



**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

December 16, 2024 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the October 28, 2024, Zoning Board of Appeals Hearing/Meeting (Pages 3-23)

PETITIONS:

1. **Petition 24 – 30 – Nicholas S. Bellone on Behalf of Ament Solar 1, LLC (Tenant) and Janet M. Dhuse on Behalf of the Janet Dhuse Declaration of Family Trust Dated March 1, 2013 (Owner) (Pages 24-31)**

Request: Special Use Permit for a Commercial Solar Energy Facility and Variance to Section 36-282(17)(a) of the Kendall County Code to Allow a Commercial Solar Energy Facility on Land within One Point Five (1.5) Miles of Municipality without an Annexation Agreement

PINs: 05-16-300-006 and 05-17-400-005

Location: South of 9949 and 10021 Ament Road, Yorkville in Kendall Township

Purpose: Petitioner Would Like to Install a Commercial Solar Energy Facility; Property is Zoned A-1

2. **Petition 24 – 31 – Kendall County Zoning Administrator (Pages 32-39)**

Request: Text Amendments to Sections 36-282(20)(j), 36-282(32)(b), and 36-282(54) of the Kendall County Code by Increasing the Road Weight Limit Requirements from 73,280 Pounds to 80,000 Pounds in the Zoning Regulation Requirements for Composting Facilities, Landscaping Businesses, and Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles

Purpose: Petitioner Would Like to Increase the Weight Requirement to Match State Law

3. **Petition 24 – 32 – Kendall County Zoning Administrator (Pages 40-45)**

Request: Text Amendment to Section 36-1051(12) of the Kendall County Code by Transferring the Enforcement Authority of Window Sign Zoning Regulations from the County Sheriff or Designee to the Zoning Administrator or Designee

Purpose: Petitioner Would Like Consistent Regulatory Authority Throughout the Entire Zoning Portion of the Kendall County Code

4. **Petition 24 – 33 – Kendall County Zoning Administrator (Pages 46-51)**

Request: Text Amendments to the Kendall County Code by Adding Parks to the Appropriate Place Alphabetically in the List of Permitted Uses in the R-4, R-5, R-6, and R-7 Zoning Districts and Related Text Changes

Purpose: Petitioner Would Like to Add Parks to the List of Permitted Uses in the R-4, R-5, R-6, and R-7 Zoning Districts

5. **Petition 24 – 34 – Kendall County Regional Planning Commission (Pages 52-61)**

Request: Text Amendment to Section 36-247(7)(a) of the Kendall County Code by Reducing the Setback from Pipelines to Occupied Principal Structures

Purpose: Petitioner Would Like to Reduce the Setback for Pipeline Greater Than 10 Inches in Diameter which Carry/Conduct Flammable or Hazardous Material from 500 Feet from Occupied Principal Structures to 25 Feet from Occupied Principal Structures

6. **Petition 24 – 35 – Kendall County Regional Planning Commission (Pages 62-69)**

Request: Text Amendment to the Kendall County Code Amending the Parking Regulations in Front Yard Setbacks

Purpose: Petitioner Would Like to Allow Parking in the Interior ½ of the Front Yard Setback on Properties Zoned A-1

NEW BUSINESS/ OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 24-26 Tremain Rezoning
2. Petition 24-28 Pasteris Special Use Permit Amendment on Johnson Road

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on January 27, 2025

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

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
October 28, 2024 – 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: Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, and Dick Thompson

Members Absent: Scott Cherry and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Office Assistant

Others Present: Dan Kramer, Peter Pasteris, Blake Carrescia, Michaela Carrescia, Melissa Lopez, Scott Lindahl, Greg Dady, and Luiz Rodriguez

MINUTES:

Member LeCuyer made a motion, seconded by Member Prodehl, to approve the minutes of the September 30, 2024, hearing/meeting.

With a voice vote of five (5) ayes, the motion carried.

Chairman Mohr swore in Dan Kramer, Peter Pasteris, Blake Carrescia, Michaela Carrescia, Melissa Lopez, Scott Lindahl, and Greg Dady.

PETITIONS:

The Zoning Board of Appeals started their review of Petition 24-26 at 7:02 p.m.

Petition 24 – 26 – Timothy A. Tremain

Request: Map Amendment Rezoning the Subject Property from R-1 One Family Residential District to R-3 One Family Residential

PINs: 02-30-400-013 and 02-31-201-014

Location: Between 11237 and 11209 River Road, Plano in Bristol Township

Purpose: Petitioner Wants to Rezone the Property to Build Two Houses

Purpose: Petitioner Would Like to Install a Commercial Solar Energy Facility; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The Petitioners would like a map amendment rezoning approximately three point six more or less (3.6 +/-) acres located on north side of River Road between 11327 and 11209 River Road from R-1 One Family Residential District to R-3 One Family Residential District in order to build two (2) houses at the property.

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The property was rezoned in 2007 by Ordinance 2007-03 and is Lot 1 of the Glen Nelson Subdivision.

The property is less than ten (10) acres in size as is eligible for rezoning under Section 8:07.H of the Kendall County Zoning Ordinance.

As of the date of this hearing, the Petitioner has not indicated if they will be dividing the land through a Plat Act Exemption or if they will be pursuing a re-subdivision of the property.

The application materials and zoning plat were provided.

The property is approximately three point six (3.6) acres in size.

The County's Future Land Use Map calls for the property to be Rural Residential. The United City of Yorkville's Future Land Use Map calls for the property to be Estate/Conservation Residential.

River Road is a Township maintained Minor Collector.

The zoning plat shows a fifteen foot (15') trail easement along the southern portion of the property.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural, Wooded, Single-Family Residential, and a Private Road.

The adjacent properties are zoned A-1, R-1, and R-3.

The County's Future Land Use Map calls for the area to Rural Residential. The United City of Yorkville's Future Land Use Map calls for the area to be Estate/Conservation Residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-3 in the County and Residential inside Yorkville south of the Fox River.

The A-1 special use permits to the east is for a campground (PNA Camp).

EcoCAT Report submitted and consultation was terminated; there were protected resources in the area, but adverse impacts were unlikely.

The application for NRI was submitted on August 20, 2024. The LESA Score was 141 indicating a low level of protection. The NRI was provided.

Petition information was sent to Bristol Township on August 23, 2024. Bristol Township had no concerns regarding the proposal. A letter from Bristol Township was provided.

Petition information was sent to the United City of Yorkville on August 23, 2024. The Yorkville Planning and Zoning Commission reviewed the proposal at their meeting on October 9, 2024, and recommended favorably of the proposal. An email to that effect was provided. The Yorkville City Council issued a positive recommendation at their meeting on October 22, 2024. An email to that effect was provided.

Petition information was sent to the Bristol-Kendall Fire Protection District on August 23, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on September 3, 2024. The Petitioner's Attorney provided a history of the subdivision and the Petitioner's plan to build houses on the subject property. Any new houses would use the existing private road to access River Road; there would be no new cuts on River Road. Discussion occurred regarding the Estate/Conservation Residential classification in Yorkville's plan; this designation was placed on properties where Yorkville had not conducted a large amount of analysis of future land uses. Discussion also occurred regarding the trail easement. The earliest the Petitioner would construct houses would be 2025. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 23, 2024. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 23, 2024. Discussion occurred regarding driveway locations; they would come off of Glen Nelson Drive and not River Road. Discussion also occurred regarding ownership responsibilities of Glen Nelson Drive. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Petitioner would like to rezone the property in order to build a maximum of two (2) houses on the property.

The site is currently vacant. Any future buildings would have to meet applicable building codes.

No utility information was provided.

The property fronts Glen Nelson Drive, which is a private road. The zoning plat noted that the property cannot access River Road.

Any parking would be for residential purposes.

Based on the proposed uses, no new odors were foreseen.

Lighting would be for residential purposes and would have to follow applicable ordinances.

Landscaping would be for residential uses.

Signage would be for residential purposes and would have to meet applicable regulations.

The owners of the property would have to follow applicable noise control regulations based on residential uses.

Stormwater control would be evaluated as part of the building permit.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes and single-family residential purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1, R-1, and R-3. In particular, the properties immediate south of the subject property are zoned R-3.

The suitability of the property in question for the uses permitted under the existing zoning classification. One (1) single-family home could be built on the subject property under the present R-1 zoning classification. If a property owner wanted to construct additional homes, a map amendment to a zoning district that allows for small lots, such as the R-3 zoning classification, would be needed.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property is classified as Rural Residential on the Future Land Use Map and the R-3 Zoning District is consistent with this land classification.

Staff recommended approval of the proposed map amendment.

Chairman Mohr opened the public hearing at 7:08 p.m.

Dan Kramer, Attorney for the Petitioner, spoke about Mr. Tremain's plans on building a home on Lot B, a two point one three (2.13) acre lot. The property is mostly bare and prospective buyers want smaller lots because of less lawn maintenance. Mr. Tremain and his wife plan on putting in a large flower garden along River Road in the front. Glen Nelson Road, which is a private road, provides access to both properties. There is no access to River Road.

Discussion occurred regarding ownership of Glen Nelson Drive. Mr. Kramer, explained that the lot owners in Glen Nelson Subdivision share responsibilities related to the maintenance of the road.

Chairman Mohr asked if the homes will be facing west because there will not be any road cuts to River Road. Mr. Asselmeier stated the lots would face west.

Chairman Mohr adjourned the public hearing at 7:11 p.m.

Member LeCuyer made a motion, seconded by Member Fox, to approve the findings of fact for the map amendment.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Prodehl, and Thompson
Nays (0): None
Abstain (0): None
Absent (2): Cherry and Whitfield

The motion carried.

