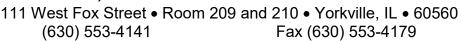
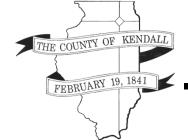
KENDALL COUNTY

PLANNING, BUILDING & ZONING COMMITTEE MEETING





AGENDA

Monday, August 12, 2019 – 6:30 p.m.

CALL TO ORDER:

<u>ROLL CALL:</u> Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from July 30, 2019 Special Meeting

(Pages 3-24)

PUBLIC COMMENT:

PETITIONS:

1. 18 – 24 – Dorothy Flisk on Behalf of Skyfall Equestrian, LLC (Pages 25-115)

Request: Major Amendment to a Special Use Permit to Increase the Number of Horses

Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)

PINs: 01-01-200-020 and 02-06-102-009

Location: 17 Ashe Road, Little Rock and Bristol Townships

Purpose: Increase the Number of Horses Allowed Boarded at the Property from

Twenty-Four (24) to Thirty-Six (36). Property is Zoned RPD-1

2. 19 – 25 – Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and

Pulte Group (Billboard Owner) (Pages 116-171)

Request: Renew the Special Use Permit Granted by Ordinance 2004-43 and Renewed

by Ordinance 2017-14 Allowing the Placement of an Outdoor Advertising

Sign (Billboard) at the Subject Property

PIN: 03-01-127-006

Location: Southeast Corner of the Intersection of U.S. 34 and Hafenrichter (Farnsworth)

in Oswego Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Billboard. Property is

Zoned M-2 with a Special Use Permit for a Billboard.

NEW BUSINESS:

- 1. Request from Matthew Prombo for Permission to Construct a Single-Family Home at the Intersection of Route 71 and Sheridan Road (PIN: 07-07-100-015); Property is South of Sheridan Road and North of Route 71; Property is Zoned A-1 (Pages 172-183)
- 2. Approval of an Intergovernmental Agreement between the Village of Millbrook and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control, Comprehensive Plan, and Stormwater Management within the Jurisdiction of the Village of Millbrook for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Millbrook to the County of Kendall (Pages 184-195)

3. Approval of Setting a Date and Time for a Second Meeting of the Planning, Building and Zoning Committee in the Month of August 2019

OLD BUSINESS:

- 1. Discussion of Recreational Marijuana Zoning Regulations-Committee Could Initiate a Text Amendment to the Kendall County Zoning Ordinance on This Matter (Pages 196-265)
- 2. Hide-A-Way Lakes (Pages 266-281)

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

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

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building Rooms 209 & 210 111 W. Fox Street, Yorkville, Illinois 9:00 a.m.

Special Meeting Minutes of July 30, 2019 - Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 9:00 a.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

<u>Committee Members Present</u>: Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Scott Koeppel (County Administrator), Brian Holdiman (Code Compliance Officer), Jeff Spang, Boyd Ingemunson, Kurt Buhle, and Joe Slivka

APPROVAL OF AGENDA

Member Gilmour made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Gengler, to approve the minutes of the July 8, 2019, meeting. With a voice vote of five (5) ayes, the motion carried unanimously.

PUBLIC COMMENT

Jeff Spang, Fox Township Supervisor, stated that he sent Fox Township's objections to Petition 19-12 over the previous weekend and he was in attendance to answer any questions regarding that objection.

Boyd Ingemunson, representing the Petitioners for Petition 19-12, stated that he was present to answer any questions from the Committee. Mr. Ingemunson said that the proposed special use meets the requirements of the Zoning Ordinance.

Kurt Buhle stated that he was in attendance regarding Petition 19-12.

Joe Slivka, on behalf of the Village of Lisbon, discussed the property at owned by Vulcan Materials Company. at the corner of Joliet Road and Route 47. This property was subject to an annexation agreement.

PETITIONS

18-04 – Kendall County Regional Planning Commission

Mr. Asselmeier summarized the issue.

On July 11, 2019, Vulcan Materials Company contacted the Kendall County Planning, Building and Zoning Department and stated four (4) properties shown on the maps as unincorporated had been annexed into the Village of Lisbon. The County had no record of this annexation. At their meeting later that day, the Committee of the Whole voted to forward the proposal back to the Page 1 of 5

Planning, Building and Zoning Committee. On July 16, 2019, Vulcan Materials Company provided Kendall County with annexation agreement dated March 24, 2008, annexing the properties in question into the Village of Lisbon. To the Planning, Building and Zoning Department's knowledge, this document was not recorded.

Mr. Asselmeier stated that Mr. Slivka provided the Planning, Building and Zoning Department a recording document number. Mr. Asselmeier will investigate whether or not the recording document number is connected to the property owned by Vulcan Materials Company. If the properties were party to an executed annexation agreement, then the property should be shown as incorporated. If the annexation agreement was not recorded, then the properties should be shown as mining.

Member Kellogg asked about the legal ramifications if the property is incorrectly shown. Mr. Asselmeier responded the County was relying on the accuracy of the annexation agreement. Also, the map can change at any point in time. Properties could be annexed into or de-annexed from any municipality and the map would need to be updated.

Chairman Prochaska made a motion, seconded by Member Flowers, to have the Vulcan properties colored as incorporated on the Future Land Use Map.

With a voice vote of all five (5) ayes, the motion passed unanimously.

Chairman Prochaska made motion, seconded by Member Flowers, to forward the proposal back to the Committee of the Whole provided that the recording information proves accurate.

With a voice vote of all five (5) ayes, the motion passed unanimously. The Petition will go to the Committee of the Whole on August 15th.

<u>19 – 12 – Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-</u> Theis

Mr. Asselmeier summarized the issue.

At their meeting on July 11, 2019, the Committee of the Whole referred this proposal back to the Planning, Building and Zoning Committee because of concerns related to Fox Township's dry regulations and a question regarding ordinance enforcement related to previous events at the property.

The Committee did not waive attorney-client privilege on this matter.

Mr. Spang stated Fox Township was dry. Dry means that alcohol cannot be sold or served except in the case of religious and medicinal uses. Private use of alcohol is allowed.

Mr. Ingemunson stated that retail sales of alcohol was illegal in Fox Township. However, it was not illegal to purchase alcohol in another township and have the alcohol served in Fox Township. Mr. Ingemunson reminded the Committee that the County cannot cede its authority to Fox Township to regulate the special use permit.

Mr. Spang stated the Township codified the dry regulations in order define the term "sell". He argued that the sale of alcohol occurred on the subject property. He also argued that the proposed use at the property was as an event center and not solely a banquet center.

Member Flowers asked if any of the other banquet facilities in Fox Township served alcohol. Mr. Spang responded that, to his knowledge, none of the other banquet facilities served alcohol. Mr. Ingemunson stated that the banquet facility owned by the Mathre family has cocktail hours.

Mr. Ingemunson stated no retail sales of alcohol have occurred on the premises.

Discussion occurred regarding the findings of fact. Mr. Asselmeier explained the reasons why those members of the Zoning Board of Appeals that voted against the findings of fact voted in the way they voted.

Discussion occurred about having a renewal period on the proposed special use permit.

Member Flowers made a motion, seconded by Member Gilmour, to restore the condition that the north and south barn should close at 7:00 p.m. during events with music. Mr. Ingemunson originally expressed concerns regarding clarification of barn doors. Discussion occurred regarding having the barn doors open later than 7:00 p.m. Mr. Buhle requested that the north barn be closed in addition to the south barn door and he favored an earlier door closing time. Mr. Spang favored closing the larger the barn doors and not closing the man-doors. Mr. Ingemunson requested that the north door remain open longer than 7:00 p.m.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska

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

The motion carried.

Discussion occurred regarding horses on property owned by the Kendall County Forest Preserve.

Member Flowers left at this time (9:45 a.m.).

Discussion occurred regarding the safety of Crimmin Road in relation to the proposed use. Mr. Ingemunson felt that the additional traffic generated by the proposed use will be minimal. Member Kellogg noted that the average daily traffic count on Crimmin Road is six hundred (600) cars per day. Mr. Spang explained Fox Township's request for a traffic study.

Chairman Prochaska made a motion, seconded by Member Gengler, to forward this proposal to the August Committee of the Whole meeting. Discussion occurred regarding having final action on this item in the near future.

The votes were as follows:

Yeas (2): Gengler and Prochaska Nays (2): Gilmour and Kellogg

Abstain (0): None Absent (1): Flowers

The motion failed.

Member Kellogg made a motion, seconded by Member Gilmour, to limit events to one (1) event per weekend. Mr. Ingemunson favored having more than one (1) event per weekend, but stating that the Petitioners were in favor of any decision by the Committee on this topic.

The votes were as follows:

Yeas (3): Gilmour, Kellogg, and Prochaska

Nays (1): Gengler Abstain (0): None Absent (1): Flowers

The motion passed.

Member Kellogg left at this time (10:00 a.m.).

Member Gengler made a motion, seconded by Chairman Prochaska, to forward this proposal to the August Committee of the Whole meeting.

The votes were as follows:

Yeas (2): Gengler and Prochaska

Nays (1): Gilmour Abstain (0): None

Absent (2): Flowers and Kellogg

The motion carried. The Petition will go to the Committee of the Whole on August 15th.

NEW BUSINESS

<u>Discussion of Recreational Marijuana Zoning Regulations</u>

Mr. Asselmeier provided the Committee with information from the new State law regarding recreational marijuana. If the County chose to allow recreational marijuana related businesses, the County would need to establish zoning regulations for cultivation centers, dispensaries, craft growers, diffusers, and transporting organizations. Staff requested guidance as to which district(s) the uses should be allowed, if the uses should be special uses or permitted uses, the distances to residential uses, churches, schools, parks, and similar areas of protection, parking regulations, and other reasonable restrictions on the uses. If the County wanted zoning regulations in place by January 1, 2020, a petition would need to be originated by September 17th, assuming no special meetings were held.

Mr. Koeppel recommended that either the Planning, Building and Zoning Committee or the County Board should be the petitioner, that an ordinance be in place by January 1, 2020, and that the uses be special uses at least initially. Changes to the law at the State level could occur. Discussion occurred regarding opting-in or opting-out.

Chairman Prochaska requested that an agenda item to start the text amendment process be placed on the next Planning, Building and Zoning Committee agenda.

OLD BUSINESS

Discussion of Part-Time Code Inspector

Mr. Asselmeier provided a draft job description for a part-time code inspector. Mr. Koeppel provided a project cost estimate for the position. Staff requested guidance regarding prioritization of filling the part-time office assistant (zoning) position or the part-time code inspector position.

Page **4** of **5**

The consensus of the Committee was to prioritize filling the part-time code inspector position. Mr. Koeppel discussed the possibility of an intern in the Planning, Building and Zoning Department.

Member Gilmour made a motion, seconded by Member Gengler, to authorize Mr. Koeppel to send the draft job description to the State's Attorney's Office for review. With a voice vote of three (3) ayes, the motion carried unanimously.

Approval of a Request for an Opinion from the State's Attorney's Office Regarding the Determination of Fair Market Value Contained in the Land Cash Ordinance

PBZ Chairman Matthew Prochaska would like the State's Attorney's Office to research whether or not a County can have more than one (1) Fair Market Value in a Land Cash Ordinance.

The current Fair Market Value was set in 2014 at \$72,680. Discussion has occurred regarding changing this figure based on updated information.

It is Staff's understanding that Will County uses multiple Fair Market Values, but that State law only allows one (1) Fair Market Value in a Land Cash Ordinance.

Clarity on the matter could be helpful in determining the appropriate values in an updated Land Cash Ordinance.

Chairman Prochaska made a motion, seconded by Member Gengler, to submit a request to the State's Attorney's Office for review of this matter. With a voice vote of three (3) ayes, the motion carried unanimously.

CORRESPONDENCE

None

PUBLIC COMMENT

Jeff Spang stated that he appreciated the efforts of Member Gengler to get Petition 19-12 in front of the County Board. He encouraged the Committee to keep the residents of Fox Township in mind when they consider matters.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Gilmour made a motion, seconded by Member Gengler, to adjourn. With a voice vote of three (3) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 10:26 a.m.

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

Enc.

KENDALL COUNTY PLANNING, BUILDING, & ZONING COMMITTEE JULY 30, 2019

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)	
Jeff Spang Fox Township	MILLBROOK		
Bord Ingemunson	159 John St. Yorkville IC		

Fox Township

Jeff Spang • Supervisor P.O. Box 418 - 8495 Fox River Drive Millbrook, IL 60536 Telephone 630-553-5904 ext 2



July 26, 2019

Kendall County Board 111 Fox Street Yorkville, Illinois 60560

Ref: Special Use Permit Petition #19-12

Dear Board Members.

In the beginning of this process, Fox Township entered into good-faith discussions with this petitioner. The impacts that Fox Township are concerned about were discussed and amenable solutions were agreed to. Along the way, several of the agreements were changed by members of boards, committees, or the petitioner in direct disagreement with Fox Township. Fox Township Board of Trustees met on July 22, 2019 and discussed the issues presented here. The Board of Trustees voted unanimously to withdraw our support for and to now formally object to this zoning change due to the changes made in the permit without Fox Township's opportunity to rebut. With the changes made to the request, Fox Township hereby notices the Kendall County Board and the petitioner that we are now formally objecting to the change of use proposed by this petition. We hereby revoke our prior approval for the following reasons:

- Three adjacent landowners have contacted Fox Township through the Supervisor and stated objection to this plan due to noise, traffic, safety, and the disruption of the rural atmosphere that these residents reasonably believe will occur with this zoning change. Names of the local residents are available upon request.
- 2) Actions by the petitioner continue to be aggressive and egregious in nature. The petitioner has held many events in the past which are not permitted in an A1 zoning district. The statement made by the petitioner in the KCRPC meeting and other meetings that no public events had been held is false. The petitioner advertised and held a public event on October 20th, 2018 (see attachment 1) where they rented booths out (charged fees for) to crafters and vendors in direct violation of A1 permitted uses. Alcohol was sold and served at this event in direct violation of Fox Township "No Alcohol Rule" which is well known and has been in effect for over 80 years. Several weddings were also held at which the sale and serving of alcohol was conducted in direct violation of Fox Township's "No Alcohol Rule". Cash bars at weddings held on this site are promoted on the Brighter Daze Facebook page (see attachment 2). On April 27th, 2019, petitioners hosted a charity event in which signature drinks were sold along with a cash bar being utilized. A "Killer Cocktail Hour" was also promoted on social media advertising (see attachment 3). A brief internet

- search for Brighter Daze Farm reveals offerings that are in direct conflict with local regulations and demonstrates how long this facility has operated in violation of its current zoning classification.
- 3) This petition refers to the zoning change to allow a banquet center. It takes careful reading to realize the intention is to operate an Event Center without defining or limiting the types of events being considered. Wording is used to allow 280 guests to attend along with 1 additional employee. It is not reasonable to expect that one employee can manage a function with 280 guests. Security, food service, beverage service, bathroom service, and clean up service are all services the petitioner has stated they will provide.
- 4) The petitioner has stated publicly that they intend to serve alcohol at these events even after Fox Township has repeatedly informed the petitioner that Fox Township is a "dry" township.
- 5) Fox Township believes the impacts of an Event Center with 280 guests and additional support staff, in conjunction with holding 60 events per season would result in extensive improvements to Crimmins Road being required in order to handle the traffic volumes generated. No discussion has taken place regarding who will bear the cost if improvements are found to be necessary. This is the reason Fox Township requested the Special Use be contingent upon the findings of a Traffic Study which addresses all facets of the venue's impact on the road. Members of the KCRPC publicly stated that they "felt that having the special use permit contingent on a traffic study and requiring the petitioners to pay for the improvements to Crimmins Road was unnecessary". Fox Township does not have the financial resources to improve this road without budgeting over a period of several years. Fox Township also believes that it is not the responsibility of the township residents to improve infrastructure to benefit private enterprises.
- 6) Fox Township has requested a statement, "The Sale and Serving of Alcohol is prohibited in Fox Township" be included as a condition of the special use request. Including this statement puts all parties on notice and allows suspension of the special use upon violation of this clause. It is a tool to ensure compliance and is more cost effective that litigation. Fox Township disagrees with the KCRPC that "Fox Township's Dry Regulations are not a zoning matter". Quite to the contrary, A1 zoning does not currently permit business uses that sell and serve alcohol. This type of use also does not conform to the Kendall County Land Resource Management Plan objective to "Encourage Agriculture and Agribusiness".
- 7) In the original discussion between the petitioner and Fox Township, it was agreed to limit the number of events to 30 per season between April 1st and November 1st of each year. Subsequently, as the petition made its way through the permitting process, this number was increased 100% to 60 events per season without the input of Fox Township. Other pre-negotiated limits were also eased. The agreement between the petitioners and Fox Township limited the events to one per weekend, held on Saturdays only. The current draft of the special use now allows two events per weekend and defines weekends as Friday, Saturday, Sunday, Monday, and any Thursday or Tuesday on which a Federal or State 190liday falls. Fox Township asserts that

- this use is too intense to preserve the peace, safety, comfort, or general welfare of the area.
- 8) Petitioners had agreed to close the barn doors during events at 7pm and to keep them closed until the conclusion of the events in order to minimize noise from the venue. This restriction was removed by the PBZ without discussion with Fox Township. This is the same board that unilaterally increased the number of events by 100%.
- 9) Fox Township believes that 109 parking spaces is inadequate for a use that allows 280 guests, additional employees, and sub-contractors providing linens. decorations, food services, beverage services, bathroom services, and cleanup services. These are all services the petitioner has listed in the request.

10)In Findings of Fact, Fox Township disagrees with several findings of the ZBA:

- The special use WILL be detrimental to or endanger the public health. safety, and general welfare. The ZBA states in Exhibit B, first paragraph, that proper buffering and noise controls will be required yet they eliminate the requirement to close venue doors at 7PM to ensure lower noise levels.
- b. If this use is granted, this site will no longer conform to the stated regulations of the A1 Zoning district. It will be more in line with an entertainment venue found in business zoning classifications.
- c. This type of use also does not conform to the Kendall County Land Resource Management Plan objective to "Encourage Agriculture and Agribusiness". Banquet Facilities and Event Centers are not agriculture or agribusiness.

It is germane to the discussion to include the following comments:

- 1) Fox Township has requested that it be named specifically in the special use request as a party that has authority to make rules that must be followed in the operation of this special use permit. At this point, Fox Township is so named in item (O) of the special use permit. We thank you for this consideration.
- 2) While the following is not specifically a part of the special use request, it should be noted this petitioner is advertising in their Trail Ride business that they "have over 400 acres of trails" for use by customers(see attachment 4). This petition states the size of the facility property is 38.34 acres. It is Fox Township's belief that the aforementioned "400 acres of trails" are in part or in total inclusive of the Millington Forest Preserve. This forest preserve does appear to have been opened to the public.

Fox Township respectfully requests that the Kendall County Board deny the special use request for the above mentioned reasons. If it is determined that the majority of the data provided in this letter can be resolved, the Fox Township Board will reconsider our position and response to this permit.

Fox Township Board of Trustees

By Township Supervisor, Jeff Spang Jeff Spang



7/25/2019, 11:09 A



2

1 of 1

7/25/2019, 11:22 A

Event Murder Mystery Dinner

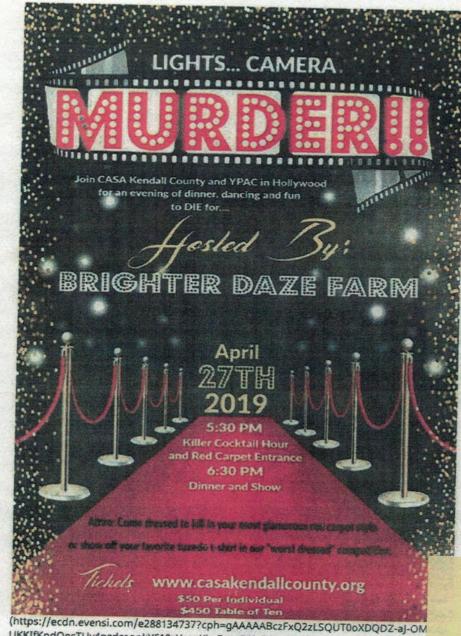
FOOK Saturday 27 April 2019 5:30 PM >> Saturday 27 April 2019 10:30 PM

ENDED

IN

SAVE

Oswego (https://www.evensi.us/illinois/oswego) > CASA Kendall County (https://www.evensi.us/page/casa-kendall-county/10005743568) > Murder Mystery Dinner (https://www.evensi.us/murder-mystery-dinner-brighter-daze-farm/288134737)



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MORE INFO

About

Most natural environment for horses and we have 400 acres of trails!

We provide an all natural, laid back environment for both horse and rider. Horses are allowed unlimited pasture time and only come into our heated barns in extreme weather or due to injury. Stalls and pastures are equipped with automatic water systems so they are never thirsty.

We have over 400 acres of trails to enjoy that lead through wooded ravines and beautiful hay fields where we grow our own hav!

We are luck to have a great group of people who love to ride and have fun!

General Information

BrighterDaze Farm is the trail riders paradise. There are miles of trails covering more than 400 acres of land that wind through the forest, hay meadows, creeks, and ravines. There is an abundance of wildlife to enjoy, like deer, owls, blue heron, and much more.

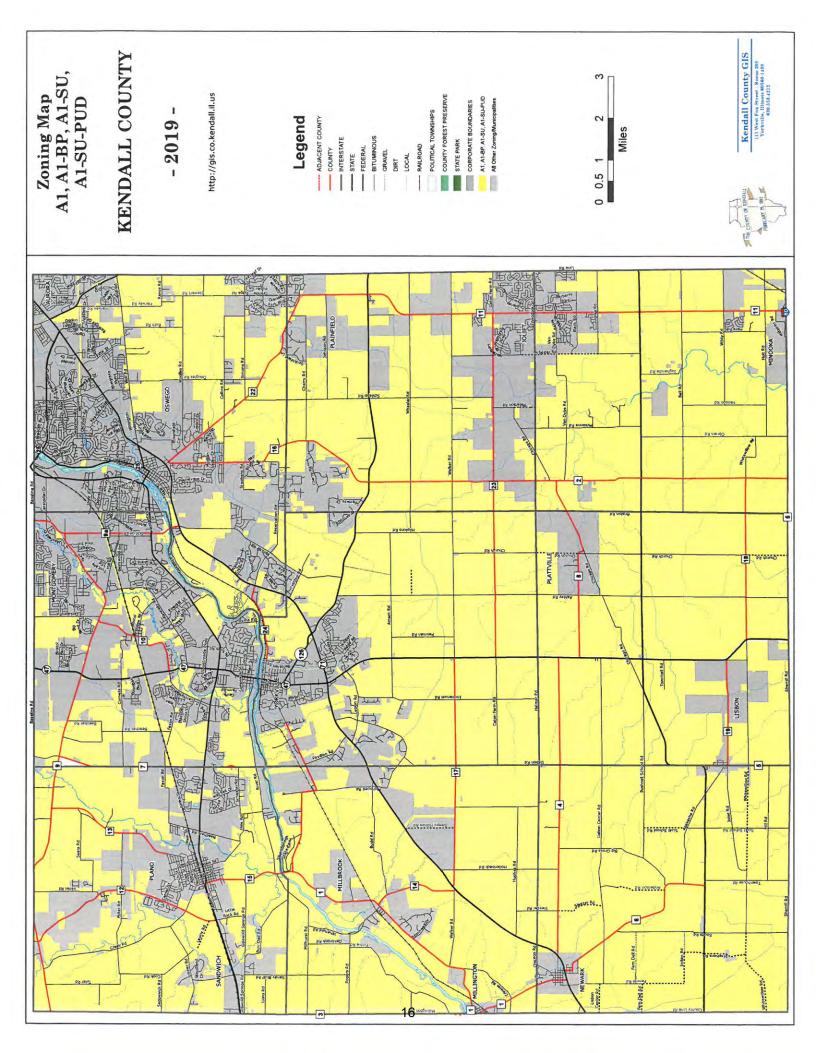
Located in Newark, IL, just off Rt.71 (10 min from Yorkville, 30 min from Plainfield) our heated barns offer either 10'x12' or 10'x14' stalls with the option of using a common tack room or a private tack room. All boarders have access to the 126'x60' heated arena, wash rack with hot water, outdoor round pen, and of course the trails.

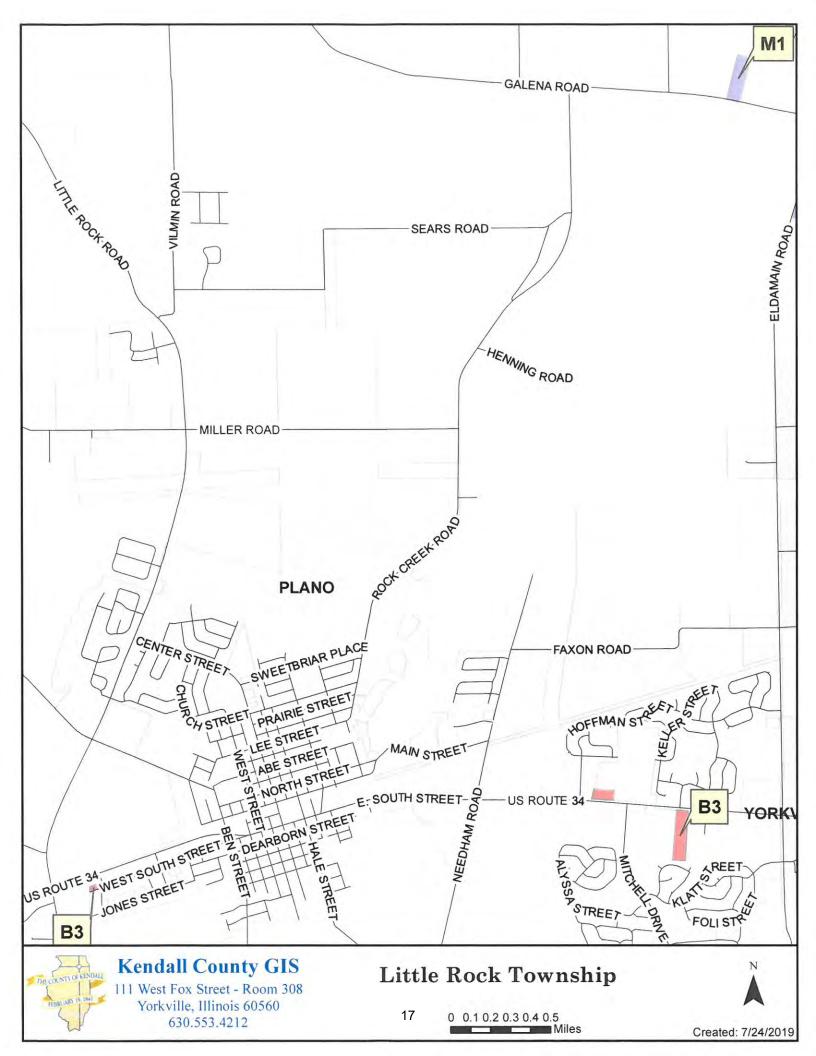
The lounge includes sitting area with a TV, breakfast bar, kitchen, and bathroom with a shower. Care taker resides on premises. We take pride in providing quality care and understanding your horse as an individual. Horses are turned out on spacious grass pastures every day, after morning grain, and brought in every evening and grained again. Each pasture has a shelter and automatic waters.

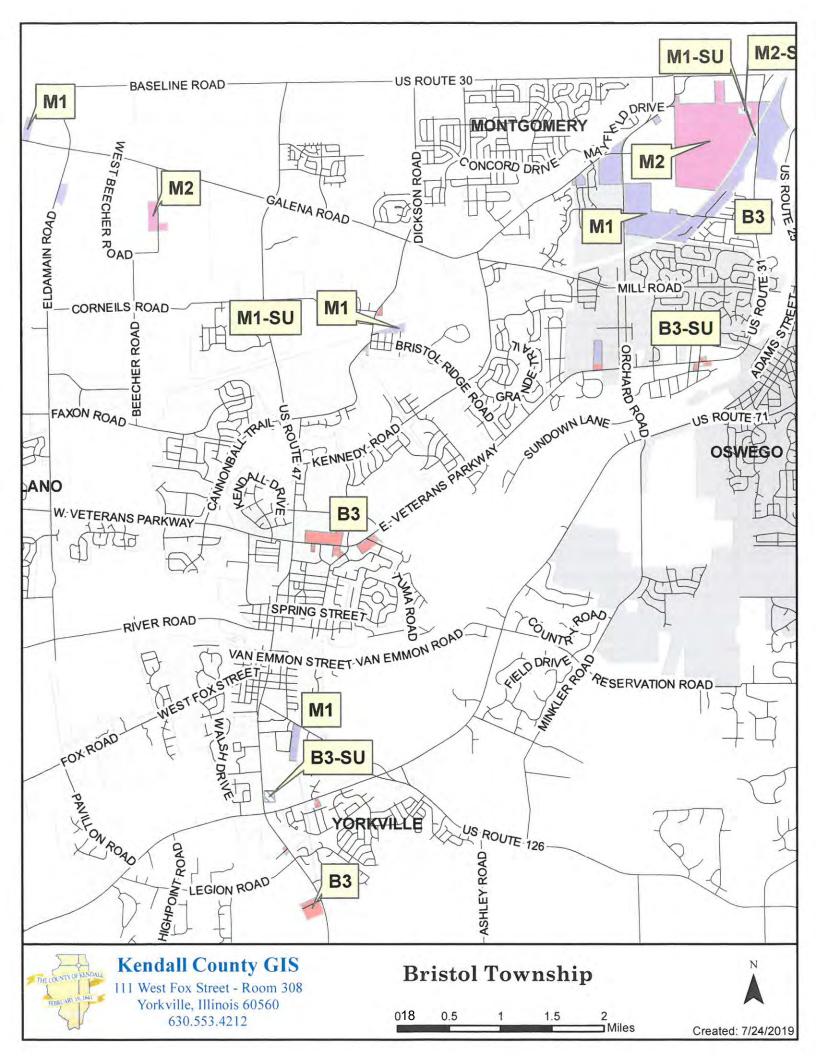
We provide bedding (aspen gold), grain, (safe choice) and hay (grown on the farm). We will also distribute any grain and/or supplements (premeasured) purchased by owner to the owner's specifications.

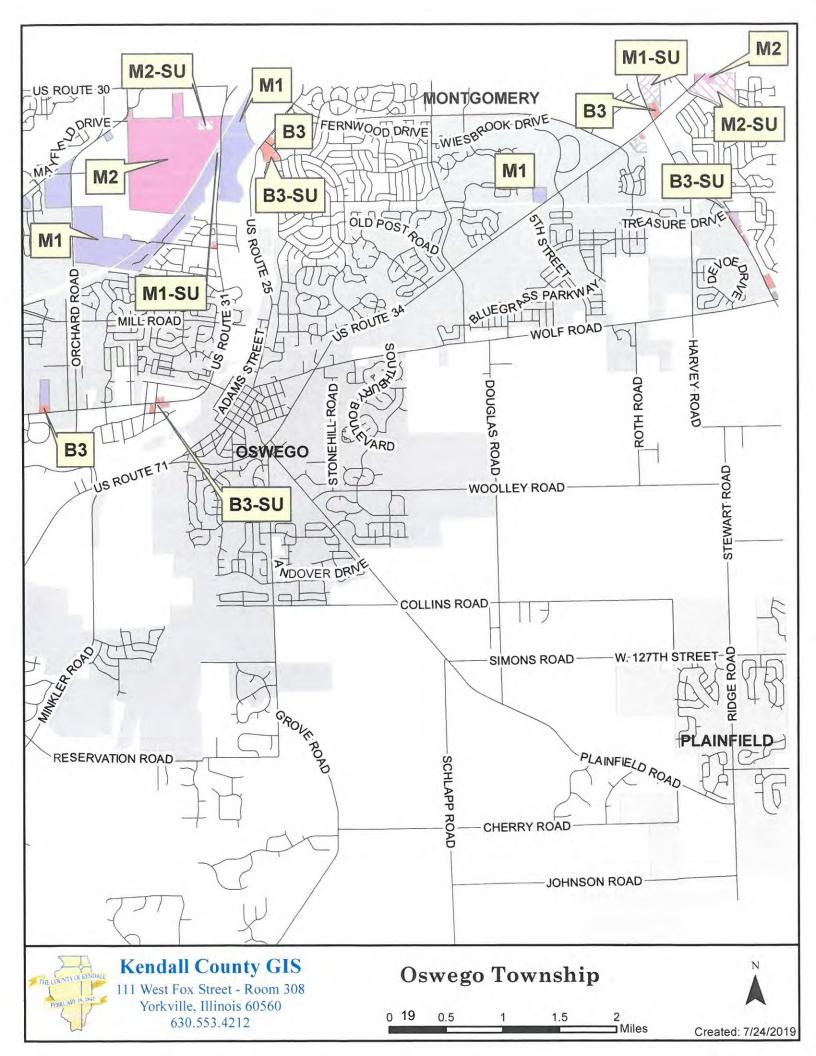
If you have any questions please call JoAnn Bright, owner/manager at 630 774 0042, email us at info@brighterdazefarm.com, or check us out at brighterdazefarm.com, or check us out at brighterdazefarm.com

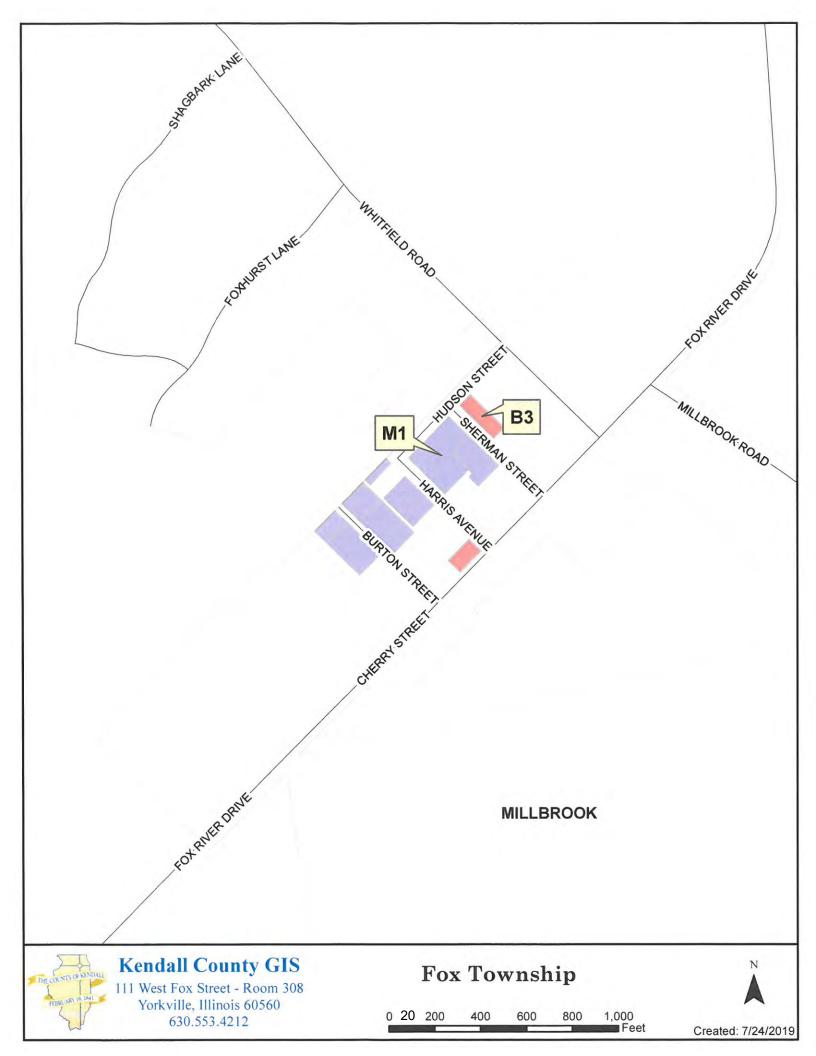
Sports & Recreation · Wedding Planning Service · Pet Service

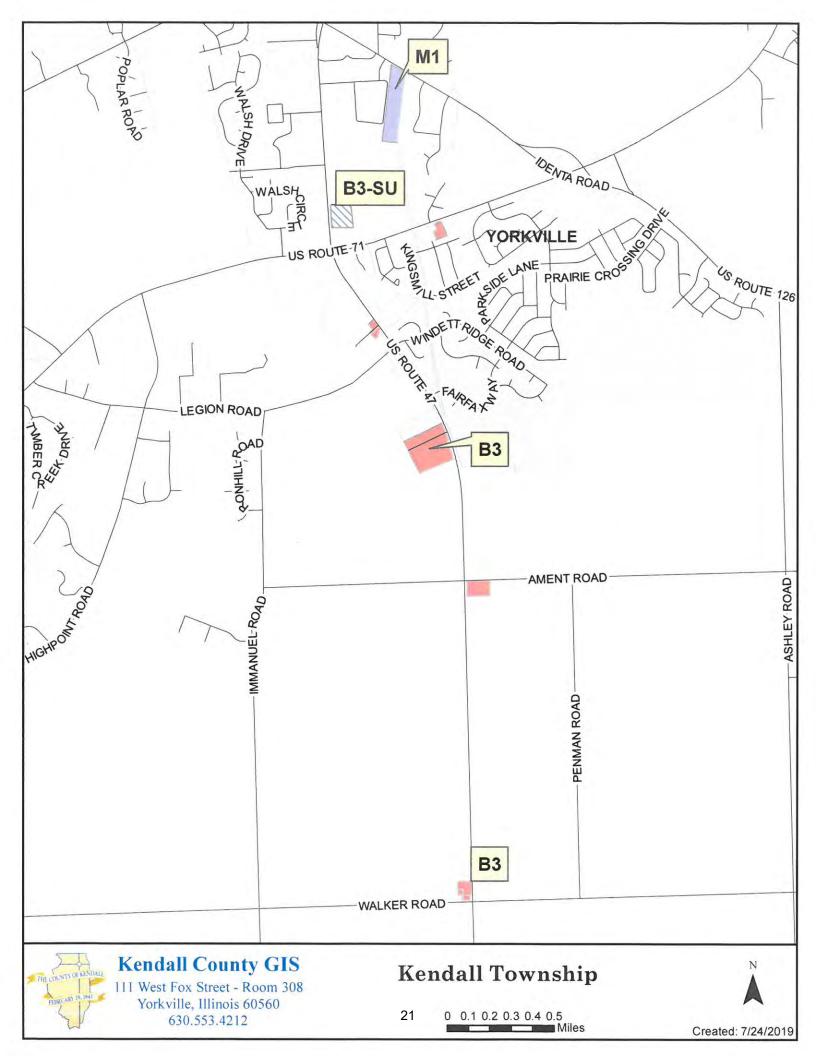




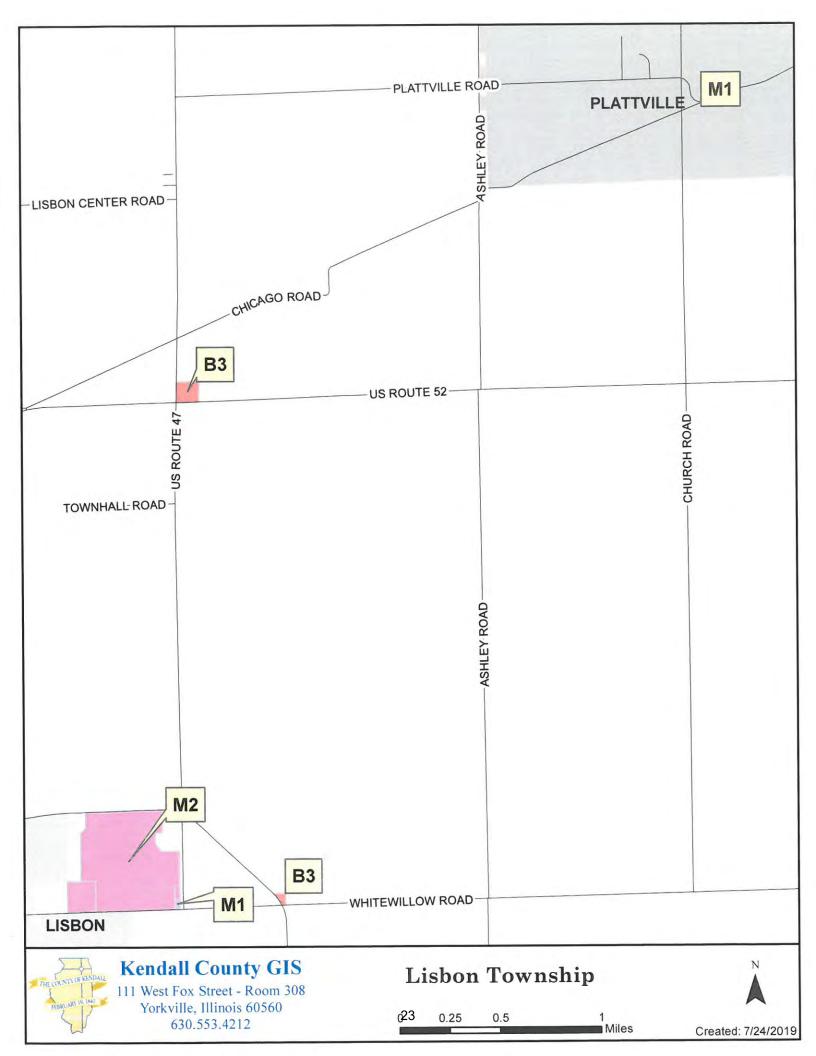




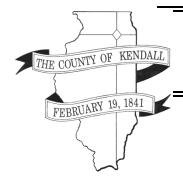












DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC Major Amendment to a Special Use Permit

INTRODUCTION

Dorothy Flisk, on behalf of Skyfall Equestrian, LLC, is requesting a major amendment to their special use permit to increase the number of horses allowed to be boarded in the stable from twenty-four (24) to thirty-six (36). The Petitioner desires the amendment to respond to increased market demand for stabling services.

