MINUTES 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), 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

MINUTES:

Member Fox made a motion, seconded by Member Clementi to approve the minutes of the July 1, 2019 meeting. With a voice vote of six (6) ayes, the motion was approved.

PETITIONS

The Zoning Board of Appeals started their review of Petition 19-26 at 7:02 p.m.

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, LLC

(Tenant)

Request: Special Use Permit for a Landscaping Business

PINs: 09-13-400-006

Location: 276 U.S. Route 52, Seward Township

Purpose: Petitioners Want to Operate a Landscaping Business on the Subject Property;

Property is Zoned A-1

Mr. Asselmeier read his memo on the subject.

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 276 Route 52 in Seward Township.

At the July 24, 2019, Kendall County Regional Planning Commission meeting, discussion occurred regarding the site plan and landscaping plan for the property. The Petitioner request a layover until the August 28th Kendall County Regional Planning Commission meeting.

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 and landscaping plan are submitted.

Chairman Mohr opened the public hearing at 7:02 p.m. and recessed the public hearing at 7:02.

Member Whitfield made a motion, seconded by Member LeCuyer, to layover this Petition until a revised site plan and landscaping plan are submitted.

The votes were as follows:

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

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

The motion passed.

The Zoning Board of Appeals completed their review of Petition 19-26 at 7:03 p.m.

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 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.

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)

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

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 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.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 19-11, pertaining to the major amendment 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 rejected at the County Board, and the motion to reconsider was also rejected.

PUBLIC COMMENTS

Mr. Asselmeier reported that Teska Associates has delivered information for the Zoning Ordinance project. Staff is currently reviewing the information.

Mr. Asselmeier reported that the County has started researching proposed recreational marijuana zoning regulations.

The next Zoning Board of Appeals hearing/meeting will be on September 4th which is the Wednesday after Labor Day.

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

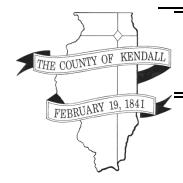
- 1. Staff Report on Petition 18-24 Dated July 15, 2019
- 2. Certificate of Publication and Mailings for Petition 18-24 (Not Included with Report but on file in Planning, Building and Zoning Office).
- 3. May 14, 2019 Letter from Patrick Kinnally to Dan Kramer
- 4. July 26, 2019 Letter from Dan Kramer to Patrick Kinnally
- 5. Staff Report on Petition 19-25 Dated July 25, 2019.
- 6. Certificate of Publication for Petition 19-25 (Not Included with Report but on file in Planning, Building and Zoning Office).

- 7. Memo on Petition 19-26 Dated July 25, 2019.
- 8. Certificate of Publication for Petition 19-26 (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.

| but the truth. | | |
|----------------------------------------------|--------------------|-----------|
| NAME | ADDRESS | SIGNATURE |
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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.

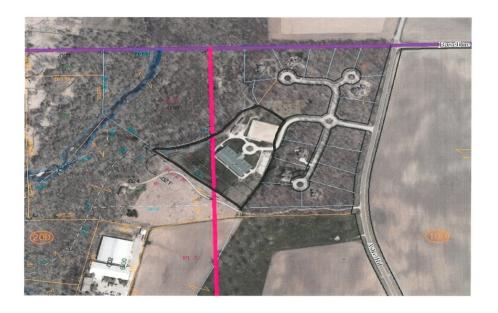
When the Petitioner originally applied for a major amendment to their special use permit, they did not provide information regarding a new building or a revised manure management plan reflecting the addition of twelve (12) horses. The matter was originally laid over at ZPAC until this information was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

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 | RPD-1 | Rural Estate Residential | RPD-1 |
| R | Residential and Woods | | | (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.

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 (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 ZBA Memo – Prepared by Matt Asselmeier – July 15, 2019 Page 5 of 7

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.

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.

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.

RECOMMENDATION

Staff recommends approval of the requested amendment 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 manure shall be handled in substantial the manner stated in the manure management plan.
- 6. 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.
- 7. 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.

8. 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.

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)

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 J. Kramer Attorney at Law

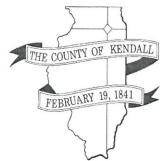
DJK/cth Enclosures

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 SKY Equastrian Major Sy FILE # 8-24