Member LeCuyer made a motion, seconded by Member Thompson, to recommend approval of the map amendment.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Prodehl, and Thompson
Nays (0): None
Abstain (0): None
Absent (2): Cherry and Whitfield

The motion carried.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on November 12, 2024.

The Zoning Board of Appeals completed their review of Petition 24-26 at 7:13 p.m.

The Zoning Board of Appeals started their review of Petition 24-28 at 7:13 p.m.

Petition 24 – 28 – Peter J. and Laurie Jo Pasteris on Behalf of the Peter J. Pasteris, Jr. Revocable Declaration of Living Trust

Request: Major Amendment to a Special Use Permit for a Banquet Facility Granted by Ordinance 2015-06
PINs: 06-11-100-004, 06-11-100-008, and 06-10-200-001
Location: 1998 Johnson Road, Oswego in Na-Au-Say Township
Purpose: Petitioner Wants to Amend the Site Plan by Replacing the Tent with a Permanent Building, Expand the Special Use Permit Area, Increase the Capacity of Attendees at Events, Change the Operating Season to Year-Round, Replace the Mobile Restroom Facilities with Permanent Restroom Facilities, and Have the Ability to Install Signage in the Future; Property is Zoned A-1 with a Special Use Permit

Mr. Asselmeier summarized the request.

On April 21, 2015, the County Board approved Ordinance 2015-06, granting a special use permit for a banquet facility at 1998 Johnson Road. The special use permit contained the following conditions and restrictions:

1. The facility was to be operated by a description and site plan attached to the ordinance.
2. The principal use of the property is for residential purposes and/or farming.
3. A maximum of two hundred (200) persons at any one time (with a 10% tolerance).
4. All events must be catered unless approved by the Health Department.
5. Compliance with applicable building codes and Americans with Disabilities Act accessibility provisions and securing required permits associated with any proposed remodeling, alteration, construction or expansion of existing and structures on the premises.
6. Retail sales are permitted as long as the retail sales will be ancillary to the main operations.
7. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty (60) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

8. Porta Johns (and other temporary bathroom facilities need to be removed within 2 business days after each event.
9. Events can run from May 1st through November 15th and the temporary tent can be erect from May 1st through November 15th.

10. Entities having jurisdiction may inspect the property annually including, but not limited to the Planning, Building and Zoning Department, Health Department, Sheriff's Office, and Fire Protection District in order to ensure the conditions of the special use permit are still being met and the permit is still applicable for the operation.

A copy of Ordinance 2015-06 was provided.

In 2019, a minor amendment to the special use permit was approved allowing the bathroom trailer and tent to be set up starting April 15th. Minor amendments were also approved in 2020, 2021, and 2022 allowing the bathroom trailer and tent to be set up from April 8th to November 30th for the next operating season.

The Petitioners submitted the following amendments to the special use permit which were revised at the October 9, 2024, ZPAC meeting:

1. Increase the capacity of people to three hundred (300) with a ten percent (10%) tolerance for a maximum capacity of three hundred thirty (330) people. The wait staff would not be included in these numbers (Amended at ZPAC).
2. Replace the existing tent with a permanent building that is approximately one hundred twenty-eight feet by sixty-four feet (128' X 64') in substantially the location shown on the site plan.
3. Install permanent restrooms in the facility with a septic permit from the Kendall County Health Department replacing the mobile trailer restroom.
4. Have events year-round.
5. Add the property identified by parcel identification number 06-10-200-001 to the special use permit.
6. Add the ability to add a business sign.

The proposed sign will be on a starting gate that is nine-feet high (9') and fourteen feet wide (14'). The sign will be draped over it and will be eight (8') feet wide by two (2') feet high. The sign will not be illuminated.

No other changes to the site or business operations were proposed.

The application materials and proposed site plan were provided.

The lot size will be approximately fourteen (14) acres following the addition of the parcel to the west of the original special use permit.

The Future Land Use Map calls for this property to be Suburban Residential. Plainfield's Future Land Use Map calls for this property to be Countryside Residential.

Johnson Road is a Township Road classified as a Minor Collector.

Plainfield has a trail planned along Johnson Road.

There were no floodplains or wetlands on the property.

The adjacent land uses are Single-Family Residential and Agricultural.

The adjacent properties are zoned A-1 and R-2.

The County's Future Land Use Map calls for the area to be Suburban Residential and Rural Residential. Plainfield Future Land Use Map calls for the area to be Countryside Residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-2 in the County and R-1 PUD and Industrial inside Plainfield.

The A-1 SU to the west is for a seasonal festival.

EcoCat submitted on September 13, 2024, and consultation was terminated.

The NRI application was submitted as on September 16, 2024. The LESA Score 190 indicating a low level of protection. The NRI is included as was provided.

Na-Au-Say Township was emailed information on September 23, 2024. The Na-Au-Say Township Board reviewed the proposal at their meeting on October 21, 2024. The Township recommended approval of the proposal. An email to that effect was provided.

The Plainfield Fire Protection District was emailed information on September 23, 2024. Prior to application submittal, the Plainfield Fire Protection District submitted an email outlining the District's sprinkler and alarm requirements. This email was provided.

The Village of Plainfield was emailed information on September 23, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on October 9, 2024. Discussion occurred regarding maximum building height; no restriction would be placed in the special use permit regarding building height. Discussion also occurred regarding the location of the septic system; it would be away from the horse pasture. Discussion occurred regarding a movable sign; the Petitioners agreed to supply information about the sign and that information would be included in the special use permit. The wait staff would not be included in the capacity count. ZPAC recommended approval of the proposal with the conditions proposed by Staff, adding the ten percent (10%) tolerance to the capacity, and excluding

wait staff from the capacity county by a vote of seven (7) in favor, zero (0) in opposition, and three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on October 23, 2024. The Kendall County Regional Planning Commission reviewed the proposal at their meeting on October 23, 2024. Discussion occurred regarding the timing of events; they mostly occur on Friday and Saturday nights with occasional Sunday events. Events start at 4:00 p.m. on Saturdays and 5:00 p.m. on Fridays. No songs start after 11:00 p.m. on Saturdays and 10:00 p.m. on Sundays. All guests are usually gone within thirty (30) minutes of the last song. Disc jockeys have to plug into the Petitioner's sound system and the Petitioner has driven around the area with a decimeter checking noise levels. There have not been any noise complaints in recent years. It was noted that many attendees take buses or carpool to the site. As such, parking is not issue. Discussion occurred regarding sprinkling requirements. Discussion occurred regarding the proposed building; it will be steel with a concrete foundation. The design was inspired by a barn from Lexington, Kentucky. The proposed sign will be placed in the hayfield setback from the road. It was noted that the Health Department's permit for the well and septic system would ultimately dictate the maximum number of people at the property; the building is designed for more than three hundred (300) people. The Petitioner stated that they rarely get requests that reach the three hundred (300) guest mark. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff, by a vote of nine (9) in favor, zero (0) in opposition, and one (1) member absent. The minutes of the meeting were provided.

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. The original special use permit was established in 2015. The only complaints that were submitted since the establishment of the special use permit were noise related complaints and those complaints were addressed. The proposal still requires buildings to obtain applicable permits and the site may be subject to periodic inspections to confirm compliance with the special use permit. A Health Department approved septic system to replace temporary restroom facilities is proposed and the septic system would be better for public health than the temporary trailers.

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 proposed amendments should not impact neighboring property owners. Restrictions are already in place regarding noise and public safety.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No changes to the already approved ingress/egress or drainage are proposed. Utilities, other than the installation of a septic system approved by the County, shall remain unchanged.

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. This is true.

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 use is consistent with an objective found on Page 10-21 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.”

Staff recommended approval of the requested amendments to the existing special use permit for a banquet facility subject to the following conditions and restrictions:

1. The Description and Site Plan attached to Ordinance 2015-06 are amended to incorporate the site plan attached hereto as Exhibit A. Further, if a conflict exists between the Description and Site Plan attached to Ordinance 2015-06 and the site plan attached hereto as Exhibit A, the site plan attached hereto as Exhibit A shall take precedent.
2. Condition 2 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:

“A maximum of three hundred (300) persons with a ten percent (10%) tolerance at any one (1) time. Wait staff shall not be included in the capacity count.” **(Amended at ZPAC)**
3. Condition 7 of Ordinance 2015-06 is hereby repealed in its entirety.
4. Condition 8 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:

“Events may be held year-round.”
5. One (1) sign a maximum of eight feet (8') wide by two feet (2') high may be placed on top of starting gate that is a maximum nine feet (9') high and fourteen feet (14') wide. The sign shall be in the pasture. The sign shall not be illuminated.
6. The remaining conditions and restrictions contained in Ordinance 2015-06 shall remain valid and effective.

7. 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.
8. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Jillian Prodehl asked if the building has any lighting and will there be additional drives. Mr. Asselmeier stated the Petitioner had not finalized their building design. Dan Kramer, Attorney for the Petitioner, stated that there will be no additional drives.

Member Prodehl asked Mr. Asselmeier, if there is additional lighting, did the Petitioner need a photometric plan and where will the ADA parking places will be located. Member Prodehl stated there should be uniformity between applications because other applicants were required to submit this information. Chairman Mohr noted the difference between having a tent instead of a building. A tent can be taken down but, with a permanent building, Member Prodehl's points are valid.

