

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)**  
**November 5, 2024 – Approved 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

**AGENDA**

Mr. Guritz made a motion, seconded by Commander Langston, to approve the agenda as presented.

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

**MINUTES**

Mr. Guritz made a motion, seconded by Ms. Olson, to approve the October 9, 2024, meeting minutes.

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

**PETITIONS**

**Petition 24-16 Michael G. Ott on Behalf of the Fox Metro Water Reclamation District**

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is requesting permission to construct an approximately one thousand, two hundred seventy-eight (1,278) square foot addition to the north wastewater treatment plant bar screen building. The addition would be one (1) story in size and would be brick.

The application materials, building renderings, and proposed site plan were provided.

The subject property was rezoned to M-1 in 1974.

Chapter 36, Article II, Division IV of the Kendall County Code requires site plan review for these types of improvements.

The property is located at 682 Route 31.

The subject parcel is approximately fourteen point seven (14.7) acres.

The property is zoned M-1.

The existing land use is Utilities.

The future land use is Mixed Use Business.

Route 31 is a State maintained Arterial highway.

There are no trails planned for the area.

A portion of the property is in a floodplain.

The adjacent land uses are Institutional, Wooded, Comed Right-of-Way, Industrial and Railroad.

The adjacent properties are zoned A-1, M-1, and Village of Montgomery Zoning.

The Land Resource Management Plan calls for the area to be Mixed Use Business.

The analysis was based on the subject parcel only and not the entire Fox Metro complex.

EcoCAT Report was provided. Protected resources are in the area, but adverse impacts are unlikely and consultation was terminated.

Petition information was sent to Oswego Township on October 22, 2024. No comments received.

Petition information was to the Oswego Fire Protection District on October 22, 2024. Mr. Asselmeier read an email stating the Fire District had no comments.

Petition information was sent to the Village of Montgomery on October 22, 2024. Mr. Asselmeier read an email stating that the Village had no objections to the proposal.

The proposed design standards were as follows:

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken.

The building addition is being constructed to the west of an existing building in an area onsite that is currently turf grass and surrounded by currently developed land consisting of wastewater treatment infrastructure, buildings, and existing pavement. Additionally, the building addition is being constructed away from the existing property boundary, the floodplain, any wetlands, and natural features. The District hired a geotechnical engineering firm to collect soil borings for the building addition. The propose design incorporates the recommendations from the geotechnical engineering report to accommodate geology and soil conditions. Existing grade will be matched around the building addition.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed.

Existing pavement and parking areas are not changing. Any pavement impacted by construction will be replaced in kind. A small driveway is being added off the existing paved area to provide access to a new screenings dumpster being included as part of the project.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing.

The current flow of traffic for both vehicles and pedestrians will not be changed as part of the project.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.

There is no extraneous impervious areas being added as part of the project. There will be no net cut or fill resulting from the project as existing grades will generally be maintained. The design incorporates erosion control measures to prevent pollution. When the project is complete, the peak hourly flow capacity of the North Wastewater Treatment Plan will be increased from one hundred thirty-nine (139) million gallons per day to one hundred fifty-four point seven (154.7) million gallons per day, reducing pollution. Existing groundwater is generally below the depth of anticipated excavation for the building addition so existing ground water conditions are not expected to change. Finally, neighboring properties will not be impacted by the building addition as it is being constructed away from all adjoining properties.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements.

The proposed building addition will match the existing building construction materials and looks.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements.

The building addition will not have an impact on any streets, setbacks, or any other design elements.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property.

The proposed addition is located well inside Fox Metro's existing campus. As such, this requirement is not applicable as this portion of the property is not open to the public. Additionally, we are not changing the impacting the general flow of vehicles or employee foot traffic. Additional sidewalks are being provided to aid in routing employee foot traffic to doors on the new building addition; these sidewalks are not open to the public.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view.

Construction activities will not impact adjacent properties as the addition is being constructed in a location that is away from adjacent properties. Additionally, there are provisions requiring the contractor to control dust, noise, stormwater runoff, during construction.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles.

