

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

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

AGENDA

October 30, 2017 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of Minutes from the August 28, 2017 Zoning Board of Appeals Hearing (Pages 3-41)

PETITIONS:

1. **17-28 – Kendall County Planning, Building and Zoning Committee (Page 42)**
Request: 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)
Purpose: Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges
2. **17-29 – Kendall County Planning, Building and Zoning Committee (Laid Over at ZPAC) (Page 42)**
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 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.
3. **17-30 – Kendall County Planning, Building and Zoning Committee (Pages 43-59)**
Request: 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
Purpose: Text Amendment Changes the Expiration Deadline For the County's Medical Cannabis Related Regulations from January 1, 2018 to July 1, 2020 to Corresponds to the Expiration Date of the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. 17-16 – Kendall County Zoning Board of Appeals
2. 17-21 – Tom McNelis

NEW BUSINESS/ OLD BUSINESS (Pages 60-67)

1. Approval of By-Laws Amendment-Amendment to Article VIII, Section 2 by Reducing the Number of Votes Required to Reverse any Order, Requirement, Decision or Determination of the Zoning Administrator or Zoning Administrator Deputies, or to Grant any Variation in the Ordinance or to Recommend any Variation or Modification in the Ordinance to the County Board from Five (5) to Four (4). (Page 64)

2. Approval of By-Laws Amendment-Amendment to Article IX, Section 2 by Requiring the Concurrent Vote of Four (4) Members of the Board to Recommend Approval of any Zoning Map or Text Amendment to the County Board. (Page 65)
3. Approval of Fiscal Year 2017-2018 Meeting Calendar (Page 68)

PUBLIC COMMENT

ANNOUNCEMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on December 4, 2017

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

**MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
August 28, 2017 – 7:00 p.m.**

CALL TO ORDER

At 7:01 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members Present: Scott Cherry, Randy Mohr, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson and Tom McNelis

MINUTES

Ms. McKay, seconded by Mr. Cherry, moved to approve the July 31, 2017 meeting minutes. With a voice vote of all ayes, the motion was approved.

PETITION

17-21-

Tom McNelis

Request: Map Amendment Rezoning Subject Property from A-1 to R-1

PIN: 04-15-200-023

Location: 14000 Block of Budd Road Approximately 0.98 Miles from Millbrook Road on the North Side of Budd Road in Fox Township

Purpose: Petitioner would like the Ability to Construct a Single-Family Home on the Property.

Mr. Asselmeier summarized the request. The petitioner desires to rezone the property from A-1 to R-1 in order to be able to construct a house on the property in the future. No timeline exists for constructing a house and the property is for sale. The property is less than forty (40) acres and does not have a housing allocation; a house cannot be constructed on the property at the present time.

Fox Township expressed no opposition to the proposal. The Village of Millbrook expressed no opposition to the proposal. The United City of Yorkville expressed no opposition to the proposal. ZPAC unanimously recommended approval of the proposal. The Kendall County Regional Planning Commission suggested that the petitioner obtain a conditional use permit instead of a map amendment. Commissioners did not express object to the construction of a home on the property, but they had concerns about having one (1) R-1 zoned property surrounded by A-1 zoned property. The Planning, Building and Zoning Committee could award a conditional use permit instead of issuing a recommendation on the map amendment.

Chairman Mohr asked if the neighboring property owners requested R-1 zoned, would the County approve the request. Mr. Asselmeier stated Staff would recommend approval of an R-1 rezoning

request in this area because the Land Resource Management Plan calls for the area to be residentially zoned in the future. A residentially zoned house would also have to go through the permitting process and applicable inspections.

Chairman Mohr opened the public hearing at 7:15 p.m. and swore in all members of the public that wished to speak about the variance.

Tom McNelis, petitioner, stated that he wanted the building permit. He likes the flexibility of A-1 zoning, but his priority is to be able to construct a home. If the property is zoned R-1, a calculation exists as to the number of animals permitted on the property.

The minimum lot size in the R-1 District is one hundred thirty thousand (130,000) square feet; the property could not be subdivided in the future without a variance.

The consensus of the Board was that the rezoning was more appropriate than the conditional use permit.

There being no further questions or comments, Mr. Asselmeier noted that the applicant's green cards and certificate of publication are on file.

Chairman Mohr adjourned the public hearing on this matter at 7:16 p.m.

Chairman Mohr presented the Findings of Fact as proposed by Staff and outlined in Section 13.07.F of the Zoning Ordinance:

*Existing uses of property within the general area of the property in question. **The area is a mix of agricultural, farmstead, rural estate residential and countryside residential.***

*The Zoning classification of property within the general area of the property in question. **All of the adjacent properties are zoned A-1. Some of these properties have special use permits and/or agricultural building permits.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is too small for most agricultural uses. Homes are located on adjoining properties and the subject property lacks an agricultural housing allocation which prevents the construction of a home on the property.***

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

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The proposed amendment is consistent with the Land Resource Management Plan.***

Ms. McKay, seconded by Mr. Whitfield, made a motion to approve the Findings of Fact as presented.

The votes were as follows:

Ayes (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Nays (0): None
Absent (0): None

The motion passed.

Mr. Whitfield, seconded by Mr. LeCuyer, made a motion to recommend approval of the map amendment as proposed.

The votes were as follows:

Ayes (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson, Whitfield
Nays (0): None
Absent (0): None

The motion passed. This matter will go to the Kendall County Planning, Building and Zoning Committee on September 11th.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 17-14 failed at the County Board. Petition 17-15 passed at the County Board. Petition 17-16 was tabled at the Planning, Building and Zoning Committee.

NEW BUSINESS/OLD BUSINESS

Since Petition 17-15 passed, changes to the by-laws are required. Chairman Mohr presented an amendment to Article VIII, Section 2 by Reducing the Number of Votes Required to Reverse any Order, Requirement, Decision or Determination of the Zoning Administrator or Zoning Administrator Deputies, or to Grant any Variation in the Ordinance or to Recommend any Variation or Modification in the Ordinance to the County Board from Five (5) to Four (4) and an to Article IX, Section 2 by Requiring the Concurrent Vote of Four (4) Members of the Board to Recommend Approval of any Zoning Map or Text Amendment to the County Board.

The vote for these amendments will occur at the next meeting.

Mr. Asselmeier stated that no applications for map amendments were filed before the August 22nd deadline. The deadline for variance applications is September 1st and one (1) person is working on an application.

Mr. Davidson discussed evaluating the land uses along Route 47 in Lisbon Township. He does not see the future of economic development as large shopping centers. Chairman Mohr suggested waiting until the annual meeting in February before making changes to the Land Resource Management Plan provided that no applications in conflict with the Land Resource Management Plan are submitted between now and February along Route 47.

PUBLIC COMMENT

None

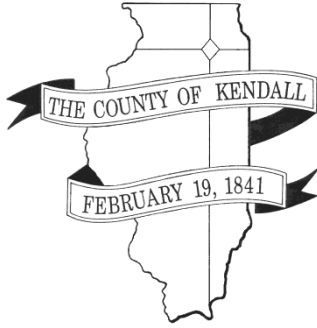
ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Mr. Cherry, seconded by Mr. Whitfield made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:21 p.m.

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

Exhibits

1. Staff Report on Petition 17-21 Dated August 24, 2017
2. Green Cards and Certificate of Publication (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

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Petition 17-21

Tom McNelis

Map Amendment 14000 Block of Budd Road

Rezone from A-1 to R-1

INTRODUCTION

Tom McNelis submitted a petition requesting a map amendment for the subject property rezoning the property from A-1 Agricultural District to R-1 One-Family Residential District. The petitioner would like the ability to construct a home on the property, either for himself or for a successive owner. No specific construction plans for a proposed home exist.

The application material, including the petitioner's findings of fact and survey, are included as Attachment 1.

SITE INFORMATION

PETITIONER Tom McNelis

ADDRESS No Address Number Assigned; Located in the 14000 Block of Budd Road

LOCATION Approximately 0.98 Miles East of Millbrook Road on the North Side of Budd Road
(See Attachment 2 for Aerial)

TOWNSHIP Fox

PARCEL # 04-15-200-023

LOT SIZE 3.86 +/- acres

EXITING LAND USE Agricultural

ZONING A-1 Agricultural District

LRMP	Land Use	County: Rural Estate Residential (max 0.45 du/acre) Village of Millbrook: Low Density Residential (max 0.65 du/acre)
	Roads	Budd Road is Local Road
	Trails	No trails are planned along this portion of Budd Road
	Floodplain/ Wetlands	No Floodplains or Wetlands are located on the property

REQUESTED ACTION Map Amendment Rezoning the Property from A-1 Agricultural District to R-1 One-Family Residential District

APPLICABLE REGULATIONS Section 13.07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Farmstead	A-1 (Agricultural)	Rural Estate Residential (County)	A-1 and A-1 BP (County)
South	Agricultural	A-1 (Agricultural)	Countryside Residential (County)	A-1 and A-1 SU (County)
East	Countryside Residential	A-1 (Agricultural)	Countryside Residential (County)	A-1 (County)
West	Rural Estate and Countryside Residential	A-1 (Agricultural)	Rural Estate Residential and Countryside Residential (County)	A-1 (County)

Rural Estate is max 0.45 du/acre
 Countryside Residential is max 0.33 du/acre

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Application submitted on 7.14.17; waiting for results.

NATURAL RESOURCES INVENTORY

Application was submitted 6.19.17. The LESA Score was 178 indicating a low level of protection (See Attachment 8).

ACTION SUMMARY

FOX TOWNSHIP

Petition information was sent to Fox Township on 7.17.17. Fox Township submitted questions shown on Attachment 9. Fox Township expressed no objection to the proposal (See Attachment 13)

VILLAGE OF MILLBROOK

Petition information was sent to the Village of Millbrook on 7.17.17. The Village of Millbrook expressed no opposition to this proposal (See Attachment 10).

