prairie Parkway was to:
  - a. “Improve regional mobility by providing more north-south, higher speed multi-lane roads or additional lanes to serve traffic growth and reduce regional travel times for long distance travel.
  - b. Address local system deficiencies by developing a transportation system that serves forecast growth in local traffic and reduces travel times.
  - c. Improve access from the study area to regional jobs by serving the forecast growth in work trips and by reducing travel times from the study area current and future jobs.
  - d. Improve safety by reducing existing and projected growth in motor vehicle crashes”  
Source: Prairie Parkway Design Report (2011) Page 1.
3. The Illinois Department of Transportation did not conduct any economic analysis of the impact of the proposed Prairie Parkway on lands located near Route 47 south of Caton Farm Road. Source: Illinois Department of Transportation
4. Changes to the alignment of the Prairie Parkway could cause the Illinois Department of Transportation to re-study the corridor, including updating the NEPA environmental reports, if federal dollars were pursued.
5. There are commercial and industrial lands in Grundy County and Minooka closer to Interstate 80 interchange
  - a. Kraft facility has 1 million square feet available.
  - b. 150 acres is available across from the Morris Airport
  - c. Morris plans warehouses out to Brisbin Road.
  - d. Morris plans retail on Route 47 north of town.
  - e. Morris plans industrial uses by the airport.Source: Grundy County EDC
6. The City of Morris has extended water lines to Minooka Road and sanitary sewer lines to Nelson Road; no plans to extend infrastructure into Lisbon Township. The City of Morris obtains water for the area north of Interstate 80 from wells south of Interstate 80 Source: Guy Christensen, City of Morris

7. The Chicago Metropolitan Agency for Planning, in the Kendall County Industrial Market Analysis of April 2016, concluded that industrial uses would favor locations near Minooka and inside Grundy County because of their proximity to Interstate 80 (Page 34)
8. Any buildings constructed presently along the corridor will utilize wells and septic systems. Larger buildings (over 5,000 square feet) will need adequate water for fire suppression and/or will need to be constructed with appropriate firewalls.
9. No fiber optics lines currently exist in the area.
10. Traffic counts along Route 47 in Lisbon Township have generally declined since 2003 with the exception for the north end of the Township:
  - a. 5400 (2003) to 4950 (2017) south end of County
  - b. 6300 (2003) to 4950 (2017) south end Route 47 and 52 interchange
  - c. 6600 (2003) to 6250 (2017) north of Chicago Road
  - d. 6400 (2003) to 6700 (2017) at Newark RoadSource: Illinois Department of Transportation
11. Traffic Counts on Route 52 have remained steady since 2003:
  - a. 1800 (2003) to 1600 (2017) south of Bushnell School Road
  - b. 2900 (2003) to 3350 (2017) east of 47Source: Illinois Department of Transportation
12. Current traffic accidents are most likely to occur near road intersections; many of these accidents are “failure to yield” type accidents. The types of accidents could change and could include more overcorrection type accidents after the widening project is completed. Source: Kendall County Sherriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.

16. Existing mining operations are located in Sections 21, 28 and 33. The mining operations could expand into Sections 32, 29 and 20.
17. West Aux Sable Creek is located in the area.
18. The intersection of Plattville Road and Route 47 is the most likely area on the west side of an enlarged Village of Plattville where sales tax producing businesses could locate.
19. Grainco FS and CHS Elburn currently operate grain storage facilities between Helmar and Newark Roads on the west side of Route 47. These uses are special uses in the A-1 Zoning District and are Permitted Uses in the M-2 Zoning District.
20. Commonwealth Edison has a ROW along Route 47 running north to south and near Townhall Road running east to west.
21. The Kendall County Land Resource Management Plan includes classifications for Commercial Uses (office and retail establishments at nodes), Transportation Corridor Uses (uses in B-3, B-5 and B-6 Zoning Districts), Mixed Use Business (uses in B-6 and the 3 Manufacturing Districts) and Mining.
22. Most of the land along the corridor is currently used for agricultural purposes.
23. The Kendall County Economic Development Committee would like outer roads to ensure to prevent interruption of traffic flows in the area. The Committee was also concerned about adequate water and the aesthetics of the corridor. The Committee also wanted a portion of the corridor reserved for industrial uses.
24. Few houses are located along the corridor. Locations with less traffic tend to be better suited for residential uses and these locations exist elsewhere in the County. No loss of affordable housing units is anticipated. The County will remain in compliance with the Illinois Affordable Housing Planning and Appeal Act (310 ILCS 67).

## 9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
  2. Agricultural implement sales and service on an open lot or within a building.
  3. Animal hospital
  4. Banquet Halls are permitted subject to the following conditions:
    - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
    - b. The subject parcel must be a minimum of 5 acres.
    - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
    - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
    - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
    - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
    - g. The noise regulations are as follows:

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 property line of the complainant.



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 property line of the complainant.

**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.

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Clean up and restoration services with the following conditions:
  - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
  - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
  - c. All operations are to take place inside an enclosed structure.
  - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
  - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
  - f. No materials that are brought in can be burned on this site.
  - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
  - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes
11. Currency exchange.

12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. 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.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. 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.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.



1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice with the following conditions:
  - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
  - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
  - c. Hours of operation from 7am to 10pm
  - d. No alcohol allowed.
  - e. Must meet all requirements of the Kendall County Health Department.
  - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
10. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
11. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
12. Landscaping business, provided that:
  - a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.

- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
  - c. No landscape waste generated off the property can be burned on this site.
- 13. Meetings Halls
- 14. Micro-Brewery and/or Winery
- 15. Micro Distillery subject to the following conditions:
  - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
  - b. Locally grown inputs shall be used to the greatest extent possible
  - c. The number of hours permitted to operate shall be on the approving ordinance.
  - d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
  - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
  - f. Shall contact & meet all requirements of the Kendall County Health Department.
  - g. A waste management plan should be submitted to the Kendall County Health Department
- 16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
- 17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
- 18. Pawn Shop
- 19. Performing arts center subject to the following conditions:

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
  - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
  - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
  - d. The amount of students and type of events are listed in the approving ordinance.
  - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - f. Must meet applicable Fire Protection District codes.
- 20. Places of Worship subject to the following conditions:
  - a. 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.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00
- 21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.
- 22. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses

23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop

D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

#### 9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.

B-6  
Permitted Uses

1. Accessory uses.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. Wholesale sales, displays and offices, but not including storage or warehousing

B-6  
Special Uses

1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship
12. Private clubs such as soccer, etc.
13. Public or Private Utilities and Service uses:
  - a. Telecommunications hub

- b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
14. Restaurants and/or taverns
  15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
  16. Self Service Storage Facilities (enclosed)
  17. Telecommunications stations
  18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District

### M-1 Permitted Uses

1. Ambulance Service (Private)
2. Animal feed; preparation, grinding, mixing and storage.
3. Auction Facility
4. Banquet Halls
5. Beverages, non-alcoholic, bottling and distributing.
6. Business or trade school
7. Clean up and restoration services
8. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
9. Construction equipment sales and service.
10. Contractors' offices and shops.
11. Glass cutting and glazing establishments
12. Light manufacturing and assembly.
13. Micro Distillery
14. Miscellaneous uses - as follows:
  - Accessory uses.
  - Signs.
  - Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
15. Motor vehicle Sales/ Motorcycle Sales including truck sales.
16. Nano Breweries.
17. Offices, business and professional, including medical clinics.
18. Parking Garages for storage of private passenger automobiles and commercial vehicles.
19. Public and community service uses - as follows:
  - Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
  - Electric sub-stations.
  - Fire stations.
  - Governmental buildings and facilities
  - Municipal or privately owned recreation buildings
  - Police stations.
  - Sewage treatment plants.

Telephone exchanges.  
Water filtration plants.  
Water pumping stations.  
Water reservoirs.

20. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.  
Art needle work and hand weaving.  
Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.  
Awnings, venetian blinds.  
Bakeries.  
Beverages - non-alcoholic.  
Blacksmith shop.  
Books - hand binding and tooling.  
Bottling works.  
Brushes and brooms.  
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.  
Cameras and other photographic equipment and supplies.  
Canning and preserving.  
Canvas and canvas products.  
Carpet and rug cleaning.  
Carting, express hauling or storage yards.  
Cement block manufacture.  
Ceramic products - such as pottery and small glazed tile.  
Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.  
Clothing.  
Cosmetics and toiletries.  
Creameries and dairies.  
Dentures.  
Drugs.  
Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.  
Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.  
Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.  
Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.  
Fur goods, not including tanning and dyeing.  
Glass products, from previous manufactured glass.  
Hair, felt and feather products (except washing, curing and dyeing).  
Hat bodies of fur and wool felt.  
Hosiery.

House trailer, manufacture.

Ice, dry and natural.

Ink mixing and packaging and inked ribbons.

Jewelry.

Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting, but not including tanning and dyeing.

Luggage.

Machine shops for tool, die and pattern making.

Meat products.

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.

Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products.

Plastic products, but not including the processing of the raw materials.

Poultry and rabbits - slaughtering.

Precision instruments - such as optical, medical and drafting.

Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.

Printing and newspaper publishing, including engraving and photoengraving.

Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.

Copying/Reproduction Stores & banner or sign supplies

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.

Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

Storage of household goods.

Storage and sale of trailers, farm implements and other similar equipment on an open lot.



Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4.12 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

21. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

Catering Establishments as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice
10. Kendall County Sheriff's Office shooting range
11. Kennels
12. Landscaping business,
13. Meetings Halls
14. Micro-Brewery and/or Winery
15. Micro Distillery
16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
18. Pawn Shop
19. Performing arts center
20. Places of Worship subject to the following conditions:
21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
22. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop
  1. Amphitheater, drive-in theater, auditorium, stadium and sports arena,
  2. Athletic Fields with Lights,
  3. Amusement park, including go-cart tracks, water parks and other rides, .
  4. Bait Shop

5. Convenience Store
6. Hotel and/or Motel
7. Indoor entertainment and recreation
8. Indoor Target Practice
9. Kendall County Sheriff's Office shooting range
10. Kennels
11. Places of Worship
12. Planned Developments- Business
13. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
14. Racetrack
16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses
17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
18. Telecommunications Stations
19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
2. Adult Regulated uses
3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
4. Airport, private airstrip, heliports and aircraft landing fields
5. Art Galleries and studios
6. Grain Storage.
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Kennels
10. Medical Cannabis Cultivation Centers- Temporary
11. Medical Cannabis Cultivation Centers- Temporary
12. Motor freight terminals.
13. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
14. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
15. Paintball Facilities
16. Parks and recreational areas
17. Planned developments, industrial
18. Private Clubs or lodges
19. Private clubs such as soccer, etc.
20. Racetrack provided that the following minimum standards are met:
21. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)

22. Stadiums, auditoriums and arenas.
23. Theaters, outdoor drive-in.
24. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
25. Truck Wash Facility or Motor Vehicle Wash Facility
26. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4.12. can be met in their entirety.
27. Wind Farms, Commercial,

## M-2

### Permitted Uses

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products:
  - Charcoal, lampblack and fuel briquettes.
  - Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.
  - Coal, coke and tar products, including gas manufacturing.
  - Electric central station, power and steam-generating plants.
  - Fertilizers.
  - Film, photographic.
  - Flour, feed and grain - milling and processing.
  - Incineration or reduction of garbage, offal and dead animals.
  - Linoleum and oil cloth.
  - Magnesium foundries.
  - Matches.
  - Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
  - Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
  - Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
  - Rubber (natural or synthetic).
  - Soaps, including fat and oil rendering.
  - Starch.
  - Wood, coal, and bones, distillations.
  - Wood pulp and fiber, reduction and processing, including paper mill operations.
  - Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products: Goods used in or produced by manufacturing activities permitted in this district.
  - Grain.
  - Manure, peat and topsoil.
  - Petroleum and petroleum products.

M-2  
Special Uses

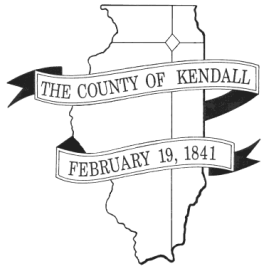
1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
7. Miscellaneous uses as follows:
  - a. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
8. Slaughter House

M-3  
Permitted Uses

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

M-3  
Special Uses

1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
2. Commercial off-premise advertising structures
3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
4. Outdoor Target Practice or Shooting (not including private shooting in your own yard)



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**MEMORANDUM**

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To: Kendall County Regional Planning Commission  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: April 16, 2018  
Re: 18-07 Proposed Text Amendment to Section 13.08 by Adding Sub-Section R Pertaining to Special Use Permit Renewal Procedures

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At their meeting on April 9, 2018, the Planning, Building and Zoning Committee reviewed the concerns of the Kendall County Regional Planning Commission regarding Petition 18-07 pertaining to proposed text amendments to Section 13.08 regarding special use permit renewal procedures.

Staff prepared the attached revised proposal based on the comments of the Planning, Building and Zoning Committee. The Planning, Building and Zoning Committee would like the County Board to have the ability to amend or revoke special use permits for cause by a supermajority vote. The Planning, Building and Zoning Committee also wanted the language related to previous owner(s) to remain in the proposal to avoid “shell games” of business entities changing their names. Staff prepared additional changes, which are noted in red, to clarify certain points of the procedure.

Staff does have concerns that the proposed procedure could create a conflict with the existing revocation procedures outlined in the Zoning Ordinance, a copy of which is attached. The majority of the special use permits issued in the last several years had provisions which stated the special use permit could be amended or revoked if the terms of the special use permit were violated.

The Planning, Building and Zoning Committee requests the Kendall County Regional Planning Commission’s comments and suggestions regarding Petition 18-07 pertaining to proposed text amendments to Section 13.08 regarding special use permit renewal procedures.

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

Thanks,

MHA

ENCS: Proposed Original Procedures  
Proposed Revised Procedures  
Existing Revocation Procedures

Proposed Original Procedures  
Renewal of Special Use Permits Procedures

13.08.R. Special Use Renewal Procedures

1. All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the owner of the special use permit or the Kendall County Board requests one or more amendments to the special use permit or if the owner or previous owner(s) of the special use permit violated the provisions and conditions of the special use permit during the most recent effective period of the special use permit.
2. If the owner of the special use permit or the Kendall County Board requests one or more amendments to the special use permit, then the amendments shall be processed under the applicable provisions of the Kendall County Zoning Ordinance for minor and major amendments to a special use permit, depending on the nature of the requested amendment(s).
  - a. If the owner of the special use permit requests one or more amendments, the owner of the special use permit shall be responsible for paying all applicable fees related to the securing of the requested amendment(s).
  - b. If the Kendall County Board requests one or more amendments to the special use permit at the time of renewal, the Kendall County Board shall be responsible for paying all applicable fees related to the securing of the requested amendment(s).
  - c. The most recent special use permit shall remain effective until the expiration date listed in the special use permit or the date in which the Zoning Administrator, in cases of minor amendments, or the Kendall County Board, in cases of major amendments, issues a decision on the application, whichever is later.
  - d. The Zoning Administrator, in cases of minor amendments, and the Kendall County Board, in cases of major amendments, may impose reasonable restrictions and conditions on any new or existing restriction or condition on an amended special use permit.
  - e. If the Zoning Administrator, in cases of minor amendments, or the Kendall County Board, in cases of major amendments, denies an amendment application, the most current version of the special use permit shall remain in effect as outlined in Section 13.08.R.1 above.
  - f. At least one (1) year shall lapse between the date of denial and the application for the same or similar amendment(s) to a special use permit at the same property.
3. If the owner or previous owner(s) of the special use permit is found guilty of violating the terms and conditions of the special use permit through an administrative adjudication process or by a court of competent jurisdiction during the most recent effective period of the special use permit, the owner of the special use permit shall apply for renewal of the special use permit under the same process as applications for new special use permits.
  - a. If the owner of a special use permit applies for renewal under this sub-Section, the existing special use permit shall remain effective until the expiration date listed in the existing special use permit or until the Kendall County Board issues a decision on the renewal application, whichever is later.
  - b. If the owner of a special use permit requiring renewal under this sub-Section of the Zoning Ordinance does not submit an application for renewal, then the special use permit shall be automatically revoked at its expiration date.

- c. If the Kendall County Board denies a request for a required renewal of a special use permit, the existing special use permit shall be deemed expired and revoked on the expiration date listed in the existing special use permit. Nothing in the provision shall be construed as a regulation restricting the Kendall County Board from initiating revocation procedures as outlined in Section 13.08.F. of the Kendall County Zoning Ordinance.
  - d. If a special use permit is revoked under the provisions of b or c listed above, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.
  - e. At least one (1) year shall lapse between the date of revocation and the application for a new special use permit for the same or similar use at the same property.
4. This Sub-Section shall apply to any special use permit issued after **INSERT DATE** requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this Sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this Sub-Section.



Proposed Revised Procedures  
Renewal of Special Use Permits Procedures (4/16/18)  
Red Are Suggestions of Staff

13.08.R. Special Use Renewal Procedures

1. All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the Kendall County Board requests one or more amendments to the special use permit or if the owner or previous owner(s) of the special use permit violated the provisions and conditions of the special use permit during the most recent effective period of the special use permit.
2. If the Kendall County Board requests one or more amendments to the special use permit, the following process shall occur:
  - a. **Prior to initiating the amendment, the Kendall County Board shall direct the Planning, Building and Zoning Department to notify the property owner and owner of the special use permit by registered letter that changes to their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The letter shall be sent not earlier than six (6) months or less than two (2) months prior to the renewal period stated in the special use permit.**
  - b. **After sending the required letter,** the Kendall County Board may approve initiating amendment(s) to a special use permit by a favorable vote of not less than three-quarters (3/4) of the members of the Kendall County Board.
  - c. **The proposed amendments shall follow the procedure outlined in Section 13.08.O (Major Amendments of Special Use Permits) regardless of the size or nature of the proposed amendment to the special use permit.**
  - d. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of the hearing.
  - e. After the completion of the procedure outlined in Section 13.08.R.2.c, the Kendall County Board may approve amendments to special use permits by favorable vote not less than three-quarters (3/4) of the members of the Kendall County Board.
  - f. **Within five (5) calendar days of approval of amendments to a special use permit, the Kendall County Planning, Building and Zoning Department shall notify the property owner and owner of the special use permit by registered mail of the changes to the special use permit.**
  - g. **Changes approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place.**

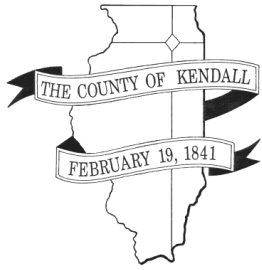
- h. If a proposed amendment fails to receive the required votes, the existing special use permit shall be automatically renewed for the same duration as listed in the special use permit currently in effect.
  - i. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.
3. If the owner or previous owner(s) of the special use permit is found guilty of violating the terms and conditions of the special use permit through an administrative adjudication process or by a court of competent jurisdiction during the most recent effective period of the special use permit, the following procedure for amending or revoking a special use permit may occur:
- a. Prior to initiating an amendment or revocation, the Kendall County Board shall direct the Planning, Building and Zoning Department to notify the property owner and owner of the special use permit by registered letter that changes to or revocation of their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The letter shall be sent not earlier than six (6) months or less than two (2) months prior to the renewal period stated in the special use permit.**
  - b. After sending the required letter,** the Kendall County Board may approve initiating amendment(s) to or revocation of a special use permit by a favorable vote of not less than three-quarters (3/4) of the members of the Kendall County Board.
  - c. The proposed amendments or revocation shall follow the procedure outlined in Section 13.08.O (Major Amendments of Special Use Permits) regardless of the size or nature of the proposed amendment to or revocation of the special use permit.**
  - d.** The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of the hearing.
  - e.** After the completion of the procedure outlined in Section 13.08.R.3.c, the Kendall County Board may approve amendments to or revocations of special use permits by favorable vote not less than three-quarters (3/4) of the members of the Kendall County Board.
  - f. Within five (5) calendar days of approval of amendments to or revocation of a special use permit, the Kendall County Planning, Building and Zoning Department shall notify the property owner and owner of the special use permit by registered mail of the changes or revocation to the special use permit.**
  - g. Changes approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place.**

- h. Revocations of special use permits shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the revocation and the revocation becoming effective, the conditions of the special use permit previously in effect shall remain in place.**
  - i. If a proposed amendment or revocation fails to receive the required votes, the existing special use permit shall be automatically renewed for the same duration as listed in the special use permit currently in effect.
  - j. If a special use permit is revoked under the provisions of this Sub-Section, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.
  - k. At least one (1) year shall lapse between the date of revocation and the application for a new special use permit for the same or similar use at the same property.
4. This Sub-Section shall apply to any special use permit issued after **INSERT DATE** requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this Sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this Sub-Section.

