

MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
January 29, 2018 – 7:00 p.m.

CALL TO ORDER

At 7:06 p.m., the Zoning Board of Appeals meeting was called to order. Due to the absence of Chairman Mohr, Mr. Whitfield, seconded by Mr. LeCuyer, moved to open the floor for nominations for Chairman and nominated Ms. Clementi for the position. There were no additional nominations. With a voice vote of all ayes, the motion was approved.

ROLL CALL

Members Present: Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Whitfield, and One Vacancy

Members Absent: Randy Mohr and Dick Thompson

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson and Walter Werderich

MINUTES

Mr. Cherry, seconded by Mr. Whitfield, moved to approve the October 30, 2017, meeting minutes with an amendment announcing Donna McKay's resignation from the Board. With a voice vote of all ayes, the motion was approved.

PETITIONS

17-33 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Sections 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Transferring the Authority to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Purpose: Transfers the Authority to Hear Applications, Amendments and Revocations of Special Use Permits from the Hearing Officer to the Zoning Board of Appeals. Also Makes Citation Changes to Various Sections of the Zoning Ordinance to Reflect this Transfer.

Mr. Asselmeier summarized the request. At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Office would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor

approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

ZPAC met on this matter on November 7th and unanimously recommended approval of this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their November 29th meeting and unanimously recommended approval of the proposal.

This proposal was mailed to each township on October 25th. To date, no township has submitted comments on the proposal.

Acting Chairwoman Clementi asked where the proposal goes after the hearing. Mr. Asselmeier responded that the townships will be notified of the recommendation of the Board. The proposal will then go to the Planning, Building and Zoning Committee and County Board in March.

Mr. Asselmeier noted that the certificate of publication was on file in the Planning, Building and Zoning Department Office.

Acting Chairwoman Clementi opened the public hearing at 7:11 p.m.

Walter Werderich, current Kendall County Hearing Officer, was duly sworn and stated that he had no position in favor or in opposition to the proposal.

Mr. Asselmeier noted that a Committee can have debate; the Hearing Officer does debate a petition with anyone. Also, the position of Hearing Officer would not be dissolved. The Hearing Officer would still hear administrative adjudication hearings.

The Board will need to determine the procedure for determining an official finding of fact and recommendation. The criteria for findings of fact would remain the same.

Acting Chairwoman Clementi adjourned the public hearing on this matter at 7:18 p.m.

Mr. LeCuyer stated that he liked the idea of having more people on the record for recommendations instead of one (1) person.

Mr. LeCuyer, seconded by Mr. Cherry, made a motion to recommend approval of the text amendments as proposed.

The votes were as follows:

Ayes (4): Cherry, Clementi, LeCuyer, and Whitfield
Nays (0): None
Absent (2): Mohr and Thompson

The motion passed. The townships will be notified of the Board's recommendation. This matter will go to the Kendall County Planning, Building and Zoning Committee on March 12th.

Amended 17-29 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Purpose: Text Amendment Increases Notification Requirement from Five Hundred Feet (500') to One Thousand Feet (1,000') Instead of Two Thousand Six Hundred Feet (2,600') as Originally Proposed for Applications for Special Use Permits on Properties Zoned A-1 and Clarifying that Only Adjoining Properties must be Notified on Special Use Permit Applications for Properties not Zoned A-1.

Mr. Asselmeier summarized the request. At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600').

At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Six Dollars and Seventy-Four Cents (\$6.74) per receipt. One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.

5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.
6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0): None
Abstain (1): Asselmeier
Absent (4): Davidson, Chismark, Langston and Andrews

At their meeting on January 24, 2018, the Kendall County Regional Planning Commission unanimously recommended that the distance remain five hundred feet (500') and that notices be sent by certificate of mailing instead of certified return receipt. The cost of certificate of mailing is One Dollar and Thirty-Five Cents (\$1.35). Commissioners felt the change was not necessary and that certain uses allowed in the M districts had greater negative impacts than some A-1 special uses. A rezoning from A-1 to another district would only require a five hundred foot (500') notification.

Staff would like to note that all of the zoning related notifications in the Kendall County Zoning Ordinance are by certified return receipt.

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

Mr. Asselmeier noted that the certificate of publication was on file in the Planning, Building and Zoning Department Office.

Mr. Asselmeier noted that meeting notices must be posted onsite and in the newspaper.

Acting Chairwoman Clementi asked how the distance requirement was measured. Mr. Asselmeier responded that the applicant submits a legal description of the proposal. The GIS Department then creates a map based on the legal description and the GIS Department extends the boundaries out five hundred feet (500') from the description provided in the legal.

Acting Chairwoman Clementi asked the cause of this request. Mr. Asselmeier stated that the County Board received complaints from people near gun ranges and banquet facilities regarding noise. The residents also reported that they were not notified of the meetings. The petitioner at 1996 Cannonball Trail had few people attend the ZPAC, Kendall County Regional Planning Commission, or Special Use Hearing. However, the meeting room was full for the Planning, Building and Zoning Committee meeting. One (1) resident complained that they were not notified; this resident lived just outside the notification area.

Mr. Whitfield noted that anyone could attend a hearing and the comments stated by people living within the notification requirement have the same standing and the comments stated by people not living within the notification area. Mr. Whitfield also noted that social media and neighbors talking to neighbors also spreads the word regarding hearings.

Mr. Asselmeier stated he examined having different notification requirements for different special uses, but Staff cannot predict which cases will be controversial until the hearing occurs.

Acting Chairwoman stated her support of certificate of mailing, but the statute says certified mail. Mr. Asselmeier noted potential problems that could arise if someone had to apply for a variance and special use using different mailing procedures.

Several Board members noted the number of people required for notification for petition in the country could be different compared to properties located closer to incorporated areas.

Acting Chairwoman Clementi opened the public hearing at 7:39 p.m.

No one from the public submitted comments.

Acting Chairwoman Clementi adjourned the public hearing on this matter at 7:39 p.m.

Mr. LeCuyer asked if the proposed amendment would eliminate any problems. Mr. Asselmeier responded that more people would be notified of petitions.

Mr. LeCuyer asked how notifications worked in municipalities. Mr. Asselmeier responded that the municipal code requires a two hundred fifty foot (250') notification requirement.

Acting Chairwoman Clementi expressed concerns regarding the increased cost for the petitioner.

Several Board members expressed their support of map amendments instead of special use permits.

Mr. Whitfield, seconded by Mr. LeCuyer, made a motion to recommend that the notification distance requirement be set at five hundred feet (500') for special use permits on A-1 zoned property and that notification be by certified return receipt mail.

The votes were as follows:

Ayes (4): Cherry, Clementi, LeCuyer, and Whitfield

Nays (0): None
Absent (2): Mohr and Thompson

The motion passed. The townships will be notified of the Board's recommendation. This matter will go to the Kendall County Planning, Building and Zoning Committee on March 12th.

Mr. Cherry said that he favored raising the notification requirements in the rural areas, but did not see how to differentiate A-1 zoned properties further away from the incorporated areas and those closer to the incorporated towns.

Mr. LeCuyer concurred with Mr. Cherry and said that controversial cases will bring people out for hearings.

Mr. Whitfield said that neighbors will inform neighbors on social media about hearings that controversial cases will bring people out for hearings. Neighbors will encourage neighbors to attend meetings in controversial cases.

Acting Chairwoman Clementi concurred with Mr. Whitfield's opinion on social media and favored certified mailings because of applicable law.

NEW BUSINESS/OLD BUSINESS

Selection of Member(s) for Comprehensive Land Plan and Ordinance Committee

The consensus of the Board was that Chairman Mohr should represent the Zoning Board of Appeals on the Comprehensive Land Plan and Ordinance Committee.

Update on Proposed Changes to Future Land Use Map for Land Along Route 47 in Lisbon Township

Mr. Asselmeier provided an update on the proposed changes to the Future Land Use Map in this area. The consensus of the Board was that they liked the proposed changes to the Future Land Use Map as presented by Staff. The proposed map will be reviewed by the Kendall County Regional Planning Commission at their Annual Meeting on February 3rd and a meeting in Lisbon Township will occur on February 28th.

Kendall County Regional Planning Commission Annual Meeting-February 3, 2018

Mr. Asselmeier informed the Board that the Kendall County Regional Planning Commission's Annual Meeting is February 3rd at 9:00 a.m. in the County Board Room.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 17-30 regarding changing the expiration deadline from January 1, 2018 to July 1, 2020 for Kendall County's medical cannabis regulations passed at the County Board.