UNITED CITY OF YORKVILLE

Though the subject property is not within their planning jurisdiction, the Planning Commission of the United City of Yorkville reviewed this proposal at their meeting on 8.9.17 and expressed no objections to the proposal (See Attachment 12). The City Council of the United City of Yorkville reviewed this proposal at their meeting on 8.22.17 and expressed no objections (See Attachment 14).

ZPAC

ZPAC reviewed this proposal on 8.1.17. They unanimously recommended approval of the proposal (See Attachment 11).

KENDALL COUNTY REGIONAL PLANNING COMMISSION

The Kendall County Regional Planning Commission reviewed this proposal at their 8.23.17 meeting. The Planning Commission suggested that the property should be awarded an A-1 Conditional Use Permit for housing in the agricultural district instead of a map amendment. The Kendall County Planning Commission unanimously recommended approval of the conditional use permit; no Commissioner object to the idea of constructing a house on the property.

Section 7.01.E.1.k lists the requirements for a conditional use permit in the A-1 District. The subject property meets the acreage, septic, unwarranted expansion of use and unchanging of character of

neighborhood requirements for a conditional use permit. However, it is the opinion of the Staff that the property does not meet the requirements of Sub-Section iv which states:

“That the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one or more of the following criteria:

- 1) Existing woodland coverage of a substantial portion of the site containing trees in excess of 6” in diameter measured at breast height; **(this is not true)**
- 2) Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less; **(this is not true; LESA Score is 178)**
- 3) Excessive slopes; **(this is not true)**
- 4) Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings **(no physical features serve as barriers to farm operations; the petitioner could argue that the size of the lot is too small for farm operation).**”

GENERAL INFORMATION

The petitioner desires the map amendment in order to have the ability to construct a house on the property at some point in the future. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite.

The petitioner does not believe that the property is large enough for farming. Pictures of the property are included as Attachments 3-7.

Existing homes are located to the north, east and west of the subject property. The Land Resource Management Plan calls for this area to be residential in the future. For these reasons, Staff does not believe that the approval of this request would constitute spot zoning.

Since submitting the application, the petitioner placed the subject property on the market for sale.

BUILDING CODES

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

ACCESS

The property fronts Budd Road. Pending comments from Fox Township, Staff has no concerns regarding the ability of Budd Road to support a proposed home at this location.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only. Staff does not foresee any concerns regarding lighting.

SCREENING

No fencing or buffer is presently planned for the property. Any new fences or plantings would be for a residential use. Any new fences would have to follow applicable regulations.

STORMWATER

Staff is not aware of any stormwater concerns.

UTILITIES

Electricity is near the property. A new well and septic system would have to obtain applicable permits.

FINDINGS OF FACT

*Existing uses of property within the general area of the property in question. **The area is a mix of agricultural, farmstead, rural estate residential and countryside residential.***

*The Zoning classification of property within the general area of the property in question. **All of the adjacent properties are zoned A-1. Some of these properties have special use permits and/or***

agricultural building permits.

The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is too small for most agricultural uses. Homes are located on adjoining properties and the subject property lacks and an agricultural housing allocation which prevents the construction of a home on the property.**

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The proposed amendment is consistent with the Land Resource Management Plan.**

RECOMMENDATION

Staff recommends approval of the proposed map amendment.

ATTACHMENTS

1. Application Materials (Including the Petitioner's Findings of Fact and Survey)
2. Aerial
3. Looking East
4. Looking North
5. Looking Northwest
6. Looking West
7. Looking South
8. NRI Summary
9. 7.26.17 Fox Township Correspondence
10. 7.31.17 Millbrook Email
11. 8.1.17 ZPAC Minutes
12. 8.9.17 Yorkville Email
13. 8.15.17 Fox Township Email
14. 8.22.17 Yorkville Email
15. 8.23.17 KCRPC Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING

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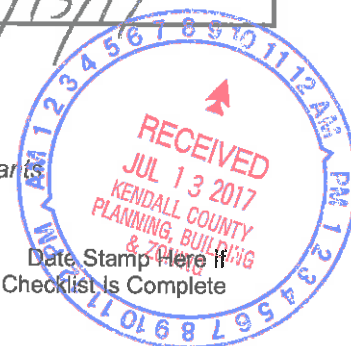
APPLICATION

PROJECT NAME McNelis Map Amendment FILE #: 17-21

NAME OF APPLICANT <u>Tom McNelis</u>		
CURRENT LANDOWNER/NAME(S) <u>Tom McNelis</u>		
SITE INFORMATION ACRES <u>3.86</u>	SITE ADDRESS OR LOCATION <u>Budd Rd Yorkville</u>	ASSESSOR'S ID NUMBER (PIN) <u>04-15-200-023</u>
EXISTING LAND USE	CURRENT ZONING <u>Vacant Residential</u>	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹ PRIMARY CONTACT <u>Tom McNelis</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # <u>[Signature]</u>	PRIMARY CONTACT OTHER #(Cell, etc.) <u>[Signature]</u>
² ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE <u>7/13/17</u>

FEE PAID: \$ 500.00

CHECK #: [REDACTED]



¹Primary Contact will receive all correspondence from County

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

Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

Existing uses of property within the general area of the property in question.

Vacant Residential

Property Is Surrounded By Residential Properties On 4 Sides With 298' Frontage On Budd Rd.

The Zoning classification of property within the general area of the property in question.

Appears To A1 And R1

The suitability of the property in question for the uses permitted under the existing zoning classification.

Not Being Farmed. Not Suitable For Ag.

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

New Homes Have Been Built For Residential Use Only Examples Kinzel And Scogo

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

At The Time Of Purchase Youhville Designated This Parcel As 1-2 Acre Residential. The Trend In This Area Has Been Residential.

I would like to Rezone
The Property from A1
to R1 in order to sell
the property so that someone
can construct a home on the
site.



07/12/2017

LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE EASTERLY ALONG THE NORTH LINE OF SECTION 14 OF SAID TOWNSHIP 330.0 FEET; THENCE SOUTH 00 DEGREES 22 MINUTES 19 SECONDS EAST 274.56 FEET TO THE CENTERLINE OF BUDD ROAD; THENCE NORTH 89 DEGREES 26 MINUTES 38 SECONDS WEST ALONG SAID CENTERLINE 539.64 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE SOUTH 21 DEGREES 06 MINUTES 41 SECONDS WEST ALONG SAID CENTERLINE 497.15 FEET TO A POINT HERINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 21 DEGREES 06 MINUTES 41 SECONDS WEST ALONG SAID CENTERLINE, 386.77 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE SOUTH 66 DEGREES 07 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE 147.01 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 07 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE 209.74 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE SOUTH 83 DEGREES 46 MINUTES 31 SECONDS WEST ALONG SAID CENTERLINE 88.38 FEET; THENCE NORTH 04 DEGREES 53 MINUTES 29 SECONDS WEST 305.0 FEET; THENCE NORTH 87 DEGREES 00 MINUTES 29 SECONDS WEST 150.0 FEET; THENCE NORTH 02 DEGREES 59 MINUTES 31 SECONDS EAST 212.16 FEET TO A LINE DRAWN NORTH 89 DEGREES 26 MINUTES 38 SECONDS WEST FROM POINT A AFORESAID; THENCE SOUTH 89 DEGREES 26 MINUTES 38 SECONDS EAST, 408.03 FEET TO A LINE DRAWN NORTH 04 DEGREES 53 MINUTES 29 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 04 DEGREES 53 MINUTES 29 SECONDS EAST, 426.73 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

GEORGE E. COLE® No. 229 REC
LEGAL FORMS February 2000

200100013046
Filed for Record in
KENDALL COUNTY, ILLINOIS
PALL ANDERSON
07-18-2001 At 03:53 pm.
QCD J TENCY 43.50

**QUIT CLAIM DEED
JOINT TENANCY
Statutory (Illinois)
(Individual to Individual)**

CAUTION: Consult a lawyer before using or acting under this form. Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty merchantability or fitness for a particular purpose.

Above space for Recorder's use only

THE GRANTOR(S) Barbara J. Hick Formerly Known As Barbara J. McNelis
1659 Lexington Dr.

of the City _____ of Montgomery County of Kendall State of Illinois for the consideration of Seventeen Thousand DOLLARS, and other good and valuable considerations _____ in hand paid, CONVEY(S) _____ and QUIT CLAIM(S) _____ to Thomas J. McNelis

_____ (Name and Address of Grantees)
not in Tenancy in Common, but in JOINT TENANCY, all interest in the following described Real Estate situated in Kendall County, Illinois, commonly known as Budd Rd 04-15-200-023, legally described as: _____ (Street Address)
See Attached

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. TO HAVE AND TO HOLD said premises not in tenancy in common, but in joint tenancy forever.