Chairman Mohr asked Mr. Asselmeier about the type and location of the proposed sign. Mr. Asselmeier stated the sign will be on a horse starting gate which will be nine-feet (9') high and fourteen feet (14') wide. The sign will be draped over it and will be eight (8') feet wide by two (2') feet high. Chairman Mohr asked about the signage that was currently onsite. Mr. Asselmeier stated there was no permanent signage at this time.

Chairman Mohr asked what the zoning was to the north of the petitioner's property. Mr. Asselmeier stated it was R-2. Chairman Mohr stated that the sign seemed to be pretty dramatic.

Member Prodehl asked about the other parcel, specifically why it was proposed for addition.

Member LeCuyer asked about the sprinkler system. Mr. Asselmeier stated that the Petitioner will be required to install a sprinkler system.

Chairman Mohr opened the public hearing at 7:24 p.m.

Dan Kramer, Attorney for the Petitioner, stated the special use permit was granted in 2015. The Petitioner has had many events such as weddings, proms, graduations, and police events. The Petitioner had some noise violations and they were resolved. The Sheriff's Department never found any problems with the facility.

Mr. Kramer stated the petitioner would like to take the tent down and build a permanent building so they can do business year-round. The new building will be larger than the tent they are using currently.

Mr. Kramer said the Petitioner had very nice bathrooms in trailers. They were air conditioned and kept very clean. The guests stated it would get hot in the trailer. A permanent building can be used all year and will have a normal indoor bathroom. The Petitioner will likely have to install a new septic; they will likely not have to install a new well.

Mr. Kramer stated that the new building should not need a photometric plan. In terms of parking, most of the guests park on the gravel and in the pasture. Many guests arrive in buses. Parking has never been a problem.

Peter Pasteris, Petitioner, stated his family owned the property since 1961. Mr. Pasteris has been raising thoroughbred horses for many years. He would like his sign to be similar to Churchill Downs sign in Kentucky. Mr. Pasteris stated he has gravel parking and if those become full he has hayfield parking. Many people are dropped off at the door. There are existing pole lights and there will be lights on the new building; he plans to add more pole lighting.

Chairman Mohr asked if the patio will remain. Mr. Pasteris stated that the patio will remain.

Chairman Mohr asked about retail sales. Mr. Asselmeier stated that verbiage is in every banquet facility special use permit. If someone wants to sell memorabilia, they can.

Mr. Pasteris stated, that if he needed to add another line to the septic field, he has a plan to tie it into another line near the horse pasture.

Chairman Mohr noted that if the Zoning Board of Appeals approves the proposal, the Health Department will have final say on the number of people at the property. Mr. Kramer stated that they would have to obtain a well and septic permit and a building permit.

Member Prodehl stated that the lighting and septic should be reviewed during the building process. The parking lot has no lighting. Member Prodehl stated she owns a banquet facility and, when she was building her facility, she had to install additional light posts. The reason for this was the safety of the patrons. Member Prodehl stated that she had to have the ADA parking spots clearly marked and have a full engineering plan. Every parking spot had to be measured and marked. Member Prodehl also stated she needed a photometric plan when she submitted for her facility. Mr. Asselmeier stated that he could not speak as to why the original special use was permitted in 2015. This proposal was an amendment to an existing special use permit and, when amendment requests are made, the County looks at what the Petitioner is requesting and if there were any issues with the banquet facility over the years. With this proposal the building should alleviate the noise issues that arose previously.

Chairman Mohr asked, if the proposal was approved regarding the increased capacity, would that change be evaluated like a brand new facility. Mr. Asselmeier stated that, if it was brand new, the County would have to work with the fire protection to determine the parking requirements and there

would have to be a photometric plan, if the parking lot was greater than thirty (30) spaces. If the Petitioner installs impervious surface, that installation could require a stormwater permit.

Member Prodehl noted that the special use application packet and major amendment application packet on Kendall County's website were exactly the same. Member Prodehl stated she would like to see uniformity for everyone. She believes there will be more banquet facilities coming to the area.

Member Prodehl asked how many ADA parking spaces were needed. Mr. Asselmeier stated that one (1) ADA parking space per twenty-five (25) parking spaces is the regulation. Member Prodehl asked where the ADA parking spots were on the Petitioner's parking lot. Mr. Pasteris stated that none of the guests walk to the banquet hall because they are picked up in a golf cart from their vehicles or they are dropped off at the door.

Chairman Mohr stated that, if the County does not enforce the ADA parking regulations, then another petitioner can argue that they do not have to provide the space either. Chairman Mohr stated that ADA parking rules are federal law and a business must have ADA parking. Mr. Pasteris said he will do what he needs to do to be in compliance.

Mr. Greg Dady, neighbor of the Petitioner, asked Mr. Pasteris if he was looking for another access point on Johnson Road and will they need another easement for emergency access. Chairman Mohr stated that the Petitioner was not requesting more access from Johnson Road or a new easement. Mr. Asselmeier stated that there are similar uses that have one ingress egress point. The subject property has a turnaround point and that is what the fire protection district examines. Mr. Asselmeier noted the existence of an email from 2015 from the fire protection district that stated there was no issue with the barn and the number of people allowed in the facility. Member Prodehl asked if it would be a minor or major amendment for ingress/egress change. Mr. Asselmeier stated it would probably be a major amendment given how far back the building is from the road. Chairman Mohr asked Mr. Pasteris if he uses the same ingress egress when he turns his horse trailers onto his property. Mr. Pasteris stated he certainly does.

Chairman Mohr adjourned the public hearing at 8:01 p.m.

Member Prodehl made a motion, seconded by Member LeCuyer, to approve the findings of fact for the major amendment to the special use permit.

The votes were as follows:

Ayes (5):	Fox, LeCuyer, Mohr, Prodehl, and Thompson
Nays (0):	None
Abstain (0):	None
Absent (2):	Cherry and Whitfield

The motion carried.

ZBA Meeting Minutes 10.28.24

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Member Fox made a motion, seconded by Member Prodehl, to recommend approval of the major amendment to the special use permit with conditions proposed by Staff with the following additional conditions:

A photometric plan shall be submitted prior to the issuance of the building permit for the permanent building.

An ADA parking plan shall be submitted prior to the issuance of the building permit for the permanent building.

The votes were as follows:

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

Nays (0): None

Abstain (0): None

Absent (2): Cherry and Whitfield

The motion carried.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on November 12, 2024.

The Zoning Board of Appeals completed their review of Petition 24-28 at 8:07 p.m.

The Zoning Board of Appeals started their review of Petition 24-29 at 8:07 p.m.

Petition 24 – 29 – Blake T. and Michaela M. Carrescia

Request: Variance to Section 36-332 (2) of the Kendall County Code by Reducing Both Side Yard Setbacks from Fifty Feet (50') to Thirty-Five Feet (35')

PIN: 06-02-125-001

Location: 6192 Dover Court, Oswego in Na-Au-Say Township

Purpose: Petitioner Wants to Build One (1) House on the Property; Property is Zoned R-1

Mr. Asselmeier summarized the request.

The Petitioners would like to construct one (1) house at the subject property. In order to have the house at approximately the same distance from the street as neighboring houses and in order to avoid hauling in additional fill to maintain property foundation height because of the topography of the site, the Petitioners would like to build the house approximately seventy feet (70') from the right-of-way line. Based on the size of house proposed and the shape of the lot, this would cause an encroachment of

approximately fifteen feet (15') in both side yard setbacks. Accordingly, the Petitioners are requesting a variance reducing the side yard setback from fifty feet (50') to thirty-five feet (35') for both side yards.

The application materials and site plan were provided.

While the site plan shows the house at thirty-five point six feet (35.6') from the western property line and thirty-five point one feet (35.1') from the eastern property line, the Petitioners would like the setback set at thirty-five feet (35') from both property lines in order to avoid a margin of error situation that might arise during construction.

The property is located at 6192 Dover Court and is approximately three (3) acres in size.

The current land use is Vacant Single-Family Residential.

The County's Future Land Use Map calls for the property to be Rural Estate Residential. Plainfield's Future Land Use Map calls for the property to be Countryside Residential.

Dover Court is a Local Road maintained by Na-Au-Say Township.

There are no trails planned for Dover Court.

There are no floodplains or wetlands on the property.

The adjacent land uses are Single-Family Residential and Vacant Single-Family Residential.

The adjoining properties are zoned R-1 and R-2.

The County's Future Land Use Map calls for the area to be Rural Estate Residential. Plainfield's Future Land Use Map calls for the area to be Countryside Residential.

Na-Au-Say Township was emailed this proposal on September 30, 2024. The Township discussed this proposal at their meeting on October 21, 2024. Discussion centered on drainage. However, drainage in the area would not be impacted by the variance. The Township did not take an official position on the proposal. An email to that effect was provided.

The Plainfield Fire Protection District was emailed this proposal on September 30, 2024. They submitted an email on October 2, 2024, expressing no issues.

The Village of Plainfield was emailed this proposal on September 30, 2024. They submitted an email on October 1, 2024, stating they had no objections.

The site plan shows one (1) ten foot (10') drainage easement along the eastern property line and the southeast corner of the property is inside a drainage easement.

The proposed Findings of Fact were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject parcel is more pie shaped than traditional square or rectangle. The property drops approximately ten feet (10') from the right-of-way line to the southeast corner of the property. A drainage easement is located at the southeast corner of the property. The house at 6189 Dover Court is setback approximately fifty-six point four feet (56.4') from the Dover Court right-of-way and the house at 6144 Dover Court is setback approximately sixty-seven point five feet (67.5') from the Dover Court right-of-way. The proposed house on the subject property would be setback approximately seventy feet (70') from the Dover Court right-of-way. The house could be constructed further south on the subject property, but that would necessitate hauling in more fill to maintain proper foundation height and the house would be placed much further back from the right-of-way than the neighboring houses.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The number of properties zoned R-1, platted in the same configuration as the subject property, and possessing similar topography is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner did not plat the lot. The current owner does wish to construct one (1) house on the property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the home is constructed following applicable building codes, the variance will not increase the danger of fire or negatively impact public safety.

