

KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
AGENDA

Monday, May 8, 2017 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Lynn Cullick, Bob Davidson (Chair), Scott Gryder, Judy Gilmour and Matt Kellogg (Vice Chair)

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from the April 10, 2017 Meeting (Pages 3-7)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 8-9)

PUBLIC COMMENT:

PETITIONS:

1. **16-14 – Robert Delaney (Petitioner Requests Layover Until June 12, 2017 Meeting)**
Request: Special Use
Location: 16502 Church Road, PINs: 08-25-300-006 and 08-25-300-009, Lisbon Township
Purpose: Request for a Special Use in the A-1 Agricultural District to Operate an Outdoor Shooting Range (Pages 10-188)

2. **16-26 – John and Sharon Pagel Living Trust**
Request: Rezoning from R-1 (One Family Residential District) to R-3 (One Family Residential District)
Location: 2380 Douglas Road (Northeast Corner of Douglas Road and Burkhart Drive) PIN 03-15-251-009, Oswego Township
Purpose: Request to Rezone to Allow Petitioner to Subdivide the Property to Construct a Home (Pages 189-223)

3. **17-10 – Samantha Dippold**
Request: Revocation of a Portion of a Special Use Permit
Location: Northwest Corner of Fox River Drive and Crimmin Road; PINs: 04-30-200-003 and 04-29-100-007; Fox Township
Purpose: Request to Revoke a Special Use Permit in the R-2 (One Family Residential District) to Allow Petitioner to Construct a House (Pages 224-232)

NEW BUSINESS:

1. Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2017 NPDES – MS4 Requirements (Pages 233-249)

OLD BUSINESS:

1. Update on Billboards (Pages 250-252)

2. Update on Screening and Buffering at 9111 Ashley Road (Pages 253-257)

3. Authorize Jensen in the Amount of \$3,800 to Remove Brush Piles and Related Work in the Tanglewood Trails Subdivision (Page 258)
4. Request for Guidance Regarding Outdoor Shooting Range Regulations (Pages 259-261)
5. Approval of an Amended Intergovernmental Agreement Between the Village of Millbrook and Kendall County (Page 262)
6. Approval of an Amended Intergovernmental Agreement Between the Village of Plattville and Kendall County (Page 262)

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

None

REVIEW PERMIT REPORT: (Pages 263-271)

REVIEW REVENUE REPORT: (Page 272)

CORRESPONDENCE:

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of April 10, 2017 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:30 p.m.

ROLL CALL

Committee Members Present: Bob Davidson (Chairman) Judy Gilmour, and Matt Kellogg (Vice Chairman)

Committee Members Absent: Lynn Cullick and Scott Gryder

Also Present: Jeff Wilkins (County Administrator), Matt Asselmeier (Senior Planner), Kelly Helland (Representing JA Schleining LLC), Michael Roth, Steve Andrews, Dave Broviak, Joe Wick, John Golkosky, and Todd Milliron

APPROVAL OF AGENDA

Motion by Member Gilmour, seconded by Member Kellogg, to amend the agenda by moving the Kingmoor Lane Variance Request to before New Business. With a voice vote of three ayes, the motion carried. Motion by Member Gilmour, second by Member Kellogg, to approve the agenda as amended. With a voice vote of three ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Gilmour, seconded by Member Kellogg, to approve the minutes from the March 13, 2017 meeting. With a voice vote of three ayes, the motion carried.

EXPENDITURE REPORT

Committee reviewed the claims report. Motion by Member Kellogg, second by Member Gilmour to recommend approval of claims to the County Board in the amount of \$8,875.33. By roll call vote, motion carried 3-0.

PUBLIC COMMENT

None

OLD BUSINESS

Kingmoor Lane Variance Request

Chairman Davidson called upon the representatives for the petitioner and the Illinois Department of Transportation to explain the proposal. Michael Roth, representing property owner Dan Goodwin, stated that Mr. Goodwin did not want the property divided by the relocated road. Steve Andrews, from the Illinois Department of Transportation, explained the process of selecting the route. Mr. Andrews stated that a twelve (12) month delay would occur if eminent domain was needed to secure an alternative road alignment. Dave Broviak, also from the Illinois Department of Transportation noted that Kingmoor Lane would have had right-in, right-out access if it had not been proposed for relocation. U-turn options will be available at Timber Ridge (approximately 0.25 miles to the northeast) and at Bristol Ridge Road (approximately

0.50 miles to the northeast). The Bristol Ridge Road intersection will have a stoplight. The median in the area will be twenty-two (22) feet wide except at the intersections. The left turn lanes will be twelve (12) feet wide. The Illinois Department of Transportation only places signage where U-turns are not allowed; no signage will be placed at either intersection.

Member Kellogg asked why the pond could not be shifted to the northeast. The response was that the Illinois Department of Transportation wanted to avoid impacting the septic fields and wells of the residents in Timber Ridge Subdivision.

Representatives from the Illinois Department of Transportation estimated that the land acquisition and stoplight would cost approximately \$100,000. Joe Wick, from the Illinois Department of Transportation, estimated that the cost of construction delays would be approximately \$1 Million over the life of the contract.

John Golkosky questioned why the relocated Kingmoor Lane did not connect to the Timber Ridge Subdivision. Mr. Golkosky was advised that the Township Road Commissioner was against the connection. Mr. Golkosky was further advised to start a petition among his neighbors to get Kingmoor Lane connected to the streets in Timber Ridge Subdivision.

Mr. Andrews stated that the Illinois Department of Transportation would be willing to plant bushes and trees to create a buffer between Mr. Golkosky's property and the relocated road even though no money is in the budget for the buffer. County Administrator Wilkins advised Mr. Andrews to have buffering plan at the Zoning Board of Appeals hearing.

The Zoning Board of Appeals hearing is May 1, 2017 at 7:00 p.m.

PETITIONS

16-22 JA Schleining LLC d/b/a Jets Towing and Services

Request: Zoning Map Amendment

Location: 790 Eldamain Road (1/3 Mile South of Galena Road), Bristol Township

Motion for approval of the zoning map amendment was made by Member Kellogg, seconded by Member Gilmour.

Mr. Asselmeier summarized the petition and reviewed the Staff Report. Mr. Asselmeier noted that the petitioner originally requested variances to the fencing requirement, parking in the setback, and paving material, but these requests were withdrawn. The proposal before the Board was a request to rezone the subject property from A-1 to M-1.

Member Gilmour asked if the United City of Yorkville was the only entity to issue a negative recommendation on this proposal. Mr. Asselmeier said that all of the other review boards issued positive recommendations.

Member Kellogg asked about the recapture agreement for the improvements to Eldamain Road. Chairman Davidson responded that the recapture agreements did not include existing homes and the petitioners were not asking for any variances. If the petitioners had asked for variances, a recapture agreement could have been placed as a condition to the variances.

Ayes: Gilmour, Kellogg, and Davidson (3)

Nays: None (0)

Absent: Cullick and Gryder (2)

This proposal moves forward to the County Board with a positive recommendation from the PBZ Committee.

16-14 Robert Delaney

Request: Special Use Permit to Operate an Outdoor Shooting Range

Location: 16502 Church Road (PINs: 08-25-300-006 and 08-25-300-009), Libson Township

The petitioner requested a layover to the May 8, 2017 meeting.

Motion for a layover was made by Member Kellogg, seconded by Member Gilmour. With a voice vote of three ayes, the motion carried.

NEW BUSINESS

Proposed Variance to the Stormwater Control Ordinance for the City of Plano Relating to their Project in Foli Park

No one from the City of Plano was in attendance. Discussion occurred regarding the escrow deposit and charge for recording the variance. If an application is submitted, the Committee of the Whole would hold a public hearing, per the Stormwater Control Ordinance. The consensus of the Planning, Building and Zoning Committee was to wait with additional discussion until a formal application is submitted and not to amend the Stormwater Control Ordinance.

Hearing Code Officer/Hearing Code Unit

Staff presented a memo from PBZ Intern Michael Goers regarding a Hearing Code Officer proposal. Chairman Davidson asked if Kendall County was the only local government in that did not have code citation authority through Building and Zoning. Mr. Goers responded that all of the bigger local municipalities in Kendall County have some form of citation capabilities through their Building Departments or use hearing officers. The Planning, Building and Zoning Department processes approximately ten to twelve (10-12) complaints per month on a complaint driven basis.

The consensus of the Committee was for PBZ Staff to prepare a citation and hearing officer procedure, have the State's Attorney's Office review the proposal, and bring it back to the Committee.

Approval of Starting the Process of Establishing a Six Month Moratorium on the Issuance of Special Use Permits for Outdoor Target Practice and Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Motion by Member Kellogg, seconded by Member Gilmour, to recommend approval of the resolution starting the process of establishing a six month moratorium on the issuance of special use permits for outdoor target practice and shooting ranges and referring the matter to both the Committee of the Whole and the County Board. With a voice vote of three ayes, the motion carried. Member Kellogg originally motioned to refer the matter to the County Board, but amended his motion to include both the Committee of the Whole and County Board.

Authorize Jensen in the Amount of \$3,800 to Remove Brush Piles and Related Work in the Tanglewood Trails Subdivision

Motion by Member Davidson, seconded by Member Kellogg, to table the approval of the bid by Jensen in the amount of \$3,800 to remove brush piles and related work in the Tanglewood Trails Subdivision. With a voice vote of three ayes, the motion carried.

Approval of Building Safety Month Proclamation

Motion by Member Kellogg, seconded by Member Gilmour, to recommend approval of the Building Safety Month Proclamation. With a voice vote of three ayes, the motion carried.

Approval of Purchase of New Truck for Planning, Building and Zoning Department

Motion by Member Kellogg, seconded by Member Gilmour, to recommend approval of the purchase of a 2017 Chevrolet Regular Cab Half Ton 4X4 Truck from the State of Illinois Contract 4018025 in the amount of \$22,669 delivered and an additional \$200 for door decals and to refer the matter to the Finance Committee. With a voice vote of three ayes, the motion carried. It will take approximately ninety (90) days for delivery and the old vehicle will probably be given to the Facilities Department

OLD BUSINESS

Approval of Amended Intergovernmental Agreement Between the Village of Millbrook and Kendall County and the Village of Plattville and Kendall County

Staff presented the revised proposed Intergovernmental Agreements between Kendall County and the Village of Millbrook and the Village of Plattville regarding zoning, subdivision, building, and stormwater enforcement services. The State's Attorney's Office reviewed the proposals and offered the changes shown in red.

Motion by Member Gilmour, seconded by Member Kellogg remove the last sentence from #4, "The Village of Millbrook will not be required to directly reimburse the County of Kendall for employees salaries or benefits." With a voice vote of three ayes, the motion carried. Member Kellogg made a motion, second by Member Gilmour, to recommend approval of the revised proposed Intergovernmental Agreement between the Village of Millbrook and Kendall County as amended. With a voice vote of three ayes, the motion carried.

Between 7:57 p.m. and 8:00 p.m. a recess occurred.

Motion by Member Kellogg, seconded by Member Gilmour to recommend approval of the revised proposed Intergovernmental Agreement between the Village of Plattville and Kendall County. With a voice vote of three ayes, the motion carried.

Billboard Update

Staff provided an update on billboards, as requested at the March PBZ Committee meeting. Discussion occurred regarding the seven (7) year amortization regulation in the Zoning Ordinance. Staff was directed to contact the State's Attorney's Office to see if the billboards could be removed using this provision of the Zoning Ordinance.

2016 Single-Family Residential Building Permit Activity

Staff provided a table on 2016 single-family building permit activity, as requested at the March PBZ Committee meeting. There were 416 single-family homes, valued at \$85,452,421, constructed throughout Kendall County in 2016.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Motion by Member Gilmour, seconded by Member Kellogg, to recommend approval of the Proclamation Declaring May Historic Preservation Month. With a voice vote of three ayes, the motion carried.

The Historic Preservation Commission will have a table PrairieFest on Saturday only this summer.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

Committee reviewed the revenue report. It was noted that year-to-date revenues were down from the same period in 2016.

CORRESPONDENCE

None

PUBLIC COMMENT

Todd Milliron, from Yorkville expressed his opposition to the proposed Delaney gun range, his desire to have code enforcement in the Building and Zoning Department on a complaint driven basis, and his request to have committees follow their agendas.

EXECUTIVE SESSION

None

ADJOURNMENT

Member Kellogg motioned to adjourn, seconded by Member Gilmour. With a voice vote of three ayes, Chairman Davidson adjourned the meeting at 8:16 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Vendor #	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 091474	INTERNATIONAL CODE COUNCIL, IN	1000769190	BUILDING SAFETY MONT	04/03/17	01020026200	OFFICE SUPPLIES	37.95
2 191522	SOURCE ONE OFFICE PRODUCTS	528263	ZONING CD'S - OFFICE	04/03/17	01020026200	OFFICE SUPPLIES	24.03
3 091474	INTERNATIONAL CODE COUNCIL, IN	1000768455	LOG STRUCTURES	04/03/17	01020026202	BOOKS/SUBSCRIPTIONS	28.00
4 091223	IACZO - KRISTAL DEININGER, TRE	MAY 2017	ANNUAL ZONING ADMINI	04/03/17	01020026203	DUES	10.00
5 012018	AT & T MOBILITY	03282017	2/22/17 - 3/21/17 PH	04/03/17	01020026207	CELLULAR PHONE	74.33
6 261005	RANDY ERICKSON	MARCH	5 MARCH PLUMBING INS	04/03/17	01020026361	PLUMBING INSPECTIONS	700.00
7 030800	CHICAGO TRIBUNE	003181459	PUBLIC ZONING MEETIN	04/03/17	01020026383	HISTORICAL PRESERVATION C	84.35

Total BUILDING AND ZONING 958.66*
GRAND TOTAL 958.66**

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 191522	SOURCE ONE OFFICE PRODUCTS	528427	OFFICE SUPPLIES	04/17/17	01020026200	OFFICE SUPPLIES	61.39
2 190816	SHAW MEDIA	10101009	HISTORIC PRSV. SPEC.	04/17/17	01020026209	LEGAL PUBLICATIONS	75.00
3 110531	KENDALL CO HIGHWAY DEPT	MARCH	GAS - MARCH 2017	04/17/17	01020026217	VEHICLE MAINT/REPAIRS	99.94
4 200580	TESKA ASSOCIATES INC	7593	PROF. SRV 2/1 - 2/28	04/17/17	01020026363	CONSULTANTS	345.00
5 230933	WBK ENGINEERING, LLC	17653	PROF. SRV 2/26 - 3/2	04/17/17	01020026363	CONSULTANTS	814.86
6 230545	WALTER WERDERICH	APRIL 3, 2017	PET #16-14 4/3/2017	04/17/17	01020026382	HEARING OFFICER	350.00
ENGINEERING/CONSULTING ESCROW ACCT							1,746.19*
7 230933	WBK ENGINEERING, LLC	17656	STOR-MOR PLAN REVIEW	04/17/17	59020000037	STOR-MOR 16-20	567.00
8 230933	WBK ENGINEERING, LLC	17654	FOX METRO EXPANSTION	04/17/17	59020000046	FOX METRO WATER REC DIST	1,385.21
9 230933	WBK ENGINEERING, LLC	17655	ANTOS - PROF SRVS	04/17/17	59020000047	ANTOS BRIDGE SD 15-06	47.25
Total ENGINEERING/CONSULTING ESCROW							1,999.46*
GRAND TOTAL							3,745.65**

Law Offices
of
Daniel J. Kramer

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Yorkville, Illinois 60560
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Daniel J. Kramer

Kelly A. Helland
D.J. Kramer

May 4, 2017

Matt Asselmeier
Kendall County
Via E-mail: Masselmeier@co.kendall.il.us

RE: Delaney Public Hearing Shooting Range Petition 16-14

Dear Mr. Asselmeier:

Currently we are scheduled in front of the Planning, Building, and Zoning Committee on the above-referenced Project on May 8, 2017. I understand while I was out of town my client did deliver some information about a new lead recovery system.

We are in the throes of meeting with the Firm to see the applicability and suitability for this specific project.

My thought is I don't want to come to the County Planning, Building, and Zoning Committee half-baked I want to make sure this is a usable and viable system for this project. Further my client is heavily engaged in the spring planting as a farmer and the spring preparation for sales at their greenhouse business.

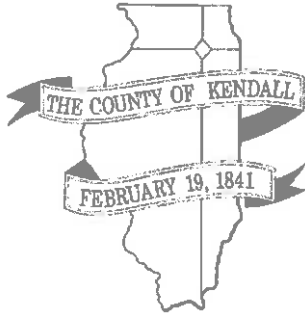
Together with those concerns we hereby respectfully request that the Planning, Building, and Zoning Committee consideration of this project be continued from May 8, to your June 12, 2017 6:30 p.m. Meeting.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:cth



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 5, 2017
Re: Petition 16-14-Request by Robert Delaney for a Special Use Permit to Operate an Outdoor Target Practice and Shooting Range at 16502 Church Road

The Special Use Hearing Officer held a public hearing on April 3, 2017 on a request by Robert Delaney to operate an outdoor target practice and shooting range at 16502 Church Road; the subject property is zoned A-1 Agricultural.

Enclosed with this memo are the minutes of the special use hearing including all Staff Reports, meeting minutes, and exhibits related to this petition, unless otherwise noted. As noted on page 9 of the minutes of the public hearing, the notice of publication and the green cards from the certified mailing were not included with the minutes, but are on file in the PBZ Department. The applicant also submitted three (3) renderings related to the proposed layout of the property. Pictures of these renderings were included with the minutes; the originals are on file in the PBZ Department. Certain pieces of private information (i.e. signatures, email addresses, and telephone numbers) were redacted from the documents included with the minutes. The original, un-redacted versions of these documents are on file in the PBZ Department.

As noted in the minutes and exhibits of the April 3, 2017 hearing, the Special Use Hearing Officer found the following Findings of Fact and issued a negative recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The facts and evidence presented does not sustain this finding. While the condition and restrictions placed on a special use permit may minimize some of the negative impacts of the proposed use, the conditions will not provide adequate remediation of the negative impacts of the proposal. This proposal deals with the use of weapons. The Peterson property is arguably within the 1000 foot radius. The proposed gun range would have a negative impact on the public health, safety, and welfare of the neighbors in the area.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The facts and evidence presented does not sustain this finding. The proposed use could be injurious to the use and enjoyment of other property owners in

the general area and more specifically in the immediate vicinity. Noise is a concern. The risks association with a facility using weapons is a concern. The proposed use will negatively impact the property values of nearby homes and property.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities and drainage exist onsite. The point of ingress/egress from Church Road is over an easement. The underlying driveway is presently not constructed for a commercial use or for large amounts of traffic. Church Road is not classified as a collector road.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The proposed use could conform to the applicable regulations of the district. Appropriate conditions and restrictions could be placed on the special use permit to ensure compliance. However, failing the first two findings will not completely rectify the non-conformities that may arise as a result of the proposed special use.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Outdoor shooting ranges are a special use within the A-1 Agricultural District. The subject property is classified as agricultural on the Future Land Use Map. No improvements to Church Road are planned in the Land Resource Management Plan; this could negatively impact the ability of a non-agricultural business from remaining in operation because patrons may have difficulty reaching the property.