When the Petitioner originally applied for a major amendment to their special use permit, they did not provide information regarding a new building or a revised manure management plan reflecting the addition of twelve (12) horses. The matter was originally laid over at ZPAC until this information was provided.

SITE INFORMATION

PETITIONER: Skyfall Equestrian, LLC

ADDRESS: 17 Ashe Road

LOCATION: West Side of Ashe Road in the Equestrian Estates at Legacy Farms Subdivision



TOWNSHIPS: Little Rock and Bristol

PARCEL #s: 01-01-200-020 and 02-06-102-009

LOT SIZE: 8.5 +/- Acres

EXISTING LAND Existing Horse Barn and Horse Paddock Area

USE:

PBZ Memo – Prepared by Matt Asselmeier – August 6, 2019

ZONING: RPD-1 with a Special Use Permit For Horse Related Uses

LRMP:

Existing	Agricultural			
Land Use				
Future	Rural Estate Residential (Max 0.45 DU/Acre)			
Land Use				
Roads	Ashe Road is Major Collector; Property has Indirect Access to Ashe			
	Road via a Private Road			
Trails	Trails are Planned along Ashe Road. Property does not front Ashe			
	Road or have access to proposed trail location.			
Floodplain/	There are wetlands in the area. There is a floodplain to west and			
Wetlands	northwest of the subject property. Based on the Kendall County			
	GIS, the Floodplain is approximately 130' away from the property.			

REQUESTED ACTION:

Major Amendment to an Existing Special Use Permit. Petitioner would like to increase the number of horses allowed to be housed in the stable from twenty-four (24) to thirty-six (36).

APPLICABLE Section 13.08.0 – Special Uses and Planned Developments; Major Amendments REGULATIONS:

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential and Woods	RPD-1	Rural Estate Residential	RPD-1 (Kendall County) Farming (Kane County)
South	Agricultural/Residential	RPD-1	Rural Estate Residential	RPD-1 and A-1
East	Single-Family Residential	RPD-1	Rural Estate Residential	RPD-1 and A-1
West	Floodplain and Woods	RPD-1	Rural Estate Residential	A-1, A-1 SU, R-1, and M-1

PHYSICAL DATA

ENDANGERED SPECIES REPORT

The Petitioner provided an EcoCat from 2005, see Attachment 14. Since no new building footprints were planned, a revised EcoCat was not required.

NATURAL RESOURCES INVENTORY

The Petitioner applied for an NRI in February 2019; see Attachment 13. The LESA Score was 167 indicating a low level of protection. The NRI is included as Attachment 20.

ACTION SUMMARY

LITTLE ROCK TOWNSHIP

Petition information was sent to Little Rock Township on August 2, 2018. Revised information was sent February 21, 2019. To date, no comments have been received.

BRISTOL TOWNSHIP

Petition information was sent to Bristol Township on August 2, 2018. Revised information was sent February 21, 2019. To date, no comments have been received.

CITY OF PLANO

The City of Plano submitted a response on July 30, 2018 (See Attachment 7). Revised information was sent February 21, 2019 and the City of Plano had no objections (See Attachment 15).

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on August 2, 2018. Revised information was sent February 21, 2019.

LITTLE ROCK-FOX FIRE PROTECTION DISTRICT

The Little Rock Fox Fire Protection District had no objections (See Attachment 6). Revised information was sent February 21, 2019.

ZPAC

ZPAC originally met on this proposal in August 2018. The Petitioner originally did not submit information on any proposed building. ZPAC requested an updated site plan, an updated manure management plan, proof of application of NRI, and EcoCat information.

ZPAC met on this proposal again on March 5, 2019. The Petitioner agreed to work with the Kendall County Health Department on revised manure management plan. Two (2) neighbors and the attorney for the Homeowners' Association expressed opposition to the proposal based on the impact on the private streets in the subdivision, concerns about the manure management plan, and concerns about property values. The letter from the attorney is included as Attachment 16. ZPAC recommended approval with a vote of four (4) in favor and two (2) present. The minutes of the ZPAC meeting are included as Attachment 17.

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. Dan Huddleston expressed the Homeowners' Association concerns regarding increased traffic, light pollution, noise, and manure. Jean Cook, Arlene Vankamper, and Mary Kay Sergo board their horses at the stable and spoke about how well maintained the stable is and how it enhanced the area. Discussion occurred regarding planting arborvitaes as a buffer, but this did not seem to solve screening issues. By a vote of six (6) in favor and two (2) in opposition, the Kendall County Regional Planning Commission recommended approval with the conditions proposed by Staff. The minutes of this meeting are included as Attachment 21.

ZBA

The Kendall County Zoning Board of Appeals started a public hearing on this petition on August 27, 2018. The hearing was continued until April 29, 2019, July 1, 2019, and July 29, 2019. The minutes of the August 27th, April 29th, and July 1st hearing are included as Attachments 22, 23, and 24 respectively. At the hearing on July 29th, Attorney Patrick Kinnally presented fourteen (14) requests from his client John Bryan. These were as follows:

- Residential lots to remain residential with no ability for horse pasturing.
- 2. Two to Four (2-4) weeks Notice for outdoor events.
- 3. Change notice for "outdoor" events to "outside, not referring to roofs" events.
- 4. No tent erection at any event.
- 5. Parking for events to be restricted to one (1) side of the street to allow room for emergency vehicles.

- 6. Recommended that Skyfall obtain workers' compensation insurance as she has four (4) employees.
- 7. Increase additional insured insurance amount from One Million Dollars (\$1 Million) to Ten Million Dollars (\$10 Million).
- 8. HOA responsible for seventy-nine percent (79%) of road maintenance on the side streets; Dorothy responsible for twenty-one percent (21%).
- 9. Skyfall responsible for seventy-nine percent (79%) of road maintenance on the main road; HOA responsible for twenty-one percent (21%).
- 10. Skyfall responsible for one hundred percent (100%) of road maintenance for its property line.
- 11. Change the responsibility for the trail system to the HOA.
- 12. No trail system on the conservation area behind houses.
- 13. Keep Lot 1 pasture.
- 14. HOA to install requirement that anyone who sits on the Board must actually reside in the subdivision, not just be an owner.

The Petitioner's attorney responded that they agreed with requests 1-6 and 8-13. In request 7, the insurance amount could be increased to Three Million (\$3 Million). In request 14, the Petitioner's attorney held that the Petitioner could not bind the HOA to take a given action. Regarding request 2, the Petitioner's attorney said the notice will be served to the HOA and any lot owner that provided an email. Regarding request 5, they would like parking on the right side of the street. The special use permit would run with the property owner. Request 14 would not be included in the special use permit because the HOA is not a party of the special use permit.

Peter Lodestro testified against the proposal because of concerns regarding liability for increased traffic on the private streets of the subdivision and safety concerns.

William Barclay testified in favor of the proposal by stating that the facility is run great and the manure management plan is superb.

Chairman Mohr dissented on the findings of fact regarding the use being injurious to neighboring property owners and inconsistency with the Land Resource Management Plan. He felt that these types of uses (equestrian based residential developments) do not succeed and that Board would not approve this use if it was brand new.

The Zoning Board of Appeal recommended approval of the major amendment to the special use permit with the conditions proposed by Staff and the conditions agreed to between John Bryan and the Petitioner by a vote of five (1) in favor and one (1) in opposition. Chairman Mohr voted no. Member Cherry was absent. The minutes of this meeting are included as Attachment 25.

GENERAL INFORMATION

Pictures of the property are included as Attachments 8-11.

The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures shown in Attachment 10 and construct an area for hay and straw and an additional twelve (12) stalls; see Attachment 12. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet PBZ Memo – Prepared by Matt Asselmeier – August 6, 2019

Page 4 of 9

(10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

RELATION TO EXISTING SPECIAL USE PERMIT

The existing special use permit was established by Ordinance 2012-22. The restrictions placed on the special use permit were:

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby repeals Kendall County Ordinance #06-29 in its entirety and grants approval of a special use zoning permit to amend their existing special use permit to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision subject to the following conditions (Emphasis Added):

- 1. A maximum of twenty-four (24) horses are allowed to be housed in the stable. (Emphasis Added)
- 2. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
- 3. The facility shall be exclusively used by the owners, trainers, boarders and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outdoor event exceeding fifty (50) guests, the owner, shall provide each of the property owners and Homeowners Association with at least thirty (30) days notice of the event. The Owner shall host no more than two (2) such outdoor events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club.
- 4. As a private equestrian facility, no school horses will be available for rent to the general public. Training is available to the owners, trainers, boarders and their guests, only.
- 5. A maximum of two (2) adults and their immediate family can live in each of the two stable manager housing units inside the stable.
- 6. Private Road Maintenance: The Owner will solely maintain that portion of the road that is on Lot 17, with that portion being shown on the Final Plat for Equestrian Estates at Legacy Farms Subdivision. The Homeowners Association or property owners will maintain the remaining roads within the Subdivision. The Owner will pay 29% of the cost of maintaining that portion of the roads running from Ashe Road to the turnabout, the turnabout road, and from the turnabout to that portion of the road that intersects with Lot 17. The Owner will notify all boarders that the residential roads are for private use only. With all things being equal with other service providers, including price and quality of service, the Homeowners Association and/or residents agrees to allow the Owner to provide landscaping and road maintenance services.
- 7. Trails: The Homeowners Association or property owners will be responsible for maintaining any trails in Lot 18. The Owner will be responsible for 29% of the cost to maintain the trails in Lot 18 and the Homeowners Association or property owners will be responsible for 71% of the cost. With all things being equal with other service providers, including price and quality of service, the Homeowners Association or property owners agree to allow the Owner to provide trail improvement and maintenance services.

- 8. Insurance: The Owner will maintain a comprehensive general liability policy in the minimum amount of \$1,000,000.00. The Homeowners Association and/or property owners will be named as an additional insured.
- 9. Lighting: The outdoor arena shall not be lighted. The existing lighting on the south side of the stable will only be used before 8pm or in case of emergency.
- 10. Sale of the Stable: In the event the Owner lists the property for sale, the Owner shall notify the Homeowners Association and property owners of such listing within five (5) business days.
- 11. Stable Workers: All employees or independent contractors shall be retained by the Owner.
- 12. There shall be no signage on the property indicating the stable accepts commercial stabling of horses. The Owner may post upon Homeowners Association and/or property owners approval and/or request a small discreet sign on Lot 17, at the entrance to the facility.
- 13. No signs are permitted on the eastern portion of the outdoor riding arena.
- 14. Horse trailers: Horse trailers shall be parked west of the outdoor arena.
- 15. No rodeo, barrel racing or reining shows, but practicing such activities is a permitted use.

The Kendall County Planning, Building and Zoning Department has not received any complaints regarding the special use at the subject property.

The Kendall County Health Department received one (1) complaint since the issuance of the amended special use permit for manure related issues. The issue was unfounded.

The original ordinance granting the special use permit, Ordinance 2006-05, allowed thirty-six (36) horses to be stabled at the property.

BUILDING CODES

Any new buildings would have to meet applicable building codes.

ACCESS

The property has indirect access to Ashe Road via private streets.

ODORS AND MANURE PLAN

Pictures of the manure area are included as Attachment 11. The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area. The Petitioner has two (2) backup plans for handling manure. One (1) plan involves a truck transporting manure to a company in Wisconsin. The other plan involves working with a company that transforms manure into energy. Manure will be monitored daily and more pickups could occur if the manure pile gets too large. The revised manure management plan is included as Attachment 18. The Kendall County Health Department's approval of the manure management plan is included as Attachment 19.

LIGHTING

No new lighting is planned.

SCREENING

No additional fencing or buffering is planned.

STORMWATER

No changes in impervious surface are planned. The stormwater situation may have to be reexamined if the Petitioner constructs new building(s).

UTILITIES

No changes in utilities, well, or septic system are planned. Any new utilities would have to secure applicable permits.

FINDINGS OF FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications, including major amendments to special use permits. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the manure management plan is implemented as proposed, the amendment to the special use will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the manure management plan is implemented as proposed and that the property owner follows the remaining restrictions in Ordinance 2012-22, the amendment will not be substantially injurious to the use and enjoyment of other property in the area nor will the amendment impair property values.

Chairman Mohr dissented with this finding.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Provided that the manure management plan is implemented as proposed, no concerns exist regarding drainage. The owner of the property will need to continue their required contributions to the Homeowners' Association as outlined in Ordinance 2012-22 to ensure that the subdivision roads remain in good repair.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The proposed special use permit and site plan conform to all other applicable regulations of the RPD-1 Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The LRMP states the following regarding the Rural Estate Residential Area, "limited business use may also be appropriate for small offices or agricultural service enterprises" and "agricultural uses will continue to be a major use in Rural Estate areas" (Page 5-17). Accordingly, with proper restrictions, the proposed use is consistent with the purpose and objectives of the LRMP.

Chairman Mohr dissented with this finding.

RECOMMENDATION

Staff recommends approval of the requested amendment with the following conditions:

- 1. All of the conditions contained in Ordinance 2012-22, except conditions Number 1, Number 2, Number 3, Number 6, and Number 8 shall remain in effect. Conditions Numbers 1, 2, 3, 6, and 8 of Ordinance 2012-22 are hereby repealed.
- 2. The site shall be developed substantially in accordance with the attached site plan. Unless otherwise shown on the attached site plan, the residential lots within the Subdivision shall remain residential with no ability for horse pasturing. Lot 1 can be used just for pasture. No trail system shall be placed on the conservation area behind houses.

- 3. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
- 4. A maximum of thirty-six (36) horses are allowed to be housed in the stable.
- 5. The manure shall be handled in substantially the manner stated in the manure management plan.
- 6. The facility shall be exclusively used by the owners, trainers, boarders, and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outside event exceeding fifty (50) guests, the owner shall provide each property owner that so requests and the Homeowners Association with at least two to four (2-4) weeks notice of the event. The Owner shall host no more than two (2) such outside events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club. No tent erection shall occur at any event.
- 7. Parking for events shall be restricted to the north and west side of the road within the boundaries of Lot 17 to allow room for emergency vehicles.
- 8. The owner of the special use allowed by this special use permit shall be responsible for twenty-one percent (21%) of the road maintenance for the side streets. The owner of the special use allowed by this special use permit shall be responsible for seventy-nine percent (79%) of the road maintenance of the main road. The owner of the special use allowed by this special use permit shall be responsible for one hundred percent (100%) of road maintenance on Lot 17.
- 9. The owner of the special use allowed by this special use permit will maintain a comprehensive general liability umbrella policy in the minimum amount of \$3 Million. The Homeowners' Association shall be named as an additional insured. The owner of the special use allowed by this special use permit shall obtain workers' compensation insurance.
- 10. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 11. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
- 12. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

The draft ordinance is included as Attachment 26.

ATTACHMENTS

- 1. Application Materials
- 2. Aerial
- 3. Ordinance 2012-22
- 4. Ordinance 2006-29
- 5. Ordinance 2006-05
- 6. 7.30.18 Little Rock-Fox Fire Protection District Email
- 7. 7.30.18 City of Plano Email
- 8. Stable East Wing
- 9. Stable West Wing
- 10. Accessory Buildings
- 11. Manure Area
- 12. Site Plan
- 13. NRI Application
- 14. 2005 EcoCat

- 15. 2.25.19 City of Plano Email
- 16. 10.11.18 Letter from Christopher Fowler
- 17. 3.5.19 ZPAC Minutes
- 18. Manure Management Plan
- 19. 3.11.19 Letter from Kendall County Health Department Regarding Manure Management Plan
- 20. NRI Summary
- 21. 3.27.19 KCRPC Minutes
- 22. 8.27.18 ZBA Minutes (This Petition Only)23. 4.29.19 ZBA Minutes (This Petition Only)
- 24. 7.1.19 ZBA Minutes (This Petition Only)
- 25. 7.29.19 ZBA Minutes (This Petition Only)
- 26. Draft Ordinance

LAW OFFICES OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET YORKVILLE, ILLINOIS 60560 (630) 553-9500 Fax: (630) 553-5764

KELLY A. HELLAND D.J. KRAMER

June 27, 2018

Matt Asselmeier Senior Planner Kendall County Building & Zoning Via Hand Delivery

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Matt:

Enclosed please find original Application for Major Amendment to Special Use and supporting documents. A check in the amount of \$1,155.00 made payable to the Kendall County Treaurer. If you need any additional information please feel free to contact me. If you could let me know the schedule of meetings we will be on when you get a chance I would appreciate it.

Very truly yours,

Daniel J. Kramer Attorney at Law

DJK/cth

Enclosures

LAW OFFICES OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET YORKVILLE, ILLINOIS 60560 (630) 553-9500 Fax: (630) 553-5764

KELLY A. HELLAND D.J. KRAMER

June 27, 2018

Matt Asselmeier Senior Planner Kendall County Building & Zoning Via Email: Masselmeier@co.kendall.il.us

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Matt:

Please be advised that we are filing the enclosed Application for Minor Special Use Amendment. My client would request to waive the requirement for the Kendall County Soil & Water Conservation NRI Report and the State of Illinois INDR Report since there are no changes in zoning, structures on the property, or utilities serving the property. Please let me know if this is acceptable at your earliest convenience.

Very truly yours,

Daniel Y. Kramer Attorney at Law

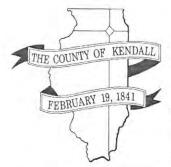
DJK/cth Enclosures

Attachment 1, Page 3

Petitioner hereby requests the following 2 amendments to the Equestrian Special Use:

- 1. Applicant requests to increase the maximum number of horses allowed from 25 to 36 horses.
- 2. Applicant requests permission to board horses outside of the horses owned by the residents of the Equestrian Estates at Legacy Farm Subdivision.

These requests do not involve any changes to structures, uses, or utilities of the current Special Use.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME JK / Equastrian Majorsy FILE # 8-24

NAME OF APPLICANT		ing,	dage
Skyfall Equestrian I	LLC		
CURRENT LANDOWNE Skyfall Equestrian			
SITE INFORMATION ACRES 8.5 acre	SITE ADDRESS OR LOCATION 17 Ashe Road, Sugar Grove, IL	02-06-102-009 &	ASSESSOR'S ID NUMBER (PIN) 01-01-200-020
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION	
Equestrian Facility	RPD-2		
REQUESTED ACTION (Check All That Apply):		
SPECIAL USE	MAP AMENDMENT (Rezone	e to) VARIA	ANCE
ADMINISTRATIVE	VARIANCE A-1 CONDITIONAL USE for	SITE	PLAN REVIEW
TEXT AMENDMENT	RPD (Concept; Prelir	minary; Final) ADMIN	IISTRATIVE APPEAL
PRELIMINARY PLA	T FINAL PLAT	OTHE	R PLAT (Vacation, Dedication, etc.)
X AMENDMENT TO	A SPECIAL USE (X Major; Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING	GADDRESS	PRIMARY CONTACT EMAIL
Attorney Daniel J. K	Kramer 1107A S. Bridge Street, Yor	kville, IL 60560 Dkr	a mer@dankramerlaw.com
PRIMARY CONTACT PH	HONE # PRIMARY CONTACT FAX #	PRIMA	ARY CONTACT OTHER #(Cell, etc.)
630-553-9500	630-553-5764		
² ENGINEER CONTACT	ENGINEER MAILING ADDRE	ss	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	E	NGINEER OTHER # (Cell, etc.)
COUNTY STAFF &	HAT BY SIGNING THIS FORM, THAT T BOARD/ COMMISSION MEMBERS TH NTACT LISTED ABOVE WILL BE SUBJ	ROUGHOUT THE PETIT	TON PROCESS AND THAT
4			Trul, 26, 20/8
7	FEE PAID:\$		V

¹Primary Contact will receive all correspondence from County

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

Attachment 1, Page 5

PARCEL ONE:
LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT
THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER
THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT 200700010031 AND AS
CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS
DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY,
LLINOIS.

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032



This instrument was prepared by:

Wade R Joyner 1058 Bristol Court Wheaton, IL 60189

Return recorded document to.

Skyfall Equestrian, LLC 17 Ashe Road Lot J Sugge Grove, IL. 60554 201600017514

DEBRIE GILLETTE KENDALL COUNTY, IL

RECORDED: 11/4/2016 8:18 AM WD: 1549.00 RHSPS FEE: 10.00 PAGES: 3

WARRANTY DEED

THE GRANTOR,

SUCCESS IN THE SUBURBS. INC , an Illinois Corporation

of 1436 Meander Drive, Naperville, Illinois 60565 for and in consideration of Ten and no/100 DOLLARS, in hand paid, CONVEY and WARRANT to

SKYFALL EQUESTRIAN, LLC, an Illinois Limited Liability company,

GRANTEE,

the following described Real Estate situated in the County of Kendall, and the State of Illinois, to wit

See Exhibit A, attached

SUBJECT TO real estate taxes for the year 2016 and all subsequent years. Covenants, conditions, easements and restrictions of record, building lines and easements.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois

Permanent Index Number 01-02-200-020 and 02-06-102-009 Address(es) of Real Estate 17J Ashe Road, Sugar Grove, Illinois 60554

CONVEYED this 17 day of August, 2016

Chicago Title

/ of 3

3

SUCCESS IN THE SUBURBS, INC ag Illinois Corporation,	COUNTY OF KENDALL
By Denise E Barks President	REAL ESTATE TRANSFER TAX
By By	
Russell D Burks, Secretary/Treasurer	STATE OF ILLINOIS REAL ESTATE TRANSFER TAX 0100000
State of }	0100000
County of Charleston ss	REAL ESTATE TRANSFER YAX DEPARTMENT OF REVENUE FP326656
CERTIFY that Russell D Burks, personally known to	nd for the said County, in the State aforesaid, DO HEREBY me to be the same person whose name is subscribed to the rson and severally acknowledged that as such, he signed and and deed, for the uses and purposes therein set forth
Given under my hand and official seal, this 17	day of August, 2016 AM STORM Exp. Mark Public Am STORM AM STOR
State of	00 . 02.04.2020 K
County of Charastan	THE CAROLINA
CERTIFY that Denise E Burks, personally known to reforegoing instrument, appeared before me this day in perdelivered the said instrument, as a free and yountary act	of for the said County, in the State aforesaid, DO HEREBY we to be the same person whose name is subscribed to the same and severally acknowledged that as such, he signed and and deed, for the uses and purposes therein set forth
Given under my hand and official seal, this	
	VBLIC Public OP-04-2028 APRIL
Send subsequent tax bills to:	Mary Public NOTAAL OF 04.2028 INTITUTE OF CAROLINIA
Sky Fall Equestrion, L	LC
17 Ashe Road	
Lot J	
Sugar Grove, IL 6055	74

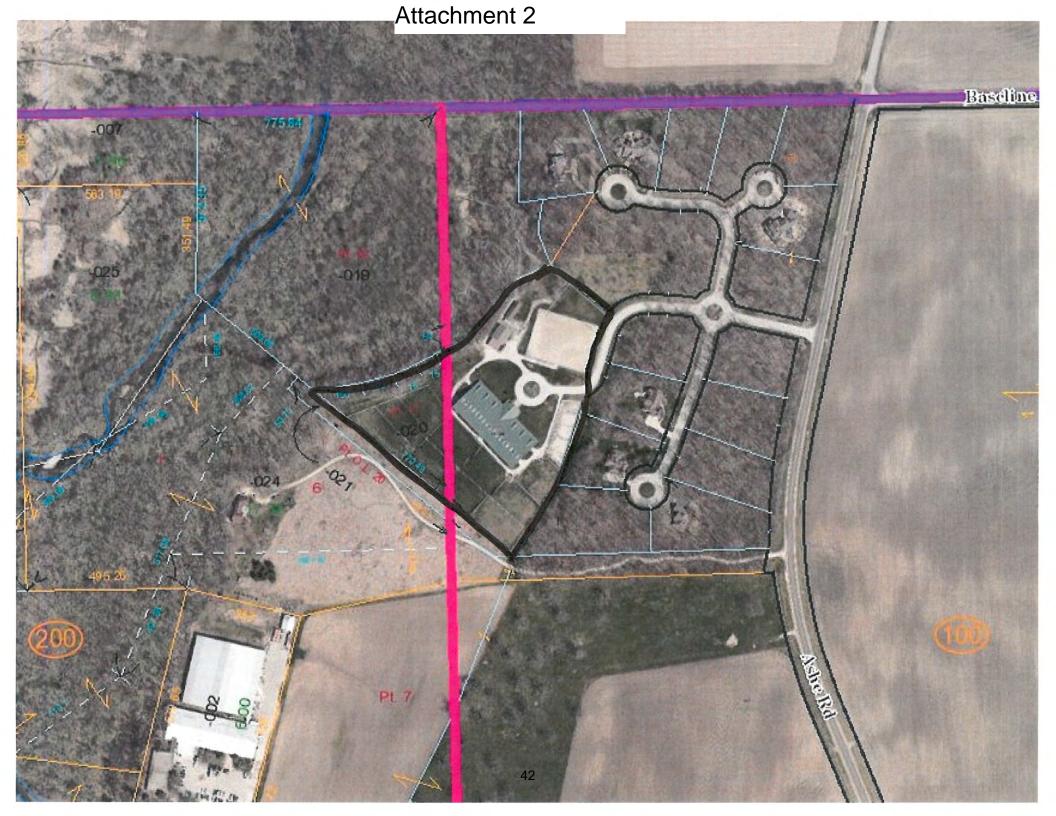
PARCEL ONE

LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY,

PARCEL 2

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032.





Zoning Petition #12-29

ORDINANCE # 2012 - 22

GRANTING AN AMENDMENT TO RESCIND ORDINANCE 2006-29 & AMEND AN EXISTING SPECIAL USE FOR THE

OPERATION OF A CENTRAL HORSE STABLE AND STABLE MANAGER HOUSING FOR SUCCESS IN THE SUBURBS, INC.

<u>WHEREAS</u>, Success in the Suburbs, Inc. filed a petition for a Special Use within the RPD-1 zoning district for an 8.5 acre property located on, and identified as Lot 17 of the Equestrian Estates at Legacy Farm Subdivision, commonly known as 17J Ashe Road, (PIN's#02-06-102-009 & 01-01-200-020); and

<u>WHEREAS</u>. Ordinance 2006-29 allowed for construction and operation of a central horse stable serving the equine boarding needs of the homeowners and guests of homeowners of the Equestrian Estates at Legacy Farm Subdivision, as well as providing for the housing needs of the managers of the central horse stable; and

<u>WHEREAS</u>, said petition is to amend the existing special use to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision; and

WHEREAS, said property is legally described as:

PARCEL 1:

LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL I FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032.

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on September 10, 2012; and

<u>WHEREAS</u>, on February 21, 2006 the Kendall County Board approved the necessary ordinance rezoning the property to RPD-1 and granted a Special Use for a stable to house horses and managers quarters to pursuant to the terms and conditions as specified per Ordinance #2006–05; and

1

Zoning Petition #12-29

<u>WHEREAS</u>, condition number 1 of said ordinance granting the Special Use set a maximum limit of thirty-six (36) horses to be stored in said stable; and

<u>WHEREAS</u>, on April 18, 2006 the Kendall County Board approved an ordinance reducing the maximum number of horses previously approved to be stored in said stable to not more than twenty-four (24) horses;

<u>WHEREAS</u>, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #06-29 in its entirety and grants approval of a special use zoning permit to amend their existing special use permit to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision subject to the following conditions:

- 1. A maximum of twenty-four (24) horses are allowed to be housed in the stable.
- 2. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
- 3. The facility shall be exclusively used by the owners, trainers, boarders and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outdoor event exceeding fifty (50) guests, the owner, shall provide each of the property owners and Homeowners Association with at least thirty (30) days notice of the event. The Owner shall host no more than two (2) such outdoor events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club.
- 4. As a private equestrian facility, no school horses will be available for rent to the general public. Training is available to the owners, trainers, boarders and their guests, only.
- 5. A maximum of two (2) adults and their immediate family can live in each of the two stable manager housing units inside the stable.
- 6. Private Road Maintenance: The Owner will solely maintain that portion of the road that is on Lot 17, with that portion being shown on the Final Plat for Equestrian Estates at Legacy Farms Subdivision. The Homeowners Association or property owners will maintain the

2

Zoning Petition #12-29

remaining roads within the Subdivision. The Owner will pay 29% of the cost of maintaining that portion of the roads running from Ashe Road to the turnabout, the turnabout road, and from the turnabout to that portion of the road that intersects with Lot 17. The Owner will notify all boarders that the residential roads are for private use only. With all things being equal with other service providers, including price and quality of service, the Homeowners Association and/or residents agrees to allow the Owner to provide landscaping and road maintenance services.

- 7. Trails: The Homeowners Association or property owners will be responsible for maintaining any trails in Lot 18. The Owner will be responsible for 29% of the cost to maintain the trails in Lot 18 and the Homeowners Association or property owners will be responsible for 71% of the cost. With all things being equal with other service providers, including price and quality of service, the Homeowners Association or property owners agree to allow the Owner to provide trail improvement and maintenance services.
- 8. Insurance: The Owner will maintain a comprehensive general liability policy in the minimum amount of \$1,000,000.00. The Homeowners Association and/or property owners will be named as an additional insured.
- 9. Lighting: The outdoor arena shall not be lighted. The existing lighting on the south side of the stable will only be used before 8pm or in case of emergency.
- 10. Sale of the Stable: In the event the Owner lists the property for sale, the Owner shall notify the Homeowners Association and property owners of such listing within five (5) business days.
- 11. Stable Workers: All employees or independent contractors shall be retained by the Owner.
- 12. There shall be no signage on the property indicating the stable accepts commercial stabling of horses. The Owner may post upon Homeowners Association and/or property owners approval and/or request a small discreet sign on Lot 17, at the entrance to the facility.
- 13. No signs are permitted on the eastern portion of the outdoor riding arena.
- 14. Horse trailers: Horse trailers shall be parked west of the outdoor arena.
- 15. No rodeo, barrel racing or reining shows, but practicing such activities is a permitted use.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 18th day of September, 2012.

Attest:

Kendall County Clerk

Debbie Gillette

Kendall County Board Chairman

John Purcell

01-01-200-020

/

State of Illinois County of Kendall

Zoning Petition 05-41

ORDINANCE NUMBER 2006 - 29

AMENDING SPECIAL USE CONSTRUCTION AND OPERATION OF A CENTRAL HORSE STABLE AND STABLE MANAGER HOUSING LEGACY FARM, LLC

<u>WHEREAS</u>, Legacy Farm, LLC filed a petition for a Special Use within the RPD-1 zoning district for property located on, and identified as Lot 17 of the Equestrian Estates at Legacy Farm Subdivision; and

<u>WHEREAS</u>, said petition allowed for construction and operation of a central horse stable serving the equine boarding needs of the homeowners and guests of homeowners of the Equestrian Estates at Legacy Farm Subdivision, as well as providing for the housing needs of the managers of the central horse stable as determined by the Zoning Board of Appeals pursuant to § 4.15 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as Lot 17, Equestrian Estates at Legacy Farm; and

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

<u>WHEREAS</u>, on February 21, 2006 the Kendall County Board approved the necessary ordinance rezoning the property to RPD-1 and granted a Special Use for a stable to house horses and managers quarters to pursuant to the terms and conditions as specified per Ordinance #2006-05; and

<u>WHEREAS</u>, condition number 1 of said ordinance granting the Special Use set a maximum limit of thirty-six (36) horses to be stored in said stable; and

<u>WHEREAS</u>, the petitioner desires to reduce the maximum number of horses previously approved to be stored in said stable to not more than twenty-four (24) horses;

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby grants an amendment to conditions previously approved per Ordinance #2006-05 are hereby amended as follows:

- 1. A maximum of thirty-six (36) twenty-four (24) horses are allowed to be housed in the stable.
- 2. Stabling of horses from non-residents of Legacy Farms is allowed for a maximum of one (1) month, provided said horses are owned by a guest of a resident of Legacy Farms.
- 3. There shall be no signage on the property indicating the stable accepts commercial stabling of horses.

Zoning Petition 05-41

- 4. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
- 5. In the event the petitioner sells the central horse stable, the Homeowners Association of Equestrian Estates at Legacy Farms has the right of first refusal to purchase the stable.
- 6. All employees of the central stable shall be employees of the owner/operator and not the Homeowners Association.
- 7. A maximum of four (4) persons can be employed at the stable, and a maximum of four (4) persons two (2) per unit can live in the stable manager housing inside the stable.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on April 18, 2006.

Attest:

John A/Church

Kendall County Board Chairman

Paul Anderson

Kendall County Clerk

Attachment 5, Page 1

01-01-200-020 02-06-152-009 See 06-29

Zoning Petition

State of Illinois County of Kendall

ORDINANCE NUMBER 2006 - 05

GRANTING SPECIAL USE CONSTRUCTION AND OPERATION OF A CENTRAL HORSE STABLE AND STABLE MANAGER HOUSING LEGACY FARM, LLC

WHEREAS, Legacy Farm, LLC filed a petition for a Special Use within the RPD-1 zoning district for property located on, and identified as Lot 17 of the Equestrian Estates at Legacy Farm Subdivision; and

WHEREAS, said petition is to allow for construction and operation of a central horse stable serving the equine boarding needs of the homeowners and guests of homeowners of the Equestrian Estates at Legacy Farm Subdivision, as well as providing for the housing needs of the managers of the central horse stable as determined by the Zoning Board of Appeals pursuant to § 4.15 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned A-1 Agricultural and R-1 One Family Residential, with an associated Ordinance to change the zoning map for the subject parcel to RPD-1 Residential Planned Development - One; and

WHEREAS, said property is legally described as Lot 17, Equestrian Estates at Legacy Farm; and

WHEREAS. all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to permit the use indicated in the recitals section of this Ordinance subject to the following conditions:

- 1. A maximum of thirty-six (36) horses are allowed to be housed in the stable.
- 2. Stabling of horses from non-residents of Legacy Farms is allowed for a maximum of one (1) month, provided said horses are owned by a guest of a resident of Legacy Farms.
- 3. There shall be no signage on the property indicating the stable accepts commercial stabling of horses.
- 4. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
- 5. In the event the petitioner sells the central horse stable, the Homeowners Association of Equestrian Estates at Legacy Farms has the right of first refusal to purchase the stable.

Zoning Petition 05-41

- 6. All employees of the central stable shall be employees of the owner/operator and not the Homeowners Association.
- 7. A maximum of four (4) persons can be employed at the stable, and a maximum of four (4) persons two (2) per unit can live in the stable manager housing inside the stable.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on February 21, 2006.

Attest:

John A. Church

Kendall County Board Chairman

Paul Anderson

Kendall County Clerk

Attachment 6

Matt Asselmeier

From: Chief Greg Witek [gwitek@lrffpd.com]
Sent: Monday, July 30, 2018 5:02 AM

To: Matt Asselmeier Cc: Chiefs at LRFFPD

Subject: Fwd: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe

Road

Attachments: Distribution Form-Petition 18-24.pdf

LRF has no objections

Fire Chief Greg Witek

--- Forwarded message ---

From: Matt Asselmeier < masselmeier@co.kendall.il.us>

Date: July 25, 2018 9:14:27 AM

Subject: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

To: Aaron Rybski <ARybski@co.kendall.il.us>, Andrews, Megan - NRCS-CD, Yorkville, IL

<Megan.Andrews@il.nacdnet.net>, Brian Holdiman <BHoldiman@co.kendall.il.us>, David Guritz

<dguritz@co.kendall.il.us>, Fran Klaas <FKlaas@co.kendall.il.us>, 'Greg Chismark'

<GChismark@wbkengineering.com>, Jason Langston <JLangston@co.kendall.il.us>, Jonathan Oelschlager

<joelschlager@co.kendall.il.us>, Robert Davidson <rdavidson@co.kendall.il.us>, Scott Koeppel
<skoeppel@co.kendall.il.us>, Latreese Caldwell <LCaldwell@co.kendall.il.us>, Julie Bennett

(bennett4390@sbcglobal.net) <bennett4390@sbcglobal.net>, Mike Torrence

(Mtorrence@Bristolkendallfire.com) < Mtorrence@Bristolkendallfire.com>, Robert Walker

<kmiller@cityofplanoil.org>, Tom Karpus <tkarpus@cityofplanoil.org>

Please see the attached memo regarding Petition 18-24.

If you have any questions, please let me know.

Thanks,

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

PH: 630-553-4139 Fax: 630-553-4179

Attachment 7

Matt Asselmeier

From: Tom Karpus [tkarpus@cityofplanoil.org]

Sent: Monday, July 30, 2018 2:13 PM

To: Matt Asselmeier

Subject: RE: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

Matt,

Attorney Kramer sent us the full petition this morning. Please be advised the City of Plano has no objections.

Tom

Thomas J. Karpus, R.A., ALA Director, Building, Planning, & Zoning City of Plano, IL (630)552-8425

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

Sent: Wednesday, July 25, 2018 9:14 AM

To: Aaron Rybski < ARybski@co.kendall.il.us >; Andrews, Megan - NRCS-CD, Yorkville, IL

<Megan.Andrews@il.nacdnet.net>; Brian Holdiman <BHoldiman@co.kendall.il.us>; David Guritz

<dguritz@co.kendall.il.us>; Fran Klaas <FKlaas@co.kendall.il.us>; 'Greg Chismark' <GChismark@wbkengineering.com>; Jason Langston <JLangston@co.kendall.il.us>; Jonathan Oelschlager <joelschlager@co.kendall.il.us>; Robert Davidson

<rdavidson@co.kendall.il.us>; Scott Koeppel <skoeppel@co.kendall.il.us>; Latreese Caldwell

<LCaldwell@co.kendall.il.us>; Julie Bennett (bennett4390@sbcglobal.net)
bennett4390@sbcglobal.net>; Mike

Torrence (Mtorrence@Bristolkendallfire.com) < Mtorrence@Bristolkendallfire.com >; Robert Walker

(bristoltwsp@comcast.net) < bristoltwsp@comcast.net >; Greg Witek < GWitek@LRFFPD.com >; Kathy Miller

<kmiller@cityofplanoil.org>; Tom Karpus <tkarpus@cityofplanoil.org>

Subject: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

Please see the attached memo regarding Petition 18-24.

If you have any questions, please let me know.