Staff recommended approval of the requested variance subject to the following conditions:

1. The east and west side yard setbacks at the subject property shall be reduced from fifty feet (50') to thirty-five feet (35') for primary structures.
2. The owner of the property shall comply will all applicable federal, state, and local laws with regards to constructing and/or renovating structures on the subject property.

3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

Chairman Mohr opened the public hearing at 8:12 p.m.

Michaela Carrescia, Petitioner, spoke about the lot that she and her husband Blake plan on building a house. Due to the narrow front entrance road and its sloping topography, meeting the standard fifty foot (50') setback would create significant challenges for building their home. Mrs. Carrescia is requesting a reduction in setbacks from fifty feet (50') to thirty-five feet (35') on both sides. This will reduce the amount of fill needed to be used for construction. This change will not impact the view or privacy of neighboring properties as existing evergreen trees create a natural buffer. Prior to applying for the variance, the Petitioners spoke to their adjacent neighbors asking them if they had any concerns about the variance and to reach out if the neighbors had concerns. Mrs. Carrescia stated that they did not hear any concerns from their adjacent neighbors.

Member Fox asked what was the issue was if they moved the house further back. Chairman Mohr stated that there is a four (4') foot drop in the southwest corner.

Chairman Mohr asked the Petitioners if they are building a home with a walk out basement. Mr. Carrescia stated that he was not building home with a walk out basement. Mr. Carrescia stated that the proposed grading would flatten the lot and taper around the back of the lot.

Chairman Mohr asked if septic would be an issue. Mr. Carrescia stated septic would not be an issue as septic markers were placed by an agency when they purchased the lot.

Chairman Mohr stated that the Petitioner would have to move their house back about fifteen (15') to twenty (20'), if the variance is denied. Chairman Mohr stated that granting a variance of this nature is not common.

Melissa Lopez, neighbor, noted the evergreen trees on the property line provided a buffer. She moved into her home in June of 2023. She stated that she only wanted to move to Southfield Estates because of the spacious lots and the distance between each property. She stated that she looked at the same lot that the Petitioners' purchased, but was not happy with the zoning requirement. Ms. Lopez said she feels that a thirty-five foot (35') setback was excessive and believes they can come to an agreement. Her other concern was the drainage because the lot is naturally wet all the time.

Scott Lindahl, neighbor, stated he purchased his lot and built his home in 1996. He feels that if this variance is approved it would hurt the integrity of the neighborhood. Also, he felt that a thirty percent (30%) variance was unacceptable. Mr. Lindahl stated that ten percent (10%) variance would be acceptable. Mr. Lindahl stated that most of the residents of the Southfield Estates had to add fill to the land or change their home plans to build walk out basements. He felt that, if the setback of thirty-five

feet (35') was approved, the development of the house would be detrimental to the character of the subdivision and property values would go down. Mr. Lindahl suggested making modifications to the house so it would not require the thirty-five foot (35') setback.

Chairman Mohr adjourned the public hearing at 8:23 p.m.

Chairman Mohr felt the setbacks created a hardship for the Petitioner, but one that could be resolved.

Chairman Mohr was most concerned about the finding that reads: "That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located."

Member LeCuyer made a motion, seconded by Member Prodehl, to approve the findings of fact except the finding regarding the variation not being detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Prodehl, and Thompson
Nays (0): None
Abstain (0): None
Absent (2): Cherry and Whitfield

The motion carried.

Member LeCuyer made a motion, seconded by Member Prodehl, to find that the proposed variances would ruin the integrity of the subdivision.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Prodehl, and Thompson
Nays (0): None
Abstain (0): None
Absent (2): Cherry and Whitfield

The motion carried.

Member LeCuyer made a motion, seconded by Member Prodehl, to approve the variances with the conditions proposed by Staff.

Ayes (0): None
Nays (5): Fox, LeCuyer, Mohr, Prodehl, and Thompson
Abstain (0): None
Absent (2): Cherry and Whitfield

Na-Au-Say Township will be notified of the results of the hearing.

The Zoning Board of Appeals completed their review of Petition 24-29 at 8:32 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 24-14 was denied by the County Board. Petitions 24-21 and 24-22 were approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported that the application deadline for the next hearing is in mid-November. To date, the applications are a special use permit for a solar farm on Ament Road and text amendments related to the enforcement of window sign regulations, adding parks to the list of permitted uses to the R-4, R-5, R-6 and R-7 districts, and allowing parking in the rear of front yard setbacks, which would be seventy-five feet (75') for properties without a dedicated right-of-way and fifty feet (50') for properties with a dedicated right-of-way for property zoned A-1. A text amendment reducing the setback of pipelines from principal structures from five hundred feet (500') to twenty-five feet (25') is also proposed.

Regarding Petition 24-29, Mr. Asselmeier stated the Petitioner can apply for an Administrative Variance of ten percent (10%) or less as long as the neighbors don't object to the request.

Starting in January, the meetings will be in the Historic Courthouse, if the construction schedule goes forward as proposed.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Thompson, to adjourn.

With a voice vote of five ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:36 p.m.

The next regularly scheduled meeting/hearing will be on Monday, December 16, 2024.

Respectfully submitted by,

Wanda A Rolf

Planning, Building and Zoning Part-Time Administrative Assistant

Exhibits

1. Memo on Petition 24-26 Dated October 24, 2024
2. Certificate of Publication for Petition 24-26 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 24-28 Dated October 24, 2024
4. Certificate of Publication for Petition 24-28 (Not Included with Report but on file in Planning,

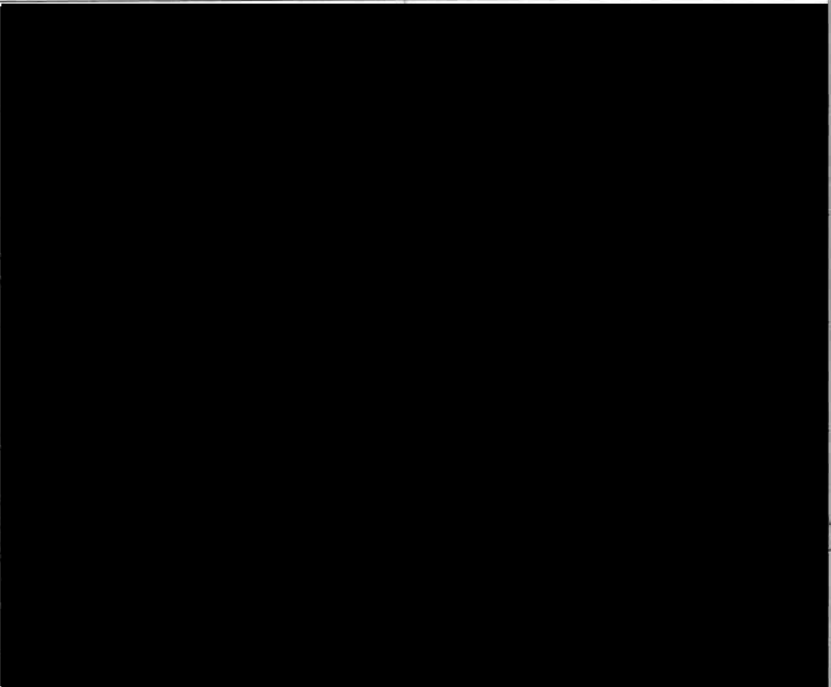
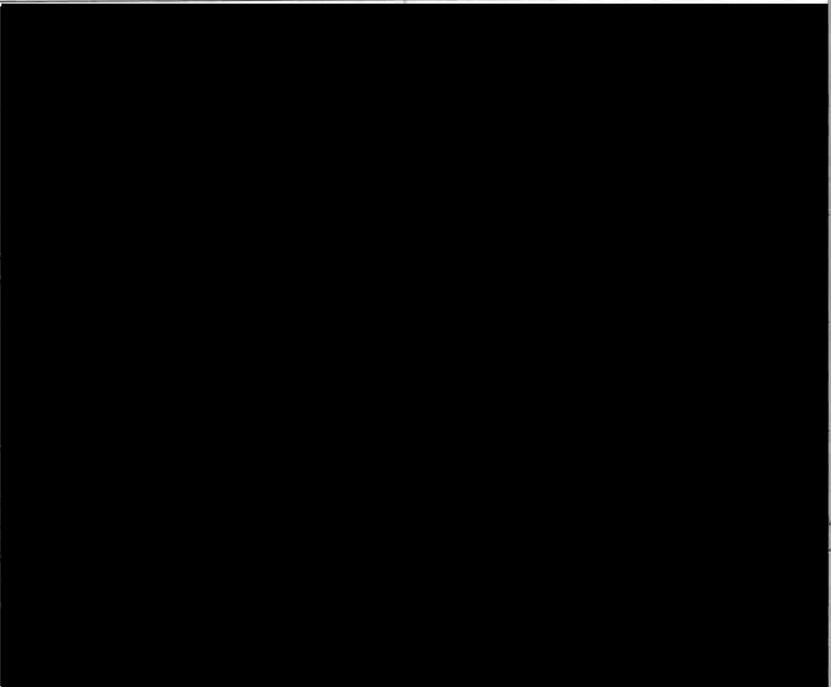
Building and Zoning Office)

5. Memo on Petition 24-29 Dated September 30, 2024
6. Certificate of Publication for Petition 24-29 (Not Included with Report but on file in Planning, Building and Zoning Office)
7. October 22, 2024, Email from Na-Au-Say Township
8. October 2, 2024, Email from the Plainfield Fire Protection District
9. October 1, 2024, Email from the Village of Plainfield



KENDALL COUNTY
ZONING BOARD OF APPEALS
OCTOBER 28, 2024

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
Luis Rodriguez		
Jan Kern		
Scott Lindahl		
Melissa Lopez		
Michaela Carnescia		
Blake Carnescia		



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, CFM, Director
Date: December 12, 2024
Re: Proposed Commercial Solar Energy Facility South of 9949 and 10021 Ament Road
(PINs: 05-16-300-006 and 05-17-400-005), Yorkville in Kendall Township (Petition 24-30)

In October 2024, the County received an application for a special use permit and variance to allow a commercial solar energy facility on the subject property.