The Kendall County Regional Planning Commission met on November 30, 2016 and issued a negative recommendation by a vote of 2 ayes, 3 nays, and 1 present. The Lisbon Township Planning Commission and Township Board met on July 26, 2016 and both boards issued negative recommendations.

A copy of a draft ordinance is enclosed with this memorandum. Restriction number 16 regarding hours of operation needs to be clarified prior to final action by the County Board. Any reference to law enforcement personnel using the facility differently than non-law enforcement personnel have been removed from the draft ordinance, per the request of the petitioner.

MHA

Enc: Special Use Hearing Officer Minutes of 4.3.17
Draft Ordinance

**UNAPPROVED MINUTES
KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
April 3, 2017 – 7:00 p.m.**

CALL TO ORDER- SPECIAL USE HEARING

At 7:15 p.m., Special Use Hearing Officer Walter Werderich called the Special Use Hearing to order.

ROLL CALL

Member Present: Walter Werderich, Special Use Hearing Officer

Staff Present: Matthew Asselmeier, AICP, Senior Planner

In the Audience: Dan Kramer (Representing the Petitioner), Robert Delany, Eric Peterson, Joe Phillips, Greg Peterson, Sherman Tweet, Andrew Bassett, Bill Kunke, James Manning, and Todd Milliron

MINUTES

Mr. Werderich approved the August 29, 2016 Special Use Hearing Officer Meeting minutes as written.

Mr. Werderich introduced himself and explained how the meeting will be conducted.

Zoning Board of Appeals Chairman Mohr swore in all members of the audience that wished to speak about the special use at the Zoning Board of Appeals meeting held earlier in the evening.

PETITIONS

16-14 Robert Delaney

Request: Special Use for an Outdoor Shooting Range in the A-1 Agricultural Zoning District.

Location: 16052 Church Road, Lisbon Township.

PIN(s): 08-25-300-006 and 08-25-300-009.

Purpose: Request for a Special Use Permit to Operate an Outdoor Shooting Range.

Mr. Asselmeier summarized the case, and listed the recommended conditions proposed by Staff:

1. The shooting range operation shall conform with NRA standards established in the NRA Source Book, unless a subsequent restriction is stricter than the NRA standards.
2. The maximum number of outdoor shooting lanes shall be twenty-four (24).
3. The maximum number of thirty (30) non-law enforcement personnel may be on the property at a time, not including a maximum three (3) employees of the business allowed by this special use permit. **The maximum number of law enforcement personnel on the property for training purposes must be set at the special use hearing.**
4. Berming shall be a minimum height of twenty (20) feet per the NRA Range Source Book. The berm shall be located to the south, west, and east of the shooting area. A baffle between four (4) foot and six (6) foot in height should be erected on top of the southern berm. A HESCO barrier of the same height and in the same location may be substituted for a berm.
5. A sign shall be installed that is visible to all visitors of the shooting range that lists allowed firearm types, rules of operation – hearing and vision protection required.

6. Pistols shall be the only firearm permitted to be discharged as part of the business allowed by this special use permit.
7. Firearms associated with the business allowed by this special use permit shall only be discharged in the area confined by the berm or HESCO barrier. Firearms can only be discharged when facing in a southerly direction.
8. A State recognized, nationally recognized or NRA Certified range supervisor shall be present at all times.
9. A range flag, a sign, or red light shall be displayed at all times when firing is taking place.
10. Access to the shooting range shall be controlled by a lockable gate.
11. A hazardous waste plan addressing lead management is required outlining lead removal occurring at least once a year.
12. Submission of a maintenance bond annually for removal of lead. The maintenance bond amount shall be \$3,500 paid within 60 days of the issuance of the special use permit. The annual maintenance bond shall be submitted to the Planning, Building and Zoning Department by May 1 of each year.
13. No skeet shooting, trap shooting, or sporting clays shall be permitted.
14. No discharge of lead shall occur into any wetlands or onto land used for crop growth as of the date of the adoption of this special use permit.
15. No alcohol shall be allowed as it relates to the business allowed by this special use permit.
16. Hours of operation shall be limited to between thirty (30) minutes after sunrise and thirty (30) minutes before sunset for non-law enforcement related trainings. Trainings for law enforcement personnel may occur _____. **The County suggests restricting the hours of operation to between 8:00 a.m. and 8:00 p.m. Mondays through Saturdays and between Noon and 6:00 p.m. on Sundays for non-law enforcement related trainings. The regulations related to trainings for law enforcement personnel must be set at the special use hearing.**
17. The shared access drive shall be treated with calcium chloride within (sixty) 60 days of approval of the special use provided that the owner of the shared driveway consents to the treatment.
18. The shared access drive shall be paved with a hard surface within one (1) year of approval of the special use provided that the owner of the shared driveway consents to the paving.
19. Only range staff and property owners shall be permitted to have a key to the gate to the shooting range.
20. No firearm sales shall occur on the property.
21. All applicable Federal, State and County rules and regulations shall be adhered to.
22. All applicable Federal and State licenses and approval shall be submitted to the Kendall County Planning, Building and Zoning Department prior to commencing operations and submitted annually thereafter.
23. The business allowed by this special use permit shall satisfy all requirements of the Kendall County Health Department.
24. A stormwater management permit shall be approved prior to the start of construction.
25. Proposed signage shall meet the requirements of Section 12 of the Zoning Ordinance. The sign shall be a maximum four foot by eight foot (4X8) in size and shall not be illuminated.
26. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. Lighting shall be installed in a manner that does not cause light to be shine into neighboring houses.
27. Must adhere to the Performance standards of Section 4.12 of the Zoning Ordinance.
28. Noise generated by the business allowed by this special use shall comply with the following:

- a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
29. The petitioner shall submit to the County within sixty (60) days of the approval of this special use ordinance a bond of \$3,000 to ensure the completion of an appraisal of the property located at 16502 Church Road Unit A. If the property owner at 16502 Church Road Unit A does not request and complete an appraisal of the property at 16502 Church Road Unit A within one (1) year of the approval of this special use ordinance, the bond shall be released to the petitioner. If the property located at 16502 Church Road Unit A is sold within fifteen (15) years of the approval of this special use ordinance at a price less than what is stated in the aforementioned appraisal, the petitioner, and its successors, heirs, and assigns of the property, will financially compensate the property owners of 16502 Church Road Unit A the difference between the sale price and the appraisal.
 30. The owner of business allowed by this special use permit shall have the property inspected at least on an annual basis by the Lisbon-Seward Fire Protection District.
 31. The owner of the property awarded the special use permit by this ordinance may apply for a special use permit for an indoor shooting range at a future date.
 32. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
 33. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Werderich asked about the status of the lead management plan. Mr. Asselmeier stated that he did not know the status of the lead management plan and that he would defer to the petitioner on the status of the lead management plan.

Mr. Werderich opened the public hearing for audience comment.

Dan Kramer (from Yorkville), representing the petitioner, and Robert Delaney (from Minooka) took the floor. Mr. Kramer requested that the Staff Report dated March 31, 2017, the publication notice, the certified green cards from the mailing, and the section of the Kendall County Zoning Ordinance pertaining to outdoor shooting ranges as special uses in the Agricultural District be entered as exhibits.

Mr. Kramer stated that their expert testified before the Regional Planning Commission meeting and stated that planning a specific lead recovery program could not be done until the frequency of shooting and amount of spent ammunition is known. The petitioner plans to use a heavy berm, 20 feet in height and 40-60 feet in width on the south side, coated with lime aggregate to prevent ricochet. Testing occurs quarterly. If lead

Special Use Hearing – April 3, 2017 Page 3 of 9

reaches a certain level, the soil is removed with a bobcat. Lead is recovered by a recovery company and soil is taken to a landfill. If volume is sufficient to support, a channel takes spent shells to a certain point and the shells are collected in barrels or buckets, or a hopper is placed under each target. The petitioner prefers the second method, using the channel, if volume is sufficient.

Mr. Kramer stated that Mr. Delaney purchased the subject property at public auction and originally did not intend to operate a shooting range onsite. The range is strictly for handguns.

Noise was mentioned as a concern at previous hearings. Mr. Kramer noted that the petitioner would have to comply with County decibel readings at the property line.

Mr. Kramer discussed the access easement. The petitioner has an easement for ingress/egress, but the petitioner does not control the condition of the surface. The petitioner would like to tar and chip the entire easement and maintain the easement with tar and chip at the petitioner's sole expense. The petitioner would like to use sodium chloride or a similar substance recommended by the local township along the easement for dust control, if the adjoining property owner agreed.

Mr. Kramer discussed an economic protection ordinance. The petitioner would post a cash bond of \$3,500 to obtain an appraisal of the Peterson property, if the owner agrees. If the neighbor was unable to sell the property at the appraised price, the petitioner is obligated to purchase the property at the appraised price.

Mr. Kramer stated that the petitioner has no objections with any of the conditions contained in the Staff Report dated March 31, 2017.

Mr. Kramer noted that conditions for local law enforcement contained in the Staff Report are unneeded. If law enforcement uses the property, they would follow the same rules as non-law enforcement users.

Mr. Werderich asked if the petitioner did not consider the hazardous waste management plan ripe and the submittal of a hazardous waste management plan would occur as part of the conditions of the special use permit. Mr. Kramer stated that the petitioner obtained cost estimate for the removing of lead contaminated soil from the berm; the cost would be \$3,500. A bond would be obtained in that amount for soil removal. If a high-tech system is used, there likely would not be a need to remove the soil because the system is more efficient.

Mr. Delaney presented renderings of the property. On Delaney Rendering 1, buildings in orange have been removed; the structures in blue remain. On Delaney Rendering 2, another berm will be added to east on the drawing and an area to the north has been padded for a future building. The ADA parking area was identified and will have a paved sidewalk. Shooters would fire to the south. The berm would be 20 feet in height, the base would be 55-60 feet. Mr. Delaney plans to follow NRA recommendations for the construction of the berm. Mr. Delaney explained the locations of shooters and targets using Delaney Rendering 3. The shooter stands in the shed firing south with a rafter tailed down to prevent an errant shot from hitting the shooter. A wooden baffle would be located on top of the berm. Based on the measures shown on the renderings, the petitioner is confident that all rounds will be contained.

Mr. Delaney discussed the lead management issues. He stated that lead is not a hazardous material if it is actively managed and if the site is not abandoned. The petitioner will track the number of rounds shot onsite.

Mr. Delaney attended the Sport, Hunting, Outdoor and Travel Show and visited with a vendor that used shredded rubber tires as a way to capture lead. Another method used a ½ inch thick "snail" to capture lead. Mr. Delaney favors the rubber method.

Mr. Werderich asked about the distance between the range and the nearby house. Mr. Delaney said the 1000 feet catches the northern part of the western berm; no shooters would be within 1000 feet of the house. The distance was measured from the southeast corner of the Peterson garage.

Mr. Werderich asked about the anticipated amount of usage of the range. Mr. Delaney anticipates between 50 and 80 people would use the range, on average, during a week. These numbers could change as the venture matures.

Mr. Werderich asked about maintenance of the driveway and the ability of Mr. Delaney to work with Mr. Peterson on maintaining the driveway. Mr. Delaney said that he will pay for the upgrade of the driveway; he would like to tar and chip the driveway.

Mr. Werderich asked if the easement delineated between residential and commercial usage. Mr. Kramer responded that the easement was non-exclusive based on recorded documents.

Mr. Werderich asked about the berm. The berm would be 55-60 wide at the base. Mr. Delaney said that the berm would be constructed using clay and fine aggregate on the non-shooting side of the berm.

Mr. Werderich asked about lighting. Mr. Delaney stated that only safety and security lighting would be used. No lighting would be used to facilitate night shooting.

Eric Peterson, Morris, IL, had several questions for Mr. Delaney:

1. When did you acquire the property? December 2014
2. When did you apply for this special use permit? March/April 2016
3. When did you start construction of the gun range? Had material hauled in for free dumping; received more fill than anticipated. Existing shooting area was constructed 3-4 months ago.
4. Please explain the nature of current shooting on the property. Mr. Delaney shot at the site with friends; he did not generate revenue by this activity.
5. Have there been any commercial classes on the property? There has been one commercial class.
6. Is Mr. Delaney aware that his family and friends are on the property shooting? Yes.
7. Can Mr. Delaney's friends and family get in touch with him when they are on his property shooting? Yes.
8. Who is CDG? Contego Defense Group.
9. What is your relationship with Contego Defense Group? Met them through concealed carry class.
10. Is CDG an investor in the gun range? No.
11. Is Mr. Delaney an investor in CDG? No.
12. There is no business plan for this venture.

13. Does Mr. Delaney feel that CDG is qualified to have the classes in terms of safety? They are very qualified.
14. How many rounds have currently been shot on the property? 4,000-5,000.

Greg Peterson, Minooka, IL, is the property owner to the west. He explained his concerns regarding this project. Mr. Peterson expressed concerns about the number of trucks driving on the driveway and Church Road; the number of vehicles could damage the driveway and increase the cost to the township for the maintenance of Church Road.

Mr. Peterson submitted Greg Peterson Exhibit 1 containing information about easements and undue burdens. The proposed use would create an increase in traffic and raise questions regarding the maintenance of the driveway and noise from vehicles. The driveway is 12 feet wide.

Mr. Peterson submitted Greg Peterson Exhibit 2 regarding the airborne lead dust hazards of gun ranges. Mr. Peterson expressed concerns regarding an increase in lead dust in the air and potential lead in aquifers.

Mr. Peterson submitted Greg Peterson Exhibit 3, a picture between Mr. Peterson's property and the proposed gun range. The photo shows ponding. The proposed range is 787 feet from Mr. Peterson's property line. The driveway is 115 feet from the Mr. Peterson's front porch. Mr. Delaney's economic protection agreement applies only to Mr. Peterson's property and not other properties. Mr. Peterson and his wife have no desire to sell their property to the petitioner.

Mr. Peterson submitted Greg Peterson Exhibit 4, a petition signed by 45 neighboring property owners and neighbors opposing the proposed gun range.

Mr. Peterson submitted Greg Peterson Exhibit 5, pictures of excavating and shooting on the subject property.

Mr. Peterson submitted Greg Peterson Exhibit 6, a schedule of courses offered by CDG. Mr. Peterson believes two of the courses listed are held at the subject property. Mr. Peterson also expressed concerns about existing lead contamination of the land and groundwater.

Mr. Peterson submitted Greg Peterson Exhibit 7, Secretary of State information on Contego Defense Group, LLC. Mr. Peterson noted that the business is Not in Good Standing.

Mr. Peterson submitted Greg Peterson Exhibit 8, a description of a March 26, 2017 incident.

Mr. Kramer asked Mr. Peterson the location of his house in relation to the easement. Mr. Peterson responded that his house is south of the easement. Mr. Kramer noted that a road could be constructed on the Delaney property north of the easement. Mr. Kramer presented a copy of the easement showing the responsibility of Mr. and Mrs. Peterson to maintain the easement. Mr. Peterson indicated that he would allow Mr. Delaney to improve the driveway at Mr. Delaney's expense if the special use is approved. Mr. Kramer stated that Mr. Peterson is not required to sell the property to Mr. Delaney. Mr. Peterson acknowledged that Mr. Delaney was the successful bidder on the property were the special use would be located.

Joe Phillips, Minooka, IL, submitted Joe Phillips Exhibit 1, copies of a petition to deny the special use permit in question, a map showing opposition by neighboring property owners, a housing market analysis by John Greene Realtor, information from Realtor.com showing the impact of property values in relation to certain neighboring uses, a graph showing property tax gains and losses from the location of a gun range in Greene County, Virginia, a map showing distances from the proposed gun range to Whitewillow Road, information on metallic cartridge travel distances, Kendall County Sheriff's Office Case 2017-0986 Narrative, and information on individuals associated with Contego Defense Group.

Mr. Kramer asked Mr. Phillips if there was a comparable home sold in the John Greene Report that was located near a gun range. The answer to the question was no.

Mr. Kramer noted that the information from Realtor.com indicated that the loss of value for a home near a hospital was 3.2% while the loss of value for a home near a gun range was 3.7%.

Sherman Tweed, Minooka, IL, expressed concerns about the impact of his property values if the gun range is approved. Mr. Tweed questioned the type of fill being used on the property. In addition, Mr. Tweed expressed concern of the ability of Mr. Delaney to track what is shot on the property.

Andrew Bassett, Joliet, IL, spoke in favor of the petition. As a commercial airline pilot, very few places allow him to practice shooting from a holster. Mr. Delaney is a good business man, in Mr. Bassett's opinion.

Bill Kunke, Minooka, IL, expressed his belief that the subject area is not the appropriate place for a gun range because of the possibility of stray bullets impacting neighboring property. Mr. Kunke was also concerned that Mr. Delaney may sell the property to an out-of-town business that may not be open about their business activities.

James Manning, Whitewillow Road, as a commercial airline pilot, stated he does not want people shooting "in his front yard". Mr. Manning does not like the hours of operations being 30 minutes after sunrise and 30 minutes before sunset. In June, the sunrise will be 5:19 a.m. Mr. Manning believes that the proposal will negatively impact comfort and general welfare through increased noise and eyesores. Mr. Manning believes the proposal will prevent him from enjoying his property and that his property values will decrease due to the gun range.

Todd Milliron, Cotswold Drive, says that a lead plan and business plan are required. Mr. Milliron believes that the proposal is an intrusion into this area. Mr. Milliron believes that proposal is a material change from agricultural uses which negatively impacts the easement.

Mr. Kramer said that a need existed in the community for this type of business. Mr. Kramer said that property owners can shoot on their own property without following any conditions similar to the ones proposed for this special use. The subject property is not landlocked. Mr. Delaney submitted a site development application and some clay was placed on the property lawfully. In Mr. Kramer's opinion, if a County places several restrictions and conditions in its Zoning Ordinance on specific uses and if a petitioner meets all of those uses, then a special use permit must be issued.