Existing Revocation Procedure  
Section 13.08

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 shall hold a public hearing (following procedures outlined in Section 13.08 H below) and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing. (*Amended 3.21.18*)

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.



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

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### MEMORANDUM

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To: Comprehensive Land Plan and Ordinance Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: April 16, 2018

Re: 18-03 Proposed Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments.

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In 2017, the Kendall County Board created a Boards and Commissions Review Ad-Hoc Committee to examine the number, type, and duties of the various committees utilized by the County. This Ad-Hoc Committee evaluated the roles and responsibility of each of the committees associated with the Planning, Building and Zoning Department. The Ad-Hoc Committee expressed concerns about the number of meetings certain applicants had to attend in order to obtain approval of map amendments and special use permits. In addition to County meetings, applicants for map amendments and special use permits might need to attend various township and municipal meetings.

Accordingly, the Board and Commissions Review Ad-Hoc Committee, at their meetings on August 29<sup>th</sup> and November 30<sup>th</sup> recommended the following applications not require formal meetings of ZPAC or the Kendall County Regional Planning Commission:

1. Map Amendments
2. Special Use Permits
3. Major Amendments to Special Use Permits
4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

1. Site Plan Reviews
2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
2. Changes to the Land Resource Management Plan
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals
7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

A redlined narrative of the proposed text amendments and flow charts of applications is attached for your review.

The Committee of the Whole discussed this proposal at their meeting on December 14<sup>th</sup> and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8<sup>th</sup> and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6<sup>th</sup> and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal on March 28<sup>th</sup> and unanimously recommended denial. The reasons for their denial recommendation were as follows:

1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.
5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

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

Thanks,

MHA

Comprehensive Land Plan and Ordinance Committee Memo  
April 16, 2018

ENC Proposed Redlined Changes to Zoning Ordinance  
Existing and Amended Flow Charts  
2.6.18 ZPAC Minutes  
3.28.18 KCRPC Minutes

Zoning, Platting & Advisory Committee and Kendall  
County Regional Planning Commission Amendments

Ref: Ordinance 66-4 (February 1966) RPC Powers

4.17.H Small Wind Energy Systems

Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the Planning, Building and Zoning Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County **Planning Commission Zoning Board of Appeals** to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County **Planning Commission Zoning Board of Appeals** will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the **Planning Commission Zoning Board of Appeals** may be appealed to the County Board.

7.01.D.53.b.vi Special Use in A-1-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County **Regional Plan Commission Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

8.08.B.2.h Special Use in R-3-Retail Shops or Office Use

Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the **plan commission Zoning Board of Appeals** for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.

10.01.C.27.b.vi Special Use in M-1 and M-2-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County **Regional Plan Commission Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each



turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

#### 11.02.C Shared Parking Facilities

Shared parking may be permitted upon written documentation submitted to the ~~Plan~~ **Commission Zoning Board of Appeals** and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) The Shared Parking report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed-use buildings and sites.

#### 11.02.D Mixed Uses (Parking)

When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the ~~Regional Plan-Commission~~ **Zoning Board of Appeals** and approved by the County Board.

#### 11.04 Schedule of Parking Requirements

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, ~~the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. Applicants may also property owners may~~ file for a variation from ~~theses~~ requirements following the procedures outlined in Section 13.04 of this Zoning Ordinance. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

#### 11.04 Schedule of Parking Requirements

Airports or aircraft landing field

Heliports

Convents and monasteries

Crematories and mausoleums

Fraternal institutions

Outdoor amusement establishments -

fairgrounds, permanent carnivals, kiddy

parks and other similar amusement centers

Municipal or privately owned recreation

buildings, community centers, club houses,

or other recreational uses such as ball fields

or golf courses

Penal and correctional institutions

Rectories and parish houses

Swimming pools

Parking spaces shall be provided in adequate number as determined by the **Regional Plan Commission Zoning Board of Appeals** and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public.

#### 11.04.A Schedule of Parking Requirements-Other Uses

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the **Regional Plan Commission Zoning Board of Appeals**.

#### 13.01.C Kendall County Regional Planning Commission

The Planning Commission shall have the following duties under this ordinance:

~~1. To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the committee report from the Zoning and Platting Advisory Committee (ZPAC) and report thereon with its recommendations.~~

**2 1.** To hold conferences in regard to proposed plan developments under this Ordinance **and the Kendall County Subdivision Control Ordinance** and submit a written report with its recommendations.

~~3 2.~~ To initiate, direct and review a study of the provisions of ~~this Ordinance and the zoning map attached hereto~~ **the Kendall County Land Resource Management Plan** and to make reports on its recommendation to the County Board not less frequently than annually.

**3.** To review and issue recommendations on text amendments to this Ordinance related to the powers and duties of the Kendall County Regional Planning Commission. The Kendall County Regional Planning Commission may also initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.

**4.** Those powers and duties assigned to the Kendall County Regional Planning Commission in Special Use Ordinances approved by the Kendall County Board prior to the approval of this text amendment.

**5.** Members of the Kendall County Regional Planning Commission shall receive application information for map amendments, text amendments not impacting the duties and powers of the Kendall County Regional Planning Commission, special use permits and major amendments to special use permits. However, the Kendall County Regional Planning Commission shall not meet on these applications. Individual members of the Kendall County Regional Planning Commission may submit comments on these applications to the Zoning Administrator.

#### 13.07.B Amendments-Initiation of Amendments

Amendments may be proposed by the County Board, a Committee designated by the County Board, the Zoning Board of Appeals, ~~the Regional Plan Commission~~ or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment. **The Regional Planning Commission may initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.**

#### 13.07.C Application for Amendment

1. An application for an amendment shall be filed with the Zoning Administrator.
2. A copy of such application shall thereafter be forwarded ~~to the Zoning, Platting & Advisory Committee (ZPAC), the Regional Plan Commission and~~ to the County Zoning Board of Appeals with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
3. For all proposed map amendments, the Applicant will promptly forward via certified mail return receipt requested a copy of the complete application and notice of public hearing to the Township containing the subject parcel, and to any municipality within one and one-half (1½) miles of the subject parcel.
- 4. Applications for map amendments shall be forwarded to the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission for review and comment. The Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission shall not meet to consider map amendments. Individual members of the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission may forward comments on proposed map amendments to the Zoning Administrator prior to the date of the public hearing before the Kendall County Zoning Board of Appeals.**
- 5. Applications for text amendments not involving matters impacting the duties and powers of the Zoning, Platting & Advisory Committee or the Kendall County Regional Planning Commission shall follow the same procedure listed in 13.07.C.4 above.**
- 6. The Zoning, Platting & Advisory Committee shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Zoning, Platting & Advisory Committee. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**
- 7. The Kendall County Regional Planning Commission shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Kendall County Regional Planning Commission. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**