PUBLIC COMMENT

None

Mr. Asselmeier reported that another text amendment was scheduled for a hearing in March and that a proposed map amendment could be heard in April. The consensus of the Board was to cancel the March hearing unless a variance application was submitted and to hear the proposed text amendment and map amendment at the April meeting.

The Board will also vote on a Vice-Chairman at the next meeting.

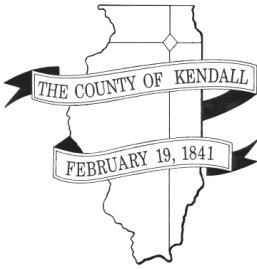
ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Mr. LeCuyer, seconded by Mr. Cherry made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:10 p.m.

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

Exhibits

1. Staff Report on Petition 17-33 Dated December 4, 2017.
2. Certificate of Publication for Petition 17-33 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. Staff Report on Amended Petition 17-29 Dated January 25, 2018.
4. Certificate of Publication for Amended Petition 17-29 (Not Included with Report but on file in Planning, Building and Zoning Office).



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, Senior Planner
Date: December 4, 2017
Re: 17-33 Proposed Text Amendments Transferring Certain Powers and Duties from the Hearing Officer to the Zoning Board of Appeals

At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Office would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

A worksheet of proposed changes posed language is enclosed. Proposed changes are shown in red and are bolded.

ZPAC met on this matter on November 7th and unanimously recommended approval of this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their November 29th meeting and unanimously recommended approval of the proposal.

This proposal was mailed to each township on October 25th. To date, no township has submitted comments on the proposal.

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

Thanks,

MHA

ENC: Proposed Text Amendments
11.7.17 ZPAC Minutes
11.29.17 KCRPC Minutes

Ref: Ordinance 2004-13 (Created Hearing Officer)

Ref: 55 ILCS 5/5-12009.5 (Gives ZBA Authority to Hear Special Uses)

4.19 TEMPORARY USES PERMITTED

An owner seeking an approval of a permitted temporary use shall submit an application for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.007) if the stated time limit is to be exceeded.

5.08 CONVERSION TO SPECIAL USE

Any non-conforming use may be made a Special Use by the granting of a Special Use Permit as authorized by sub-section 13.007, if the use meets the requirements and standards applicable to Special Use approval, and if the use is authorized by the provisions of the Kendall County Zoning Ordinance.

6.07 Pipelines

G.2 All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13.007 of this Ordinance.

7.01 A-1 Agricultural District

D. The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13.007:

7.01 A-1 Agricultural District

D. SPECIAL USES PERMITTED

53 . Wind Farms, Commercial, subject to the following:

- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert

witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

C. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07**:

8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

H.1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.0**07** if approved with the Planned Development or as an amendment to a Planned Development.

H.2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07** without inclusion in the Planned Development or a subsequent amendment.

10.01 M-1 LIMITED MANUFACTURING DISTRICT

C. SPECIAL USES.

27. Wind Farms, Commercial, subject to the following:

d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data

searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

Wind Farming, Commercial is also a special use in M-2.

SECTION 10.03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION

I. FEES

All applications for an M-3 zoning designation shall be accompanied by a fee for map amendments in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

13.01 ADMINISTRATIVE OFFICERS

A. THE ZONING ADMINISTRATOR

2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:
 - e. Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the Zoning Board of Appeals, ~~the Hearing Officer as appointed by the County Board in subsection D of this Section 13.01~~, the Zoning, Platting Advisory Committee (ZPAC), the Planning, Building and Zoning Committee (PBZ), or the full County Board.

B. ZONING BOARD OF APPEALS

8. Rules and Procedures. The Zoning Board of Appeals shall adopt such rules concerning the filing of appeals and applications for amendments, and variances, **and special use permits**, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of the Zoning Board of Appeals and shall be a public record.
10. Powers and Duties. The Zoning Board of Appeals shall:
 - e. **To hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.**
 - ef. Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.
 - fg. No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.

- 11. Jurisdiction. The concurring vote of three members of a Board consisting of five members or the concurring vote of four members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions.
 - a. Judicial Review. All decisions and findings of the Zoning Board of Appeals, on appeals, application for variations, **special use permits** or amendments, shall, after a hearing, be subject to review by court as by law may be provided.

D. HEARING OFFICER.

A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer.

- 1. Powers and Duties. Hearing Officer shall be responsible for:
 - ~~a) Conducting hearings and making recommendations to the PBZ and County Board on all Special Use applications. The procedures for conducting such hearings and recommendations shall be as specified in Section 13.07. herein. (Amended 8/17/04)~~
 - a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County.

13.08 SPECIAL USES & PLANNED DEVELOPMENTS

A. PURPOSE. The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. **Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.**

C. PROCESSING.

- 1. An application for a special use shall be filed with the Zoning Administrator.
- 2. A copy of such application shall be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review, comment, and recommendation
- 3. A copy of such application and the committee report from the Zoning and Platting

Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.

4. A copy of such application and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission shall thereafter be forwarded to the **Zoning Board of Appeals Hearing Officer** with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.

5. The recommendation and findings of the **Zoning Board of Appeals Hearing Officer** shall be forwarded to the Planning, Building and Zoning (PBZ) Committee of the County Board for review and recommendation prior to final action by the County Board.

D. **CONDITIONS AND GUARANTEES.** Prior to or after the granting of a special use, the **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance.

E. **DECISIONS.**

1. **The Zoning Board of Appeals shall report to the County Board a finding of fact using the criteria listed in Section 13.08.J of this ordinance and a recommendation as to whether the County Board should deny, grant or grant subject to conditions the special use.**

24. The County Board, upon report of the **Zoning Board of Appeals Hearing Officer** and without further public hearing, may grant or deny a proposed special use, or may refer back to the **Zoning Board of Appeals Hearing Officer** for further consideration.

32. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.

F. **REVOCATION.** In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the **Zoning Board of Appeals Hearing Officer** shall hold a public hearing (following procedures outlined in Section 13.087.H below) and submit to the County Board a report of **their his/her** findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing.

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

H. **HEARING ON APPLICATION.** Upon receipt in proper form of the application and statement referred to in paragraph 13.08.G 7-2 of this **ordinance Section**, the **Zoning Board of Appeals Hearing Officer** shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the

township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, ~~and~~ place ~~and~~ date of such hearing shall be published in a newspaper published **in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:**

1. **The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.**
2. **Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.**
3. **Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.**
4. **Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.**
5. **Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.**
6. **A brief statement of the proposed special use. ~~of general circulation in Kendall County.~~**

In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use and the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use. The petitioner or applicant must pay the costs of the publication of the notice required by this Section.

An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the **Zoning Board of Appeals Hearing Officer** in conducting the hearing in accordance with the schedule of fees as established by the County Board.

- I. **AUTHORIZATION.** For each application for a special use the **Zoning Board of Appeals Hearing Officer** shall report to the County Board of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or deny any application for a special use.

No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve 12 months from the date of said denial.

- J. **STANDARDS.** No special use shall be recommended by the **Zoning Board of Appeals Hearing Officer** unless said **Zoning Board of Appeals Hearing Officer** shall make a written finding. The **Zoning Board of Appeals Hearing Officer** shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items:

1. 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.

2. 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.
3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
4. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer.
5. 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.

K. **CONDITIONS.** The **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may provide such conditions or restrictions **reasonably necessary to meet the standards listed in Section 13.08.J** upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.

O. **MAJOR AMENDMENTS:** A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA).

P. **PLANNED DEVELOPMENTS.**

3. Procedure.

d. The formal petition for a Planned Development shall be filed with the Zoning Administrator. The Zoning Administrator or his/her deputies shall be responsible for distributing the complete application to the following at the appropriate time:

- i. Zoning, Platting and Advisory Committee (ZPAC)
- ii. Members of the Regional Planning Commission
- iii.. **Zoning Board of Appeals The Hearing Officer**
- iv. The County Board

The applicant shall be responsible for providing copies via certified mail return receipt request to the following as soon as possible after filling the application with the County.