The building addition will be accessible to emergency vehicles via the existing pavement/access drive at the facility.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts.

New mechanical equipment will be interior to the existing site and not visible from any adjacent properties.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view.

The only exterior lighting being provided is above each access door as required by code and, as such, there is no risk of light being a nuisance to adjacent residents because the proposed addition is located inside Fox Metro's existing campus.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited.

A new screenings dumpster will be located within the building addition and will not be visible to any adjacent property owners. Additionally, provisions have been included in the project to facilitate dumpster pickup using the existing routes. A small additional drive and apron have been provided to allow trucks to allow dumpster haul away.

Pending comments from ZPAC members, Staff recommended approval of the request subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan and building elevations.
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the site plan.

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.

**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)**

Mr. Asselmeier summarized the request.

The Petitioner is seeking a special use permit for a commercial solar energy facility and a 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.

The application materials, wetland delineation reports (including EcoCat information), NRI Report, property survey, site plan, vegetative management plan, decommissioning information, stormwater information, drain tile information, glare study, and property value study were provided.

The property is located south of 9949 and 10021 Ament Road.

The total acreage of the two (2) parcels is approximately ninety-three point four (93.4) acres. The disturbed area is approximately thirty-nine point three (39.3) acres. The fenced area is approximately thirty-five point six (35.6) acres.

The existing land use is Agricultural.

The County's Future Land Use Map calls for the property to be Rural Residential. Yorkville's Plan calls for the property to be Agricultural.

Ament Road is a Local Road maintained by Kendall Township.

The United City of Yorkville has a trail planned along Ament Road.

There are no floodplains on the property. There are two (2) farmed wetlands in the vicinity of the proposed use.

The adjacent land uses are Agricultural, Farmstead, Public Institutional (Cemetery), and Single-Family Residential.

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

The County's Plan calls for the area to be Rural Residential and Transportation Corridor.

Yorkville Plan calls for the area to be Agricultural.

Properties within one half (1/2) mile are zoned A-1, A-1SU, R-1, R-1 PUD, R-3, RPD-2, and M-1.

The A-1 special use permit to the north is for a cemetery. The A-1 special use permits to the east are for a church and school and for agricultural implement sales and service.

The Deere Crossing subdivision is located near the subject property. Approximately fourteen (14) homes are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on July 10, 2023, for the eastern parcel and November 16, 2023, for the western parcel and consultation was terminated for both parcels.

A LESA Score was not generated for the property. The land evaluation was 96 out of 100 indicating the soils were well suited for agricultural. The NRI Report was provided.

Petition information was sent to Kendall Township on October 25, 2024. No comments received.

Petition information was sent to the United City of Yorkville on October 25, 2024. Prior to formal application submittal, the United City of Yorkville submitted a letter stating they would not pursue annexation at this time; this was provided. Yorkville also submitted an email requesting a forty foot (40') right-of-way dedication; Kendall Township was agreeable to this request. The emails related to the right-of-way dedication were provided.

Petition information was sent to the Bristol-Kendall Fire Protection District on October 25, 2024. No comments received.

§ 36-282(17) of the Kendall County Zoning Ordinance, commercial solar energy facilities businesses can be special uses on A-1 zoned property subject to the following conditions:

- a. All commercial solar energy facilities and test solar energy systems located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property. Petitioner is requesting a variance.
- b. The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any component of the facility as follows:

Occupied Community Buildings or Dwellings on Nonparticipating Properties-One hundred fifty feet (150') from the nearest point on the outside wall of the structure

Boundary Lines of Participating Properties-None

Boundary Lines of Nonparticipating Properties- Fifty feet (50') to the nearest point on the property line of the nonparticipating property

Public Road Rights-Of-Way-Fifty feet (50') from the nearest edge

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors. Per the site plan, the closest nonparticipating structure is approximately one thousand, thirty feet (1,030') to the southeast of the commercial solar energy facility. A church is located approximately one thousand, four hundred thirty-three feet (1,433') to the northeast of the commercial solar energy facility. The perimeter fence is setback fifty feet (50') from the adjoining property line. The commercial solar energy facility is approximately one thousand, four hundred forty-two feet (1,442') from the Ament Road. At their closest points, the panels are approximately forty-nine feet (49') south of the northern fence line, twenty-nine point five feet (29.5) west of the eastern fence line, just under nineteen feet (19') north of the southern fence line, and twenty-one point five feet (21.5') east of the western fence line.