When Kendall Township reviewed the proposal in November, the Kendall Township Board had the following concerns:

1. "That it appears specifically and in writing that any fiduciary instrument (i.e. Bond) be attached to the Title and or abstract of the Subject Property presently identified as *AMENT ROAD SOLAR FARM*. In so much as that responsibility will pass to any and all owners until the end of the deconstruction phase of the project.
2. That the concerns expressed above regarding the subsoil drainage issues be specifically addressed in any SUP, and failure to do so will result in a violation of the terms of the agreement and a monetary penalty will be applied.
3. That the concerns regarding the noxious weeds shall be specifically spelled out in the SUP and future agreements."

In an effort to work with Kendall Township, the Petitioner submitted a request for a continuance to the January 2025 Kendall County Regional Planning Commission meeting and the January 2025 Kendall County Zoning Board of Appeals hearing. The Petitioner's cover email and cover letter, not including attachments, are attached to this memo.

The next Kendall Township Planning Commission meeting is December 16, 2024, and the next Kendall Township Board meeting is December 17, 2024.

The Kendall County Regional Planning Commission met on this proposal on December 11, 2024.

The complete record of this Petition can be found on the County's website at <https://www.kendallcountyil.gov/home/showpublisheddocument/31510/638665763806870000>.

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

MHA

Enc.: December 3, 2024, Email and Letter from Nicholas Bellone and Tom Ryan (Cover Letter and Email Only)

Matt Asselmeier

From: Nicholas Bellone <nbellone@newleafenergy.com>
Sent: Tuesday, December 3, 2024 2:38 PM
To: Steve Grebner
Cc: Matt Asselmeier; Tom Ryan; Steve Gengler; Cathy Scalise; Doug Westphal; jakecoopfarms@gmail.com; Don Hirsch; Carolyn Pottinger; Timothy Karales; Doug Thanepohn; bjandersonfarms [REDACTED]; mikehomerding@ [REDACTED]; mbsweeney919 [REDACTED] Nick Standiford
Subject: [External]Re: Position of Kendall Township on the proposed Ament Road Solar Farm 1 LLC Special Use Permit Request 24-30
Attachments: NLE Response Letter to Kendall Twp_241203.pdf

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

In response to the email sent by the Kendall Township Board, New Leaf has put together the attached memo to help address the concerns. We are happy to be put on the next township agenda for December 16th and 17th to go over these concerns and our solutions. In the meantime feel free to reach out with any additional questions or comments.

It is important to us that the Township's concerns are addressed prior to attending the hearings at the county level. With that said, we would like to request a continuance on our Kendall County hearing dates (RPC: Dec. 11th & ZBA: Dec. 16th) to the following month (RPC: Jan. 22nd & ZBA : Jan. 27th) in hopes that these have been resolved.

Thank you,
Nick



Nicholas Bellone

Civil Project Engineer I

nbellone@newleafenergy.com Cell: 401.644.6824

On Fri, Nov 22, 2024 at 2:01 PM Steve Grebner <sgrebner@kendalltpw.com> wrote:

ATTN: Kendall County Zoning Board et. al

Please note that on Monday November 18th the Kendall Township Planning Commission entertained New Leaf Energy Representatives to present the *AMENT ROAD SOLAR FARM 1 LLC* Project. While the

Ament Solar 1, LLC (Kendall County Petition 24-30)

December 3, 2024

VIA EMAIL

Kendall Township
c/o Steve Grebner, Clerk
sgrebner@kendalltwp.com

RE: Ament Solar 1, LLC's Response to Kendall Township

Dear Members of the Kendall Township Board,

New Leaf Energy / Ament Solar 1, LLC (the Applicant) is in receipt of the Township's emailed plan review comments from November 22, 2024. In its correspondence, the Township listed three (3) proposed conditions that the Township's Planning Commission recommended after New Leaf representatives presented about the proposed 5-megawatt commercial solar energy facility to be located on Ament Road (Kendall County Petition 24-30). The Township's correspondence also included certain questions, issues, and requests from the Township Board. In the Township's correspondence, it requested that the County table any decision on Petition 24-30 until the Township's comments are resolved.

In the hopes of receiving a positive recommendation from the Township, the Applicant hereby requests that the County continue its upcoming public hearings to January 22, 2025 (for the Regional Planning Commission) and January 27, 2025 (for the County's Zoning Board of Appeals). As for the Township Planning Commission's proposed conditions and the Township Board's questions, issues, and requests, the Applicant responds as follows:

Township Planning Commission's Proposed Conditions

1. The entity will maintain and repair the subsurface drainage throughout the entirety of the lease to be repaired within the timeframe indicated in the special use permit (sup). The entity will commit to, as part of their maintenance schedule, perform a physical inspection of the property to include drain tile observation for damage and necessary repair. The surrounding property owners shall be provided a copy of the existing drain tile survey of subject property as well as any changes made as part of this project.

The Applicant agrees to comply with Section 36-282(17)(o) of the Kendall County Zoning Ordinance, which requires the Applicant to repair or pay for repairs to damages to the drainage system within a reasonable time after construction. A

copy of Kendall County's Solar and Wind Ordinance is enclosed herewith for the Township's reference. **See Zoning Ord., §36-282(17)(o) ("[t]he facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the special use permit.").**

The Applicant will repair any damaged drain tiles in the project limits prior to commercial operation of the solar farm. The Applicant will also repair any damaged drain tile in the project limits that occurs after decommissioning. There is not anticipated to be any damaged drain tile while the project is operating, as there will be no site activities other than power generation and maintenance. However, the applicant agrees to repair any drain tile malfunctions that occur within the project limits during the project's operational lifespan. As for a drain tile study, the Applicant provided a preliminary drain tile study to the County. A copy is enclosed for the Township's reference. The Applicant agrees to provide a copy of the final drain tile study to the adjacent property owners after the study is completed. The Applicant also agrees to provide a copy of the final drain tile study to the Township.

2. We would request that there be a subsurface drainage repair bond to ensure there are sufficient funds available for any required repair of materials and labor at the time of agreement. All replacement tile shall equal to or greater than its current flow. **As set forth above, the Applicant agrees to comply with Section 36-282(17)(o) of the County's Zoning Ordinance, which requires that damaged drain tile be repaired within a reasonable time after the construction of the solar farm.**

Additionally, County staff has recommended several conditions for the special use (the Conditions). A copy of the County's Staff Report for Petition 24-30 is enclosed herewith. The Applicant agrees to comply with the Conditions, including but not limited to Condition #10, which requires that all conditions and restrictions be followed or the special use permit could be amended or revoked. See Staff Report, p. 8, Condition #10 ("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.")

3. The planning and zoning committee also recommends as part of the comprehensive MONITORING AND MANAGEMENT PLAN AMENT ROAD SOLAR FARM – KENDALL COUNTY (section 1-6) specific attention to the noxious weeds including but not limited to water hemp, and Giant Ragweed.

The Applicant agrees to comply with Section 36-282(17)(m) of the County's Zoning Ordinance, which requires the Applicant to install vegetative groundcover consistent with state law and IDNR guidelines. See Zoning Ord., §36-282(17)(m) ("A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the Illinois Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal.")

The Applicant also agrees to comply with the County's proposed Condition #1, which requires that the site be developed in accordance with the submitted site plan and vegetative management plan. See County's Staff Report, p. 7, Condition #1. In this case, the Applicant's Management and Monitoring (M&M) plan (enclosed for the Township's reference) states that:

- "Mow[ing] (including weed whipping) the planted areas to a height of 8-12 inches, 3 times during the early growing season or as needed to control non-native and invasive annual species." See M&M Plan, p. 6.
- "As the planted areas mature... the plant communities will stabilize and be effectively managed through a reduced schedule of spot mowing, selective herbicide application, and hand pulling as necessary." See M&M Plan, p. 7.

To further satisfy the concerns of the Township in regards to the noxious weeds of water hemp and giant ragweed, the Applicant modified Section 2.4 of its Monitoring and Management Plan to state:

- "At the end of each growing season, none of the three most dominant species within the planted areas shall be non-native, invasive, or noxious weed species, including but not limited to: Giant and Common Ragweed (Ambrosia trifida & artemisiifolia), Wild Carrot (Daucus carota), Purple Loosestrife (Lythrum salicaria), Teasel (Dipsacus spp.), Reed Canary Grass (Phalaris arundinacea), Sweet Clover (Melilotus spp.), Common Buckthorn (Rhamnus cathartica), Kentucky Blue Grass (Poa pratensis), Thistle (Cirsium spp.), Honeysuckle (Lonicera sp.), Common Reed (Phragmites australis), Sandbar Willow (Salix interior), and Water Hemp (Amaranthus tuberculatus)." See M&M Plan, pp. 5-6.