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|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------|
| NAME OF APPLICANT | | | |
| Skyfall Equestrian I | LC | | |
| CURRENT LANDOWNE | 50 C TO 1 | | |
| Skyfall Equestrian | LLC | | |
| SITE INFORMATION | OUT ADDRESS OF LOCATION | | 102 |
| ACRES | SITE ADDRESS OR LOCATION | 00.00.400.000.0 | ASSESSOR'S ID NUMBER (PIN) |
| 8.5 acre | 17 Ashe Road, Sugar Grove, IL | 02-06-102-009 & | 01-01-200-020 |
| EXISTING LAND USE | CURRENT ZONING | LAND CLASSIFICATION (| ON LRMP |
| Equestrian Facility | RPD-2 | | |
| REQUESTED ACTION (| Check All That Apply): | | |
| SPECIAL USE | MAP AMENDMENT (Rezone t | to) VARIA | ANCE |
| ADMINISTRATIVE | VARIANCE A-1 CONDITIONAL USE for:_ | SITE | PLAN REVIEW |
| TEXT AMENDMENT | RPD (Concept; Prelimi | nary; Final) ADMIN | ISTRATIVE APPEAL |
| PRELIMINARY PLA | T FINAL PLAT | OTHE | R PLAT (Vacation, Dedication, etc.) |
| X AMENDMENT TO | A SPECIAL USE (X Major; Minor) | | |
| ¹ PRIMARY CONTACT | PRIMARY CONTACT MAILING | ADDRESS | PRIMARY CONTACT EMAIL |
| Attorney Daniel J. K | Kramer 1107A S. Bridge Street, York | ville, IL 60560 Dkra | 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 ADDRESS | S | ENGINEER EMAIL |
| | | | |
| ENGINEER PHONE # | ENGINEER FAX # | El | NGINEER OTHER # (Cell, etc.) |
| | | | |
| I UNDERSTAND TH | HAT BY SIGNING THIS FORM, THAT TH | E PROPERTY IN QUES | STION MAY BE VISITED BY |
| | BOARD/ COMMISSION MEMBERS THR | | |
| | NTACT LISTED ABOVE WILL BE SUBJE | CT TO ALL CORRESPO | ONDANCE ISSUED BY THE |
| COUNTY. | HE INFORMATION AND EXHIBITS SUBI | MITTED ADE TOLIE AN | D COBBECT TO THE |
| | WLEDGE AND THAT I AM TO FILE THIS | | |
| ABOVE SIGNATUR | | | |
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| SIGNATURE OF A | PPLICANT // // | | DATE |
| 4 | | | Jul 26, 20/8 |
| | FEE PAID:\$ | | |
| | CHECK #: | | |

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
CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS
DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY,
LLINOIS.

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 INSTRUMENTS 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.

Sky Fall Equestrian, LCC 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 signated 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

| SUCCESS IN THE SUBURBS, INC an Illinois Corporation, | COUNTY OF KENDALL |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ву | REAL ESTATE TRANSFER TAX |
| Denise E Bucks, President | :500.W |
| | \mathcal{C} |
| By Russell D Burks, Secretary/Treasurer | STATE OF ILLINOIS B REAL ESTATE |
| icussen b burns, secretary/ i reasurer | NOV -4 16 0 100000 |
| State of } | NOV -4 16 0 100000 |
| County of Charleston } ss | REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE FP326656 |
| I, THE UNDERSIGNED, a notary public in and fo | or the said County, in the State atoresaid, DO HEREBY |
| CERTIFY that Russell D Burks, personally known to me t foregoing instrument, appeared before me this day in person | and severally acknowledged that as such he signed and |
| delivered the said instrument, as a free and voluntary act and | |
| Given under my hand and official seal, this $\frac{17}{100}$ day | y of August 2016 |
| | LI COM CTAR |
| Motors | S Puldic |
| State of 3 | AUBLIC / S |
| County of Character ss | 7.00 7.04-20 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 |
| | or the said County, in the State aforesaid, DO HEREBY |
| CERTIFY that Denise E Burks, personally known to me to | o be the same person whose name is subscribed to the |
| foregoing instrument, appeared before me this day in person delivered the said instrument, as a free and voluntary act and | deed, for the uses and purposes therein set forth |
| Given under my hand and official seal, this 17 day | y of August, 2016 |
| | WILLIAM STON |
| Notary | Public Public |
| | Public COM Eta MANA AVBLIC PUBLIC PROTECTION OF CAROLINIA CAROLINI |
| Send subsequent tax bills to: | AVBLIC |
| sena subsequent tax bins to. | 2.04.203 |
| | THE CAROLINA |
| Sky Fall Equestrion, LLC | <u>.</u> |
| 17 Ashe Road | |
| Lot J | |
| Sugar Crave TI Lacel | |