- c. A commercial solar energy facility's perimeter shall be enclosed by fencing having a height of at least six feet (6') and no more than twenty-five feet (25'). This is true. Per the site plan, the fence is proposed to be seven feet (7') in height and will be chain link.
- d. No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty feet (20') above ground when the solar energy facility's arrays are at full tilt. This is true. Per the site plan, the maximum height will be nine feet (9'). The Petitioner does not want a restriction setting the maximum height at this level.
- e. The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal. No such consent requested or needed.
- f. Sound limitations for components in commercial solar energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board. A noise study was provided.
- 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. The decommissioning plan was provided and is outlined in the AIMA. As noted, the estimated cost of decommissioning is Four Hundred Twenty-Five Thousand, Eight Hundred Ninety-Seven Dollars and Thirty-Seven Cents (\$425,897.37). This money will be provided to the County in the form of a bond as outlined in the AIMA.

- h. A vegetative screening shall be placed around the commercial solar energy facility. The landscaping plan was provided with the site plan and more detailed landscaping information included in the vegetative management plan. The plan includes a cover crop seed mix, a native pollinator seed mix, and a native grazing seed mix. The performance standards and ground cover maintenance requirements were included in the vegetative management plan.
- i. Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation. The EcoCat was submitted and consultation was terminated without any specific recommendations.
- j. Commercial solar energy facility applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review. This was provided in both wetland delineation reports. Six (6) threatened or endangered species were in the area, but no impacts were anticipated.
- k. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission. This is true. The site is designed around the farmed wetlands.
- l. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law. No potential impacts to State-registered historic sites exist.
- 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 vegetation management plan, including timelines for planting and maintenance of the vegetation was provided.
- n. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement. To date, the road use agreement negotiations are ongoing. No transportation or access plan was provided. The site plan shows one (1) twenty foot (20') wide gravel driveway approximately thirty feet (30') west of the eastern property line.
- o. The 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. A tentative drain tile study was provided. The foundations for the racking will be placed in a manner that minimizes impacts on the drain tile.

No buildings are planned for the site. Any structures proposed for the site, including the solar arrays, shall obtain applicable permits.

The property is presently farmland. No wells, septic systems, or refuse collection points were identified.

The proposed area of disturbance is slightly less than one (1) acre. The County requested that the Petitioner submit an escrow payment so that WBK can evaluate the proposal; this was provided.

Per the site plan, the Petitioner propose one (1) twenty foot (20') wide access road.

There is one (1) forty foot (40') wide vehicular access gate and approximately ten (10) four foot (4') access gates proposed around the perimeter of the property. The locations of the smaller gates have not been determined. Knox box information will be provided to the County.

No permeant parking was proposed. There will be a staging area during construction; the specific location of the staging area was undetermined, but will likely be northwest of the vehicular access gate.

No lighting was proposed.

No specific signage was planned. The Petitioner was agreeable to installing one (1) sign at the vehicular access gate stating emergency contact information.

The Petitioner provided a glare study.

The Petitioner provided a general property values study. Mr. Asselmeier noted that the same company that provided the property value study for this project also prepared the property value study for the project on Simons Road. An email outlining the differences between the studies was available. The conclusion of both studies, that property values would not be negatively impacted, was the same.

No odors were foreseen.

If approved, this would be the second special use permit for a commercial solar energy facility in unincorporated Kendall County.