- i. Township(s) affected by the application
 - ii. All municipalities within 1½ miles of the subject property
- e. The ~~Zoning Board of Appeals Hearing Officer~~ shall set a hearing date and shall cause notice of the hearing to be published at least once ~~following the procedures set forth in Section 13.08.H of this ordinance no more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least 5 days prior to the hearing date by certified mail to the tax payer of record for all parcels within five hundred feet (500'), excluding road right-of-way, of the parcel to be rezoned. For all other zoning categories, only adjacent properties must be notified directly.~~
- f. The petition shall be heard by the ~~Zoning Board of Appeals Hearing Officer~~ and reviewed by the Planning Commission and the report of each shall be submitted to the County Board. The Plan Commission shall submit its review to the ~~Zoning Board of Appeals Hearing Officer~~ prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
- g. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.

Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

1. In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, Kendall County has divided into two manufacturing performance districts - M-1 and M-2 graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.

It is recognized, however, that among the uses first permitted in the M-2 Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in these M-1 Districts. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts.

The ~~Zoning Board of Appeals Hearing Officer~~ is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the ~~Zoning Board of Appeals Hearing Officer~~ is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the ~~Zoning Board of Appeals Hearing Officer~~ may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M -1 performance standards should the establishment in fact fail to so comply.

2. Preliminary to granting a Special Use permit as prescribed in Section 13.087.H, the ~~Zoning Board of Appeals Hearing Officer~~ shall require the applicant for a Special

Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following: *[Amended 4/20/04]*

- a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
- b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
- c. Such other pertinent information as the **Zoning Board of Appeals Hearing Officer** shall deem necessary to assist it in making its findings and report.

Any application for a special use permit lawfully submitted prior to the date of the adoption of this text amendment shall be processed under the rules and regulations in place on the date of the application submittal.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 7, 2017 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:13 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Sgt Mark Bunting – Sheriff's Office
Aaron Rybski – Health Department
Don Clayton – GIS
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

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

Audience:

None

AGENDA

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

MINUTES

Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the October 3, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-33 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 4.19, 5.08, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Pertaining to Transferring the Powers and Duties to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Mr. Asselmeier provided a summary of this proposed text amendment. At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Officer would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

Staff mailed this proposal to each township on October 25th. To date, no township has submitted comments.

Mr. Rybski asked about the net effect of this proposal. Mr. Asselmeier responded that the proposed text amendments would not, on the surface, increase or decrease the amount of time required to adopt a special use permit. The proposal would give the Zoning Board of Appeals the right to approve findings of fact. The Zoning Board of Appeals consists of seven (7) members and each member could state why they supported or opposed a proposal. In the case of the Hearing Officer, there is no one to debate his decision or interpretation of findings.

Ms. Andrews asked about the professional qualifications of the Hearing Officer. Mr. Asselmeier responded that the current Hearing Officer is an attorney. The Hearing Officer is appointed by the County Board Chairman with the approval of the County Board.

Mr. Klaas asked if PBZ supported the proposal. Mr. Asselmeier stated that the Planning, Building and Zoning Committee is the applicant.

Mr. Rybski expressed concerns regarding potential delays in issuing recommendations. Mr. Asselmeier responded that the Zoning Board of Appeals or Hearing Officer could delay a proposal if they felt that the information provided was not adequate to make a decision.

Mr. Klaas made a motion, seconded by Ms. Andrews, to recommend approval of the text amendment as proposed.

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

The motion passed. This matter will go before the Kendall County Regional Planning Commission on November 29th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that the Kendall County Planning, Building and Zoning Committee is evaluating each use listed as special use to see if a larger (2,600') notification is required. This matter will be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The Kendall County Regional Planning Commission requested that the PBZ Committee review the proposed outdoor shooting range regulations. This matter will also be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The proposed text amendments related to medical marijuana regulations has been sent to the townships and is expected to go to the County Board in December.

Midwest Materials may submit an amendment to their special use permit.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Clayton, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:30 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of November 29, 2017

Vice-Chairman Wormley called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton (arrived at 7:22 p.m.), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley and Angela Zubko (arrived at 7:04 p.m.)

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson

APPROVAL OF AGENDA

Mr. Nelson made a motion, seconded by Mr. Shaw, to amend the agenda by moving New Business to ahead of Old Business and to approve the agenda as amended. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Ms. Wilson made a motion, seconded by Mr. Bledsoe, to approve the October 25, 2017 minutes. With a voice vote of all ayes, the motion carried.

Ms. Zubko arrived at this time (7:04 p.m.)

PETITIONS

17-33 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. The proposal transfers the authority of Hearing Officer to hear applications for special use permits, applications for major amendments to special use permits and applications for involuntary revocations of special use permits to the Kendall County Zoning Board of Appeals. The proposal also makes citation amendments throughout the Zoning Ordinance to reflect this transfer of review.

Mr. Asselmeier provided a history of the judicial and legislative decisions that occurred since 2004 on this topic.

The proposal does not abolish the Hearing Officer position. The Hearing Officer can still hear and rule on administrative adjudication cases.

ZPAC reviewed this proposal on November 7th and unanimously recommended approval.

This proposal was mailed to the townships on October 25th. To date, no township submitted comments on the proposal.

Mr. Nelson provided a history of how Kendall County created and used the Hearing Officer.

Ms. Wilson asked if this proposal streamlined the application and approval process. The proposal does not streamline the process; the proposal only changes which body hears the application.

The application fee would remain the same if the proposal passed.

Mr. Nelson asked if the criteria for the findings of fact would change with this proposal. Mr. Asselmeier indicated that the criteria for findings of fact would not change with this proposal.

Ms. Zubko expressed concerns about the notification requirement for special uses. Mr. Asselmeier will adjust the text to reflect the five hundred foot (500') notification requirement. A petition exists to increase the notification requirement to one thousand feet (1,000').

Chairman Ashton arrived at this time (7:22 p.m.).

Walter Werderich is the current Hearing Officer.

Ms. Zubko made a motion to recommend approval of the proposed text amendments as presented, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on January 29th.

NEW BUSINESS

Reorganization of Ad-Hoc Zoning Ordinance Committee

Mr. Nelson provided a history of the Ad-Hoc Zoning Ordinance Committee and how the Committee evolved from a Committee used to update and implement the Land Resource Management Plan to a Committee that examined other zoning related matters.

Pursuant to Article XI of the By-Laws of the Kendall County Regional Planning Commission, Chairman Ashton announced the creation of a Comprehensive Land Plan and Ordinance Committee. The members of the Committee are the Chairman of the Kendall County Regional Planning Commission, the Chairman of the Kendall County Zoning Board of Appeals or his designee, the Chairman of the Kendall County Board or his designee, a representative from the Kendall County Soil and Water Conservation District, the Chairman of the Planning, Building and Zoning Committee or his designee, Jeff Wehrli, John Shaw, the County Administrator and Larry Nelson. Larry Nelson will be the Chairman of the Comprehensive Land Plan and Ordinance Committee.

Chairman Ashton invited other members of the Commission to attend and participate in the meetings of the Comprehensive Land Plan and Ordinance Committee. If other members of the Commission would like to be on the new Committee, please let Chairman Ashton know.

Mr. Casey suggested that Commissioners rotate between meetings and attend the Comprehensive Land Plan and Ordinance Committee meeting whenever they see a topic that interests them.

Ms. Zubko expressed concerns about keeping the full Commission updated on the activities and projects of the Comprehensive Land Plan and Ordinance Committee.

Mr. Asselmeier will draft a letter for Chairman Ashton asking the individuals and organizations previously listed if they would like to be on the Comprehensive Land Plan and Ordinance Committee.

Appointments to the Comprehensive Land Plan and Ordinance Committee will be made annually.

OLD BUSINESS

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee will hold a special meeting in January 2018 on this topic. The specific date and time of this meeting shall be determined at the December Planning, Building and Zoning Committee meeting.

Commissioners will be informed of the date and time of this special meeting.

Approval to Initiate Text Amendments to Section 3.02 and Section 13.09 of the Kendall County Zoning Ordinance Pertaining to Code Hearing Unit Regulations

Mr. Asselmeier read his memo on the subject. He explained that the Planning, Building and Zoning Committee favored not making any changes to the Code Hearing Unit Regulations at this time because of the small number of cases sent to the State's Attorney's Office and because defendants can appeal the decision of the Hearing Officer to the courts. If no changes were made to the existing regulations, the Hearing Officer would remain on the books as an alternative to sending cases to the State's Attorney's Office.

Ms. Zubko requested clarification on the definition of "Code" found in the existing regulations. Mr. Asselmeier will check with the Planning, Building and Zoning Committee to see if they would like to update this definition.