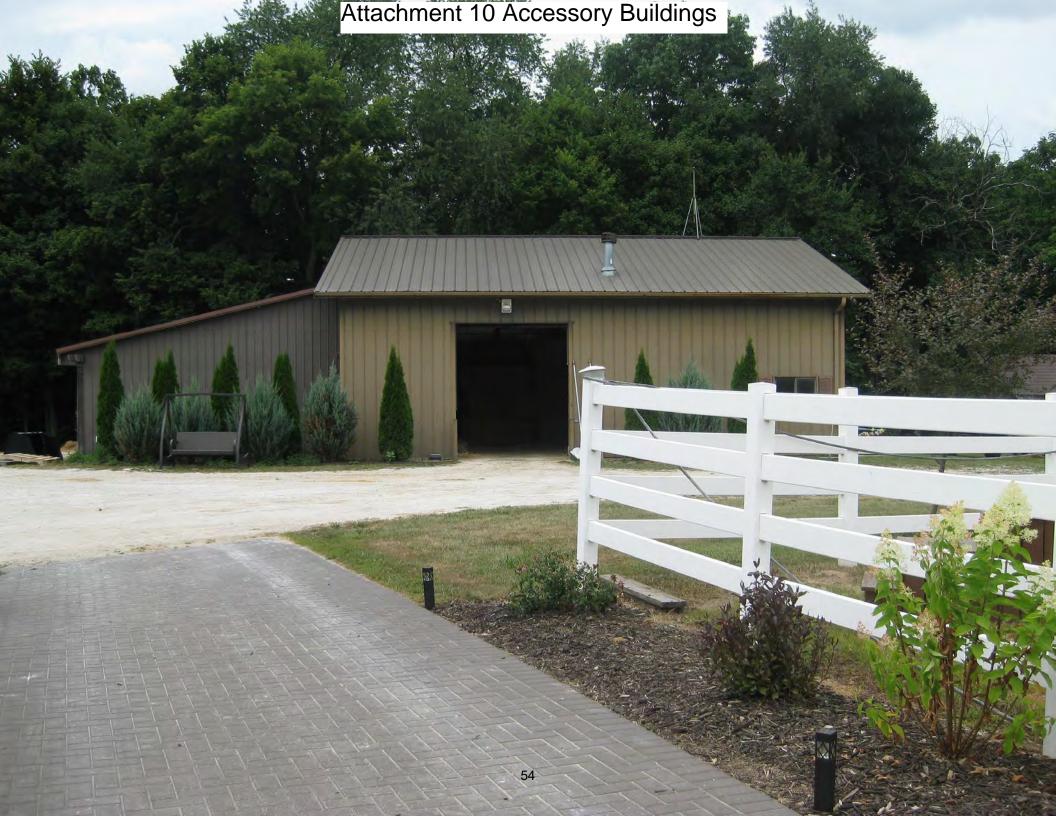
Thanks,

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

PH: 630-553-4139 Fax: 630-553-4179

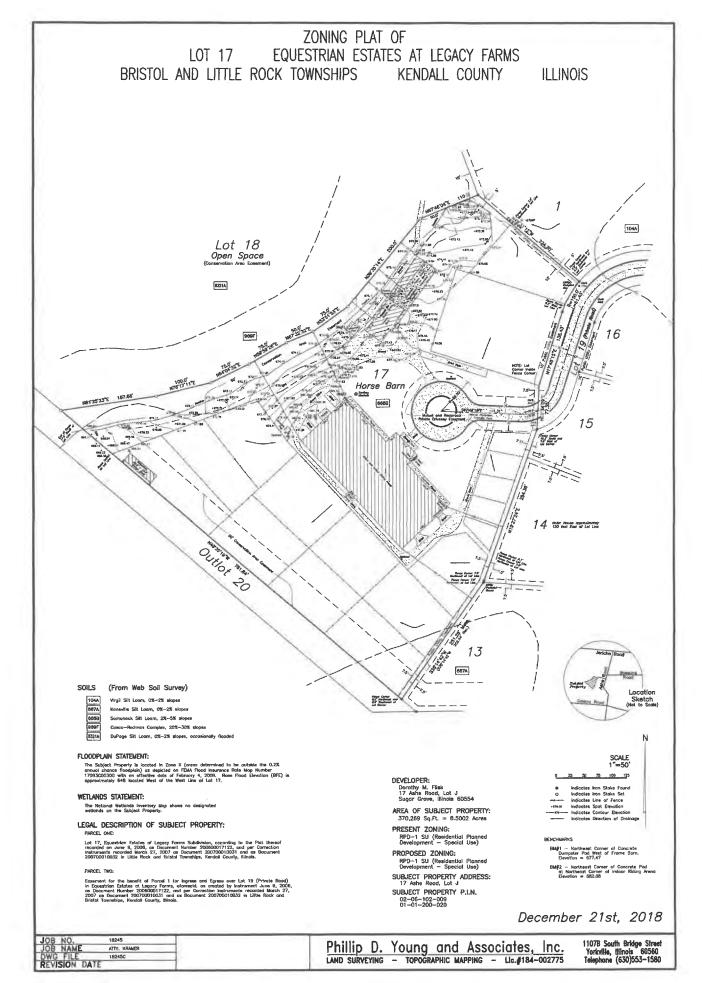












LAW OFFICES OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET YÖRKVILLE, ILLINOIS 60560 (630) 553-9500 Fax: (630) 553-5764

KELLY A. HELLAND D.J. KRAMER

February 12, 2019

Kendall County SWCD Attn: Megan 7775A Route 47 Yorkville, IL 60560

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Megan:

Enclosed please find KCSWCD Application for NRI Report and Special Usc Drawing. A check in the amount of \$75.00 made payable to the Kendall County SWCD. If you need any additional information please feel free to contact me. If you could let me know the schedule of meetings we will be on when you get a chance I would appreciate it.

Very truly yours,

Daniel J. Kramer Attorney at Law

DJK/cth

Enclosures



7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3



NATURAL RESOURCE INFOR	MATION (NRI) REPORT APPLICATION	
Petitioner: Skyfall Equestrian LLC Address: 17 J Ashe Road City, State, Zip: Sugar Grove, IL 60554 Phone Numbersis Email: Please select: How would you like to receive a common selection.	Contact Person: Attorney Daniel J. Kramer 1107A S. Bridge Street Yorkville, IL 60560 (630) 553-9500 dkramer@dankramerlaw.com	
Township Name Bristol Little Rock Parcel Index Number(s) 02-06-102-009 and 01-01-200-020 Project or Subdivision Name Equestrian Estates at Legacy F	Township N, Range E, Section(s)	
Current Use of Site horse farm Proposed Number of Lots 1 Proposed Water Supply Well Proposed type of Storm Water Management	Proposed Use horse farm Proposed Number of Structures 1 Proposed type of Wastewater Treatment Septic	
Type of Request Change in Zoning from	page) Kendall County PB+Z	
In addition to this completed application form, please incompleted application form, please incompleted application form, please incompleted of Survey/Site Plan – showing location, legal described Concept Plan - showing the locations of proposed lots of If available: topography map, field tile map, copy of some NRI fee (Please make checks payable to Kendall Count The NRI fees, as of July 1, 2010, are as follows: Full Report: \$375.00 for five acres and under, plus \$	cluding the following to ensure proper processing: cription and property measurements s, buildings, roads, stormwater detention, open areas, etc. bil boring and/or wetland studies	
Fee for first five acres an Additional Acres Total NRI Fee	at \$18.00 each \$ 75.00	
<u>NOTE:</u> Applications are due by the 1 st of each month to be application is submitted, please allow 30 days for inspection	on that month's SWCD Board Meeting Agenda. Once a completed on, evaluation and processing of this report.	
	authorized representative of the Kendall County Soil and Water luation of the site described above. The completed NRI report	
Petitioner or Authorized Agent This report will be issued on a nondiscriminatory basis without re	Date gard to race, color, religion, national origin, age, sex, handicap or marital status.	
FOR OFFICE USE ONLY NRI# Date initially rec'd Date all r Fee Due \$ Fee Paid \$ Check #		



Illinois Department of Natural Resources



One Natural Resources Way, Springfield, IL 62702-1271

Rod R. Blagojevich, Governor NATIBRA COR ESCURCES

CONSULTATION AGENCY ACTION REPORT

(Illinois Administrative Code Title 17 Part 1075)
Division of Resource Review and Coordination

SEP 0 1 2005

Stephen K. Davis, Chief ORE

	UnL
Date submitted: August 31, 2005	FOR DEPARTMENT USE ONLY
If this is a resubmittal, include previous	PROJCODE: DUD 1048
IDNR response if available.	Date Due: (C), of
The work and the control of the cont	
Applicant Name: Legacy Farms LLC	Phone
Contact Person: Derrick Watts	Phone:
Applicant Address: 8 Hathaway Crescant	Fax:
Aurora, IL 60506	- E-mail:
70101a, 1E 00300	
LOCATION OF PROPOSED ACTION	
A MAP SHOWING LOCATION OF PROPOSED A	OTION IS BEST TOTAL
Project Name: Equestrian Estates at Land	TION IS REQUIRED
Project Name: Equestrian Estates at Legacy Fams	S County: Kendall
Project Address (if available): 17 Ashe Road	
City, State, Zip: Kendall County , IL	
Township/Range/Section (e.g. T45N,R9E,S2): T3 Brief Description of Proposed Action: 15 let author	37N, R 6E NE 1/4 1 and T37N R7F NW 1/4 6
Brief Description of Proposed Action: 16 lot subdi	vision within the eastern 30 Acres of the aits
	The same the castern so Acres of the site
Projected Start Date and End Date of Proposed Act	tion: Carias 2000 5 Il cons
. Toposed Act	John Spring 2006-Fail 2006
Will state funds or technical assistance support this	
Policy Act will apply. Contact the funding agency or	action? [Yes No] If Yes, the Interagency Wetlands
, and a series of the fall ding agency of	this Division for details.
Local/State Agency with Project Jurisdiction: Ker	ndall County
Contact. Jerry Dundgeon.	
Address: 111 W. Fox Street	
Yorkville, IL 60560	Fax: 630-553-4179
TOTAL TE GOOD	E-mail:
FOR DEPARTMENT USE ONLY	
Are ordensered the set only	
Are endangered/threatened species or Natural Area. Could the proposed action affect the threatened/ond	s present in the vicinity of the action? I ves (60)
	angered species of Natural Area?
to it it is a second of the se	
Comments:	(FES/NO)
Evaluated by:	
	D-1 - 15 C
Division of Resource Review and Coordination (217)	Date: 10-9-05
217)	/85-5500

Attachment 15

Matt Asselmeier

From:

Tom Karpus [tkarpus@cityofplanoil.org] Monday, February 25, 2019 8:53 AM

Sent: To:

Matt Asselmeier

Subject:

RE: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

Matt,

The City of Plano has no objection.

Tom

Thomas J. Karpus, R.A., ALA Director, Building, Planning, & Zoning City of Plano, IL (630)552-8425

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

Sent: Thursday, February 21, 2019 10:00 AM

To: Aaron Rybski < ARybski@co.kendall.il.us>; Andrews, Megan - NRCS-CD, Yorkville, IL

< Megan. Andrews@il.nacdnet.net >; Brian Holdiman < BHoldiman@co.kendall.il.us >; David Guritz

< dguritz@co.kendall.il.us>; Fran Klaas < FKlaas@co.kendall.il.us>; 'Greg Chismark' < GChismark@wbkengineering.com>; Jason Langston < <u>JLangston@co.kendall.il.us</u>>; Meagan Briganti < <u>MBriganti@co.kendall.il.us</u>>; Matthew G. Prochaska

<mprochaska@co.kendall.il.us>; Scott Koeppel <skoeppel@co.kendall.il.us>; Julie Bennett (bennett4390@sbcglobal.net)

<bennett4390@sbcglobal.net>; Mike Torrence (Mtorrence@Bristolkendallfire.com)

< Mtorrence@Bristolkendallfire.com >; Robert Walker (bristoltwsp@comcast.net) < bristoltwsp@comcast.net >; Greg Witek < GWitek@LRFFPD.com>; Kathy Miller < kmiller@cityofplanoil.org>; Tom Karpus < tkarpus@cityofplanoil.org>

Subject: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

To All:

The Kendall County ZPAC will be discussing a proposed major amendment to a special use permit at 17 Ashe Road on March 5th at 9:00 a.m. in the County Board Room at 111 W. Fox Street in Yorkville.

The Staff Report on this proposal is attached.

In addition to increasing the number of horses allowed boarded, the Petitioner also plans to demolish a couple structures and built a new building on the same footprint as one of the existing buildings.

If you have any questions, please let me know.

Thanks,

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

PH: 630-553-4139 Fax: 630-553-4179 Attachment 16



Law Office

MICHAEL T. HUGUELET, P.C.

Allomeys // Law

Michael T. Huguelet *
Christopher S. Fowler**

October 11, 2018

*Also admitted in Florida **Also admitted in Nebraska

Of Counsel Margaret A. O'Sullivan

writer's email: cfowler@hugueletlaw.com

Via Certified Mail

Matthew Asselmeier
Department of Planning, Building & Zoning
County of Kendall
111 W. Fox Street, Room 204
Yorkville, IL 60560

Re: Petition 18-24 Proposed Major Amendment to Special Use Permit to Increase the Number of Horses Allowed Boarded at 17 Ashe Road from Twenty-Four to Thirty-Six ("Petition")

Dear Mr. Asselmeier:

Please be advised that the Law Office of Michael T. Huguelet, P.C. represents The Equestrian Estates at Legacy Farm Homeowners' Association (the "Association"). My client has advised me that Skyfall Equestrian, LLC and its attorney have submitted a Petition for a proposed major amendment to special use permit presently in place and affecting the Equestrian Estates at Legacy Farm Subdivision (the "Subdivision"). It is my understanding that a meeting was held on August 7, 2018, whereby the Petition was presented, however, it appears that further documentation was required for full consideration of Petition 18-24. As such, my client seeks confirmation whether a new meeting has been requested before the ZPAC committee on the Petition.

Please be advised that my client, as well as many of the homeowners in the Subdivision have indicated an objection to the Petition. As you may be aware, this is not the first time the owner of Lot 17 has attempted to change the dynamic of the Subdivision over the objection of the homeowners. The homeowners are upset due to the fact that the prior Petition, as well as the current submission, change the nature of the Subdivision they originally bought into. The homeowners were attracted to the idea of living in a quiet neighborhood, amongst a forest, which permitted the homeowners to have horses should they choose. None of the homeowners contemplated living next to a business enterprise operating within the Subdivision. My client



October 11, 2018 Matthew Asselmeier Page 2

objects, amongst other things, to an increase in the number of horses to be boarded at the property as it will increase the traffic through the Subdivision, as there is only one access point to Lot 17. The increased volume of traffic will increase the burden and cost imposed upon the Association and the homeowners for maintenance of the roads and the trails in the Subdivision. Moreover, the current owner continues to fail to dispose of the waste produced by the current amount of horses. An increase in the boarded horses will further compound the existing problem.

Previously, the owners had objected to the prior ordinance as it opened up the equestrian facility to the public in order to have a for-profit institution attempt to operate an equestrian facility. The ordinance deprived the owners of certain rights in the original covenants that the facility and trails were to be used exclusively by them, which was a selling point for the Subdivision. The proposed amendment increases the volume by which the public will be entering the Subdivision, which in turn increases costs as well as liability due to the risks associated with more vehicles and traffic through the Subdivision. These are all risks which unfairly would be borne by the owners and the Association. The Association attempted to resolve its issues with the prior owner, however, the prior owner failed to negotiate in good faith. As before, many owners and the Association feel that the new owner seeks to circumvent it and impair their rights without just cause or compensation. As such, please be advised that the Equestrian Estates at Legacy Farm Homeowner's Association and various homeowners object to this Petition and requests the objections be presented at any meeting related to the presentation of the Petition. Thank you for your attention to this matter. I look forward to hearing from you.

Very Truly Yours,

MICHAEL T. HUGUELET, P.C.

Christopher S. Fowler

CSF/cje

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) March 5, 2019 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Meagan Briganti – GIS
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Aaron Rybski – Health Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Deputy Commander Jason Langston – Sheriff's Department
Matthew Prochaska – PBZ Committee Chair

Audience:

Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

AGENDA

Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

MINUTES

Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

PUBLIC COMMENT

Dan Huddleston, President of the Homeowners' Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it unpleasant for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners' Association.

No notices of shows have been provided to the Homeowners' Association. The Homeowners' Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners' Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners' Association, discussed the cost increases on the Homeowners' Association.

PETITIONS

Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships

Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners' Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

- All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
- 2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
- 3. The site shall be developed substantially in accordance with the attached site plan.
- 4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

- 5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
- 7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski

Nays (0): None

Present (2): Guritz and Klaas

Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11th.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County's highway regulations.

Attachment 17, Page 4

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski

Nays (0): None Present (0): None

Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

<u>Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes</u>

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski

Nays (0): None Present (0): None

Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff's Office shooting ranges. If

Attachment 17, Page 5

this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski

Nays (0): None Present (0): None

Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

CORRESPONDENCE

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted, Matthew H. Asselmeier, AICP Senior Planner

Attachment 18

Aaron J. Rybski, L.E.H.P. Director of Environmental Health Services Kendall County Health Department 811 W. John St., Yorkville, IL 60560

March 7, 2019

Dear Mr. Rybski,

Thank you again for the opportunity to provide the information about the manure management. When I first bought the property and since October of last year we had to dump the daily waste in a pile and then transfer to the garbage which were 8 yards and I had 3 of them that were picked up 4 days a week, which was costing me approximately \$50,000 a year on waste removal which was not a cost I originally had accounted when purchasing the business. Where the garbage containers were I have had built a concrete pad which was grated and sealed with 3 rows of concrete, in late November I am adding a 4th row next two weeks to ensure nothing escapes the enclose. Additionally, I am going to this spring get a fence to make the enclosure look well not like manure and more appealing. This winter I had to figure out the difficult way what to do if the driver for the mushroom farmer was unable to come, so now I have two backups when the mushroom farmer has no room for more waste; most likely during two months of winter January & February. The manure is picked up every 7-8 days depending on the driver's schedule; The driver Griffin Trucking Larry picks up the manure, and delivers to River Valley Ranch- Eric Rose owner whom has been in business since 1975 in Wisconsin. The backups which I used over the winter are Mark Boyle with MTB green technologies in Somonauk, IL., he has a company that transfers the manure waste into energy. Also my straw farmer Reece has taken it as well to spread on his fields. In regards to how often trucks will be entering the premises it will actually be significantly less than it was with the garbage. The manure is monitored daily; Manure shall be picked up on the more frequent during hot weather to limit odors and insect attraction. Additionally, pickups shall be scheduled more frequently if the pad is fills completely before overflowing. Please do not hesitate with any other questions. I thank you for your time and assistance, and hope this note finds you well.

Best,

Dorothy M Flisk

Direct:

Proprietor Legacy River Equestrian Center 17 Ashe Road Lot J Sugar Grove, IL. 60608



Attachment 19 KENDALL COUNTY HEALTH DEPARTMENT

811 W. John Street, Yorkville, IL 60560-9249 630/553-9100 Administration Fax 630/553-9506



March 11, 2019

Matthew Asselmeier Senior Planner Kendall County Planning, Building and Zoning

RE: Manure Management Plan for proposed increase in permitted number of horses at Skyfall

Equestrian Estates, 17 Ashe Rd. Unit J

PIN: 02-06-102-009

Mr. Asselmeier,

On March 7, 2019, this Department received the Manure Management Plan for the above referenced property and accepts it to serve the needs of the major amendment to the special use permit (petition 18-24).

If there are any questions concerning this determination, please feel free to contact me directly at the number listed below.

Sincerely,

Aaron J. Rybski, L.E.H.P.

Director of Environmental Health Services

Kendall County Health Department



7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3



March 22, 2019

Attorney Daniel J. Kramer 1107A S. Bridge Street Yorkville, IL 60560

Dear Attorney Kramer,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) Application for the proposed Equestrian Estates at Legacy Farm special use permit petition as filed with Kendall County. The proposed project is located in the NW ¼ of Section 6 in Bristol Township (T.37N.-R.7E.) and NE ¼ of Section 1 in Little Rock Township (T.37N.-R.6E.) in Kendall County, Illinois (parcel index numbers 02-06-102-009 and 01-01-200-020). The application was submitted at your request on behalf of Skyfall Equestrian LLC. After reviewing the application, it was determined that a full NRI Report is not necessary at this time for the proposed project. During the initial development of the Equestrian Estates at Legacy Farm, for the approximately 51 acre parcel, an NRI Report was prepared in 2005 based on site conditions at that time; a copy of this report is included with the letter.

For the purpose of the proposed special use permit request, the Kendall County SWCD has reviewed the project site and would like to note the following in regard to natural resource considerations for the proposed special use permit request on 8.5 acres for proposed improvements related to the horse barn and paddock area:

- The approximate 8.5 acre site has been previously altered by land development to include the horse barn and paddock area.
- Soils Related Information:
 - Since the original NRI Report was prepared in February 2005, copy included, the soils information for Kendall County have been updated by the United States Department of Agriculture (USDA) in 2008. The soil types for the proposed petition now include the following soil types:

Soil Type	
667A Kaneville silt loam, 0-2% slopes	
668B Somonauk silt loam, 2-5% slopes	
969F Casco-Rodman complex, 20-30% slopes	

- The petition area is predominately 668B Somonauk silt loam with a small amount of 667A Kaneville silt loam located along the southern petition area and a small amount of 969F Casco-Rodman complex located along the northern petition area. Additional information related to the soils found onsite is noted below by soil
 - 667A Kaneville silt loam, 0-2%, has a low potential for surface runoff; is denoted as a C hydrologic group indicating that the soils have a slow infiltration rate and rate of water transmission when wet; has a seasonal high water table from February to April with the upper limit of 2.0'-3.5' and a lower limit of >6.0'; are a moderately well drained soil; are not classified as a hydric soil or as having hydric inclusions; denoted as prime farmland; and have somewhat limited building related limitations for small commercial building, lawns/landscaping, paths/trails and are denoted as suitable per the Kendall County Subdivision Control Ordinance for onsite conventional septic systems.
 - 668B Somonauk silt loam, 2-5% slopes, has a low potential for surface runoff; is denoted as a C hydrologic group indicating that the soils have a slow infiltration rate and rate of water transmission when wet; has a seasonal high water table from February to April with the upper limit of 2.0'-3.5' and a lower limit of >6.0'; are a moderately well drained soil; are not classified as a hydric soil or as having hydric inclusions; denoted as prime farmland; and have somewhat limited building related limitations for small commercial building, lawns/landscaping, paths/trails. and are denoted as suitable per the Kendall County Subdivision Control Ordinance for onsite conventional septic systems.

- 969F Casco-Rodman complex, 20-30% slopes, has a medium-high potential for surface runoff; is denoted for the Casco soil component as having an B hydrologic group (moderate infiltration rate and rate of water transmission when wet) and for the Rodman soil component an A hydrologic group (high infiltration and rate of water transmission when wet); the presence of a seasonably high water table is not shown to be present; the Casco soil component is somewhat excessively drained while the Rodman soil component is excessively drained; the complex is not classified as a hydric soil and is not denoted as prime farmland; and have Very limited building related limitations for small commercial building, lawns/landscaping, paths/trails primarily due to slope and are denoted as unsuitable due to gravel per the Kendall County Subdivision Control Ordinance for onsite conventional septic systems.
- It is important to note that the original soil profile, as mapped by USDA, has been modified by site development of the horse barn facility. To ensure proper consideration of the current site conditions for suitable development including excavation, structures, landscaping, we recommend site specific soil testing to ensure any limitations associated with the current soil material onsite will support associated uses.
 - Additionally, the original topography of the site has been altered allowing for drainage patterns to be
 reconfigured for the larger Ogden Hill project that included approximately 170 acres of commercial and
 residential use. As part of the preparation of the site for the overall project, stormwater management
 has been reconfigured to address onsite drainage. Stormwater is managed onsite through storm
 sewers that discharge stormwater to existing basins, west and north of the proposed project site.
 Discharge from these stormwater basins continues to the north and west into Waubonsee Creek.
- The site is located on slopes of approximately 0-30% and is approximately 650' to 680' above sea level draining to the west directly to Big Rock Creek. The original topography of the site may have been previously altered allowing for drainage patterns to be slightly reconfigured as part of the overall Equestrian Estates at Legacy Farm facility.
- The site lies within the Fox River watershed and Big Rock Creek subwatershed.
- Based on in office review of existing FEMA Flood Insurance Rate Map, it does not appear that this parcel is located within the 100-year floodplain but maybe directly adjacent to the floodplain. Additionally, based upon review of the National Wetland Inventory Map, wetlands do not appear to be identified on the project site.
- As part of project construction, a soil erosion and sediment control plan should be prepared and implemented onsite in accordance with both Kendall County and Illinois EPA requirements. The Illinois Urban Manual can be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.
 - If the project will disturb greater than 1 acre, the site will need to obtain permit coverage under Illinois EPA's National Pollutant Discharge Elimination System (NPDES) ILR10 Permit for Construction Site Activities. In accordance with permit requirements, a Storm Water Pollution Prevention Plan (SWPPP) will need to be prepared in advance of construction and implemented onsite during construction.
- The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based upon local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes: Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The overall score is based on 300 points; selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

- The Land Evaluation score for this site is 77, indicating that this site is not predominately prime farmland well suited for agricultural production.
- The Site Assessment score for this site is 90.
- The overall LESA Score is 167 indicating a low level of protection for the proposed petition site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

If you have any questions, please contact our office at (630)553-5821 extension 3.

Sincerely,

Megan andrews

Megan Andrews, Resource Conservationist

Enclosure

Attachment 21, Page 1 KENDALL COUNTY REGIONAL PLANNING COMMISSION

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

Meeting Minutes of March 27, 2019 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez,

Benjamin Schroeder, and John Shaw

Members Absent: Claire Wilson

Staff Present: Matthew H. Asselmeier, Senior Planner, and Ruth Ann Sikes, Part Time Office Assistant

(Zoning)

In the Audience: Dan Kramer, Chet Sergo, Mary Kay Sergo, Dan Huddleston, Mark Bassong, Jean Cook,

Celia Bulper, Dorothy Flisk, Craig Zimmerman, Craig Krause, Brittany Krause, and Brad Blocker

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member Bledsoe to approve the agenda with the change of moving Petition 19-08 ahead of Petition 19-07. With a voice vote of eight (8) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Bledsoe made a motion, seconded by Member Casey to approve the minutes of the February 27, 2019, meeting with a correction of adding "range" to after "gun" in the second paragraph under Approval to Initiate a Text Amendment for the Kendall County Sheriff's shooting range. With a voice vote of eight (8) ayes, the motion carried unanimously.

PETITIONS

18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC

Mr. Asselmeier summarized the request.

The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

Attachment 21, Page 2

The Petitioner applied for an NRI in February 2019 and the LESA Score was 167 indicating a low level of protection.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

ZPAC recommended approval of the petition.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Staff recommended approval subject to the following conditions:

- 1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
- 2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
- 3. The site shall be developed substantially in accordance with the attached site plan.
- 4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
- 5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
- 7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Dan Kramer gave a summary of the way the property was originally setup and that Dorothy Flisk owns the barn and six (6) other lots in the subdivision.

Chairman Ashton asked if the manure plan met the State requirements. Mr. Kramer stated there really are no requirements on manure, but they believe they do meet the expectations.

Attachment 21, Page 3

Member Schroeder expressed concerns about the removal of the urine waste and proximity to the creek. He is concerned that with the increase in horses, an increase in the amount of waste will occur. Mr. Kramer said the Health Department had no concerns about the waste.

Dan Huddleston, President of the HOA, spoke about the concerns of the members/neighbors. They are concerned about increased traffic, light pollution, noise, and manure. They are also concerned about the decreased value in their homes due to the fact of having a business in their backyard. Mark Bassong, Vice President of the HOA, agreed with everything Mr. Huddleston said.

Member Rodriguez asked if there was any talk about putting in a separate road to her barn. Mr. Huddleston said there is no way to install a new road.

Mr. Kramer said that request had nothing to do with the covenants of the HOA.

Jean Cook, Arlene Vankamper, and Mary Kay Sergo who board their horses at the stable spoke about how well maintained it is and how it enhanced the area.

Dorothy Flisk owner of the property answered questions about the disposal of urine and manure. She discussed the value and what kind of horses they board. Discussion occurred regarding her business operations, the number of vehicles using the road, and the number of employees at the business.

Member Nelson asked if they had thought about putting in Arborvites. Inadequate space exists for planting Arborvitaes near the paddock area.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of Petition 18-24 with the conditions proposed by Staff.

Yes (6): Ashton, Bledsoe, Davis, Nelson, Rodriguez, and Shaw

No (2): Casey and Schroeder

Absent (1): Wilson

The motion carried.

Petition 18-24 will go to the Zoning Board of Appeals on April 29, 2019.

19-08 Daniel, Bruce, and Norma Van Deventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

Mr. Asselmeier summarized the request.

Craig Zimmerman, the prospective buyer, gave a summary that he wants to build a house/workshop on the property.

Craig and Brittany Krause expressed concerns of why did the property had to be rezoned from A1 to R1. Mr. Asselmeier stated it needs to be rezoned in order for them to build a house on it. Discussion also occurred regarding the address of the property.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of Petition 19-08.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw

No (0): None Absent (1): Wilson

KCRPC Meeting Minutes 3.27.19

The motion carried.

Petition 19-08 will go to the Zoning Board of Appeals on April 1, 2019.

19-07 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. He explained enforcement issues in Boulder Hill and this proposal was the suggest way of resolving those issues.

Member Davis made a motion, seconded by Member Bledsoe, to recommend approval of Petition 19-07.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw

No (0): None Absent (1): Wilson

The motion carried.

Petition 19-07 will go to the Zoning Board of Appeals on April 1, 2019.

19-09 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Brad Blocker, Na-An-Say Township Supervisor, spoke about his issues which is the A1 outline reads to allow for the purposes best suited for agricultural purposes. He believes that taking it out of special use and turning it into a permitted use in this case it is pretty much a stretch to call that an Agricultural Use.

Members of the Commission gave Mr. Blocker a background on the proposal. No agricultural land is being taken out of use. It was noted that the proposal is for Oswego Township and the ordinance expires on December 31, 2024.

Member Nelson made a motion, seconded by Member Davis, to recommend approval of Petition 19-09.

Yes (9): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw

No (0): None Absent (1): Wilson

The motion carried.

Petition 19-09 will go to the Zoning Board of Appeals on April 1, 2019.

OLD BUSINESS

<u>Update on Petition 18-04 Request from Kendall County Regional Planning Commission for Changes to</u> the Future Land Use Map for Properties Near Route 47 in Lisbon Township

Mr. Asselmeier gave an Update. This proposal will go the Planning, Building and Zoning Committee in April.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Approval to Initiate a Text Amendment to Section 4.06 and 4.07 of the Kendall County Zoning Ordinance by allowing Research and Development Related Home Occupations to be Conducted Outside of a Dwelling or Permitted Accessory Structure and Adding the Phrase "Unless Otherwise Permitted by Law" to the End of Section 4.06.f and Section 4.07.g

Mr. Asselmeier summarized the request.

Mr. Nelson said this came out of a person wanting to do research on guns out of their home. Under current regulations he could not discharge a firearm outdoors as part of his business.

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve initiating the text amendment.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Schroeder

No (0): None Absent (1): Wilson Abstain (1): Shaw

The motion carried.

This petition will go to ZPAC on April 2, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier announced there were three (3) new petitions coming next month.

Member Schroeder talked about the sprinkler issue at the planned banquet facility on Schlapp Road.

ADJOURNMENT

Member Rodriguez made a motion, seconded by Member Nelson, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:10 p.m.

Respectfully submitted by, Ruth Ann Sikes Part-Time Office Assistant (Zoning)

Encs.

REGIONAL PLANNING COMMISSION MARCH 27, 2019

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Dan Kramer	graphille 1 5. Brit	
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Dorothy Flish		

REGIONAL PLANNING COMMISSION MARCH 27, 2019

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
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MINUTES ZONING BOARD OF APPEALS MEETING

111 WEST FOX STREET, Room 209 and 210 YORKVILLE, IL 60560 August 27, 2018 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Cliff Fox Tom LeCuyer, and Dick

Thompson

Members Absent: Dick Whitfield

<u>Staff Present:</u> Matthew Asselmeier, AICP, Senior Planner and Jasmine Brown Watkins, Office Assistant <u>Public:</u> Mark Perle, Priscilla Gruber, Margaret Sheehan, Linda Wilkinson, Martin Cann, Ed Gruber, Becky Peterson, Brian Barnwell, Lane Abrell, Tom Grant, Paul Kovacevich, Joe Phillips, Zach Barnwell, Jan Alexander, DJ Kramer, Boyd Ingemunson, John Whitehouse, Scott Wallin, Nate Howell, Deputy Commander Jason Langston, and Bob Davidson

PETITIONS

Chairman Mohr swore in all of the members of the audience that wished to speak on this evening's petitions.

The Zoning Board of Appeals started their review of Petition 18-24 at 9:20 p.m.

18 – 24 – Dorothy Flisk on Behalf of Skyfall Equestrian, LLC-Petitioner Requests a Layover

Request: Major Amendment to a Special Use Permit to Increase the Number of Horses Allowed

Boarded at the Property from Twenty-Four (24) to Thirty-Six (36) and to Allow Non-Residents of the Equestrian Estates at Legacy Farm Subdivision to Board Horses at the

Property

PINs: 01-01-200-020 and 02-06-102-009

Location: 17 Ashe Road, Little Rock and Bristol Townships

Purpose: Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four

(24) to Thirty-Six (36) and to Allow Non-Residents of the Equestrian Estates at Legacy

Farm Subdivision to Board Horses at the Property

Mr. Asselmeier summarized the petition.

Dorothy Flisk, on behalf of Skyfall Equestrian, LLC, submitted a petition requesting a major amendment to her special use permit to increase the number of horses allowed to be boarded at her property at 17 Ashe Road from twenty-four (24) to thirty-six (36).

Upon further discussions with the Petitioner, Ms. Flisk would like to demolish two (2) barns on the property and construct an additional barn to store hay, straw, and boarding space for twelve (12) horses. The Petitioner currently has twenty-six (26) horse stalls. The Petitioner did not submit a site

plan, EcoCat application, or NRI application because the construction of buildings was not mentioned in her original application.

Accordingly, at the August 7, 2018 ZPAC meeting, ZPAC laid over the request until the Petitioner provided an updated site plan, a more detailed manure management plan, proof of application for EcoCat, and proof of application for a NRI.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the requested site plan, manure management plan, EcoCat application, and NRI application are submitted.

Chairman Mohr opened the public hearing at 9:21 p.m. and, without objection, recessed the public hearing until after the Petitioner supplied an updated site plan to the Planning, Building and Zoning Department.

The Zoning Board of Appeals concluded their review of Petition 18-24 at 9:21 p.m.

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

Exhibits

- 1. Staff Report on Petition 18-24 Dated August 10, 2018
- 2. Certificate of Publication and Mailings for Petition 18-24 (Not Included with Report but on file in Planning, Building and Zoning Office).

KENDALL COUNTY ZONING BOARD OF APPEALS

August 27, 2018

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
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Triseille Grabei		
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Linda M. Wilkinson		
Martin Cann		
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	PILIXFIELD EL 60544	

KENDALL COUNTY ZONING BOARD OF APPEALS

August 27, 2018

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Som GRANT		
PAUL KOVACEVICY		
JOE PHILLIPS	6	
ZACH BARNWELL		
JAN Arexameder	d	
12 Kramer		
Boyd Ingen	hrso-	
JOHN WHITEHOU	SE	
Sax hall	t.	

NATEHOWELL



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204 Yorkville, IL • 60560 Fax (630) 553-4179

(630) 553-4141

MEMORANDUM

Kendall County Zoning Board of Appeals To: From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 10, 2018

Re: Petition 18-24 Proposed Major Amendment to a Special Use Permit to Increase the Number of

Horses Allowed Boarded at 17 Ashe Road from Twenty-Four to Thirty-Six – Petitioner

Requests a Layover

Dorothy Flisk, on behalf of Skyfall Equestrian, LLC, submitted a petition requesting a major amendment to her special use permit to increase the number of horses allowed to be boarded at her property at 17 Ashe Road from twenty-four (24) to thirty-six (36).

Upon further discussions with the Petitioner, Ms. Flisk would like to demolish two (2) barns on the property and construct an additional barn to store hay, straw, and boarding space for twelve (12) horses. The Petitioner currently has twenty-six (26) horse stalls. The Petitioner did not submit a site plan, EcoCat application, or NRI application because the construction of buildings was not mentioned in her original application.

Accordingly, at the August 7, 2018 ZPAC meeting, ZPAC laid over the request until the Petitioner provided an updated site plan, a more detailed manure management plan, proof of application for EcoCat, and proof of application for a NRI.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the requested site plan, manure management plan, EcoCat application, and NRI application are submitted.

If you have any questions regarding this request, please let me know.

Thanks,

MHA

MINUTES – UNOFFICIAL UNTIL APPROVED KENDALL COUNTY ZONING BOARD OF APPEALS MEETING

111 WEST FOX STREET, Room 209 and 210 YORKVILLE, IL 60560

April 29, 2019 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair), Karen Clementi, Cliff Fox, Tom LeCuyer, and Dick Thompson

Members Absent: Scott Cherry and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner, Ruth Ann Sikes, Part Time Office Assistant,

(Zoning), and Mark Caldwell

PETITIONS

The Zoning Board of Appeals started their review of Petition 18-24 at 7:02 p.m.

Continuation of Hearing on Petition - 18-24 - Dorothy Flisk on Behalf of Skyfall Equestrian, LLC

Request: Major Amendment to a Special Use Permit to Increase the Number of Horses

Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)

PINs: 01-01-200-020 and 02-06-102-009

Location: 17 Ashe Road, Little Rock and Bristol Townships

Purpose: Increase the Number of Horses Allowed Boarded at the Property from Twenty-

Four (24) t0 Thirty-Six (36)

Mr. Asselmeier read a letter from Attorney Dan Kramer, dated April 26, 2019, requesting a continuation of the public hearing until June. Mr. Asselmeier stated that hearing would be July 1st.

Member Clementi made a motion, seconded by Member Thompson, to continue the public hearing on Petition 18-24 until July 1, 2019.

The votes were as follows:

Ayes (5): Mohr, Clementi, Fox, LeCuyer, and Thompson

Nays (0): None

Absent (2): Cherry and Whitfield

The motion passed.

The hearing will be continued until July 1, 2019.

The Zoning Board of Appeals completed their review of Petition 18-24 at 7:05 p.m.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Fox made a motion, seconded by Member Thompson, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:30 p.m.

The next meeting will be on May 28, 2019.

Respectfully submitted by, Ruth Ann Sikes Part-Time Office Assistant (Zoning)

Exhibit

1. April 26, 2019 Letter from Dan Kramer to Matthew Asselmeier Re: Legacy Farms Special Use Zoning Board of Appeals hearing April 29, 2019

LAW OFFICES OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET YORKVILLE, ILLINOIS 60560 (630) 553-9500 Fax: (630) 553-5764

KELLY A. HELLAND D.J. KRAMER

April 26, 2019

Matt Asselmeier Senior Planner Kendall County Building & Zoning

Re: Legacy Farms Special Use Zoning Board of Appeals hearing April 29, 2019

Dear Matt:

Please be advised that I met with Patrick Kinnally, the Attorney for one of the Homeowners, John Bryant. He is meeting with the Homeowners Attorney, Chris Fowler this afternoon.

After a lengthily meeting today it appears there is at least a willingness between the parties to discuss resolution of the concerns of at least Mr. Bryant and possibly other homeowners, although we do not know as of yet.

Toward that end we agreed with Attorney Kinnally that we would table our hearing for Monday night April 29, 2019 and request that you continue us to the June, 2019 Agenda. We thought that best given with the holiday weekend in May it is very difficult to get people together.

Let me know if you are agreeable to continuing the meeting and we will notify Attorney Fowler so he can let the HOA Association know.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer Attorney at Law

DJK/rg

MINUTES – UNOFFICIAL UNTIL APPROVED KENDALL COUNTY ZONING BOARD OF APPEALS MEETING

111 WEST FOX STREET, Room 209 and 210 YORKVILLE, IL 60560 July 1, 2019 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair), Scott Cherry, Karen Clementi, Cliff Fox, and Dick Thompson

Members Absent: Tom LeCuyer and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner, Mark Caldwell, Jeff Spang, John Vogt, JoAnn

Bright-Theis, Adam Theis, Bob Bright, Nicola Bright, and Kurt Buhle

PETITIONS

The Zoning Board of Appeals started their review of Petition 18-24 at 7:01 p.m.