Permanent Real Estate Index Number(s): 04-15-200-023
Address(es) of Real Estate: Budd Rd Yorkville, IL

DATED this: _____ day of _____ 20____

Please print or type name(s) below signature(s)

(SEAL)
Barbara J. Hick
Thomas J. McNelis (SEAL)



(SEAL)
(SEAL)

State of Illinois, County of _____ ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that

IMPRESS SEAL HERE

Barbara J. Hick
personally known to me to be the same person _____ whose name _____ subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that S. H. C. signed, sealed and delivered the said instrument as _____ free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 18 day of June 20 01

Commission expires 7-30 20 01 Cerime L. Pittman
NOTARY PUBLIC

This instrument was prepared by Tom McNeilis [Redacted]

MAIL TO: { Tom McNeilis
(Name)
[Redacted]
(City, State and Zip)

SEND SUBSEQUENT TAX BILLS TO:
Tom McNeilis
(Name)
[Redacted]
(Address)

OR RECORDER'S OFFICE BOX NO. [Redacted] (City, State and Zip)

STATE OF ILLINOIS
JUL. 18. 01
KENDALL COUNTY

STATE TAX

REAL ESTATE TRANSFER TAX
000 1700
FP35 1015

0000002247

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 8.50

GEORGE E. COLE®
LEGAL FORMS

Quit Claim Deed
JOINT TENANCY
INDIVIDUAL TO INDIVIDUAL

Barbara T. Hick

TO

Thomas J. McNeilis

LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE EASTERLY ALONG THE NORTH LINE OF SECTION 14 OF SAID TOWNSHIP 330.0 FEET; THENCE SOUTH 00 DEGREES 22 MINUTES 19 SECONDS EAST 274.56 FEET TO THE CENTERLINE OF BUDD ROAD; THENCE NORTH 89 DEGREES 26 MINUTES 38 SECONDS WEST ALONG SAID CENTERLINE 539.64 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE SOUTH 21 DEGREES 06 MINUTES 41 SECONDS WEST ALONG SAID CENTERLINE 497.15 FEET TO A POINT HERINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 21 DEGREES 06 MINUTES 41 SECONDS WEST ALONG SAID CENTERLINE, 388.77 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE SOUTH 66 DEGREES 07 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE 147.01 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 07 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE 209.74 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE SOUTH 83 DEGREES 46 MINUTES 31 SECONDS WEST ALONG SAID CENTERLINE 88.38 FEET; THENCE NORTH 04 DEGREES 53 MINUTES 29 SECONDS WEST 305.0 FEET; THENCE NORTH 87 DEGREES 00 MINUTES 29 SECONDS WEST 150.0 FEET; THENCE NORTH 02 DEGREES 59 MINUTES 31 SECONDS EAST 212.16 FEET TO A LINE DRAWN NORTH 89 DEGREES 26 MINUTES 38 SECONDS WEST FROM POINT A AFORESAID; THENCE SOUTH 89 DEGREES 26 MINUTES 38 SECONDS EAST, 408.03 FEET TO A LINE DRAWN NORTH 04 DEGREES 53 MINUTES 29 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 04 DEGREES 53 MINUTES 29 SECONDS EAST, 426.73 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Tom McNelis
Address [Redacted]
City [Redacted] State [Redacted] Zip [Redacted]

2. Nature of Benefit Sought _____

3. Nature of Applicant: (Please check one)

- Natural Person
- Corporation
- Land Trust/Trustee
- Trust/Trustee
- Partnership
- Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

N/A

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
N/A		

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

N/A

VERIFICATION

I, _____, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact>

Subscribed and sworn to before me this _____ day of _____, A.D. _____

(seal)

Notary Public



Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Tom McNelis Contact Person: Tom McNelis
 Address: [Redacted]
 City, State, Zip: [Redacted]
 Phone Number: [Redacted]
 Email: [Redacted]

Please select: How would you like to receive a copy of the NRI Report? Email Mail

Site Location & Proposed Use

Township Name Fox Township 36 N, Range 6 E, Section(s) 15
 Parcel Index Number(s) 04-15-200-023
 Project or Subdivision Name _____ Number of Acres 3.86
 Current Use of Site Vacant Residential Proposed Use Improved Residential
 Proposed Number of Lots 1 Proposed Number of Structures New Home (1)
 Proposed Water Supply Well Proposed type of Wastewater Treatment Septic
 Proposed type of Storm Water Management _____

Type of Request

Change in Zoning from A1 to R1
 Variance (Please describe fully on separate page)
 Special Use Permit (Please describe fully on separate page)
 Name of County or Municipality the request is being filed with: Kendall

In addition to this completed application form, please including the following to ensure proper processing:

- Plat of Survey/Site Plan – showing location, legal description and property measurements
- Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
- If available: topography map, field tile map, copy of soil boring and/or wetland studies
- NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$	<u>375.00</u>
_____ Additional Acres at \$18.00 each	\$	_____
Total NRI Fee	\$	<u>300.00</u>

NOTE: Applications are due by the 1st of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

[Redacted Signature] _____
 Petitioner or Authorized Agent

19 Jun 2017
 Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# 1705 Date initially rec'd 6/19/17 Date all rec'd _____ Board Meeting 7/10/17
 Fee Due \$ 300.00 Fee Paid \$ 300.00 Check [Redacted] Over/Under Payment _____ Refund Due _____











Kendall County Land Evaluation and Site Assessment (LESA):

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
145B	2	94	2.6	244.4
193B	4	79	1.2	94.8
Totals			3.8	339.2
LE Score		LE = 339.2/3.8		LE = 89

The Land Evaluation score for this site is **89**, indicating that this site is predominately prime farmland well suited for agricultural production.

Table 4b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	2
	Site Assessment Score:	89

Land Evaluation Value: 89 + Site Assessment Value: 89 = LESA Score: 178

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score for this site is 178** which indicates a **low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Tom McNelis for the proposed R-1 Rezoning project. This parcel is located in Section 15 of Fox Township (T.36N.-R.6E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 89 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. Of the soils identified onsite, both (145B and 193B) are designated as prime farmland.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 30% of the soils are very limited for dwellings with basements. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Hollenback Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statues, Ch. 70, Par 405/22.02a).


Chair _____ Date 7-10-17

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, July 26, 2017 11:31 AM
To: 'Fox Township'
Subject: RE: Map Amendment Petition 17-21

Jeff:

There is no building permit available for this property if it remains A-1, which is why the petitioner is asking for R-1 zoning.

The minimum lot size in the R-1 is the same as the A-1, 2.98 acres +/- (130,000 square feet). As such, the property could not be subdivided without several variances to the Zoning Ordinance (which are unlikely).

The R-1 is the closest the County has to "Estate Zoning" because the largest minimum lot size of a residential zoning district in Kendall County is the minimum lot size of the R-1 District.

If you have any other questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Fox Township [<mailto:foxtownshipsupervisor@gmail.com>]
Sent: Wednesday, July 26, 2017 11:11 AM
To: Matt Asselmeier
Subject: Re: Map Amendment Petition 17-21

Matt,

Just a question or two about the McNelis Budd Road rezone request.

Is there a building permit available on this property?

Can this property be subdivided into more than one buildable lot?

Is there a more suitable zoning class than R-1 such as an Estate zoning?

Thank you in advance for your comments.

Jeff Spang

Fox Township Supervisor.

Matt Asselmeier

From: Jackie Lemmerhirt-Kowalski [jackie@borlanorth.com]
Sent: Monday, July 31, 2017 2:13 PM
To: Matt Asselmeier
Subject: RE: Village of Millbrook IGA

And on a different topic, the Village of Millbrook has no objection to the zoning change to Mr. McNelis' property on Budd Road for Petition 17-21.

Thank you,
Jackie

Jackie Kowalski
Litigation Paralegal
Borla, North & Associates, P.C.
630-969-3903
630-969-3931 (fax)

"Like" us on Facebook 

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 1, 2017 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:01 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Greg Chismark – WBK Engineering, LLC
Don Clayton – GIS
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Fran Klaas – Highway Department
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience: Tom McNelis and Robert Schneider

AGENDA

Mr. Asselmeier asked that Petition 17-21 be moved up to after the approval of the minutes.

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

MINUTES

Ms. Andrews made a motion, seconded by Mr. Langston, to approve the July 11, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-21 Tom McNelis – Map Amendment Rezoning Property Identified by PIN 04-15-200-003 from A-1 to R-1, 14000 Block of Budd Road Approximately 0.98 Miles from Millbrook Road on the North Side of Budd Road in Fox Township

Mr. Asselmeier provided a summary of this proposed map amendment. The petitioner desires the rezoning in order to construct a house on the property at some point in the future. The property does not have a housing allocation. The properties to the north, east and west have houses. Any new structures would have to obtain the necessary building permits; permits for well and septic would also have to be secured before a house is constructed. The Village of Millbrook expressed no concerns regarding this proposal; Fox Township has not submitted any comments.

The home allowed on the property could only be for one (1) single-family home.

Mr. Holdiman stated the setbacks are fifty feet (50') from the side property lines, fifty feet (50') from the rear property line and one hundred fifty feet (150') from the centerline of Budd Road.

Ms. Andrews said the NRI Report was approved previously.

Mr. McNelis noted that residential uses were located on the west, east and north of the property.

There were no questions from the Committee to the applicant.

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

By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on August 23rd.

Mr. Asselmeier asked that Petition 17-22 be moved ahead of Petition 17-19. Without objection, the agenda was amended.

17-22 Stor-Mor, Inc. – Major Amendment to Special Use Permit Granted by Ordinance 2016-15 Allowing an Enclosed Self Storage Facility and an Outdoor Storage Facility at 1317 Route 31 (PINs: 03-07-278-011, 03-07-278-010 and 03-07-278-009) in Oswego Township

Mr. Asselmeier provided a summary of this proposed amendment to the special use permit. The petitioner would like to construct one (1) one thousand, six hundred fifty (1,650) square foot building, construct one (1) four thousand, three hundred (4,300) square foot building, reduce the number of vehicles stored onsite from twenty-nine (29) to sixteen (16) and amend the landscaping plan by removing the proposed vegetation south of the proposed four thousand, three hundred (4,300) square foot building. Oswego Township expressed no opposition to this proposal; the Village of Montgomery has not submitted any comments.

The proposed new buildings would be used for the same purpose as the existing storage buildings.

Mr. Holdiman stated that the intent of the screening was for outdoor storage therefore he had no objections to the petitioner's screening proposal.

Mr. Holdiman asked if the Oswego Fire Protection District approved not having sprinklers in the buildings, similar to the other buildings. Mr. Schneider said he has not asked about these specific buildings, but no problems existed in the past. Mr. Holdiman advised Mr. Schneider to confirm this information with the Oswego Fire Protection District.

Mr. Rybski asked if the buildings were served by public utilities. Mr. Asselmeier said yes. Mr. Schneider added that the office was the only building that had plumbing.

The petitioner currently has stormwater information under review. Mr. Schneider said that he was not increasing impervious surface. The detention pond shown on the site plan already exists.

Mr. Schneider asked, if he did an expansion in the future, would he need to go through the same process. Mr. Asselmeier said that he would need a major amendment to the special use permit because the site plan is approved as part of the special use permit.