#### 13.08.C Special Uses Processing

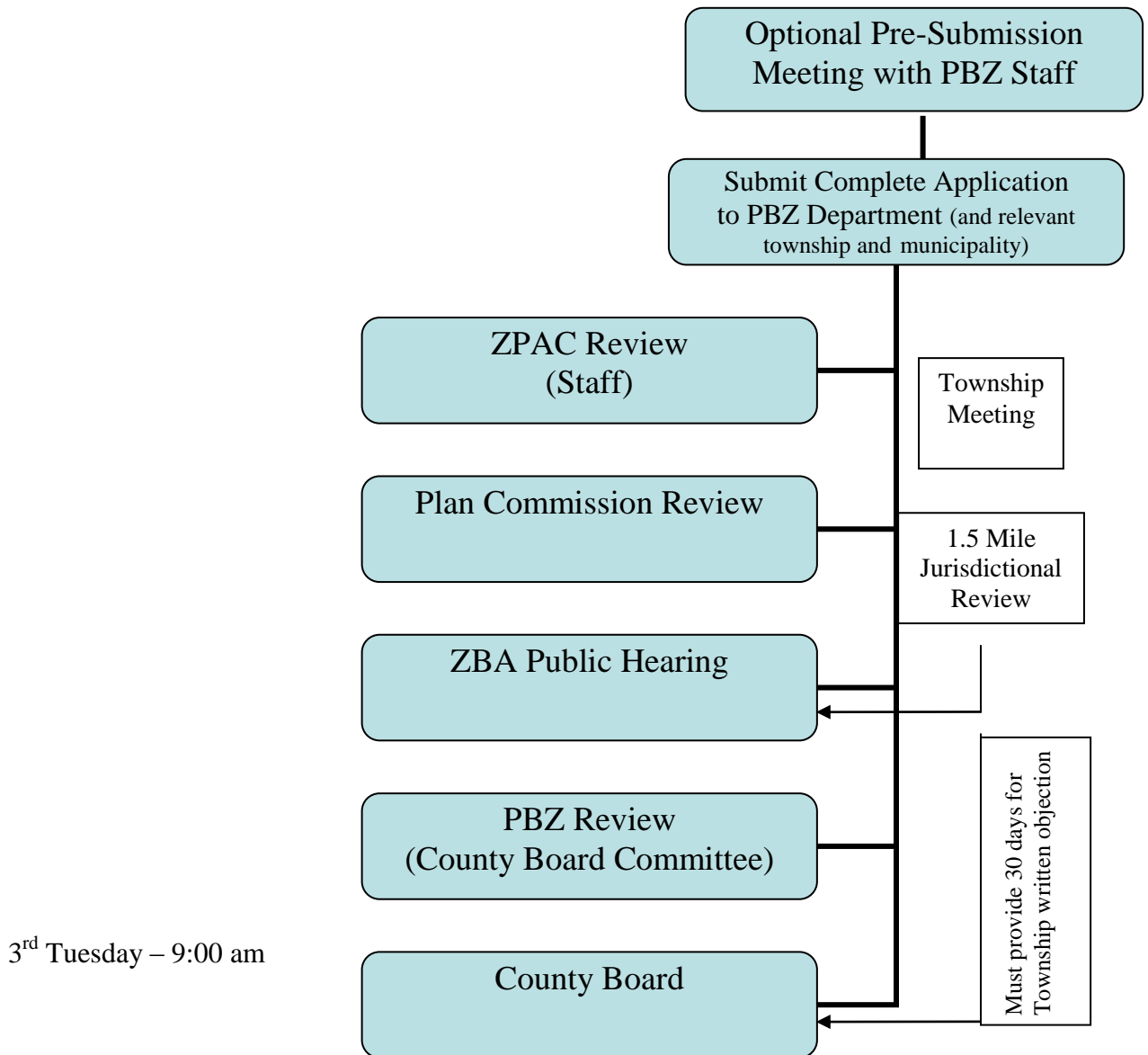
1. An application for a special use shall be filed with the Zoning Administrator.
2. A copy of such application shall be forwarded to ~~the members of~~ the Zoning, ~~and~~ Platting Advisory Committee (ZPAC) for review, ~~and~~ comment, ~~and recommendation~~. **The Zoning, Platting and Advisory Committee (ZPAC) shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.**
- ~~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.~~
- 3. A copy of such application shall be forwarded to the members of the Kendall County Regional Planning Commission for review and comment. The Kendall County Regional**

**Planning Commission shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.**

4. A copy of such application ~~and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission~~ and any comments submitted by individual members of the Zoning, Platting Advisory Committee (ZPAC) or the Kendall County Regional Planning Commission shall thereafter be forwarded to the Zoning Board of Appeals 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 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.

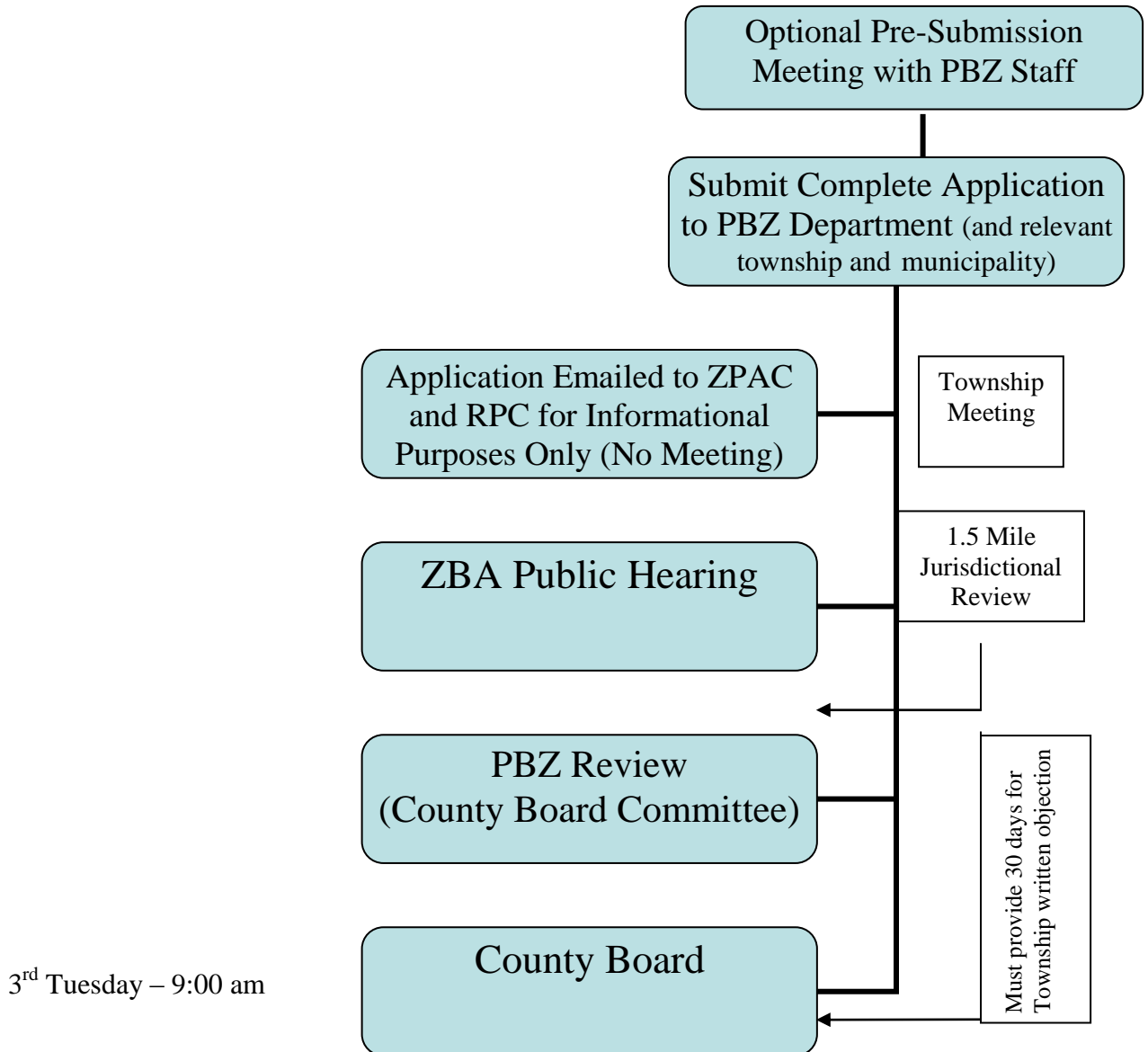
# Existing Kendall County Rezoning Process (Map Amendment)



## Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the RPC agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the RPC or ZBA Hearing.

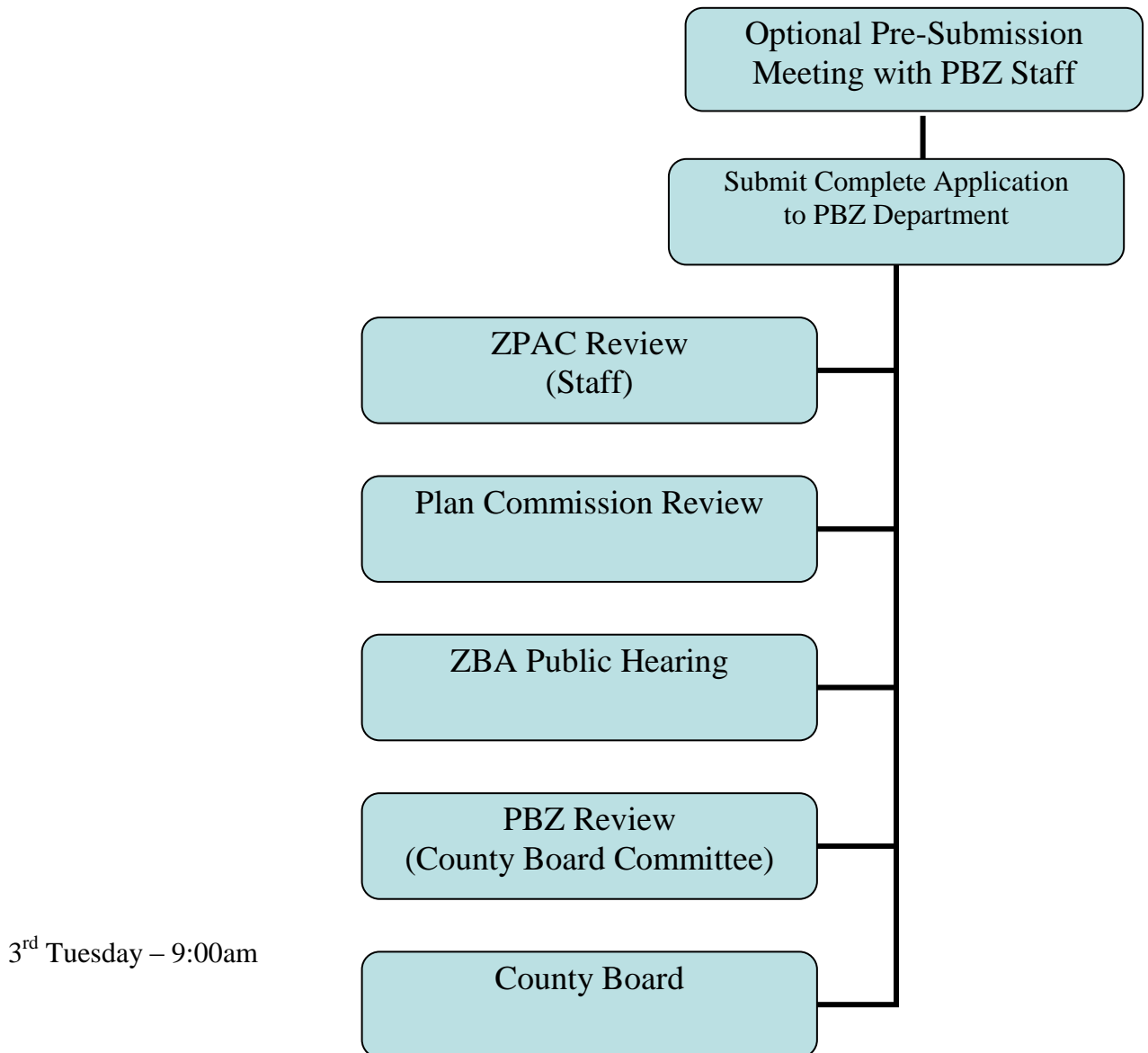
# Proposed Amended Kendall County Rezoning Process (Map Amendment)



## Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.