Mr. Werderich closed the public hearing. Mr. Werderich reviewed the following Findings of Fact for the special use and made the following findings:

FINDINGS OF FACT

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The facts and evidence presented does not sustain this finding. While the condition and restrictions placed on a special use permit may minimize some of the negative impacts of the proposed use, the conditions will not provide adequate remediation of the negative impacts of the proposal. This proposal deals with the use of weapons. The Peterson property is arguably within the 1000 foot radius. The proposed gun range would have a negative impact on the public health, safety, and welfare of the neighbors in the area.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The facts and evidence presented does not sustain this finding. The proposed use could be injurious to the use and enjoyment of other property owners in the general area and more specifically in the immediate vicinity. Noise is a concern. The risks association with a facility using weapons is a concern. The proposed use will negatively impact the property values of nearby homes and property.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Adequate utilities and drainage exist onsite. The point of ingress/egress from Church Road is over an easement. The underlying driveway is presently not constructed for a commercial use or for large amounts of traffic. Church Road is not classified as a collector road.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The proposed use could conform to the applicable regulations of the district. Appropriate conditions and restrictions could be placed on the special use permit to ensure compliance. However, failing the first two findings will not completely rectify the non-conformities that may arise as a result of the proposed special use.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **Outdoor shooting ranges are a special use within the A-1 Agricultural District. The subject property is classified as agricultural on the Future Land Use Map. No improvements to Church Road are planned in the Land Resource Management Plan; this could negatively***

impact the ability of a non-agricultural business from remaining in operation because patrons may have difficulty reaching the property.

Mr. Werderich said the proposed special use does not meet the required Findings of Fact. Accordingly, his recommendation is to deny the special use as proposed.

This proposal shall go before the Planning, Building and Zoning Committee at their April 10, 2017 meeting.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

NEW BUSINESS/OLD BUSINESS

Mr. Asselmeier provided a memo regarding the work of PBZ Department Intern Michael Goers on identifying and tracking special uses.

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 9:12 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits:


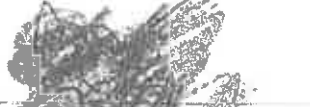
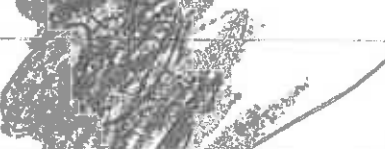

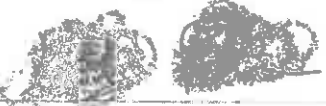


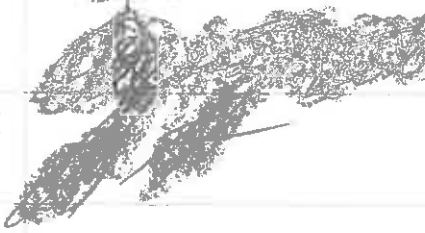


1. Staff Report Dated March 31, 2017
2. Publication Notice (not included with the minutes, but on file)
3. Green Cards from Certified Mailing (not included with the minutes, but on file)
4. Section 7.01.D.33 of the Kendall County Zoning Ordinance
5. Cost Estimate for Removing Lead Contaminated Soil off Berm (signature redacted, original on file)
6. Picture of Delaney Rendering 1 (original rendering on file)
7. Picture of Delaney Rendering 2 (original rendering on file)
8. Picture of Delaney Rendering 3 (original rendering on file)
9. Greg Peterson Exhibit 1
10. Greg Peterson Exhibit 2
11. Greg Peterson Exhibit 3
12. Greg Peterson Exhibit 4 (signatures redacted, original on file)
13. Greg Peterson Exhibit 5
14. Greg Peterson Exhibit 6
15. Greg Peterson Exhibit 7
16. Greg Peterson Exhibit 8
17. Joe Phillips Exhibit 1 (signatures redacted, original on file)

KENDALL COUNTY

ZONING BOARD OF APPEALS &/or HEARING OFFICER

April 3, 2017

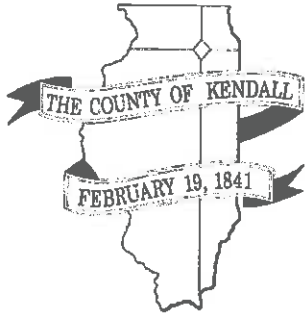
In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Kelly Hilland	1107 A S. Bridge St - Jets Yorkville	
Robert DeLang	13930 Arberden	
Dan Kramer	1107 A S. Bridge Yorkville, IL	
Eric Peterson	1223 Liberty St Morris	
Greg Peterson	16502 A Church St Minooka	
JOE PHILLIPS	6718 Whitten Now Rd Minooka IL	
Sheila Lavel	Minooka	
ANSELN CASSETT	8405 WATERBURY DR JOLIET	
	1221 Bell Minooka	

KENDALL COUNTY
ZONING BOARD OF APPEALS &/or HEARING OFFICER
April 3, 2017

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
JAMES Manning	6718 Whitewillow	
	61 Cotswold Dr	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 16-14

Robert Delaney

A-1 Special Use – Outdoor Shooting Range

SITE INFORMATION

PETITIONER Robert Delaney

ADDRESS 16502 Church Road

LOCATION East side of Church Rd; 0.25 mi north of Whitewillow Road



TOWNSHIP Lisbon

PARCEL # 08-25-300-009; -006

LOT SIZE 38.49 acres

EXITING LAND USE Agricultural

ZONING A-1 Agricultural District

LRMP

Land Use	Agricultural
Roads	Church Road is a township road classified as a non-Collector Road
Trails	None

Special Use Hearing Memo – Prepared by John Sterrett – August 24, 2016, Update by Mike Hoffman – Nov. 22, 2016, Update by Matt Asselmeier – March 31, 2017

Floodplain/ Wetlands	Fresh water emergent wetlands exist on the northwest portion of the property
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REQUESTED ACTION A-1 Special Use to operate an outdoor shooting range

APPLICABLE REGULATIONS Section 7.01 D.33 – A-1 Special Uses – Permits Outdoor Shooting and Target Practice to be located in the A-1 District with approval of a Special Use provided that certain requirements are met.

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Agricultural	A-1
South	Agricultural	A-1	Agricultural	A-1
East	Agricultural/ComEd Transmission Lines	A-1	Agricultural	A-1
West	Agricultural/Residential	A-1	Agricultural	A-1



PHYSICAL DATA

ENDANGERED SPECIES REPORT

No Endangered or Threatened Species identified in the vicinity of the project area. Consultation is terminated.

NATURAL RESOURCES INVENTORY

The Kendall County Soil and Water Conservation District has provided an NRI Report Executive Summary. The property received a Land Evaluation score of 85 with a Site Assessment score of 140 for a LESA Score of 225 giving the property a medium level of protection.

Special Use Hearing Memo – Prepared by John Sterrett – August 24, 2016, Update by Mike Hoffman – Nov. 22, 2016, Update by Matt Asselmeier – March 31, 2017 Page 2 of 8

ACTION SUMMARY

LISBON TOWNSHIP

The Lisbon Township Planning Commission met on July 26, 2016 and voted to not recommend approval of the request. The Lisbon Township Board met following the Planning Commission on July 26, 2016 and voted to accept the denial of the Planning Commission.

ZPAC (7.12.16)

Questions from the ZPAC committee were raised regarding the existing easement for ingress and egress for the site onto Church Road. The Health Department requested meeting with the petitioner to go over the requirements for well, septic, and food sanitation to ensure all applicable health department codes are being met. Issues on drainage and lead abatement were discussed and how these items will be handled including the required Stormwater Management Permit and the submittal of a hazardous waste plan to address lead removal on the property.

The ZPAC forwarded the petition onto the Kendall County Regional Plan Commission with a favorable recommendation.

KCRPC

At the Plan Commission meeting, several residents spoke in opposition to the request citing concerns dealing with noise, safety, shared access drive, traffic, and lead contamination. Several people also spoke in support of the special use, although only one of those was a Kendall County resident. ***The Plan Commission continued the matter to the August 24, 2016 meeting pending resolution of a revised site plan, submission of a hazard mitigation plan addressing lead removal, and cost estimates between upgrading an existing shared access drive and constructing a new access drive. The matter was continued again in August, September and October awaiting submission of the requested Site Plan. At their meeting on November 30, 2016, the Plan Commission recommended denial (2 ayes, 3 nays, and 1 present).***

GENERAL

Robert Delaney is requesting an A-1 Special Use to operate an outdoor shooting range at the subject property. This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.
- b. Requires minimum parcel size of 5 acres, depending on the venue.
- c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
- d. State recognized, nationally recognized or NRA Certified range supervisor must be present.
- e. Range flag flown, a sign or red light lit at all times that firing is taking place.
- f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
- g. Access must be controlled by a lockable gate.
- h. Hazardous waste plan addressing lead management required.
- i. No discharge of lead shot into wetland.
- j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
- k. No alcohol allowed.
- l. No projectiles shall leave the boundaries of the site.
- m. All applicable Federal, State and County rules and regulations shall be adhered to.
- n. Must meet all requirements of the Kendall County Health Department.
- o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
- p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
- q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.

- r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

RANGE LAYOUT

The petitioner submitted a site plan with an exhibit depicting a distance of at least 1,000' from the southeastern corner of the nearest residential dwelling unit to the west of the proposed range. The original site plan proposed two (2) shooting bays each containing twenty-four (24) shooting lanes with seventy-five (75) feet. The revised site plan now shows the same 24 shooting lanes, but in three shooting bays of 8 lanes each. The proposed range has a north-south orientation with the firing taking place towards the south. Ten (10) foot high precast concrete divider/impact walls are proposed to divide the bays. A fifty (50) to sixty-four (64) foot wide earthen berm is proposed to serve as a backstop for the range as well as side-berming on the eastern and western portion of the range. The berm is proposed to be twenty (20) feet in height on all sides and at the peak on the south side will have a flat portion of four (4) feet containing a six (6) foot vertical wood baffle. The distance from the edge of the backside of the backstop berm to the limits of the property was approximately 850'. The proposed range also includes a covered shooting structure with a shooting bench and overhead baffling, as well as a "no blue sky" barrier located fifteen (15) feet from the shooting bench.

During the KCRPC meeting on July 27th, the petitioner indicated that the site plan was going to be revised to include a new berm, a proposed building, revised parking, and fencing. The Plan Commission continued the matter pending the submittal of a revised site plan showing these changes. The enclosed plan reflects these changes.

BUSINESS NARRATIVE

The petitioner has submitted a business plan outlining activities. The hours of operation are proposed to be Tuesday thru Friday 10:00am to 8:00pm or until one-half hour before dusk, whichever is first, and Saturday and Sundays 9:00am to 8:00pm or until one-half hour before dusk, whichever is first. The petitioner has indicated that the Sunday hours will be modified to open later than the originally proposed 9:00am start time. The range will be closed on Mondays. The petitioner has indicated that one (1) range safety official will be assigned for each twelve (12) lanes with a chief range safety officer on-site to oversee all range bays.

The petitioner met with Staff on March 29, 2017, and indicated that hours of operation would be between thirty (30) minutes after sunrise and thirty (30) minutes before sunset for non-law enforcement use of the property. Law enforcement officers attending training as part of their official duties could be allowed to shoot after sunset. The petitioner anticipated a maximum thirty (30) non-law enforcement shooters onsite plus three (3) employees. The maximum number of shooters firing guns at a given time would be fifteen (15).

LEAD MANAGEMENT

A hazardous waste plan addressing lead management is required for outdoor shooting ranges. This plan has not been submitted and the petitioner has indicated they are working with an outfit to provide screening of the area for lead removal. Dick Pedicord, President of a private firm called Environmental Range Protection, provided testimony on behalf of Mr. Delaney at the July public hearing. This plan is a required document as part of the special use.

Staff has not reviewed this plan.

HEALTH CODES

The petitioner is proposing a building to accommodate restroom facilities. The petitioner has been in contact with the Health Department to secure all necessary permits related to well, septic, and food vendors.

BUILDING CODES

The petitioner is proposing the construction of a building on the property. This building will need to be evaluated by the Building Department for determination of any required building permits. A future building is proposed to serve as a check-in facility. This construction will require a building permit.

ACCESS

The property is a landlocked parcel without direct access onto Church Road. The petitioner has indicated that access to Church Road is obtained through an easement agreement for ingress and egress with property to

*Special Use Hearing Memo – Prepared by John Sterrett – August 24, 2016, Update by Mike Hoffman – Nov. 22, 2016,
Update by Matt Asselmeier – March 31, 2017*

Page 4 of 8

the west of the subject parcel utilizing a private gravel drive that serves the residential dwelling unit on the property to the west of the subject parcel. The petitioner has indicated future intention of improving the gravel drive with tar and chip.

During the KCRPC meeting on July 27th, there was concern about the utilization of this access drive because it is shared with the property owner to the west and range traffic will be driving on the property to the west. The Plan Commission recommended a condition be placed that requires the existing shared gravel drive to be treated with calcium chloride within sixty (60) days of the approval of the special use and that the existing shared gravel drive be improved to a hard surface within one (1) year of the approval of the special use.

The Plan Commission also requested the petitioner put together cost estimates of improving the existing shared gravel drive with a hard surface as well as a cost estimate for constructing a new access drive that is entirely on the petitioner's property. Staff has received a cost estimate from the petitioner to improve the existing shared gravel drive to tar and chip, with a range of between \$32,300 and \$51,300 depending on the layers applied. The Attorney for the petitioner has suggested that creating a new access drive on the petitioner's property is not feasible as it would require access across the ComEd right-of-way.

PARKING

The site plan identified thirty-eight (38) parking stalls with two (2) of these as reserved for ADA compliance. The Zoning Ordinance does not require a certain number of parking stalls for a use such as a shooting range. The NRA Range Source book, however, does recommend 1.5 parking stalls per shooting lane. The proposed site plan exceeds that standard. The location and dimensions of these parking stalls met the requirements of setbacks and width and depth.

LANDSCAPING

The petitioner had proposed twelve (12) evergreen trees to be planted on the western portion of the operation. However, the plan does not indicate the size or species of the proposed planting.

LIGHTING

The petitioner has indicated that security lighting may be added around building and security gate. Staff recommends a requirement for this lighting be shrouded to prevent glare onto adjacent properties.

SIGNAGE

Two (2) off-premises directional signs are proposed with one located at the northeast corner of the private drive and Church Road and one located at the southeast corner of Route 52 and Church Road. Off-premise signs are not permitted in the A-1 Agricultural District.

At the March 29, 2017, meeting with Staff, the petitioner indicated that they would install one (1) non-illuminated sign on their property to the north of the entrance.

FINDINGS OF FACT

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Appropriate conditions and restrictions can be placed on the special use permit regulating the hours of operation, the location of the discharging of weapons, and noise that would minimize the negative impacts of the proposed use on the public health or safety. However, the private drive, if left unimproved and if allowed to deteriorate, could hinder the ability of first responders from reaching the property in a timely manner.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and

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is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the use and enjoyment of other property owners in the immediate vicinity by creating additional noise. In addition, the property value of 16502 Church Road Unit A could be negatively impacted by the proposed use; the petitioner offered to pay for an appraisal and reimburse the property owner for lost value if a sale occurs within 15 years.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities and drainage exist onsite. The point of ingress/egress from Church Road is over an easement. The underlying driveway is presently not constructed for a commercial use or for large amounts of traffic. Church Road is not classified as a collector road.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The proposed use could conform to the applicable regulations of the district. Appropriate conditions and restrictions could be placed on the special use permit to ensure compliance.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Outdoor shooting ranges are a special use within the A-1 Agricultural District. The subject property is classified as agricultural on the Future Land Use Map. No improvements to Church Road are planned in the Land Resource Management Plan; this could negatively impact the ability of a non-agricultural business from remaining in operation because patrons may have difficulty reaching the property.

CONCLUSION

The proposed use of the property for an outdoor shooting range is considered permitted as a special use in the A-1 District with several required conditions outlined above including conformance with the standards of the NRA Range Source Book. Other conditions should be considered to mitigate any potential negative impacts an outdoor shooting range may have on surrounding properties and to address any potential environmental concerns with regards to lead. This includes the submission of a hazardous waste plan addressing lead management using the EPA Best Management Practices for Lead at Outdoor Shooting Range.

RECOMMENDATION

If this proposal is approved, the following conditions should be placed on the special use permit:

1. The shooting range operation shall conform with NRA standards established in the NRA Source Book, unless a subsequent restriction is stricter than the NRA standards.
2. The maximum number of outdoor shooting lanes shall be twenty-four (24).
3. The maximum number of thirty (30) non-law enforcement personnel may be on the property at a time, not including a maximum three (3) employees of the business allowed by this special use permit. **The maximum number of law enforcement personnel on the property for training purposes must be set at the special use hearing.**
4. Berming shall be a minimum height of twenty (20) feet per the NRA Range Source Book. The berm shall be located to the south, west, and east of the shooting area. A baffle between four (4) foot and six (6) foot in height should be erected on top of the southern berm. A HESCO barrier of the same height and in the same location may be substituted for a berm.
5. A sign shall be installed that is visible to all visitors of the shooting range that lists allowed firearm types, rules of operation – hearing and vision protection required.
6. Pistols shall be the only firearm permitted to be discharged as part of the business allowed by this special use permit.
7. Firearms associated with the business allowed by this special use permit shall only be discharged in the area confined by the berm or HESCO barrier. Firearms can only be discharged when facing in a southerly direction.
8. A State recognized, nationally recognized or NRA Certified range supervisor shall be present at all times.
9. A range flag, a sign, or red light shall be displayed at all times when firing is taking place.

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10. Access to the shooting range shall be controlled by a lockable gate.
11. A hazardous waste plan addressing lead management is required outlining lead removal occurring at least once a year.
12. Submission of a maintenance bond annually for removal of lead. The maintenance bond amount shall be \$3,500 paid within 60 days of the issuance of the special use permit. The annual maintenance bond shall be submitted to the Planning, Building and Zoning Department by May 1 of each year.
13. No skeet shooting, trap shooting, or sporting clays shall be permitted.
14. No discharge of lead shall occur into any wetlands or onto land used for crop growth as of the date of the adoption of this special use permit.
15. No alcohol shall be allowed as it relates to the business allowed by this special use permit.
16. Hours of operation shall be limited to between thirty (30) minutes after sunrise and thirty (30) minutes before sunset for non-law enforcement related trainings. Trainings for law enforcement personnel may occur _____. **The County suggests restricting the hours of operation to between 8:00 a.m. and 8:00 p.m. Mondays through Saturdays and between Noon and 6:00 p.m. on Sundays for non-law enforcement related trainings. The regulations related to trainings for law enforcement personnel must be set at the special use hearing.**
17. The shared access drive shall be treated with calcium chloride within (sixty) 60 days of approval of the special use provided that the owner of the shared driveway consents to the treatment.
18. The shared access drive shall be paved with a hard surface within one (1) year of approval of the special use provided that the owner of the shared driveway consents to the paving.
19. Only range staff and property owners shall be permitted to have a key to the gate to the shooting range.
20. No firearm sales shall occur on the property.
21. All applicable Federal, State and County rules and regulations shall be adhered to.
22. All applicable Federal and State licenses and approval shall be submitted to the Kendall County Planning, Building, and Zoning Department prior to commencing operations and submitted annually thereafter.
23. The business allowed by this special use permit shall satisfy all requirements of the Kendall County Health Department.
24. A stormwater management permit shall be approved prior to the start of construction.
25. Proposed signage shall meet the requirements of Section 12 of the Zoning Ordinance. The sign shall be a maximum four foot by eight foot (4X8) in size and shall not be illuminated.
26. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. Lighting shall be installed in a manner that does not cause light to be shine into neighboring houses.
27. Must adhere to the Performance standards of Section 4.12 of the Zoning Ordinance.
28. Noise generated by the business allowed by this special use shall comply with the following:
 - a. **Day Hours:** No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. **Night Hours:** No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - c. **EXEMPTION: Powered Equipment:** Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
29. The petitioner shall submit to the County within sixty (60) days of the approval of this special use ordinance a bond of \$3,000 to ensure the completion of an appraisal of the property located at 16502 Church Road Unit A. If the property owner at 16502 Church Road Unit A does not request and complete an appraisal of the property at 16502 Church Road Unit A within one (1) year of the approval of this special use ordinance, the bond shall be released to the petitioner. If the property located at 16502 Church Road Unit A is sold within fifteen (15) years of the approval of this special use ordinance at a price less than what is stated in the aforementioned appraisal, the petitioner, and

its successors, heirs, and assigns of the property, will financially compensate the property owners of 16502 Church Road Unit A the difference between the sale price and the appraisal.