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

By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on August 23rd.

17-19 Pulte Group Representing Dave Hamman – Renew Special Use Permit Granted by Ordinance 2004-43 Allowing the Placement of a Commercial Off-Premise Advertising Structure (Billboard) on the Parcel Identified by PIN 03-01-127-006 and Revoking the Special Use Permit for the Placement of a Commercial Off-Premise Advertising Structure (Billboard) on the Parcel Identified by PIN 03-01-127-004, Northeast Corner of U.S. 34 and Hafenrichter (Farnsworth) in Oswego Township

Mr. Asselmeier provided a summary of this proposed special use permit. He stated that the special use permit required the sign to be renewed every three (3) years; the sign was approved in 2004. Oswego Township expressed no opposition to this request. The City of Aurora has not submitted any comments. The location of the sign in relation to the property line must be determined; it needs to be ten feet (10') off of the property line. A building permit would be required because the sign was moved from its original location.

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

By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on August 23rd.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

UPDATES OF PETITIONS

None

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

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

Matt Asselmeier

From: Krysti Barksdale-Noble [knoble@yorkville.il.us]
Sent: Wednesday, August 09, 2017 7:46 PM
To: Matt Asselmeier
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21

Matt,

This item was discussed at tonight's Planning and Zoning Commission meeting and there were no objections expressed. I will forward the favorable recommendation to the City Council at the August 22nd meeting and update you on the final outcome.

Best Regards,

Krysti J. Barksdale-Noble, AICP

Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Direct: (630) 553-8573
Fax: (630) 553-3436
Cell: (630) 742-7808
www.yorkville.il.us

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, July 19, 2017 3:47 PM
To: Krysti Barksdale-Noble
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21

Krysti:

Thanks for letting me know.

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Krysti Barksdale-Noble [mailto:knoble@yorkville.il.us]
Sent: Wednesday, July 19, 2017 2:31 PM
To: Matt Asselmeier
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21

Matt Asselmeier

From: Fox Township [foxtownshipsupervisor@gmail.com]
Sent: Tuesday, August 15, 2017 11:57 AM
To: Matt Asselmeier
Subject: McNelis Re-Zoning

Matt,

The Fox Township Board of Trustees discussed the proposed McNelis Re-Zoning petition at last night's meeting. We found no objection to the proposal. Thank you for the information you provided.

Jeff Spang
Fox Township Supervisor

Matt Asselmeier

From: Krysti Barksdale-Noble [knoble@yorkville.il.us]
Sent: Tuesday, August 22, 2017 7:22 PM
To: Matt Asselmeier
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21
Attachments: CC 8-22-17 Memo_PZ 2017-10 - County Case 17-21 McNelis Rezoning (1.5 mile Review).pdf; Kendall County Case 17-21_McNelis (Rezoning)_1.5-mile review_complete packet.pdf

Good Evening Matt,

The City Council heard this petition at tonight's meeting and have no objections to the request. I have attached staff's memo for your reference. Let me know if you have any questions.

Best Regards,

Krysti J. Barksdale-Noble, AICP

Community Development Director

United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Direct: (630) 553-8573

Fax: (630) 553-3436

Cell: (630) 742-7808

www.yorkville.il.us

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

Sent: Wednesday, July 19, 2017 3:47 PM

To: Krysti Barksdale-Noble

Cc: Jason Engberg; Bart Olson

Subject: RE: Map Amendment Petition 17-21

Krysti:

Thanks for letting me know.

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Krysti Barksdale-Noble [mailto:knoble@yorkville.il.us]

Sent: Wednesday, July 19, 2017 2:31 PM

To: Matt Asselmeier

Cc: Jason Engberg; Bart Olson

Subject: RE: Map Amendment Petition 17-21

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of August 23, 2017

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:01 p.m.) and Budd Wormley

Members Absent: Angela Zubko

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson, Patrick Cook, Tom McNelis, Janet Seego, Karla Stoedter, Robert Schneider, Alzlisia Torre, Erika Dickens and Vicki Schnabel

APPROVAL OF AGENDA

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

Claire Wilson arrived at this time.

APPROVAL OF MINUTES

Mr. Wormley made a motion, seconded by Mr. Shaw, to approve the July 26, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-19 Pulte Group Representing Dave Hamman

Mr. Asselmeier summarized the request. The Pulte Group would like to renew the special use permit for a billboard at the property identified by parcel identification number 03-01-127-006 and revoke the special use permit for a billboard on the property identified by parcel identification number 03-01-127-004. This proposal applies to the sign advertising the Pulte Development. The proposal does not include the big billboard on the property 03-01-127-004. Staff is still searching for the ordinance that allowed that billboard. The existing special use permit required the sign to be renewed every three (3) years. The sign was moved to get into compliance with the Kendall County signage regulations; the Pulte Group is required to get a building permit because the sign was relocated.

Oswego Township expressed no opposition to this proposal. The City of Aurora has not submitted comments on this proposal. ZPAC unanimously recommended approval of the proposal provided that the placement requirements of the Zoning Ordinance were met.

Patrick Cook, representing Pulte Group, stated that he was in attendance to answer questions.

Ms. Wilson asked if the Planning, Building and Zoning Department received any feedback or objections. Mr. Asselmeier stated that they received general questions, but no objections to the proposal.

Chairman Ashton asked Mr. Cook if he agreed with the restrictions proposed by Staff. Mr. Cook said that he agreed with the proposed restrictions.

Mr. Nelson made a motion to recommend approval of the petition as presented with the restrictions proposed by Staff, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)

No – None (0)

Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

17-21 Tom McNelis

Mr. Asselmeier summarized the request. The petitioner desires to rezone the property from A-1 to R-1 in order to be able to construct a house on the property in the future. No timeline exists for constructing a house and the property is for sale. The property is less than forty (40) acres and does not have a housing allocation; a house cannot be constructed on the property at the present time.

Fox Township expressed no opposition to the proposal. The Village of Millbrook expressed no opposition to the proposal. The United City of Yorkville expressed no opposition to the proposal. ZPAC unanimously recommended approval of the proposal.

Mr. Nelson suggested that the property obtain a conditional use permit because the lot is irregularly shaped and not farmable instead of rezoning the property to R-1. All of the adjoining properties are zoned A-1. Mr. McNelis said that he did not have a preference to the zoning; he liked the A-1 zoning. He wanted the ability to construct a house on the property. No Commissioner expressed opposition to the construction of a house on the property. Staff will work with the petitioner to determine the next steps in the process.

Janet Seego, Oswego, asked if the property sold, would the new owner have the same rights to construct a house. Chairman Ashton responded yes. No timeframe would be placed on the construction of the home.

Karla Stoedter, Budd Road, asked if more than one (1) home could be built on the property. Mr. Asselmeier responded that it was virtually impossible to construct another home on the property. If an additional home was proposed, the proposal would require review by various boards before approval.

Mr. Nelson made a motion to recommend that a conditional use permit be awarded for the construction of house instead of rezoning the property to R-1, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)

No – None (0)

Absent – Zubko (1)

The motion passed. Mr. Asselmeier said that he would inform Mr. McNelis of the next steps. If the proposal requires a public hearing, this public hearing will be at the Zoning Board of Appeals on August 28, 2017 at 7:00 p.m.

17-22 Stor Mor, Inc.

Mr. Asselmeier summarized the request. Stor Mor, Inc., represented by Robert Schneider, requested four (4) amendments to their special use permit. The petitioner would like to construct one (1) 1,650 square foot

building, one (1) 4,300 square foot building, reduce the number of vehicles stored onsite from twenty-nine (29) to sixteen (16) and amend the landscaping plan by removing the proposed vegetation south of the proposed 4,300 square foot building. In addition the restrictions listed in the proposal, Staff requested that a condition be added to the special use permit revoking the special use permit portion of Ordinance 76-6 which granted a special use permit for storage on the northern portion of the property.

Oswego Township had no objections to the proposal. The Village of Montgomery has not submitted any comments on the proposal. ZPAC requested that the petitioner confirm with the Oswego Fire Protection District that sprinklers would not be required in the new building; ZPAC unanimously recommended approval of the proposal.

Robert Schneider, petitioner, stated he constructed the new building proposed in 2016. He would like to substitute some of the RV parking spots in favor of the new, proposed buildings. The building proposed in 2016 was constructed. Mr. Schneider considered the rear of the proposed new building to be screening.

Mr. Nelson asked if the new building constructed in 2016 was constructed without sprinklers. Mr. Schneider said that the new building did not have sprinklers and no utilities run to the building.

Mr. Wormley asked if the retention pond was wet or dry. Mr. Schneider responded that the retention pond is in existence and it is dry.

Ms. Wilson asked for clarification regarding the screening requirement. Mr. Asselmeier said that the restriction was listed as amended because the petitioner is proposing a landscaping plan that differs from the landscaping plan approved in 2016.

Mr. Schneider stated that residential uses were located on three (3) sides of the property.

Ms. Wilson asked if residents or neighbors submitted objections to the proposal. Mr. Asselmeier said that he received general questions about the proposal, but no objections.

Alzisa Torre, Oswego, requested to see the aerial of the property and how the proposal will impact her property. Mr. Schneider showed Ms. Torre the aerial of the property and explained the proposed structures and vegetation locations in relation to her property. Ms. Torre's property is located north of the proposal and none of the proposed buildings, vegetation or lights will impact her property because they are located on the opposite of the property. The property will be fenced.

Mr. Schneider indicated that he did not plan to make additional changes to the site plan in the near future.

Erika Dickens, Oswego, asked about the vegetation on the north side of the property. Mr. Schneider said that he might trim vegetation, but all of the proposed buildings and vegetation work will be on the opposite side of the property.

Mr. Schneider said that his office is located on the property and invited neighbors to come in and discuss any concerns they may have.

Mr. Schneider hopes to start work this fall.