The proposed Findings of Fact for the special use permit were as follows:

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 Project will generate clean, renewable electricity while producing no air, noise, or water pollution, or ground contamination. The front portion of the parcel closest to Ament Road will be retained for agricultural use as well as the surrounding land of the other parcel, which will create a natural screening during the growing season. The Petitioner submitted a vegetative management plan outlining the types of vegetation that will be planted, the timing of planting, and a maintenance plan for the vegetation.

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 makes 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 proposal will not interfere with the use and enjoyment of nearby properties. The surrounding properties are zoned primarily A-1 and will not be prevented from continuing any existing use or from pursuing future uses. The proposal's operations would be quiet and minimal traffic will occur after installation is completed. The solar panels are setback from Ament Road and neighboring houses to avoid negative visual impacts.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal will have adequate utility interconnections designed in collaboration with ComEd. The proposal does not require water, sewer, or any other public utility facilities to operate. The Petitioner will also build all roads and entrances at the facility and will enter into an agreement with Kendall Township regarding road use. After initial construction traffic, landscape maintenance and maintenance to the project components are anticipated to occur on an as-needed basis, consistent with the vegetative management plan. Existing traffic patterns will not be impacted in the post-construction operations phase. A drain tile survey will be completed prior to construction and foundation design will work around or reroute any identified drain tiles to ensure proper drainage.

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. If the requested variance is granted, the proposal meets all applicable regulations.

The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposal is also consistent with a goal and objective found on page 3-34 of the Land Resource Management Plan, "Support the public and private use of sustainable energy systems (examples include wind, solar, and geo-thermal)." However, the proposal is located on property classified as Rural Residential on the Future Land Use Map.

The proposed Findings of Fact for the variance:

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 property is located within one point five (1.5) miles of the United City of Yorkville. The Petitioner provided a letter from the United City of Yorkville stating that Yorkville did not wish to annex the property or enter into a pre-annexation agreement.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other A-1 zoned properties within one point five (1.5) miles of a municipality could request a similar variance, if the municipality refuses to annex or enter into a pre-annexation agreement.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The difficulty was created because the United City of Yorkville did not wish to enter into a pre-annexation agreement or annex the property.

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. Granting the variance would not be detrimental to the public or substantially injurious to other properties.

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 proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

Staff will wait with issuing a recommendation on this proposal, pending comments from the Regional Planning Commission. The proposed conditions and restrictions are listed:

1. The site shall be developed substantially in accordance with the submitted site plan, vegetative management plan, decommissioning plan, road access plan, and Agricultural Impact Mitigation Agreement.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land forty feet (40') in depth along the northern property line to Kendall Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
3. None of the vehicles or equipment parked or stored on the subject property allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
4. All of the vehicles and equipment stored on the subject property allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
5. Any structures, included solar arrays, constructed, installed, or used allowed by this special use permit shall not be considered for agricultural purposes and must secure applicable building permits.
6. One (1) warning sign shall be placed near or on the vehicular entrance gate. This sign shall include, at minimum, the address of the subject property and a twenty-four (24) hour emergency contact phone number. Additional signage may be installed, if required by applicable law.
7. KenCom and other applicable public safety agencies shall be supplied the access code to the Knox Box/security gate.
8. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's

Right to Farm Clause.

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.
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.
11. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
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.

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

#### **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.

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.

#### **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 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.

#### **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.

#### **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.

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.

#### **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.

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

Mr. Asselmeier reported that Petition 24-14 was rejected by the County Board.

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

#### **OLD BUSINESS/NEW BUSINESS**

None

#### **CORRESPONDENCE**

None

#### **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.

## **Matt Asselmeier**

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**From:** Sonya Abt <sabt@montgomeryil.org>  
**Sent:** Tuesday, October 29, 2024 11:08 AM  
**To:** Matt Asselmeier  
**Subject:** [External]RE: Kendall County Zoning Petition 24-16

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 –  
Thank you for sending over; the Village has no objection to this site plan/addition.