Continuation of Hearing on Petition - 18-24 - Dorothy Flisk on Behalf of Skyfall Equestrian, LLC

Request: Major Amendment to a Special Use Permit to Increase the Number of Horses

Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)

PINs: 01-01-200-020 and 02-06-102-009

Location: 17 Ashe Road, Little Rock and Bristol Townships

Purpose: Increase the Number of Horses Allowed Boarded at the Property from Twenty-

Four (24) to Thirty-Six (36)

Mr. Asselmeier read a letter from Attorney Dan Kramer, dated June 24, 2019, requesting a continuation of the public hearing until July 29, 2019.

Member Clementi made a motion, seconded by Member Cherry, to continue the public hearing on Petition 18-24 until July 29, 2019, with the condition that no further continuations occur. If the Petitioner requires further continuations, the case should be refiled.

The votes were as follows:

Ayes (5): Mohr, Cherry, Clementi, Fox, and Thompson

Nays (0): None

Absent (2): LeCuyer and Whitfield

The motion passed.

The hearing will be continued until July 29, 2019.

The Zoning Board of Appeals completed their review of Petition 18-24 at 7:03 p.m.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Clementi made a motion, seconded by Chairman Mohr, to adjourn. With a voice vote of five (5) ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:56 p.m.

The next hearing/meeting will be on July 29, 2019.

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

Exhibits

1. June 24, 2019 Letter from Dan Kramer to Matthew Asselmeier Re: Legacy Farms Special Use Zoning Board of Appeals hearing July 1, 2019

KENDALL COUNTY ZONING BOARD OF APPEALS JULY 1, 2019

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Jeff Spana	Millbrook	
John Vogy		
- La Pui		
JoAnn Bright		
Bob Bright		
Vicola Bright		
Mark Cathall		

LAW OFFICES OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET YORKVILLE, ILLINOIS 60560 (630) 553-9500 Fax: (630) 553-5764

KELLY A. HELLAND D.J. KRAMER

June 24, 2019

Matt Asselmeier Senior Planner Kendall County Building & Zoning Via Email: Masselmeier@co.kendall.il.us

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Matt:

We would request that this Petition be placed on the July 29, 2019 7:00 pm Zoning Board of Appeals Meeting. Please confirm this is acceptable at your earliest convenience. If you have any questions or concerns please feel free to contact me.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer Attorney at Law

DJK/cth

MINUTES – UNOFFICIAL UNTIL APPROVED KENDALL COUNTY ZONING BOARD OF APPEALS MEETING

111 WEST FOX STREET, Room 209 and 210 YORKVILLE, IL 60560 July 29, 2019 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair), Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, Dick

Thompson, and Dick Whitfield Members Absent: Scott Cherry

Staff Present: Matthew Asselmeier, AICP, Senior Planner, Dan Kramer, Pat Kinnally, William Barclay,

Peter Lodestro, Dorothy Flisk

PETITIONS

Chairman Mohr swore in all members of the public that wished to speak on the Petitions.

The Zoning Board of Appeals started their review of Petition 18-24 at 7:04 p.m.

Continuation of Hearing on Petition - 18-24 - Dorothy Flisk on Behalf of Skyfall Equestrian, LLC

Request: Major Amendment to a Special Use Permit to Increase the Number of Horses

Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)

PINs: 01-01-200-020 and 02-06-102-009

Location: 17 Ashe Road, Little Rock and Bristol Townships

Purpose: Increase the Number of Horses Allowed Boarded at the Property from Twenty-

Four (24) to Thirty-Six (36)

Mr. Asselmeier read summarized the request.

The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005.

The Petitioner applied for an NRI in February 2019 and the LESA Score was 167 indicating a low level of protection.

Revised information was sent to Little Rock Township Revised on February 21, 2019. No comments were received.

Revised information was sent to Bristol Township on February 21, 2019. No comments were received.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

ZPAC recommended approval of the petition.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. Dan Huddleston expressed the Homeowners' Association concerns regarding increased traffic, light pollution, noise, and manure. Jean Cook, Arlene Vankamper, and Mary Kay Sergo board their horses at the stable and spoke about how well maintained the stable is and how it enhanced the area. Discussion occurred regarding planting arborvitaes as a buffer, but this did not seem to solve screening issues. By a vote of six (6) in favor and two (2) in opposition, the Kendall County Regional Planning Commission recommended approval with the conditions proposed by Staff.

The Kendall County Zoning Board of Appeals started a public hearing on this petition on August 27, 2018. The hearing was continued until April 29, 2019, July 1, 2019, and July 29, 2019.

The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The existing special use permit was established by Ordinance 2012-22. The restrictions placed on the special use permit were:

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #06-29 in its entirety and grants approval of a special use zoning permit to amend their existing special use permit to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision subject to the following conditions:

- 1. A maximum of twenty-four (24) horses are allowed to be housed in the stable.
- 2. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.

- 3. The facility shall be exclusively used by the owners, trainers, boarders and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outdoor event exceeding fifty (50) guests, the owner, shall provide each of the property owners and Homeowners Association with at least thirty (30) days notice of the event. The Owner shall host no more than two (2) such outdoor events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club.
- 4. As a private equestrian facility, no school horses will be available for rent to the general public. Training is available to the owners, trainers, boarders and their guests, only.
- 5. A maximum of two (2) adults and their immediate family can live in each of the two stable manager housing units inside the stable.
- 6. Private Road Maintenance: The Owner will solely maintain that portion of the road that is on Lot 17, with that portion being shown on the Final Plat for Equestrian Estates at Legacy Farms Subdivision. The Homeowners Association or property owners will maintain the remaining roads within the Subdivision. The Owner will pay 29% of the cost of maintaining that portion of the roads running from Ashe Road to the turnabout, the turnabout road, and from the turnabout to that portion of the road that intersects with Lot 17. The Owner will notify all boarders that the residential roads are for private use only. With all things being equal with other service providers, including price and quality of service, the Homeowners Association and/or residents agrees to allow the Owner to provide landscaping and road maintenance services.
- 7. Trails: The Homeowners Association or property owners will be responsible for maintaining any trails in Lot 18. The Owner will be responsible for 29% of the cost to maintain the trails in Lot 18 and the Homeowners Association or property owners will be responsible for 71% of the cost. With all things being equal with other service providers, including price and quality of service, the Homeowners Association or property owners agree to allow the Owner to provide trail improvement and maintenance services.
- 8. Insurance: The Owner will maintain a comprehensive general liability policy in the minimum amount of \$1,000,000.00. The Homeowners Association and/or property owners will be named as an additional insured.
- 9. Lighting: The outdoor arena shall not be lighted. The existing lighting on the south side of the stable will only be used before 8pm or in case of emergency.
- 10. Sale of the Stable: In the event the Owner lists the property for sale, the Owner shall notify the Homeowners Association and property owners of such listing within five (5) business days.
- 11. Stable Workers: All employees or independent contractors shall be retained by the Owner.

- 12. There shall be no signage on the property indicating the stable accepts commercial stabling of horses. The Owner may post upon Homeowners Association and/or property owners approval and/or request a small discreet sign on Lot 17, at the entrance to the facility.
- 13. No signs are permitted on the eastern portion of the outdoor riding arena.
- 14. Horse trailers: Horse trailers shall be parked west of the outdoor arena.
- 15. No rodeo, barrel racing or reining shows, but practicing such activities is a permitted use.

The Kendall County Planning, Building and Zoning Department has not received any complaints regarding the special use at the subject property.

The Kendall County Health Department received one (1) complaint since the issuance of the amended special use permit for manure related issues. The issue was unfounded.

The original ordinance granting the special use permit, Ordinance 2006-05, allowed thirty-six (36) horses to be stabled at the property.

Any new buildings would have to meet applicable building codes.

The property has indirect access to Ashe Road via private streets.

Pictures of the manure area were provided. The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area. The Petitioner has two (2) backup plans for handling manure. One (1) plan involves a truck transporting manure to a company in Wisconsin. The other plan involves working with a company that transforms manure into energy. Manure will be monitored daily and more pickups could occur if the manure pile gets too large. The revised manure management plan was provided. The Kendall County Health Department's approval of the manure management plan was provided.

No new lighting is planned.

No additional fencing or buffering is planned.

No changes in impervious surface are planned. The stormwater situation may have to be reexamined if the Petitioner constructs new building(s).

No changes in utilities, well, or septic system are planned. Any new utilities would have to secure applicable permits.

Staff recommended approval subject to the following conditions:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.

- 2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
- 3. The site shall be developed substantially in accordance with the attached site plan.
- 4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
- 5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
- 7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Mr. Asselmeier noted that the attorney for the Petitioner and the attorney for one (1) of the neighbors have been in negotiations to resolve some issues. The attorney of John Bryan requested the following:

- 1. Residential lots to remain residential with no ability for horse pasturing.
- 2. 2-4 weeks Notice for outdoor events.
- 3. Change notice for "outdoor" events to "outside, not referring to roofs" events.
- 4. No tent erection at any event.
- 5. Parking for events to be restricted to one (1) side of the street to allow room for emergency vehicles.
- 6. Recommended that Skyfall obtain workers' compensation insurance as she has four (4) employees.
- 7. Increase additional insured insurance amount from \$1 Million to \$10 Million.
- 8. HOA responsible for 79% of road maintenance on the side streets; Dorothy responsible for 21%.
- 9. Skyfall responsible for 79% of road maintenance on the main road; HOA responsible for 21%.
- 10. Skyfall responsible for 100% of road maintenance for its property line.

- 11. Change the responsibility for the trail system to the HOA.
- 12. No trail system on the conservation area behind houses.
- 13. Keep Lot 1 pasture.
- 14. HOA to install requirement that anyone who sits on the Board must actually reside in the subdivision, not just be an owner.

The Petitioner's attorney responded that they agreed with requests 1-6 and 8-13. In request 7, the insurance amount could be increased to \$3 Million. In request 14, the Petitioner's attorney held that the Petitioner could not bind the HOA to take a given action.

Regarding request 2, the Petitioner's attorney said the notice will be served to the HOA and any lot owner that provided an email.

Regarding request 5, they would like parking on the right side of the street.

The special use permit would run with the property owner.

Request 14 would not be included in the special use permit because the HOA is not a party of the special use permit.

Chairman Mohr asked if the circle driveway counted as parking. Mr. Asselmeier responded that, since the parking was approved in the original development of the site, the circle driveway was intended to be used as parking.

Chairman Mohr re-opened the public hearing at 7:20 p.m.

Dan Kramer, attorney for the Petitioner, explained the history of the development. Unfortunately, the facility went into foreclosure and a new party purchased the property. The Petitioner bought the facility and six (6) lots in subdivision. The Petitioner is requesting to increase the number of horses back to the original number of thirty-six (36); she would like to build a new hay barn; she would like to expand the manure containment facility. The Petitioner would like to build a house on Lot 1. The amount of general liability insurance carried by the Petitioner shall increase to \$3 Million. The entire HOA did not agree to everything requested by John Bryan's attorney. The residential homes are on "the wings". As such, the people related to the Petitioner's horse facility do not travel or park on the side streets. Only two (2) residents boarded horses at the facility. The Petitioner would give priority to residents of the subdivision. Events are not open to the public; only boarders are allowed to attend events.

Chairman Mohr asked what has changed to allow the Petitioner to have thirty-six (36) horses on the property. Mr. Kramer said that he did not know the second owner of the property. Thirty-six (36) is the maximum number of horses the property could support.

Member Fox asked about the manure area. Dorothy Flisk responded that it takes ten to twelve (10-12) days to fill the pit.

Patrick Kinnally, attorney for John Bryan, discussed his involvement with this proposal. He does not represent the HOA. He found the Petitioner's responses to his client's requests to be satisfactory.

Member Thompson asked if the insurance requirement was under the jurisdiction of the Board. Mr. Asselmeier responded that the insurance requirement was listed in the previous special use permit ordinance.

Peter Lodestro has owned property in the subdivision for approximately three (3) years. He owns Lots 7 and 8. He sees the trailers coming in and out of the subdivision. He expressed concerns about the liability of increased traffic on the private streets. He was opposed to any expansion of the business.

Chairman Mohr asked if people have to maneuver around a roundabout to access the subject property. Mr. Lodestro responded a roundabout exists.

Mr. Kramer stated that the County does not encourage private roads; the original developer wanted private roads. The roads were built to the County specifications in terms of depth; the private streets are narrower. Someone lives on the property for safety reasons. Discussion occurred about having a second ingress/egress.

Member Fox asked if the creation of the business occurred as part of the residential development. Mr. Kramer responded that the horse business was planned at the same time as the residential development. The development was intended to be an equestrian community. The cost sharing for the streets evolved over time.

Ms. Flisk stated that garbage and recycling pickup occurs one (1) time per week. The mushroom farmer comes every ten to twelve (10-12) days.

Chairman Mohr asked about the nature of events. Ms. Flisk responded that events are held indoors. They had a clinic.

Mr. Lodestro expressed concerns about lots not selling in the subdivision. He expressed concerns about the safety of children in the subdivision with the increased traffic. Chairman Mohr stated that twenty-four (24) horses will still be at the property which will cause a certain amount of traffic. Mr. Lodestro did not want to shut down Ms. Flisk's business.

William Barclay has three (3) horses boarded at the subject property. He is a veterinarian. He stated that the facility is run great and the manure disposal is superb. He stated that the frequency of trailers using the street is minimal.

Chairman Mohr asked how many of these types of horse facilities can be found in residential neighborhoods. Mr. Barclay responded quite a few; he listed two (2) in the Naperville area. Mr. Kramer listed three (3) in Chicago suburbs. Twelve (12) new stalls does not indicate twelve (12) new trailers.

Chairman Mohr adjourned the public hearing at 8:06 p.m.

The Board reviewed the following findings of fact:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the manure management plan is implemented as proposed, the amendment to the special use will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.

The votes were as follows:

Ayes (6): Mohr, Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (0): None

ZBA Meeting Minutes 7.29.19

Absent (1): Cherry

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the manure management plan is implemented as proposed and that the property owner follows the remaining restrictions in Ordinance 2012-22, the amendment will not be substantially injurious to the use and enjoyment of other property in the area nor will the amendment impair property values.

The votes were as follows:

Ayes (5): Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (1): Mohr Absent (1): Cherry

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Provided that the manure management plan is implemented as proposed, no concerns exist regarding drainage. The owner of the property will need to continue their required contributions to the Homeowners' Association as outlined in Ordinance 2012-22 to ensure that Ashe Road remains in good repair. The reference to Ashe Road was changed to subdivision roads.

The votes were as follows:

Ayes (6): Mohr, Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (0): None Absent (1): Cherry

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The proposed special use permit and site plan conform to all other applicable regulations of the RPD-1 Zoning District.

The votes were as follows:

Ayes (6): Mohr, Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (0): None Absent (1): Cherry

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The LRMP states the following regarding the Rural Estate Residential Area, "limited business use may also be appropriate for small offices or agricultural service enterprises" and "agricultural uses will continue to be a major use in Rural Estate areas" (Page 5-17). Accordingly, with proper restrictions, the proposed use is consistent with the purpose and objectives of the LRMP.

The votes were as follows:

Ayes (5): Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (1): Mohr Absent (1): Cherry Member Whitfield made a motion, seconded by Member Clementi, to recommend approval of the amendment to an existing special use permit subject to the conditions proposed by Staff and the terms agreed to between the Petitioner and John Bryan except that the insurance shall be \$3 Million instead of \$10 Million. Member Thompson did not favor inclusion of the insurance requirements in the special use permit restrictions.

Discussion occurred regarding whether or not the Board would approve this type of use if this use was a brand new development.

The votes were as follows:

Ayes (5): Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (1): Mohr Absent (1): Cherry

The motion passed. This proposal will go to the Kendall County Planning, Building and Zoning Committee on August 12, 2019.

The Zoning Board of Appeals completed their review of Petition 18-24 at 8:15 p.m.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Clementi made a motion, seconded by Member LeCuyer, to adjourn. With a voice vote of six (6), the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:34 p.m.

The next hearing/meeting will be on September 4, 2019.

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

Exhibits

- 1. Staff Report on Petition 18-24 Dated July 15, 2019
- 2. Certificate of Publication and Mailings for Petition 18-24 (Not Included with Report but on file in Planning, Building and Zoning Office).
- 3. May 14, 2019 Letter from Patrick Kinnally to Dan Kramer
- 4. July 26, 2019 Letter from Dan Kramer to Patrick Kinnally

KENDALL COUNTY ZONING BOARD OF APPEALS JULY 29, 2019

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Don Kramer 18-24	1107 A S. GANG ST Galle Ell	
Sanara Bard William Bardon Pat Kinmily	a	
William Bardon	0	
Pat Kinmily	214 Paerpoth Aurara	

KINNALLY FLAHERTY KRENTZ LORAN HODGE & MASUR PC

2000

ATTORNEYS AT LAW

May 14, 2019

Via E-Mail
Daniel J. Kramer
Attorney at Law
1107 A S. Bridge Street
Yorkville, IL. 60560
dkramer@dankramerlaw.com

Re: Estate of Legacy Farms

Attorney Kramer:

In follow-up to the meeting held on May 13, 2019, the following is a summary of what was discussed. My client, John Bryan, would like the following to occur in order to resolve the issues with your client. Skyfall Equestrian, LLC ("Skyfall").

- Residential lots to remain residential with no ability for horse pasturing;
- 2-4 weeks Notice for outdoor events;
- Change notice for "outdoor" events to "outside, not referring to roofs" events;
- No tent erection at any event;
- Parking for events to be restricted to one side of the street to allow room for emergency vehicles;
- Recommended that Skyfall obtain workers' compensation insurance as she has 4 employees;
- Increase additional insured insurance amount from \$1 million to \$10 million;
- HOA responsible for 79% of road maintenance on the side streets; Dorothy responsible for 21%;
- Skyfall responsible for 79% of road maintenance on the main road, HOA responsible for 21%;
- Skyfall responsible for 100% of road maintenance for its property line;
- Change the responsibility for the trail system to the HOA;
- No trail system on the conservation areas behind houses;
- · Keep Lot I just pasture; and

PATRICK M. KINNALLY | PATRICK M. FLAHERTY | PAUL G. KRENTZ | JOSEPH C. LORAN | GERALD K. HODGE | MARK MASUR

KINNALLY FLAHERTY KRENTZ LORAN HODGE & MASUR PC

2000

Via E-Mail
Daniel J. Kramer
dkramer@dankramerlaw.com
May 14, 2019
Page 2

 HOA to install requirement that anyone who sits on the Board must actually reside in the subdivision, not just be an owner.

If you have any questions, please feel free to contact me.

Sincerely,

KINNALLY FLAHERTY KRENTZ LORAN HODGE & MASUR P.C.

Patrick M. Kinnally

PMK/cs

ce: Attorney Christopher Fowler

LAW OFFICES OF

DANIEL J. KRAMER

1107A S. BRIDGE STREET YORKVILLE, IL 60560 630-553-9500 FAX 630-553-5764

D.J. KRAMER

KELLY A. HELLAND

DANIEL J. KRAMER

DKRAMER@DANKRAMERLAW.COM

July 26, 2019

Attorney Patrick Kinnally

Via Email:

Pkinnallvakfkllaw.com

RE: E

Estate of Legacy Farms (Skyfall Equestrian, LLC Petition for Special Use

Modification

Dear Mr. Kinnally:

Following up with the meeting that we had with John Bryan and yourself in which Christopher Fowler participated by telephone on behalf of the Homeowners Association I can give the following responses to the bullet points raised in the Memo of the Meeting you sent.

- 1-6. Agreed for the first 6 bullet points.
- Increase additional insured insurance amount from \$1 million to \$10 million.

Dorothy was able to get the amunt raised on the General Liaility Umbrella to I believe \$3 Million dollars. Her Insurance Agent indicated in the middle of the Policy could not raise it any further, but would look when the Policy comes up for renewal at the first of the year to see if he could get a larger liability umbrella limit.

- 8-13. Agreed to all of them.
- 14. HOA to install requirement that anyone who sits on the Board must actually eside in the subdivison, not just be an owner.

That particular provisison, I will leave to the Homeowners Association since I don't beieve Dorothy can bind them. However I can report to Mr. Bryan that Dorothy plans on building her personal residence on the lot that Mr. Bryan was fearful might turn into a horse pasture.

Very truly yours,

Daniel J. Kramer Attorney at Law

DJK:rg

State of Illinois County of Kendall Zoning Petition #18-24

ORDINANCE NUMBER 2019-____

GRANTING A MAJOR AMENDMENT TO A SPECIAL USE PERMIT GRANTED BY
ORDINANCE 2012-22 BY INCREASING THE NUMBER OF HORSES ALLOWED BOARDED
AT 17J ASHE ROAD (PINs: 01-01-200-020 AND 02-06-102-009) FROM TWENTY-FOUR (24) TO
THIRTY-SIX (36) HORSES ON PROPERTY ZONED RPD-1 RESIDENTIAL PLANNED
DEVELOPMENT ONE ZONING DISTRICT IN LITTLE ROCK AND BRISTOL TOWNSHIPS

<u>WHEREAS</u>, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue major amendments to special use permits and place conditions on major amendments to special use permits and provides the procedure through which special use permits are granted and amended; and

<u>WHEREAS</u>, Section 8.03.H.1.m of the Kendall County Zoning Ordinance permits the operation of riding stables a special use with certain restrictions in the RPD-1 Residential Planned Development One Zoning District; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the RPD-1 Residential Planned Development One Zoning District and consists of approximately 8.5 acres located at 17J Ashe Road, Sugar Grove, Illinois (PINs: 01-01-200-020 and 02-06-102-009) in Little Rock and Bristol Townships. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property"; and

<u>WHEREAS</u>, Ordinance 2012-22, adopted September 18, 2012, granted a special use permit for the operation of a central horse stable and stable manager housing with conditions at the subject property; and

<u>WHEREAS</u>, Condition Number 1 of Ordinance 2012-22 set a maximum of twenty-four (24) horses allowed to be housed in stable at the subject property; and

WHEREAS, Skyfall Equestrian, LLC acquired the subject property on or about October 1, 2016; and

<u>WHEREAS</u>, Dorothy Flisk is authorized to represent Skyfall Equestrian, LLC and shall hereinafter be referred to as "Petitioner"; and

<u>WHEREAS</u>, on or about June 26, 2018, Petitioner filed a petition for a Major Amendment to a Special Use Permit increasing the number of horses allowed boarded at the subject property from twenty-four (24) to thirty-six (36); and

<u>WHEREAS</u>, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals started a public hearing on August 27, 2018, at 7:00 p.m., and continued the public hearing until April 29, 2019, at 7:00 p.m., and continued the public hearing until July 1, 2019, at 7:00 p.m., and concluded the public hearing on July 29, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which time the Petitioner's attorney presented evidence, testimony, and exhibits in support of the requested major amendment to a special use permit and two members of the public testified in favor of the request and one member of the public testified in opposition to the request; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the major amendment to a special use permit with

State of Illinois Zoning Petition
County of Kendall #18-24

conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 29, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested major amendment to a special use permit with conditions; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> as follows:

- 1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a major amendment to a special use permit allowing the operation of a central horse stable and manager housing on the subject property subject to the following conditions:
 - A. All of the conditions contained in Ordinance 2012-22, except conditions Number 1, Number 2, Number 3, Number 6, and Number 8 shall remain in effect. Conditions Numbers 1, 2, 3, 6, and 8 of Ordinance 2012-22 are hereby repealed.
 - B. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C. Unless otherwise shown on Exhibit C, the residential lots within the Subdivision shall remain residential with no ability for horse pasturing. Lot 1 can be used just for pasture. No trail system shall be placed on the conservation area behind houses.
 - C. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
 - D. A maximum of thirty-six (36) horses are allowed to be housed in the stable.
 - E. The manure shall be handled in substantially the manner stated in the manure management plan attached hereto as Exhibit D.
 - F. The facility shall be exclusively used by the owners, trainers, boarders, and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outside event exceeding fifty (50) guests, the owner shall provide each property owner that so requests and the Homeowners Association with at least two to four (2-4) weeks notice of the event. The Owner shall host no more than two (2) such outside

Zoning Petition #18-24

events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club. No tent erection shall occur at any event.

- G. Parking for events shall be restricted to the north and west side of the road within the boundaries of Lot 17 to allow room for emergency vehicles.
- H. The owner of the special use allowed by this special use permit shall be responsible for twenty-one percent (21%) of the road maintenance for the side streets. The owner of the special use allowed by this special use permit shall be responsible for seventy-nine percent (79%) of the road maintenance of the main road. The owner of the special use allowed by this special use permit shall be responsible for one hundred percent (100%) of road maintenance on Lot 17.
- I. The owner of the special use allowed by this special use permit will maintain a comprehensive general liability umbrella policy in the minimum amount of \$3 Million. The Homeowners' Association shall be named as an additional insured. The owner of the special use allowed by this special use permit shall obtain workers' compensation insurance.
- J. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- K. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
- L. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.
- 3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to a special use permit.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 20th day of August, 2019.

Attest:	
Kendall County Clerk	Kendall County Board Chairman
Debbie Gillette	Scott R. Gryder

Exhibit A

LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY, ILLINOIS.

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032

Exhibit B

FINDINGS OF FACT

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the manure management plan is implemented as proposed, the amendment to the special use will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the manure management plan is implemented as proposed and that the property owner follows the remaining restrictions in Ordinance 2012-22, the amendment will not be substantially injurious to the use and enjoyment of other property in the area nor will the amendment impair property values.

Chairman Mohr dissented from this Finding.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Provided that the manure management plan is implemented as proposed, no concerns exist regarding drainage. The owner of the property will need to continue their required contributions to the Homeowners' Association as outlined in Ordinance 2012-22 to ensure that the subdivision roads remain in good repair.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The proposed special use permit and site plan conform to all other applicable regulations of the RPD-1 Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The LRMP states the following regarding the Rural Estate Residential Area, "limited business use may also be appropriate for small offices or agricultural service enterprises" and "agricultural uses will continue to be a major use in Rural Estate areas" (Page 5-17). Accordingly, with proper restrictions, the proposed use is consistent with the purpose and objectives of the LRMP.

Chairman Mohr dissented from this Finding.

Recommendation

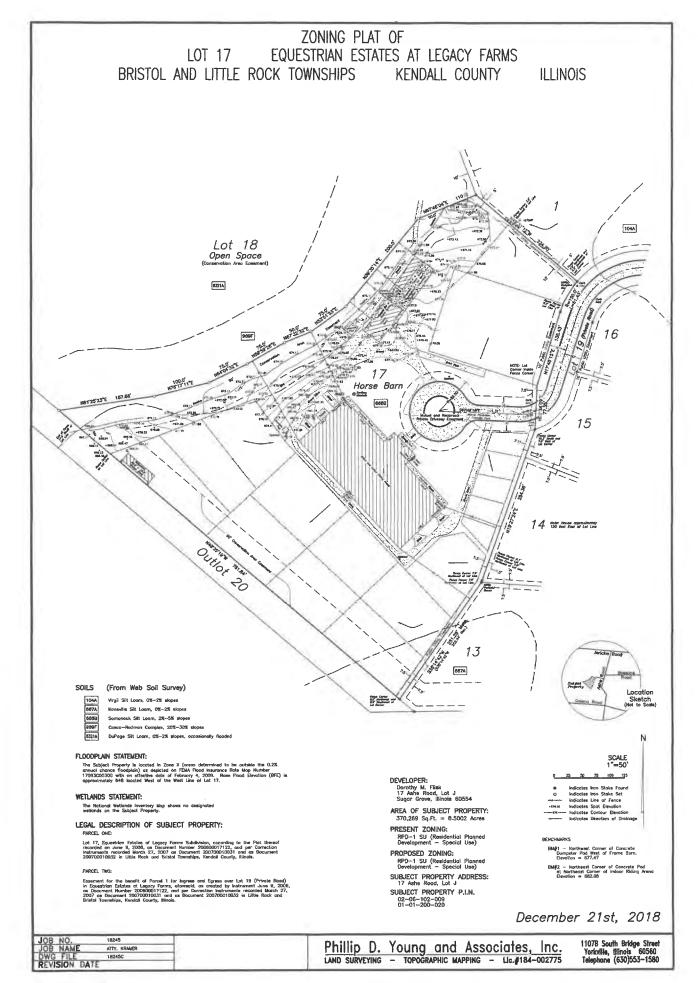
The Kendall County Zoning Board of Appeals recommends approval of the requested major amendment to an existing special use permit with the following conditions:

- 1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
- 2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
- 3. The site shall be developed substantially in accordance with the attached site plan.
- 4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

- 5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
- 7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.
- 8. Residential lots to remain residential with no ability for horse pasturing.
- 9. 2-4 weeks Notice for outdoor events.
- 10. Change notice for "outdoor" events to "outside, not referring to roofs" events.
- 11. No tent erection at any event.
- 12. Parking for events to be restricted to one (1) side of the street to allow room for emergency vehicles.
- 13. Recommended that Skyfall obtain workers' compensation insurance as she has four (4) employees.
- 14. Increase additional insured insurance amount from \$1 Million to \$10 Million.
- 15. HOA responsible for 79% of road maintenance on the side streets; Dorothy responsible for 21%.
- 16. Skyfall responsible for 79% of road maintenance on the main road; HOA responsible for 21%.
- 17. Skyfall responsible for 100% of road maintenance for its property line.
- 18. Change the responsibility for the trail system to the HOA.
- 19. No trail system on the conservation area behind houses.
- 20. Keep Lot 1 pasture.
- 21. HOA to install requirement that anyone who sits on the Board must actually reside in the subdivision, not just be an owner.

The Kendall County Zoning Board of Appeals issues this recommendation by a vote of five (5) in favor, one (1) opposed (Mohr), and one (1) absent.

July 29, 2019



Attachmiehitb216DPage 8

Aaron J. Rybski, L.E.H.P. Director of Environmental Health Services Kendall County Health Department 811 W. John St., Yorkville, IL 60560

March 7, 2019

Dear Mr. Rybski,

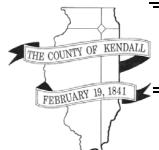
Thank you again for the opportunity to provide the information about the manure management. When I first bought the property and since October of last year we had to dump the daily waste in a pile and then transfer to the garbage which were 8 yards and I had 3 of them that were picked up 4 days a week, which was costing me approximately \$50,000 a year on waste removal which was not a cost I originally had accounted when purchasing the business. Where the garbage containers were I have had built a concrete pad which was grated and sealed with 3 rows of concrete, in late November I am adding a 4th row next two weeks to ensure nothing escapes the enclose. Additionally, I am going to this spring get a fence to make the enclosure look well not like manure and more appealing. This winter I had to figure out the difficult way what to do if the driver for the mushroom farmer was unable to come, so now I have two backups when the mushroom farmer has no room for more waste; most likely during two months of winter January & February. The manure is picked up every 7-8 days depending on the driver's schedule; The driver Griffin Trucking Larry picks up the manure, and delivers to River Valley Ranch- Eric Rose owner whom has been in business since 1975 in Wisconsin. The backups which I used over the winter are Mark Boyle with MTB green technologies in Somonauk, IL., he has a company that transfers the manure waste into energy. Also my straw farmer Reece has taken it as well to spread on his fields. In regards to how often trucks will be entering the premises it will actually be significantly less than it was with the garbage. The manure is monitored daily; Manure shall be picked up on the more frequent during hot weather to limit odors and insect attraction. Additionally, pickups shall be scheduled more frequently if the pad is fills completely before overflowing. Please do not hesitate with any other questions. I thank you for your time and assistance, and hope this note finds you well.

Best,

Dorothy M Flisk

Direct:

Proprietor Legacy River Equestrian Center 17 Ashe Road Lot J Sugar Grove, IL. 60608



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 19-25

Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)

M-2 Special Use – Renewal of a Special Use Permit for an Off-Premise Advertising Sign at the Northeast Corner of Route 34 and Hafenrichter (Farnsworth)

INTRODUCTION

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

SITE INFORMATION

PETITIONER Dave Hamman on Behalf of KEKA Farms, LLC and Pulte Group

ADDRESS No Address Has Been Assigned to the Sign

LOCATION Northeast Corner of Route 34 and Hafenrichter (Farnsworth)



TOWNSHIP Oswego

PARCEL # 03-01-127-006

LOT SIZE 42.93 acres (Sign is on the southwest corner.)

PBZ Memo – Prepared by Matt Asselmeier – August 7, 2019

Page 1 of 5

EXITING LAND Agricultural USE

ZONING M-2 Heavy Industry District with a Special Use Permit (Off-Premise Sign)

LRMP

Land Use	County: Suburban Residential (Max 1 DU/Acre)	
	City of Aurora: Commercial	
Roads	Route 34 is maintained by IDOT	
	Hafenrichter/Farnsworth is a Local Road Maintained by Oswego	
	Township	
Trails	Aurora has a trail planned along Hafenrichter.	
Floodplain/	There are no wetlands or floodplain on the property.	
Wetlands		

REQUESTED ACTION

Renewal of the Special Use Permit Awarded by Ordinance 2004-43 Granting a Special Use Permit for an Off-Premise Advertising Sign at the Subject Property

APPLICABLE REGULATIONS

Section 12.06.A – Signs – General Standards

Section 12.12 – Signs – Special Use Signs: Commercial off-premise advertising structures may be permitted via a special use only in the M-2 and M-3 Manufacturing Districts.

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Industrial	M-2 SU	Low Density Residential (0-5 du/acre) (Aurora)	Aurora, Kane County, DuPage County and M-2 SU
South	Commercial/Residential	Aurora (B-2(S), R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Commercial (Aurora)	Aurora and R-3
East	Agricultural/Residential	Aurora (R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Medium Density Residential (6-10 du/acre) (Aurora)	Aurora, Will County and A-1
West	Residential	Aurora (R-5(S))	Commercial, Light Industrial and Industrial (Aurora)	Aurora, M-1 SU and B-3

PBZ Memo - Prepared by Matt Asselmeier - August 7, 2019

Page 2 of 5

PHYSICAL DATA

ENDANGERED SPECIES REPORT

Not Required

NATURAL RESOURCES INVENTORY

Not Required

ACTION SUMMARY

OSWEGO TOWNSHIP

Petition information was sent to Oswego Township on June 19, 2019. On June 20, 2019, the Oswego Township Road District expressed no objection to the proposal. Their response is included as Attachment 5.

CITY OF AURORA

Petition information was sent to the City of Aurora on June 19, 2019. On June 20, 2019, the City of Aurora expressed no objection to the proposal. Their response is included as Attachment 6.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

ZPAC

ZPAC reviewed this proposal at their meeting on July 2, 2019. ZPAC unanimously recommended approval of the request. The minutes of this meeting are included as Attachment 7.

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 24, 2019. No members of the public spoke in favor or in opposition to the request. The Kendall County Regional Planning Commission recommended approval with all members present voting in favor. Two (2) members of the Commission were absent. The minutes of this meeting are included as Attachment 8.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 29, 2019. No members of the public testified in favor or in opposition to this request. The Zoning Board of Appeals unanimously recommended approval of this request; one (1) member of the Board was absent. The minutes of this meeting are included as Attachment 9.

GENERAL INFORMATION

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) are included as Attachment 1.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. Ordinance 2004-43 is included as Attachment 2 and Ordinance 2017-14 included as Attachment 3.

The restrictions imposed by Ordinance 2017-14 include:

- 1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 2. The sign will not be illuminated.
- 3. The advertising on the sign is restricted to Pulte Group's residential development.
- 4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.

PBZ Memo – Prepared by Matt Asselmeier – August 7, 2019

- 5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
- 6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 9. The appearance of the signs was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign is included as Attachment 4.

BUILDING CODES

Since the sign is pre-existing, a building permit would not be required.

ACCESS

Not Applicable

TRAILS

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

PARKING

Not Applicable

LIGHTING

The sign will not be illuminated.

SIGNAGE

Not Applicable

SCREENING

Not Applicable

STORMWATER

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

EASEMENTS

No easements are believed to be impacted by the proposed sign.

FINDINGS OF FACT

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in

question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

RECOMMENDATION

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

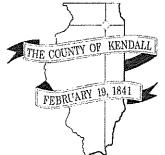
- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Group's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

A draft ordinance is included as Attachment 10.

ATTACHMENTS

- 1. Application (Including Renderings, Site Plan, and Applicant's Findings of Fact)
- 2. Ordinance 2004-43
- 3. Ordinance 2017-14
- 4. Picture of Sign
- 5. June 20, 2019, Oswego Township Email
- 6. June 20, 2019, City of Aurora Email
- 7. July 2, 2019 ZPAC Minutes
- 8. July 25, 2019 Kendall County Regional Planning Commission Minutes
- 9. July 29, 2019 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
- 10. Draft Ordinance

DD7.14 D 11 1



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

APPLICATION

V PR	OJECT NAME	FILE #:		
NAME OF APPLICANT				
Heather Lawson				
CURRENT LANDOWNER/NAME(s)				
Dave Hamman				
SITE INFORMATION ACRES SIT	E ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)		
42.39 SE corner Ha	afenrichter and Route 34	PIN 03-01-127-006		
EXISTING LAND USE CU	RRENT ZONING LANI	CLASSIFICATION ON LRMP		
M2				
REQUESTED ACTION (Check All That	Apply):			
X SPECIAL USE	MAP AMENDMENT (Rezone to)	VARIANCE		
ADMINISTRATIVE VARIANCE	A-1 CONDITIONAL USE for:	SITE PLAN REVIEW		
TEXT AMENDMENT	RPD (Concept; Preliminary;	Final) ADMINISTRATIVE APPEAL		
PRELIMINARY PLAT	FINAL PLAT	OTHER PLAT (Vacation, Dedication, etc.)		
AMENDMENT TO A SPECIAL USE				
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRES	SS PRIMARY CONTACT EMAIL		
Heather Lawson				
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)		
² ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL		
NA	NA	NA		
ENGINEER PHONE #	ENGINEER FAX#	ENGINEER OTHER # (Cell, etc.)		
NA	NA	NA		
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.				
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.				
SIGNATURE OF APPLICANT DATE				
		5/15/19		
FEE PAID: <u>\$</u>				

CHECK #:

Last Revised: 11.24.14

Special Use

¹Primary Contact will receive all correspondence from County

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

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

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

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

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

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

BILLBOARD LEASE AGREEMENT

Lessee:		Lessor:
Pulte Home Corpor	ation	NGH Farms, LLC
		Attn: Dave Hamman
	awson, Marketing Manager	and the second second
Ph:		Ph:
Fax		Fax 1: 0
		1 th 2.
Sign Location:	Northeast Corner of Farns Kendall County, Illinois	sworth and Ogden avenues, in unincorporated
Sign Information: 12' X 16' double face sign		n
Terms of Contract		
1. Sign owner	to maintain sign structure.	
	m of 12 months from the date ed and agreed upon by Lesse	e of signed contract. Renewable for additional ee and Lessor.
		utual cancellation policy with 30 days written
		y for double face sign. Installation and
		sponsibility of Lessee during the duration of the id if sign location is deemed illegal.
I HAVE READ	AND UNDERSTAND THE	E LEASE AGREEMENT STATED ABOVE
DocuSigned by:	AUTHORIZED	SIGNATURES
Signature of Pulte H	Iome Corporation	Signature of Lessor
5/30/2019		June 10, 2019
Date		Date

KEKA Farms, LLC Dave Hamman

Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560-1498

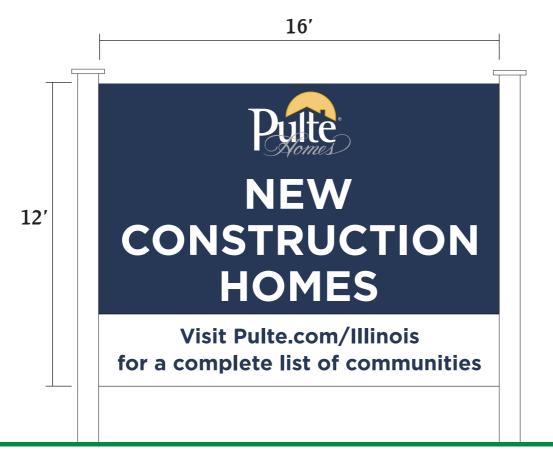
Planning, Building & Zoning Department:

On behalf of KEKA Farms LLC, I am writing this letter to grant permission/approval to Pulte Homes to renew the special use permit for the sign located on my property at Hafenrichter and Route 34 (PIN 03-01-127-006).