Ms. Wilson asked if an onsite manager was available twenty-four (24) hours a day. Mr. Schneider said that an onsite manager lived in an apartment on the property.

Ms. Wilson made a motion to recommend approval of the petition as presented including the conditions recommended by Staff, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)

No – None (0)

Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

OLD BUSINESS

None

NEW BUSINESS

Discussion of Special Uses within the A-1 Zoning District

Mr. Asselmeier read his memo on the subject. He provided a map of the A-1 zoned properties in Kendall County and the list of special uses currently listed in the A-1 zoning district.

Mr. Davidson suggested the uses listed in the A-1 district should be evaluated. He believed that the land along the major highways should be evaluated for different uses. In particular, he believed that the land along Route 47 in Lisbon Township should be reclassified as commercial because of the widening of Route 47.

Mr. Shaw advised that the widening of Route 47 throughout all of Kendall County will not occur in the near future due to the State's financial situation.

Mr. Nelson agreed that the maps should be updated.

Discussion occurred regarding stakeholder meetings. Chairman Ashton advised having meetings with Lisbon Township, the Village of Lisbon and the Village of Plattville. Draft maps should be prepared and taken to stakeholder meetings.

The consensus of the Commission was that the issue of land use along Route 47 in southern Kendall County should be examined.

Discussion of Amending the Future Land Use Map for Properties Located Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier read his memo on the subject.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-14 failed at the County Board. Petitions 17-15 and 17-20 both passed at the County Board. Petition 17-16 was tabled at the Planning, Building and Zoning Committee.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Vicki Schnabel, Yorkville, stated that her family is moving because of the banquet facility located across the street from her property. She favored distance requirements between businesses and residences in the A-1 district. She also expressed concerns about the noise restrictions placed on the banquet facility; the restrictions were too weak. Her family hears people talking next door, the music from next door and the bass from music.

Chairman Ashton asked if they received decibel readings at the property. Ms. Schnabel said that her family has not called the Sheriff's Department.

Ms. Schnabel said that the berm and trees were inadequate to protect neighbors from noise and lights arising

from the banquet facility or to preserve their privacy. Mr. Davidson explained that the height and width of the berm were not defined. Also, the type, number and location of trees were also not defined in the special use permit for the banquet facility across from her property.

Chairman Ashton asked if Ms. Schnabel had any suggestions for the noise ordinance.

Chairman Ashton asked about the procedure for handling noise complaints. Mr. Asselmeier responded that the Sheriff's Department would prepare a report outlining the violation. The report would be forwarded to the Planning, Building and Zoning Committee to see if the Committee wanted to forward the complaint to the State's Attorney's Office. If a special use permit holder was guilty of violating the noise provisions in their special use permit, the County Board could revoke the special use permit.

Discussion occurred regarding having lower decibel requirements on future special use permits.

Mr. Davidson reported that the Planning, Building and Zoning Department researched machines for recording for decibels. Mr. Asselmeier stated that the company with the technology has not developed a waterproof device. The devices also did not have battery backup; there were electricity access issues.

Chairman Ashton gave Ms. Schnabel his phone number and the information from the Ad-Hoc Zoning Ordinance Committee regarding the noise regulations.

Chairman Ashton discussed the process of creating mining regulations.

OTHER BUSINESS/ANNOUNCEMENTS

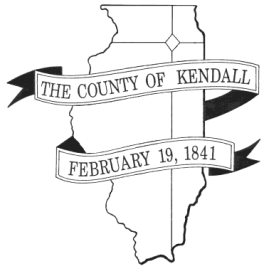
Mr. Asselmeier reminded Commissioners that he emailed Plan Commission training information to them. This training is offered through the Illinois Chapter of the American Planning Association. If they would like to participate, they should contact the Planning, Building and Zoning Department.

Discussion occurred regarding the State's Attorney's opinion regarding forest preserve districts and zoning regulations. Ms. Wilson said she would do additional research on the topic.

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:46 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: October 26, 2017
Re: Petitions 17-28 and 17-29

At their meeting on October 25th, the Kendall County Regional Planning Commission requested that the Planning, Building and Zoning Committee review and amend their proposed text amendments to the Kendall County Zoning Ordinance pertaining to outdoor gun range regulations (Petition 17-28).

At their meeting on October 3rd, ZPAC requested that the Planning, Building and Zoning Committee amend their proposed text amendment to the Kendall County Zoning Ordinance pertaining to notification requirements for applications for special use permits on A-1 zoned properties (Petition 17-29).

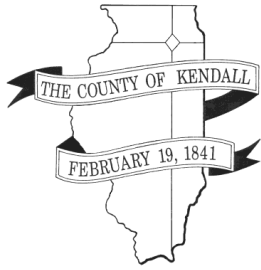
Both of the above items will be placed on the Planning, Building and Zoning Committee's November 13th agenda.

Both of these items appear on the October 30th Zoning Board of Appeals agenda because the notice for this meeting had already been sent for publication when ZPAC and the Planning Commission made their respective requests to the Planning, Building and Zoning Committee.

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

Thanks,

MHA



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: October 26, 2017

Re: 17-30 Proposed Text Amendments to Sections 3.02 (Definitions), Section 10.01.C.10 (Special Uses in M-1 Limited Manufacturing District and M-2 Heavy Industrial District) and Section 10.01.C.11 (Special Uses in M-1 Limited Manufacturing District and M-2 Heavy Industrial District) Pertaining to Extending the Expiration Deadline of Kendall County's Medical Cannabis Regulations from January 1, 2018 to July 1, 2020

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 extending the expiration deadline for the County's medical cannabis regulations. When the County adopted medical cannabis regulations in 2014 (by Ordinances 2014-28 and 2014-31) the expiration date was set at January 1, 2018. The Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) expires on July 1, 2020. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

This proposed amendment does not change any language, other than the expiration date, contained within the Zoning Ordinance on this topic.

ZPAC reviewed this proposal at their meeting on October 3rd and unanimously recommended approval of the proposed text amendments. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 25th and unanimously recommended approval of the proposed text amendments. The minutes of these meetings are attached.

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

Thanks,

MHA

ENC: Proposed Text Amendments
10.3.17 ZPAC Minutes
10.25.17 KCRPC Minutes

Amendments to Section 3.02 Definitions

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ 7.1.20)

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ 7.1.20)

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ 7.1.20)

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ 7.1.20)

Amendment to Section 10.01.C.10

10. Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on ~~January 1, 2018~~ July 1, 2020)

a. **Definitions:** All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended

b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.

i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

ii. *Registration.* Applicants must be registered with the Illinois Department of Agriculture

iii. *Location.* A Cultivation Center must be located more than 2,500 feet from the

property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.

iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

v. *Code Compliance.* Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.

vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.

c. Required Permit Information. Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:

i. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.

ii. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.

iii. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

iv. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and

v. Proof that applicant is registered with the Illinois Department of Agriculture.

d. Operational and Facility Requirements:

i. *Enclosed, Locked Facility.* All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.

ii. *Storage.* No outdoor storage of any kind will be permitted at Cultivation Centers.

iii. *Edibles.* Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.

iv. *Waste.* Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.

- v. *Signs*. All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.
- vi. *Other Products*. It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.
- vii. *Fence*. All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.
- viii. *Registration*: The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.

e. Legal Protections.

- i. *Limitation of Liability*. Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- ii. *Indemnification*. The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.
- iii. *Violations of the Law*. The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. Revocation: Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.

Amendment to Section 10.01.C.11

11. Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on **January 1, 2018 July 1, 2020**)

a. **Definitions:** All terms not defined in section 3.02 of this Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.), as amended.

b. **Preliminary Requirements.** All Medical Cannabis Dispensing Organization special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.

i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

ii. *Location.* A Dispensing Organization may not be located within 1,000 feet of the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use, as required pursuant to 410 ILCS 130/130 and Section 1290.50 of the Department of Financial and Professional Regulation rules.

iii. *Images.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.

iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

v. *Code Compliance.* Dispensing Organizations must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.

vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/130, as amended.

c. **Required Permit Information.** Upon applying for a Dispensing Organization special use permit, the applicant must provide the following information:

i. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

ii. A location map demonstrating the property meets location conditions identified in 410

ILCS 130/130 & Section 1290.50.19, as amended.

d. Operational and Facility Requirements:

i. *Enclosed, Loading/unloading bay.* All medical cannabis deliveries shall take place in an Enclosed, Locked Facility.

ii. *Storage.* No outdoor storage of any kind will be permitted at Dispensing Organizations.

iii. *Advertisement/Signs.*

1) All signage shall comply with Section 12 of the Kendall County Zoning Ordinance.

2) Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

3) Electronic message boards and temporary signs are not permitted in connection with a Dispensing Organization.

4) Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.

5) No Advertisements shall be placed or maintained within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons age 21 or older.

6) No advertisement shall be posted on publicly-owned or -operated property.