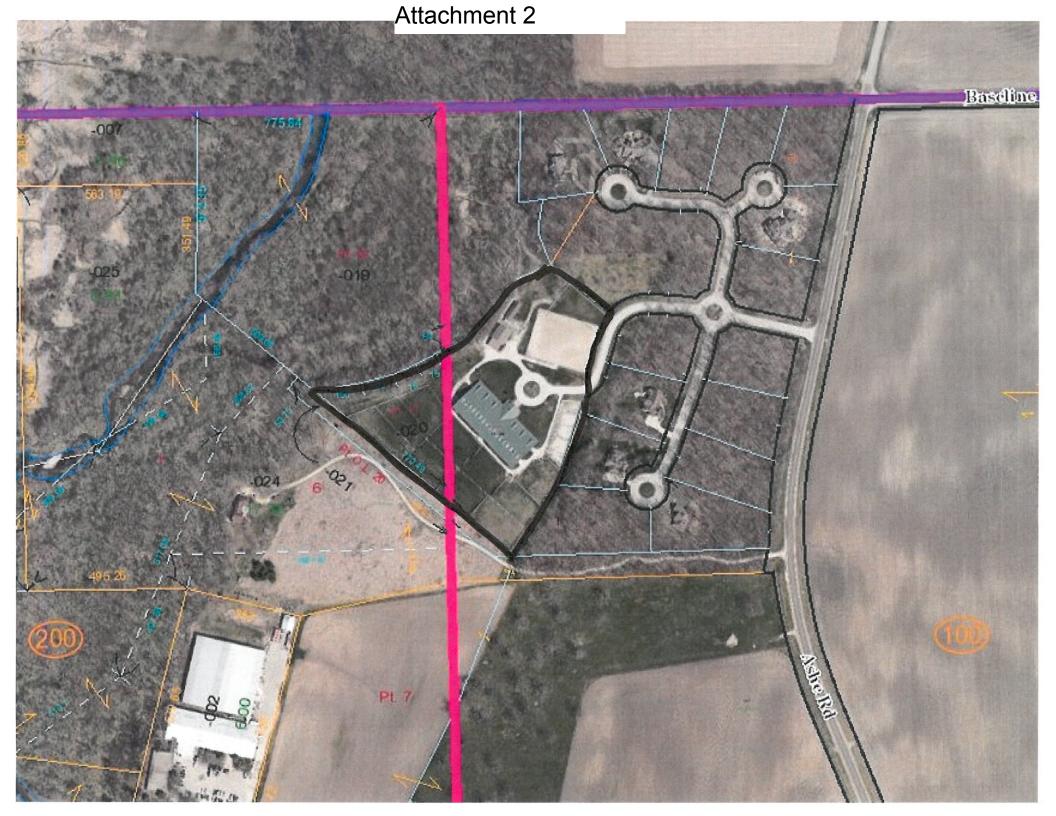
PARCEL ONE

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 200600017/122 AND PER CORRECTION 100700010032.





State of Illinois County of Kendall 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

State of Illinois County of Kendall 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

State of Illinois County of Kendall 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.

<u>IN WITNESS OF</u>, 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.

State of Illinois County of Kendall

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

Subdivision; and

ORDINANCE NUMBER 2006 - 05

LEGACY FARM, LLC

GRANTING SPECIAL USE CONSTRUCTION AND OPERATION OF A CENTRAL HORSE STABLE AND STABLE MANAGER HOUSING

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

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.

State of Illinois County of Kendall 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: Cc: Matt Asselmeier Chiefs at LRFFPD

Subject:

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

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

(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

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

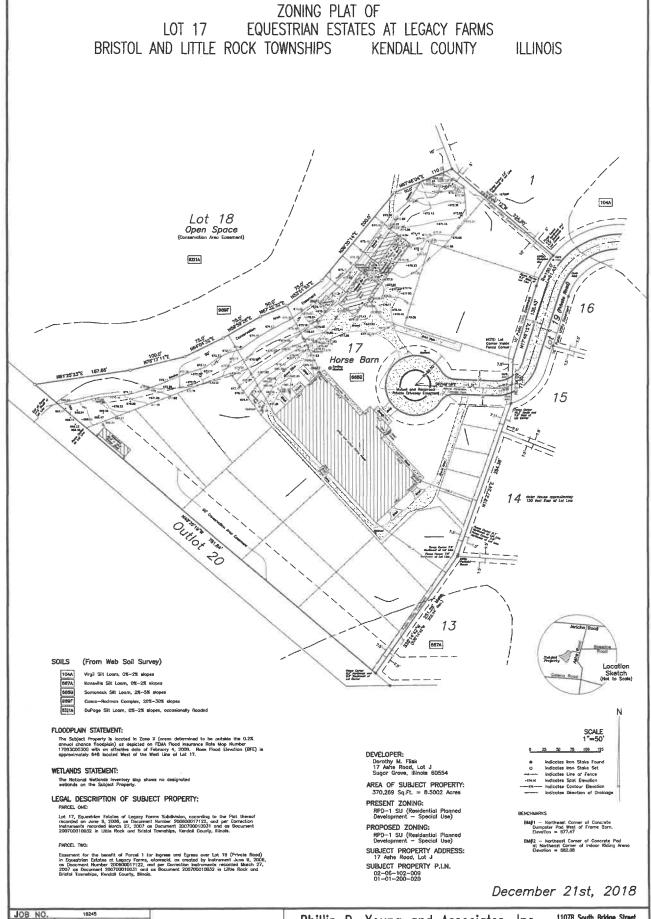












Phillip D. Young and Associates, Inc. LAND SURVEYING - TOPOGRAPHIC MAPPING - LIC.#184-002775

1107B South Bridge Street Yorkville, tillnois 60560 Telephone (630)553-1580 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 Use 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 INFORMATION (NRI) REPORT APPLICATION | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------|
| Petitioner: | Skyfall Equestrian LLC | Cor | tart Person | Attorney Daniel J. K | ramer |
| Address: 17 J Ashe Road | | | Contact Person: Attorney Daniel J. Kramer 1107A S. Bridge Street | | |
| City, State, Zip: Sugar Grove, IL 60554 | | | Yorkville, IL 60560 | | |
| Phone Number | | | (630) 553-9500 | | |
| Email: | | | kramer@dank | ramerlaw.com | |
| Ple | ease select: How would you | like to receive a copy of | of the NRI Rep | ort? 🗹 Email 🗸 | Mail |
| Township N Parcel Index | n & Proposed Use ame Bristol & Little & Number(s) 02-06-102-009 ar ubdivision Name Equestrian F | nd 01-01-200-020 | | | E, Section(s) |
| The state of the s | of Site horse farm | | anned Han box | Number of Ai | cres 8.5 |
| | umber of Lots 1 | | posed Use hor | | |
| | | Prop | osed Number | r of Structures 1 | cent's |
| | Proposed Water Supply Well Proposed type of Wastewater Treatment Septic. Proposed type of Storm Water Management | | | | |
| ☐ Variance | in Zoning from e (Please describe fully on se Use Permit (Please describe f unty or Municipality the requ | parate page) | Kendo | all Count | y PB+Z |
| Plat of S Concep If availa NRI fee The NRI | to this completed application Survey/Site Plan – showing lot Plan - showing the locations ble: topography map, field til (Please make checks payable I fees, as of July 1, 2010, are a Report: \$375.00 for five acres utive Summary Report: \$300. | ocation, legal descriptions of proposed lots, build le map, copy of soil bout to Kendall County SW as follows: and under, plus \$18.00 | on and proper dings, roads, s ring and/or we CD) | ty measurements stormwater detent etland studies ach additional acre | ion, open areas, etc. or any fraction thereof over five |
| | Fee for ———————————————————————————————————— | first five acres and und Additional Acres at \$1 IRI Fee | | 375.00 75.00 | |
| | cations are due by the 1 st of os submitted, please allow 30 | | | | ng Agenda. Once a completed eport. |
| Conservatio | rstand the filing of this appli on District (SWCD) to visit and late will be 3 years after the | d conduct an evaluation | | | |
| | Petitioner or | Authorized Agent | | | Date |
| This | eport will be issued on a nondiscrimin | natory basis without regard to | race, color, religio | on, national origin, age, s | ex, handicap or marital status. |
| FOR OFFICE | USE ONLY | | | | |
| NRI# | Date initially rec'd | Date all rec'd | | Board Meeting | |
| Fee Due \$ | Fee Paid \$ | Check # | Over/Unde | r Payment | Refund Due |