The consensus of the Commission was that the Code Hearing Unit regulations remain "as is."

Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier provided an update on this project.

Discussion occurred about the location of the court ordered mining areas and the Prairie Parkway.

This matter was referred to the Comprehensive Land Plan and Ordinance Committee with the timeline of meeting in December and January in order to have draft document at the meeting on the first Saturday in February.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

No petitions went to the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

None

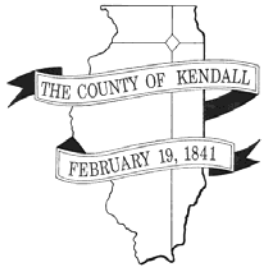
CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Bledsoe, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:43 p.m.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: January 25, 2018

Re: Amended Petition 17-29 Proposed Text Amendments to Section 13.08 Pertaining to Notification Requirements for Special Use Permit Applications

At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600').

At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Six Dollars and Seventy-Four Cents (\$6.74) per receipt (Corrected at RPC Meeting). One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.
6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

ZBA Memo
January 25, 2018

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0): None
Abstain (1): Asselmeier
Absent (4): Davidson, Chismark, Langston and Andrews

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on January 24, 2018, and unanimously recommended that the distance remain five hundred feet (500') and that notices be sent by certificate of mailing instead of certified return receipt. The cost of certificate of mailing is One Dollar and Thirty-Five Cents (\$1.35). Commissioners felt the change was not necessary and that certain uses allowed in the M districts had greater negative impacts than some A-1 special uses. A rezoning to from A-1 to another district would only require a five hundred foot (500') notification.

Staff would like to note that all of the zoning related notifications in the Kendall County Zoning Ordinance are by certified return receipt.

A copy of the October 3rd and December 5th ZPAC minutes and related notification maps are attached. A copy of the January 24, 2018 minutes of the Kendall County Regional Planning Commission are also attached.

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

Thanks,

MHA

ENCS: Proposed Text Amendment
10-3-17 ZPAC Minutes
Updated Notification Maps
12-5-17 ZPAC Minutes
1-24-18 RPC Minutes

Section 13.08

H. HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13.07-2 of this Section, the Hearing Officer shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing notice of the time and place of such hearing shall be published in a newspaper of general circulation in Kendall County. **In addition to the publication requirement, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within one thousand feet (1000'), excluding road right-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested.**

**ZONING, PLATTING & ADVISORY COMMITTEE
(ZPAC) October 3, 2017 – Approved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Don Clayton – GIS (Arrived at 9:01 a.m.)
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

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

Mr. Clayton arrived at this time (9:01 a.m.).

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 1, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier provided a summary of this proposed text amendment. Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment. The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Mr. Guritz asked about the handling of lead management plan documents. Mr. Asselmeier stated that he was unsure how lead management plan documents were handled previously. The existing ranges were governed by their special use permit. If a Federal or State law existed that superseded the local law, then the gun range would have to follow those requirements.

Mr. Klaas asked how many outdoor gun ranges existed in Kendall County. The answer was five (5) not counting the State park.

Discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate.

Indoor shooting range regulations already exist in the Zoning Ordinance.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. The amendment would increase the notification requirement from five hundred feet (500') to two thousand six hundred feet (2,600') for applications for special use permits on properties zoned A-1 and clarifying that only adjoining properties must be notified on special use permit applications for properties not zoned A-1.

Mr. Clayton presented two (2) scenarios. One (1) property near Aurora would have to mail three hundred ninety-two (392) notices under the current rules and would have to mail notices to one thousand nine hundred one (1,901) parcels if the text amendment was approved. In the case of Hideaway Lakes, sixty-three (63) parcels would have to be notified presently. If the proposal was approved, five hundred thirty-seven (537) parcels would need to be notified.

The cost for return receipt is Two Dollars and Seventy-Five Cents (\$2.75). This cost is paid by the petitioner.

Will, LaSalle and Kane Counties notify adjacent property owners only. Grundy County notifies up to five hundred feet (500'). DeKalb County notifies up to two hundred fifty feet (250'). DuPage County notifies up to three hundred feet (300').

Neighbors beyond five hundred feet (500') express concerns that they were not notified when odor or noise impacts their property.

Several Committee members felt that the two thousand six hundred foot (2,600') requirement was arbitrary.

Mr. Asselmeier explained the application process. When someone submits an application for a special use permit on A-1 zoned property, the GIS Department prepares a list of addresses that need to be notified. Any applicable municipality and township are added to the list. Staff then checks off the address list when the applicant presents green cards.

Discussion occurred about having different distance requirements for different special uses. Mr. Asselmeier stated that Staff does not know when an application is submitted if that application will be controversial. The more specificity in the Ordinance, the less likely the decision of who received notification and who did not receive notification could be viewed as arbitrary.

Mr. Guritz made a motion, seconded by Mr. Langston, to request that the Planning, Building and Zoning Committee leave the notification requirement at five hundred feet (500').

Ayes: Langston, Rybski and Guritz (3)
Nays: Klaas (1)
Abstain: Andrews, Clayton and Asselmeier (3)
Absent: Chismark, Holdiman and Davidson (3)

The reasons members voted yes were because of the added expense to the petitioner, the added time for the applicant to mail the notices, added review time for Staff to process the green cards, the proposed regulations were

larger than the notification requirements of other Counties and regardless of the distance requirement no method exists to notify everyone that thinks they should be notified. Mr. Klaas stated that he would like the notification requirement to be set at one thousand feet (1,000') maximum. Several Committee members concurred with Mr. Klaas, but felt that one thousand feet (1,000') was arbitrary.

Mr. Asselmeier will inform the Planning, Building and Zoning Committee of ZPAC's request.

17-30 Kendall County Planning, Building and Zoning Committee – Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County's Medical Cannabis Related Regulations

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Mr. Asselmeier presented the fiscal year 2017-2018 meeting calendar.

Mr. Guritz made a motion, seconded by Mr. Clayton, to approve the meeting calendar. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2017 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:04 a.m.

Present:

Aaron Rybski – Health Department
Don Clayton – GIS
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Megan Andrews – Soil and Water Conservation District
Deputy Commander Jason Langston
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience:

None

AGENDA

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

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the November 7, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

Amended 17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property from Five Hundred Feet (500') to One Thousand Feet (1,000') and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. At their meeting on November 13th, the Planning, Building and Zoning Committee voted to amend this petition by changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000') for A-1 zoned properties. Only adjoining properties would be notified for non-A-1 zoned properties.

Mr. Holdiman expressed his opposition to the increased notification requirement because he believes the existing requirements are adequate and that the increased requirements would be burdensome to Staff and the applicant. The increased cost of mailing could hamper some petitioners.

Mr. Rybski asked how the current system works. Mr. Asselmeier said that the address of the property in question is forwarded to GIS. GIS generates a listing of all of the properties within the radius. This list is given to the applicant. Roughly one (1) week before the Planning Commission meeting, Staff asks the petitioner for copies of the green cards. Staff then checks the addresses off the list of outstanding green cards.

Mr. Klaas asked the reason for this initiative. Mr. Asselmeier responded that the petition on Cannonball Trail caused part of the initiative, but a concern did exist among some Planning, Building and Zoning Committee members that neighbors were not being sufficiently noticed of petitions.

Mr. Clayton asked Mr. Asselmeier to read the statute on the matter. Mr. Asselmeier read the State statute on notification for special use applications.

Mr. Guritz suggested differentiating the notification requirement for various special uses. Mr. Asselmeier said that issue was discussed at the Planning, Building and Zoning Committee and there were concerns that Staff does not know which cases will be controversial until the case is finalized.

Mr. Rybski noted that the proposal will cost the petitioner more money and will require additional Staff time to gather and process the green cards.

Mr. Klaas asked about the notification process. Mr. Asselmeier said that neighboring property owners receive mailings, a sign is posted at the property, the notice is printed in the newspaper and each active petition is listed on the County's website.

Mr. Guritz made a motion, seconded by Mr. Klaas, to keeping the notification requirement at five hundred feet (500').

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman

Nays (0): None

Abstain (1): Asselmeier

Absent: (4) Davidson, Chismark, Langston and Andrews

The motion passed. This matter will go before the Kendall County Regional Planning Commission on January 24th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Guritz asked for an update regarding forest preserves and exemption to the Stormwater Management Ordinance. Mr. Asselmeier responded that the City of Plano pursued and received a variance for their project at Foli Park. No additional discussions regarding parks/forest preserves and exemptions to the Stormwater Management Ordinance occurred.