Sincerely,

Dave Hamman

12'x16' Double Sided Informational Billboard. NE Corner OF Fransworth & Ogden In Aurora.



Sign is not illuminated. Sign is 12' tall with 2' tall posts = 14' from ground to top of sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Bronze and Digital Vinyl.

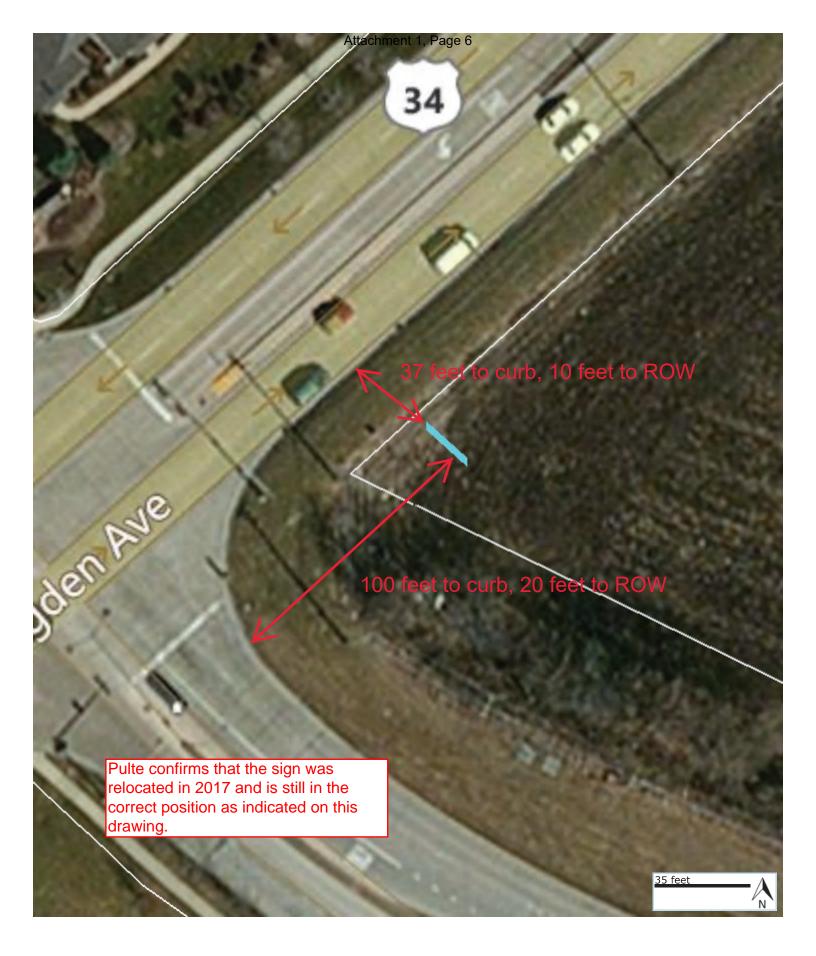
12'x16' Double Sided Billboard Re-face. 3/8" MDO Painted Ronan Dark Blue w/White, Light Grey & Digital. Qty 1

Approval Signature

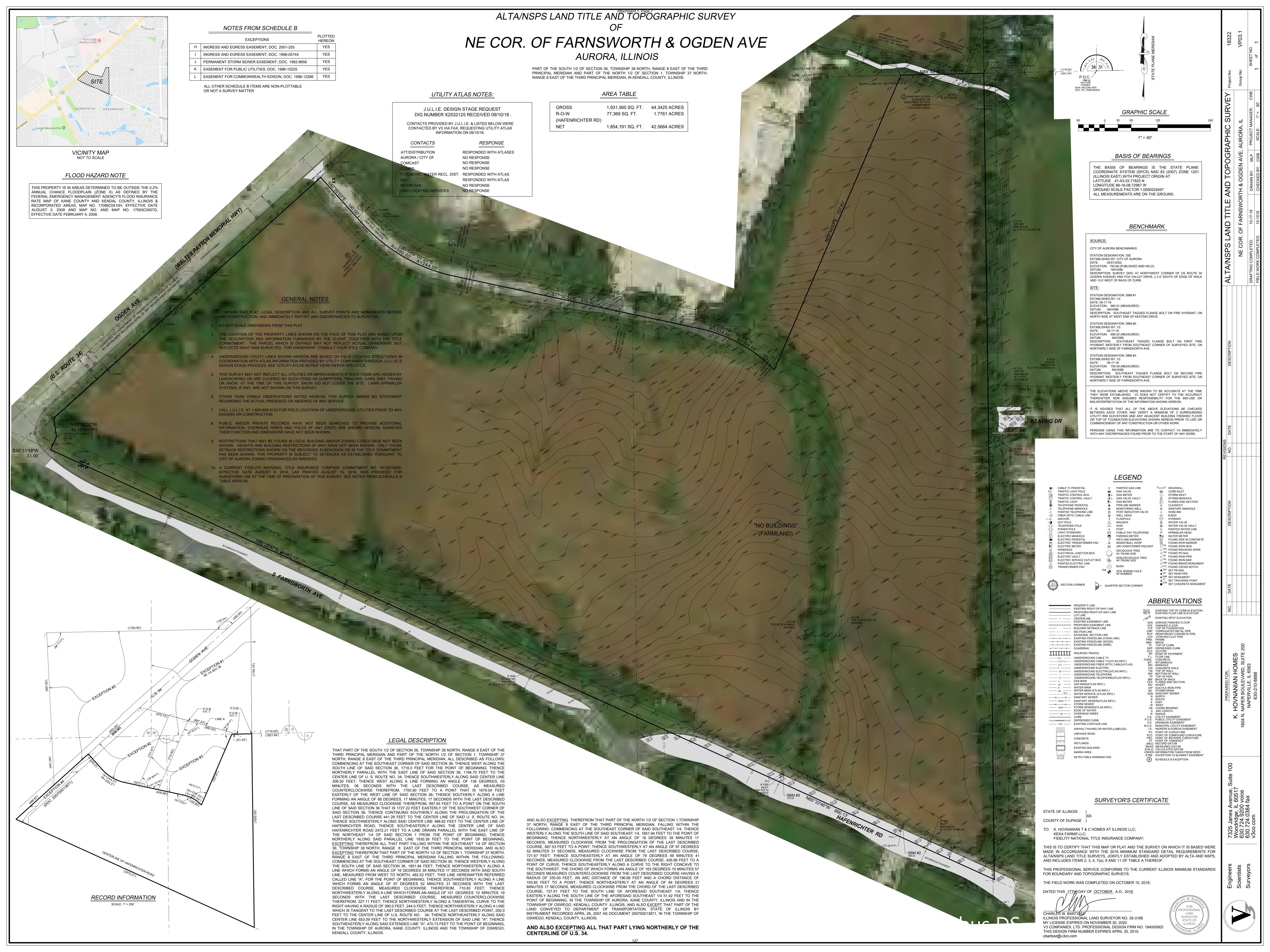
7/16/1000 426 W. Fifth Ave. Phone: 630-357-23 Naperville, IL. 60563 Fax: 630-357-3977

Phone: 630-357-2300

Signs@SignsNowNaperville.com







03-01-127-006

03-01-127-004

Zoning Petition #0457

State of Illinois County of Kendall

ORDINANCE NUMBER 2004 - 43 GRANTING SPECIAL USE SOUTHEAST CORNER OF HAFENRICHTER AND ROUTE 34

<u>WHEREAS</u>, Centex Homes filed a petition for a Special Use within the M-2 district, for property generally located at the intersection of Hafenrichter and Route 34 in Oswego Township; and

<u>WHEREAS</u>, said petition is to allow an off-premise advertising sign, as provided in Sections 12.11 and 12.12 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned M-2: Manufacturing; and

WHEREAS, said property is legally described as follows:

Part of the north half of Section 1, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township Kendall County Illinois

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

<u>WHEREAS</u>, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby grants approval of a SPECIAL USE PERMIT to permit an off-premise advertising sign on the subject parcel as depicted in Group Exhibits "A" and "B" attached hereto and made a part hereof, subject to the following conditions:

- 1. The sign will be removed or Centex Homes will apply to renew their special use in three years from the date of this ordinance.
- 2. The sign will not be illuminated; and
- 3. The advertising on the sign is restricted to Centex Homes' developments.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on December 21, 2004

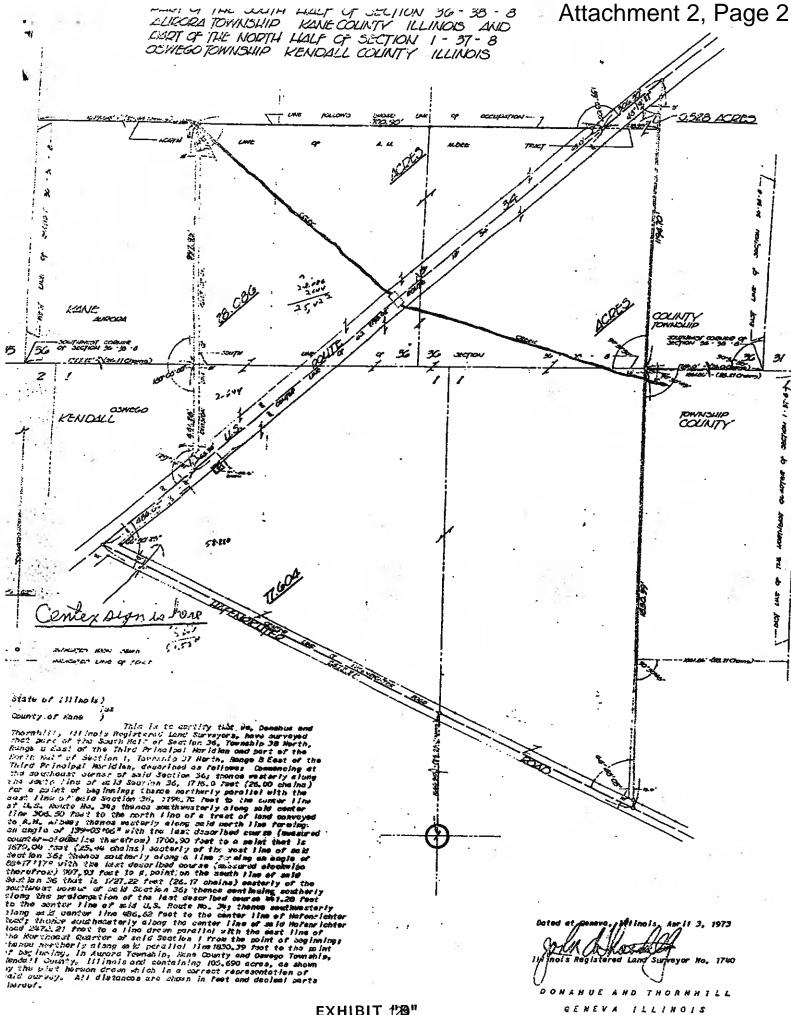
Attest:

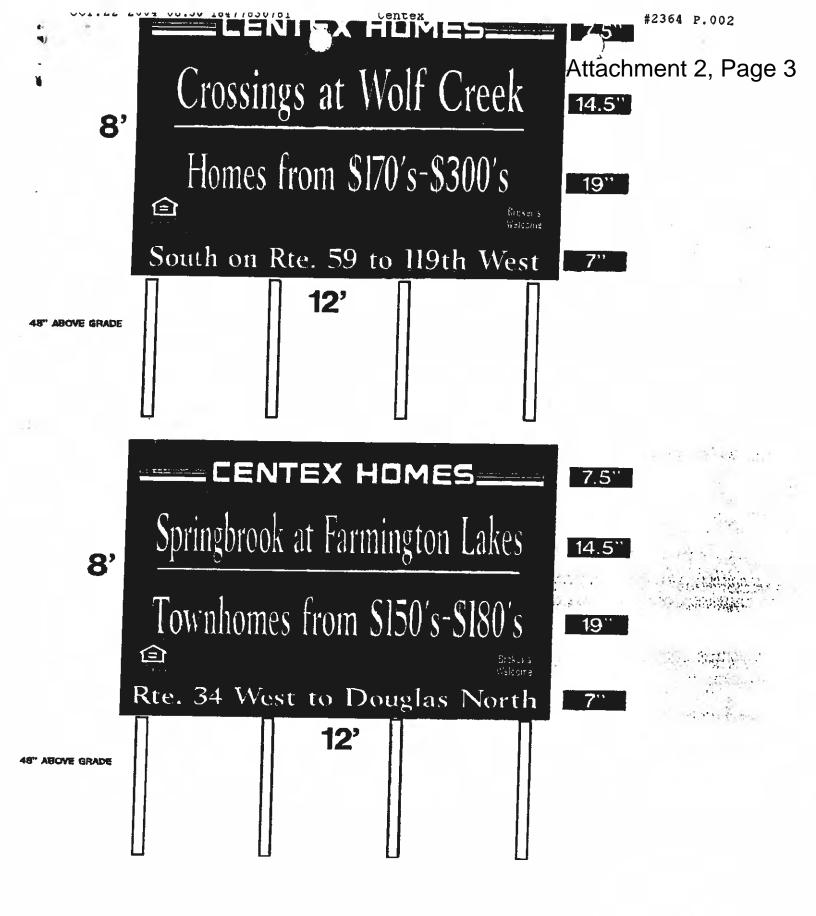
John A Church

Kendall County Board Chairman

Paul Anderson

Kendall County Clerk





Zoning Petition #17-19

ORDINANCE NUMBER 2017 - 14

GRANTING A SPECIAL USE PERMIT FOR

THE RENEWAL OF A SPECIAL USE PERMIT FOR A COMMERCIAL OFF-PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON THE PARCEL IDENTIFIED AS 03-01-127-006 AND REVOKING THE SPECIAL USE PERMIT FOR A COMMERCIAL OFF-PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON THE PARCEL IDENTIFIED AS 03-01-127-004 LOCATED AT THE CORNER OF ROUTE 34 AND HAFENRICHTER (FARNSWORTH) IN OSWEGO TOWNSHIP

<u>WHEREAS</u>, the Kendall County Board granted a special use permit for a commercial off-premise advertising structure at the corner of Route 34 and Hafenrichter (Farnsworth) by Ordinance 2004-43 on December 21, 2004; and

<u>WHEREAS</u>, Ordinance 2004-43 granted a special use permit for the properties identified by Parcel Identification Numbers 03-01-127-006 and 03-01-127-004; and

WHEREAS, Ordinance 2004-43 required that the special use be renewed every three years; and

<u>WHEREAS</u>, the Pulte Group representing Dave Hamman petitioned for the renewal of the special use permit allowed by Ordinance 2004-43; and

<u>WHEREAS</u>, the petitioners propose to retain the sign on the parcel identified by Parcel Identification Number 03-01-127-006 and to revoke the special use permit on the parcel identified by Parcel Identification Number 03-01-127-004; and

<u>WHEREAS</u>, said property is currently zoned M-2 Heavy Industrial District with a special use permit for a commercial off-premise advertising structure; and

WHEREAS, said property is legally described as:

PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN OSWEGO TOWNSHIP KENDALL COUNTY, ILLINOIS

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on August 28, 2017; and

WHEREAS, the Findings of Fact were approved as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign is placed in a location in compliance with Section 12 of the Kendall County Zoning Ordinance, the special use will not be detrimental to or endanger the public

Zoning Petition #17-19

health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

<u>WHEREAS</u>, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED</u>, the Kendall County Board hereby grants approval of a special use zoning permit to for the placement of a commercial off-premise advertising structure on the parcel identified by Parcel Identification Number 03-01-127-006 in accordance to the submitted Site Plan included as "Exhibit A and Exhibit B" attached hereto and incorporated herein subject to the following conditions:

- 1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 2. The sign will not be illuminated.

Zoning Petition #17-19

- 3. The advertising on the sign is restricted to Pulte Group's residential development.
- 4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
- 5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
- 6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

IN WITNESS OF, this ordinance has been enacted on September 19, 2017.

Attest:

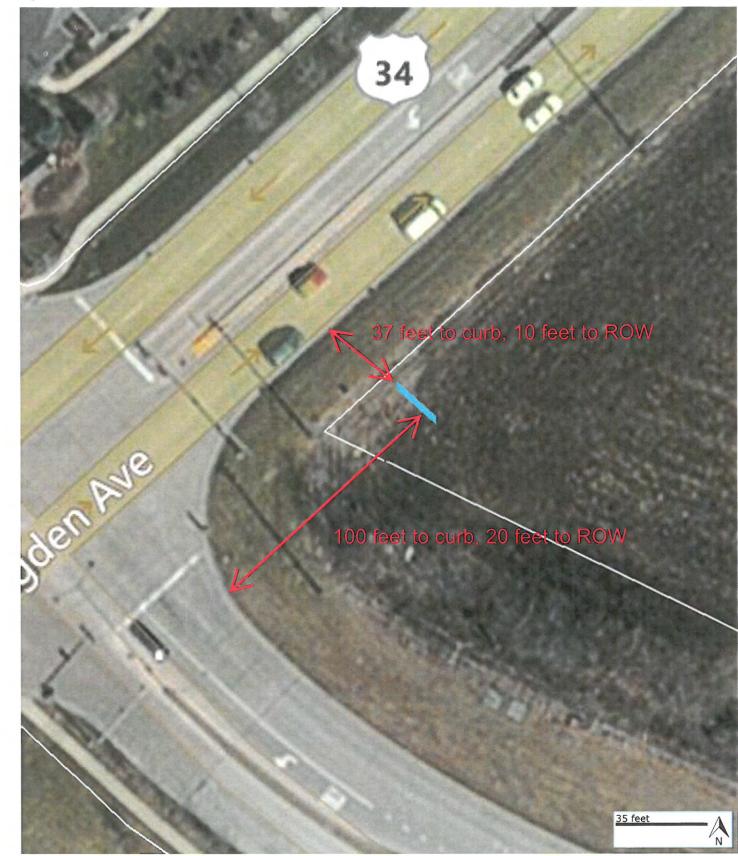
Debbie Gillette

Kendall County Clerk

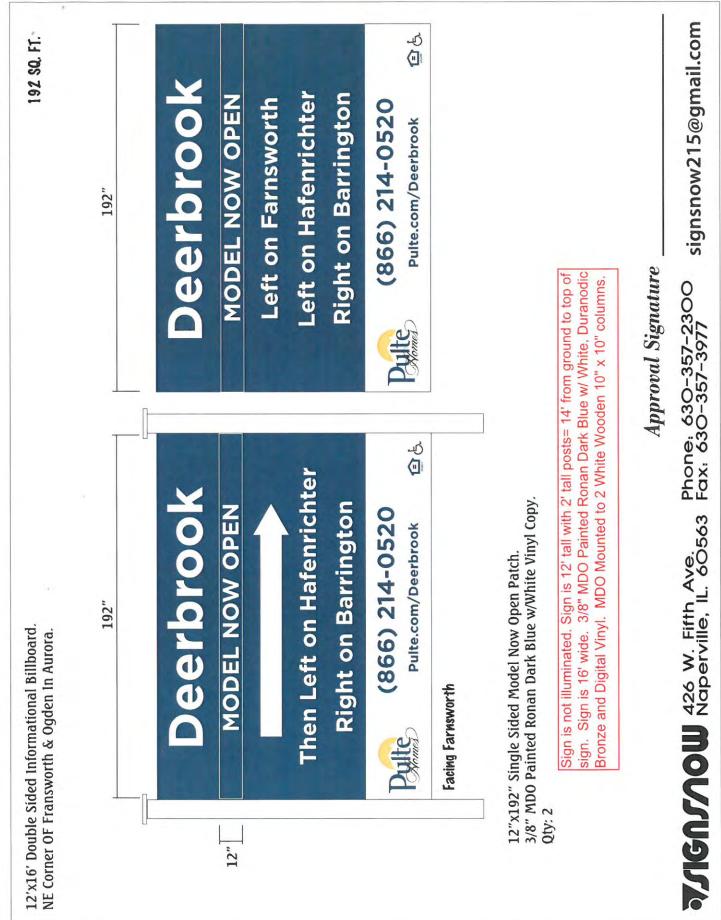
Scott R. Gryder

Kendall County Board Chairman

Exhibit A









Attachment 5

Matt Asselmeier

From: Bob Rogerson
 brogerson@oswegotownship.org>

Sent: Thursday, June 20, 2019 9:07 AM

To: Matt Asselmeier

Subject: [External]RE: Kendall County Zoning Petition 19-25

Matt, the Oswego Township Road District would not have an objection to this.

Thank you,

Bob Rogerson

Highway Commissioner Oswego Township Road District 1150 Rt. 25 Oswego, Il 60543 Phone: (630) 264-4587

Fax: (630) 264-6695

This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version. Oswego Township Road District 1150 Rt. 25 Oswegotownship.org

From: Matt Asselmeier < masselmeier@co.kendall.il.us>

Sent: Wednesday, June 19, 2019 4:10 PM

To: wmccambridge@aurora-il.org; Brian LeClercq <blecklercq@oswegotownship.com>; Ken Holmstrom <kholmstrom@oswegotownship.com>; Bob Rogerson <bre>
cholmstrom@oswegotownship.org>; Mike Veseling
<mveseling@oswegofire.com>; Alec Keenum <akeenum@oswegofire.com>; Sieben, Ed <ESieben@aurora-il.org>

Subject: Kendall County Zoning Petition 19-25

To All:

Kendall County received a request to renew the special use permit for an outdoor advertising structure at the southeast corner of U.S. 34 and Hafenrichter (Farnsworth).

Petition information is attached to this email.

The Kendall County ZPAC will be meeting on Tuesday, July 2nd, at 9:00 a.m., in the County Board Room, 111 W. Fox Street in Yorkville to discuss this petition.

Assuming nothing unforeseen arises, this petition will be reviewed by the Kendall County Regional Planning Commission on July 24th and the Kendall County Zoning Board of Appeals will hold a public hearing on July 29th. Both of these meetings are at 7:00 p.m.

If you would like to submit comments on this proposal, please send those comments to me.

Attachment 6

Matt Asselmeier

From: Sieben, Ed <ESieben@aurora-il.org>
Sent: Thursday, June 20, 2019 8:57 AM

To: Matt Asselmeier; McCambridge, Wendy; Brian LeClercq; Ken Holmstrom; Bob Rogerson;

Mike Veseling; Alec Keenum

Cc: Vacek, Tracey

Subject: [External]RE: Kendall County Zoning Petition 19-25

Matt, Aurora would not have an objection to this. While we are working with the owner and developer on annexation, it has been a slow process. Pulte will at least for the time being be using this sign to advertise a new Aurora residential development to the east off Hafenrichter Road. Thanks for the opportunity to comment.

Edward T. Sieben

Director/Zoning Administrator Zoning & Planning Division 77 S. Broadway, 2nd Flr. (630) 256-3080

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

Sent: Wednesday, June 19, 2019 4:10 PM

To All:

Kendall County received a request to renew the special use permit for an outdoor advertising structure at the southeast corner of U.S. 34 and Hafenrichter (Farnsworth).

Petition information is attached to this email.

The Kendall County ZPAC will be meeting on Tuesday, July 2nd, at 9:00 a.m., in the County Board Room, 111 W. Fox Street in Yorkville to discuss this petition.

Assuming nothing unforeseen arises, this petition will be reviewed by the Kendall County Regional Planning Commission on July 24th and the Kendall County Zoning Board of Appeals will hold a public hearing on July 29th. Both of these meetings are at 7:00 p.m.

If you would like to submit comments on this proposal, please send those comments to me.

If you have any questions, please let me know.

Thanks,

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

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) July 2, 2019 – Unapproved Meeting Minutes

PBZ Committee Chairman Matthew Prochaska called the meeting to order at 9:01 a.m.

Present:

Megan Andrews – Soil and Water Conservation District Matt Asselmeier – PBZ Department Meagan Briganti – GIS David Guritz – Forest Preserve Commander Jason Langston – Sheriff's Department Aaron Rybski – Health Department Matthew Prochaska – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC Brian Holdiman – PBZ Department Fran Klaas – Highway Department

Audience:

Mr. Zurliene and Lorien Schoenstedt

AGENDA

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

MINUTES

Ms. Andrews made a motion, seconded by Mr. Guritz, to approve the April 2, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

PETITIONS

Petition 19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner) Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had not objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

- 1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 2. The sign will not be illuminated.
- 3. The advertising on the sign is restricted to Pulte Group's residential development.
- 4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
- 5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
- 6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 9. The appearance of the signs were included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

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

- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Group's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Guritz made a motion, seconded by Ms. Andrews, to recommend approval of renewing the special use permit as requested subject to the conditions proposed by Staff.

Ayes (7): Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska

Nays (0): None Present (0): None

Absent (3): Chismark, Holdiman, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on July 24, 2019.

<u>Petition 19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping (Tenant)</u>

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-twenty (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019.

Petition information was sent to Seward Township on June 24, 2019.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019.

According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The property fronts Route 52.

The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendal County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

Mr. Asselmeier asked why a sign variance was necessary. Mr. Zurliene responded the variance was needed to increase visibility of the business. Mr. Zurliene clarified that they did not want two (2) signs and will use a double-faced sign. He verbally withdrew the sign variance request.

Mr. Guritz questioned the parking location in relation to the road. Mr. Zurliene stated that parking lot will be relocated to meet regulations, with a fence and berming.

Mr. Asselmeier asked about the location of berming. Mr. Zurliene said berming will be placed along the front to block visibility from Route 52. Mr. Zurliene said they would construct a two to three foot (2'-3') berm with a fence on top of the berm, if a fence is required.

Mr. Asselmeier asked about runoff control and advised Mr. Zurliene to careful consider which restrictions he approves.

Mr. Rybski asked about new parking areas. Mr. Zurliene said the parking area will be moved to comply with the Zoning Ordinance.

Mr. Rybski asked if the location of the septic system was known. Mr. Rybski advised Mr. Zurliene to located the septic system. Mr. Rybski advised that the water well be protected.

Mr. Rybski advised that landscaping material cannot be hauled onto the site and burned.

Ms. Andrews said that the Kendall County Soil and Water Conservation District is working on the NRI Report.

The consensus of the Committee was to forward the proposal to the Kendall County Regional Planning Commission provided that the septic field is located, the sign variance request is withdrawn, and the berm height and fencing is determined.

Ayes (7): Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska

Nays (0): None Present (0): None

Absent (3): Chismark, Holdiman, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on July 24, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-28, pertaining to the Kendall County gun range zoning regulations, was approved by the County Board and provided a summary of the regulations.

Mr. Asselmeier reported that Petition 19-07, pertaining to the parking and storage of mobile homes, trailers, and RVs, was withdrawn by the Planning, Building and Zoning Committee.

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Mr. Asselmeier reported that Petition 19-08, pertaining to a rezoning on property east of 8225 Galena Road, was approved.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was rejected at the County Board, but could be considered again in the future.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that someone wants to build a house at the corner of Sheridan Road and Route 71 and a change to the Land Resource Management Plan and a rezoning are required in order to permit the construction of a house at that location.

Mr. Asselmeier reported that he is reviewing the changes to the Zoning Ordinance identified by Teska Associates.

Mr. Asselmeier reported that the Department is waiting on guidance from the County Board regarding recreational marijuana zoning regulations.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Langston to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:25 a.m., adjourned.

Respectfully Submitted, Matthew H. Asselmeier, AICP Senior Planner

Attachment 8, Page 1 KENDALL COUNTY REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of July 24, 2019 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, and

Claire Wilson

Members Absent: Karin McCarthy-Lange and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner, Lorien Schoenstedt, Tyler Zurliene, and Suzanne Casey

APPROVAL OF AGENDA

No objections were made regarding the agenda.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the June 26, 2019, meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

PETITIONS

19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 of the Zoning Ordinance require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had not objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

ZPAC reviewed the proposal at their meeting on July 2, 2019, and unanimously recommended approval.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

- 1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 2. The sign will not be illuminated.
- 3. The advertising on the sign is restricted to Pulte Group's residential development.
- 4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
- 5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
- 6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 9. The appearance of the signs was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4 of the Zoning Ordinance, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

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

- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Group's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Wilson asked why this special use permit required renewal. Mr. Asselmeier responded that both the Kendall County Zoning Ordinance and Ordinance 2017-14 required two (2) year renewals of this type of special use permit.

No complaints regarding the sign have been received.

Member Wilson made a motion, seconded by Member Davis, to recommend approval of the requested special use permit renewal with conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Shaw

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

19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-twenty (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019. The LESA Score was 214 indicating a medium level of protection.

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019. To date, no comments have been received.

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission.

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According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The property fronts Route 52. The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make

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adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location of the septic field is unknown and no restroom facilities exist on the property. A restriction is required to ensure that landscaping debris does not create drainage problems.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided no sign variance is necessary, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.

Staff recommends approval of the requested special use permit subject to the following conditions:

- 1. The site shall be developed substantially in accordance with the attached site plan with changes as outlined in the following conditions.
- 2. One (1) business related sign shall be allowed on the subject property in one (1) of the locations shown on the site plan. The sign will not be illuminated.
- 3. The parking area shown on the site plan shall be relocated to comply with the Kendall County Zoning Ordinance.
- 4. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be installed within sixty (60) days of the approval of this special use permit ordinance. (Area in white on site plan).
- 5. Within sixty (60) days of the approval of this special use permit, the owner and/or operator of the use allowed by this special use permit ordinance shall plant arborvitaes at least six feet (6') in height at the time of planting along the east, west, and south sides of the area used for the landscaping business to block the visibility of the operations from adjoining properties. The arborvitaes shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. (Area in white on site plan).
- 6. Any materials associated with the landscaping business stored outdoors must be stored with blocks on three sides of the materials. Mr. Asselmeier referenced the picture included as Attachment 8 in the packet.
- 7. Equipment and vehicles related to the business may be stored outdoors.

- 8. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
- 9. No landscape waste generated off the property can be burned on this site.
- 10. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
- 11. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
- 12. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
- 13. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 14. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 15. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Petitioners requested that all recommendations with timeframes of sixty (60) days be extended to ninety (90) days because of the time needed to close on the purchase of the property.

Tyler Zurliene requested that the arborvitaes be three or four feet (3'-4') instead of six foot (6'). He noted that the current owner will not let them install any plants or berming. All plants, fences, and berming will be installed after closing. The closing date has not been finalized. Attorney Lorien Schoenstedt stated that the contract is executed, but is conditional on securing the proper zoning permits. The cost of the plants was the reason for wanting shorter plants. The total number of plants has not been determined.

Discussion occurred about the need for screening. The property is near the entrance to the County and some neighbors are in the vicinity.

Chairman Ashton asked who came up with the six foot (6') arborvitae condition. Mr. Asselmeier responded that condition came from a previous special use permit related to solar panels.

Member Davis asked about the linear footage of screening. The linear footage was approximately one thousand (1,000) linear feet.

Chairman Ashton asked if Mr. Zurliene favored the fence or arborvitaes. Mr. Zurliene responded that he would like to do his due diligence and see which option was more cost effective. The height and type of fence would be determined as part of the special use permit.

Attachment 8, Page 9

Member Casey stated that the property is an eyesore. Mr. Zurliene said that he plans to clean-up the property after he assumes ownership. Mr. Zurliene said that he did not originally think that he would be able to purchase the subject property.

Member Nelson asked if the junk on the property was owned by Mr. Zurliene. Mr. Zurliene responded that the junk around barns was from previous farmers. The shipping container is owned by Mr. Zurliene. The broken concrete is also owned by Mr. Zurliene. One (1) dumpster is for the tenants.

Discussion occurred regarding the deadline for installing a fence or arborvitaes. Several Commissioners wanted the deadline to be measured from the date of closing.

There are renters living on the property. Mr. Zurliene plans to evict the current tenants. The house will be rented.

Discussion occurred regarding restroom facilities. Mr. Zurliene stated that he plans to install porta-a-potties.

Member Casey pointed out that the Seward Township Planning Commission and the Seward Township Board disagreed on the placement of berms.

Member Wilson asked which building would be demolished and replaced. The crib shown in Attachment 10 would be removed. The new barn would not be constructed for another five (5) years.

Member Rodriguez asked about graveling the area. Mr. Zurliene responded that he intends to gravel the parking area after he assumes ownership of the property.

Suzanne Casey, Seward Township Planning Commissioner, stated the Commission recommended approval, but they had several concerns. She asked about running a business on the property and having someone living in the house. Mr. Asselmeier responded that someone living in the house is a permitted use in the A-1 Zoning District. Unless the property owner specifically gives up that use as part of the special use permit, the residential use could continue.

Ms. Casey expressed concerns regarding drainage of the property and the impact of a berm on the drainage of the area. The berm would be installed to improve the aesthetics of the area. Ms. Casey expressed concerns of having this use in close proximity to a future school and having the property look visually appealing. She advised Mr. Zurliene to consider the investment he is making and the maintenance responsibility he is undertaking if the special use permit is approved.

Member Wilson asked about the location of a farm and drainage in the area. Ms. Casey provided information about the farm and drainage in the area.

Chairman Ashton suggested a more detailed site plan showing the future development of the property. He suggested that the Petitioner layover this matter one (1) month to determine if they prefer a fence, berm arborvitae, or some combination. Ms. Schoenstedt stated they favor the fence option. Mr. Zurliene said they would do their do due diligence on the matter.

Discussion occurred regarding installing a Menard's stockade type fence, six feet (6') in height along the east, west, and south sides. Discussion occurred regarding the trees along Route 52.

Discussion occurred regarding the timeline for assuming ownership on the property. Financing is secured. Closing could occur quickly. Ninety (90) days from the date of closing was agreed to be the deadline for installing berms, fencing, and/or arborvitae. Member Nelson made a suggestion that closing should occur within sixty (60) days of approval of the special use permit. Chairman Ashton suggested that the Petitioner be required to inform the Planning, Building and Zoning Department that closing occurred.

The Petitioner might have to remove vegetation in order to install a berm.

Member Davis requested a sample of the fencing and additional pictures of the trees along Route 52. Chairman Ashton requested a concept drawing of the sign for the business.

The Petitioner requested that the proposal be laid over until August meeting when an updated site plan will be submitted.

This matter will be on the August 28th Kendall County Regional Planning Commission agenda.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Suzanne Casey stated that several unpermitted businesses are occurring along Route 52 from O'Brien Road east to the County Line. Near Jughandle Road, there appears to be a banquet facility. She would like a stronger plan to control growth from Joliet and Shorewood.

Member Wilson asked if the County has a Junk and Debris Ordinance. Mr. Asselmeier responded yes and read the definition of junk and debris from Ordinance 19-12.

NEW BUSINESS

None

OLD BUSINESS

<u>Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township</u>

Mr. Asselmeier reported that Vulcan Materials Company claimed that several parcels shown as unincorporated on the map are inside the Village of Lisbon. Vulcan provided a signed annexation agreement. The matter was referred back to the Planning, Building and Zoning Committee.

Update on Zoning Ordinance Project

Mr. Asselmeier reported that the document received from Teska had redlines over everything that was changed, including changes in fonts and margins. The Comprehensive Land Plan and Ordinance Committee reviewed Sections 1-3 at their meeting earlier in the evening. They will continue to review sections of the Zoning Ordinance at future meetings.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 19-11, amending the site plan for Dickson Valley Ministries, was approved by the County Board.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was defeated at the County Board and the motion to reconsider was also defeated at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the property owner at the corner of Sheridan Road and Route 71 was exploring their options regarding whether or not to rezone the property in order to be able to construct a house at the site.

A proposal regarding recreational marijuana zoning regulations will be presented in the next month. A special meeting may be required in order to have recreational marijuana zoning regulations in place by January 1, 2020.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Davis, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:27 p.m.

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

Enc.

KENDALL COUNTY REGIONAL PLANNING COMMISSION JULY 24, 2019

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
LORIAN Schoenstat	3240 Executive Dr. Joliet 12	LSchoensted+ & reklawfirm.com
Tyler Zurliane		tzlandscaping @ gmail.com
Suzanac Chu		Scate 194 @ 50 cg 66
		0 0

MINUTES – UNOFFICIAL UNTIL APPROVED **KENDALL COUNTY** ZONING BOARD OF APPEALS MEETING

111 WEST FOX STREET, Room 209 and 210 YORKVILLE, IL 60560 July 29, 2019 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair), Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, Dick Thompson, and Dick Whitfield

Members Absent: Scott Cherry

Staff Present: Matthew Asselmeier, AICP, Senior Planner, Dan Kramer, Pat Kinnally, William Barclay,

Peter Lodestro, Dorothy Flisk

PETITIONS

Chairman Mohr swore in all members of the public that wished to speak on the Petitions.

The Zoning Board of Appeals started their review of Petition 19-25 at 8:15 p.m.

Petition 19-25 – Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte

Group (Billboard Owner)

Renew the Special Use Permit Granted by Ordinance 2004-43 and Renewed Request:

by Ordinance 2017-14 Allowing the Placement of an Outdoor Advertising

Sign (Billboard) at the Subject Property

PIN: 03-01-127-006

Location: Southeast Corner of the Intersection of U.S. 34 and Hafenrichter

(Farnsworth) in Oswego Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Billboard

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 of the Zoning Ordinance require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had not objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

ZPAC reviewed the proposal at their meeting on July 2, 2019, and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 24, 2019. No members of the public spoke in favor or in opposition to the request. The Kendall County Regional Planning Commission recommended approval with all members present voting in favor. Two (2) members of the Commission were absent.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

- 1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 2. The sign will not be illuminated.
- 3. The advertising on the sign is restricted to Pulte Group's residential development.
- 4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.

- 5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
- 6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 9. The appearance of the signs was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4 of the Zoning Ordinance, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the

ZBA Meeting Minutes 7.29.19

property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

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

- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Group's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Mohr opened the public hearing at 8:20 p.m.

Chairman Mohr asked why this special use permit required renewal. Mr. Asselmeier responded that both the Kendall County Zoning Ordinance and the existing special use permit require renewal.

Chairman Mohr adjourned the public hearing at 8:20 p.m.

Member Clementi made a motion, seconded by Member LeCuyer, to approve the findings of fact as proposed by Staff and to recommend approval of the renewal of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Mohr, Clementi, Fox, LeCuyer, Thompson, and Whitfield

Nays (0): None Absent (1): Cherry

The motion passed. This matter will go to the Kendall County Planning, Building and Zoning Committee on August 12, 2019.

The Zoning Board of Appeals completed their review of Petition 19-25 at 8:22 p.m.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Clementi made a motion, seconded by Member LeCuyer, to adjourn. With a voice vote of six (6), the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:34 p.m.

The next hearing/meeting will be on September 4, 2019.

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

Exhibits

- 1. Memo on Petition 19-25 Dated July 25, 2019.
- 2. Certificate of Publication for Petition 19-25 (Not Included with Report but on file in Planning, Building and Zoning Office).