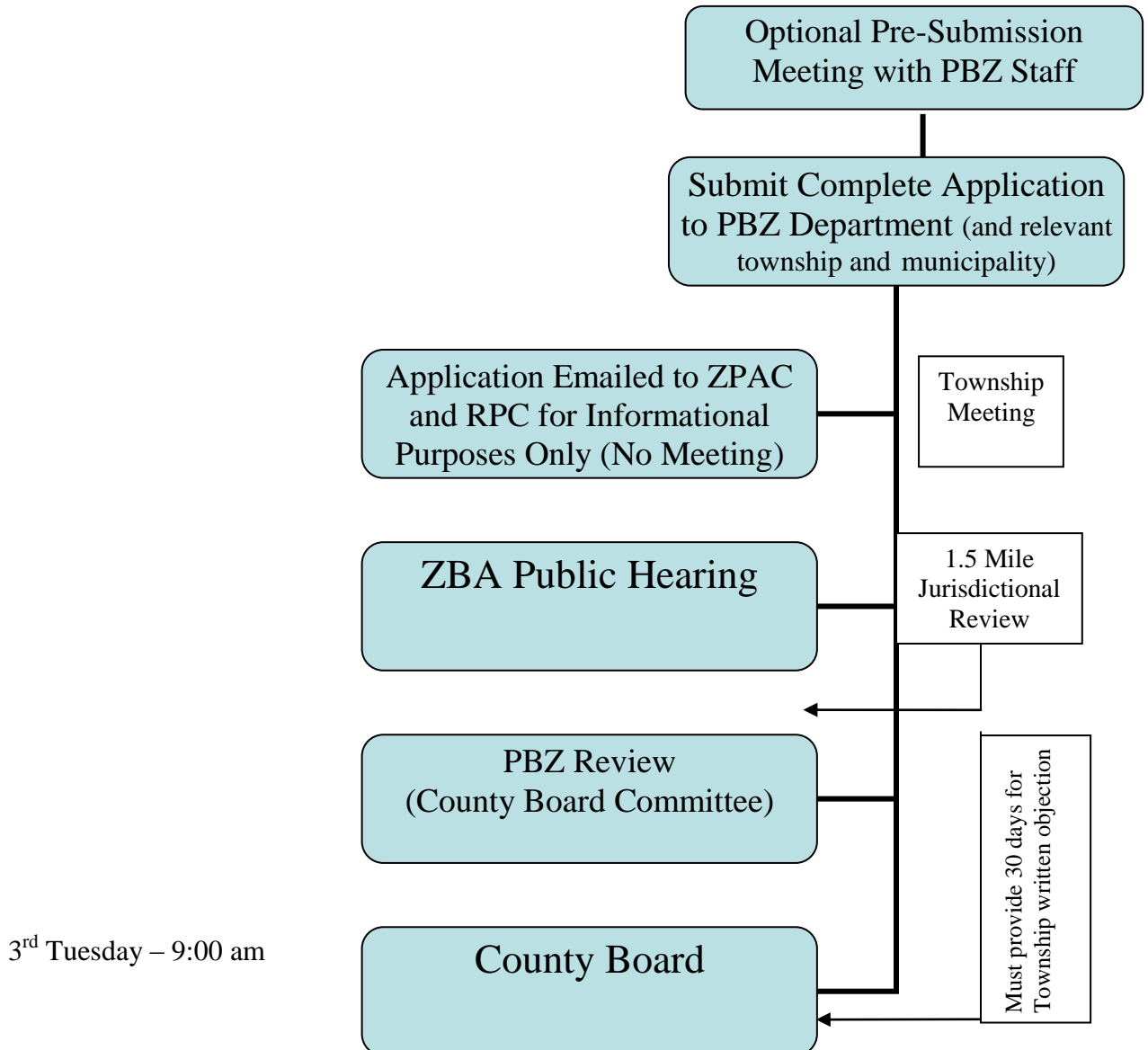
## Existing Kendall County Text Amendment Process



### Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

# Proposed Amended Kendall County Text Amendment Process

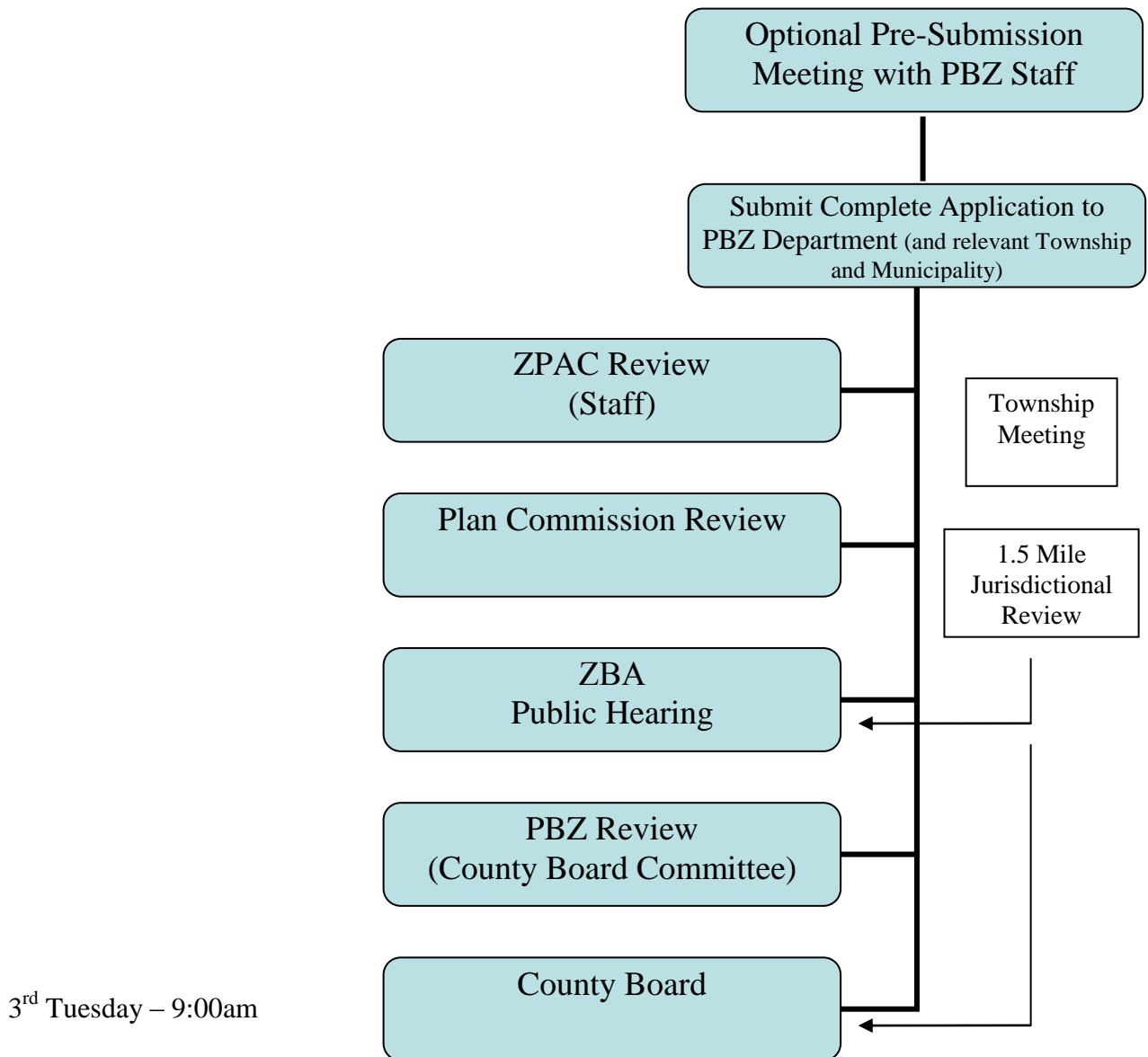


## Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.
4. **The Plan Commission and ZPAC shall review all text amendments involving their powers and duties.**