PUBLIC COMMENT

None

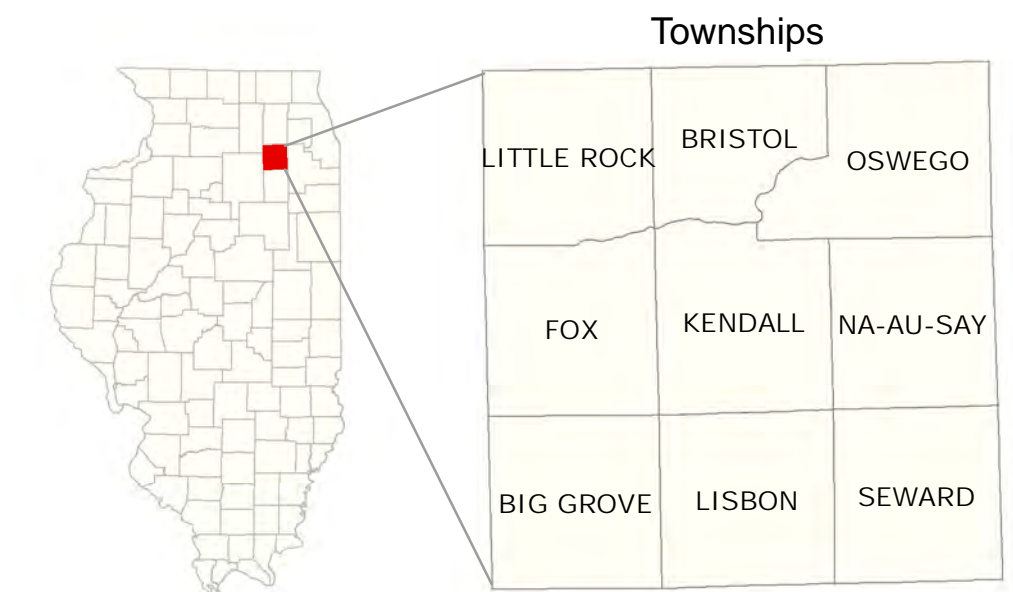
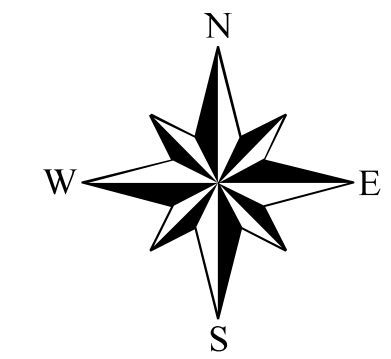
ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:35 a.m., adjourned.

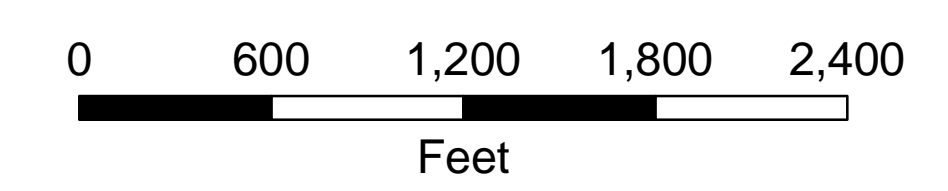
Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**Buffer Scenario
500ft vs 2600 ft
Oswego Twp
KENDALL COUNTY
- 2017 -**