KENDALL COUNTY ZONING BOARD OF APPEALS JULY 29, 2019

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Don Kramme 18-24	1107 A S. BANG ST Gulle Ell	
Sanara Bardos William Bardos Pat Kinmly	a	
William Bardon		c
Pat Kinmly	214 Poerpoth Aurara	

State of Illinois County of Kendall Zoning Petition #19-25

ORDINANCE NUMBER 2019-____

GRANTING A RENEWAL TO A SPECIAL USE PERMIT GRANTED BY ORDINANCE 2004-43 ON PROPERTY ZONED M-2 HEAVY INDUSTRIAL DISTRICT FOR AN OUTDOOR ADVERTISING SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF U.S. ROUTE 34 AND HAFENRICHTER (FARNSWORTH) (PIN: 03-01-127-006) IN OSWEGO TOWNSHIP

<u>WHEREAS</u>, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, make amendments to existing special use permits, and place conditions on special use permits and provides the procedure through which special use permits are issued and amended; and

<u>WHEREAS</u>, Section 12.12 of the Kendall County Zoning Ordinance permits the placement of outdoor advertising structures and off-premise advertising signs as a special use permit with certain restrictions in the M-2 Heavy Industrial Zoning District; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the M-2 Heavy Industrial Zoning District and consists of approximately 42.93 acres located at the southeast corner of the intersection of U.S. Route 34 and Hafenrichter (Farnsworth) (PIN: 03-01-127-006) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, the subject property is currently owned by KEKA Farms, LLC and is represented by Dave Hamman and the owner leases the property to Pulte Group and shall collectively hereinafter be referred to as "Petitioner"; and

<u>WHEREAS</u>, on December 21, 2004, the Kendall County Board approved Ordinance 2004-43 granting a special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

<u>WHEREAS</u>, Condition #1 of Ordinance 2004-05 required that the special use granted by said ordinance be renewed every three years;

<u>WHEREAS</u>, on September 19, 2017, the Kendall County Board approved Ordinance 2017-14 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

<u>WHEREAS</u>, Condition #1 of Ordinance 2017-14 and Section 12.06.A.4 of the Kendall County Zoning Ordinance require special use permits for such signs to be renewed every two years; and

<u>WHEREAS</u>, on or about June 14, 2019, Petitioner filed a petition for renewal of the special use permit granted by Ordinance 2004-05 and renewed by Ordinance 2017-14; and

<u>WHEREAS</u>, following due and proper notice by publication in the Beacon-News on June 30, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on July 29, 2019, at 7:00 p.m. in the County Office Building at 111 W. Fox Street in Yorkville, at which evidence, testimony, and exhibits in support of the requested renewal to an existing special use permit was presented and zero members of the public testified in favor or in opposition to the request; and

State of Illinois Zoning Petition
County of Kendall #19-25

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval with conditions of the renewal to an existing special use permit as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 29, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested renewal to an existing special use permit with conditions; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this renewal to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> as follows:

- 1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a renewal to an existing special use permit allowing the placement of an outdoor advertising structure (billboard) on the subject property subject to the following conditions:
 - A. The sign shall look substantially in the form as shown in Exhibit C attached hereto.
 - B. The sign shall be located substantially in the location depicted on the Site Plan attached hereto as Exhibit D.
 - C. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
 - D. The sign will not be illuminated.
 - E. The advertising on the sign is restricted to Pulte Group's residential development.
 - F. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
 - G. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.

State of Illinois Zoning Petition
County of Kendall #19-25

- H. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 20th day of August, 2019.

Attest:	
Kendall County Clerk Debbie Gillette	Kendall County Board Chairman Scott R. Gryder

Exhibit A

Legal Description

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A" 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1,TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE

NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34

Exhibit B

FINDINGS OF FACT

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **True**, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested renewal to an existing special use permit with the following conditions:

- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Group's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Attachment 10, Page 7

The Kendall County Zoning Board of Appeals issues this recommendation by a vote of six (6) in favor, zero (0) opposed, and one (1) absent.

July 29, 2019

Attachment 10, Page 8

12'x16' Double Sided Informational Billboard. NE Corner OF Fransworth & Ogden In Aurora.



Sign is not illuminated. Sign is 12' tall with 2' tall posts = 14' from ground to top of sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Bronze and Digital Vinyl.

12'x16' Double Sided Billboard Re-face. 3/8" MDO Painted Ronan Dark Blue w/White, Light Grey & Digital. Qty 1

Approval Signature





DEPARTMENT OF PLANNING, BUILDING & ZONING



111 West Fox Street • Room 204 Yorkville, IL • 60560

(630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: July 19, 2019

Re: Request for Housing Permit at Corner of Sheridan Road and Route 71

Matthew Prombo submitted a request to construct a house on the property at the corner of Route 71 and Sheridan Road. The property is zoned A-1 Agricultural. The property is on the south side of Sheridan Road and is west of Route 71. The property is approximately five point eight (5.8) acres in size. The parcel identification number is 07-07-100-015. Pictures of the property are attached.

Prior to 2014, the property was a part of the property across Route 71. The subject parcel was split from the larger parcel in 2014.

The property is less than forty (40) acres in size and the property has no housing allocations. Therefore, a building permit cannot be granted on the property without County action.

The following options are available to the Committee:

Amendment to the Land Resource Management Plan and Map Amendment

The property owner could ask for the property to be rezoned from A-1 to R-1. In order for this to occur, the County's Future Land Use Map in the Land Resource Management Plan would have to be amended. The Future Land Use Map calls for the property to be agricultural.

The issue with this option is that no other nearby properties are classified as residential on any applicable plans. The future land use maps for Kendall County, LaSalle County, and the Village of Newark call for the adjoining area to be agricultural. The six (6) houses in Kendall County and eight (8) houses in LaSalle County within one half (1/2) mile possess A-1 zoning.

Staff has concerns about the potential for spot zoning if this option is chosen. Without a change to the County's Future Land Use Map, Staff would recommend denial of the rezoning request because the request is inconsistent with the Land Resource Management Plan. Also, the Village of Newark could formally object to the rezoning.

The map amendment option was used in the two (2) most recent cases where this issue arose. However, in both of those cases, the Future Land Use Map called for those properties to be residential.

Conditional Use Permit for House on Less Than Forty (40) Acres

The Kendall County Zoning Ordinance outlines the following requirements to grant a building permit on A-1 zoned property with less than forty (40) acres:

Single Family Dwellings may be authorized under the following conditions:

- i. Each such dwelling shall be located on a zoning lot that meets the standards of single-family residential lots, one hundred and thirty thousand (130,000) sq. ft. minimum.
- ii. Septic suitability is approved by the Health Department.
- iii. It is the intent to limit such usage, and if, in the judgment of the County Board, contiguous parcels requesting approval hereunder represent an unwarranted expansion of this usage, then denial is warranted.

iv. That application shall be made on forms provided by the Zoning Administrator and shall include specific written and graphic statements and illustrations establishing evidence that the site meets the standards as follows:

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

- 1) Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height;
- 2) Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less;
- 3) Excessive slopes;
- 4) Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings.
- v. That such application shall be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the application to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action.

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

There does not appear to be any woodland coverage on the site meeting the requirements stated previously. The land evaluation score is 96 with a total LESA Score of 176. The executive summary of the NRI Report is attached. There are no excessive slopes. While Roods Creek flows through the property, there are no floodplains or wetlands on the property. Septic suitability is in unknown. If a house were placed on the property, access would be by Sheridan Road, per Fran Klaas.

Based on the above factors Staff does not believe the property qualifies for a conditional use permit.

Variance

To date, the property owner has not provided any information regarding a hardship. If the property owner applied for a variance, the neighbors would be notified of the hearing. Big Grove Township does not have a Planning Commission, so no formal objection could be filed.

No Building

The final option is to not allow the property owner to construct a house on the property.

Both the property owner and Staff request guidance as to how to proceed.

If you have any questions, please let me know.

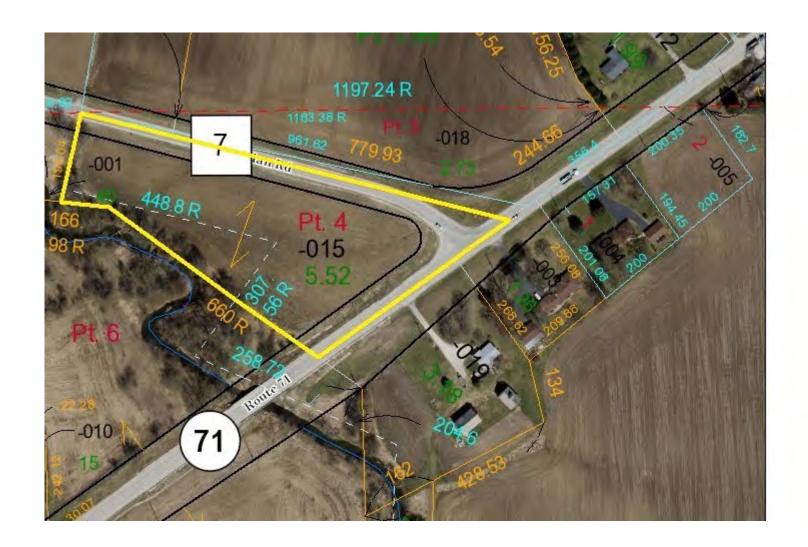
Thanks,

MHA

ENCs: Aerial

Looking South Looking North Looking East Looking East 2

Big Grove Future Land Use Map Newark Future Land Use Map 6-21-19 LaSalle County Email NRI Executive Summary 6-21-19 Klaas Email











Matt Asselmeier

From: Brian Gift

Sent: Brian Gift

Friday, June 21, 2019 3:21 PM

To: Matt Asselmeier

Subject: [External]RE: Future Land Use Question

Hi Matt,

It looks like we have all those sections staying AG. Though we allow one residence per lot on AG property, but minimum acrage is 35. There are also exceptions to the minimum.

Regards,

Brian

Brian Gift, AICP
Director
LaSalle County Environmental Services and Land Use Department
119 West Madison Street, Room 107
Ottawa, IL 61350
Phone: 815.434.8666
www.lasallecounty.org

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

Sent: Friday, June 21, 2019 1:58 PM
To: Brian Gift

Subject: Future Land Use Question

Brian:

Kendall County received a request to amend the County's future land use map for the property at the triangle created by Route 71, Sheridan Road, and the Kendall-LaSalle County Line. The property owner wants to change the classification from agricultural to residential so they can rezone the property to construct a house.

What does the LaSalle County future land use map call for the properties in Sections 1, 12, and 13 of Mission Township? Are these sections to remain agricultural or become residential according to your plan?

Thanks,

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

PH: 630-553-4139 Fax: 630-553-4179 1907 Executive Summary May 2019

Petitioner: Matthew Prombo

Contact Person: Attorney Daniel J. Kramer

County or Municipality the petition is filled with: Kendall County

Location of Parcel: NW% NW% Section 7, T.35N.-R.6E. (Big Grove Township) of the 3rd Principal Meridian

<u>Project or Subdivision Name:</u> Prombo <u>Existing Zoning & Land Use:</u> A-1; Cropland

Proposed Zoning & Land Use: TBD; Single Family Home

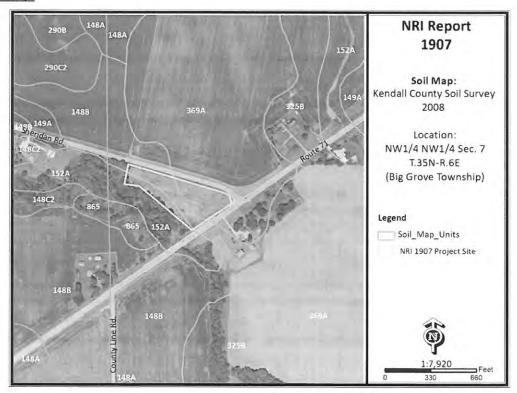
Proposed Water Source: Well

<u>Proposed Type of Sewage Disposal System:</u> Septic <u>Proposed Type of Storm Water Management:</u> N/A <u>Size of Site:</u> 5.1 acres (3.7 acres excluding road)

Land Evaluation Site Assessment Score: 176 (Land Evaluation: 96; Site Assessment: 80)

Natural Resource Findings

Soil Map:



SOIL INFORMATION:

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; please refer to onsite soil test results for planning/engineering purposes):

Matt Asselmeier

From: Fran Klaas

Sent: Friday, June 21, 2019 8:50 AM

To: Matt Asselmeier; 'David.Broviak@illinois.gov'
Cc: Matthew G. Prochaska; Scott Koeppel
Subject: RE: Route 71 and Sheridan Road Question

Just got off the phone with Larry Kinzer, LaSalle County Engineer. Kendall County will issue any / all access permits for this piece of Sheridan Road.

Fran

From: Fran Klaas

Sent: Friday, June 21, 2019 8:34 AM

To: Matt Asselmeier; David.Broviak@illinois.gov **Cc:** Matthew G. Prochaska; Scott Koeppel

Subject: RE: Route 71 and Sheridan Road Question

I have no issues with the rezoning. Access should be off Sheridan Road, not Route 71. We might have a little coordination issue with LaSalle County on determining who issues the access permit, as we currently have a handshake agreement with LaSalle wherein they maintain this \pm 1000' piece of Sheridan Road in Kendall County. But we can figure that out, no problem.

Francis C. Klaas, P.E. Kendall County Engineer 6780 Route 47 Yorkville, IL 60560 630.553.7616

From: Matt Asselmeier

Sent: Friday, June 21, 2019 8:22 AM
To: David.Broviak@illinois.gov; Fran Klaas
Cc: Matthew G. Prochaska; Scott Koeppel
Subject: Route 71 and Sheridan Road Question

Dave and Fran:

The Kendall County Planning, Building and Zoning Department will probably be receiving a request to amend Kendall County's Land Resource Management Plan regarding the property at the triangle created by Route 71, Sheridan Road, and the Kendall-LaSalle County Line (PIN: 07-07-100-015). The new owner wants to build a house on the property and the County calls for this property to be agricultural on its future land use map.

Do either of you foresee any problems if this requested reclassification and rezoning occur?

Thanks,

Matthew H. Asselmeier, AICP Senior Planner Kendall County Planning, Building & Zoning LAW OFFICES OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET YORKVILLE, ILLINOIS 60560 (630) 553-9500 Fax: (630) 553-5764

KELLY A. KRAMER
D.J. KRAMER

August 1, 2019

Matt Asselmeier, Senior Planner Kendall County PB & Z 111 W. Fox Street Yorkville, IL 60560

RE: Prombo Re-Zoning

Dear Mr. Asselmeier:

Enclosed please find the Finding of Fact that I thought we had hand delivered to you for the Prombo Petition. His main hardship is now that with current farming the parcel is not big enough to farm with large farming equipment. Also, livestock would not suit the property in that it is surrounded by homes so we believe a single family residence is the most appropriate option. I appreciate the support from Fran Klaas to allow a driveway. If you need anything further for the meeting please feel free to contact me.

Very truly yours,

Daniel J. Kramer, Attorney at Law

DJK/cth

CC. Matt Prochaska Matt Prombo Fran Klaas

STATEMENT OF FACTS FOR MATT PRAMBO RE-ZONING REQUEST

Existing uses of property within the general area of the property in question:

Mix of rural residential 3 + acre lots in excess of one dozen of those lots on same road within one-half mile of the subject property Agricultural uses surrounding those residential uses and this particular property.

The Zoning classification of property within the general area of the property in question:

The Zoning classification in the general area is A1 Agricultural with a substantial number of homes built under various iterations of Kendall County Residential Permits issued under the County Ag Ordinance over the last two decades.

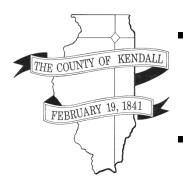
The suitability of the property in question for the uses permitted under the existing zoning classification:

The subject property is totally unsuitable for modern day row cropping. It is a left over parcel at a corner in an extremely odd configuration with points to the property that make farming with large scale modern agricultural equipment very difficult. Further because of the small acreage size it is not a productive use for large agricultural enterprises which engage in the rental of row crop farmland to pull machinery in and out for such a small space. The property is certainly more suitable for a low density single family home consistent with those built up and down the road.

Although the soil type on the LESA Score came back at 80 which is slightly above the 75 cutoff for low protection, the soils are very marginal for agricultural production on-site.

The trend of development:

Based on the number of single-family residences in the neighborhood there is a moderate trend for single family large lot residential development.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204
Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 6, 2019

Re: Proposed Intergovernmental Agreement Between Kendall County and the Village of

Millbrook

The intergovernmental agreement between Kendall County and the Village of Millbrook expires in September. The Planning, Building and Zoning Department does not propose any changes to the body of the agreement.

A copy of the proposal is attached to this memo.

If you have any questions, please let me know.

Thanks,

MHA

ENC.: Clean Copy

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF MILLBROOK AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this ____ day of September, 2019 by and between the VILLAGE OF MILLBROOK, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Millbrook was incorporated by act of the voters on November 5th, 2002, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Millbrook adopted a Comprehensive Plan on August 22, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Millbrook have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Millbrook has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time to time shall be adopted and incorporated by the Village of Millbrook as its own.

- 3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Millbrook as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Millbrook, and apply them to all properties located within the municipal boundaries of the Village of Millbrook.
- 4) In addition to the consideration set forth in Paragraph 3 above, the Village of Millbrook shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Management Ordinance for cases within the boundaries of the Village of Millbrook. At the written request of the Village of Millbrook, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Millbrook, Kendall County will conduct the necessary investigation and bill the Village of Millbrook accordingly. The Village of Millbrook shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Millbrook as provided herein.
- 5) The Village of Millbrook shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto including, but not limited to, attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.
- 6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.
- 7) Kendall County shall maintain auto liability coverage for all County owned vehicles used by the County to perform its obligations pursuant to this Agreement. However, the Village of

Millbrook shall pay the full cost of the deductible incurred by the County for any auto insurance claims arising out of or related to the County's performance of its obligations pursuant to this Agreement.

- 8) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.
- 9) This Agreement may be terminated by either party upon 30 days' written notice to the other party.
- 10) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.
- 11) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.
- 12) The County of Kendall and the Village of Millbrook each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.
- 13) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.
- 14) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator 111 West Fox Street Yorkville, Illinois 60560

Village of Millbrook PO Box 51 Millbrook, Illinois 60536

VILLAGE OF MILLBROOK	COUNTY OF KENDALL
BY:	BY:
Village President- Jackie Kowalski	Chairman of Kendall County Board
ATTEST:	ATTEST:
Village Clerk	Kendall County Clerk

Procedure for Processing Zoning & Subdivision Cases For The Village Of Millbrook Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Millbrook and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, and Zoning Board of Appeals, will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of the municipality. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint "pre-application" meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village's Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from

- the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior

- to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- 1.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to the ZBA as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.
- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.

- t.) Following review and recommendation by the ZBA, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.
- 4. Review and Processing of Preliminary and Final Subdivision Plats:
 - a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
 - b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
 - c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.

- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance shall NOT be forwarded to the appropriate Village Clerk for scheduling of the matter for action by the Village Board until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.

- 1.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.
- m.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.
- 5. Review and Processing of Zoning Variance:
 - a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
 - b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
 - d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
 - e.) The County shall post copies of the agenda as required per County policies.
 - f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the

county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.

- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

COUNTY OF KENDALL, ILLINOIS



SCOTT KOEPPEL COUNTY ADMINISTRATOR

KENDALL COUNTY OFFICE BUILDING 111 WEST FOX STREET, SUITE 316 YORKVILLE, ILLINOIS 60560 630.553.4171

Date: August 9, 2019

To: Planning Building & Zoning Chairman Matthew Prochaska, and the Members of

the Planning Building & Zoning Committee

From: Scott Koeppel, Kendall County Administrator

Re: Questions and concerns involving the zoning of cannabis facilities

I wanted to note some questions and concerns that I had while reviewing the cannabis facility regulations.

- 1. Pay special attention to the distances in the conditions for each different type of facility.
- 2. Should distance from forest preserves, parks, and churches be added to #1 of the list of conditions?
- 3. Is there anything else that should be protected? (example parks)
- 4. Should craft growers, infusing organizations, processing organizations, and/or cultivation centers be considered an agricultural use?
- 5. What should be allowed in B-3, A-1, M-1, and M-2? As written, all of the following are allowed if a special use it granted. Does a cultivation center make sense in the B-3?
 - a. Craft grower?
 - b. Cultivation center?
 - c. Dispensing organization?
 - d. Infuser organization?
 - e. Processing organization?
 - f. Transporting organization?
- 6. Should craft growers only be allowed to sell what they grow on site?
- 7. Onsite consumption.
 - a. Should onsite consumption be allowed?
 - b. Should an annual permit be given?
 - c. Should a fee be charged?
 - d. What should be involved with the inspection?
- 8. Should hours of operation be set or defined in each special use?

- 9. Should transporting organizations be allowed to transport other items besides cannabis?
- 10. Should the text amendment have an expiration date? This would force the County Board to eventually pass new rules.
- 11. Should the PB&Z Committee or the Full County Board be the petitioner?

Scott Koeppel County Administrator Kendall County

ORDINANCE NUMBER 2019-____

TEXT AMENDMENT TO SECTIONS 3.02 (DEFINITIONS), 7.01.D (SPECIAL USES IN THE A-1 ZONING DISTRICT), SECTION 9.04.C (SPECIAL USES IN THE B-3, M-1, AND M-2 ZONING DISTRICTS), AND APPENDIX 9-TABLE OF USES OF THE KENDALL COUNTY ZONING ORDINANCE BY ADDING ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS, ADULT-USE CANNABIS CRAFT GROWER, ADULT-USE CANNABIS CULTIVATION CENTER, ADULT-USE CANNABIS DISPENSING ORGANIZATION, ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER, ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR, AND ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER TO THE LIST OF DEFINITIONS AND LIST OF SPECIAL USES IN THE A-1 AGRICULTURAL, B-3 HIGHWAY BUSINESS, M-1 LIMITED MANUFACTURING, AND M-2 HEAVY INDUSTRIAL ZONING DISTRICTS AND RELATED CITATION CORRECTIONS

<u>WHEREAS</u>, the State of Illinois enacted the Cannabis Regulation and Tax Act, which pertains to the possession, use, cultivation, transportation, and dispensing of adult-use cannabis, which became effective June 25, 2019; and

<u>WHEREAS</u>, pursuant to the Cannabis Regulation and Tax Act, Kendall County may enact reasonable zoning ordinances or resolutions not in conflict with the Cannabis Regulation and Tax Act, regulating cannabis business establishments, including rules adopted governing time, place, manner, and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations in the unincorporated portions of Kendall County that Kendall County deems sensitive; and

<u>WHEREAS</u>, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

<u>WHEREAS</u>, on <u>Month Day</u>, 2019, the Kendall County <u>Planning</u>, <u>Building and Zoning Committee</u> hereinafter be referred to as "Petitioner", submitted a text amendment to the Kendall County Zoning Ordinance amending Sections 3.02, 7.01.D, 9.04.C, and Appendix 9-Table of Uses by adding adult-use cannabis business establishment, adult-use cannabis craft grower, adult-use cannabis cultivation center, adult-use cannabis dispensing organization, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, and adult-use cannabis transporting organization or transporter to list of definitions and list of <u>special uses in the A-1 Agricultural</u>, <u>B-3 Highway Business</u>, <u>M-1 Limited Manufacturing</u>, and <u>M-2 Heavy Industrial Zoning Districts</u>, update to Appendix 9-Table of Uses of the Kendall County Zoning Ordinance to reflect these addition, and citation corrections to reflect these additions; and

<u>WHEREAS</u>, following due and proper notice by publication in the **Kendall County Record** on **Month Day** 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on **Month Day**, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and **XXXX** members of the public testified in favor of the request, **XXXX** members of the public testified in opposition to the request, and **XXXX** members of the public provided general comments on the request; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended **approval/denial** of the text amendment on **Month Day**, 2019; and

State of Illinois Zoning Petition
County of Kendall #19-XX

<u>WHEREAS</u>, 55 ILCS 5/5-12014 (c) grants certain townships the right to file formal objections to proposed text amendments: and

WHEREAS, the Township of XXXXXXX did file a formal objection in a manner permissible by State law; and

<u>WHEREAS</u>, 55 ILCS 5/5-12014 (c) requires the approval of at least three-fourths of a County Board to approve a text amendment over the formal objection of certain townships; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested text amendment; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Section 3.02 is amended by adding the following definitions in the appropriate places alphabetically in the list of definitions:

"ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an

Zoning Petition #19-XX

organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder."

III. Amended Text: Sections 7.01.C and 9.04.C are amended by adding the following uses alphabetically in the list of special uses in the A-1 Agricultural, B-3 Highway Business, M-1 Limited Manufacturing, and M-2 Heavy Industrial Zoning Districts:

"Adult-Use Cannabis Craft Grower Subject to the Following Conditions:

- 1. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower.
- 3. Adult-Use Cannabis Craft Growers may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Infuser Organizations or both.
- 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application

Zoning Petition #19-XX

- 6. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- 7. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Adult-Use Cannabis Cultivation Center Subject to the Following Conditions:

- 1. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing property zoned or used for residential purposes.
- 3. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 4. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 5. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- 6. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Adult-Use Cannabis Dispensing Organization Subject to the Following Conditions:

- 1. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
- 3. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
- 4. Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the

facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing.

- 5. Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- 6. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 7. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Adult-Use Cannabis Infuser Organization Subject to the Following Conditions:

- 1. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
- 3. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
- 4. Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses

- located within the vicinity of the subject property.
- b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
- c. Hours of operation.
- d. Anticipated number of employees and customers.
- e. Anticipated parking demand and available parking supply.
- f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- g. Site design, including access points and internal site circulation.
- h. Proposed signage plan.
- i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 7. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- 8. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Adult-Use Cannabis Processing Organization Subject to the Following Conditions:

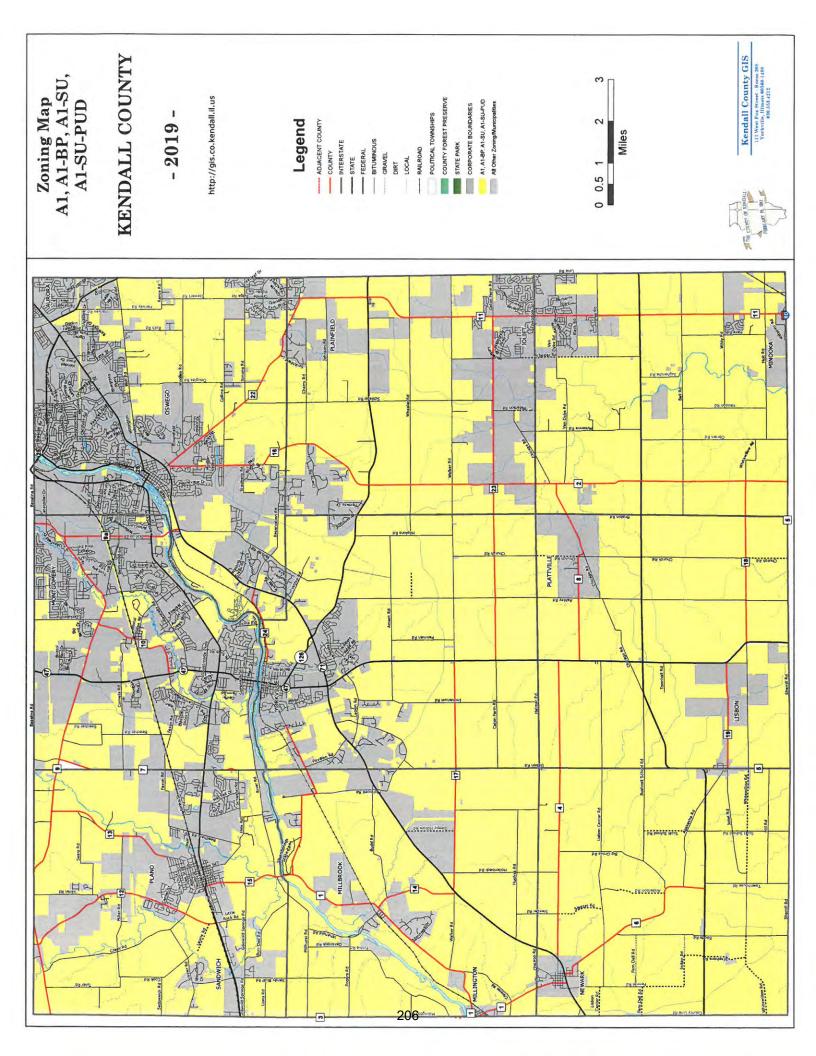
- 1. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
- 3. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
- 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 6. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- 7. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

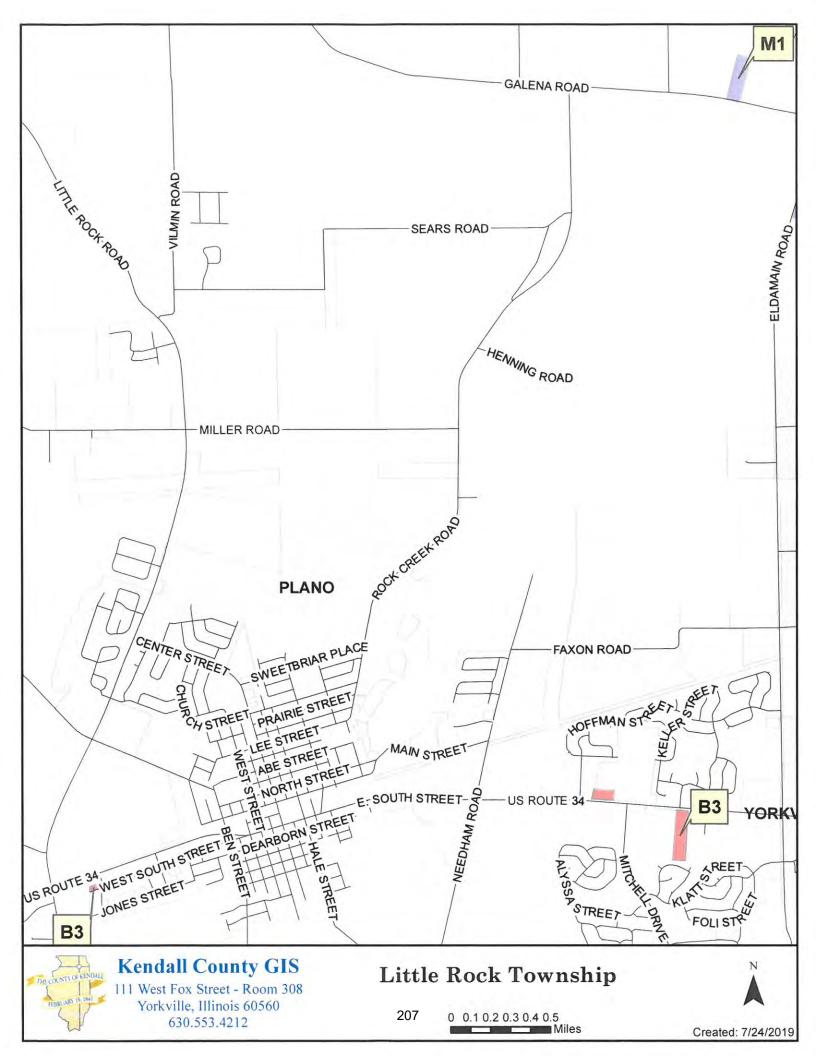
Adult-Use Cannabis Transporting Organization Subject to the Following Conditions:

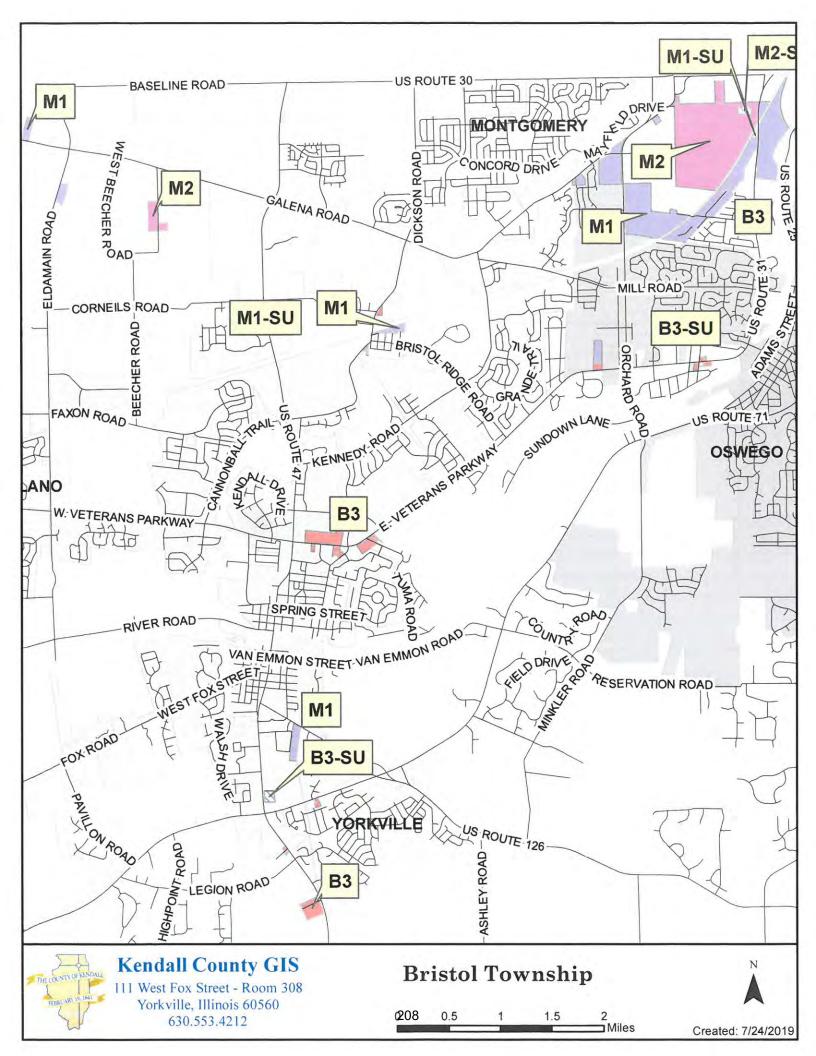
- 1. Facility may not be located within **one thousand five hundred feet (1,500')** of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
- 3. The transporting organization shall be the sole use of the tenant space in which it is located.
- 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- 6. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- 7. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
- IV. Appendix 9-The Table of Uses is hereby amended to reflect the addition of these uses in the proper zoning districts.
- V. Any reference citation errors created by the addition of these definitions and uses to the Zoning Ordinance shall be corrected.
- VI. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

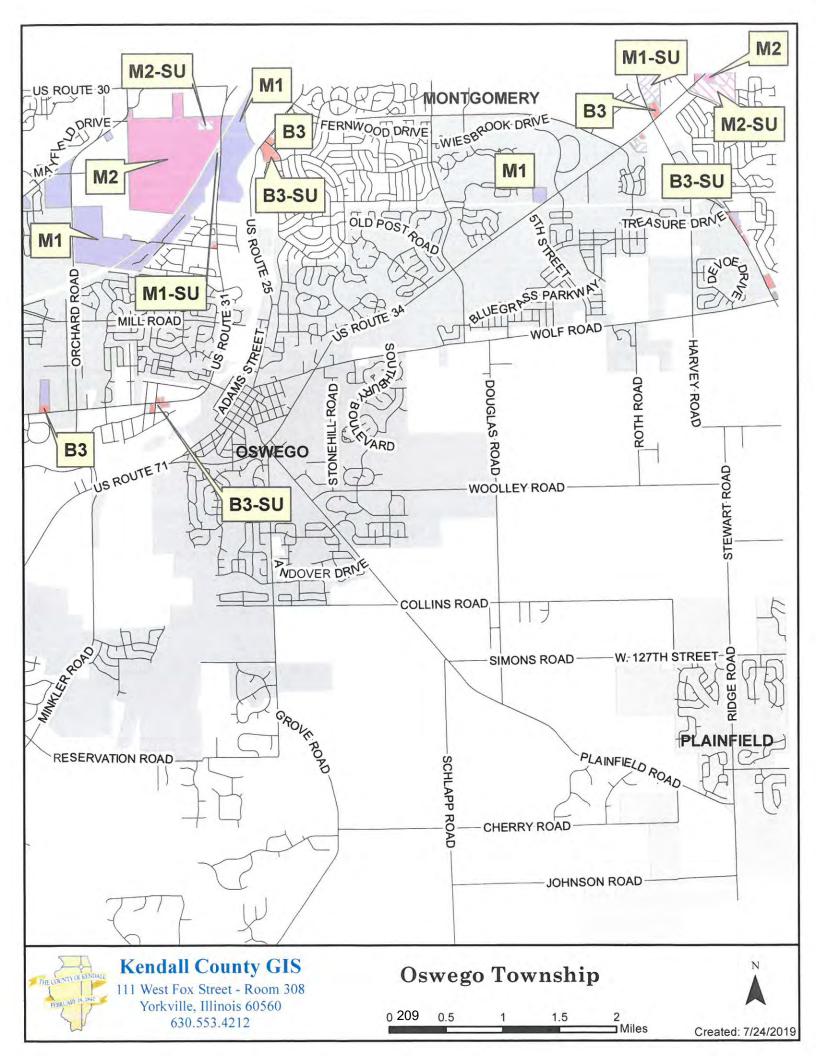
<u>IN WITNESS OF</u>, this ordinance has been enacted by a supermajority vote of the Kendall County Board and is effective this **XX**st day of **Month**, 2019.