Illinois Department of Natural Resources

Rod R. Blagojevich, Governor NATIBITATOR ESOURCES

One Natural Resources Way, Springfield, IL 62702-1271

CONSULTATION AGENCY ACTION REPORT

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

SEP 0 1 2005

| Stephen K. Dav | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--|--|--|--|--|--|
| Date submitted: August 31, 2005 If this is a resubmittal, include previous IDNR response if available. | FOR DEPARTMENT USE ONLY PROJCODE: Dop 104 8 Date Due: 1010 | | | | | | |
| Applicant Name: Legacy Farms LLC Contact Person: Derrick Watts - Applicant Address: 8 Hathaway Crescant Aurora, IL 60506 | Phone: Fax: E-mail: | | | | | | |
| LOCATION OF PROPOSED ACTION A MAP SHOWING LOCATION OF PROPOSED ACTION IS REQUIRED Project Name: _Equestrian Estates at Legacy Fams | | | | | | | |
| Local/State Agency with Project Jurisdiction: Kendall Co Contact: Jerry Dundgeon. Address: 111 W. Fox Street | vision for details. | | | | | | |
| FOR DEPARTMENT USE ONLY Are endangered/threatened species or Natural Areas present in the vicinity of the action? [YES/QO] Could the proposed action affect the threatened/endangered species or Natural Area? [YES/QO] Is consultation terminated? Comments: | | | | | | | |
| Evaluated by: Date: 10-9-05 Division of Resource Review and Coordination (217) 785-5500 | | | | | | | |

Attachment 15

Matt Asselmeier

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

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

<<u>dguritz@co.kendall.il.us</u>>; Fran Klaas <<u>FKlaas@co.kendall.il.us</u>>; 'Greg Chismark' <<u>GChismark@wbkengineering.com</u>>; Jason Langston <<u>JLangston@co.kendall.il.us</u>>; Meagan Briganti <<u>MBriganti@co.kendall.il.us</u>>; Matthew G. Prochaska <<u>mprochaska@co.kendall.il.us</u>>; Scott Koeppel <<u>skoeppel@co.kendall.il.us</u>>; Julie Bennett (<u>bennett4390@sbcglobal.net</u>)

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

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



Law Office of -

MICHAEL T. HUGUELET, P.C.

Attorneys at Law

Michael T. Huguelet * Christopher S. Fowler**

*Also admitted in Florida
**Also admitted in Nebraska

Of Counsel Margaret A. O'Sullivan October 11, 2018

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.

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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: <u>02-06-102-009</u>

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

el_{pany} People Changing Lives

Attachment 20, Page 1



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.

KENDALL COUNTY 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 | John 1 5, Bry | H |
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| Mary hay Sergo | | N |
| Docto- | | |
| Mark Bassong | | |
| en (al | | |
| Cech Bulger | | |
| Dorothy Flish | | |

KENDALL COUNTY 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) | |
|------------------|-----------------------|-----------------------------|--|
| CRAICE ZIMMERIUM | | | |
| | | | |
| BRAD BLOCKER | | | |
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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 | |
|--------------------|--------------------------------------------------------------|-----------|--|
| Mark Perle | | // // / | |
| Priseille Gruber | | | |
| Margaret Sheehan | | | |
| Linda M. Wilkinson | | | |
| Martin Cann | | | |
| El Iruler | | | |
| Bretty Fress | | | |
| Boli AN BOLLENELY | | | |
| Lane Abrell | Paintreld Schools 15732 Howerd Str Plunctield 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 |
|-----------------|---------|-----------|
| PAUL KOVACEVICY | | |
| JOE PHILLIPS | 6 | |
| ZACH BARNWELL | | |
| JAN Alexander | c | |
| 13 Kramer | | |
| Boyd Ingenky | | |
| JOHN WHITEHOUSE | | |
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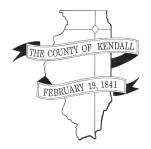
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DEPARTMENT OF PLANNING, BUILDING & ZONING

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.

| but the truth. | | |
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| NAME | ADDRESS | SIGNATURE |
| Jeff Spana | Millbrook | |
| John Vogy | | |
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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

KINNALLY FLAHERTY KRENTZ LORAN HODGE & MASUR PC

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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 1 just pasture; and

KINNALLY FLAHERTY KRENTZ LORAN HODGE & MASUR PC

1

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

cc: Attorney Christopher Fowler

LAW OFFICES

DANIEL J. KRAMER

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

KELLY A. HELLAND D.J. KRAMER

July 26, 2019

DANIEL J. KRAMER

Attorney Patrick Kinnally

Via Email:

RE:

Pkinnally@kfkllaw.com

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.
- 7. 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



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.)