The Applicant also agrees to comply with the County's proposed Condition #9, which requires all laws to be followed, including noxious weed laws. See County's Staff Report, p. 8, Condition #9 ("The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and

Local laws related to the operation of this type of use.” Noxious weed laws are currently in effect that would require the removal of water hemp and giant ragweed.

The Applicant also agrees to comply with the County’s proposed Condition #10, which conditions the special use permit on compliance with its terms and conditions. See County’s Staff Report, p. 8, Condition #10 (“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.”).

Township Board’s Questions, Issues, and Requests

4. The Township Board voiced concerns as to whether the Recommendations would apply to “ANY AND ALL future owners of the subject property.”

The Applicant agrees to comply with the County’s proposed Condition #12, which treats the approval as a covenant running with the land and binding on successors, heirs and assigns. See County’s Staff Report, p. 10, Condition #12. (“This special use permit and variance 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.”)

5. That it appears specifically and in writing that any fiduciary instrument (i.e. Bond) be attached to the Title and or abstract of the Subject Property presently identified as AMENT ROAD SOLAR FARM. In so much as that responsibility will pass to any and all owners until the end of the deconstruction phase of the project.

The Applicant agrees to comply with Section 36-282(17)(g) of the County’s Zoning Ordinance, which requires the Applicant to comply with its decommissioning obligations under its Agricultural Impact Mitigation Agreement. See Zoning Ord., §36-282(17)(g) (“The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.”).

A copy of the AIMA that the Applicant submitted to the County is enclosed for the Township’s reference. As set forth in the AIMA, if the Applicant does not decommission the site, then the County may draw on the decommissioning

bond, which is \$425,897.37. *See Decommissioning Estimate, p. 6; see also AIMA p. 12, §17(F)* ("Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance."). There would be no need to record the bond on the subject property, as it will be provided to the County.

6. That the concerns expressed above regarding the subsoil drainage issues be specifically addressed in any SUP, and failure to do so will result in a violation of the terms of the agreement and a monetary penalty will be applied.

The Applicant agrees to comply with Section 36-282(17)(o) of the County's Zoning Ordinance, which requires the Applicant to repair or pay for repairs to damages to the drainage system within a reasonable time after construction.

The Applicant also agrees to comply with the County's proposed Condition #10, which conditions the special use permit on compliance with its terms and conditions. See County's Staff Report, p. 8, Condition #10.

The Applicant also agrees to comply with the County's proposed Condition #12, which treats the approval as a covenant running with the land and binding on successors, heirs and assigns. See County's Staff Report, p. 9, Condition #12. ("This special use permit and variance 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.").

7. That the concerns regarding the noxious weeds shall be specifically spelled out in the SUP and future agreements.

See Response to Item #3, above.

8. It is therefore the position of the Kendall Township Board that no action to approve this Project should go forward until the local body of government in which the project resides has these questions answered to their satisfaction.

The Applicant believes that the above responses satisfy the Township's questions, issues, and requests. The Applicant is available to answer questions at the Kendall Township Planning Commission meeting on December 16th and Board meeting on December 17th. Given that the Township Board will not have its recommendation for Petition 24-30 before the RPC or ZBA dates (on December 11th and December 16th, respectively), the Applicant agrees to continue the County's public hearings to January 22, 2025 (for the Regional Planning Commission) and January 27, 2025 (for the County's Zoning Board of Appeals).

9. In addition there was a request to the NewLeaf Representatives for contact information for non participating property owners for other completed projects that is as of yet outstanding.

The contact information of non-participating parcels surrounding previous New Leaf Energy projects is publicly available. New Leaf Energy can supply information pertaining to previous projects if needed. New Leaf representatives are available to answer questions about their projects at the upcoming meetings.

10. The Next Kendall Township Planning Commission Meeting is presently scheduled for December 16th 2024 at 7:00 PM and the next full board meeting will be Tuesday December 17th at 7:30 PM.

Thank you – a New Leaf representative will plan to attend and answer any questions in hopes of receiving a positive recommendation from the Township.

Sincerely,

Tom Ryan

Senior Project Developer, New Leaf Energy

Cc: Matt Asselmeier, AICP, CFM - masselmeier@kendallcountyil.gov

Encl. Kendall County Solar and Wind Ordinance
Kendall County Staff Report
Preliminary Drain Tile Study
Management and Monitoring Plan
Decommissioning Estimate
Agricultural Impact Mitigation Agreement



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, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Regarding Road Weight Classification for Siting of Composting Facilities, Landscaping Businesses, and Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreation Vehicles (Petition 24-31)

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the

proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding why the text had not been changed previously. Discussion also occurred regarding input from the Highway Engineer; the Highway Engineer had brought up this issue previously when evaluating special use permits for landscaping business. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

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

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-31 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

Section 36-282 (54) (Regulation of Storage Facilities for Motor Vehicles, Boats, Trailers, and Recreational Vehicles)

Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024. No comments received.

ZPAC Meeting Minutes 11.05.24

Mr. Guritz made a motion, seconded by Commander Langston, to forward the proposal to the Kendall County Regional Planning Commission.

The votes were follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:31 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-31 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Effective January 1, 2010, the State of Illinois raised the weight limits on local roads from seventy-three thousand two hundred eighty (73,280) pounds to eighty thousand (80,000) pounds. Local road authorities could still post roads for lesser amounts, but unposted roads were raised to the higher weight limit.

The zoning regulations for composting facilities, landscaping businesses, and storage facilities for motor vehicles, boats, trailers, and recreational vehicles retained the old number.

Staff is proposing to raise the number to match State regulations. The redlined version of the amendments are as follows:

Section 36-282 (20) (j) (Regulation of Composting Facilities)

Truck weights shall be limited to ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds.

Section 36-282 (32) (b) (Regulation of Landscaping Businesses)

The business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ **eighty thousand (80,000)** pounds unless otherwise approved in writing by the agency having jurisdiction over said highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the special use.

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Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles, provided that the business shall be located on, and have direct access to, a State, County or collector highway as identified in the County's Land Resource Management Plan, having an all-weather surface, designed to accommodate loads of at least ~~seventy-three thousand two hundred eighty (73,280)~~ eighty thousand (80,000) pounds. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the A-1 Agricultural District.

Petition information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Landovitz asked if it was an oversight that some roads were not updated to eighty thousand (80,000) pounds. Mr. Asselmeier stated that was correct.

Member Bernacki asked if there would be any pushback from the County Engineer if local townships changed the weight class to eighty thousand (80,000) pounds. Mr. Asselmeier stated pushback would arise potentially for individual road situations, which is not a zoning question. Mr. Asselmeier stated he cannot speak for the Highway Commissioners.

Member Rodriguez asked if Mr. Asselmeier had a discussion with the Highway Engineer. Mr. Asselmeier stated he has not spoken to the Highway Engineer. However, in the past, Mr. Asselmeier stated he had a discussion with the Highway Engineer, particularly with special use permits for landscaping businesses, and the Highway Engineer brought up the weight discrepancy.

Member Stewart made a motion, seconded by Member Hamman, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

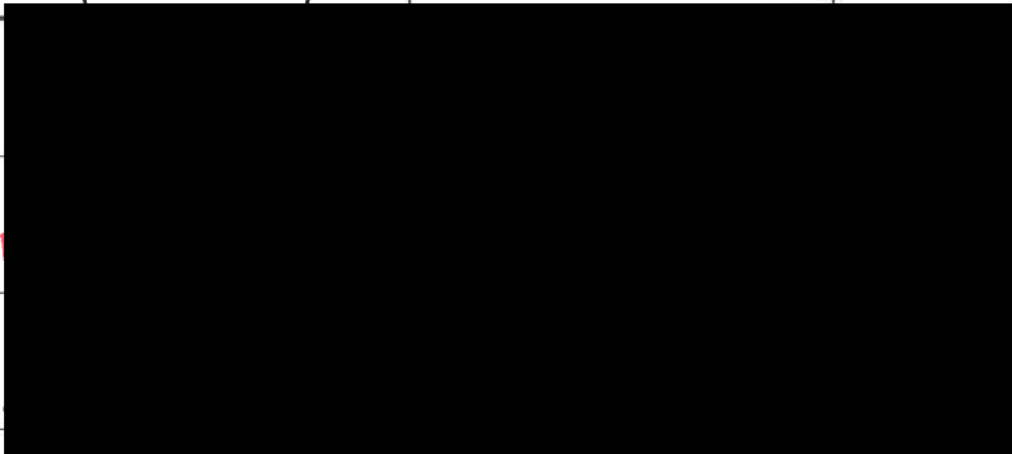
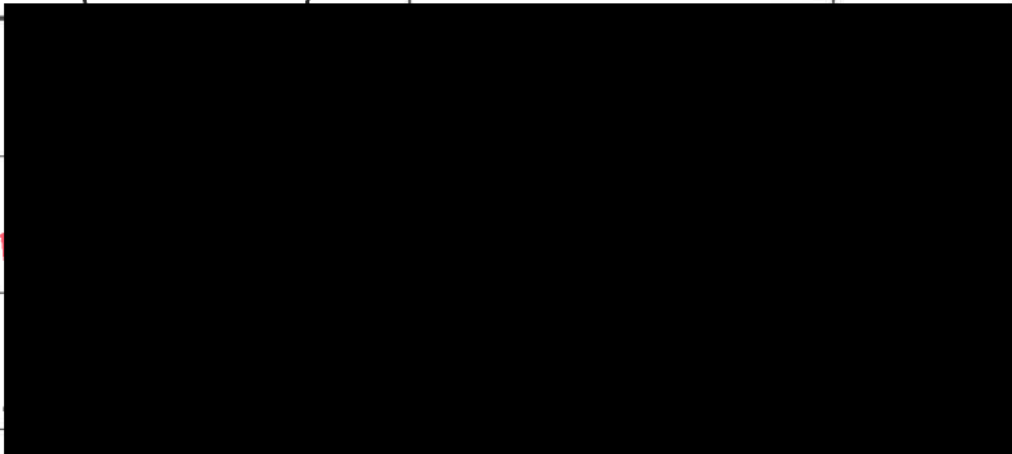
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.