7) If the dispensing organization sells edible cannabis infused products, it must display a placard that states the following:

“Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens.” The placard shall be no smaller than 24” tall by 36” wide, with typed letters no smaller than 2”. The placard shall be clearly visible and readable by customers and shall be written in English.

iv. *Other Prohibitions.* A dispensing organization shall not:

1) produce or manufacture cannabis;

2) allow consumption of cannabis at the dispensary;

3) sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;

- 4) sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH;
- 5) enter into an exclusive agreement with any cultivation center;
- 6) operate drive through windows;
- 7) transport cannabis to residences of registered qualifying patients or designated caregivers;
- 8) operate if video surveillance equipment is inoperative;
- 9) operate if the point of sale equipment is inoperative;
- 10) operate if the State's medical cannabis electronic verification system is inoperative; or,
- 11) have fewer than two people working at any time while the dispensary is open.

v. *Landscaping.* All dispensing organizations shall ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight.

vi. *Lighting.* All dispensing organizations shall ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance.

vii. *Hours of operation:* A dispensary may operate between 6 a.m. and 8 p.m. local time.

e. Legal Protections.

i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Dispensing Organization, the Dispensing Organization's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Dispensing Organization's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.

ii. *Indemnification.* The permitted Dispensing Organization, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and

October 26, 2017

future board members, elected officials and agents, through counsel of the County's own choosing, due in whole or in part to the Dispensing Organization's acts or omissions and/or for any illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.

iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. Revocation:

i. Any special use permit granted under this ordinance may be revoked for failure to comply with the terms of this ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Kendall County Zoning Ordinance.

ii. Applicants must be registered with the Illinois Department of Financial and Professional Regulation prior to commencing operations and shall remain registered at all times of operation. The Dispensing Organization must notify Kendall County within ten (10) days of its registration being suspended or revoked. Failure to register or timely notify Kendall County of the suspension or revocation will result in immediate revocation of the special use.

g. Repeal. This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on ~~January 1, 2018~~ **July 1, 2020**.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 3, 2017 – Unapproved 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

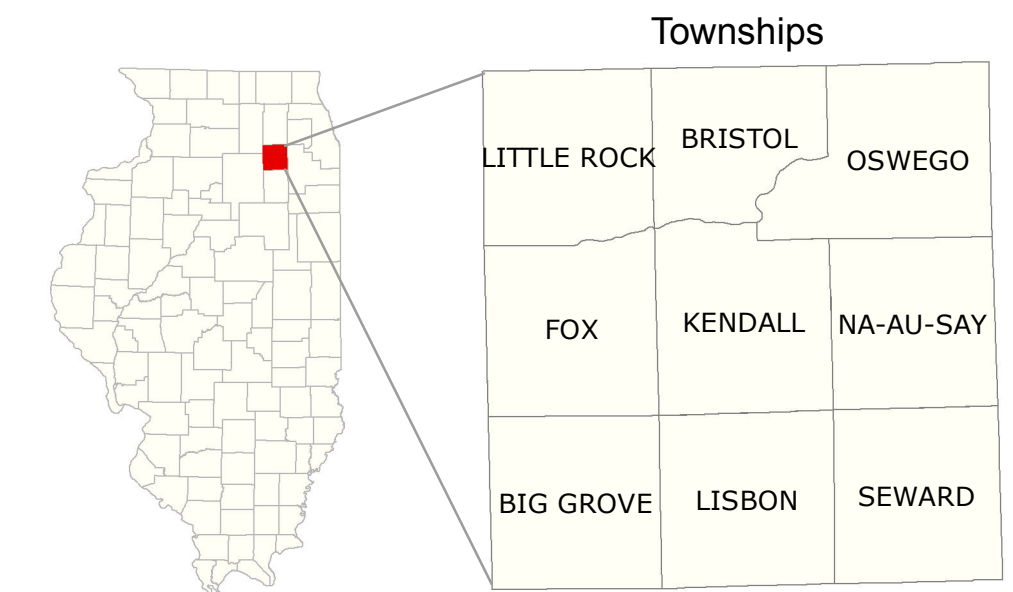
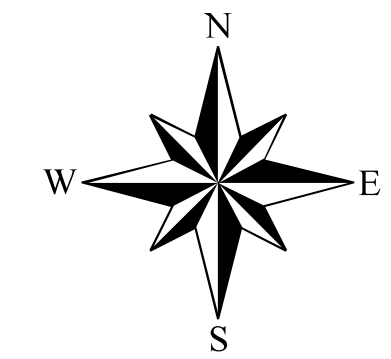
Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

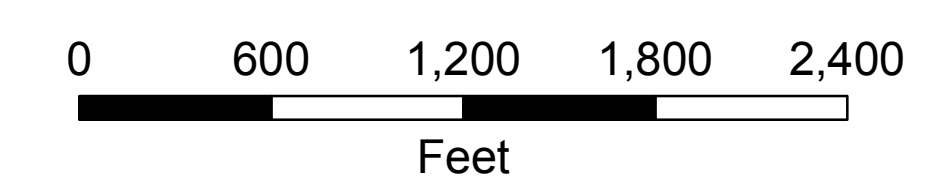
**Buffer Scenario
500ft vs 2600 ft
Oswego Twp
KENDALL COUNTY**

- 2017 -

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

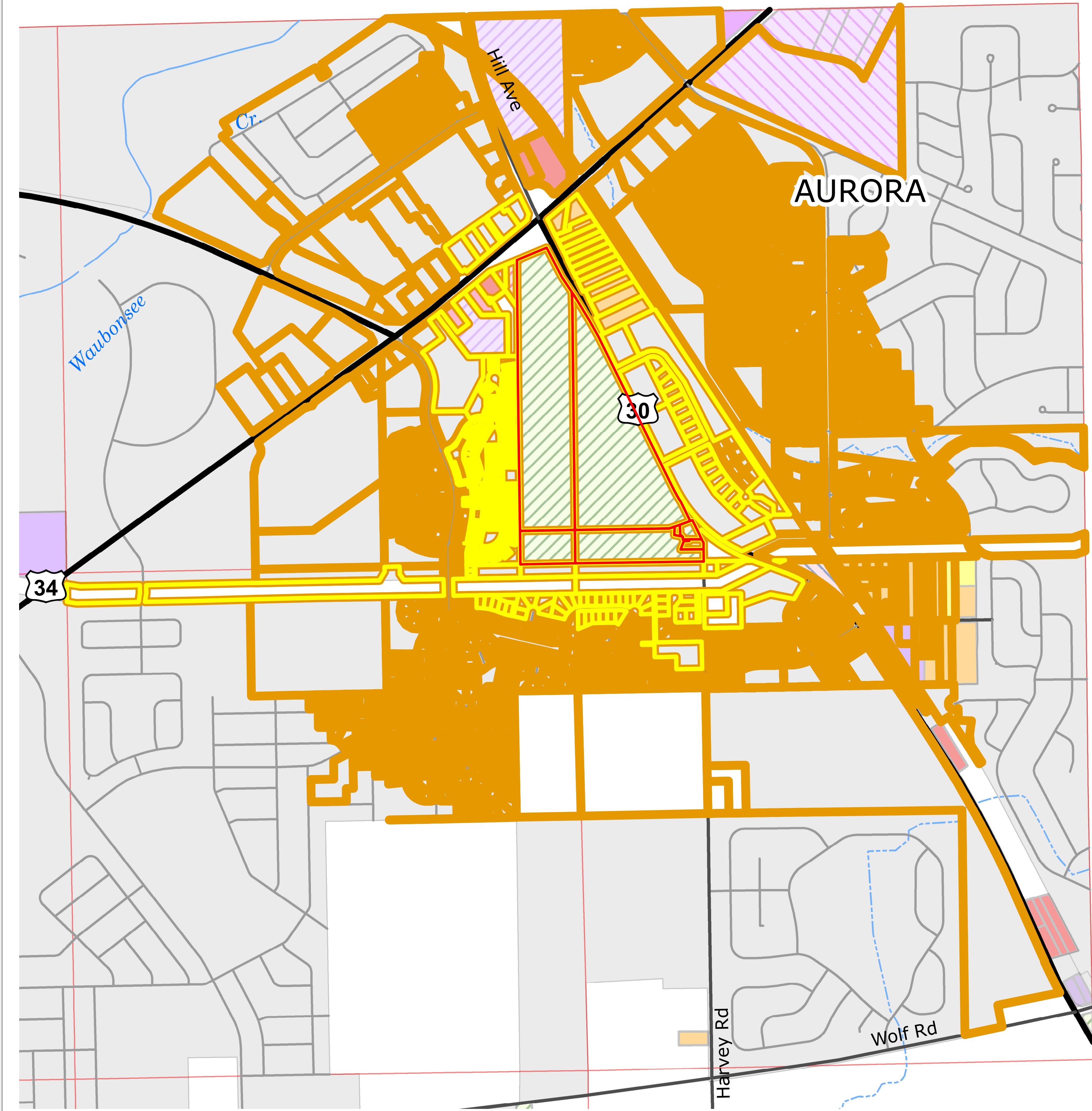


Scale: 1 in = 600 feet



Legend

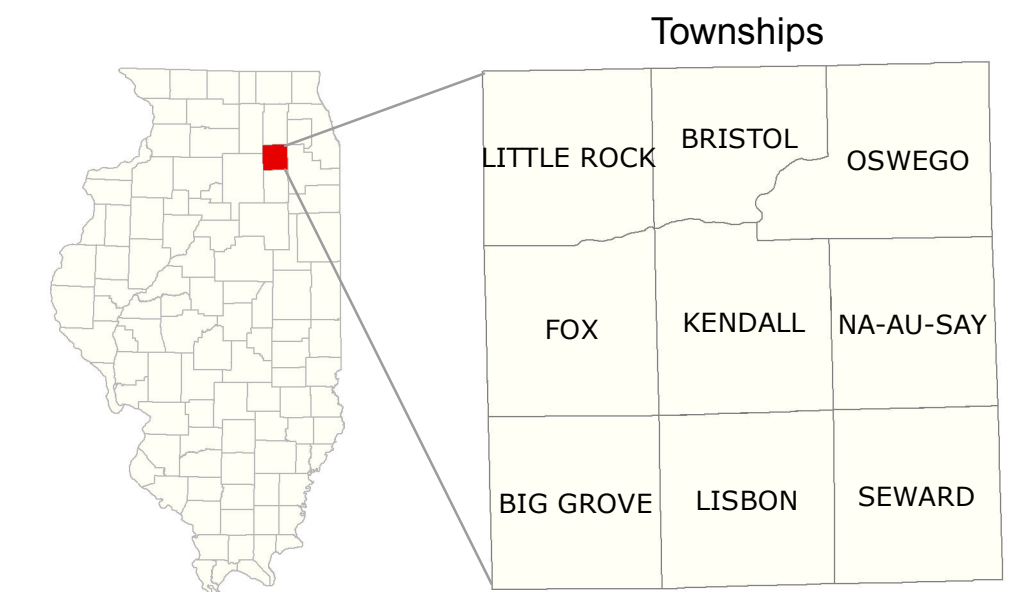
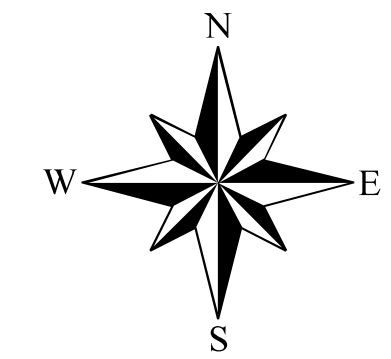
- 500 ft Buffer - 388 Parcels
- 2600 ft Buffer - 1892 Parcels
- Subject Property