30. The owner of business allowed by this special use permit shall have the property inspected at least on an annual basis by the Lisbon-Seward Fire Protection District.
31. The owner of the property awarded the special use permit by this ordinance may apply for a special use permit for an indoor shooting range at a future date.
32. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
33. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Description of Proposed Use - Prepared by the Petitioners
2. Site Plan
3. ZPAC Minutes 7.12.16
4. KCRPC Minutes 7.27.16
5. Lisbon Township Plan Commission Minutes 7.26.16
6. Lisbon Township Board Minutes 7.26.16
7. NRI Executive Summary – Land Use Opinion
8. KCRPC Minutes 11.30.16
9. Easement from 1999
10. 2014 Addendum to Easement

**"DIRT ROAD RANGE"
Operations Proposal**

- Hours of ops: 0900--½ hour before dusk, 6 days/week (7th day for maintenance)
Hours Tues-Fri 1000 to 2000 OR ½ hr before dusk whichever is first. Sat & Sun is 0900 to 2000 OR ½ hr before dusk, Mon closed
 - Online calendar will refer to Almanac for sunset time
 - Options available to rent portion or all of range
 - Reserve 2 lanes for private lessons
 - Have guns available for rental and ammo for sale
 - Will require amended (add) address for FFA license
 - Host regular and special events
 - i.e. Tuesday night steel or have special guest instructor
- Main concern is education & safety while providing a facility that will be available to the shooting public and LEO's + FFDO's
Membership available for additional benefits
 - Discounted range fees (1/2 price)
 - Discount on ammo, training (10%) + free membership to CRA
 - Annual fee at \$360
 - Weekdays: unlimited time. Weekends 2 hour limit
 - Free shirt (contests for wearing shirt and posting on social media maybe entered into raffle?)
 - Member appreciation days (guest instructors, guests, scenarios)
 - Multi-level? I.e. Gold vs Bronze
- Food truck on site
 - Trucks pay for privilege of being on site (\$50/hour or \$250/day) Auction Sale %
 - Available during peak hours
 - Multiple trucks can be scheduled (they need permit from Kendall County)
- Porta-potty Rental
 - Typically \$100-\$200/month (includes weekly maintenance)
 - May use one at first with multiple units with growth
- Scheduling by the shooters will be over an internet site that enables the participant to check on availability and self-schedule
Calendar options are Square, Bizzflo, as well as our current merchant processing system candidate (which offers a calendar scheduling app)
 - Other options: BookSimple, Booker
 Some lanes will be designated for reservations and others left available for walk-ins (not listed on calendar site)
 - Ratio can change for peak times (accommodate for more walk-ins during busiest hours)
 Website designed and optimized by CDG contractors
- Range mgmt will be conducted to the highest level of safety and comfort, range officials will be certified and are in full control of all Range Activities.
First Aid & CPR Cert for all EEs
Need to create in-house training for all range EEs that would reiterate NRA and any additional standards created by us

? Hourly rate

"DIRT ROAD RANGE"
Operations Proposal

- All 1st time shooters required to watch safety video (this is currently not standard for any known range), and annually for repeat customers
 - CDG will track safety video requirement electronically
 - Safety video will be produced by CDG contractors
- This is a new concept to our shooting community and will provide the best use for this isolated parcel
- LEO's will be able to use the range at their convenience at no charge *FFDO's*
 - Might be better to offer LEO/VET get ½ price on range fees—no other ranges in area offer totally free fees to LEO/VET's and few offer ½ price. This would still make us competitive
 - VET and LEO get ½ price on membership (plus 1st time free) *FFDO's*
- We are thinking the total initial number of employees full-time and part-time at 10-12 1 range safety per 12 lanes. Plus DR running the office On weekends or peak times 1 or 2 additional personnel to assist with register and sales
 - Ex 36 lanes on Saturday -- 6 persons total 3 safety and 3 in office
Certain employees could rotate in office and on range duties
 - DR or JV to handle any transactions that need to be taken to Tom's for FFA (i.e. any gun sales)
 - Reduce required RSO's by requiring 1st time shooters to watch 10-15 minute safety video (no direct competitor is doing this, but it is common in other industries such as skydiving, paintball and go karting)
- Sales of items to enhance safety will include safety glasses, ear plugs, ear muffs, bottled water and assorted non-alcoholic canned or bottled water and sodas.
We found out that FFA can't do business on the site for guns (until address change is registered with ATF), but all the non-firearm stuff is good to go
We could advertise for FFA's gun inventory on site, but buyers would have to physically travel to 14207 to actually transact any sales
- Operations on a daily basis will be managed and operated by CDG, a highly qualified group of Veterans of the Iraq and Afghanistan conflicts
- CDG will manage the range on a daily basis, with staff that is certified range management
 - Lighting, for security reasons, may be placed around office and gate on a timer
JV & DR to handle all end of shift procedures Including lock-up and security of money

CIVIL PLANS FOR DIRT ROAD RANGE MINOOKA, IL.

PLAN SHEET INDEX

- C-1 TITLE SHEET
- C-2 SITE PLAN
- C-3 GRADING PLAN

ZONING INFO

THE SUBJECT PROPERTY IS ZONED A-1 AGRICULTURE
A-1 AGRICULTURE

PROPERTY INFO

PIN 09-25-200-008 (2.84 AC.)
09-25-300-009 (30.66 AC.)

COMMONLY KNOWN AS 16502 CHURCH ROAD
MINOOKA, IL 60447

FLOOD ZONE INFO

BENCHMARKS

GENERAL NOTES

J.U.L.I.E. INFORMATION

NOTIFY JULIE 2 WORKING DAYS PRIOR TO EXCAVATION

COUNTY: KENDALL
MUNICIPALITY: MINOOKA, IL 60447
LOCATION: N.E. 1/4 OF S.W. 1/4 SECTION 25, T. 35N, R. 7E
ADDRESS: 16502 CHURCH ROAD

JAMIE L. BRADLEY
ILLINOIS LICENSE # 082-049281
EXPIRES 11/30/17

LEGAL DESCRIPTION

PARCEL 1
THE SOUTHWEST CORNER OF THE IMPROVED SUBDIVISION OF PARCELS 1 & 2, BEING 2.84 ACRES OF LAND, MORE OR LESS, LIES WITHIN THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD MERIDIAN, KENDALL COUNTY, ILLINOIS.

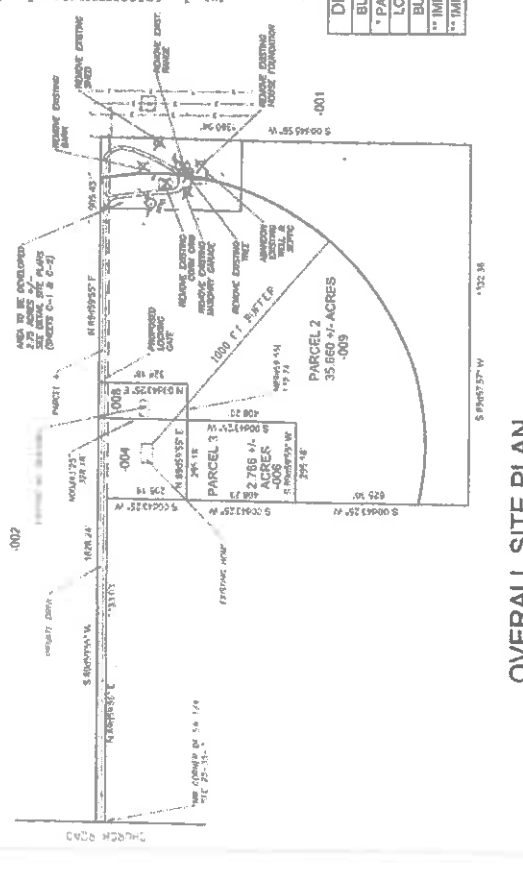
PARCEL 2
THE SOUTHWEST CORNER OF THE IMPROVED SUBDIVISION OF PARCELS 1 & 2, BEING 30.66 ACRES OF LAND, MORE OR LESS, LIES WITHIN THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD MERIDIAN, KENDALL COUNTY, ILLINOIS.

PARCEL 3
THE SOUTHWEST CORNER OF THE IMPROVED SUBDIVISION OF PARCELS 1 & 2, BEING 2.84 ACRES OF LAND, MORE OR LESS, LIES WITHIN THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD MERIDIAN, KENDALL COUNTY, ILLINOIS.

SITE TABLE (DEVELOPED AREA)

DESCRIPTION	EXISTING	PROPOSED
BUILDINGS	6,967	640
* PARKING LOT	21,066	29,535
LOT SIZE	119,570	119,570
BUILDING COVERAGE (%)	5.83%	0.54%
** IMPERVIOUS COVERAGE (%)	23.46%	25.23%
** IMPERVIOUS COVERAGE	28,035	30,175

MAXIMUM BUILDING COVERAGE = 60%
INCREASE IN IMPERVIOUS COVERAGE = 10,541 SF
* INCLUDES GRAVEL, SILO AND CONCRETE SLAB AREAS
** INCLUDES BUILDINGS, GRAVEL, SILO AND CONCRETE SLAB AREAS



MINTUCK ENGINEERS & SURVEYORS INC.
4825 W. 119TH STREET
MUNOOKA, IL 60447
(815) 455-0644
minkuck@aol.com

MINOOKA, ILLINOIS
108 FORD DRIVE
Storage Building & Site Improvements

DIRT ROAD RANGE

TITLE PAGE

C-1

DATE: _____
SCALE: _____
SHEET NO.: _____

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 12, 2016 – Meeting Minutes
Approved August 2, 2016

Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

Present:

Scott Gryder – PBZ Committee Chair
Fran Klaas – Highway Department
David Guritz- Forest Preserve
Commander Mike Peters – Sheriff's Office
Aaron Rybski – Health Department
Greg Chismark – WBK Engineering, LLC
Brian Holdiman- PBZ Department
Megan Andrews – Soil & Water Conservation District
John Sterrett – PBZ Department

Absent: None

Audience: Attorney Dan Kramer; Robert Delaney; Jamie Bradley; David Renick

AGENDA

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

MINUTES

Mr. Guritz made a motion, seconded by Mr. Gryder, to approve the May 3, 2016 meeting minutes as written. With a voice vote of all ayes the motion carried.

PETITIONS

#16-14 – Robert Delaney

Mr. Sterrett outlined the request for a special use in the A-1 Agricultural District to operate an outdoor shooting range, which is permitted as a special use in the A-1 Agricultural District with certain requirements. The property is located at 16502 Church Road in Lisbon Township. The property is just under 40 acres. The petitioner has submitted a business narrative to the PBZ Department including proposing twenty-four (24) shooting lanes with twelve (12) future lanes. The proposed range is located on the far eastern portion of the property, just west of the existing ComED right-of-way. Thirty-six (36) parking stalls are proposed for the use. Although the County's Zoning Ordinance does not have a specific requirement for the number of parking stalls for an outdoor shooting range, the NRA Range Source book recommends at least 1.5 parking stalls for each shooting lane. The Zoning Ordinance requires that a 1,000' buffer is maintained between a shooting range and any residential dwelling units. The petitioner has submitted an exhibit that depicts 1,000' from the edge of the shooting range to the southeast corner of the nearest residential dwelling unit. The property is landlocked and does not have direct access onto Church Road. The petitioner has indicated that an easement for ingress and egress exists with the property owner to the west to obtain access on an gravel existing drive to Church Road. Staff has a series of conditions that are recommended primarily dealing with NRA standards. The conditions include:

- The shooting range operation shall conform with NRA standards established in the NRA Source Book
- Berming shall be a minimum height of twenty (20) feet per the NRA Range Source Book
- A sign shall be installed that is visible to all visitors of the shooting range that lists allowed firearm types, rules of operation – hearing and vision protection required
- A State recognized, nationally recognized or NRA Certified range supervisor shall be present at all times
- A range flag, a sign, or red light shall be displayed at all times when firing is taking place
- Access to the shooting range shall be controlled by a lockable gate.
- Hazardous waste plan addressing lead management required with a lead removal occurring at least once a year
- Submission of a maintenance bond annually for removal of lead
- Submission of the types of firearms to be used
- No discharge of lead shall occur into any wetlands

- No alcohol shall be allowed
- Sunday hours of operation shall be limited to 12:00pm to 8:00pm, or until one-half hour before dusk
- Baffles shall be installed to prevent projectiles from leaving the boundaries of the site
- All applicable Federal, State and County rules and regulations shall be adhered to
- Must meet all requirements of the Kendall County Health Department
- A stormwater management permit shall be approved prior to the start of construction
- Proposed signage shall meet the requirements of Section 12 of the Zoning Ordinance
- Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance
- Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

Attorney Dan Kramer, representing the petitioner, stated that the easement for the access onto Church Road is binding on all successors, heirs, and assigns and is a covenant running with the land. The engineer for the petitioner, Jamie Bradley, explained the layout of the proposed use including the gravel parking area and using portable toilets on the property. Mr. Bradley stated that as a future endeavor a building may be constructed to serve a check-in facility with restrooms. Mr. Bradley stated the range will be used for handguns. Mr. Bradley stated that stormwater management will be developed to address a future building on the site. Aaron Rybski of the Health Department asked about plans to develop septic facilities and stated that portable toilets are not best for long term use. Mr. Rybski stated that there is a non-community water well program that is applicable when a use has at least 25 patrons for 60 days each calendar year. Mr. Rybski suggested that the petitioner meet with the Health Department to discuss the requirements for well and septic as well as the possibility of using food trucks on site. David Guritz of the Forest Preserve District asked about the abatement of lead on the property. Mr. Sterrett stated that the Zoning Ordinance requires a hazardous waste plan addressing lead management be submitted. Staff is suggesting that in addition to this, there be a requirement that the property is screened of lead at least once a year and that a maintenance bond be submitted on an annual basis for lead removal. Megan Andrews of the Kendall County Soil and Water Conservation District (KCSWCD) asked about the type of berm that will be built. Mr. Bradley stated it will be an earthen berm. The KCSWCD will be doing an NRI Executive Report on the project.

Mr. Delaney elaborated on the use of portable toilets and that he anticipates they will be used on a short term basis. Mr. Delaney also stated that the hours of operation will be shortened on Sundays. Mr. Delaney indicated that he has been in contact with the Kendall County Sheriff's Office about the possible use of the range for the Sheriff's Office. Mr. Delaney stated that to address baffles, a sheltered structure can be constructed where the shooters are located to prevent projectiles from obtaining a trajectory that will leave the limits of the range. Mr. Gryder asked if concealed carry classes would be offered at the site. Mr. Delaney stated that it is anticipated to have concealed carry classes and that no shotguns or high powered firearms will be used. Only handguns will be used. Mr. Gryder stated that he has received questions from the public about some concerns and asked if Mr. Delaney has spoken to any of the neighbors about the proposed use. Mr. Delaney stated he has spoken to a few. Mr. Delaney stated that there will be fencing along the access the road on the subject property and fencing will be around the parking area and check in area. Mr. Gryder asked if the easement language addresses commercial uses. Attorney Kramer stated there are no specifics on the type of traffic on the easement. Mr. Delaney stated that as the volume of traffic increases on the access road he would be willing to upgrade it to tar and chip. David Guritz asked about wetlands on the property. Mr. Sterrett stated that there is a wetland at the northwest portion of the subject property but away from the shooting range. The Endangered Species Consultation report from IDNR did not identify any endangered or threatened species in the vicinity. Mr. Holdiman stated a condition should be placed on either the building permit or the special use that would provide a time limit for the use of the portable toilets and that plumbing will need to be addressed when the future building is constructed.

David Reinick described the operation of the range. New patrons to the range will be required to watch an 8-12 minute video about range safety and directions and then be required to view the video on an annual basis. A log will be kept of all those who have viewed the video to verify the last time that the video was watched. Each patron will be required to sign in when using the range. There will be range safety commands and signs posted throughout the range. Each range bay of 12 lanes will have one range safety officer to monitor. There will also be a certified chief range safety officer to oversee all the range bays as well as a daily inspection of the range. There will always be at least one employee per shooting bay that is open and one individual in the building at all times.

Without further questions or comments from the ZPAC committee, Mr. Sterrett stated the petition is scheduled to go to the July 27th Plan Commission. Mr. Gryder made a motion, seconded by Mr. Klaas, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

**Minutes of July 27, 2016
Approved by the Regional Plan Commission August 24, 2016**

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

ROLL CALL

Members Present: Bill Ashton, Claire Wilson, Tom Casey, Budd Wormley, Larry Nelson, Roger Bledsoe, Angela Zubko

Staff present: John Sterrett, Senior Planner

Members Absent: John Shaw, Vern Poppen

In the Audience: Approximately 60 people were in attendance. Those who spoke and/or signed the sign-in sheet included: Attorney Dan Kramer; Robert Delaney; Chris Jensen; Megan Jensen; Jeanne Freeman; Greg Peterson; Joe Phillips; Jerry Lizalek; Roy Wake; Kathy Wake; Tom Christ; John Wolfinbarger; Scott Wallin; Jason Rome; Mike Kinzler; Eric Peterson; Virgil Karales; Dick Pedicord; Jonathan Villaneuva; David Rynite; John Miller; Daniel Eamon; Kevin Tomlanovich

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Bledsoe made a motion, seconded by Mr. Nelson, to approve the June 22, 2016. With a voice vote of all ayes, the motion carried.