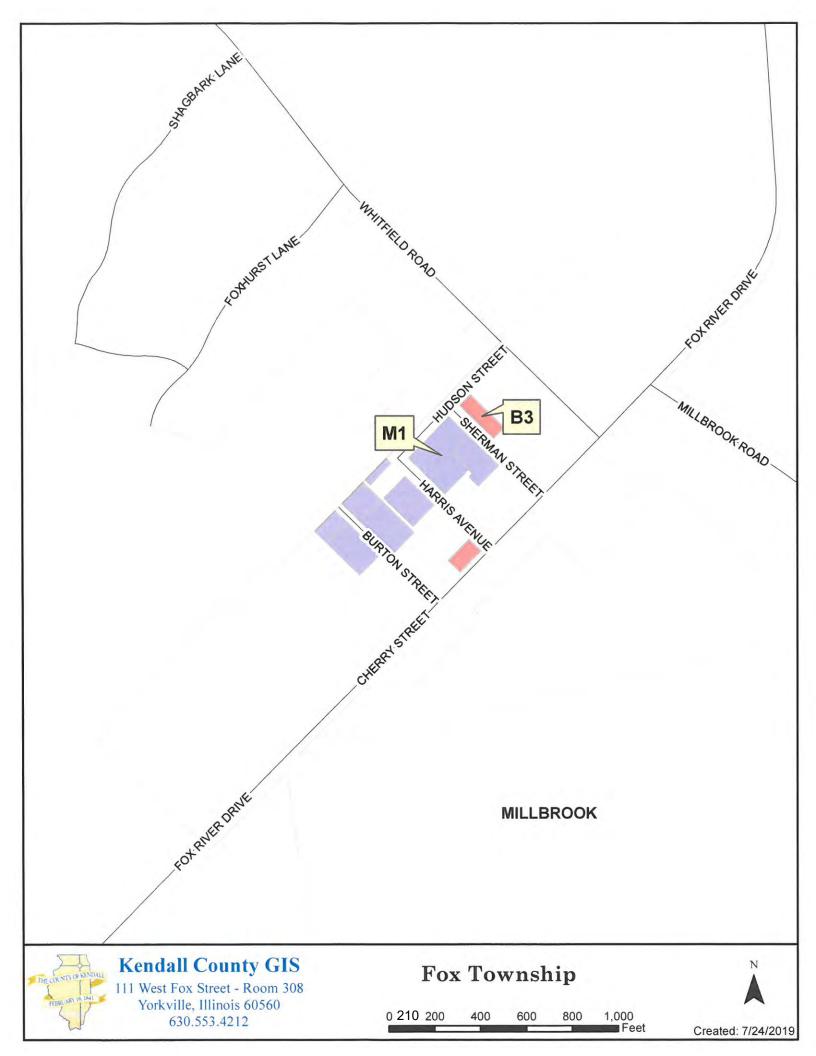
State of Illinois County of Kendall		Zoning Petition #19-XX
County of Rendan		117 7171
Attest:		
Kendall County Clerk	Kendall County Board Chairman	
Debbie Gillette	Scott R. Gryder	

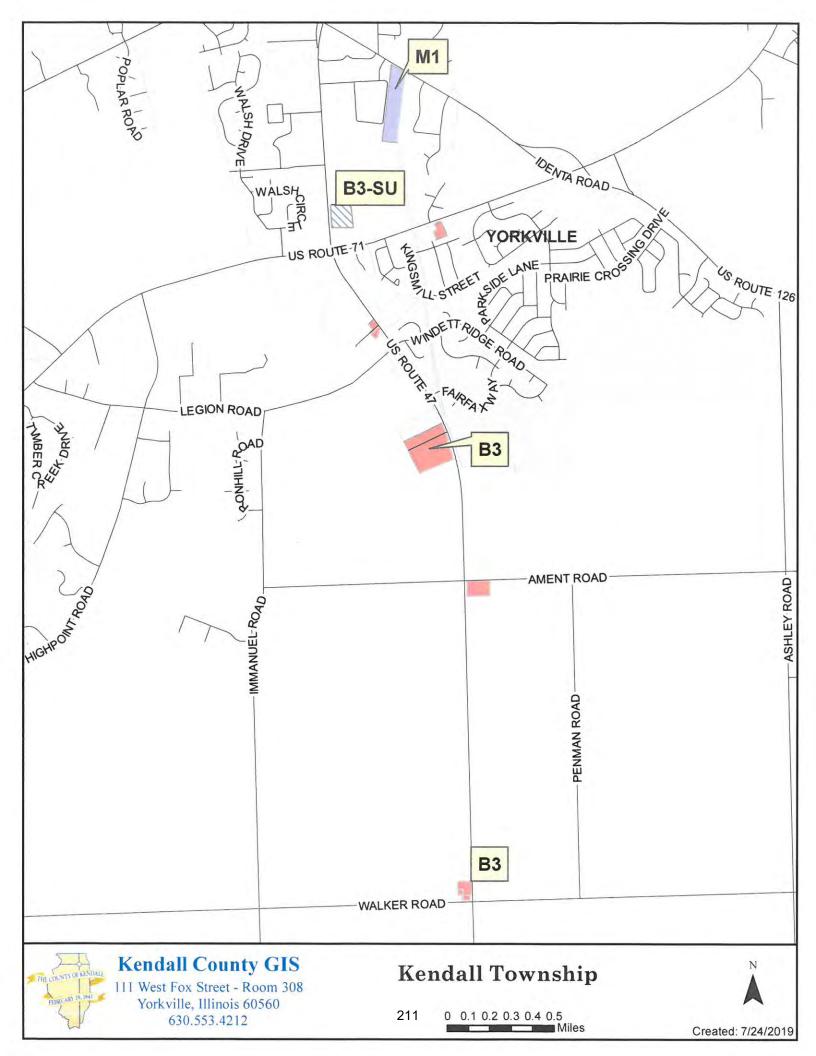




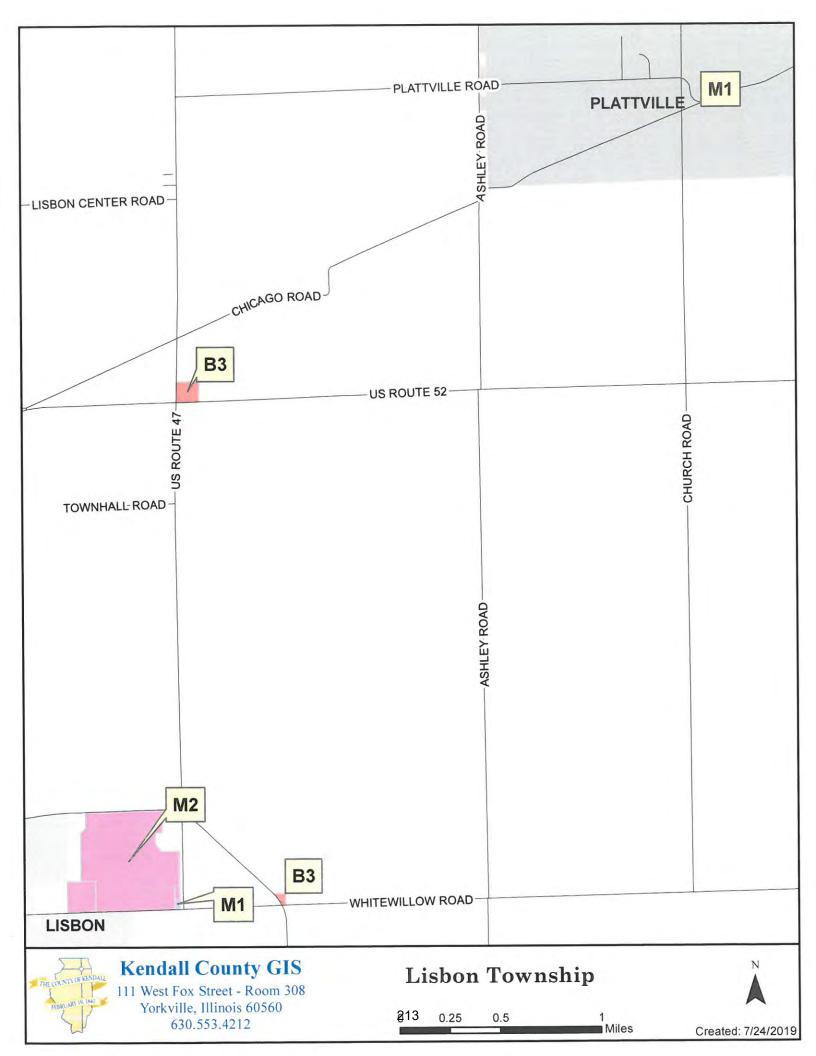














- 1 (o) Labeling, including warning labels, may be modified by 2 rule by the Department of Agriculture.
- 3 Section 55-25. Local ordinances. Unless otherwise provided 4 under this Act or otherwise in accordance with State law:
 - (1) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or rules adopted pursuant to this Act, regulating cannabis business establishments. No unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may prohibit home cultivation or unreasonably prohibit use of cannabis authorized by this Act.
 - (2) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances or rules not in conflict with this Act or with rules adopted pursuant to this Act governing the time, place, manner, and number of cannabis business establishment operations, including minimum distance limitations between cannabis business establishments and locations it deems sensitive, including colleges and universities, through the use of conditional use permits. A unit of local government, including a home rule unit, may establish civil penalties for violation of

an ordinance or rules governing the time, place, and manner of operation of a cannabis business establishment or a conditional use permit in the jurisdiction of the unit of local government. No unit of local government, including a home rule unit or non-home rule county within an unincorporated territory of the county, may unreasonably restrict the time, place, manner, and number of cannabis business establishment operations authorized by this Act.

- (3) A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with this Act. A cannabis business establishment or other entity authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.
 - (4) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in paragraph (1), (2), or (3) in a manner more restrictive than the regulation of those activities by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units

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1	of	powers	and	functions	exercised	by	the	State.
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- (5) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.
- 7 Section 55-28. Restricted cannabis zones.
 - (a) As used in this Section:
- 9 "Legal voter" means a person:
- 10 (1) who is duly registered to vote in a municipality
 11 with a population of over 500,000;
 - (2) whose name appears on a poll list compiled by the city board of election commissioners since the last preceding election, regardless of whether the election was a primary, general, or special election;
 - (3) who, at the relevant time, is a resident of the address at which he or she is registered to vote; and
 - (4) whose address, at the relevant time, is located in the precinct where such person seeks to circulate or sign a petition under this Section.
- As used in the definition of "legal voter", "relevant time"
 means any time that:
- (i) a notice of intent is filed, pursuant to subsection
 (c) of this Section, to initiate the petition process under
 this Section;

board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;

- (6) proposed operating bylaws that include procedures for the oversight of the cultivation center, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the Department of State Police that are in accordance with the rules issued by the Department of Agriculture under this Act. A physical inventory shall be performed of all plants and cannabis on a weekly basis by the cultivation center;
- (7) verification from the Department of State Police that all background checks of the prospective principal officers, board members, and agents of the cannabis business establishment have been conducted;
- (8) a copy of the current local zoning ordinance or permit and verification that the proposed cultivation center is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;
- (9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;

- site as prescribed in subsection (b) of this Section shall submit an application on forms provided by the Department. The application must meet or include the following qualifications:
- 4 (1) a payment of a nonrefundable application fee of \$30,000;
 - (2) proof of registration as a medical cannabis dispensing organization that is in good standing;
 - (3) submission of the application by the same person or entity that holds the medical cannabis dispensing organization registration;
 - (4) the legal name of the medical cannabis dispensing organization;
 - (5) the physical address of the medical cannabis dispensing organization and the proposed physical address of the secondary site;
 - (6) a copy of the current local zoning ordinance
 Sections relevant to dispensary operations and
 documentation of the approval, the conditional approval or
 the status of a request for zoning approval from the local
 zoning office that the proposed dispensary location is in
 compliance with the local zoning rules;
 - (7) a plot plan of the dispensary drawn to scale. The applicant shall submit general specifications of the building exterior and interior layout;
 - (8) a statement that the dispensing organization agrees to respond to the Department's supplemental

suspended or revoked or (ii) managed or served on the board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;

- (6) proposed operating bylaws that include procedures for the oversight of the craft grower, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the Department of State Police that are in accordance with the rules issued by the Department of Agriculture under this Act; a physical inventory shall be performed of all plants and on a weekly basis by the craft grower;
- (7) verification from the Department of State Police that all background checks of the prospective principal officers, board members, and agents of the cannabis business establishment have been conducted;
- (8) a copy of the current local zoning ordinance or permit and verification that the proposed craft grower is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;
- (9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;

and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the Department of State Police that are in accordance with the rules issued by the Department of Agriculture under this Act; a physical inventory of all cannabis shall be performed on a weekly basis by the infuser;

- (7) verification from the Department of State Police that all background checks of the prospective principal officers, board members, and agents of the infuser organization have been conducted;
- (8) a copy of the current local zoning ordinance and verification that the proposed infuser is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;
- (9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;
- (10) whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;
- (11) experience with infusing products with cannabis concentrate;
- (12) a description of the enclosed, locked facility where cannabis will be infused, packaged, or otherwise

- plan approved by the Department of State Police that are in accordance with the rules issued by the Department of Agriculture under this Act; a physical inventory shall be performed of all cannabis on a weekly basis by the transporting organization;
- (7) verification from the Department of State Police that all background checks of the prospective principal officers, board members, and agents of the transporting organization have been conducted;
- (8) a copy of the current local zoning ordinance or permit and verification that the proposed transporting organization is in compliance with the local zoning rules and distance limitations established by the local jurisdiction, if the transporting organization has a business address;
- (9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;
- (10) whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;
- (11) the number and type of equipment the transporting organization will use to transport cannabis and cannabis-infused products;

- and employer workplace policies shall be interpreted broadly to
- 2 protect employee safety.
- 3 Section 1-10. Definitions. In this Act:
- 4 "Adult Use Cultivation Center License" means a license
- 5 issued by the Department of Agriculture that permits a person
- 6 to act as a cultivation center under this Act and any
- 7 administrative rule made in furtherance of this Act.
- 8 "Adult Use Dispensing Organization License" means a
- 9 license issued by the Department of Financial and Professional
- 10 Regulation that permits a person to act as a dispensing
- organization under this Act and any administrative rule made in
- 12 furtherance of this Act.
- 13 "Advertise" means to engage in promotional activities
- 14 including, but not limited to: newspaper, radio, Internet and
- 15 electronic media, and television advertising; the distribution
- of fliers and circulars; and the display of window and interior
- 17 signs.
- "BLS Region" means a region in Illinois used by the United
- 19 States Bureau of Labor Statistics to gather and categorize
- 20 certain employment and wage data. The 17 such regions in
- 21 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
- 22 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
- 23 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
- 24 Rockford, St. Louis, Springfield, Northwest Illinois
- 25 nonmetropolitan area, West Central Illinois nonmetropolitan

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1 area, East Central Illinois nonmetropolitan area, and South 2 Illinois nonmetropolitan area.

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; 7 the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally 11 produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the 20 Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing 24 organization, or transporting organization.

25 "Cannabis concentrate" means a product derived from cannabis that is produced by extracting cannabinoids from the

- 1 plant through the use of propylene glycol, glycerin, butter,
- olive oil or other typical cooking fats; water, ice, or dry
- 3 ice; or butane, propane, CO₂, ethanol, or isopropanol. The use
- 4 of any other solvent is expressly prohibited unless and until
- 5 it is approved by the Department of Agriculture.
- 6 "Cannabis container" means a sealed, traceable, container,
- 7 or package used for the purpose of containment of cannabis or
- 8 cannabis-infused product during transportation.
- 9 "Cannabis flower" means marijuana, hashish, and other
- 10 substances that are identified as including any parts of the
- 11 plant Cannabis sativa and including derivatives or subspecies,
- 12 such as indica, of all strains of cannabis; including raw kief,
- 13 leaves, and buds, but not resin that has been extracted from
- 14 any part of such plant; nor any compound, manufacture, salt,
- derivative, mixture, or preparation of such plant, its seeds,
- 16 or resin.
- "Cannabis-infused product" means a beverage, food, oil,
- 18 ointment, tincture, topical formulation, or another product
- 19 containing cannabis that is not intended to be smoked.
- 20 "Cannabis plant monitoring system" or "plant monitoring
- 21 system" means a system that includes, but is not limited to,
- 22 testing and data collection established and maintained by the
- 23 cultivation center, craft grower, or processing organization
- 24 and that is available to the Department of Revenue, the
- 25 Department of Agriculture, the Department of Financial and
- 26 Professional Regulation, and the Department of State Police for

- 1 the purposes of documenting each cannabis plant and monitoring
- 2 plant development throughout the life cycle of a cannabis plant
- 3 cultivated for the intended use by a customer from seed
- 4 planting to final packaging.
- 5 "Cannabis testing facility" means an entity registered by
- 6 the Department of Agriculture to test cannabis for potency and
- 7 contaminants.
- 8 "Clone" means a plant section from a female cannabis plant
- 9 not yet rootbound, growing in a water solution or other
- 10 propagation matrix, that is capable of developing into a new
- 11 plant.
- 12 "Community College Cannabis Vocational Training Pilot
- Program faculty participant" means a person who is 21 years of
- 14 age or older, licensed by the Department of Agriculture, and is
- 15 employed or contracted by an Illinois community college to
- 16 provide student instruction using cannabis plants at an
- 17 Illinois Community College.
- 18 "Community College Cannabis Vocational Training Pilot
- 19 Program faculty participant Agent Identification Card" means a
- 20 document issued by the Department of Agriculture that
- 21 identifies a person as Community College Cannabis Vocational
- 22 Training Pilot Program faculty participant.
- 23 "Conditional Adult Use Dispensing Organization License"
- 24 means a license awarded to top-scoring applicants for an Adult
- 25 Use Dispensing Organization License that reserves the right to
- 26 an adult use dispensing organization license if the applicant

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meets certain conditions described in this Act, but does not entitle the recipient to begin purchasing or selling cannabis or cannabis-infused products.

"Conditional Adult Use Cultivation Center License" means a license awarded to top-scoring applicants for an Adult Use Cultivation Center License that reserves the right to an Adult Use Cultivation Center License if the applicant meets certain conditions as determined by the Department of Agriculture by rule, but does not entitle the recipient to begin growing, processing, or selling cannabis or cannabis-infused products.

"Craft grower" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided

- 1 each licensee stores currency and cannabis or cannabis-infused
- 2 products in a separate secured vault to which the other
- 3 licensee does not have access or all licensees sharing a vault
- 4 share more than 50% of the same ownership.
- 5 "Craft grower agent" means a principal officer, board
- 6 member, employee, or other agent of a craft grower who is 21
- 7 years of age or older.
- 8 "Craft Grower Agent Identification Card" means a document
- 9 issued by the Department of Agriculture that identifies a
- 10 person as a craft grower agent.
- "Cultivation center" means a facility operated by an
- organization or business that is licensed by the Department of
- 13 Agriculture to cultivate, process, transport (unless otherwise
- 14 limited by this Act), and perform other necessary activities to
- 15 provide cannabis and cannabis-infused products to cannabis
- 16 business establishments.
- "Cultivation center agent" means a principal officer,
- 18 board member, employee, or other agent of a cultivation center
- 19 who is 21 years of age or older.
- 20 "Cultivation Center Agent Identification Card" means a
- 21 document issued by the Department of Agriculture that
- 22 identifies a person as a cultivation center agent.
- "Currency" means currency and coin of the United States.
- "Dispensary" means a facility operated by a dispensing
- 25 organization at which activities licensed by this Act may
- 26 occur.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis—infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Dispensing organization agent" means a principal officer, employee, or agent of a dispensing organization who is 21 years of age or older.

"Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a dispensing organization agent.

"Disproportionately Impacted Area" means a census tract or comparable geographic area that satisfies the following criteria as determined by the Department of Commerce and Economic Opportunity, that:

- (1) meets at least one of the following criteria:
- (A) the area has a poverty rate of at least 20%

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according to the latest federal decennial census; or

- (B) 75% or more of the children in the area participate in the federal free lunch program according to reported statistics from the State Board of Education; or
- (C) at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program; or
- (D) the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application; and
- (2) has high rates of arrest, conviction, and incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis.

"Early Approval Adult Use Cultivation Center License" means a license that permits a medical cannabis cultivation center licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of this Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in this Act), and selling cannabis to cannabis business establishments for resale to purchasers as permitted by this Act as of January 1, 2020.

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"Early Approval Adult Use Dispensing Organization License" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of this Act to begin selling cannabis to purchasers as permitted by this Act as of January 1, 2020.

"Early Approval Adult Use Dispensing Organization at a secondary site" means a license that permits a medical cannabis 9 dispensing organization licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of this Act to begin selling cannabis to purchasers as permitted by this Act on January 1, 2020 at a different dispensary location from its existing registered medical dispensary location.

"Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by cannabis business establishment agents working for the licensed cannabis business establishment or acting pursuant to this Act to cultivate, process, store, or distribute cannabis.

"Enclosed, locked space" means a closet, room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by authorized individuals under this Act. "Enclosed, locked space" may include:

(1) a space within a residential building that (i) is

the primary residence of the individual cultivating 5 or fewer cannabis plants that are more than 5 inches tall and (ii) includes sleeping quarters and indoor plumbing. The space must only be accessible by a key or code that is different from any key or code that can be used to access the residential building from the exterior; or

(2) a structure, such as a shed or greenhouse, that lies on the same plot of land as a residential building that (i) includes sleeping quarters and indoor plumbing and (ii) is used as a primary residence by the person cultivating 5 or fewer cannabis plants that are more than 5 inches tall, such as a shed or greenhouse. The structure must remain locked when it is unoccupied by people.

"Financial institution" has the same meaning as "financial organization" as defined in Section 1501 of the Illinois Income Tax Act, and also includes the holding companies, subsidiaries, and affiliates of such financial organizations.

"Flowering stage" means the stage of cultivation where and when a cannabis plant is cultivated to produce plant material for cannabis products. This includes mature plants as follows:

- (1) if greater than 2 stigmas are visible at each internode of the plant; or
- (2) if the cannabis plant is in an area that has been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, from the moment the light deprivation began through the

- 1 remainder of the marijuana plant growth cycle.
- 2 "Individual" means a natural person.

"Infuser organization" or "infuser" means a facility
operated by an organization or business that is licensed by the
Department of Agriculture to directly incorporate cannabis or
cannabis concentrate into a product formulation to produce a
cannabis-infused product.

"Kief" means the resinous crystal-like trichomes that are found on cannabis and that are accumulated, resulting in a higher concentration of cannabinoids, untreated by heat or pressure, or extracted using a solvent.

"Labor peace agreement" means an agreement between a cannabis business establishment and any labor organization recognized under the National Labor Relations Act, referred to in this Act as a bona fide labor organization, that prohibits labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the cannabis business establishment. This agreement means that the cannabis business establishment has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the cannabis business establishment's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the cannabis business establishment's employees work, for the purpose of meeting with employees to discuss their right to representation, employment

- 1 rights under State law, and terms and conditions of employment.
- 2 This type of agreement shall not mandate a particular method of
- 3 election or certification of the bona fide labor organization.
- 4 "Limited access area" means a building, room, or other area
- 5 under the control of a cannabis dispensing organization
- 6 licensed under this Act and upon the licensed premises with
- 7 access limited to purchasers, dispensing organization owners
- 8 and other dispensing organization agents, or service
- 9 professionals conducting business with the dispensing
- 10 organization.
- "Member of an impacted family" means an individual who has
- 12 a parent, legal guardian, child, spouse, or dependent, or was a
- dependent of an individual who, prior to the effective date of
- 14 this Act, was arrested for, convicted of, or adjudicated
- 15 delinquent for any offense that is eligible for expungement
- 16 under this Act.
- "Mother plant" means a cannabis plant that is cultivated or
- 18 maintained for the purpose of generating clones, and that will
- not be used to produce plant material for sale to an infuser or
- 20 dispensing organization.
- "Ordinary public view" means within the sight line with
- 22 normal visual range of a person, unassisted by visual aids,
- from a public street or sidewalk adjacent to real property, or
- 24 from within an adjacent property.
- "Ownership and control" means ownership of at least 51% of
- 26 the business, including corporate stock if a corporation, and

- 1 control over the management and day-to-day operations of the
- 2 business and an interest in the capital, assets, and profits
- 3 and losses of the business proportionate to percentage of
- 4 ownership.
- 5 "Person" means a natural individual, firm, partnership,
- 6 association, joint stock company, joint venture, public or
- 7 private corporation, limited liability company, or a receiver,
- 8 executor, trustee, guardian, or other representative appointed
- 9 by order of any court.
- 10 "Possession limit" means the amount of cannabis under
- 11 Section 10-10 that may be possessed at any one time by a person
- 12 21 years of age or older or who is a registered qualifying
- 13 medical cannabis patient or caregiver under the Compassionate
- 14 Use of Medical Cannabis Pilot Program Act.
- 15 "Principal officer" includes a cannabis business
- 16 establishment applicant or licensed cannabis business
- establishment's board member, owner with more than 1% interest
- of the total cannabis business establishment or more than 5%
- 19 interest of the total cannabis business establishment of a
- 20 publicly traded company, president, vice president, secretary,
- 21 treasurer, partner, officer, member, manager member, or person
- 22 with a profit sharing, financial interest, or revenue sharing
- 23 arrangement. The definition includes a person with authority to
- 24 control the cannabis business establishment, a person who
- 25 assumes responsibility for the debts of the cannabis business
- 26 establishment and who is further defined in this Act.

"Primary residence" means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence, tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence.

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

"Processing organization agent" means a principal officer, board member, employee, or agent of a processing organization.

"Processing organization agent identification card" means a document issued by the Department of Agriculture that identifies a person as a processing organization agent.

"Purchaser" means a person 21 years of age or older who acquires cannabis for a valuable consideration. "Purchaser" does not include a cardholder under the Compassionate Use of Medical Cannabis Pilot Program Act.

"Qualified Social Equity Applicant" means a Social Equity
Applicant who has been awarded a conditional license under this
Act to operate a cannabis business establishment.

26 "Resided" means an individual's primary residence was

1	located within the relevant geographic area as established by 2
2	of the following:
3	(1) a signed lease agreement that includes the
4	applicant's name;
5	(2) a property deed that includes the applicant's name;
6	(3) school records;
7	(4) a voter registration card;
8	(5) an Illinois driver's license, an Illinois
9	Identification Card, or an Illinois Person with a
10	Disability Identification Card;
11	(6) a paycheck stub;
12	(7) a utility bill; or
13	(8) any other proof of residency or other information
14	necessary to establish residence as provided by rule.
15	"Smoking" means the inhalation of smoke caused by the
16	combustion of cannabis.
17	"Social Equity Applicant" means an applicant that is an
18	Illinois resident that meets one of the following criteria:
19	(1) an applicant with at least 51% ownership and
20	control by one or more individuals who have resided for at
21	least 5 of the preceding 10 years in a Disproportionately
22	Impacted Area;
23	(2) an applicant with at least 51% ownership and
24	control by one or more individuals who:
25	(i) have been arrested for, convicted of, or

adjudicated delinquent for any offense that is

1	eligible for expungement under this Act; or
2	(ii) is a member of an impacted family;
3	(3) for applicants with a minimum of 10 full-time
4	employees, an applicant with at least 51% of current
5	employees who:
6	(i) currently reside in a Disproportionately
7	Impacted Area; or
8	(ii) have been arrested for, convicted of, or
9	adjudicated delinquent for any offense that is
10	eligible for expungement under this Act or member of an
11	impacted family.
12	Nothing in this Act shall be construed to preempt or limit
13	the duties of any employer under the Job Opportunities for
14	Qualified Applicants Act. Nothing in this Act shall permit an
15	employer to require an employee to disclose sealed or expunged
16	offenses, unless otherwise required by law.
17	"Tincture" means a cannabis-infused solution, typically
18	comprised of alcohol, glycerin, or vegetable oils, derived
19	either directly from the cannabis plant or from a processed
20	cannabis extract. A tincture is not an alcoholic liquor as
21	defined in the Liquor Control Act of 1934. A tincture shall
22	include a calibrated dropper or other similar device capable of
23	accurately measuring servings.
24	"Transporting organization" or "transporter" means an
25	organization or business that is licensed by the Department of

Agriculture to transport cannabis on behalf of a cannabis

- 1 business establishment or a community college licensed under
- 2 the Community College Cannabis Vocational Training Pilot
- 3 Program.
- 4 "Transporting organization agent" means a principal
- 5 officer, board member, employee, or agent of a transporting
- 6 organization.
- 7 "Transporting organization agent identification card"
- 8 means a document issued by the Department of Agriculture that
- 9 identifies a person as a transporting organization agent.
- "Unit of local government" means any county, city, village,
- 11 or incorporated town.
- 12 "Vegetative stage" means the stage of cultivation in which
- a cannabis plant is propagated to produce additional cannabis
- 14 plants or reach a sufficient size for production. This includes
- 15 seedlings, clones, mothers, and other immature cannabis plants
- 16 as follows:
- 17 (1) if the cannabis plant is in an area that has not
- 18 been intentionally deprived of light for a period of time
- intended to produce flower buds and induce maturation, it
- 20 has no more than 2 stigmas visible at each internode of the
- 21 cannabis plant; or
- 22 (2) any cannabis plant that is cultivated solely for
- 23 the purpose of propagating clones and is never used to
- 24 produce cannabis.

25 ARTICLE 5.

Amended by Ordinance 2017-28

State of Illinois County of Kendall Petition #14-17

ORDINANCE # 2014-<u>28</u>

AMENDMENT TO SECTIONS 3.02 AND 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO TEMPORARILY ALLOW MEDICAL CANNABIS CULTIVATION CENTERS- TEMPORARY

<u>WHEREAS</u>, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

<u>WHEREAS</u>, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers; and,

<u>WHEREAS</u>, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; ; and

<u>WHEREAS</u>, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act, on January 1, 2018; and

<u>WHEREAS</u>, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on July 28, 2014; and

<u>NOW, THEREFORE, BE IT ORDAINED</u>, the Kendall County Board hereby amends Sections 3.02- "Definitions" & 10.01.C "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

- 1. **RECITALS.** The recitals set forth above are incorporated as is fully set forth herein.
- II. THE FOLLOWING TERMS ARE ADDED TO SECTION 3.02 "DEFINITIONS" OF ZONING ORDINANCE:

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain

consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

III. THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C "MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)" OF ZONING ORDINANCE:

10.01.C Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on January 1, 2018)

- a. **Definitions:** All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended
- b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
 - State laws. Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 III. Admin. Code 1000, 68 III. Admin. Code 1290, 77 III. Admin. Code 946 and 86 III. Admin. Code 130, and as amended.

Page 2 of 5

- 2. Registration. Applicants must be registered with the Illinois Department of Agriculture
- 3. Location. A Cultivation Center must be located more than 2,500 feet from the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.
- 4. Security Measures. Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
- 5. Code Compliance. Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
- 6. Other Requirements: Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.
- c. **Required Permit Information.** Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:
 - 1. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.
 - 2. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.
 - 3. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and
 - 4. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and
 - 5. Proof that applicant is registered with the Illinois Department of Agriculture.

d. Operational and Facility Requirements:

- Enclosed, Locked Facility. All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.
- 2. Storage. No outdoor storage of any kind will be permitted at Cultivation Centers.
- 3. Edibles. Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.
- 4. Waste. Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with

- the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.
- 5. Signs. All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.
- Other Products. It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.
- 7. Fence. All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.
- 8. Registration: The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.

e. Legal Protections.

- 1. Limitation of Liability. Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- 2. Indemnification. The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.
- 3. Violations of the Law. The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

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- f. **Revocation:** Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.
- IV. **REPEAL.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

<u>IN WITNESS OF</u>, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 16th day of September, 2014 and is automatically repealed on January 1, 2018.

Attest:

Kendall County Clerk

Debbie Gillette

Kendah County Board Chairman

John/Shaw

Amended by Ordinance 2017-28

State of Illinois County of Kendall Petition #14-25

ORDINANCE # 2014- 31

AMENDMENT TO SECTION 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO TEMPORARILY ALLOW MEDICAL CANNABIS DISPENSING ORGANIZATIONS - TEMPORARY

<u>WHEREAS</u>, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

<u>WHEREAS</u>, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis dispensing organizations; and,

<u>WHEREAS</u>, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Section 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis dispensing organizations in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

<u>WHEREAS</u>, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act, on January 1, 2018; and

<u>WHEREAS</u>, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on September 3, 2014; and

<u>NOW, THEREFORE, BE IT ORDAINED</u>, the Kendall County Board hereby amends Section 10.01.C "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

- I. RECITALS. The recitals set forth above are incorporated as if fully set forth herein.
- | THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C "MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)" OF ZONING ORDINANCE:

10.01(C) (11) Medical Cannabis Dispensing Organization- Temporary (will be automatically repealed on January 1, 2018)

- a. **Definitions:** All terms not defined in section 3.02 of this Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended
- b. **Preliminary Requirements.** All Medical Cannabis Dispensing Organization special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
 - State laws. Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.
 - ii. Location. A Dispensing Organization may not be located within 1,000 feet of the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use, as required pursuant to 410 ILCS 130/130 and Section 1290.50 of the Department of Financial and Professional Regulation rules.
 - iii. *Images.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.
 - iv. Security Measures. Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
 - v. Code Compliance. Dispensing Organizations must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
 - vi. Other Requirements: Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/130, as amended.
- c. Required Permit Information. Upon applying for a Dispensing Organization special use permit, the applicant must provide the following information:
 - i. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

ii. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/130 & Section 1290.50.19, as amended.

d. Operational and Facility Requirements:

- i. *Enclosed, Loading/unloading bay.* All medical cannabis deliveries shall take place in an Enclosed, Locked Facility.
- ii. Storage. No outdoor storage of any kind will be permitted at Dispensing Organizations.
- iii. Advertisement/Signs.
 - 1. All signage shall comply with Section 12 of the Kendall County Zoning Ordinance.
 - 2. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
 - 3. Electronic message boards and temporary signs are not permitted in connection with a Dispensing Organization.
 - 4. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 - 5. No Advertisements shall be placed or maintained within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game areade admission to which is not restricted to persons age 21 or older.
 - 6. No advertisement shall be posted on publicly-owned or -operated property.
 - 7. If the dispensing organization sells edible cannabis infused products, it must display a placard that states the following: "Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens." The placard shall be no smaller than 24" tall by 36" wide, with typed letters no smaller than 2". The placard shall be clearly visible and readable by customers and shall be written in English.
- iv. Other Prohibitions. A dispensing organization shall not:
 - 1. produce or manufacture cannabis;
 - 2. allow consumption of cannabis at the dispensary;
 - 3. sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;
 - 4. sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH;
 - 5. enter into an exclusive agreement with any cultivation center;

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- 6. operate drive through windows;
- transport cannabis to residences of registered qualifying patients or designated caregivers;
- 8. operate if video surveillance equipment is inoperative:
- 9. operate if the point of sale equipment is inoperative;
- 10. operate if the State's medical cannabis electronic verification system is inoperative; or,
- 11. have fewer than two people working at any time while the dispensary is open.
- v. Landscaping. All dispensing organizations shall ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight.
- vi. *Lighting*. All dispensing organizations shall ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance.
- vii. Hours of operation: A dispensary may operate between 6 a.m. and 8 p.m. local time.

e. Legal Protections.

- i. Limitation of Liability. Kendall County Shall not be liable to the permitted Dispensing Organization, the Dispensing Organization's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Dispensing Organization's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- ii. *Indemnification*. The permitted Dispensing Organization, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of the County's own choosing, due in whole or in part to the Dispensing Organization's acts or omissions and/or for any illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall

County State's Attorney and shall be appointed a Special Assistant State's Attorney.

iii. Violations of the Law. The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. Revocation:

- Any special use permit granted under this ordinance may be revoked for failure to comply with the terms of this ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Kendall County Zoning Ordinance.
- ii. Applicants must be registered with the Illinois Department of Financial and Professional Regulation prior to commencing operations and shall remain registered at all times of operation. The Dispensing Organization must notify Kendall County within ten (10) days of its registration being suspended or revoked. Failure to register or timely notify Kendall County of the suspension or revocation will result in immediate revocation of the special use.
- III. REPEAL. This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

<u>IN WITNESS OF</u>, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 18th day of November, 2014 and is automatically repealed on January 1, 2018.

Attest:

Kendall County Clerk

Debbie Gillette

Kendall County Board Chairm

John Shaw

ORDINANCE # 2017- 28

TEXT AMENDMENTS TO SECTIONS 3.02, 10.01.C.10 AND 10.01.C.11 OF THE KENDALL COUNTY ZONING ORDINANCE TO EXTEND THE EXPIRATION DEADLINE FROM JANUARY 1, 2018 TO JULY 1, 2020 FOR KENDALL COUNTY'S MEDICAL CANNABIS DISPENSING ORGANIZATIONS AND MEDICAL CANNABIS CULTIVATION CENTERS RELATED ZONING REGULATIONS

<u>WHEREAS</u>, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. January 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and contained a repeal date of January 1, 2018; and,

<u>WHEREAS</u>, the Illinois General Assembly amended the Act by changing the repeal date to July 1, 2020 through P.A. 99-519 (eff. June 30, 2016); and,

<u>WHEREAS</u>, Section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers and medical cannabis dispensing organizations; and,

<u>WHEREAS</u>, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers through Ordinance 2014-28 (adopted September 16, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

<u>WHEREAS</u>, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the "Zoning Ordinance" to regulate medical cannabis dispensing organizations through Ordinance 2014-31 (adopted November 18, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

<u>WHEREAS</u>, the Kendall County Board originally desired to automatically repeal Ordinance 2014-28 and Ordinance 2014-31 on January 1, 2018; and

<u>WHEREAS</u>, the Kendall County Board now desires to automatically repeal Ordinances 2014-28 and Ordinance 2014-31 concurrently with the repeal of the Act, on July 1, 2020; and

WHEREAS, all administrative procedures required prior to passing amendments to the

Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on October 30, 2017; and

<u>NOW, THEREFORE, BE IT ORDAINED</u>, the Kendall County Board hereby amends Sections 3.02- "Definitions", 10.01.C.10 & 10.01.C.11 "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: All references to a repeal date of January 1, 2018 are deleted and replaced with a repeal date of July 1, 2020.
- III. All references to a repeal date of January 1, 2018 found within Ordinance 2014-28 are deleted and replaced with a repeal date of July 1, 2020.
- IV. All references to a repeal date of January 1, 2018 found within Ordinance 2014-31 are deleted and replaced with a repeal date of July 1, 2020.
- V. All of the provisions and regulations contained within Ordinances 2014-28 and Ordinance 2014-31 shall remain effective until July 1, 2020 at which time both Ordinances shall be automatically repealed.

<u>IN WITNESS OF</u>, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 19th day of December, 2017.

Attest:

Kendall County Clerk

Debbie Gillette

Kendall County Board Chairman

Scott R. Gryder

ANNUAL CONFERENCE & EXPOSITION Clark County, Nevada



Understanding the County Role in the Growing World of Legal Cannabis

Saturday, July 13, 1:45 PM - 3:00 PM | Bronze 2 & 3, Grand Salon | Bally's

Meeting Agenda

To date, ten states and the District of Columbia have legalized recreational usage of cannabis to some extent, with another 33 states having legalized medicinal usage in some form. Understanding what effect state legalization may have on your county and how best to prepare to navigate the fast-growing cannabis industry is vital. This session will provide county leaders with tangible examples of the successes, and pitfalls, of navigating cannabis legalization.

1:45 PM: Welcome, and Introductions

Hon. Rex Bohn, Supervisor, Humboldt County, Calif.

1:50 PM: Panel Discussion

- Chuck Callaway, Police Director, Las Vegas Metropolitan Police Department
- Jacqueline Holloway, Director, Department of Business License, Clark County, Nev.
- Eric Johnson, Executive Director, Washington State Association of Counties
- Jim Burack, Director, Marijuana Enforcement Division, Colorado Department of Revenue

2:30 PM: Moderated Question and Answer

3:00 PM: Meeting Concludes

NACo staff contact: Brett Mattson, Legislative Assistant | bmattson@naco.org or 202.942.4234

Marijuana Licensing & Regulatory Framework

Collaboration Environment with all Relevant Agencies that Leverages Diverse Expertise from Regulators and the Industry

Involvement of the Industry, the Public, and the Green Ribbon Advisory Panel

Clearly Define the Role & Relationship of the Regulators

Goal is to be the GOLD STANDARD in the Marijuana Industry

Requirements to Submit Application

Special Use Permit from Comprehensive Planning

Registration Certificate from the Marijuana Enforcement Division

Secretary of State Business License

Certificate of Occupancy

Standard Operating Procedures (Including Security, Transportation, and Inventory)

Fees Paid

Complete Application

Requirements for Licensure

Air Quality Approval

Fire Department Approval

Background Check (for Example Agent Card from the State)

Advertising Approval

Financial Suitability (Performed by CCBL Audit Division)

On-Site Inspection

Code Conference

Best Practices

Creation of Cannabis Control Board

Prohibition of Consumption Lounges

Scheduled Courtesy Audits by CCBL Audit Division

Annual Submissions of Ownership Disclosure and Local Community Benefit Forms

Fee Structure is Reasonable for an Emerging Industry

Alignment of Regulation for Medical & Retail especially Co-Location

Open, Streamlined, Flexible, and Transparent Process

Lessons Learned

Collection of Marijuana Fees Including Construction of a Merchant Teller Room and Scheduled Appointments

Utilization of Marijuana Fees that were Earmarked for Homeless Families with Children Specifically Rapid Re-Housing

Acceptance of Applications in Electronic Form Instead of Paper Submissions

Greater than Expected Amount of Time Providing Formal & Informal Guidance Assure Compliance Standards

Marijuana Tracking System used by Licensees Lacked Maturity which Hindered Reporting and Compliance Requirements

Required Businesses that Supported Marijuana Establishments to Apply for a Marijuana Support Business thus Every Business that was in the Supply & Service Chain is Properly Licensed

NACo Conference Committee Notes County Role in the Growing World of Legal Cannabis

Speaker #1: Chuck Calloway - NV Law Enforcement

- Cautionary Tales
 - o Conflicting language in bill transport proceeds vs. oz
 - o PSA's/leaflets for tourists what they can/can't do
 - Law enforcement advisory committee setup for training officers on what can/can't be enforced
 - Guidance for airport dropboxes for people who think they can fly with it → only law enforcement can empty
 - Must have good relationship with cannabis industry and method to hold accountable
 - Illegal delivery and pop-ups i.e. yoga & cannabis etc.
 - Laundering cash through ATM's at dispensaries → Banking pilot program for cannabis industry so they are not cash-only
 - o Homeless dumpster diving behind airport, dispensaries, other cannabis businesses
 - o Black market increase
 - o Mailing cannabis

Speaker #2: Jacqueline Holloway - NV Business Licensing

- See Handout for more info
- Cautionary Tales
 - Don't accept incomplete applications
 - Odor control plan setup structure of buildings for growhouses
 - Quarterly onsite inspections
 - o Cannabis Control Board setup
 - Ownership disclosure forms annually for any ownership % in business, look into financial background
 - o Collaborative environment that is open, transparent, and flexible
 - o Learn about cultivation/dispensary industry
 - o Collection of Cannabis \$
 - 2.6 million quarterly
 - Must hand-count until purchase of gaming cash count machines (like the ones used in casinos)
 - Merchant teller room for turning in/picking up cash
 - Armored cart for moving cash

Speaker #3: Eric Johnson – WSACo

- WA had an unregulated medical system initially, so it took longer to harmonize medical and recreational
- Touring locations in legalized states to learn about industry is advisable
- Monitoring Impact of Legalization Report online, highlights below:
 - o Grades 6-12 had **no** measurable changed use of cannabis
 - o Adult consumption increase 14% annually, has since plateaued
 - o Traffic violations/crashes with THC present have increased, but *does not necessarily mean they are under the influence while currently driving*
 - o Traffic fatalities increased from 10 to 26% with THC in system
 - o Drug only DUI arrests have increased 40%
 - o 18/39 counties have more dispensaries than Starbucks
- 37.5% state tax with 4% going to cities/counties
- Land use authority to ban via zoning
 - o 6/39 counties have banned retail processing and production
 - o Don't put growhouses in residential areas (odor)

Speaker #4: Jim Burack - CO Revenue and Enforcement

- Local gov homegrows, caregivers, and commercial are regulated as separate economies but effect each other
- Hemp = major issue because need to figure out what lane it's in:
 - o cousins with marijuana, but separate commodity
 - o looks similar to law enforcement, must be trained to distinguish between the two
 - o alchemy of THC and CBD similar, but hemp has less %
- People, Places, Plants, Products
- · Tracked, Taxed, Tested, Tagged
 - o Successful equilibrium of supply and demand thanks to accurate tracking
 - o 14 labs throughout the state for testing potency & setting limitations
 - No human animals/fruits for edibles to deter kids
- Numbers for 2018:
 - o 1.5 billion in sales
 - o 266 million state level revenue
 - o 3,000 business licenses state level
 - o ½ million pounds of flower and concentrate grown
- Major issues:
 - o Social equity
 - o High youth vaping rate relationship between nicotine & THC
 - o Publicly traded companies can own licensing
 - o Illegal delivery & hospitality/clubs not General Assembly, because local control

Do's and Don'ts for Cannabis Legalization



Do's

- Know that large quantities of high-quality cannabis will have a strong odor. (Think political nightmare).
- B. Realize that for some people marijuana will always be a schedule 1 drug.
- C. Listen (to everyone involved).
- D. Engage early and often with community and industry stakeholders TOGETHER.
- E. Develop relationships with key industry and community leaders who can help you communicate.
- F. Identify core regulatory goals, and work to accomplish them.
- G. Provide clear definitions and performance criteria for permits, inspections and enforcement.
- H. Have an enforcement plan in place at the same time you begin your permit process.
- Develop a robust inspection plan before permits are issued.
- J. Realize without the willingness to enforce, the permitting process is compromised.
- K. Be Creative, think outside the Box.
- L. Collaborate with state agencies.
- M. Evaluate your expected results and adjust based on actual results, be willing to adapt.
- N. Be specific where you want to allow and where you don't want cannabis operations.
- O. Assign experienced staff to lead the effort and train support staff early.
- P. Provide a complete list of required application materials.
- Q. Protect Prime Agricultural soils so that they may be returned to growing food crops.
- R. Seek agreement between State and Local jurisdictions on the definition of terms.
- Remember that cannabis is an agricultural commodity and subject to changes and impacts that affect production like any crop (weather, disease, insect pests)
- T. Collect fees upfront.