10

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

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)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



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, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Enforcement of Window Sign Regulations
(Petition 24-32)

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The **County Sheriff Zoning Administrator** or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

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

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-32 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The ~~County Sheriff Zoning Administrator~~ or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024. No comments received.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the proposal to the Kendall County Regional Planning Commission.

The votes were as follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:31 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-32 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

As part of the codification review process, the Sheriff Department requested that the enforcement regulations for window signs contained in Section 36-1051 (12) be amended.

The redlined version of the text is as follows:

Window signs. Window signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the window surface area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The ~~County Sheriff Zoning Administrator~~ or designee shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.

To Staff's knowledge, the above section of the Zoning Ordinance portion of the Kendall County Code is the only section of the Zoning Ordinance portion of the Kendall County Code where enforcement was assigned to someone other than the Zoning Administrator or their designee.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Wilson made a motion, seconded by Member Landovitz, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart and

Wilson
Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

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)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



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 Regional Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Parks in the R-4, R-5, R-6, and R-7 Districts
(Petition 24-33)

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

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

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-33 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024. No comments received.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the proposal to the Kendall County Regional Planning Commission.

The votes were follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

ZPAC Meeting Minutes 11.05.24

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:31 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-33 Kendall County Zoning Administrator

Mr. Asselmeier summarized the request.

Parks are presently special uses in the A-1, M-1 and M-2 Districts and they are permitted uses in the R-1, R-2, R-3, and RPD Districts.

The Oswegoland Park District operates Winrock Park at 21 Winrock Road, SuzanJohn Park at 29 Hampton Road, and Augusta Lake Park at 116 Augusta Road. Winrock Park is zoned R-7 and the other two (2) parks are zoned R-6.

The above parks are presently legally non-conforming which could create regulatory issues if the Oswegoland Park District decided to make changes to the parks; Staff is not aware of any proposed changes at this time.

Staff proposes to add parks to the list of permitted uses in the R-4, R-5, R-6, and R-7 Districts by amending Section 36-535 adding parks in the appropriate place alphabetically to the list of permitted uses in these districts and related text changes.

No property can be rezoned to the R-4, R-5, R-6, or R-7 zoning districts.

Information was sent to the Townships and Park Districts on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Stewart made a motion, seconded by Member McCarthy-Lange, to recommend approval of the text amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart and Wilson

Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

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)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



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, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Setbacks of Pipelines from Occupied Principal Structures (Petition 24-34)

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information is attached.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email is attached.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission’s reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner’s ability to use their land by consuming too much land for setback purposes.
2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent with the suggestion that the setback be five feet

(5') as measured from the permanent easement line instead of being measured from the pipeline. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding the measurement and the suggestion from ZPAC. It was noted that the width of easements and the placement of pipelines within easements also differed. The Kendall County Regional Planning Commission recommended approval of the original proposal by a vote of seven (7) in favor and two (2) in opposition with one (1) member absent. Chairman Ashton and Tom Casey voted no because they believed that five hundred feet (500') was excess and twenty-five feet (25') was insufficient. The minutes of the meeting are provided.

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

MHA

Encs.: Comparison Table

August 20, 2024, Email from Andrew Black

November 5, 2024, ZPAC Meeting Minutes (This Petition Only)

December 11, 2024, RPC Meeting Minutes (This Petition Only)

Municipality	Distance	Reason
Aurora	N/A	
Joliet	N/A	
Lisbon		
Millbrook		See Kendall County
Millington	N/A	
Minooka		
Montgomery	N/A	
Newark	N/A	
Oswego	N/A	Pipeline are in ROWs or easements and cannot build a home on easement.
Plainfield	N/A	
Plano	N/A	
Plattville		See Kendall County
Sandwich	N/A	
Shorewood	N/A	
Yorkville	50'	The pipeline industry has a recommended 50' setback for any building. This is measured from the end off of the easement in which the pipeline is placed. This only applies to "high Hazard" pipelines. The IEPA has issued a recommendation in some of their handout that 50' off the easement is recommended and no blasting or explosive excavation with in 325' of the easement. That is the standard we would use in Yorkville unless the Illinois Environmental Protection Agency were to provide use with a different standard.

County	Distance	Reason
DeKalb	N/A	Regulations repealed in 2009.
Kane	3'	The 3' rule is for any easement.
DuPage	N/A	
Will	N/A	
Grundy	500'	Unsure Why that Distance is Used
LaSalle	N/A	
Kendall	500'	

N/A=No regulation

Matt Asselmeier

From: Andrew Black <andrewblack@ohiovalleyacquisition.com>
Sent: Tuesday, August 20, 2024 1:09 PM
To: Matt Asselmeier
Subject: [External]RE: Pipeline Easement Question

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt

The temporary construction workspace is traditionally 50' but it can vary. ANR has 50' on one side of the easement and 10' on the opposite side overlapping our existing easement. There is also Additional Temporary Workspace, for this project it is an additional 25-50' depending on the location and the purpose for the workspace. Both the temporary and additional temporary workspace revert to the landowner upon project completion. After project completion ANR will only maintain the permanent easement, mowing will be done on a scheduled basis determined by operations. Residential and agricultural areas will not be maintained by the company.

Andrew D Black

Non-Environmental Permit Coordinator

Ohio Valley Acquisition

Representing Columbia Gas Transmission, ANR Pipeline Subsidiaries of TC Energy

AndrewBlack@ohiovalleyacquisition.com



From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Monday, August 19, 2024 8:35 AM
To: Andrew Black <andrewblack@ohiovalleyacquisition.com>
Cc: Aaron Thompson <aaron_thompson@tcenergy.com>
Subject: Pipeline Easement Question

Andrew:

What is the industry standard for the width of a temporary construction easement for general upkeep and maintenance of a pipeline?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Director
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-34 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

"All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure."

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information was provided.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email was provided.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

"All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure."

The Commission's reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner's ability to use their land by consuming too much land for setback purposes.
2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC Meeting Minutes 11.05.24

Chairman Wormley noted that most pipeline easement are fifty (50) feet, unless there is a unique issue.

The proposal originally started at the Comprehensive Land Plan and Ordinance Committee.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to forward the proposal to the Kendall County Regional Planning Commission.

Mr. Guritz asked why the distance from the pipeline was selected as the starting point of the setback measurement instead of starting the measurement at the easement line. Chairman Wormley explained that some members of the Kendall County Regional Planning Commission favored smaller setbacks and some that favored larger setbacks as outlined by the Federal Energy Regulatory Commission.

Mr. Guritz discussed building next to the easement; he felt a setback from the easement was more appropriate instead of a setback from the pipeline. The setback would be from a permanent easement.

The depth requirement was five (5) feet, older depths ranged.

Mr. Guritz suggested a five (5) foot setback from the permanent easement line.

The votes were follows:

Ayes (7):	Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley
Nays (0):	None
Abstain (0):	None
Absent (3):	Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:31 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-34 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information was provided.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email was provided.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission’s reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner’s ability to use their land by consuming too much land for setback purposes.

2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024, and voted to forward the proposal to the Kendall County Regional Planning Commission by a vote of seven (7) in favor and zero in opposition with three (3) members absent with the suggestion that the setback be five feet (5') as measured from the permanent easement line instead of being measured from the pipeline. The minutes of the meeting were provided.

Chairman Ashton requested clarification on the measurement. Mr. Asselmeier stated twenty-five (25') feet from any occupied principal structure.

Member Stewart asked if it was twenty-five (25') feet in either direction. Mr. Asselmeier stated it was twenty-five feet (25') in either direction.

Member Wilson asked if pipe distance was measured from the boundary of the easement. Mr. Asselmeier stated pipelines would be measured a minimum of twenty-five (25') feet from any occupied principal structure.

Member Casey asked if there was a reason for making it much smaller than it was previously. Member Hamman stated that five hundred feet (500') was excessive.

Member Landovitz requested clarification on ZPAC's suggestion. Mr. Asselmeier stated the suggestion was made by Dave Guritz from The Forest Preserve District. He felt that it would be more appropriate to have the setback be five feet (5') measured from the permanent easement line instead of measuring the setback from a house. This idea was a suggestion not a recommendation.

Member Wilson asked if the house must be five (5') feet from the boundary of the easement. Mr. Asselmeier stated that was correct. Mr. Asselmeier stated that Mr. Guritz was looking at the easement instead of the location of the house.

Member Landovitz stated that it is understood that the easement would typically provide twenty-five feet (25') on either side. He stated that the wording for the requirement should be the distance from the easement rather than the distance from the pipeline. Member Wilson stated there was no assurance that the pipeline would be laying in the center of the easement. Mr. Asselmeier stated that there was no assurance that all pipeline easements would be the same widths. Member Landovitz stated he would like the wording to be kept the same as it was originally.