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) | Low Density Residential | Aurora and R-3 |
| | | and R-5(S)) | (0-5 du/acre) and Commercial | |
| | | | (Aurora) | |
| East | Agricultural/Residential | Aurora (R-1(S) and R-5(S)) | Low Density Residential (0-5 du/acre) and Medium Density Residential | Aurora, Will County and A-1 |
| | | | (6-10 du/acre) | |
| | | | (Aurora) | |
| West | Residential | Aurora (R-5(S)) | Commercial, Light Industrial and Industrial (Aurora) | Aurora, M-1 SU and B-3 |

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.

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.
- 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.

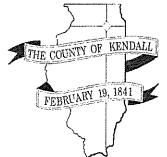
RECOMMENDATION

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.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

| \sim | PROJECT NAME | FILE #: | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------------------------|--|--|
| NAME OF APPLICANT | | | | |
| Heather Lawson | | | | |
| CURRENT LANDOWNER/N | AME(s) | *************************************** | | |
| Dave Hamman | | | | |
| SITE INFORMATION ACRES | SITE ADDRESS OR LOCATION | ASSESSOR'S ID NUMBER (PIN) | | |
| 42.39 SE (| corner Hafenrichter and Route 34 | PIN 03-01-127-006 | | |
| EXISTING LAND USE | CURRENT ZONING | LAND CLASSIFICATION ON LRMP | | |
| | M2 | | | |
| REQUESTED ACTION (Che | ck All That Apply): | | | |
| X SPECIAL USE | MAP AMENDMENT (Rezone t | o)VARIANCE | | |
| ADMINISTRATIVE VAI | RIANCE A-1 CONDITIONAL USE for: | SITE PLAN REVIEW | | |
| TEXT AMENDMENT | RPD (Concept; Prelim | inary; Final) ADMINISTRATIVE APPEAL | | |
| PRELIMINARY PLAT | FINAL PLAT | OTHER PLAT (Vacation, Dedication, etc.) | | |
| AMENDMENT TO A SP | ECIAL USE (Major;Minor) | | | |
| ¹PRIMARY CONTACT | PRIMARY CONTACT MAILING | ADDRESS PRIMARY CONTACT EMAIL | | |
| Heather Lawson | | | | |
| PRIMARY CONTACT PHON | IE # PRIMARY CONTACT FAX # | PRIMARY CONTACT OTHER #(Cell, etc.) | | |
| | | | | |
| ² ENGINEER CONTACT | ENGINEER MAILING ADDRES | S 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 APPL | _ICANT | DATE | | |
| | | 5/15/19 | | |

¹Primary Contact will receive all correspondence from County

FEE PAID:<u>\$</u> CHECK #:

Last Revised: 11.24.14

Special Use

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: Pulte Home Corporat Contact: Heather Law Ph: Fax | ion vson, Marketing Manager | Lessor: NGH Farms, LLC Attn: Dave Hamman Ph: Fax 1: 6 Fax 2: 6 | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------|--|--|
| Sign Location: | Northeast Corner of Farnsworth Kendall County, Illinois | n and Ogden avenues, in unincorporated | | |
| Sign Information: | 12' X 16' double face sign | | | |
| Terms of Contract | | | | |
| Sign owner to maintain sign structure. Contract term of 12 months from the date of signed contract. Renewable for additional time as needed and agreed upon by Lessee and Lessor. Advertiser and property owner have a mutual cancellation policy with 30 days written notice. Rent: \$800.00 per month payable monthly for double face sign. Installation and maintenance of faces shall be the sole responsibility of Lessee during the duration of th lease agreement. Agreement is null & void if sign location is deemed illegal. | | | | |
| I HAVE READ AND UNDERSTAND THE LEASE AGREEMENT STATED ABOVE | | | | |
| AUTHORIZED SIGNATURES | | | | |
| | | | | |
| Signature of Pulte Ho | me Corporation | Signature of Lessor | | |
| 5/30/2019 Date | <u>-</u> - | June 10, 2015 | | |

KEKA Farms, LLC Dave Hamman

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

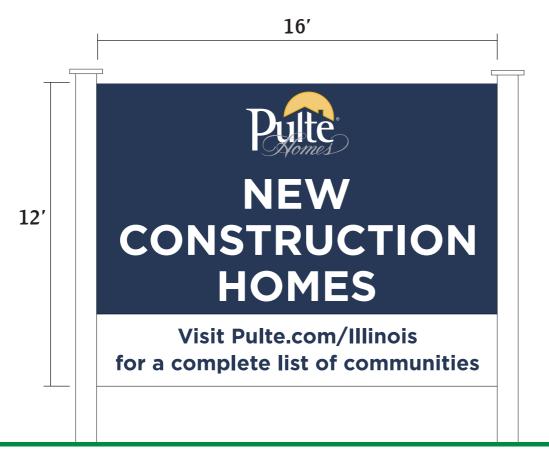
Planning, Building & Zoning Department:

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

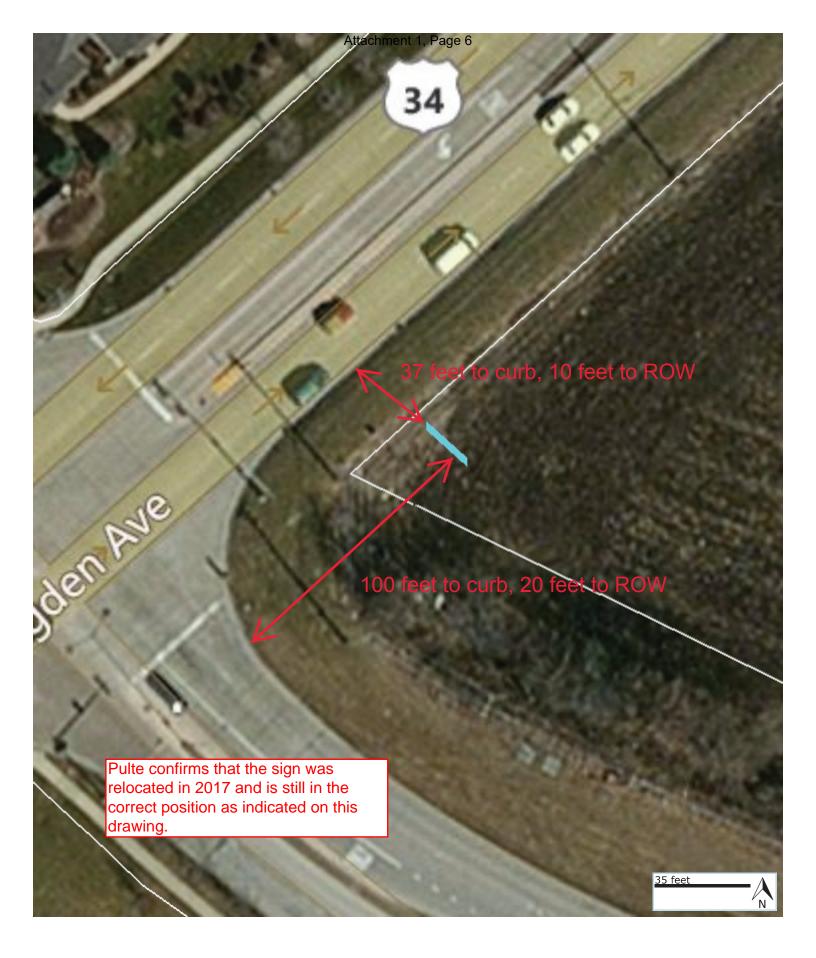
12'x16' Double Sided Informational Billboard. NE Corner OF Fransworth & Ogden In Aurora.



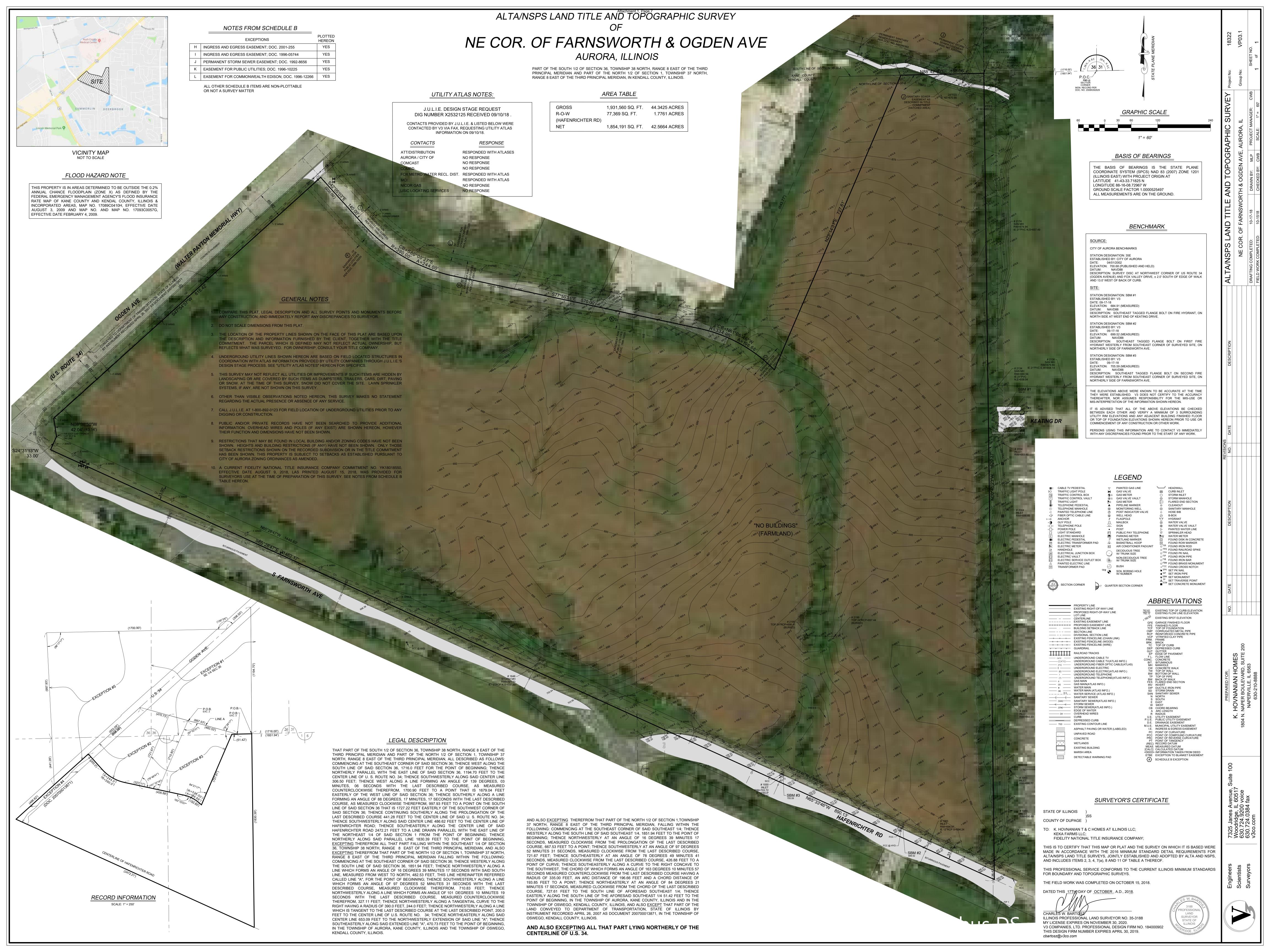
Sign is not illuminated. Sign is 12' tall with 2' tall posts = 14' from ground to top of sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Bronze and Digital Vinyl.