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

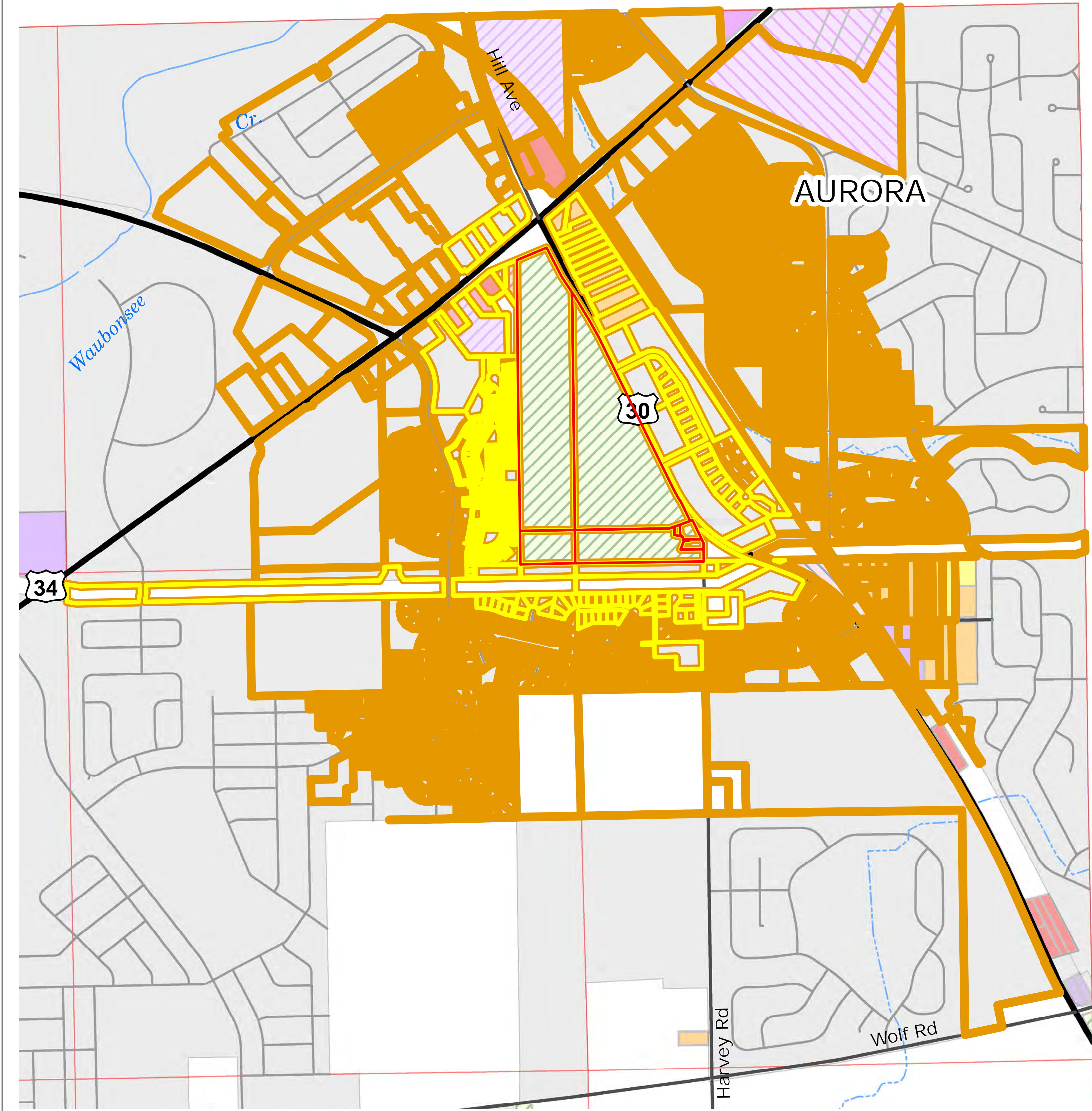


Scale: 1 in = 600 feet



Legend

- 500 ft Buffer - 388 Parcels
- 2600 ft Buffer - 1892 Parcels
- Subject Property



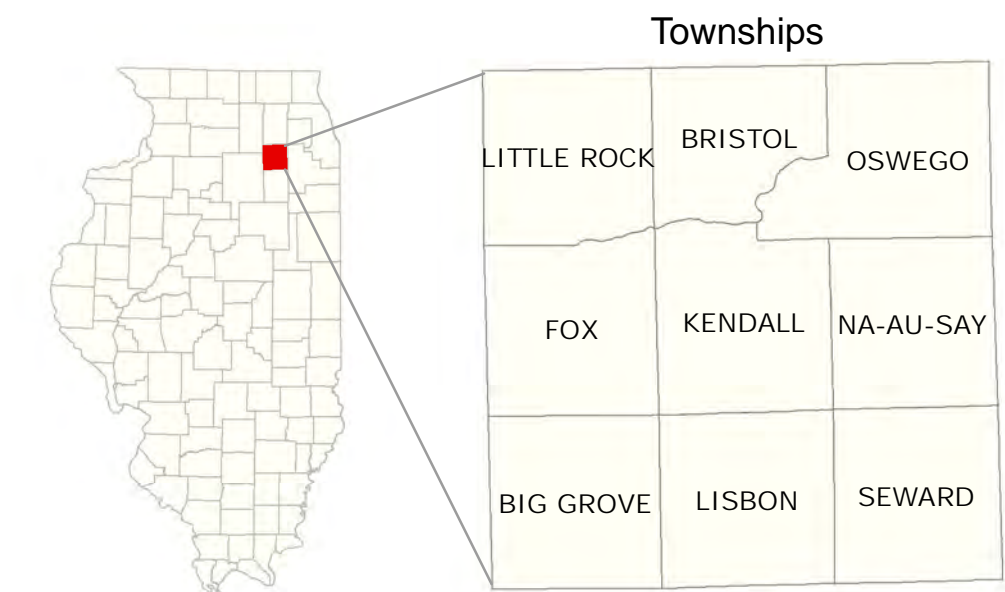
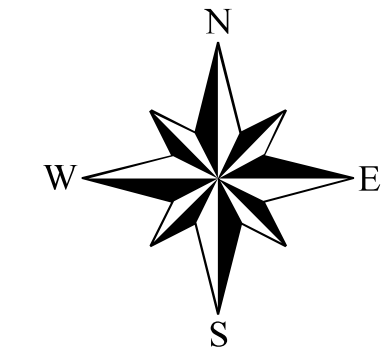
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

1000 ft Buffer Scenario
Oswego Twp

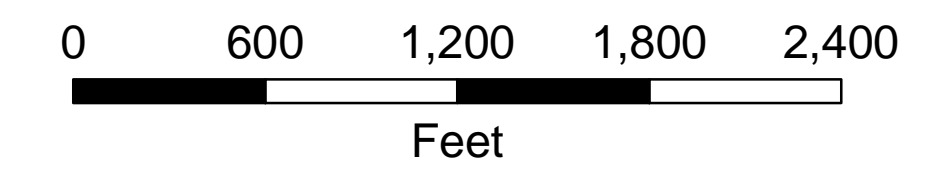
KENDALL COUNTY

- 2017 -

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

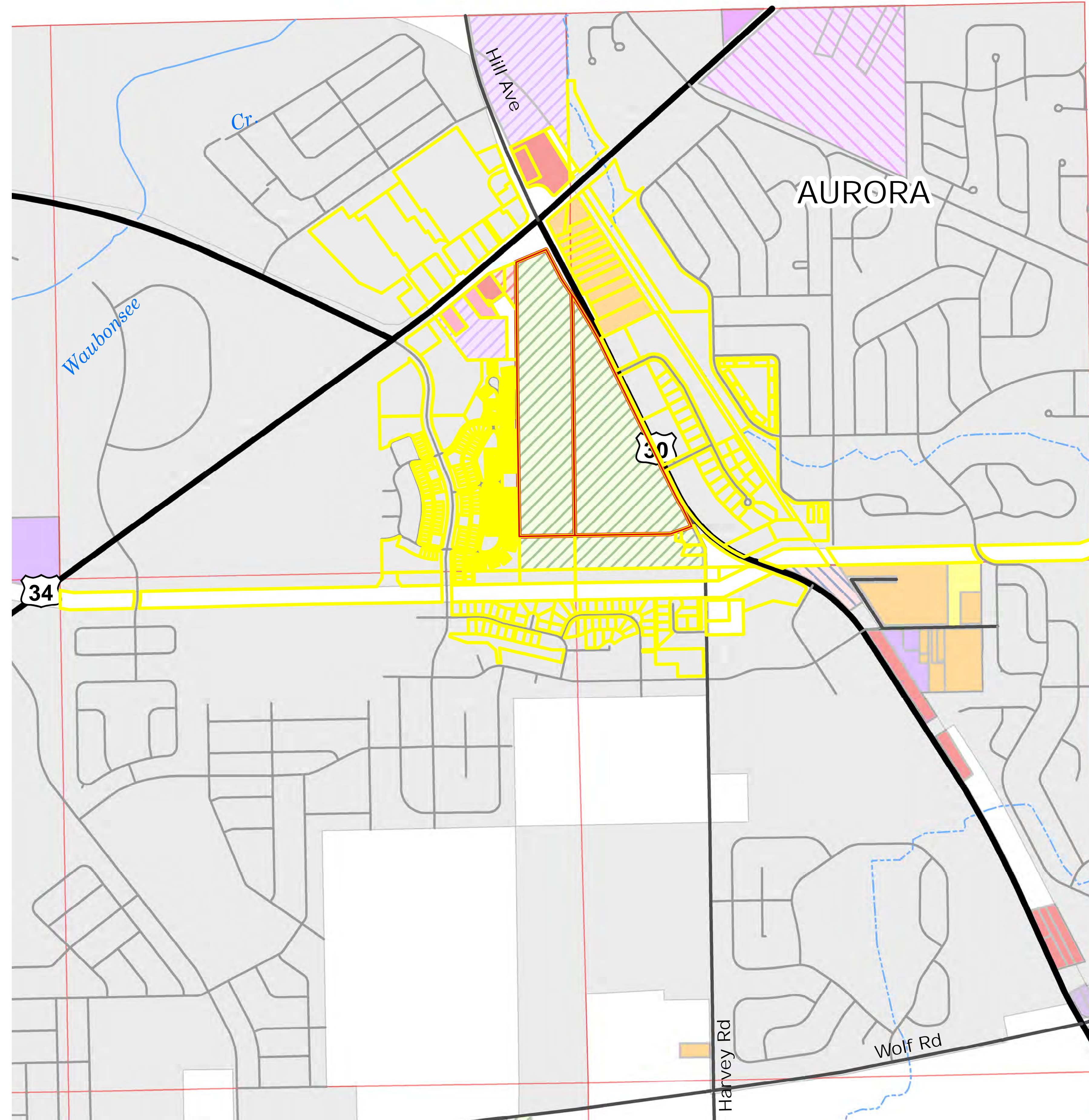


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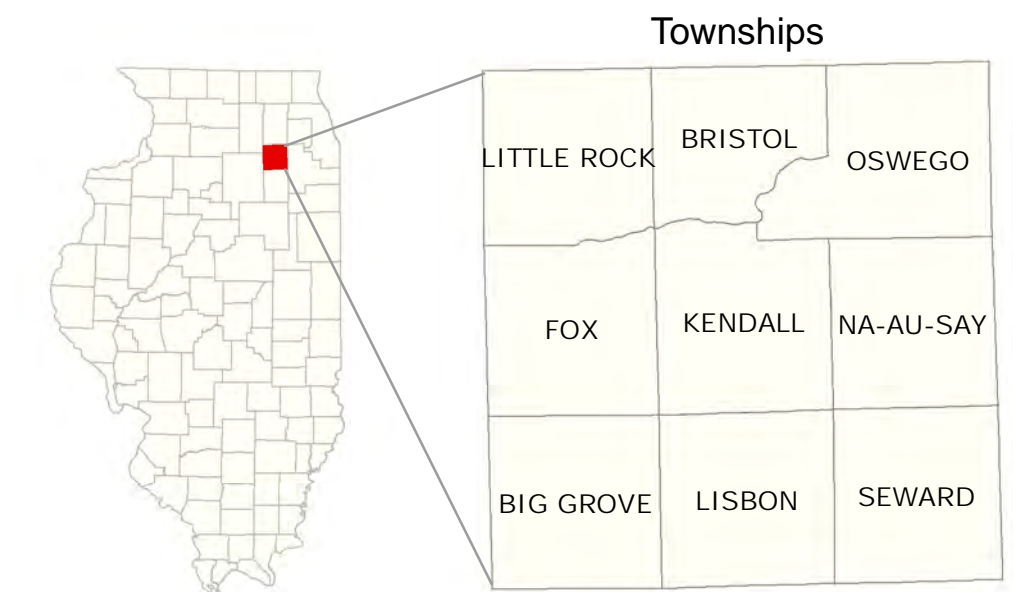
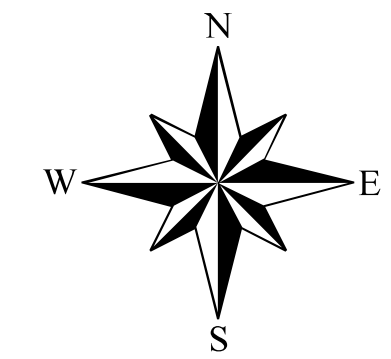
Legend