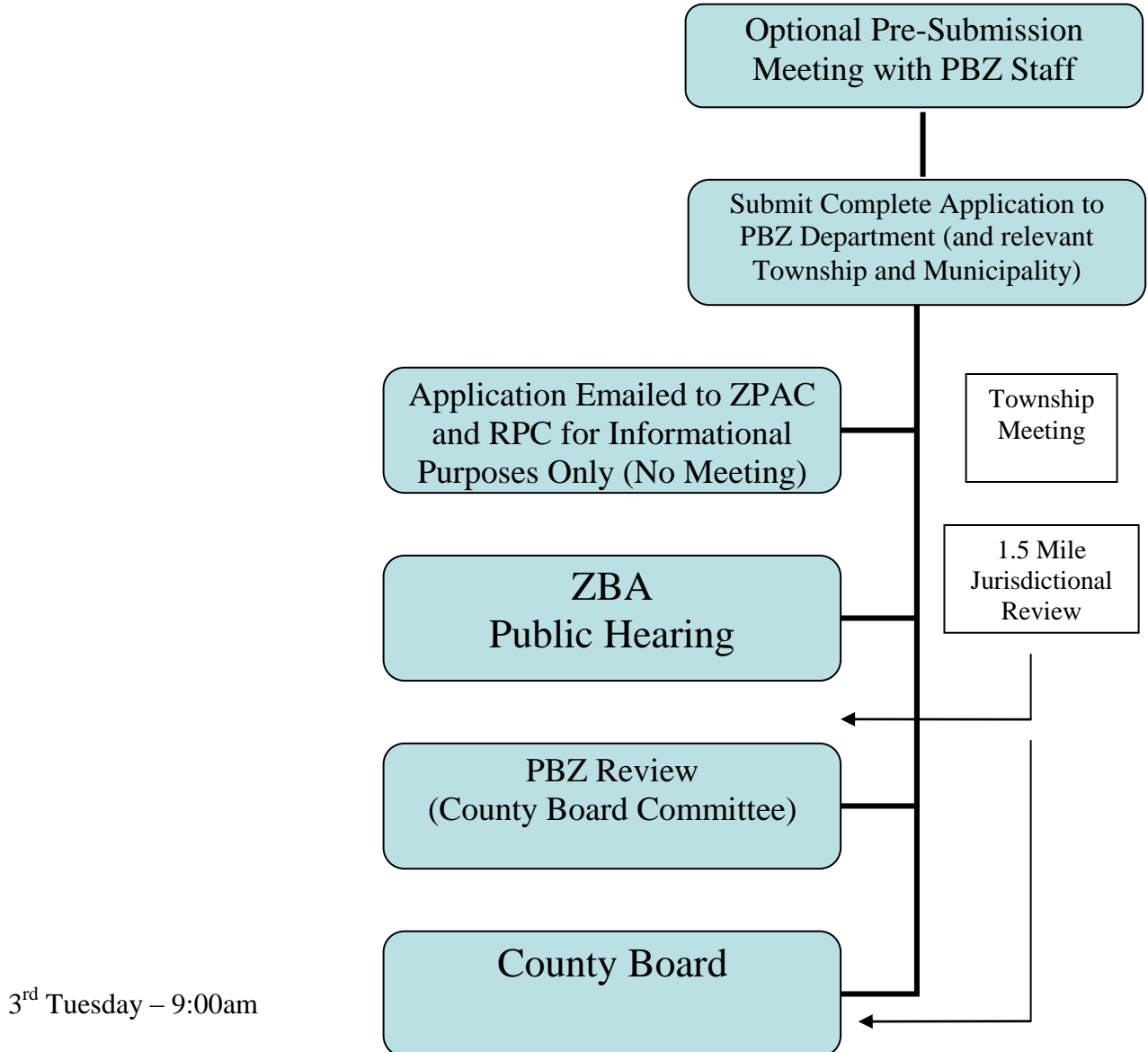
## Existing Kendall County Special Use Process



### Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

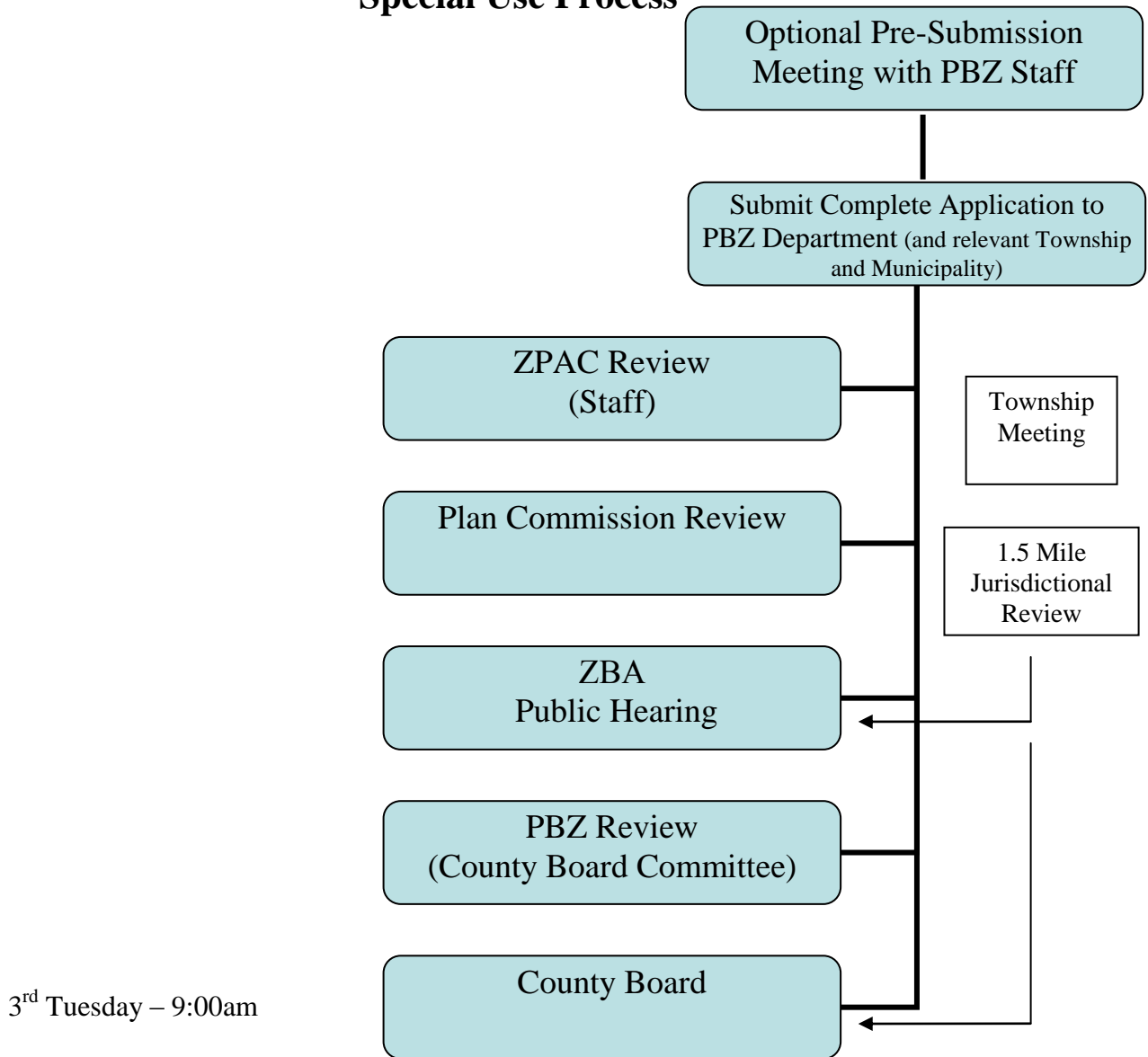
# Proposed Amended Kendall County Special Use Process



## Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

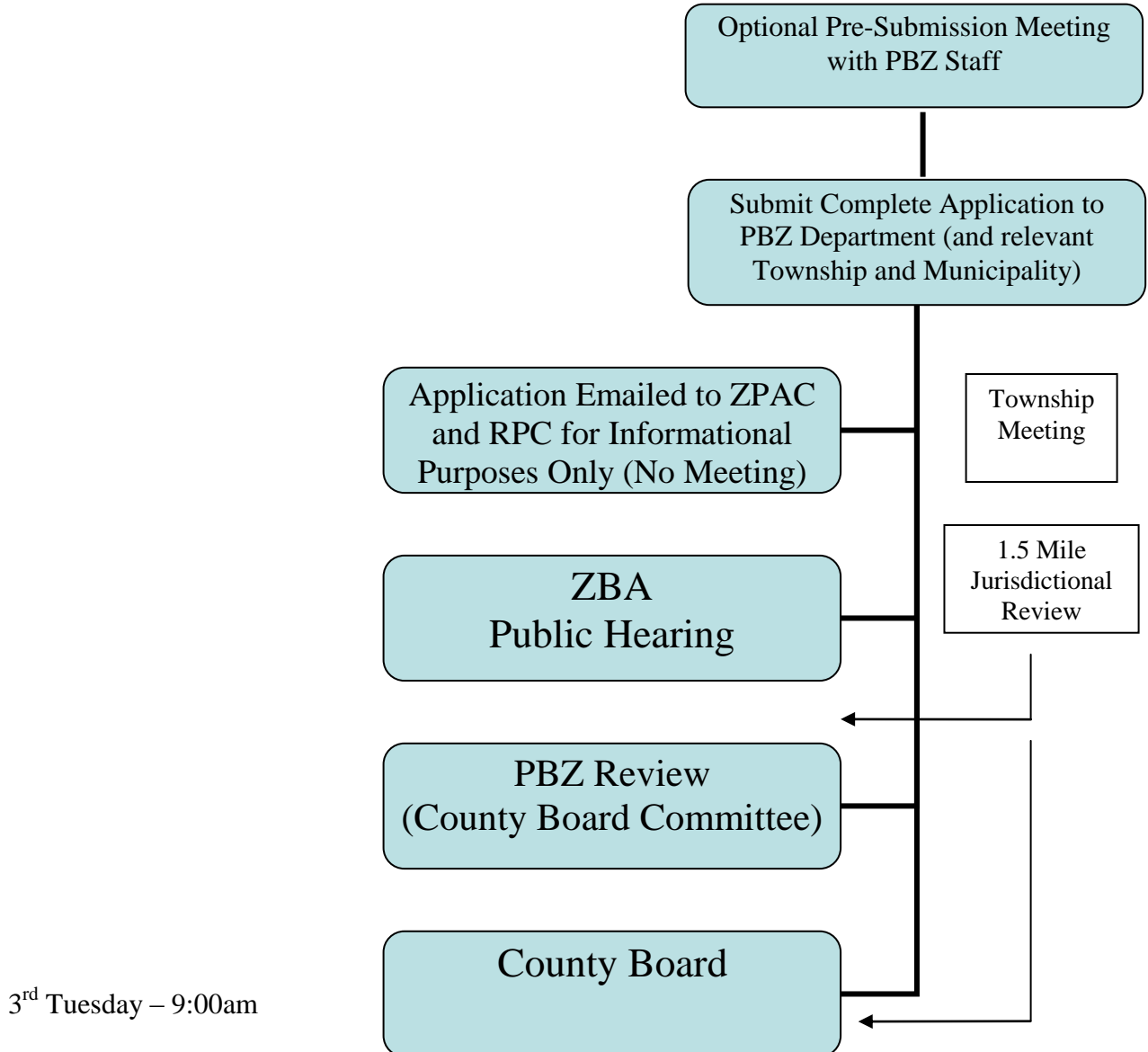
# Existing Kendall County Major Amendment Special Use Process



## Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

# Proposed Amended Kendall County Major Amendment to an Existing Special Use Process

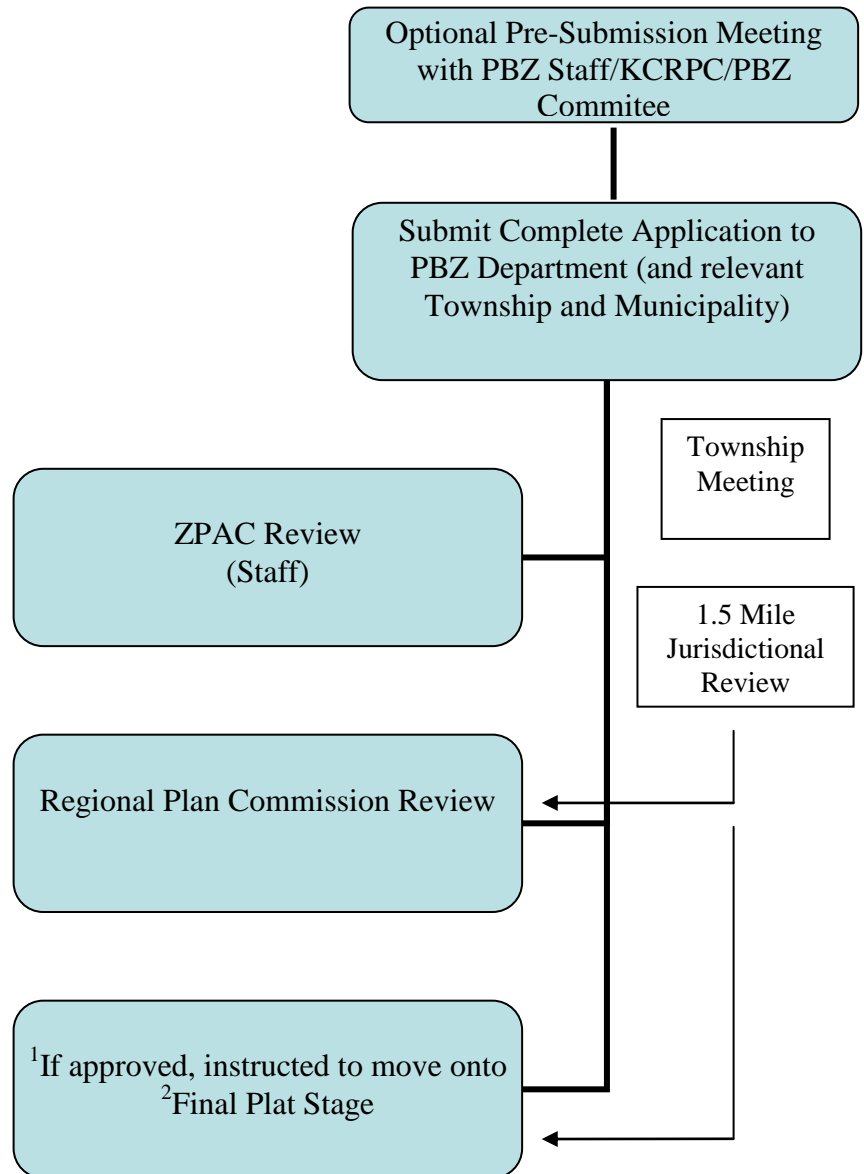


## Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

# Existing-No Changes Proposed

## Kendall County Preliminary Plat Process

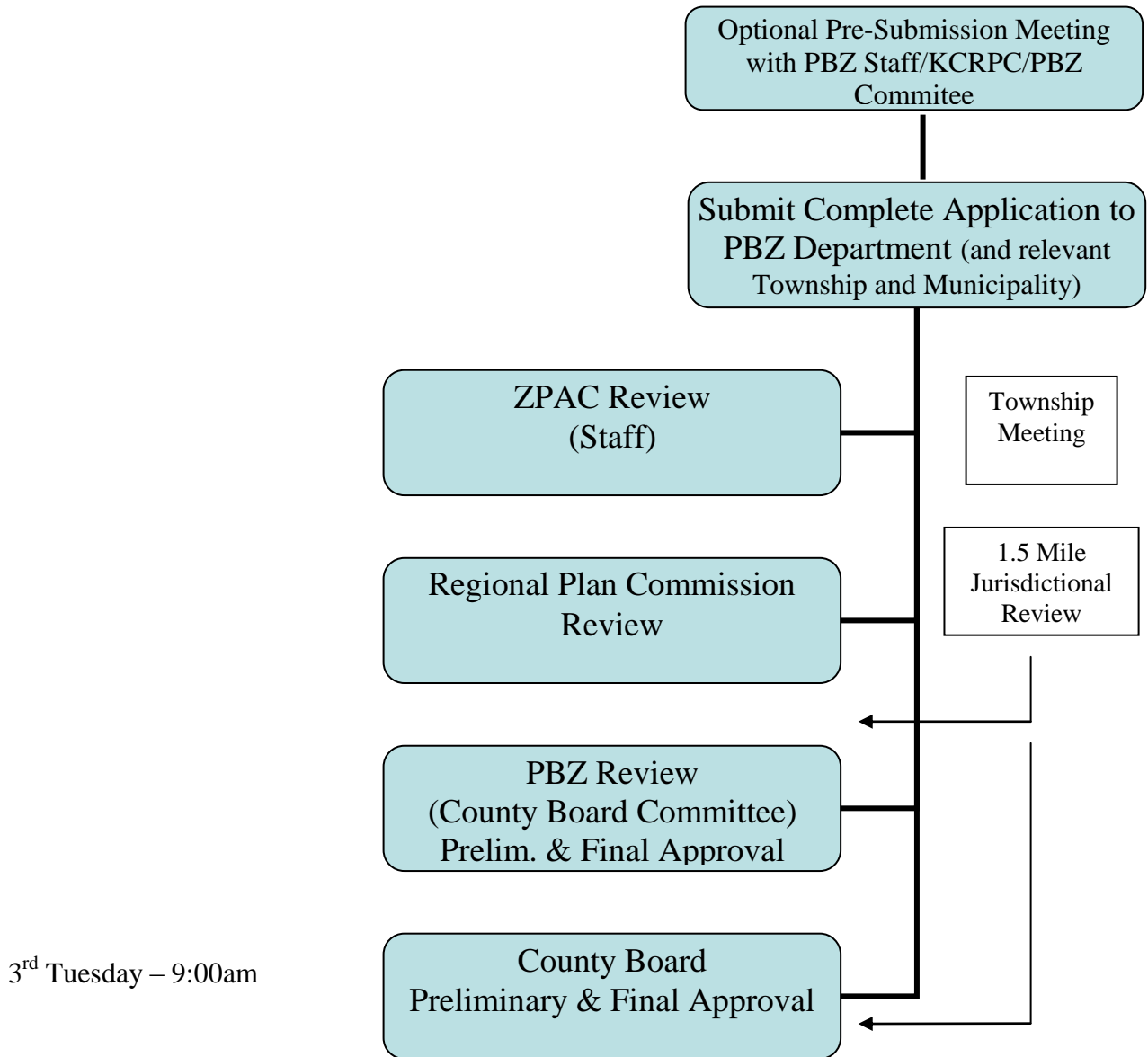


### Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

# Existing-No Changes Proposed

## Kendall County Final Plat Process



### Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
February 6, 2018 – Unapproved Meeting Minutes**

Code Official Brian Holdiman called the meeting to order at 9:03 a.m.

Present:

Aaron Rybski – Health Department  
Megan Andrews – Soil and Water Conservation District  
Deputy Commander Jason Langston – Sheriff's Department  
Don Clayton – GIS  
Fran Klaas – Highway Department  
Brian Holdiman – PBZ Department

Absent:

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

Audience:

None

**AGENDA**

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

**MINUTES**

Mr. Klaas made a motion, seconded by Mr. Langston, to approve the December 5, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

**PETITIONS**

**Petition 18-03 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments**

Mr. Holdiman provided a summary of this proposed text amendment. The PBZ Committee had concerns that review period for certain applications was too time consuming and involved too many meetings. ZPAC would continue to meet for site plan reviews, text amendments to the Zoning Ordinance involving their powers and duties, amendments to the Subdivision Control Ordinance, preliminary plat approvals, final plat approvals, and RPD related plat approvals. ZPAC would not meet for map amendments, text amendments to the Zoning Ordinance not involving their powers and duties, special use permits, and major amendments to special use permits.

Mr. Rybski asked if ZPAC would meet for special use permit applications. Mr. Holdiman stated that ZPAC would not formally meet for special use permit applications, but ZPAC members could submit comments prior to the hearing regarding the special use permit applications. The distribution email would continue to be sent.

Mr. Klaas asked if the Planning, Building and Zoning Department Staff was in favor of this proposal. Mr. Holdiman responded that Staff had no objections. Mr. Klaas noted that the Soil and Water Conservation District and Health Department may still want to provide input on certain special use permit proposals. Mr. Holdiman noted that the proposed process would still allow ZPAC members to comment on proposals and pre-application meetings could occur as well.

Mr. Klaas made a motion, seconded by Ms. Andrews, to recommend approval of the proposal.

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

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on February 28<sup>th</sup>.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Holdiman stated that Mr. Asselmeier will need to provide an update on Petition 17-30 at a future meeting.

**OLD BUSINESS/NEW BUSINESS**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Ms. Andrews made a motion, seconded by Mr. Clayton, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:11 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 March 28, 2018**

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

**ROLL CALL**

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

Members Absent: Tom Casey and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Dan Kramer, Pat Kinnally, Roger Smith, and George Ostreko

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the February 28, 2018, joint meeting minutes with the Comprehensive Land Plan and Ordinance Committee and the February 28, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

**PETITION**

**Petition 18-05-Keith and Kathleen Warpinski**

Mr. Asselmeier summarized the request. The petitioners desire a map amendment in order to be able to construct a house on the property.