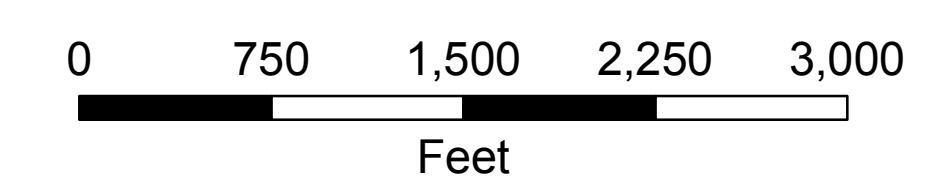
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

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

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

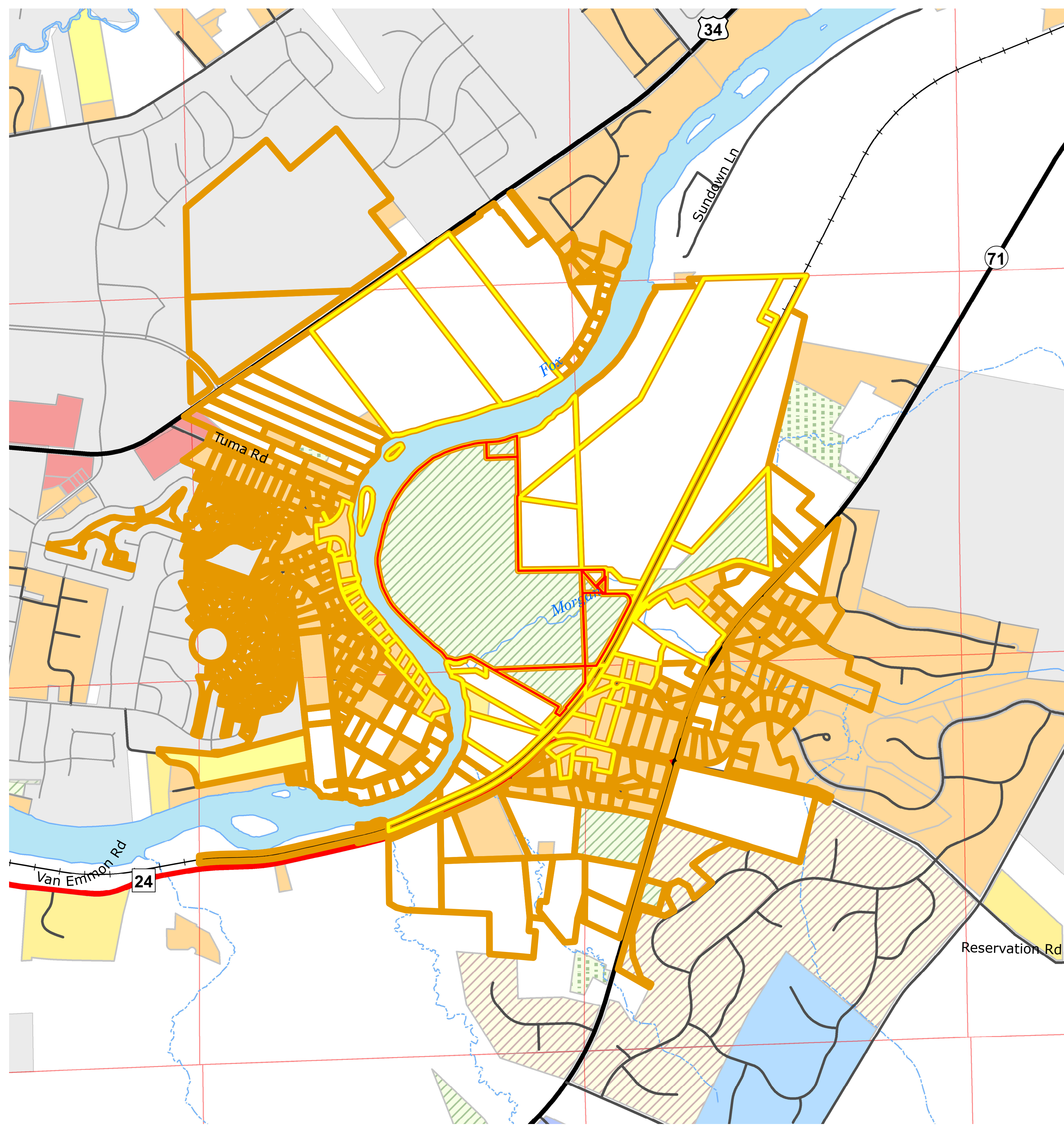


Scale: 1 in = 750 feet



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

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of October 25, 2017

Chairman Ashton called the meeting to order at 7:00 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: Robert Davidson, Allison Hartman and Bob (?) Shooter at Knollwood Gun Club

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Shaw made a motion, seconded by Ms. Wilson, to approve the August 23, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. 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.

Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. To date, no township or existing gun range has submitted comments. 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.

ZPAC unanimously recommended approval of 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.

Ms. Zubko asked if the berming regulations were the same as the National Rifle Association's standards. Mr. Asselmeier responded that the berming requirements were copied from McHenry County's regulations. Mr. Nelson asked how the Planning, Building and Zoning Committee knew that these standards were appropriate. Mr. Asselmeier stated that he did not know how McHenry County calculated their regulations.

Discussion occurred regarding the exclusion of property owned by the Kendall County Forest Preserve. The consensus of the Commission was that, if the Forest Preserve was required to follow local zoning regulations, the Forest Preserve should not receive special treatment.

The proposed regulations shall not apply to private property owners' shooting on their own property and not operating a gun range as a business.

Regarding letter a, the word "with" shall be added between the words "capacity" and "a". This was a typographical error.

Discussion occurred regarding the requirements that properties be a minimum forty (40) acres in size and that the firing line must be at least one thousand five hundred feet (1,500') from property lines. The Commission believed that very few properties would meet this requirement and that the proposed language would effectively prevent any outdoor gun range from opening in the unincorporated areas.

Ms. Zubko asked why the amendment was proposed. Mr. Asselmeier responded that the Planning, Building and Zoning Committee wanted to tighten outdoor gun range restrictions.

The Commission expressed concerns that the proposal contradicted the National Rifle Association Handbook.

Mr. Wormley expressed objections to the insurance requirement of Ten Million Dollars (\$10,000,000).

Discussion occurred regarding the downrange safety area. The Commission felt that finding an area that met that requirement would be difficult. The Commission also expressed concerns that new houses could be constructed in the safety area after a special use permit was issued.

Ms. Zubko agreed gun ranges should have direct access to a public road.

Allison Hartman, Chicago, asked that the regulations exempt existing ranges. The Commission said that the proposal shall not apply to existing gun ranges.

Bob (?), shooter at Knollwood Gun Club, asked that the Commission adopt the National Rifle Association Standards. The County's regulations already incorporate the National Rifle Association Standards.

Mr. Davidson said that the intention of the proposal was to address noise and safety issues.

Ms. Zubko made a motion to ask that the Kendall County Planning, Building and Zoning Committee reconsider these proposed text amendments with the following concerns:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500') from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.

6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see “license” be grouped with easement regarding access to public roads.

Commissioners also expressed a desire to have a joint meeting with the Planning, Building and Zoning Committee to resolve these concerns.

The motion was seconded by Mr. Shaw.

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 Planning, Building and Zoning Committee on November 13, 2017 at 6:30 p.m.

17-30 Kendall County Planning, Building and Zoning

Mr. Asselmeier summarized the request. 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.

This proposal was mailed to each township on September 25th. To date, no response or comments have been received.

ZPAC unanimously recommended approval of the request.

Mr. Nelson asked, if the County did not have these regulations, could the medical cannabis facilities go anywhere. Mr. Asselmeier stated that Mr. Nelson was correct.

There have been no requests for these types of uses in the County.

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

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 October 30, 2017 at 7:00 p.m.

OLD BUSINESS

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

Mr. Asselmeier read his memo on the subject, presented the draft maps discussed the timeline for the amendment and presented a draft agenda for a meeting in Lisbon Township.

Discussion occurred about studying the entire Route 47 corridor from Yorkville to the Grundy County Line.

Mr. Nelson would like greater examination of specific intersections along the corridor.

Chairman Ashton suggested showing mixed use business along Route 52 for half (1/2) mile east of the intersection of Route 47.

Discussion occurred regarding improvements to Sherrill and Brisbin Roads.

Commissioners requested data from the Illinois Department of Transportation, the Kendall County Highway Department, Economic Development Committee, Grundy County and Morris.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

NEW BUSINESS

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 was considering whether or not this proposal should be included in the Zoning Ordinance.

Discussion occurred about the number of cases sent to the State's Attorney's Office. Mr. Asselmeier will research that information and provide it to the Commission at the November meeting.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

Correspondence-August 16, 2017 Letter from Anna R. Kuperstein to Matthew Asselmeier RE: Sandwich Compressor (ANR Pipeline and Special Use Permit at 6650 Sandy Bluff Road (Ordinance 2002-06))

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.

Approval of Fiscal Year 2017-2018 Meeting Calendar

Mr. Asselmeier presented the meeting calendar. The November meeting date is the Wednesday after Thanksgiving.

Mr. Wormley made a motion to approve the fiscal year 2017-2018 meeting calendar, seconded by Ms. Zubko. With a voice vote of all ayes the motion carried.