- Subject Property
- 1000 ft Buffer - 598 Parcels

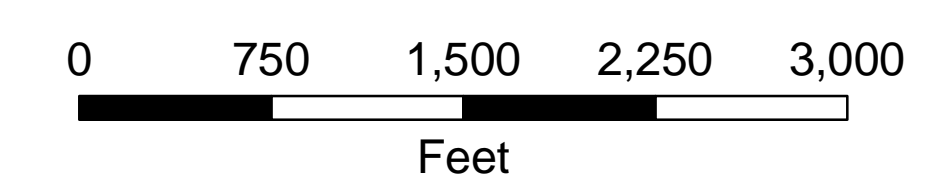


Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

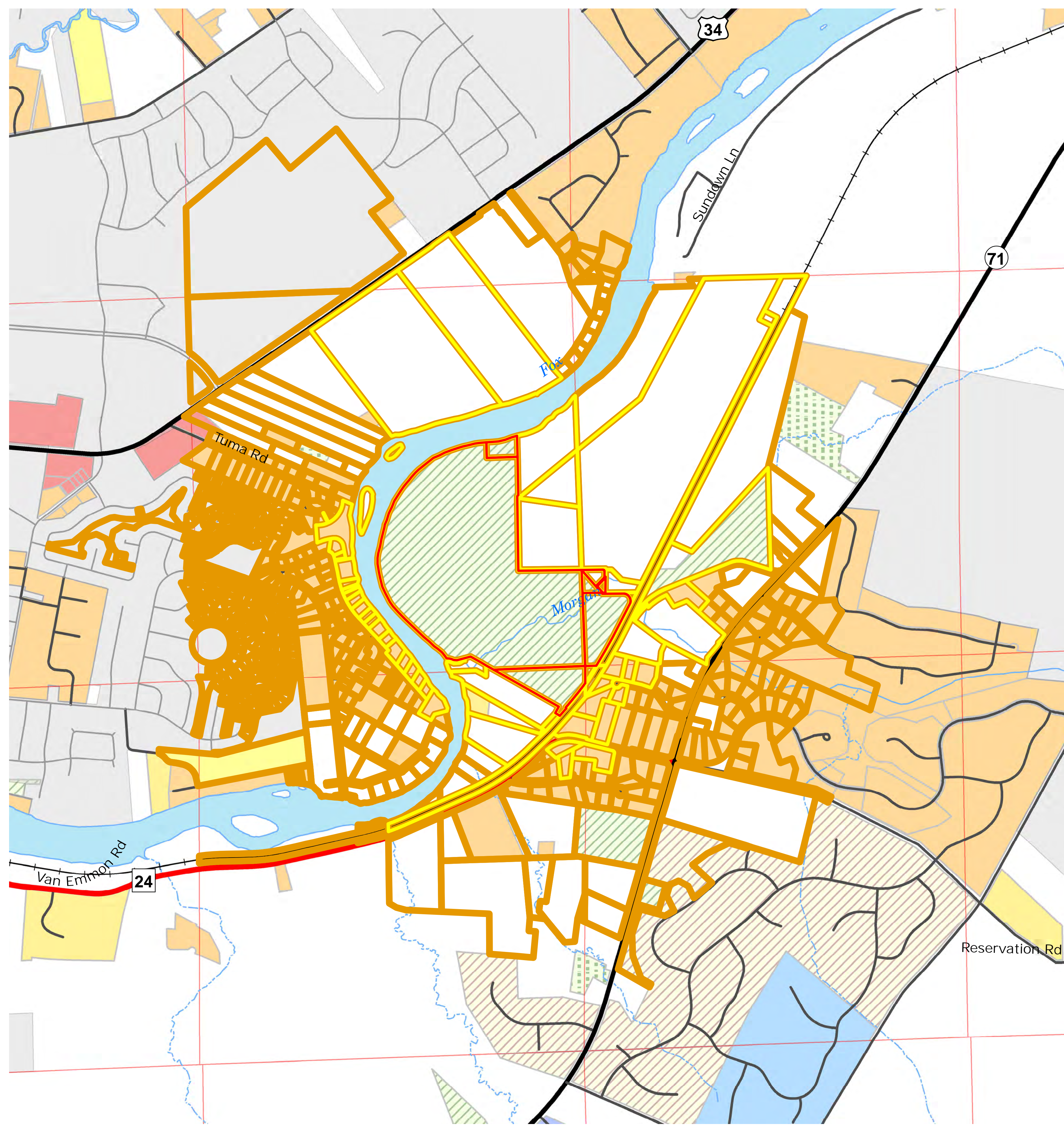


Scale: 1 in = 750 feet



Legend

- 500 ft Buffer - 59 Parcels
- 2600 ft Buffer - 533 Parcels
- Subject Property

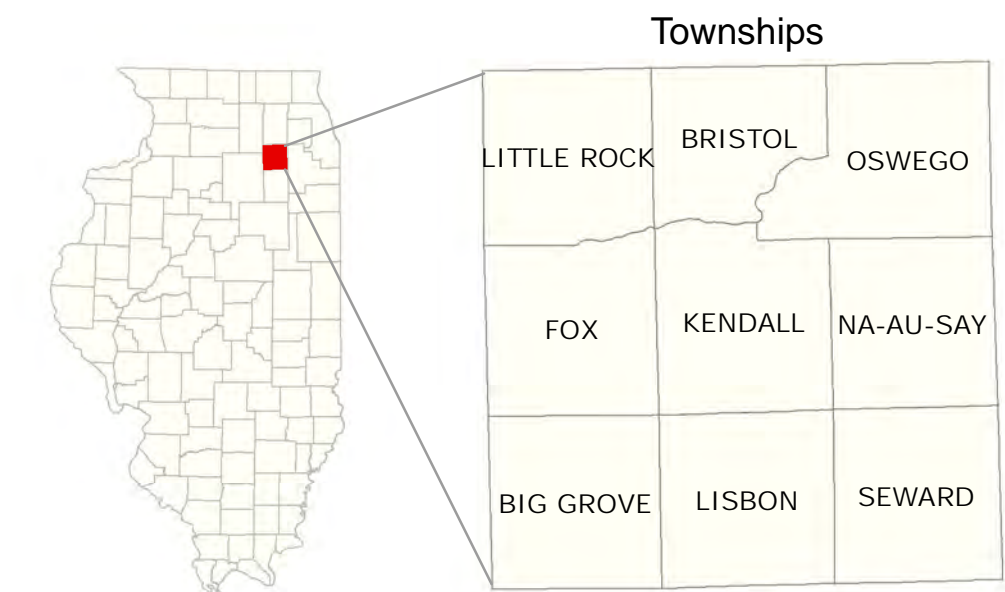
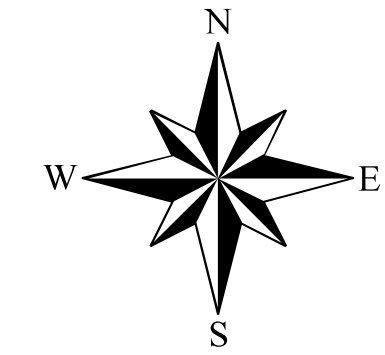