PETITIONS

16-14 Robert Delaney

Request: Special Use to allow an outdoor shooting range in the A-1 Agricultural District

Location: 16502 Church Road in Lisbon Township

Mr. Sterrett outlined the request for a special use in the A-1 Agricultural District to operate an outdoor shooting range, which is permitted as a special use in the A-1 Agricultural District with certain requirements. The range is proposed on a 38 acre parcel zoned as A-1 Agricultural east of Church Road, one-quarter mile north of Whitewillow Road in Lisbon Township.

The property is landlocked without direct access onto Church Road and obtains access to Church Road through an existing gravel drive across the property to the west through an ingress/egress easement. The petitioner has indicated to staff about improving the access drive with tar and chip. Staff would be supportive of this to lessen the impact of vehicles accessing this site.

The proposed shooting range will be located on the far eastern side of the property next to the ComED right-of-way property. The County's Zoning Ordinance requires shooting ranges to be located a distance of 1,000' from residential dwelling units. The petitioner has provided an exhibit depicting a 1,000' buffer area from the southeast corner of the nearest residential structure to the west.

The petitioner is proposing 24 shooting lanes each 75' in length with a north-south orientation and firing taking place towards the south. The lanes are divided into two 12 lane bays with a 10' concrete wall dividing the two bays. A 10' concrete wall is proposed on the western shooting bay and a 10'-20' concrete wall is proposed on the eastern side of the bay near the ComED right-of-way property. A twenty foot earthen berm is proposed as a back stop for the range with a 6' vertical wood baffle on top. The western side of the shooting range will feature a 20' side berm as well extending north half way up the length of the shooting lanes. A proposed shooting canopy structure will be located on the eastern shooting bay to serve as a baffle device to prevent projectiles leaving the range area. The western shooting bay does not have this same canopy proposed. A series of evergreen trees will be planted on the western edge of the range.

The petitioner has submitted a business operation plan to the County. The hours of operation proposed include Tuesday thru Friday 10:00am to 8:00pm, or until one-half hour before dusk, whichever is first and Saturday and Sundays 9:00am to 8:00pm, or until one-half hour before dusk, whichever is first. The petitioner has indicated having a later start time for Sunday operation. Staff recommends this start time be 12:00pm on Sundays. The range will be closed on Mondays. The petitioner has indicated that 1 range safety official will be assigned for each 12 lanes with a chief range safety official on site to oversee all range bays.

Thirty (38) parking stalls are proposed, two (2) of which will be reserved for ADA compliance. The parking will be located on the north end of the property near the gravel drive.

Originally, the petitioner had proposed utilizing portable toilets on a temporary basis. Due to Illinois plumbing codes, however, this would not be permitted and the Health Department will require permanent bathroom facilities. As such, the petitioner will be required to provide these facilities within an existing structure on the property or be incorporated into a new facility to be built. It is staff's understanding that the site plan may be revised to indicate the location of the building and the parking will be relocated. The development of this property will require a stormwater management permit.

A hazardous waste plan addressing lead management is required as part of the special use. The petitioner has begun working with an outfit to develop a best management practices for lead removal and is here tonight. Staff is recommending a series of conditions to be placed on the special use, if approved, including:

- The shooting range operation shall conform with NRA standards established in the NRA Source Book
- Berming shall be a minimum height of twenty (20) feet per the NRA Range Source Book
- A sign shall be installed that is visible to all visitors of the shooting range that lists allowed firearm types, rules of operation – hearing and vision protection required
- The existing gravel drive providing access from Church Road to the site be improved with a hard surface
- A State recognized, nationally recognized or NRA Certified range supervisor shall be present at all times
- A range flag, a sign, or red light shall be displayed at all times when firing is taking place
- Access to the shooting range shall be controlled by a lockable gate.
- Hazardous waste plan addressing lead management required with a lead removal occurring at least once a year
- Submission of a maintenance bond annually for removal of lead
- Submission of the types of firearms to be used
- Only the use of handguns shall be permitted and no high power rifles or shotguns shall be permitted
- No discharge of lead shall occur into any wetlands
- No alcohol shall be allowed
- Sunday hours of operation shall be limited to 12:00pm to 8:00pm, or until one-half hour before dusk
- A sheltered canopy structure shall be constructed to serve as a baffle for the range to prevent any projectiles from leaving the range area or exceeding the height of the twenty (20) foot berm. This design

shall be submitted to the Kendall County Planning, Building, and Zoning Department for review and approval.

- All applicable Federal, State and County rules and regulations shall be adhered to
- All applicable Federal and State licenses and approval shall be submitted to the Kendall County Planning, Building, and Zoning Department prior to commencing operations and submitted annually thereafter
- Shall satisfy all requirements of the Kendall County Health Department
- A stormwater management permit shall be approved prior to the start of construction
- Proposed signage shall meet the requirements of Section 12 of the Zoning Ordinance
- Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance
- Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

The petition received a favorable recommendation from the County's Zoning, Platting Advisory Committee. The petition received an unfavorable recommendation from the Lisbon Township Plan Commission and the Lisbon Township Board.

Attorney Dan Kramer stated that outdoor shooting ranges are an allowable special use in the County's Zoning Ordinance. Robert Delaney, petitioner, described the revised site plan for the range including proposed berming, parking, baffling, and a building. Mr. Delaney stated that the site plan has changed since the ZPAC meeting. Mr. Delaney stated that the range will primarily be membership based and some conceal carry training. No rifles or shotguns will be used. Mr. Sterrett stated that there are no noise regulations included in the shooting range special use category. Mr. Delaney stated that the current shared access drive will have a tar and chip surface all the way to Church Road. Questions were raised from the Commission regarding constructing a new access road that will eliminate shooting range traffic from the property to the west and the maintenance of this roadway.

Greg Peterson, 16502 A Church Road, owns the property directly to the west of the proposed shooting range. Mr. Peterson objected to the proposal because of the utilization of the shared residential driveway. Mr. Peterson has concerns regarding the amount of traffic that will be using this drive for the range. Mr. Peterson stated that shooters have been active on the site without a special use. The property value will be affected as well from the proposed use. Mr. Peterson also has concerns regarding the environmental impact from the range. Mr. Peterson stated that the 1,000' buffer should be revised

Joe Phillips, 6718 Whitewillow Road, lives within ½ a mile of the proposed range. Mr. Phillips presented the Commission with a market impact study completed by John Green Realty regarding property values near gun ranges stating the negative impacts. Mr. Phillips has concerns with the trajectory of fired ammunition that could potentially leave the shooting range.

Jerry Lizalek, 25006 West Sue Drive Channahon, spoke in support of the proposed range. Mr. Lizalek is an NRA range safety officer and works with an existing range in Plainfield in Will County. Mr. Lizalek believes this range will provide a benefit to both the private and public sector.

Roy Wake, 6232 Whitewillow Road, spoke in objection to the proposed range and had concerns regarding the noise and the amount of traffic that will be generated from the proposed use.

Kathy Wake, 6232 Whitewillow Road, spoke in objection to the proposed range. Ms. Wake had concerns from existing shooting that is already taking place on the property as well as the added traffic from the proposed use. Ms. Wake stated that there are already gun ranges for people to use.

Tom Christ, 1570 River Street Morris, stated his wife and daughter own property north of the proposed range and spoke in objection to the proposed range. Mr. Christ stated that the noise from the range will have a negative impact and brought up safety concerns citing an accident at a shooting range in LaSalle County.

Jerry Lizalek, 25006 West Sue Drive Channahon, addressed the incident brought up by Mr. Christ and discussed baffling.

John Wolfinbarger, 12859 MacKenzie Road, spoke in objection and stated that the range has been in operation for two years and has concerns about the legality of the special use as well as noise.

Joe Phillips, 6718 Whitewillow Road, addressed the gun range that was brought up previously in Plainfield.

Scott Wallin, 15724 Ashley Road, spoke in objection and stated that the noise will have a negative impact in the entire area, not just the immediate area. The berming will not prevent sound from traveling to other properties.

Jason Rome, 7024 Chicago, spoke in support of the proposed range. Mr. Rome stated that the berming will reduce the noise significantly. Mr. Rome believes a decibel test should be done before and after the berming is constructed. Mr. Rome believes safety will not be an issue based on the proposal.

John Wolfinbarger, 12859 MacKenzie Road, does not believe the berming will reduce the sound. Mr. Wolfinbarger reiterated about the legality of the operation.

Mike Kinzler, 935 Matoma Court Joliet, spoke in support of the range and described his business of manufacturing high security gate locks. All gates on the property will have high security locks with limited access with back up plans for missing or lost keys.

Eric Peterson, 1223 Liberty Street Morris, spoke in objection to the proposed range. Mr. Peterson stated that the impact on the property values is a concern. Mr. Peterson also had concerns about the property being used previously for a range. A different property with direct access to a road would be a better location.

James Manning, 6718 Whitewillow Road, spoke in objection to the proposed range. Mr. Manning stated he is a professional airline pilot and discussed the Federal Flight Deck Officer program and how the program works with firearms.

Scott Wallin, 15724 Ashley Road, expressed concerns about vehicles or individuals accessing the site around the security gate.

Virgil Karales, 14859 Brisbin Road, spoke in objection to the proposed range and had concerns about the location and adding another gun range to the area.

Dick Pedicord, lead management professional, discussed best management practices for lead disposal from shooting ranges. Mr. Pedicord stated that lead is reclaimed and recycled at shooting ranges consistent with EPA requirements. Mr. Pedicord stated there is no minimum timeframe for how often removal must take place but that is removed as is justified. Mr. Pedicord stated that the micro particulate from ammunition cannot be reclaimed. In between reclamation times, there must be management including design features and operation activities. Mr. Pedicord discussed range design to maintenance of lead between reclaiming to minimize re-suspension of lead. Mr. Pedicord stated that lead is five times the density of soil and does not travel as far as disturbed soil but there is no standard for the distance it travels.

Greg Peterson, 16502 A Church Road, stated that even minimizing the amount of lead that leaves the site will still have an impact on health for those who are exposed to it.

Jerry Lizalek, 25006 West Sue Drive Channahon, asked about the vegetation on the berm.

Eric Peterson, 1223 Liberty Street Morris, questioned how the Plan Commission can approve a plan that has been modified and a proposal that does not have a lead mitigation plan.

The Commission discussed concerns about non-staff members of the range having a key and access to the range property. Mr. Delaney stated that a range officer must be present for a patron to use the site. The Commission believed only range officers should be permitted to have keys to access the site. Mr. Kramer addressed the allegations regarding prior activity on the site for over two years and stated that Mr. Delaney has only owned the property 1.5 years. There was discussion on the fencing of the property to prevent anyone from accessing the site without using a key through the gate.

Ms. Zubko recommended that conditions be added including:

- No trap shooting, skeet shooting, or sporting clays
- The access drive shall be improved with tar and chip within one year after the approval
- The access drive be treated with calcium chloride within sixty days after the approval
- The hours of operation for the whole week be included
- The noise regulations be included in the special use ordinance
- No firearms sales shall take place on the property
- Only range officers shall be permitted to have a key

Ms. Wilson believes a comparison should be drafted of the costs of improving the existing shared access drive and creating a new drive without using the neighboring property and has more concerns regarding the volume of traffic rather than just the dust.

Mr. Nelson made a motion, seconded by Ms. Zubko, to continue the petition to the August 24th Plan Commission. With a voice vote of a 6 ayes and one no, the motion carried.

The Commission went into recess at 8:10pm.

The Commission came out of recess at 8:30pm.

16-16 Chris and Megan Jensen

Request: Special Use to allow a landscape operation and excavating operation

Location: 7225 Caton Farm Road in Kendall Township

Mr. Sterrett outlined the request for a special use in the A-1 Agricultural District to operate a landscape and excavating business at 7225 Caton Farm Road in Kendall Township on the north side of Caton Farm Road, just west of Church Road. Mr. Sterrett pointed out that excavating businesses are not permitted in the A-1 Agricultural District either by right or by special use and therefore the special use approval may only include a landscape operation.

The operation will include landscape maintenance, installation of landscaping, and related activities. No yard waste will be stored on-site with the possible exception of balled trees and bushes that have been prepared for installation. No retail or wholesale material will occur on site. No outdoor storage will take place and all equipment will be kept within a proposed building. No landscape waste will be stored on-site.

Lisbon Township Zoning Board
Date: July 26, 2016

The meeting was called to order at 6:03 pm by Chairman David Smith. Tamara Eaton and Brian Westphal, board members, were present. Jeff Heap was absent. A quorum was present. The purpose of this meeting was to hear a petition by the Delaney Family for a Special Usage permit to operate an Outdoor Shooting Range on the property located at 16502 Church Road (PIN 08-25-300-006; -09). In addition to the board members, 31 community members were in attendance at the meeting. A presentation was given by Robert Delaney, who is represented by Atty Dan Kramer. The presentation included drawings and explanation of construction, materials, proposed procedures, and regulations of Kendall County and NRA.

Several community members asked questions and offered comment regarding

- the veracity of facts related to armed pilots on commercial airliners
- adjacent easement driveway usage
- noise
- increased traffic, road use, possible adjustments to speed limits, ambiguous terms in the proposal
- previous usage of the property has included long guns, not just pistols
- concerns about persons with PTSD
- clarification of how many lanes will be covered, and how many would be available
- verification of the safety factor and community acceptance of other similar ranges
- proposed hours of operation
- possible lead danger to soil and water

Following the public comments, board members briefly discussed the terms laid out in the township plan. Chairman Smith pointed out that one of the primary goals in the plan is to preserve the valuable resources within the township, primarily the soil. He noted that in soil testing the proposed land scored 225 out of a possible 300 points. On that basis, he recommended against the proposal. Citing similar objections, Westphal also recommended against. Eaton agreed with other board members and also stated she understood the objections of the community, therefore she also voted against the proposal.

Result: The Lisbon Township Zoning Board does NOT recommend approving the Special Usage request.

At 7:02 Westphal made a motion to adjourn. Eaton seconded the motion.

Respectfully submitted, Tamara Eaton

Draft

A Special Meeting of the Lisbon Township Board in Kendall County met to hear the proposed Dirt Road Gun Range. The meeting was held July 26, 2016 at the Piattville Fire Barn. Supervisor Horton called meeting to order at 8:30pm. Present were Supervisor James Horton, Trustees, Bill Ashton, Ken Jorstad, Wayne Schlappi, Scott Wallin, Road Commissioner Rich Mickelson, Clerk Darlene Ashton. Guests were Bob & Gary Delaney, Tom McDonald. Mr. & Mrs. Greg Peterson, Mr. & Mrs. Rich Kunke & Mr. & Mrs. Walter Schlutz.

Bob Delaney presented the proposed Dirt Road Gun Range and answered questions from the audience

After hearing the details of the Gun Range, a motion to accept the Lisbon Township Planning Commission vote to deny the special use request of the Dirt Road Gun Range was presented by Scott Wallin, Seconded by Ken Jorstad

A roll call vote was taken:

Wayne Schlappi, Yes

Scott Wallin, Yes

Ken Jorstad, Yes

Bill Ashton, Present

Jim Horton, Yes

Passed 4 votes yes 1 vote present

A motion to adjourn the meeting was presented by Ken Jorstad. Seconded by Bill Ashton, Pass 5-0

The meeting adjourned at 9:10pm

Respectfully Submitted,



Darlene Ashton, Clerk

Sediment and Erosion Control: Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://www.aiswcd.org/illinois-urban-manual/>) for appropriate best management practices.

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Robert Delaney for the proposed A-1 Special Use Dirt Road Range. This parcel is located in the NE¼ SW¼ of Section 25 in Lisbon Township (T.35N.-R.7E. 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. The two soils identified onsite are classified as prime farmland. Additionally, a Land Evaluation Site Assessment (LESA) score was conducted for this parcel; the parcel scored 225 out of a possible 300 points indicating the soils and site are well suited for agricultural uses. Selecting the project site with the lower total points will generally protect the best farmland located in the most viable areas while maintaining and promoting the agricultural industry in Kendall County. Since the proposed project is for an A-1 Special Use Permit, the project is compatible with promoting the agricultural nature of the site.

Soils onsite can have potential limitations for development. This report indicates that for soils located on the parcel, 100% are very limited for small commercial building, shallow excavations and local roads/streets; 75.3% are very limited for conventional sewage disposal systems. 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 these types of development with significant limitations. Additionally, if in the future, 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 Illinois River Watershed and Walley Run 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 use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. 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 Statutes, Ch. 70, Par 405/22.02a).

7/15/16

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Minutes of November 30, 2016

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

ROLL CALL

Members Present: Bill Ashton, Claire Wilson (arrived at 7:10), Tom Casey, Budd Wormley, Larry Nelson, Roger Bledsoe

Staff present: Mike Hoffman, Teska Associates, Inc.

Members Absent: John Shaw and Angela Zubko

In the Audience: Dan Kramer, Robert Delany, Joe Phillips, Greg Peterson, Sherman Tweet, John Wolfber, Tim Wallace

APPROVAL OF AGENDA

Mr. Wormley made a motion, seconded by Mr. Nelson. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Bledsoe, to approve the September 28, 2016 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

16-14 Robert Delany

Mr. Hoffman briefly reviewed the case, summarizing the staff memorandum. Mr. Kramer then provided an update to the Commission. He noted that the hearing was closed previously, so they did not bring their witnesses. He reviewed the updated site plan. He noted that, due to a need to cross the ComEd Right-of-Way, an alternative entrance drive was not feasible. Mr. Kramer noted that, if acceptable to Mr. Peterson (owner of the exiting drive), Mr. Delany would improve the existing drive to have a hard surface.

Regarding the required Lead Management Plan, Mr. Kramer noted testimony by their expert at the initial hearing, and suggested they would have such a plan completed prior to County Board approval. Mr. Kramer also noted that, if acceptable to the adjacent residential property (Mr. Peterson), Mr. Delany would offer an economic protection agreement. Under such an agreement, an initial appraisal would be obtained. Mr. Delany would then agree that if Mr. Peterson wanted to sell his home and could not obtain the appraised value, Mr. Delany would purchase the property for that appraised value. The agreement would be for a fixed period, and would be backed-up by a bond.

Mr. Nelson asked about the berm. Mr. Kramer noted the berm would be 20' tall on three sides, and would be planted with low maintenance grasses. The proposed slope is 3:1.

Mr. Peterson noted he was opposed to the project, and had no desire to have a hard surface road.

Sherman Tweet noted his property is on Brisbin Road, and if a new road was built it would be near his property. He asked if the proposed economic impact agreement would apply to other residential properties in the area

including his. Mr. Kramer suggested they would look at it, but they generally felt the only potentially impacted home was the adjacent Peterson residence.