ZPAC reviewed the proposal on March 6<sup>th</sup> and unanimously recommended approval.

The Kendall Township Planning Commission and Kendall Township Board reviewed the proposal in February and recommended denial. Kendall Township will not be submitting a formal objection.

The United City of Yorkville's Planning and Zoning Commission met on March 14<sup>th</sup> and recommended approval. The United City of Yorkville's City Council met on March 27<sup>th</sup> and expressed no objections to the proposal.

Dan Kramer, attorney for the petitioners, stated that Kendall Township recommended denial because at least one (1) planning commissioner objected to the construction of another house in the area.

Mr. Kramer stated that the petitioners did not pursue an A-1 building permit because the Kendall County Board had a similar case last year and they required the property owner to obtain a map amendment. In addition, the notification and publication requirements for a map amendment are stricter than the rules for an A-1 building permit.

Mr. Kramer also noted that easements for the proposed trails will be recorded.

Mr. Wormley asked about the pipeline easement running through a portion of the property. Mr. Kramer explained how the pipeline easement was created.

Mr. Nelson asked the width of the property. The width is approximately is approximately two hundred thirty-seven feet (237').

Mr. Wormley asked about the water table. Mr. Kramer stated the soil was classified for septic.

Ms. Wilson noted that certain agricultural uses would be more restrictive if the property were rezoned to R-1.

There were no public comments on this proposal.

Mr. Asselmeier stated that he did not receive anything in writing from Kendall Township. There were no calls from any surrounding residents.

Ms. Wilson made a motion to recommend approval of the map amendment as proposed, seconded by Ms Zubko.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on April 2<sup>nd</sup>.

#### **Petition 18-07 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

The Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. Therefore, Staff prepared the attached proposal establishing procedures for renewing special use permits.

The Planning, Building and Zoning Committee reviewed this proposal on February 13<sup>th</sup> and unanimously approved initiating the text amendment process.

This proposal was mailed to each township on February 15<sup>th</sup>. To date, none of the townships have submitted comments.

This proposal was mailed to each existing special use permit holder that has a review/renewal provision in their special use permit on February 16<sup>th</sup>. To date, only (1) special use permit holder had detailed questions. Three (3) others were satisfied with the proposal after the proposal was explained.

ZPAC reviewed this proposal on March 6<sup>th</sup> and unanimously recommended approval.

Several Commissioners expressed concerns about the ability of the County Board to amend special use permits without the request or approval of the property owner, even though the property owner complied with the terms of the special use permit. This action could have negative consequences for business owners that invested large sums of money into their businesses. Concerns were raised that such changes could be arbitrary.

The Hearing Officer still exists for administrative adjudication; the Planning, Building and Zoning Committee could refer an alleged violations to the Hearing Officer or the State's Attorney's Office.

Several Commissioners expressed concerns regarding the language about previous owners of special use permits. Commissioners felt that the automatic renewal provisions should apply to the current owner and the current owner should not have the special use permit jeopardized by the actions or violations of previous owners.

Ms. Wilson asked if the County Board could request changes at any time. Mr. Asselmeier stated that the intent of the proposal was that the County Board could do amendments at the time of renewal. Item 2.b would be amended to reflect that change.

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

Dan Kramer said that he agreed with changes proposed by Mr. Nelson.

Mr. Nelson moved to table the proposal and to have the proposal sent to Commissioners as a Word document. Discussion occurred regarding the intent of the Planning, Building and Zoning Committee in proposing the text amendment. The motion died for lack of second.

Mr. Rodriguez asked about the procedures of other counties. Mr. Asselmeier will investigate this matter.

Mr. Wormley made a motion to refer the proposal back to the Planning, Building and Zoning Committee for additional study, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed.

### **Petition 18-03 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In 2017, the Kendall County Board created a Boards and Commissions Review Ad-Hoc Committee to examine the number, type, and duties of the various committees utilized by the County. This Ad-Hoc Committee evaluated the roles and responsibility of each of the committees associated with the Planning, Building and Zoning Department. The Ad-Hoc Committee expressed concerns about the number of meetings certain applicants had to attend in order to obtain approval of map amendments and special use permits. In addition to

County meetings, applicants for map amendments and special use permits might need to attend various township and municipal meetings.

Accordingly, the Board and Commissions Review Ad-Hoc Committee, at their meetings on August 29<sup>th</sup> and November 30<sup>th</sup> recommended the following applications not require formal meetings of ZPAC or the Kendall County Regional Planning Commission:

1. Map Amendments
2. Special Use Permits
3. Major Amendments to Special Use Permits
4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

1. Site Plan Reviews
2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
2. Changes to the Land Resource Management Plan
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals
7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

The Committee of the Whole discussed this proposal at their meeting on December 14<sup>th</sup> and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8<sup>th</sup> and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6<sup>th</sup> and unanimously recommended approval.

Ms. Wilson asked, if this proposal was implemented, would the Kendall County Regional Planning Commission meet on petitions similar to Petition 18-07. Mr. Asselmeier responded that the Kendall County Regional Planning Commission would not meet for similar proposals.

Mr. Nelson asked, if the Kendall County Regional Planning Commission did not meet, would the timeframe for adopting a proposal be shortened. Mr. Asselmeier said that the timeframe for adopting a proposal would not be shortened unless the Kendall County Regional Planning Commission requested additional information.

Ms. Zubko asked if ZPAC members receive each petition and submit comments. Mr. Asselmeier responded that petitions are emailed to ZPAC members, but most ZPAC members wait until the meeting before stating their comments.

Ms. Zubko asked if the County Board was aware that the Planning, Building and Zoning Committee did not need to meet to review petitions under State law. Mr. Asselmeier responded that the Ad-Hoc Commissions and Committees Committee was informed which zoning related committees were required by State law and which ones were of the County's discretion.

Chairman Ashton expressed concerns about the RPD subdivisions approval. He believed that the terms of RPDs should be reviewed by the Kendall County Regional Planning Commission.

Mr. Nelson explained his experience with obtaining a special use permit.

Commissioners noted that one (1) of the reasons for transferring special use hearings to the Zoning Board of Appeals was to obtain more input and opinion. This proposal seems contradictory to that previous opinion.

Mr. Nelson made a motion to refer the proposal to the Comprehensive Land Plan and Ordinance Committee. The motion died for lacked of a second.

Mr. Asselmeier stated that the Planning, Building and Zoning Committee, as the petitioner, was the only entity that could approve amendments to the petition.

Ms. Wilson made a motion to recommend approval of the proposal, seconded by Ms. Zubko

Yes – None (0)

No – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

Absent – Casey and Shaw (2)

The motion failed. The petition received a negative recommendation from the Planning Commission.

The reasons for the negative recommendation were:

1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.

5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

#### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

#### **Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition**

Chairman Ashton noted that changes were made to the proposal. A mixed use business area will be added along U.S. Route 52 down to the Village of Lisbon.

The Village President of Lisbon attended the Comprehensive Land Plan and Ordinance Committee meeting earlier in the evening.

Ms. Wilson expressed her surprise about the opposition to the proposal from the residents of the area.

#### **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 met on March 12<sup>th</sup> and the proposal has changed drastically. The proposal was sent to the State's Attorney's Office for review.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 17-33 transferring certain powers and duties from the Hearing Office to the Zoning Board of Appeals passed at the County Board. Petition 17-29 increasing the notification requirements for applications for special use permits on properties zoned A-1 was sent back to the Planning, Building and Zoning Committee from the Committee of the Whole.

#### **OTHER BUSINESS/ANNOUNCEMENTS**

None

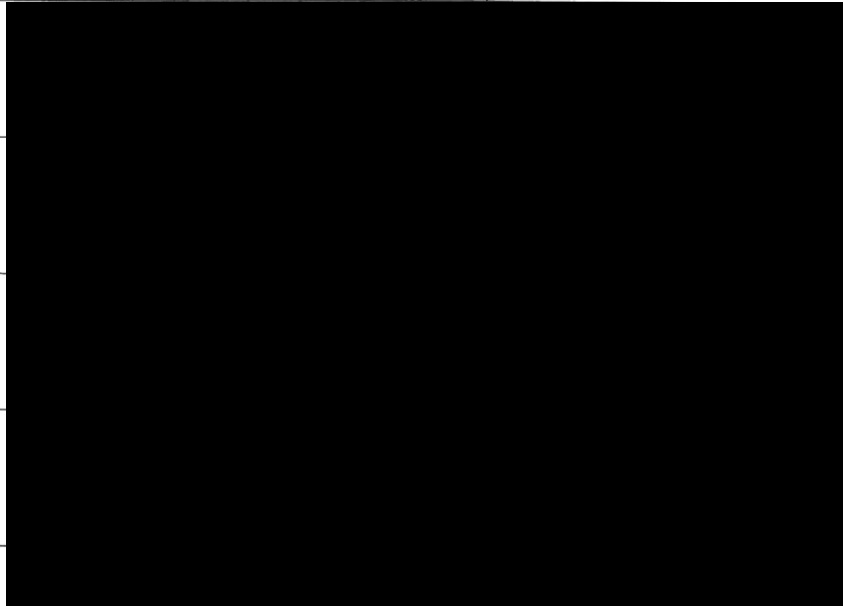
#### **ADJOURNMENT**

Ms. Wilson made a motion, seconded by Mr. Wormley, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:31 p.m.

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

Enc.

**KENDALL COUNTY REGIONAL  
PLANNING COMMISSION MEETING  
MARCH 28, 2018**

NAME	ADDRESS	EMAIL ADDRESS
<i>Don Kinn</i>		
<i>Pat Kinnally</i>		
<i>George Osineko</i>		
<i>Peggy Smith</i>		