Member Hamman made a motion, seconded by Member Rodriguez, to recommend approval of the text amendment.

The votes were as follows:

Ayes (7): Bernacki, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson

Nays (2): Ashton and Casey

Absent (1): Wormley

Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on December 16, 2024.

Chairman Ashton stated that he felt twenty-five feet (25') is too close but five hundred feet (500') is excessive. He would like something in between. Member Casey agreed with Chairman Ashton.

Member Wilson stated that she didn't think that private pipeline companies have eminent domain. Member Stewart stated the pipelines were trying to obtain eminent domain.

Member Rodriguez asked if some of the current pipelines would be grandfathered. Mr. Asselmeier stated that if the older pipelines did not meet the requirements they would be grandfathered. Any new pipelines would have to meet the new requirements.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

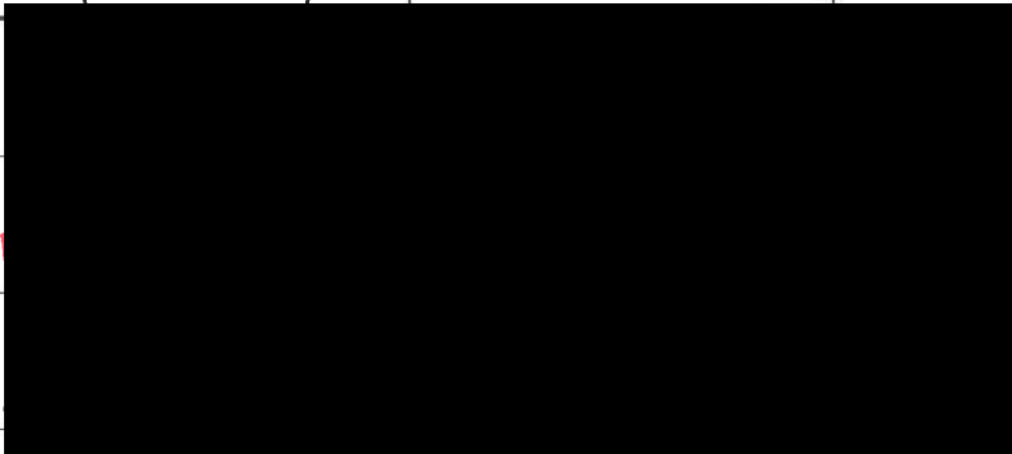
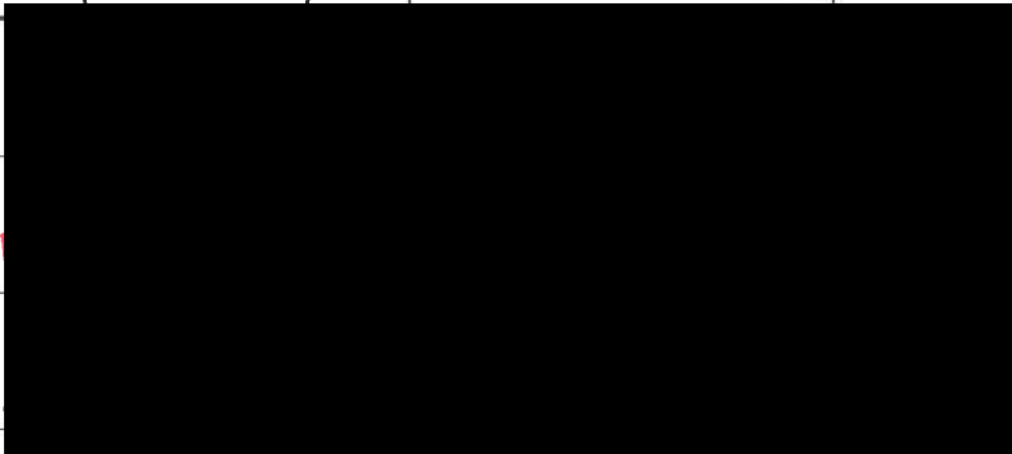
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.

10

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

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)
Tom Ryan		
Juan Hernandez		
Steve Gengler		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: December 13, 2024
Re: Proposed Text Amendment Related to Allowing Parking in the Front Yard Setback of A-1 Zoned Properties (Petition 24-35)

Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

“No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District.”

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Accordingly, the redlined version of the text is as follows:

“No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District.”

Information was sent to the Townships on October 25, 2024.

ZPAC reviewed the proposal at their meeting on November 5, 2024. Discussion occurred regarding the history of front yard setback regulations. ZPAC voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition (0) with three (3) members absent. The minutes of the meeting are provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 11, 2024. Discussion occurred regarding grandfathering and the applicability of the standards if a road is widened. The Commission wanted the setback distances of seventy-five feet (75') and fifty (50') emphasized in the regulation. Staff was requested to update the proposal to reflect this emphasis. The Kendall County Regional Planning Commission voted to continue this proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are provided.

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

MHA

Encs.: November 5, 2024, ZPAC Meeting Minutes (This Petition Only)
December 11, 2024, RPC Meeting Minutes (This Petition Only)

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 5, 2024 – Unapproved Meeting Minutes

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

James Kerrigan, Nicholas Bellone, and Nicholas Standiford

PETITIONS

Petition 24-35 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

"No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District."

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Accordingly, the redlined version of the text is as follows:

"No parking and drive aisles are permitted in a required front setback except the interior one-half ($\frac{1}{2}$) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District."

Information was sent to the Townships on October 25, 2024. No comments received.

Mr. Holdiman asked if the setback was whichever was greater. Mr. Asselmeier said that, in terms of the setback, the whichever was greater language had been removed from the zoning regulations.

Mr. Guritz asked why the current provisions were in place and what about the impact of changing the regulations. Mr. Asselmeier explained that the requirement of not allowing parking in front yard setbacks had been in the Zoning Ordinance for a long time. However, the setback in the A-1 District had increased over time. Mr. Holdiman noted the increase of

businesses in the agricultural district, like landscaping businesses, that have the need for parking. Mr. Asselmeier said the ordinance already sets the number of parking spaces based on use; stormwater regulations would also apply.

Mr. Guritz made a motion, seconded by Ms. Belville, to recommend approval of the proposal to the Kendall County Regional Planning Commission.

The votes were follows:

Ayes (7): Asselmeier, Belville, Guritz, Holdiman, Langston, Olson, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on December 11, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:31 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of December 11, 2024 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Karin McCarthy-Lange, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: Seth Wormley

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Tom Ryan, Juan Hernandez, and Tom Ryan

PETITIONS

Petition 24-35 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Section 36-1013 (f) (6) (a) (1) of the Kendall County Code contains the following regulations regarding parking in the front yard setbacks:

“No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District.”

During the review of the special use permit for a landscaping business between 3900 and 3716 Stewart, Staff was requested to investigate allowing parking in a portion of the required front yard setbacks.

The front yard setbacks for properties zoned A-1 are one hundred fifty feet (150') from the centerline and one hundred feet (100') from the right-of-way line.

The consensus among the members of the Kendall County Regional Planning Commission was that this requirement was too large and prevented property owners from using their land effectively.

At their meeting on October 23, 2024, the Kendall County Regional Planning Commission decided to initiate a text amendment to the Kendall County Code allowing parking in the A-1 Zoning District in the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.

Accordingly, the redlined version of the text is as follows:

“No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District.”

Information was sent to the Townships on October 25, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on November 5, 2024. Discussion occurred regarding the history of front yard setback regulations. ZPAC voted to recommend approval of the proposal by a vote of seven (7) in favor and zero in opposition with three (3) members absent. The minutes of the meeting were provided.

Member Landovitz stated that the dimensions are not clearly stated. Mr. Asselmeier stated the parking is permitted in a required front setback except the interior one-half (½) of the front yard in an M-1 Limited Manufacturing District or M-2 Heavy Industrial District. Member Landovitz favored more explicitly stating the seventy-five foot (75') and fifty foot (50') requirement.

The amendment would read “No parking and drive aisles are permitted in a required front setback except the interior one-half (½) of the front yard in **A-1 Agricultural District**, M-1 Limited Manufacturing District, or M-2 Heavy Industrial District. **Specifically, for properties located in the A-1 Agricultural District, parking and driving aisles are permitted within the interior seventy-five feet (75') from the centerline for properties where the right-of-way was not dedicated and the interior fifty feet (50') from the right-of-way line where a right-of-way existed.**”

Member Wilson asked if the proposal applied to all roads or rights-of-way. Mr. Asselmeier responded that, if a road authority widened a road, the property would be grandfathered. The property owner could also pursue a variance under the argument that the State created the hardship/non-conformity. Member Wilson discussed a case in Channahon where a restaurant could not be rebuilt.

Member Landovitz made a motion, seconded by Member Bernacki, to continue the Petition to the January 22, 2025, meeting at the Historic Courthouse.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Landovitz, McCarthy-Lange, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (1): Wormley
Abstain (0): None

The motion carried.

The proposal returns to the Kendall County Regional Planning Commission on January 22, 2025.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the application deadline for the January meeting is December 24, 2024. Petitions 24-30 and 24-35 will be on the agenda.

Member Landovitz appreciated the Staff for updating the ordinance as necessary. Mr. Asselmeier said that the Staff was proposing text amendments reducing the number of plats submitted for certain applications.

Member Wilson suggested only including a summary instead of complete NRI Reports.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of nine (9) ayes,

the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:05 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 11, 2024**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE
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