Joe Phillips noted that he had previously submitted a report from John Green Reality that showed that an outdoor gun range would have a negative impact on their property values. He noted that the State has a regulation of 1,000 yards (noise regulations cannot be applied to homes over 1,000 yards from a range), and that there were six homes within that 1,000-yard distance. In his opinion, that economic protection agreement should be applied to all homes within 1000 yards, and it should include an escalator to address appreciation over time.

John Wolfiber, a Platteville resident, asked who would respond in an emergency. He also asked if they considered changing the direction of shooting to face northeast per NRA recommendations. Tim Wallace, Fire Protection District Chief, noted they would respond and he reinforced his request for the installation of a Knox Box and the ability to perform annual inspections. He noted that ambulance service would come from Minooka, and would take about seven minutes. General fire/emergency response would be within five minutes. However, there could be delays if guns are involved and they need to have the Sheriff's Department secure the area first.

Tom Casey asked about signs, and if they would be placed on the perimeter fence.

Mr. Nelson moved to approve, seconded by Mr. Wormley, with the conditions noted in the staff report including the 20' berm, the addition of noise restrictions consistent with other County noise regulations, meeting fire district requests, and inclusion of the economic protection agreement for Mr. Peterson. With a roll call vote:

Yes – Nelson, Wormley No – Bledsoe, Casey, Wilson Present – Ashton. It was noted that the present vote would go with the majority, so the motion failed.

OLD BUSINESS – None.

NEW BUSINESS – None.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Hoffman summarized the following:

16-21 High Grove – This rezoning to R-2 and preliminary/final plat was approved by the County Board 10.18.16

16-25 The Bluffs, Inc. d/b/a/ Cider Creek. – This request for a special use in the A-1 Agricultural District for a banquet hall, nano-brewery, micro-distillery, a year-round seasonal festival, and production and sale of sweet cider was approved by the County Board on 10.18.16.

CITIZENS TO BE HEARD/ PUBLIC COMMENT - None

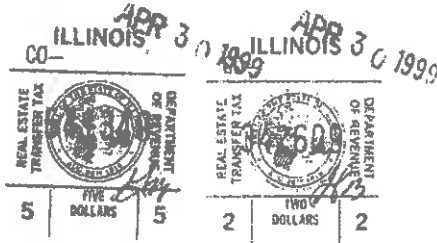
ADJOURNMENT

Mr. Casey made a motion, seconded by Ms. Wilson, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 7:50 pm.

Respectfully submitted by,
Mike Hoffman, Teska Associates, Inc.

WARRANTY DEED
Joint Tenancy (Illinois)

THE GRANTOR EUGENE G. PETERSON, a married person
of the Township of Lisbon
in the County of Kendall,
and State of Illinois,



COUNTY OF KENDALL
3.50

for and in consideration of \$10.00 Dollars in hand paid, CONVEY S and WARRANT S to:

GREGORY P. PETERSON and BECKY L. HOOTMAN

whose address is: 16502 Church Rd.
Minooka, IL 60447

not as tenants in common, but in JOINT TENANCY, the following described Real Estate situated in the County of Kendall, in the State of Illinois to wit:

See attached Legal Description

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: 08-25-300-002

Address of Real Estate; Church Rd., Minooka, IL 60447

Dated this 29th day of April, 1999.

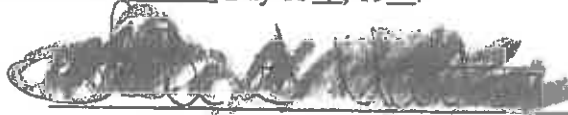
X [Signature]
EUGENE G. PETERSON

Warranty Deed

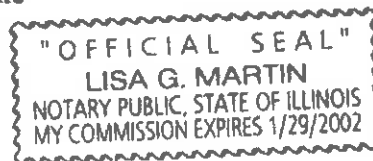
STATE OF ILLINOIS)
) SS.
COUNTY OF Kendall)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT EUGENE G. PETERSON personally known to me to be the same person _ whose name IS subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that HE signed, sealed and delivered this instrument as A 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 notarial seal this 29th Day of April, 1999



Notary Public



SEND SUBSEQUENT TAX BILLS TO:

THIS DOCUMENT PREPARED BY;

Law Offices of Daniel J. Kramer
1107A S. Bridge Street
Yorkville, IL 60560
630-553-9500

AFTER RECORDING RETURN TO:

LEGAL DESCRIPTION

Parcel 1: Part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 35 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 25; thence North 89 Degrees 59 Minutes 55 Seconds East along the North line of said Southwest Quarter, 1333.03 feet to the point of beginning; thence North 89 Degrees 59 Minutes 55 Seconds East along said North line, 295.18 feet; thence South 0 Degrees 43 Minutes 25 Seconds West, 295.18 feet; thence South 89 Degrees 59 Minutes 55 Seconds West, 295.18 feet to the West line of the Northeast Quarter of the Southwest Quarter; thence North 0 Degrees 43 Minutes 25 Seconds East along said West line, 295.18 feet to the point of beginning, in Kendall County, Illinois, containing 2.000 acres, more or less.

Parcel 2: Part of the Northwest Quarter of Section 25, Township 35 North, Range 7 East of the Third Principal Meridian described as follows: Beginning at the Southwest corner of the Northwest Quarter of said Section 25; thence North 89 Degrees 59 Minutes 55 Seconds East along the South line of said Northwest Quarter, 1628.21 feet; thence North 0 Degrees 43 Minutes 25 Seconds East, 33.00 feet; thence South 89 Degrees 59 Minutes 55 Seconds West, 1628.24 feet to the West line of the Northwest Quarter of said Section 25; thence South 0 Degrees 41 Minutes 00 Seconds West, 33.00 feet to the point of beginning, in Kendall County, Illinois, containing 1.234 acres, more or less.

The conveyance of the subject Parcel 2 in this Deed is subject to Grantors reserving to themselves and their successors, heirs, and assigns an Easement for ingress to and egress from the real property retained by them in the Northeast Quarter of Section 25 of Lisbon Township in Kendall County, Illinois.

AFFIDAVIT

(FILE WITH PAUL P. ANDERSON, RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS

COUNTY OF KENDALL

} SS.

DOCUMENT # _____

DANIEL J. KRAMER

, being duly sworn on oath, states that

1107A S. Bridge Street, Yorkville, IL 60560
resides at

That the

attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of the land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct descriptions in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
11. The sale is of a single lot of less than five acres from a larger tract, evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configurations thereof on October 1, 1973, and which sale does not violate any local requirements applicable to the subdivision of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

DANIEL J. KRAMER, Attorney at Law

SUBSCRIBED AND SWORN to before me

this 28th day of April, 19 99.

[Signature]
Notary Public





201400016988

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 12/3/2014 10:22 AM
LASE: 53.00 RHSPS FEE: 10.00
PAGES: 8

ADDENDUM TO
RESTATEMENT BY AGREEMENT OF
PERPETUAL EASEMENT FOR INGRESS AND EGRESS

This Addendum is attached to and made a part of a certain Restatement by Agreement of Perpetual Easement for Ingress and Egress entered into by and between BARBARA J. FONCK, Independent Executor of the Estate of Eugene G. Peterson (Peterson Estate) and GREGORY P. PETERSON and BECKY PETERSON (Gregory and Becky) on the 31st day of October, 2014 and recorded with the Kendall County Recorder on November 6, 2014, as Document Number 201400015637. A copy of Document #201400015637 is attached as Exhibit 1.

It is further agreed that:

1. The location of the easement described in Exhibit C of Document #201400015637 is deleted in its entirety and is replaced as set forth below:

That part of the Northwest 1/4 of Section 25, Township 35 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the Southwest corner of the Northwest 1/4 of said Section 25, thence North 89 degrees 59 minutes 55 seconds East along the South line of said Northwest 1/4, 1760.95 feet; thence North 0 degrees 43 minutes 25 seconds East, 33.00 feet; thence South 89 degrees 59 minutes 55 seconds West 1760.98 feet to the West line of the Northwest 1/4 of said Section 25, thence South 0 degrees 41 minutes 00 seconds West, 33.00 feet to the point of beginning, in Kendall County, Illinois.

8

2 The cost of maintaining the easement from Church Road and continuing east for approximately 1,760.98 feet shall be paid by Gregory and Becky, and their heirs, successors and assigns

~~3. The cost of maintaining the balance of the easement, approximately 905.43 feet, shall be paid by the Peterson Estate, and its successors and assigns~~

4. This Addendum shall be recorded with the Kendall County Recorder.

~~_____~~
GREGORY P. PETERSON
~~_____~~
BECKY L. PETERSON
0

EUGENE G. PETERSON ESTATE
BY ~~_____~~
BARBARA FONCK,
INDEPENDENT EXECUTOR

STATE OF ILLINOIS)
) SS
COUNTY OF GRUNDY)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that the above named individuals personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their 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 notarial seal, this 26th day of November, 2014

PREPARED BY:
ATTORNEY DONALD F. BLACK
BLACK & BLACK
P.O BOX 148
MORRIS, IL 60450

RETURN RECORDED DOCUMENT TO
ATTORNEY DONALD F. BLACK
BLACK & BLACK
P.O. BOX 148
MORRIS, IL 60450

OFFICIAL SEAL
DENISE M VISCO
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES 07/17/15

201400015637

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 11/6/2014 10:50 AM
EASE: 52.00 RHSPS FEE: 10.00
PAGES: 7

RESTATEMENT BY AGREEMENT

OF

PERPETUAL EASEMENT FOR INGRESS AND EGRESS

This Restatement by Agreement is entered into on this 31st day of October, 2014 by and between Barbara J. Fonck, Independent Executor of the Estate of Eugene G. Peterson (Peterson Estate) and Gregory P. Peterson and Becky L. Peterson, formerly known as Becky L. Hootman (Gregory and Becky).

WHEREAS, on April 29, 1999, Eugene G. Peterson, a married person, executed a warranty deed to Gregory P. Peterson and Becky L. Hootman, now known as Becky L. Peterson, as joint tenants with rights of survivorship, to certain real estate in Lisbon Township, Kendall County, Illinois. The warranty deed was recorded with the Kendall County Recorder's Office on April 30, 1999 as Document No. 9906683. A copy of the recorded deed is attached as Exhibit "A", and

WHEREAS, in the conveyance of subject Parcel 2 in the deed, the Grantor reserved for himself, his successors, heirs, and assigns, an easement for ingress to and egress from real estate retained by the Grantor in the Northeast Quarter of Section 25 of Lisbon Township, Kendall County, Illinois, and

WHEREAS, Eugene G. Peterson died on October 23, 2013, and

WHEREAS, an Order was entered in the Grundy County Circuit Court on November 18, 2013 appointing Barbara J. Fonck as Independent Executor of the Estate of Eugene G. Peterson, and

WHEREAS, the Eugene G Peterson Estate is pending in the Grundy County Circuit Court as Case #2013 P 96, and

WHEREAS, the Peterson Estate, Gregory, and Becky desire to restate by agreement the easement reserved by the Grantor in the April 29, 1999 deed that was recorded on April 30, 1999 as Document #9906683.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1 Gregory and Becky convey and grant to the Peterson Estate a non-exclusive easement for ingress and egress for the benefit of Parcels 1 and 2 as described on the attached Exhibit "B" over the real estate described in the attached Exhibit C.

2. This easement is perpetual and shall run with the land. The easement is binding upon the heirs, successors and assigns of Gregory, Becky, and the Peterson Estate.

3. This easement shall be recorded with the Kendall County Recorder's Office

DATED this 31st day of October, 2014.

X
GREGORY J PETERSON

BECKY L. PETERSON, P/K/A
BECKY L. HOOTMAN

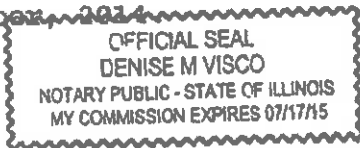
EUGENE G. PETERSON ESTATE,


BY BARBARA FONCK,
INDEPENDENT EXECUTOR

STATE OF ILLINOIS)
) SS
COUNTY OF GRUNDY)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that the above named individuals personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their 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 notarial seal, this 3rd day of October, 2014

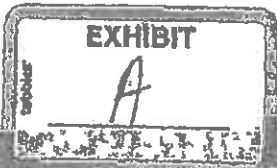




NOTARY PUBLIC

THIS INSTRUMENT WAS PREPARED BY: Attorney Donald F. Black, PO Box 148, Morris, IL 60450

RETURN RECORDED INSTRUMENT TO: Attorney Donald F. Black, PO Box 148, Morris, IL 60450



6905583 04/30/1999 03:27 Paul Anderson, Kendall County, IL Recorder 1 of 5

WARRANTY DEED
Joint Tenancy (Illinois)



THE GRANTOR: EUGENE G. PETERSON, a married person
of the Township of Lisbon
in the County of Kendall
and State of Illinois

COUNTY OF KENDALL
Real Estate Transfer Tax
3.50

for and in consideration of \$10.00 Dollars in hand paid, CONVEYS and WARRANTS to:

GREGORY P. PETERSON and BECKY L. HOOTMAN
whose address is: 16502 Church Rd.
Minooka, IL 60447

not as tenants in common, but in JOINT TENANCY, the following described Real Estate situated in the County of Kendall, in the State of Illinois to wit:

See attached Legal Description

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: 08-25-300-002

Address of Real Estate: Church Rd., Minooka, IL 60447

Dated this 29th day of April, 1999.

EUGENE G. PETERSON



PARCEL 1

The Northeast Quarter of the Southwest Quarter of Section 25, Township 35 North, Range 7 East of the Third Principal Meridian, Kendall County, Illinois, and also a strip of land 2 rods wide off the south side of the South Half of the Northwest Quarter of Section 25, Township 35 North, Range 7 East of the Third Principal Meridian,

And

Excepting therefrom: Beginning at the Northwest corner of the Southwest Quarter of said Section 25; thence North 89 degrees 59 minutes 55 seconds East along the North line of said Southwest Quarter, 1333.03 feet to the Northwest corner of the Northeast Quarter of said Southwest Quarter; thence South 0 degrees 43 minutes 25 seconds West along the West line of said Northeast Quarter, 703.38 feet; thence North 89 degrees 59 minutes 55 seconds East 295.18 feet; thence North 0 degrees 43 minutes 25 seconds East, 736.38 feet to the North line of the South 2 rods of the South Half of said Northwest Quarter; thence South 89 degrees 59 minutes 55 seconds West along said North line, 1628.24 feet to the West line of said Northwest Quarter; thence South 0 degrees 41 minutes 00 seconds West 33.00 feet to the Point of Beginning.

Further excepting therefrom:

That part of the Northeast Quarter of the Southwest Quarter of Section 25 and part of the Northwest Quarter of Section 25, all in Township 35 North, Range 7 East of the Third Principal Meridian, described as follows

Commencing at the Northwest corner of the Southwest Quarter of said Section 25, thence North 89 degrees 59 minutes 55 seconds East along the North line of said Southwest Quarter, 1333.03 feet to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 25, thence South 00 degrees 43 minutes 25 seconds West along the West line of the Northeast Quarter of the Southwest Quarter of said Section 25, for a distance of 295.18 feet; thence North 89 degrees 59 minutes 55 seconds East, 285.18 feet to the Point of Beginning, thence North 00 degrees 43 minutes 25 seconds East, 328.18 feet to the North line of the South 2 rods of the South Half of the Northwest Quarter of said Section 25, thence North 89 degrees 59 minutes 55 seconds East along the North line of the South 2 rods of the South Half of the Northwest Quarter of said Section 25, 132.74 feet, thence South 00 degrees 43 minutes 25 seconds West, 328.18 feet, thence South 89 degrees 59 minutes 55 seconds West, 132.74 feet to the Point of Beginning;

all in Kendall County, Illinois

PARCEL 2

That part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 35 North, Range 7 East of the Third Principal Meridian, described as follows Commencing at the Northwest corner of the Southwest Quarter of said Section 25, thence North 89 degrees 59 minutes 55 seconds East along the North line of said Southwest Quarter, 1333.03 feet to the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 25, thence South 00 degrees 43 minutes 25 seconds West along the West line of the Northeast Quarter of the Southwest Quarter of said Section 25, for a distance of 295.18 feet to the Point of Beginning, thence North 89 degrees 59 minutes 55 seconds East, 295.18 feet, thence South 00 degrees 43 minutes 25 seconds West, 408.20 feet; thence South 89 degrees 59 minutes 55 seconds West 295.18 feet to the West line of the Northeast Quarter of the Southwest Quarter of said Section 25, thence North 00 degrees 43 minutes 25 seconds East along the West line of the Northeast Quarter of the Southwest Quarter of said Section 25, for a distance of 408.20 feet to the Point of Beginning, in Kendall County, Illinois



That part of the Northwest 1/4 of Section 25, Township 35 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the Southwest corner of the Northwest 1/4 of said Section 25, thence North 89 degrees 59 minutes 55 seconds East along the South line of said Northwest 1/4, 1628.21 feet, thence North 0 degrees 43 minutes 25 seconds East, 33 00 feet, thence South 89 degrees 59 minutes 55 seconds West, 1628.24 feet to the West line of the Northwest 1/4 of said Section 25; thence South 0 degrees 41 minutes 00 seconds West, 33 00 feet to the point of beginning, in Kendall County, Illinois

SECTION 7.00 AGRICULTURAL DISTRICTS

Updated on 9.19.14

provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.

6. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.
7. No sign, other than one identification sign as permitted in Chapter 12 of this ordinance shall be allowed.
8. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of this ordinance. (AMENDED - 9/21/04)
32. Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice, athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses.
33. Outdoor Target Practice or Shooting (not including private shooting in your own yard) with the following conditions:
 - a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.
 - b. Requires minimum parcel size of 5 acres, depending on the venue.
 - c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
 - d. State recognized, nationally recognized or NRA Certified range supervisor must be present

SECTION 7.00 AGRICULTURAL DISTRICTS

Updated on 9.19.14

- e. Range flag flown, a sign or red light lit at all times that firing is taking place.
- f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
- g. Access must be controlled by a lockable gate.
- h. Hazardous waste plan addressing lead management required.
- i. No discharge of lead shot into wetland.
- j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
- k. No alcohol allowed.
- l. No projectiles shall leave the boundaries of the site.
- m. All applicable Federal, State and County rules and regulations shall be adhered to.
- n. Must meet all requirements of the Kendall County Health Department
- o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
- p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
- q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.
- r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

34. Paintball Facilities subject to the following conditions:

- a. Minimum lot size of 20 acres;
- b. The facility shall have direct access to a road designated as a major collector (or higher) in County Land Resource Management Plan unless the Township Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road;
- c. Hours and days of operation as specified in Special Use Permit to be determined by the County Board
- d. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and
- e. No paintball activity shall leave the boundaries of the site, including fired paintballs.
- f. Requirement of netting to be installed around the property shall be determined by the County Board
- g. Paintball guns shall only be powered by carbon dioxide (CO2), high pressured air (HPA) or Nitrogen (N2).
- h. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- i. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.