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

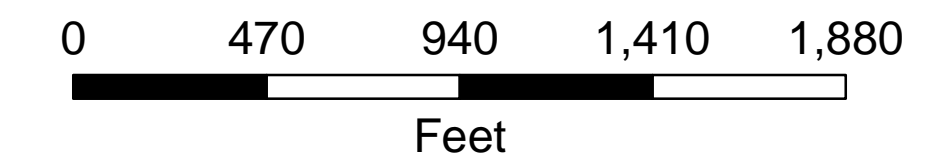
1000 ft Buffer Scenario
Bristol Twp

KENDALL COUNTY
- 2017 -



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

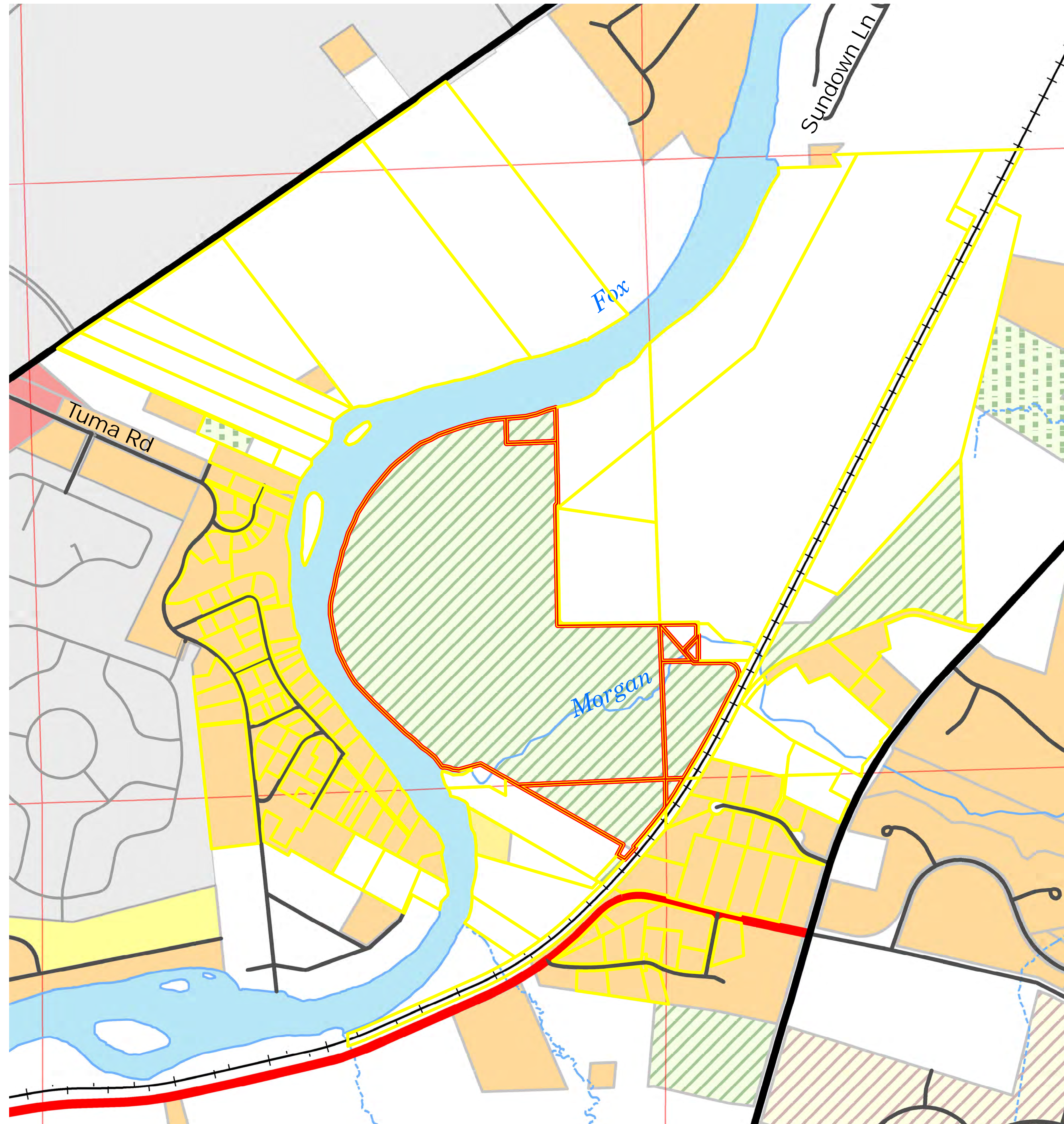


Scale: 1 in = 467 feet



Legend

-  Subject Property
-  1000 ft Buffer - 155 Parcels



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

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of January 24, 2018

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: None

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Casey made a motion, seconded by Ms. Wilson, to approve the November 29, 2017 minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

Amended Petition 17-29 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600'). At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Two Dollars and Seventy-Five Cents (\$2.75) per receipt. One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.

6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties.

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman

Nays (0): None

Abstain (1): Asselmeier

Absent (4): Davidson, Chismark, Langston and Andrews

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

Several Commissioners asked why the change was necessary. Mr. Asselmeier responded that the Planning, Building and Zoning Committee wanted to ensure all of the neighbors impacted by a special use permit application were notified. Mr. Asselmeier also noted that the distance requirement only applied to special use applications and not variances or other amendments.

Ms. Wilson asked how the measurement was calculated. Mr. Asselmeier responded that the GIS Department takes the description given to them and draws lines out the required notice requirement area.

Mr. Nelson noted that some manufacturing uses have more negative impacts than some A-1 special uses. The notification requirement for a rezoning from A-1 to any M district would remain five hundred feet (500').

The cost of certified return receipt was corrected to Six Dollars and Seventy-Four Cents (\$6.74). Commissioners expressed concerns about people not signing green cards and thus negatively impacting the ability of petitioners to receive hearings.

Ms. Zubko made a motion to recommend that the notification requirement be set at five hundred feet (500') and that the mailing be by certificate of mailing instead of certified return receipt, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on January 29th.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Annual Meeting

Mr. Asselmeier reported that the Annual Meeting will be February 3, 2018, at 9:00 a.m. Commissioners reviewed the agenda for the meeting. Mr. Nelson made a motion to approve the agenda for the February 3, 2018 meeting, seconded by Mr. Shaw. The motion passed unanimously.

Discussion occurred regarding filling the vacancy from Big Grove Township. Efforts to find someone to fill that seat have been unsuccessful.

Election of Officers

Mr. Nelson made a motion to open the floor for nominations for officers and nominated Bill Ashton for Chairman, Budd Wormley for Vice-Chairman, Larry Nelson for Secretary, and Matt Asselmeier for Treasurer and Recording Secretary. Mr. Wormley seconded the motion. There were no additional nominees. Mr. Casey made a motion to close the call for nominations, seconded by Ms. Wilson. Without objection, the call for nominations was closed. The vote on the nominees was as follows:

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The nominees were approved.

OLD BUSINESS

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee will hold a special meeting on January 30, 2018 at 6:00 p.m. on this topic.

Update on Land Resource Management Plan Amendments for Properties Along Route 47 in Lisbon Townships

Mr. Asselmeier provided an updated map on the project. At their December meeting, the Comprehensive Land Plan and Ordinance Committee extended the Mining Area to Route 47 in the south, added a Commercial Area on the east side of Route 47 at the Grundy County Line, replaced the Rural Settlement Area with a Mixed Use Business Area and replaced all Transportation Corridor Areas with Mixed Use Business Areas. The Planning, Building and Zoning Committee reviewed the map at their January meeting and replaced the Commercial Area at the southeast corner of the intersection of Routes 47 and 52 and replaced the Mixed Use Business Area west of the intersection of Routes 47 and 52 with Commercial Area.

Ms. Wilson requested clarification on the types of uses allowed in each category. Mr. Asselmeier stated that the Mining Area allowed M-3 uses, Mixed Use Business allowed B-6, M-1, M-2, and M-3 uses, Transportation Corridor allowed B-3, B-5, and B-6 uses, and Commercial allowed B-1, B-2, and B-3 uses.

Mr. Nelson expressed his support for the map with the changes made by the Planning, Building and Zoning Committee; he would like the map displayed at the February 3rd meeting and then having a joint meeting of the Comprehensive Land Plan and Ordinance Committee and the Kendall County Regional Planning Commission in Lisbon Township. The tentative date for the joint meeting is February 28, 2018, at 7:00 p.m. at the Fire Barn. Chairman Ashton will confirm the meeting date and location.

Ms. Zubko made a motion to approve the map with the Planning, Building and Zoning Committee changes as the official draft map, seconded by Mr. Nelson. With a voice vote of all ayes, the motion passed unanimously.

Mr. Nelson made a motion to authorize the Chairman of the Kendall County Regional Planning Commission to call a special meeting of the Commission in Lisbon Township for the purpose of obtaining feedback from the community impacted by the proposed changes to the Future Land Use Map and to conduct normal monthly Commission business with the specific time, location, and date of the special meeting determined by Chairman, seconded by Ms. Zubko. With a voice vote of all ayes, the motion passed unanimously.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-30 extending the expiration deadline from January 1, 2018 to July 1, 2020 of Kendall County's medical cannabis related zoning regulations passed at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Mr. Wormley made a motion, seconded by Mr. Casey, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:44 p.m.

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