Recommendation of Ad-Hoc Zoning Ordinance Committee Members

Mr. Asselmeier explained that Chairman Gryder would like input from the Commission on members for the Ad-Hoc Zoning Ordinance Committee.

Mr. Nelson provided a history of the Committee. The Committee was created to update and implement the Land Resource Management Plan and to conduct zoning regulation related research. Membership included representatives from the Planning Commission, Zoning Board of Appeals, Soil and Water Conservation District, County Board, Planning, Building and Zoning Committee and past County Board Chairman, among

other people.

The consensus of the Commission was that Chairman Gryder should choose which Planning Commission members should serve on the Ad-Hoc Zoning Ordinance Committee.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

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

OTHER BUSINESS/ANNOUNCEMENTS

Ms. Wilson expressed concerns regarding the Forest Preserve Business awarding agricultural related work without a bid. The consensus was that Ms. Wilson should investigate this matter as a concerned citizen.

Discussion occurred regarding a bridge over Aux Sable Creek owned by Mark Antos. Ms. Zubko suggested that Mr. Asselmeier should check his files for a history of this project.

Discussion occurred regarding another stormwater violation on Wildy Road; the address was not given. Mr. Asselmeier will investigate the matter.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Ms. Zubko, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 9:16 p.m.

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

KENDALL COUNTY ZONING BOARD OF APPEALS AND
SPECIAL USE HEARING OFFICER
GENERAL RULES AND BY-LAWS

Article I Definitions

- Section 1. "Board", "Zoning Board" shall mean the Kendall County Zoning Board of Appeals.
- Section 2. "County Board," "Appointing Authority," or "Governing Body" shall mean the County Board of Kendall County, Illinois.
- Section 3. "Hearing Officer" shall mean the Special Use Hearing Officer

Article II General Provisions

- Section 1. These rules are supplementary to the provisions of the Zoning Ordinance of the County of Kendall, Illinois as they relate to procedures of the Board of Appeals and the Hearing Officer.
- Section 2. Any member who has any direct interest in a matter before the Board shall not vote thereon and shall not participate as a board member.
- Section 3. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the governing body.
- Section 4. The State's Attorney shall be consulted in cases where the powers of the Board are not clearly defined.
- Section 5. The Office of the Board shall be located at Kendall County Planning, Building and Zoning Office, 111 West Fox Street-Room 203, Yorkville, Illinois, 60560.
- Section 6. Each Zoning Board of Appeals member shall strive to attend each meeting of the Zoning Board of Appeals. Each member shall contact the Chairman, Zoning Administrator or Zoning Administrator Deputies, whenever he or she knows in advance that they will not be attending a Zoning Board meeting. Failure to attend three (3) or more meetings in a twelve (12) month period may be cited as a basis for removing the member from the Zoning Board.
- Section 7. All members of the Zoning Board shall be residents of different townships.

Article III Officers and Duties

- Section 1. The officers of the Board shall be a Chairman, an Acting Chairman, and a

Secretary.

- Section 2. The County Board shall appoint the Chairman of the Board. The Zoning Board shall elect from amongst its members the Acting Chairman when the Chairman is absent. The Zoning Board shall designate the Secretary who may, or may not, be a member of the Board.
- Section 3. The Chairman shall supervise the affairs of the Board of Appeals. He shall preside at all meetings of the Board, shall appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.
- Section 4. The Acting Chairman, in the absence or disability of the Chairman, shall perform all the duties and exercise all the powers of the Chairman.
- Section 5. The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board or keep a verbatim transcript of all hearings; shall record the names and addresses of all persons appearing before the Board; Shall, subject to the Board and Chairman, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file said minutes and records in the office of the Board which minutes and records shall be a public record, and shall be the custodian of the files of this Board and keep all records.
- Section 6. The County Board shall appoint the Special Use Hearing Officer who may or may not be a member of the Zoning Board.

Article IV Order of Business

- Section 1. All meetings of the Board shall proceed as follows:
- a. Roll call
 - b. Approval of Minutes
 - c. Petitions on agenda and requests for continuances. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance.
 - d. Hearing of petitions on agenda.
 - e. New Business
 - f. Old Business
 - g. Public Comment

h. Adjournment

Article V Procedure for Types of Applications

Section 1. All requests for Zoning map amendments, special uses, appeals and variations shall be submitted on forms prescribed by the Board to the secretary. Upon receipt of the properly filed application and proof of receipt of fee, the secretary of the Board shall assign a case number. Applications shall be assigned for a hearing by the chairman of the Zoning Board.

Article VI Notice for Hearings

Section 1. In instances which Kendall County Board is the petitioner, the Secretary of the Board shall provide for a public notice to be published at least once in a newspaper published in the County not more than thirty (30) days nor less than fifteen (15) days before the hearing. Said notice shall provide a brief statement of the nature of the petition and all other information as required by State Statute. Said notice shall be delivered to all parties, if any, as required by State Statute.

Section 2. In instances in which the property petitioned is located in an Agricultural District, the petitioner shall notify all property owners, as determined by County tax records, within five hundred (500) feet of the overall parent parcel. The petitioner shall provide proof of notification of said property owners to the Secretary.

Section 3. In all other instances, the petitioner shall provide proof of notification and publication as required by Kendall County Ordinance and State Statute to the Secretary.

Article VII Procedures on Hearings

Section 1. At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel or agent.

Section 2. All witnesses shall testify under oath.

Section 3. Evidence shall be presented in the following order:

- a) The applicant or his representative may make a statement outlining the nature of his request prior to introducing evidence.
- b) Board and/or objectors cross-examine applicant's witnesses.
- c) Objectors present evidence.
- d) Board and/or applicant cross-examine objector's evidence.
- e) Rebuttal by applicant.
- f) Evidence solicited by Board.

Section 4. The Board shall not be bound by the strict rules of evidence, but it may

exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence.

Section 5. An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signature of the persons subscribing to such statement.

Section 6. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

Section 7. Upon approval of a majority of the Board, a joint hearing of the Zoning Board of Appeals and the Special Use Hearing Officer may convene

Section 8. Failure of Applicant to Appear

(1) The Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the chair shall rule.

(2) In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Zoning Administrator or Zoning Administrator Deputies.

(3) The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon payment of a minimum fee of \$150 dollars, plus court reporter fees.

(4) In all cases reinstated in above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

Section 9. Failure of a quorum of the Board. In the event the Zoning Board of Appeals fails to have a quorum for any reason, resulting in the rescheduling of the petition, any expenses regarding public notices (in the paper and neighbors) will be at the expense of the County.

Article VIII Decisions on Variations and Appeals

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. A concurring vote of ~~five (5)~~ **four (4)** members of a seven (7) member

Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Zoning Administrator Deputies, or to grant any variation in the ordinance or to recommend any variation or modification in the ordinance to the County Board.

- Section 3. All decisions of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variation such conditions shall be included in the motion.
- Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.
- Section 5. Notice of the decision of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.
- Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record.

Article IX Recommendations on Zoning Map Amendments and Text Amendments

- Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.
- Section 2. ~~A majority vote of the~~ **A concurring vote of four (4) members of a seven (7) member** Board shall be necessary to recommend approval of any zoning map amendment or text amendment to the County Board.
- Section 3. All recommendations of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.
- Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.
- Section 5. Notice of the recommendation of the Board shall be given to the applicant,

the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

- Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record. Such recorded statements will be for the benefit of the County Board when a case is discussed by the County Board.

Article X Recommendations on Special Uses

- Section 1. The Hearing Officer shall conduct his/her findings of fact in public session at the meeting in which evidence is concluded, unless the Hearing Officer considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

- Section 2. All recommendations of the hearing officer shall be made at a public hearing. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

- Section 3. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.

- Section 4. Notice of the findings of fact made by the Hearing Officer and any recommendations of the Hearing Officer shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible.

Article X Records

- Section 1. A file of materials and decisions relating to each case shall be kept by the secretary as part of the records of the Board.

- Section 2. All records of the Board shall be a public record.

Article XI Amendment of Rules

- Section 1. These rules may be amended by an affirmative majority vote of all members of the Board.

- Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Having been presented at a public meeting on Monday, August 28, 2017, the foregoing rules and regulations are hereby adopted by the Board of Appeals of Kendall County on Monday, October 30, 2017.

Randy Mohr, Chairman

Dick Thompson, Member

Scott Cherry, Member

Tom LeCuyer, Member

Karen Clementi, Member

Donna McKay, Member

Dick Whitfield, Member

**PUBLIC NOTICE
KENDALL COUNTY
KENDALL COUNTY ZONING BOARD OF APPEALS**

Notice is hereby given that the Kendall County Zoning Board of Appeals shall hold their regularly scheduled hearings and meetings for Fiscal Year 2017-2018 on the Monday following the fourth Wednesday of each month at 7:00 p.m. unless that date is a holiday in which case the hearing and meeting shall be the following Monday at the Kendall County Office Building, Room 209 & 210 at 111 West Fox Street, Yorkville, IL.

The specific dates of these hearings and meetings are as follows:

January 29, 2018	March 5, 2018	April 2, 2018	April 30, 2018
June 4, 2018	July 2, 2018	July 30, 2018	August 27, 2018
October 1, 2018	October 29, 2018	December 3, 2018	

Notice is further given no hearing or meeting shall be held on the Monday following the fourth Wednesday of December 2017.

During the regularly scheduled hearing or meeting, the Zoning Board of Appeals may approve the minutes of previous hearing(s) or meeting(s) and take action and/or issue a recommendation on any matter coming before the Zoning Board of Appeals.

Questions can be directed to the same department, telephone (630) 553-4139. Fax (630) 553-4179. All interested persons may attend and be heard. Written comments should be directed to the Department but shall only be entered as part of the record at the discretion of the Kendall County Zoning Board of Appeals.

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

**RANDY MOHR, CHAIRMAN
KENDALL COUNTY ZONING BOARD OF APPEALS**