Exhibit

PROPOSAL
S & K EXCAVATING & TRUCKING, INC.
P.O. Box 655
NEWARK, IL. 60541
PHONE: (815) 695-1100
FAX: (815) 695-1101

PROPOSAL SUBMITTED TO: Robert Delaney

DATE: April 3, 2017

PHONE:

FAX:

S & K EXCAVATING & TRUCKING, INC. HEREBY PROPOSES TO:

JOB: 136502 B Church Rd, Minooka

Description of Work:

Strip Lead Contaminated Soil off Berm
Load into Truck
1 Loads Haul Off to Designated Dump Site

TOTAL 3,500.00

* Due to Changes to CCDD (Clean Construction and Demolition Debris) Regulations any material hauled offsite will need certification from the property owner and/or Professional Engineer prior to removal. This documentation includes a certification from a licensed professional Engineer stating that the soil is uncontaminated and must be provided to S & K Excavating. If soil is found to be contaminated there will be an additional cost to hauling away
*Quote does not include Engineering, Layout, Permits or Bonding.

BY: _____

The Customer shall pay 1.5% per month interest on any balance remaining on any outstanding invoice 30 days after invoice date. Customer shall pay contractor's reasonable attorney fees and costs to collect any account over thirty days, 10% liquidation damages and consents to jurisdiction of any dispute with the Eighteenth Judicial Circuit Court of DuPage County, IL.

Accepted By _____

Date _____

North
N

Grainery

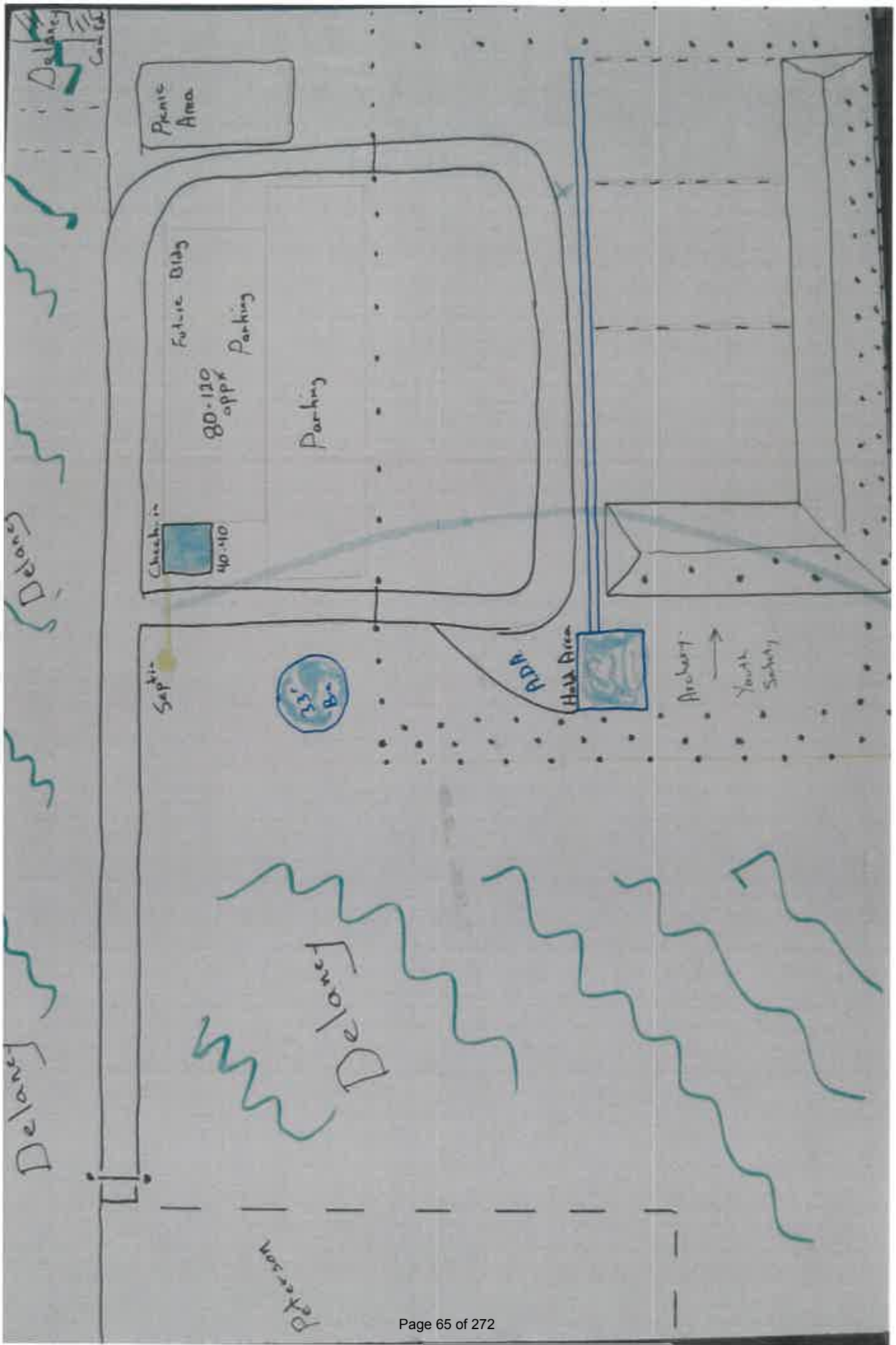
Foundation

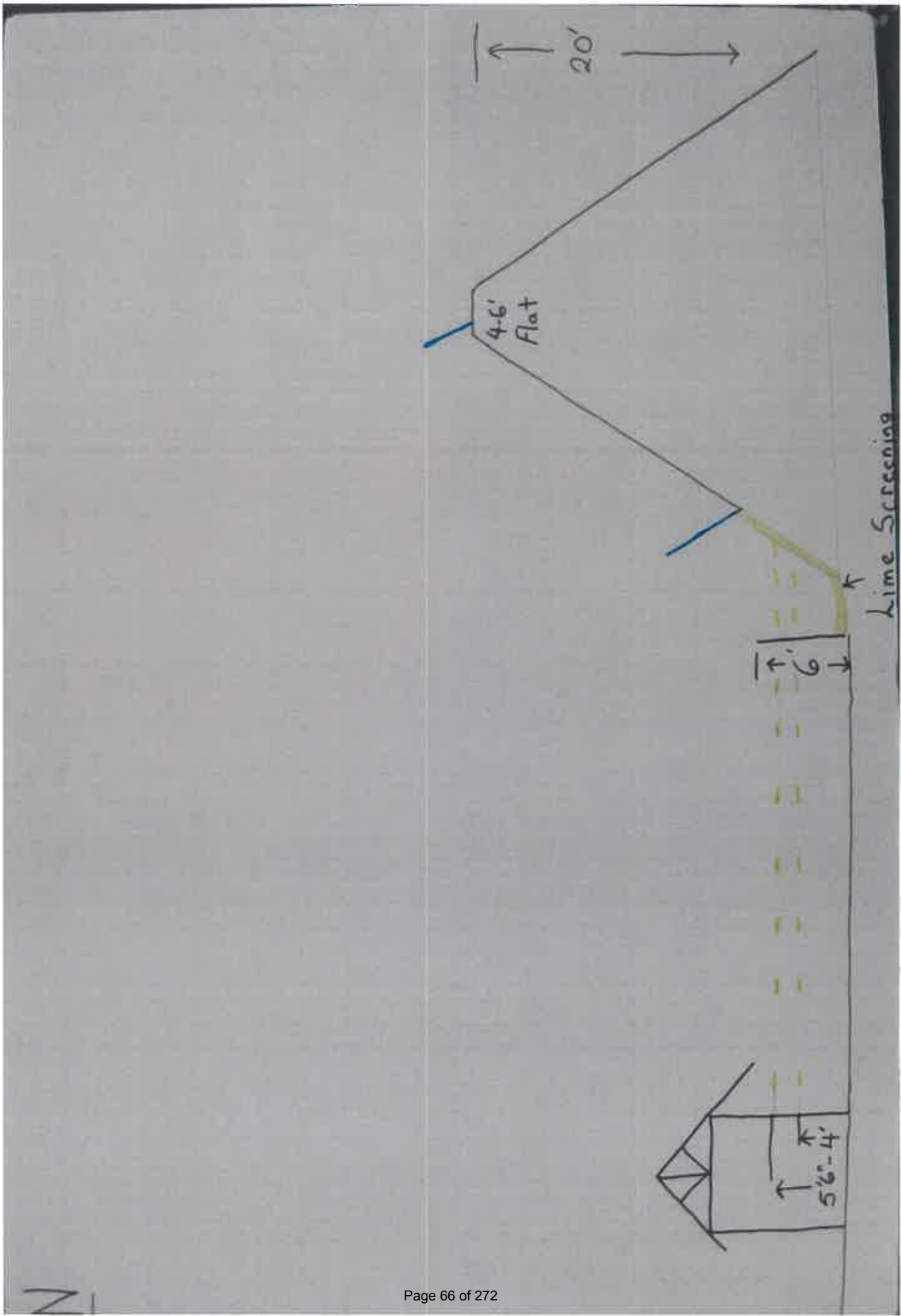
Barn

Crib

33' Bin

2-Car Garage





#1 Free Legal Website

FindLaw.com is the leading and largest online resource for legal information. For basic legal issues to more complex ones, you'll find thousands of helpful articles, a legal community to get answers to your specific questions, an attorney directory, blogs, news, DIY forms, and much more.

Easement Basics

You are interested in purchasing a home, but when you view the house you notice that the only access to it is via a driveway crossing the neighboring landowner's property. How will the driveway impact your potential purchase? A cable television company is seeking to install its cable lines, and would like to run its cable along existing electrical poles. Can the cable company negotiate only with the electric company, or must it negotiate with all landowners whose property is crossed by the electrical poles? Both of these scenarios potentially involve an easement, a property right that gives its holder a nonpossessory interest in another person's land. Easements regularly impact all types of real estate transactions and are increasingly utilized for conservation and historic preservation purposes. Despite their prevalence, many people lack a clear understanding of easements, and the numerous legal problems that can arise in their drafting, interpretation and implementation.

What is an Easement?

An easement is commonly defined as a nonpossessory interest in another person's land. The nonpossessory nature of an easement is one of its primary -- and potentially confusing -- characteristics. An easement is a property interest that allows the holder of the easement to use property that he or she does not own or possess. An easement does not allow the easement holder to occupy the land, or to exclude others from the land, unless they interfere with the easement holder's use. In contrast, the possessor of the land may continue to use the easement and may exclude everyone except the easement holder from the land. For instance, if Alvin owns a piece of property and grants Barbara a right-of-way on the road across the property, Barbara has an easement in Alvin's property. Barbara may use the road, but may not stop others from also using the road, except to the extent that their use interferes with her own use of the road. Alvin may exclude everyone except Barbara from crossing his property, while continuing to use the road himself.

Land affected or "burdened" by an easement is called a "servient estate," while the land or person benefited by the easement is known as the "dominant estate." If the easement benefits a particular piece of land, it is said to be "appurtenant" to the land. If the easement only benefits an individual personally, not as an owner of a particular piece of land, the easement is termed "in gross." Most easements are affirmative, which means that they authorize use of another's land. Less common are negative easements, which usually involve preserving a person's access to light or view by limiting what can be done on neighboring or nearby property.

Creation of an Easement

Easements are usually created by conveyance in a deed, or some other written document such as a will or contract. Creation of an easement requires the same formalities as the transfer or creation of other interests in land -- typically: a written instrument, a signature, and proper delivery of the document. In limited circumstances, a court will create an easement by implying the existence of the easement based on the circumstances. Two common easements created by implication are easements of necessity and easements implied from quasi-easements. Easements of necessity are typically implied to provide access to a landlocked piece of property. Easements implied from quasi-easements are based on a landowner's prior utilization of part of his or her property for the benefit of another portion of his land. Other methods of establishing easements include prescriptive use (i.e. by the routine, adverse use of another's land), estoppel (a legal doctrine involving reliance on the words or actions of another person), custom, public trust, and condemnation.

Legal "Scope" of Easements

After an easement is created, questions often arise concerning the location, dimensions, and scope of the interest. These questions must be resolved on a case-by-case basis, and are impacted by the method of the easement's creation. Questions involving matters clearly covered by the written document, or the prior use or necessity that created the easement, may be resolved relatively easily. However, sometimes the written document, prior use, or necessity does not clearly resolve the question of scope. Written documents creating easements are often vague or incomplete, and inferences from prior use or necessity are imprecise. In these cases, the parties' intent is uncertain and must be construed by the courts.

Rights and Remedies Under an Easement

As a general rule, an easement holder has a right to do "whatever is reasonably convenient or necessary in order to enjoy fully the purposes for which the easement was granted," as long as he or she does not place an unreasonable burden on the servient land. Conversely, the owner of the servient land may make any use of that land that does not unduly interfere with the easement holder's use of the easement. What constitutes an undue burden depends upon the facts of each individual situation. For instance, an increase in traffic over an easement giving access to a beach resort may not necessarily constitute an undue burden. But, the traffic resulting from changing a dominant estate from private use to a commercial business might constitute an additional burden on the servient estate. Reasonable use of an easement is not fixed at a particular point in time. The concept of reasonableness includes a consideration of changes in the surrounding area, as well as technological developments. For instance, courts have allowed an easement holder to convert a railroad right of way to a recreational trail, cut trees within an access easement, and replace a low-pressure gas pipeline with high-pressure equipment.

If a court determines that a servient estate is unduly burdened by an unreasonable use of the easement, the servient estate holder has several potential legal remedies. These include court orders restricting the dominant owner to an appropriate enjoyment of the easement, monetary damages when the easement holder exceeds the scope of his or her rights and injures the servient estate, and in some cases extinguishment of the easement. Likewise, remedies exist for interference by the servient owner. Interference with an easement is a form of trespass, and courts frequently order the removal of an obstruction to an easement, i.e. by ordering the removal of encroaching structures at the servient owner's expense. If interference with an easement causes diminution in the value of the dominant estate, courts may also award compensatory damages to the easement holder.

Transferability

The transferability of easements must also be considered when undertaking a real estate transaction. An easement's transferability depends on its nature (i.e. whether it is appurtenant or in gross). In general, an easement appurtenant is transferred with the dominant property even if this is not mentioned in the transferring document. But, the document transferring the dominant estate may expressly provide that the easement shall not pass with the land.

Because easements in gross are treated as a right of personal enjoyment for the original holder, they are generally not transferable. Recreational rights such as hunting, camping and fishing are the most common examples of nontransferable easements in gross. However, several states have enacted statutes designed to facilitate the transfer of easements in gross. The transfer of easements in gross for commercial uses such as telephones, pipelines, transmission lines, and railroads is often permitted.

Other Legal Issues to Consider

Courts generally assume easements are created to last forever, unless otherwise indicated in the document creating the easement. Despite this, an individual granting an easement should avoid any potential legal or interpretive problem by expressly providing that the easement is permanent. Although permanent easements are the norm, they can be terminated in a number of ways. For instance, an easement may be created for a limited time or conditional duration, so that the easement ends when the time passes or the condition occurs. Easements of limited duration are commonly used to provide temporary access to a dominant estate pending the completion of construction work. An easement may also be terminated when an individual owning the dominant estate purchases the servient estate, or when the holder of an easement releases his or her right in the easement to the owner of the servient estate. This release must be in writing. Abandonment of an easement can also extinguish the interest, but as a general rule mere nonuse of an easement does not constitute abandonment. Under some circumstances, misuse or the sale of a servient estate may terminate an easement. Finally, condemnation of an easement by a public authority, or condemnation of the servient estate for a purpose that conflicts with the easement, terminates an existing easement.

Easements: Getting Legal Help

Easements give an easement holder the right to use or to prevent the use of property he or she does not own or possess. This places the easement holder and the possessor of the servient estate in the unique position of simultaneously utilizing the same piece of land. The prevalence of easements and their nonpossessory nature creates a unique set of considerations in drafting, interpretation and implementation. It is essential to have a basic understanding of the manner in which they are created, their scope, transferability, and methods of termination. Whether an individual or a business wishes to create an easement, purchase property burdened by an easement, or determine the nature of a property interest, the assistance of a land use attorney can be an invaluable asset.

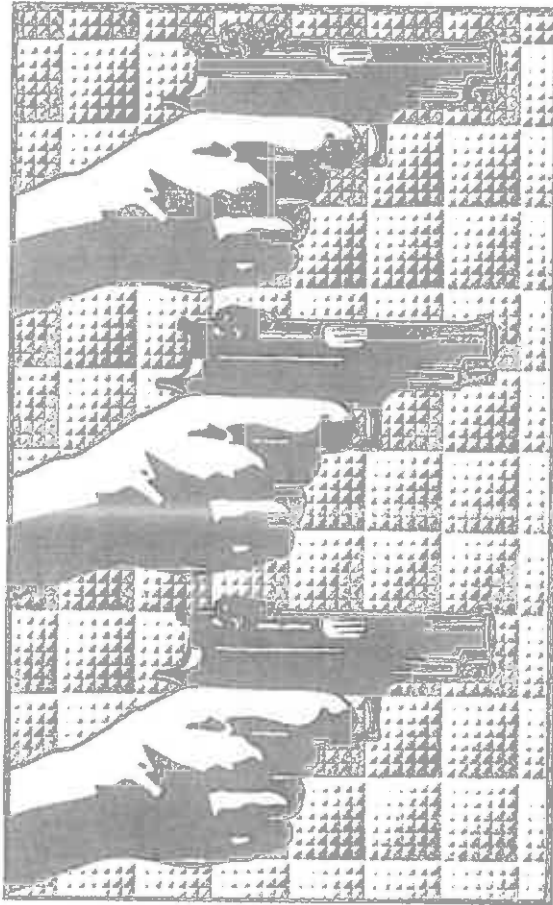
APPENDIX

1. Roger Bernhardt, and Ann M. Burkhart, *Real Property in a Nutshell*, 2000.
2. Jon W. Bruce and James W. Ely, Jr., *The Law of Easements and Licenses in Land*, 1988
3. Stephen A. Siegel, *A Student's Guide to easements, Real Covenants, and Equitable Servitudes*, 1988.

FIRING RANGES

The Airborne Lead Dust Hazard

Employer's Guide



Texas Department of Health

THE AIRBORNE LEAD DUST HAZARD

Exposure to lead dust and fumes
at the firing range may harm the
health of:

Firearm instructors

Other employees

Shooters








The firing range safety plan
should:

Protect their health and

Minimize contamination to
the environment

LEAD DUST IN A FIRING RANGE

Airborne lead dust is created by:

-  Exploding lead styphnate primers
-  Friction from the lead slug against the gun barrel
-  Lead slugs hitting the bullet trap, walls, floors, or ceiling of the range
-  Spent bullets and settled dust
-  Improper range-cleaning methods disturbing settled dust
-  Poor indoor range ventilation
-  Outdoor weather conditions

Other High Lead Dust Sources

Bullet loading creates a fine dust that is very difficult to clean.