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

Approval Signature







03 - 01 - 127 - 006 03 - 01 - 200 - 012 03 - 01 - 127 - 004 Zoning Petition

State of Illinois County of Kendall

ORDINANCE NUMBER 2004 - <u>43</u> 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,

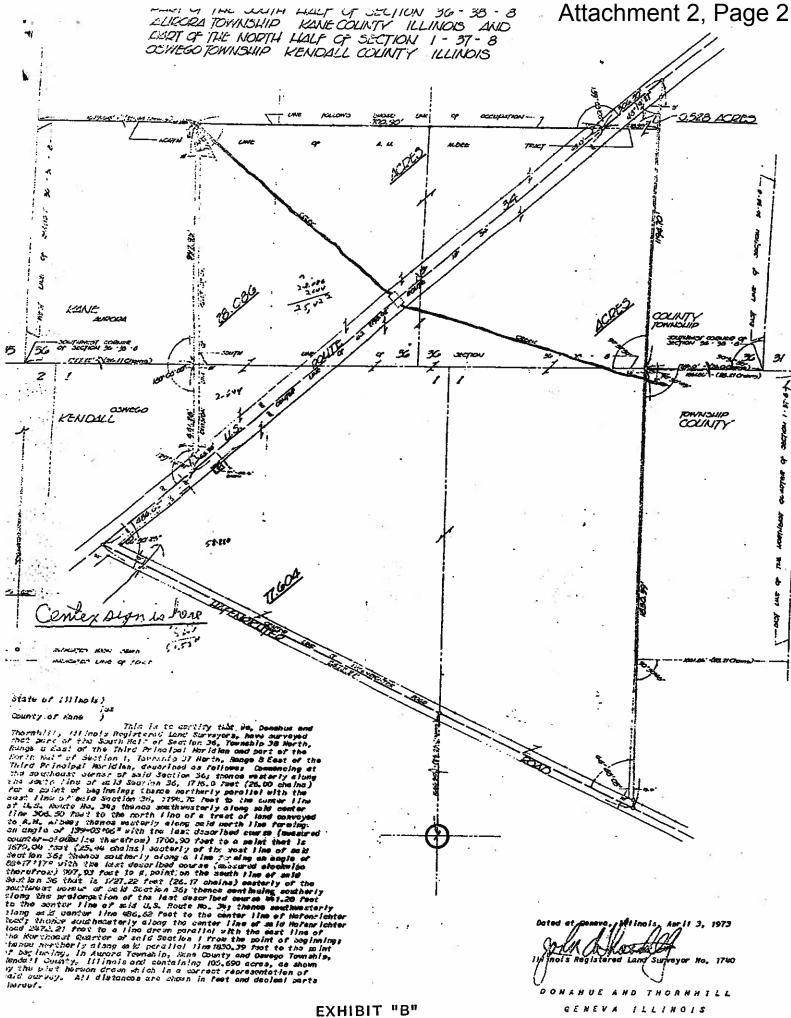
Attest:

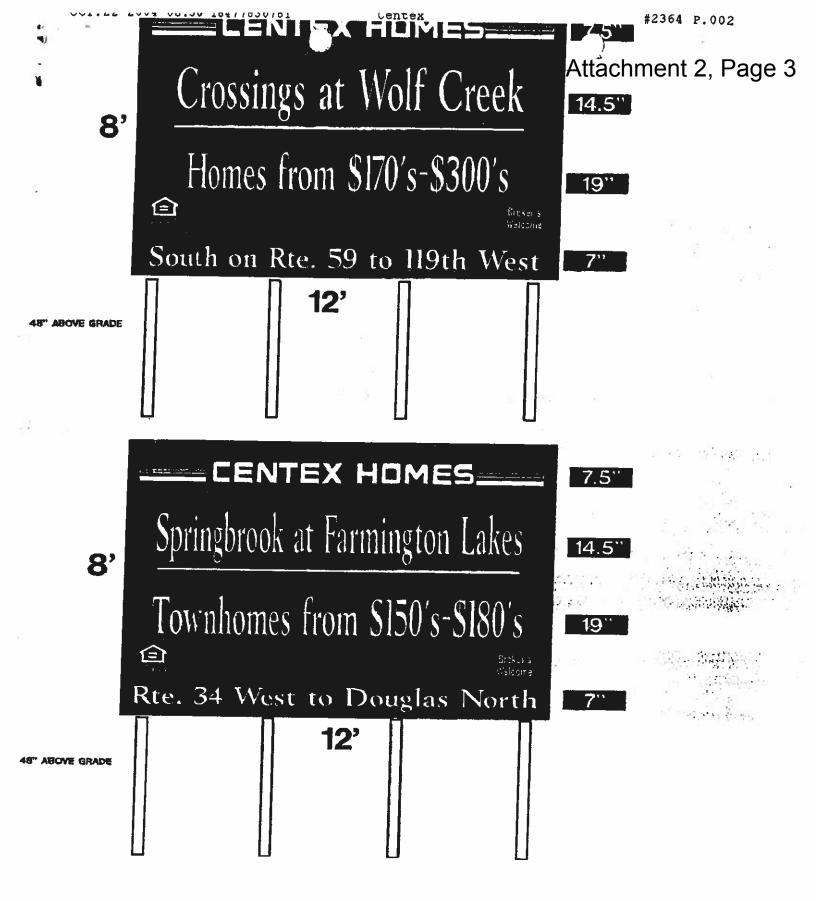
John/A/Church

Kendall County Board Chairman

Paul Anderson

Kendall County Clerk





State of Illinois County of Kendall 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

State of Illinois County of Kendall 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.

State of Illinois County of Kendall 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.

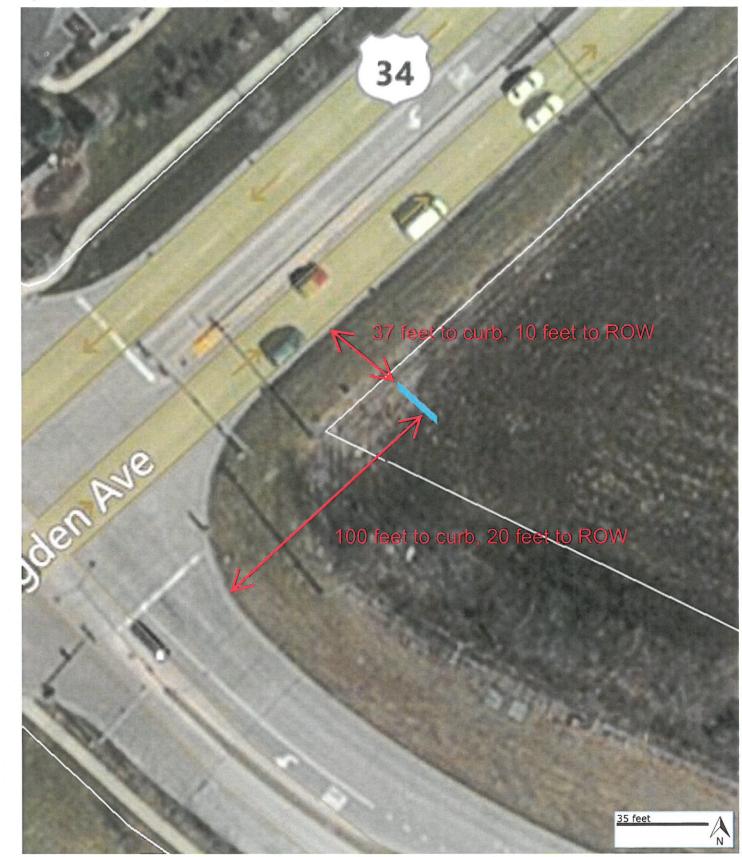
Attest:

Debbie Gillette

Kendall County Clerk

Scott R. Gryder

Kendall County Board Chairman





(I) 192 SQ. FT. Jeerbrook Right on Barrington **MODEL NOW OPEN** Left on Hafenrichter Left on Farnsworth (866) 214-0520 Pulte.com/Deerbrook 192" (a) Then Left on Hafenrichter Jeerbrook **Right on Barrington MODEL NOW OPEN** (866) 214-0520 Pulte.com/Deerbrook 192" 12'x16' Double Sided Informational Billboard. NE Corner OF Fransworth & Ogden In Aurora. Facing Farnsworth 12"

sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Sign is not illuminated. Sign is 12' tall with 2' tall posts= 14' from ground to top of Bronze and Digital Vinyl. MDO Mounted to 2 White Wooden 10" x 10" columns. 3/8" MDO Painted Ronan Dark Blue w/White Vinyl Copy.

12"x192" Single Sided Model Now Open Patch

Approval Signature

Phone, 630-357-2300 Fax, 630-357-3977 **JIGNSTOW** 426 W. Fifth Ave. Naperville, IL. 60563

signsnow215@gmail.com



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

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.
- Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 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.

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.

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.

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

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.

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.

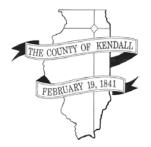
Respectfully submitted by, Matthew H. Asselmeier, AICP Senior Planner

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

| | | | 1 |
|----------------------|---------------------------------|----------------------------------|--------|
| NAME | address (optional) | email address (optional) | |
| LORIAN Schoenstat | 32LO Executive Dr. Soliet IL | LSchounsted+ @ reklawfirm.com | |
| Tyler Zurliane | | tzlandscaping@gmail.com | |
| Suzana | | Scate 194 @ 566 66 | d. Net |
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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

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

Date: July 25, 2019

Re: Petition 19-26 Request for a Special Use Permit for a Landscaping Business at 276 Route 52

in Seward Township- Petitioner Requests a Layover

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 276 Route 52 in Seward Township.

At the July 24, 2019, Kendall County Regional Planning Commission meeting, discussion occurred regarding the site plan and landscaping plan for the property. The Petitioner request a layover until the August 28th Kendall County Regional Planning Commission meeting.

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 and landscaping plan are submitted.

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

Thanks,

MHA