**Sonya Abt, AICP**  
Director of Community Development  
200 N. River St. | Montgomery, IL 60538  
D | 331-212-9021 | [www.montgomeryil.org](http://www.montgomeryil.org)  
[sabt@montgomeryil.org](mailto:sabt@montgomeryil.org)



## **Matt Asselmeier**

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**From:** ALEC KEENUM <AKEENUM@oswegofire.com>  
**Sent:** Thursday, October 24, 2024 2:30 PM  
**To:** Matt Asselmeier  
**Subject:** [External]RE: Kendall County Zoning Petition 24-16

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,

No comments from the FD

Regards,

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District

NOT FOR  
CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON TO ALTER ANY DOCUMENT WHICH BEARS THE SEAL OF A PROFESSIONAL ENGINEER, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.

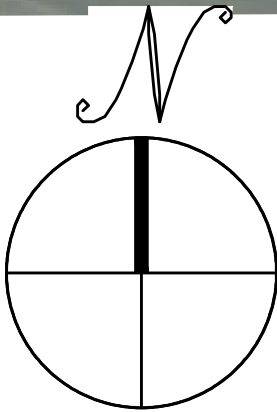
SPECIAL USE PERMIT SET  
AMENT ROAD-KENDALL IL

PROJECT NUMBER:  
22-4525

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL

SCALES STATED ON DRAWINGS  
ARE VALID ONLY WHEN PLOTTED  
ARCH D 24" X 36"

NOISE LEVEL EXHIBIT



# NOISE LEVEL EXHIBIT

SCALE: 1" = 300'



## Matt Asselmeier

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**From:** Erin Bowen <Erin.Bowen@CohnReznick.com>  
**Sent:** Wednesday, October 23, 2024 2:35 PM  
**To:** Matt Asselmeier  
**Subject:** RE: [External]RE: Solar Property Value Studies Question

Matt,

Thanks. The two reports have the same conclusions that “the data indicates that solar facilities do not have a negative impact on adjacent property values”. They include the same paired sales studies, although are in a slightly different order. The New Leaf report is dated March 2023, which mentions the recent publication of the academic study published by Lawrence Berkely National Lab which was published a couple of weeks before we submitted the report. The TPE report dated September, has a more in depth analysis of the study on pages 20-21. The TPE report also includes another example of new development adjacent solar facilities, a new 175-home subdivision next to the Portage Solar Farm in Indiana, presented on page 103 of the report.

I’d like to also bring to your attention a newer academic study not in either report, that was published last month that focusses on solar facilities in the Midwest:

In September 2024 a study prepared by Simeng Hao and Gilbert Michaud of **Loyola University Chicago’s** School of Environmental Sustainability was published, “Assessing Property Value Impacts Near Utility-Scale Solar in the Midwestern United State”. The study examined 70 utility-scale solar farms in the states of IL, IN, IA, KS, MI, MN, MO, NE, OH and WI, that were completed between 2009 and 2022 and measured over 20,800 average home values (AHV) from this time period. The study utilized difference-in-differences (DiD) models which compared the change in AHV for “treatment groups”, zip codes which have a utility-scale solar projects, to the change in AHV for “control groups”, zip codes that did not have a utility-scale solar project and were in the same state as the treatment groups. ***The results of the study indicate that utility-scale solar projects increase nearby property values by roughly 0.5-2.0 percent, with smaller projects (less than 20 MW) having more of a positive impact on nearby property values than project over 20 MW.***

The study included models with unadjusted AHV (does not account for increase in value due to market conditions) and adjusted AHV (accounted for increase in value due to market conditions by utilizing the Case Schiller Index, which is measured using data on repeated sales of single-family homes over time). Both models indicated similar results, strengthening the finding of a positive correlation between utility-scale solar projects and nearby property values.

The study further suggested, “the positive correlation between utility-scale solar projects and nearby property values could be due to the new tax revenues, which are often used to support local school and other public services, as well as the local employment opportunities that utility-scale solar projects can provide”.

Let me know if you have any questions.

**Erin Bowen, MAI**  
Director  
Valuation Advisory  
Value360