Don'ts

- Don't allow cultivation of large quantities of high-quality cannabis in close proximity to residential areas (See A above).
- 2. Don't think taxing cannabis will solve all governmental economic problems.
- 3. Don't let adjoining jurisdictions be silent in the process of ordinance development. (Go talk directly to their governing body).
- 4. Do NOT accept incomplete applications.
- 5. Don't wing it...make it up as you go.
- 6. Don't expect to devise a solution that makes everybody happy.
- 7. Don't think leaders in the cannabis industry are dopes.
- 8. Don't assume all cannabis growers are wealthy.

Do's and Don'ts for Cannabis Legalization



COUNTY OF HUMBOLDT, CALIFORNIA

Rex Bohn, Supervisor District 1

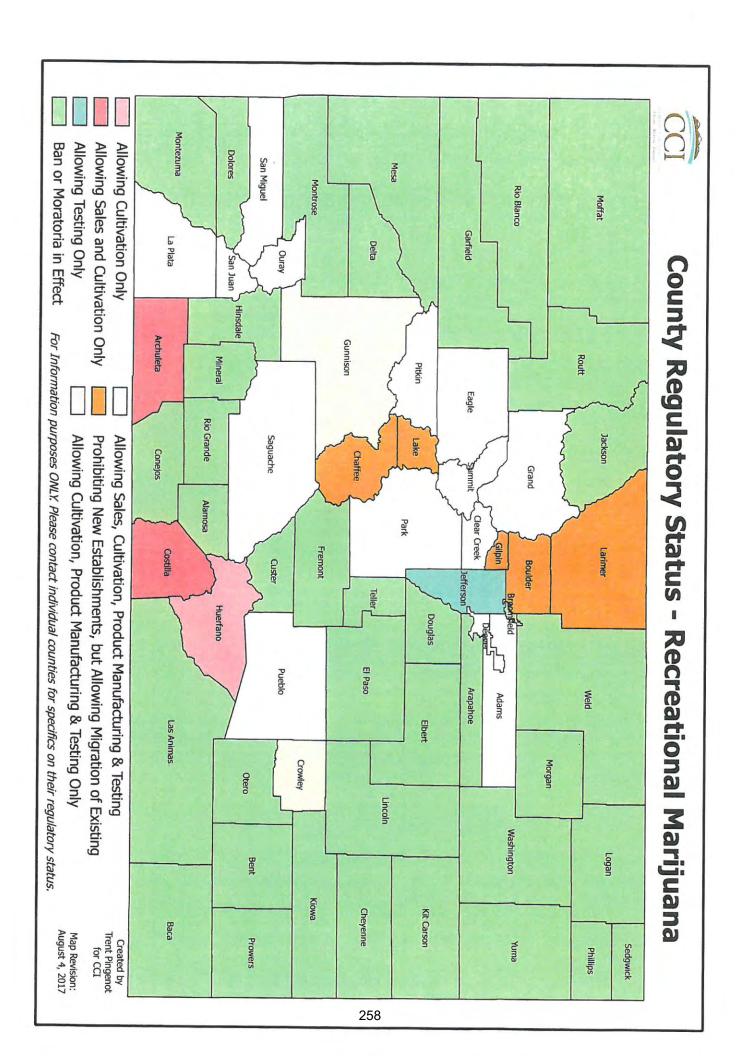
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John Ford, Director

Planning and Building 3015 H Street Eureka, Ca. 95501 (707) 268-3738 jford@co.humboldt.ca.us

Jeff Dolf, Agricultural Commissioner

5630 South Broadway
Eureka, CA. 95501
707-441-5260
jdoff@co.humboldt.ca.us





Department of Business License

Clark County Green Ribbon Advisory Panel Recommendations

Green Ribbon Panel Members:

Andrew Abboud, Antonio Alamo, John DiBella, Frank Hawkins, Andrew Jolley, Carmen F. Jones, Jay Matos, Brian Padgett, Scott Sibley, Howard Starr, Lucy Stewart, Chao-Hsiung Tung, Virginia Valentine, Armen Yemenidjian.

Facilitator:

David Ebersold

Background:

On February 21, 2017, the Board approved the creation of a Green Ribbon Advisory Panel (GRAP) to include twelve (12) representatives, comprised of representatives from the Nevada Retail Association (1), the Nevada Resort Association (1), Local Casino interests (2), Medical Marijuana Dispensaries (1), Medical Marijuana Cultivators (1) Medical Marijuana Cultivators not associated with a Medical Marijuana Dispensary (1), Medical Marijuana Laboratories (1), Medical Marijuana Production Establishments (1), Medical Marijuana Patient Advocates (1), Medical Marijuana Industry Associations (1) and the Nevada Gaming Control Board/Gaming Commission (1).

The intent of the Green Ribbon Advisory Panel is to make recommendations to the Board concerning Land Use and Business License code amendments for the regulation of recreational marijuana establishments in Unincorporated Clark County.

On March 8, 2017, the Board appointed twelve (12) members to the GRAP to represent the categories listed above.

Further, on March 21, 2017, the Board of County Commissioners appointed two (2) additional at-large members to the GRAP.

The Green Ribbon Advisory Panel met on the following dates at the Clark County Department of Building and Fire Prevention, Presentation Room at 4701 West Russell Road, Las Vegas Nevada 89118:

March 27, 2017 April 3, 2017 April 7, 2017 April 24, 2017

Each agenda item was properly noticed and posted at seven (7) locations including the Clark County website, www.clarkcountynv.gov. A transcript of each meeting will be made available, upon request.

Based on the meetings as noted above, the following document represents the Land Use and Business License recommendations that will be made to the Board of County Commissioners on May 2, 2017.

Representatives of the Nevada Gaming Commission and Board, Nevada Resort Association and Local Casino interests did not take a position on any items that facilitate the legalization of marijuana (medical and recreational).

DRAFT RECOMMENDATIONS OF THE GREEN RIBBON ADVISORY PANEL

LAND USE REQUIREMENTS AND BUSINESS LICENSING: KEY CONCEPTS FOR THE LICENSE AND REGULATION OF RETAIL MARIJUANA

The Panel recommends:

I. A priority is to maintain the existing successful medical marijuana program while implementing the licensing and regulation of retail marijuana.

RECOMMENDATION NO. 1: Existing Medical Marijuana licensees in good standing will be offered the privilege of applying for a retail marijuana license at the existing licensed location or an alternative location if co-location is not permissible.

 Existing cultivation, production and laboratory medical marijuana establishments have obtained land use and public safety approvals and therefore can seamlessly onboard retail marijuana operations through land use and business license administrative processes. Medical marijuana dispensaries will require a new special use permit for retail marijuana sales.

RECOMMENDATION NO. 2: Hours of operation for medical marijuana establishments and retail marijuana establishments should remain from 7:00 a.m. to 3:00 a.m.

• Current land use code includes a sunset provision to take effect on January 1, 2018, that would revert hours of operation back to 6:00 a.m. to 10:00 p.m. as originally enacted. Panel recommends removal of sunset provision so hours of operation remain 7:00 a.m. to 3:00 a.m.

RECOMMENDATION NO. 3: A "Master Marijuana Business License" can streamline the application process for medical marijuana establishments to onboard retail marijuana operations under one license.

 The licensing and regulation of retail marijuana establishments within the existing framework for medical marijuana eliminates the need for two separate sets of regulations and operating requirements (such as transportation, delivery, security plans).

RECOMMENDATION NO. 4: Dispensaries with both medical and retail marijuana must accommodate a medical patient's request for a confidential and private consultation within the available space.

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RECOMMENDATION NO 5: The patient cost of medical marijuana should be significantly less than the purchase price for retail marijuana. Initially in Clark County, retail marijuana establishments should operate under the same fee structure as existing medical marijuana establishments. Once permanent State regulations are in place, if medical marijuana does not cost significantly less than retail marijuana, strong consideration should be given to reducing fees for medical marijuana in order to lower the cost of medicine for the medical marijuana patients.

- Current Comprehensive Planning land use application fee structure:
 - o \$5,000 for a Special Use Permit for the establishment of a new facility
 - o \$2,500 for an Extension of Time
- Current Business License fee structure:
 - o \$1,500 application fee.
 - o \$500 for additional location under the same ownership.
 - \$250.00 flat fee for delivery between establishments with common ownership with no sale transactions can be amended as the fee for marijuana distributors.
- License fees: Quarterly fees based on gross revenue:
 - o 1% of gross revenue not to exceed \$150,000 per quarter
 - o 2% of gross revenue between \$150,000 \$400,000
 - o 3% of gross revenue over \$400,000

RECOMMENDATION NO. 6: Marijuana distribution licenses can be included in the Master Marijuana Establishment Category for existing medical marijuana licensees to allow for streamlined processing at County level.

- Proposed regulations from Nevada Department of Taxation would allow applications for marijuana distribution licenses by:
 - Licensed liquor wholesalers
 - Medical marijuana establishments holding registration certificates in good standing
 - O Applicants currently transporting medical marijuana whose employees hold valid marijuana agent registration cards

2. A priority is the prohibition of delivery and consumption of marijuana within the Las Vegas Boulevard Gaming Corridor, H1 Zones, and on the premises of any restricted or non-restricted gaming licensee to comply with the Nevada Gaming Commission and Board's prohibition of any consumption and possession of marijuana on gaming properties.

RECOMMENDATION NO. 1: Delivery and consumption of retail marijuana to establishments within the Las Vegas Boulevard Gaming Corridor, H1 Zones and on the premises of any restricted or non-restricted gaming licensee should be prohibited.

Licensed retail marijuana stores may deliver to a customer's residence which is
consistent with proposed regulations by the State, provided that deliverers must
demand and verify proof of age of recipient. Delivery is prohibited within the Las
Vegas Boulevard Gaming Corridor, H1 Zones, and on the premises of any
restricted or non-restricted gaming licensee.

RECOMMENDATION NO. 2: While we believe that the panel needs additional time to work cooperatively across all interests, we believe that the creation of a privileged license category for a marijuana consumption lounge after the State has begun to grant temporary retail licenses will accommodate marijuana tourism while preventing the consumption and possession of marijuana within the Las Vegas Boulevard Gaming Corridor, H1 Zones, and on the premises of any restricted or non-restricted gaming licensee.

3. A priority is the public health and safety of residents and tourists (especially children and medical marijuana patients) living and visiting Clark County.

RECOMMENDATION NO. 1: Until the passage of regulations for retail marijuana operations by the Nevada Department of Taxation, all operational requirements existing for medical marijuana establishments, where possible, should be maintained for the operation of retail marijuana establishments. Upon the passage of State legislation, the County shall adopt any additional regulations and requirements that may include, but not limited to:

- Packaging and labeling requirements
- Standardized dosing instructions and THC potency information
- Child proof protection by using child proof packaging or child proof exit bags.
- Educational information dispensed with product to include education on recreational use (start low, go slow).
- Cease production and sale of edible marijuana whose name maybe confusing to children, e.g., "girl scout cookies."

RECOMMENDATION NO 2: Laboratories should employ testing protocols to ensure reliable results, including the measurement of levels of potency and microbials in products.

- The County shall adopt regulations for standardized dosing instructions and THC potency information for retail marijuana upon passage by the Nevada Department of Taxation.
- The County may conduct testing, such as round robin testing, to verify the effectiveness of testing protocols.
- All testing results should be readily accessible to the Business License Department.

RECOMMENDATION NO. 3: An education campaign should be developed cooperatively by various stakeholders in the industry to address the following:

- Medical problems associated with marijuana use including side effects of consuming marijuana with alcohol and other substances.
- Compliance with the prohibition of marijuana delivery and consumption within the Las Vegas Boulevard Gaming Corridor, H1 Zones, and on the premises of any restricted or non-restricted gaming licensee, and the McCarran Aviation System.
- Visitors entering or leaving Clark County via the McCarran Aviation system and highways, to educate on the criminal penalties of failing to comply with regulations.
- Medical marijuana operators may continue their educational plans to medical marijuana patients and may expand their educational efforts to retail consumers.

4. A priority is the McCarran Aviation System's compliance with federal regulations.

RECOMMENDATION NO. 1: The McCarran Aviation System should provide amnesty boxes at locations for passengers prior to entering the secured areas of the airports, as well as at rental car returns.

RECOMMENDATION NO. 2: In order to comply with Federal regulations, Clark County should adopt an ordinance prohibiting the possession, distribution, and consumption of medical or retail marijuana within the McCarran Aviation system.

5. A priority is maintaining the positive image, quality, perception and appearance of our communities.

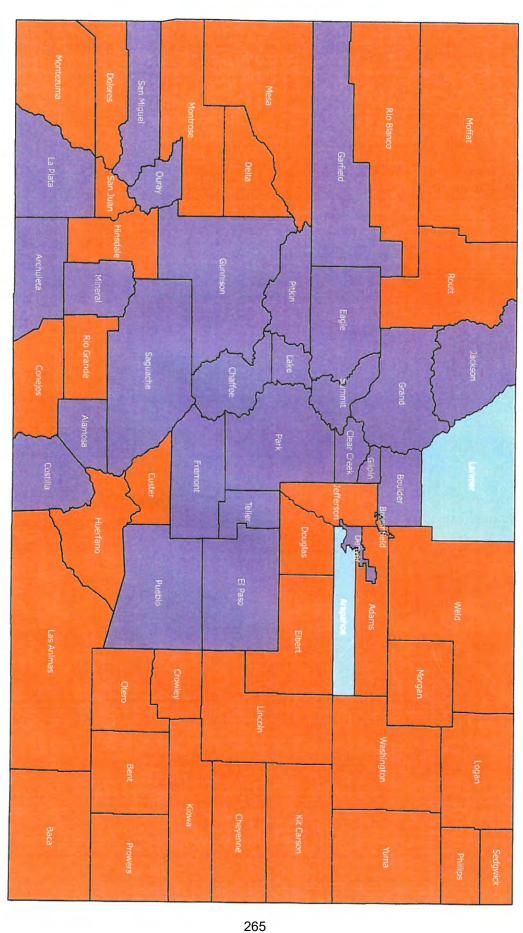
RECOMMENDATION NO. 1: The existing air quality standards should be extended to retail marijuana establishments and applications for retail marijuana business licenses should include an odor control plan to eliminate smell emanating outside of marijuana facilities.

RECOMMENDATION NO. 2: Retail marijuana establishments should maintain the same advertising rules and restrictions as required for medical marijuana establishments. Upon passage of any State legislation, the County shall adopt all additional regulations and requirements.

6. A priority is to continue the on-going dialogue and comprehensive collaboration of the Green Ribbon Advisory Panel, which may include the formation of sub-committees, to implement the priorities and recommendations contained herein.



County Regulatory Status - Medical Marijuana



Created by Trent Pingenot for CCI

Allowing at least one type of license

For Information purposes ONLY. Please contact individual counties for specifics on their regulatory status.

Ban in effect

existing MMJ businesses

Ban in effect, but county grandfathered in

Map Revision: July 31, 2017

ORDINANCE AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

71-19

Al-SU

Emergy 84.01

WHEREAS, Marion P. McCullyand Judd McCully, Alice P. Gossard,
Donald I. Gossard, Mildred P. Costello, Thomas E. Costello; Ruth Pierce
Costello, William D. Costello; Andrew Pierce, Jr., Carol M. Pierce;
and Rollin R. English; did petition the Zoning Board of Appeals of
Kendall County for a public hearing in the manner required by law
and the ordinances of Kendall County, Illinois for a proposed
amendment to the Kendall County Zoning Ordinance adopted May 10,
1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 2nd day of November, A.D. 1971 on thesite described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

WHEREAS, Supervisor Myron Wormley, did move that the findings of the Zoning Board of Appeals be accepted and that the property described in said petition be granted a change in classification from "M-1" and "R-2" to "Special Use" for profit under Agriculture and upon second by Ernest Zeiter roll call was taken as follows:

The following voted Aye: Charles Sleezer, Brnest Zeiter, Charles Whitfield, John Stewart, Rovert Hacker, Keith Nichols, Harold Christian, Myron Wormley, Russell Naden.

The following voted Naye: Howard Shoger; James Mann.

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03-41-401.002 which is part of which is part of 83-24 A1-50 84-01 A1-50

(Kendall Com)

0341-276-001 which is post of AI-SV NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "M-1" and "R-2" to "Special Use" for profit under Agriculture and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

PARCEL I

That part of the Southwest Quarter of Section 26 and part of Section 27, part of the Northeast quarter of Section 34 and part of Northwest quarter of Section 35, all in Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of Section 34; thence South along the Section line 5.12 chains to the Westerly line of the right of way of Ottawa Oswego and Fox River Valley Railroad for the point of beginning; thence Southwesterly along said right of way line 6.18 chains; thence North 58° 30' West along the Northerly line of premises conveyed to John D. Engelbrecht and wife by deed recorded in book 66, Page 119 a distance of 1109 feet; thence North 2° 19' East 419.4 feet; thence South 75° 14' West 613.7 feet to the Northeasterly bank of the Pox River; thence gennerally Northerly along the bank of Fox River to a point in a line drawn parallel with and 13 chains West of the East line of Section 27; thence South along said parallel line to a point in the South lien of the Northeastquarter of the Southeast quarter of said Section 27; thence East along said South line to the East line of Section 27; thence South along the Section line 4.81 chains; thence East parallel with the North line of the Southwest quarter of the Southwest quarter of Section 26 aforesaid, 12.51 chains to the West line of the right of way of the Ottawa Oswego and Fox River Valley Railroad;

thence Southwesterly along the said right of way line to the point of beginning (except that part of the Northeast quarter of Section 27, described as follows: Commencing at a point 385 feet West and 227.41 feet North of the Northeast corner of the Southeast quarter of said Section; thence North 289.37 feet to a point on the Southeast bank of the Pox River; thence South 81° West along said bank 431.32 feet; thence South 221.89 feet; thence East 426 feet to the point of beginning,) In the Township of Oswego, Kendall County, Illinois;

PARCEL II

That part of the Southwest quarter of the Southwest
quarter of Section 26, Township 37 North, Range 7 East
of the Third Principal Meridian, described as follows:
Beginning at the Northwest corner of said Southwest
quarter of the Southwest quarter; thence East along the
North line of said quarter 280 feet 3.36 inches; thence
South parallel with the West line of said quarter
317.47 feet; thence Northwesterly to the point of
beginning, in the Township of Oswego, Kendall County, Illinois.

PARCEL III

That part of the Northeast quarter of Section 27,

Township 37 North, Range 7 East of the Third Principal

Meridian, described as follows: Commencing at the

Southeast conner of said Northeast quarter; thence West

along the South line of said Northeast quarter 858 feet;

thence North parallel with the East line of said Northeast

quarter 227.41 feet for the point of beginning; thence

continuing North parallel with said East line 289.37 feet

to the bank of Fox River; thence South 81° West along

said bank 431.32 feet; thence South 221.89 feet; thence

East 426 feet to the point of beginning in the Township

of Oswego, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above "Special Use" classification shall be expressly made subject to the following conditions:

- 1. That the foregoing "Special Use" shall be subject to further review of the Zoning Board of Appeals and the Board of Supervisors upon notice directed to the owners of the premises herein described and a proper publication as required by law not less than fifteen days prior to date of hearing.
- 2. Board of Supervisors agreed to grant "Special Use Permit" for recreation area for profit with satisfactory ingress and egress of a 70 foot entrance over the Wayne Morganegg property.

PASSED:

this 9th day of November, 1971

Chairman, Board of Supervisors, Kendall County, Illinois

ATTEST:

I INTRODUCTION

A. An amendment to the County Ordinance No. 71-19 originally approved on 11/9/71.

In order to promote the public health, safety, comfort and general welfare of those mostly affected by the Hide-A-Way Campground and the people of Kendall County, the following rules and regulations are made a part of the ordinance granting the special use for the campground. Any changes or amendments will be by a public hearing before the Zoning Board of Appeals and approved by the County Board.

B. Definitions

Camper - Any person or persons occupying a recreational vehicle and/or tent for recreational purposes.

Recreational Vehicle (R.V.) - A portable structure designed as a temporary dwelling for travel, recreation or vacation uses, and to be used without a permanent foundation.

Lot - A parcel of land designated on the official plot plan for the placement of a single R.V. or tent and the exclusive use of its occupants or for the use of 4 picnickers or less.

Fully Improved Lot shall mean with individual sewer, water and electric.

Partially Improved Lot shall mean individual water and electric.

Unimproved Lot shall mean no dedicated individual service. These are designated in a larger area outlined on the official map with the maximum number of lots shown within the bounded area.

Hide-A-Way Lakes Campground and owners (H.L.C.).

Picnickers - Any person or persons using the park for recreational purposes on a daily basis.

GENERAL REQUIREMENTS

- A. The H.L.C. manager and his family shall be permitted to occupy the single family dwelling and be registered as a resident of H.L.C. on a year round basis. They shall be considered exempt from any rules and regulations that are applicable to campers.
- B. H.L.C. manager shall maintain a register containing the names, make of car and license plate number of all campers and picnickers. Such register shall be available to any authorized person inspecting H.L.C.
 - No R.V. shall be used as a permanent place of abode, dwelling or business for indefinite periods of time. Continuous occupancy extending beyond four months in any twelve month period shall be presumed to be permanent occupancy.

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Revised 4/2/81

Hide-A-Way Lakes

- Any action toward removal of wheels of a R.V. except for temporary purposes of repair or to attach the trailer to the lot for stablizing purposes is hereby prohibited.
 - E. H.L.C. shall enforce their own rules and regulations and observe a quiet time from 11:00 p.m. to 7:00 a.m. At no time shall loud noises or music exceed the State E.P.A. rules and regulations.

owner shall adopt and enforce regulations prohibiting camper's and picnicker's pets from running at large committing a nuisance or otherwise
disturb other campers or residents in Kendall County.

III FLOOD PLAIN - FOX RIVER AND MORGAN CREEK

The official plot plan shall delineate the flood plain boundaries as designated by Federal and State agencies.

- A. Creek crossing shall be designed and maintained as to not impede the flow of storm water that would cause property damage to R.V.'s or adjoining property owners.
- B. It shall be the responsibility of the owner of H.L.C. to obtain permission, prior to registration, from any owner of a R.V. or other camping equipment to relocate said R.V. or equipment when the owner of H.L.C. has determined a possible flood may cause damage to the R.V. or other camping equipment.

IV PARK SIZE AND CAMPSITES

The January 1981 Kendall County Assessment map shows the gross acreage of H.L.C. to be 150.61. The special use is hereby granted to H.L.C. exclusively, any deletions of any property from H.L.C. shall be considered a reduction in the boundary of the special use and said use shall not be extended or transferred to any other owner(s) than H.L.C. or their heirs or assigns.

- A. The total number of lots is limited to no more than 1,150 and shall be distributed as follows:
 - A 500 fully improved (sewer, water and electric)
 - 400 partially improved (water and electric)
 - c 250 unimproved

These lots may be eventually automatically upgraded to fully improved lots following that evidence has been shown to the County Board Committee the existing 500 fully improved lots have been brought into compliance with County, State and Federal sewage disposal and water regulations.

B. A minimum 50 foot setback shall be maintained from the property line abutting a residentially used property not including the boundary of the Fox River. It shall be the responsibility of H.L.C. to provide, as needed, as much screening or fencing necessary to discourage trespassing by campers and visitors on said property line abutting a residentially used property.

Adequate screening and buffering as determined by mutual agreement between H.L.C. and the County Board Committee shall be provided on the Fox River to reduce the view of the R.V. from the residential properties on the opposite bank of the Fox River.

∠ D. The owner shall provide as part of the special use a current map showing the locations of the fully improved and partially improved lots. Areas, also, shall be shown indicating boundaries and density used for other camping facilities

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V ACCESSORY USES AND UTILITIES

A. The H.L.C. may provide a store, game room and open pavillion for the use of campers and picnickers only.

Now B. Individual camper telephone or mail service shall be prohibited. Mail box

One storage building not to exceed 8' X 10' shall be permitted on a lot except for existing storage units prior to April 14, 1981. The building shall not be permanently attached to the ground.

VI OTHER GOVERNMENTAL AGENCIES

A. Units of Federal, State and local governments having rules, regulations and restrictions shall be in full force. Failure on H.L.C. to abide by their regulations will constitute a violation of the special use.

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KENDALL COUNTY RECREATIONAL VEHICLE PARK AND CAMPGROUND REGULATIONS

1.00 PURPOSE

A 150

This ordinance is designed to:

- 1.01 Protect and maintain productive agricultural lands;
- 1.02 Protect and maintain the future development of agricultural operations by protecting existing agricultural operations from incompatible uses;
- 1.03 Prevent excessive increases in public service costs by directing proposed campgrounds to areas served by or adjacent to public service facilities;
- 1.04 Protect the County's high quality recreational resource areas including wooded areas, natural watercourses, ponds, wetlands, unique topographic features, and slopes exceeding 10%, and,
- 1.05 Insure that Recreational Vehicle Parks and Campgrounds maintain the high quality of the County's recreational resource areas.

2.00 DEVELOPMENT APPLICATION AND SITE PLAN REQUIREMENTS

- 2.01 All applications for a permit to operate a recreational vehicle park or campground shall contain the following:
 - a. Name, address and telephone number of applicant.
 - b. Percentage of interest of the applicant and/or owners in the proposed campground.
 - c. Name and address of all persons holding an interest or having an interest in the proposed campground.
 - d. Location, address and legal description of the entire proposed campground.
 - e. Existing zoning of subject property and all adjacent properties.
 - f. Complete engineering plans and specifications of the proposed campground showing:
 - 1. The area and dimensions of the entire tract of land;
 - The number, location and size of all lots intended for use by recreational vehicles or tents;
 - 3. The number, location and size of all unimproved, partially improved and fully improved lots;
 - The location, right-of-way and surfaced roadway width and surfacing materials of roadways and walkways;
 - The location of proposed interior vehicular and pedestrian circulation patterns;
 - 6. The location of service buildings, sanitary stations and any other existing or proposed structures;
 - 7. The location of water and sewer lines;
 - 8. Plans and specifications of all buildings constructed or to be constructed within the campground;
 - 9. Plans and specifications of the water supply, refuse and sewage disposal facilities, pet exercise and sanitation areas;

Kendall County Recreational Vehicle Park and Campground Regulations 10. The location and details of lighting and electrical systems; 11. The location of fire hydrants, if provided; Location of all drainage easements to comply with County drainage

- 13. Quantity and point or area of departure of storm water runoff prior to and subsequent to construction of the proposed RV park.
- Erosion control and landscaping plans;
- Kendall County ASCS soils report; 15.
- The calendar months of the year during which the applicant will operate the proposed campground.

Where a campground development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

- 2.02 Every application for the construction, operation, maintenance and occupancy for a campground shall be accompanied with plans and specifications, fully setting out the trailer spaces, the position of each RV, motor vehicle parking spaces. the driveway giving access thereto and a plan of landscaping. Before any permit is issued for a campground and the use thereof, the plans and specifications shall first be approved by the Kendall County Building and Zoning Department and the Kendall County Health Department, taking into account all the provisions as set out herein, as well as such special conditions as may be imposed by the Kendall County Board or its specified subcommittee, and provided further that said plans and specifications are in accordance with State regulations governing campgrounds.
- 2.03 After completing the necessary zoning requirements and when upon review of the application, the Building and Zoning Department has determined that the proposed plan meets all requirements of this Ordinance, a permit shall be issued.

3.00 CRITERIA TO BE USED IN EVALUATING RECREATIONAL VEHICLE PARKS

- 3.01 Compatibility with nearby agricultural and other land uses;
 - The park or campground must be screened from nearby agricultural and other land uses by a vegetative buffer other than multiflora rose or honeysuckle. The width of the buffer should vary in proportion to the maximum campground or park population up to a maximum of 300 feet.
 - The periphery of the park or campground, except at designated access roads, must be completely enclosed and maintained by a fence which will not permit people or farm animals to pass through it;
 - The park or campground must maintain litter control and refuse collection so as to prevent litter or refuse from blowing onto or otherwise being deposited on nearby lands;
 - Traffic from the park or campground must not seriously impair the moved. ment of or cause hazard to agricultural and vehicular traffic.
- 3.02 Maintaining and protecting high quality recreational resource areas;
 - All lands classified as floodplains shall remain in permanent open
 - No more than 20% of any forest shall be cleared or developed and the remaining 80% shall be retained in permanent open space;
 - All ponds, wetlands, and watercourses shall be left in permanent open space and no dredging, filling, or diversion of water shall be permitted;

Kendall County Recreational Vehicle Park and Campground Regulations

- d. Storm water runoff shall be limited to the rate which would occur under natural conditions;
- e. All ponds, wetlands, and watercourses are to be protected from erosion and sedimentation in accordance with the Kendall County Soil and Erosion ordinance;
- f. Areas with slopes greater than 15% are to be retained in permanent open space;
- g. Scenic views from public highways or adjoining lands must be maintained.
- 3.03 Insuring high quality recreational vehicle parks or campgrounds.
 - The park or campground should provide separate circulation systems for vehicles and pedestrians;
 - b. Access to the park must be safe and convenient;
 - c. To insure adequate open space and protection of resource areas, lots within the park or campground should be clustered;
 - d. Internal roads, except one main collector road, should be one way and no wider than 18';
 - e. Collector roads should be no wider than 24';
 - f. Recreation facilities within the park should be in proportion to the maximum park population;
 - g. Recreational space within the park should be in proportion to the maximum park population and may include up to 60% of the park or campground;
 - h. Water supply and waste disposal facilities shall be designed, constructed and maintained in accordance with Health Department regulations.
 - i. The storage, collection and disposal of refuse shall be performed as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions;
 - j. No parking is permitted on interior roads;
 - All outdoor cooking facilities shall be located, constructed, and maintained to minimize fire hazard and smoke nuisance;
 - 1. All accessory uses should be limited to park residents;
 - m. There shall be no indication of retail accessory uses visible from any public road or street;
 - n. Lots in the park or campground must be at least 1500 square feet;
 - Trailers and accessory structures must be separated from one another by at least 10 feet in all directions;
 - p. Off street parking is to be provided at the rate of 2.25 parking spaces per lot.
- 3.04 Prevent excessive increases in Public Service Costs.
 - a. Traffic generated by the maximum park or campground population must not exceed capacities of the local traffic network or cause public funds to be used for traffic safety or control improvements;
 - Demands produced by the park or campground for fire or police service must not cause additional public funds to be used to maintain current service levels;
 - Demands for public water or sanitary waste disposal must not overburden current facilities;
 - d. No recreational vehicle or trailer shall be used as a permanent place of abode. Continuous occupancy beyond three months is considered to be permanent.

4.00 PENALTIES

Any person who violates any provision of this Ordinance shall upon conviction be punished by a fine of not less than \$200 nor more than \$500; each day's failure of compliance with any such provision shall constitute a separate violation.

Kendall County Recreational Vehicle Park and Campground Regulations

5.00 INSPECTION OF RECREATIONAL VEHICLE PARK OR CAMPGROUND

- 5.01 The Building and Zoning Department and the Health Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance, but in no case shall such inspection take place less than once per year.
- 5.02 The Zoning Department and the Health Department shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
- 5.03 The Zoning Department and the Health Department shall have the power to inspect the register containing a record of all campers and picnickers of the park.
- 5.04 It shall be the duty of the park management to give the Zoning Department and the Health Department free access to all lots and other areas at reasonable times for the purpose of inspection.
- 5.05 It shall be the duty of every camper or picnicker in the park to give the owner thereof or his agent or employee access to any part of such recreational vehicle park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and to facilitate inspections.

6.00 DEFINITIONS

ACCESSORY BUILDINGS. Those buildings which house facilities or services relating to recreational uses at the park or campground.

CAMPER. Any person or persons occupying a recreational vehicle and/or tent for recreational purposes.

COLLECTOR STREETS. Any park street which extends from a park entrance street and intersects with three or more other streets or any street which intersects with five or more other streets or any street which extends for more than 1200 feet.

DAILY USER. Any person or persons using the park for recreational purposes on a daily basis.

GROUP CAMPING. The assembly of not more than 30 recreational vehicles and/or tents when registered as a group in advance with the park management. Normally, these groups are youth, scouting and clubs in an approved designated area for the purpose of recreational camping.

HEALTH AUTHORITY. The Kendall County Health Department or the Illinois Department of Public Health.

 $\underline{\text{LOT}}$. A parcel of land designated on the official plot plan for the placement of a single recreational vehicle or tent and for the exclusive use of its occupants.

MINOR STREETS. Any park street which is not a collector street.

RECREATIONAL AREA. Area which is set aside for non-camping use. Recreational areas may include space for service buildings and/or accessory buildings as well as natural open space, children's playgrounds and other recreational facilities.

RECREATIONAL VEHICLE (RV). A vehicular portable structure designed as a temporary dwelling for travel, recreational or vacation uses, and to be used without a permanent foundation.

RECREATIONAL VEHICLE PARK OR CAMPGROUND. A contiguous parcel of land which has been developed for the non-permanent placement of recreational vehicles and/or tents. Recreational Vehicle Parks may not be operated in whole or in part for the lease or rent of such vehicles by the park owner(s) or operator(s), nor can any such vehicle be inhabited for purposes of permanent year-round dwelling units.

SANITARY STATION. Facility used for removing and disposing of wastes from RV holding tanks.

SERVICE BUILDINGS. Those required in all parks or campground, including those which house sanitary facilities, shelters.

TENT. Collapsible shelter of canvas or other material stretched and sustained by poles fixed in the ground and used for a temporary outdoor camping shelter.

Frank Coffman, Chairman Kendall County Board

PASSED THIS 14th day of June, 1983.

ATTEST

Jean P. Byady, Clerk

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Pt 02-27. 03-41-401-002 03-40-300-015

ORDINANCE 84-1

AMERIDING KENDALL COURTY ZONING ORDINANCE AS AMERIDED

WHEREAS, Hide-A-Way Lakes Compground did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 16th day of November, 1983, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendell County, Illinois that the petition be granted and the Zoning sape and ordinance be amended in the manner required by law; and

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendell County, Illinois that the following described property has an existing AISU, Agriculture Special Use for a campground, and is hereby granted an expansion of seid special use for a recreational facility and swimming pool:

PARCEL 1: That part of the Southwest Quarter of Section 26 and part of Section 27, part of the Northeast quarter of Section 34 and part of Northwest quarter of Section 35, all in Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of Section 34; thence South along the section line 5.12 chains to the Westerly line of the right of way of Ottawa Oswego and Fox River Valley Railroad for the point of beginning; thence Southwesterly along said right of way line 6.18 chains; thence North 58°30' West along the Northerly line of premises conveyed to John D. Engelbracht and wife by deed recorded in Book 66, Page 119 a distance of 1109 feet; thence North 2°19' East 419.4'; thence South 75°14' West 613.7' to the Northeasterly bank of the Pox River; thence generally Northerly along the bank of Fox River to a point in a line drawn parallel with and 13 chains West of the East in the South line of the Northeast quarter of the Southeast quarter of said Section 27; thence East along said South line to the East line of Section 27; thence South along the Section line 4.81 chains;

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03. 41. 401-002

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thence East parellel with the North line of the Southwest quarter of the Southwest quarter of Section 26 aforesaid, 12.51 chains to the West line of the right of way of the Ottawa Oswego and Fox River Valley railroad; thence Southwesterly along the said right of way line to the point beginning (except that part of the Northeast quarter of Section 27) described as follows: Commencing at a point 385 feet West and 227.41 feet North of the Northeast corner of the Southeast quarter of said Section; thence North 289.37 feet to a point on the Southeast bank of the Fox River; thence South 81° West along said bank 431.32 feet; thence South 221.89 feet; thence East 426 feet to the point of beginning; in the Township of Oswego, Kendall County, Illinois; PARCEL II: That part of the Southwest quarter of the Southwest quarter of Section 26, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of said Southwest quarter of the Southwest quarter; thence East along the North line of said quarter quarter 280 feet 3.36 inches; thence South parallel with the West line of said quarter quarter 317.46 feet; thence Morthwesterly to the point of beginning, in the Township of Oswego, Kendall County, Illinois. PARCKI. III: That part of the Northeast quarter of Section 27, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows; Commencing at the Southeast corner of said Northeast quarter; thence West along the South line of said Northeast quarter 858 feet; thence North parallel with the East line of said Northeast quarter 227.41 feet for the point of beginning; thence continuing North perallel with said East line 289.37 feet to the bank of Fox River; thence South 81° West along said bank 431,32 feet; thence South 221.89 feet; thence East 426 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:

Conditions to Hide-A-Way Lakes Expansion

 Complete by May 1984, the planting of 100 upright Juniper trees between the RV's and the Fox River for all lots along the River bank. The trees at planting time will be 6 to 7 feet in height and shall be planted in accordance to the site plan marked as CB Exhibit 1.

- Start in March 1984, to work on Club House project provided documentation be received, the tree plantings been committed.
- Complete by October 1984, all septic system updates according to States standards. Such approval of system update shall be received before an occupancy permit is issued on Club House.
- 4. The Club House Rules are as follows:
 - a. The Club House will be mainly for the use of adults. Children and teemagers will be allowed to use it only for controlled activities with adults present to supervise such activities.
 - b. The Club House will be for the use of seasonal and membership campers. Daily campers may use it only when some special planned activity is scheduled, in which they may be included. The daily campers may be charged extra for the activity.
 - c. The Club House will not be avilable to the general non-camping public - its use will be limited to the campers camping at Hide-A-Way Lakes.

PASSED THIS 10TH day of January, 1984.

ATTEST. Jean P. Brady

Chairman, County Board of

Kendall County, Illinois