Melting lead to cast bullets produces a fume, which turns into tiny dust particles that can stay in the air for up to 10 hours. A person can easily breathe in this fine dust.

The dust also can contaminate surfaces.

NEVER load bullets or melt lead:

- In an unventilated area
- Inside the home
- Anywhere children may live or play

Lead Dust Can Be Carried Home!

When employees and shooters are in the firing range, lead dust can:

- Settle on their bodies
- Settle on their hair
- Settle on their clothes
- Be picked up on their shoes

Then the dust can be carried to their cars and homes, where it can harm their family and children.

HEALTH EFFECTS

Lead is a strong poison that serves no known use once absorbed by the body. Lead dust can enter the body by breathing or eating.

The body stores lead in the:

- BLOOD — for about 1 month
- BODY ORGANS — for several months
- BONES — for decades

It affects the:

- Brain and nervous system
- Digestive System
- Reproductive System
- Kidneys
- Ability to make blood

Small amounts of lead can build up in the body and may cause temporary symptoms or permanent damage.

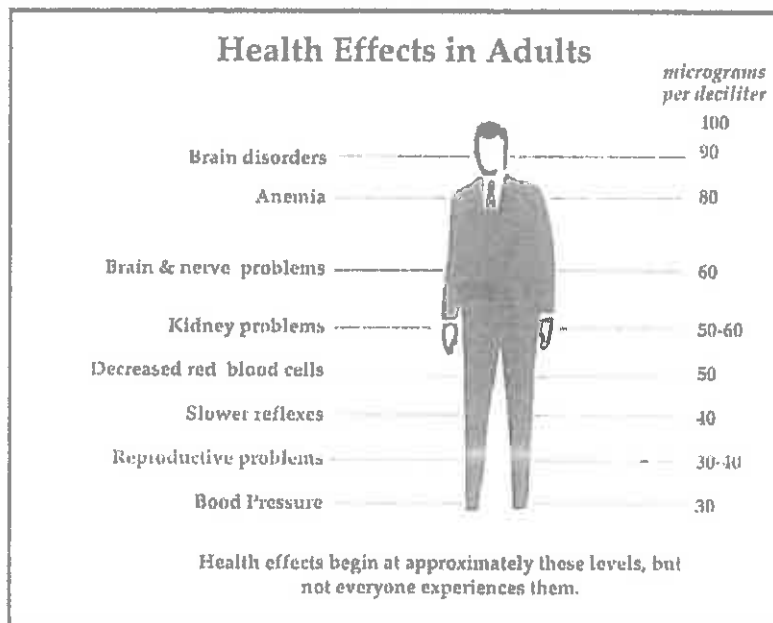
To find the amount of lead in the body, a health professional can take a blood sample from an adult or child and have it analyzed.

An elevated blood lead level is a sign that lead is building up in the body faster than it can be removed.

Adults

Adults can absorb lead at work or from hobbies. Lead dust and fumes can enter the body by:

- Breathing in lead dust and fumes
- Swallowing lead when drinking, eating, or smoking in contaminated areas
- Not washing their hands and faces after being in a contaminated area



WHAT AN EMPLOYER SHOULD DO

INDOOR RANGES

LIMIT EXPOSURE

The Occupational Safety and Health Administration (OSHA) limit for lead exposure for an employee is:

In Air: Do not exceed the PEL (Permissible Exposure Limit) of 50 micrograms of lead per cubic meter of air averaged over an 8-hour day.

In Blood: Levels should be below 40 micrograms per deciliter of blood for a firing range employee working 40 hours per week.

ISOLATE

Instructors are at greatest risk for long-term exposure to lead because they spend more time on the firing range.

A separate booth for the instructor can be installed in the range.

It must have its own tempered and filtered air supply.

It will not reduce lead exposures to other range users, but it will reduce the range instructor's lead exposure.

SUBSTITUTE

Substitution may reduce lead exposure so no additional range alterations are necessary.

To reduce the airborne lead discharged in firing use:

- Copper bullets or
- Nylon-clad bullets and
- Non-lead primers (such as manitol hexanitrate tetracene)

The ballistic characteristics of non-lead primers do not equal those of conventional primers.

When conventional primers are necessary, use this ammunition loaded with jacketed bullets.

BULLET TRAP

Avoid using angled backstops with sand traps.

Sand traps can generate a large amount of airborne lead dust and require frequent cleaning.

Escalator backstops and their variations:

- Trap bullets and fragments
- Generate less dust and are easier to clean
- Spent bullets can be recovered and sold without sand removal

VENTILATION

- Design ventilation systems for planned use of firing range.
- Ventilation system for range area must be separate from ventilation for rest of building.
- Exhaust air from range should not feed into air supplies for:
 - Offices
 - Meeting rooms
 - Other businesses
- Improper use or maintenance of ventilation system can defeat its purpose and increase lead contamination.
- Effective ventilation system produces smooth airflow.
- Ineffective ventilation system produces eddies and recirculation that can carry fumes and dusts from weapons to the area behind the firing line.
- Recirculation and channeling airflow can be caused by objects such as:
 - Overhead barriers
 - Sound barriers
 - Booth walls
 - Light fixtures
 - Poorly located air inlets
 - Shooters

CLEANING

- Indoor firing ranges require frequent cleaning.
- Clean walls, floors, ceilings, and bullet traps on a regular basis to:
 - Prevent settled dust from becoming an airborne hazard and
 - Make ventilation system work better.
- Use appropriate methods to clean.
 - DO NOT DRY SWEEP!
 - Use a vacuum cleaner with a high-efficiency particulate (HEPA) filter to remove lead-contaminated dust.
 - Use a wet cleaning method if vacuum cleaner with a HEPA filter is not available.
 - Employees cleaning range must:
 - Wear appropriate protective equipment
 - Wear an approved respirator
 - Wear work clothing
 - Wear work shoes
 - Shower and change clothes before leaving site
 - Work clothing must be disposable or laundered separately to prevent contaminating the home.

OUTDOOR RANGES

Airborne lead dust is also a concern in outdoor ranges.

Employees or shooters can be exposed to lead dust.

The surrounding environment can become contaminated by wind carrying the lead dust off-site and through water runoff.

BULLET TRAP

Removing spent bullets or removing the face of a berm can create large quantities of lead dust.

Instead of earthen backstops, steel backstops similar to those constructed in indoor ranges, can be used.

- The trap holds the bullets and fragments, minimizing lead pollution in the soil.
- The spent bullets can be recovered and sold without soil removal.

REFERENCES

National Rifle Association. *The Range Manual*, 1999

Crouch KG, Peng T, Murdock DJ, *Ventilation Control of Lead in Indoor Firing Ranges: Inlet Configuration, Booth and Fluctuating Flow Contributions*, NIOSH, 1990 (draft)

Juhasz AA, *The Reduction of Airborne Lead in Indoor Firing Ranges by Using Modified Ammunition*. US Department of Commerce, 1977.

ATSDR *Toxicological Profiles*, 1990.

OSHA. *Occupational Lead Standard*, 29 CFR 1910.1025

WHAT EMPLOYEES AND SHOOTERS CAN DO

Use the ventilation systems.

Make sure they are working properly.

Wash hands and face before eating - drinking - smoking.

Wash hands and face before leaving range.

Wash range clothes separately from family's clothes.

Always load bullets in a ventilated area.

Do not load bullets in the home or in areas where children live or play.

Do not allow children into the bullet-loading area.

Keep bullet-loading area clean by using a high-phosphate detergent.



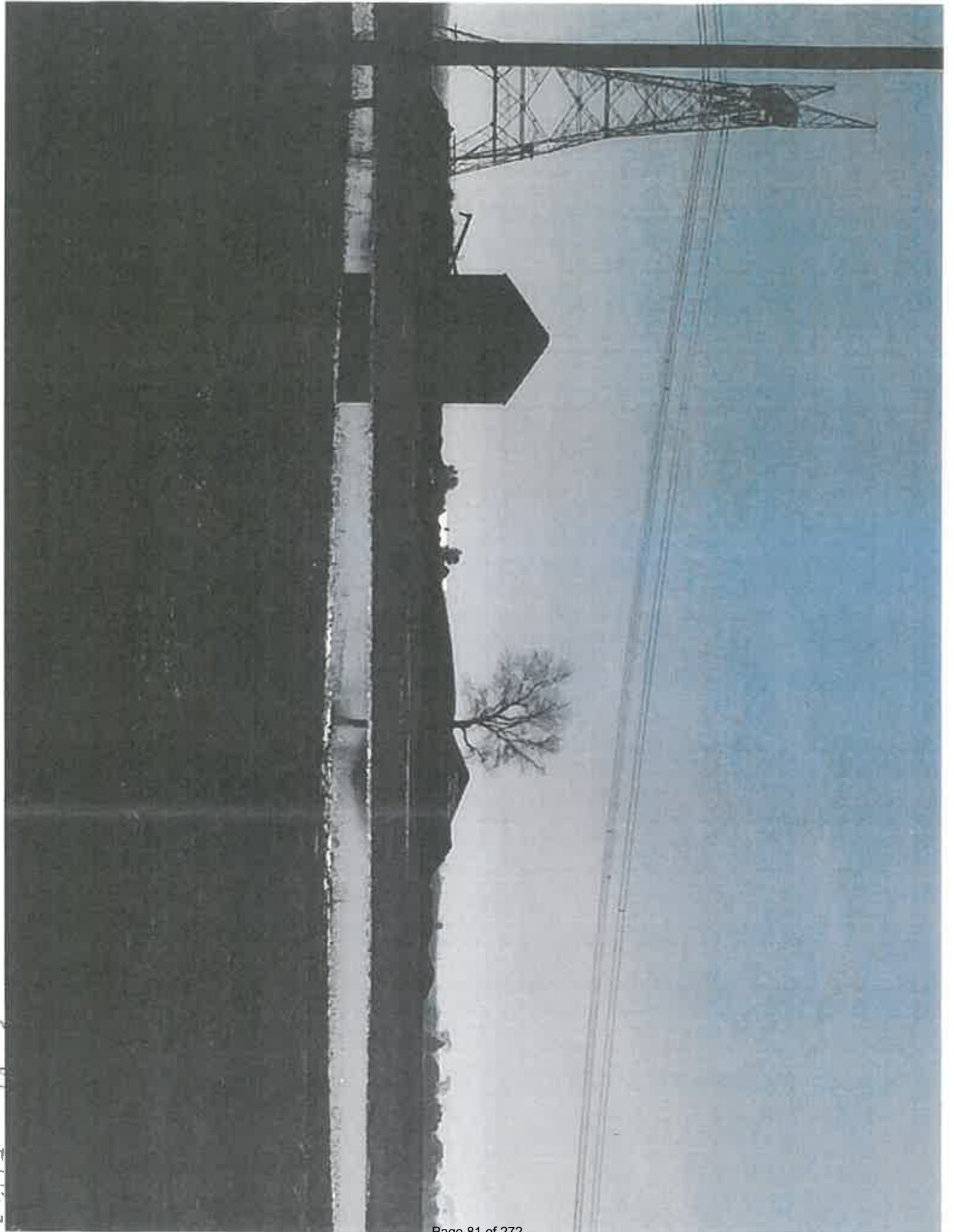
Publication funded in part by Grant #U60/CCU608464-01 from CDC, NIOSH. Contents are the sole responsibility of the authors and do not necessarily represent the official views of CDC.

For more information on lead exposure and firing ranges, write or call:

Environmental & Occupational Epidemiology Program
Noncommunicable Disease Epidemiology &
Toxicology Division
Texas Department of Health
1100 W. 49th Street
Austin, Texas 78756
512-458-7269
512-458-7699 fax
Toll Free Number 1-800-588-1248



Texas Department of Health
#4644 3/96



Kenon H. Johnson E.A.H. 11/10/03

Petition to Deny A-1 Special-Use

Petition summary and background:

We the Property Owners and Residents located near the proposed Shooting Range are objecting to this Petition #16-14 based on the Loss of Property Value, Loss of Quality of Life, Safety, Environmental Hazards, Increased Traffic and Increased Noise due to the proximity of this Commercial Enterprise in a Residential/Ag neighborhood.

Action petitioned for:

We, the undersigned, are concerned citizens who urge our leaders to act now to Deny the Petition #16-14 for an A-1 Special-Use for an Outdoor Shooting Range located at 16502B Church Rd, Church Rd, Lisbon Twp (PIN 08-25-300-006-009)

Printed name	Signature	Address	Comment	Date
Greg Peterson		16502A Church Rd. Minooka, IL 60447	Property owner / resident 100% opposed	7/21/16
BETH REISS		11502L Church Rd Minooka IL	100% opposed	7/21/16
Anthony Dices		16502 Church Road Minooka, IL 60447	100% opposed, my future home.	7/21/16
PAUL MORRIS		15475 CHURCH RD MINOOKA, IL 60447	PROPERTY OWNER / RESIDENT 100% OPPOSED	7/22/2016
Tammy Morris		15475 Church Rd minooka IL 60447	100% opposed	7/22/16
John Fitzgerald		14810 Church Rd Minooka IL 60447	Property owner 100% opposed	7/22/16
Sharon Fitzgerald		14810 Church Rd Minooka IL 60447	Property owner 100% opposed	7/22/16
Scott Walker		15714 Ashl. rd Minooka IL 60447	Property owner 100% opposed	7-22-16
Dolly Mallin		15724 Ashley Rd Minooka, IL 60447	Property owner - 100% opposed	7/22/16
Tinae Bens		15063 Church Rd Minooka IL 60447	Property owner 100% opposed	7-22-16
Sharon Tubert		16440 BKSAIN RD MINOOKA IL 60447	Property owner 100% opposed	7-23-16
POU SEVENSON		3651 N. Hill, 60447 Minooka, IL	PROPTTY OWNER 100% OPPOSED	7/23/16

Greg Peterson Good Faith #4

PETITION SHEET # 1

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.

Print circulator(s) name:

Greg Peterson

Address

16502A Church Rd, Minooka, IL 60447

Signed



Date 3 / 28 / 2017

Petition to Deny A-1 Special-Use

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Petition summary and background: We the Property Owners and Residents located near the proposed Shooting Range are objecting to this Petition #16-14 based on the Loss of Property Value, Loss of Quality of Life, Safety, Environmental Hazards, Increased Traffic and Increased Noise due to the proximity of this Commercial Enterprise in a Residential/Ag neighborhood.

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Printed name	Signature	Address	Comment	Date
Mike Haley		16700 Brisbin Rd 60447	Property Owner	7-23-16
KARL BOWLE		72280 BRISBIN RD 60447	PROPERTY Owner	7-23-16
Veronica Reust		3205 Sherill Rd.	Property Owner	7-23-16
Kristopher Steil		15785 Church Rd	Resident	7-23-16
XXXXXXXXXX	XXXXXXXXXX	15785 Church Rd	Resident	7/23/16
Soe Wilson		3851 HOLT RD	Property Owner	7/23/16
Austin Brown		16502A Church rd. #	Resident	7/24/16
Rick Scamman		14585 Lisbon Rd	Property Owner	7-25-16
XXXXXXXXXX	XXXXXXXXXX	11770 N. CLYDE RD	Property Owner	7-25-16
Paul Mills		700 Steady Creek	Property Owner	7-25-16
Sandy Siegel		11940 N. Church Rd.	Property Owner	7-25-16
Laurance Johnson		4375 White Willow Rd.	Property Owner	7-25-16

PETITION SHEET # 2

Special Use #16-14 Kendall County Illinois

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Print circulator(s) name:

Greg Peterson

Address

16502 A Church Rd, Minooka, IL 60447

Signed



Date 3 / 28 / 2017

Petition to Deny A-1 Special-Use

DP

Petition summary and background:

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Printed name	Signature	Address	Comment	Date
Denise Jensen		4375 Whitehills Woods	property owner	7-25-16
Eric Peterson		1223 Liberty St. Morris	Resident	7-25-16
REGARD KUNKE		15665 CROUCH RD MINNOCRA	RESIDENT	7-25-16
MARIA KUNKE		15665 Church Rd Minnoka	RESIDENT	7-25-16
LEE SCHULTZ		16045 Church Rd Minnoka	Resident	7-25-16
Aurta Sokalitz		16045 Church Rd Minnoka	Resident	7-25-16
BARB OLSON		15840 Oakley Rd Minnoka, W. Resident		7-25-16
KEN OLSON		15840 Oakley Rd - W Minnoka, W. Resident	PROPERTY OWNER	7-25-16
RON REVISKY		3205 E STEKILL RD MINNOCRA, IL		7-25-16
Mark Johnson		14380 Ashley Rd.	minnoka, IL	7-25-16
		11525 Joliet Rd	Lisbon OH	7-26-16
Suzanne Juskevich		7793 E Sherrill Rd	property owner	7-26-16

PETITION SHEET # 3

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.

Print circulator(s) name:

Greg Peterson

Address

16502 A Church Rd, Minooka, IL 60447

Signed

Date 3 / 28 / 2017

Petition to Deny A-1 Special-Use

57
17

Petition summary and background:

We the Property Owners and Residents located near the proposed Shooting Range are objecting to this Petition #16-14 based on the Loss of Property Value, Loss of Quality of Life, Safety, Environmental Hazards, Increased Traffic and Increased Noise due to the proximity of this Commercial Enterprise in a Residential/Ag neighborhood.

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Printed name	Signature	Address	Comment	Date
David Shears		17311 Bessan to Minerva		7-27-16
David Shears	Signature			
Donald Anderson		15610 Oakley Rd, Minerva		7-27-16
Rev Anderson		15610 Oakley Rd, Minerva		7-27-16
Cheryl Mahalik		15588 Ashlyndale Minerva		7-27-16
Ann Steil		15705 Church Rd Minerva	Property owner	7/27/16
Greg Hite		3851 Hill Rd Minerva	Property owner	7/29/16
Burton Siegel		11030 N. Ashlyndale, Minerva	Property owner	7/30/16

PETITION SHEET # 4

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.

Print circulator(s) name:

Greg Peterson

Address

16502 A Church Rd, Minooka, IL 60447

Signed



Date 3 / 28 / 2017

CP
CSD

Name	Address	Phone	Email
Cindy Heap / Jeff Heap Amita / Lee Schultz	7766 White Willow Rd Merrick	607 338 3333	cdheap@att.net cdheap@att.net

PETITION SHEET # 5

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.

Print circulator(s) name:

Greg Peterson

Address

16502 A Church Rd, Minooka, IL 60447

Signed



Date 3 / 28 / 2017

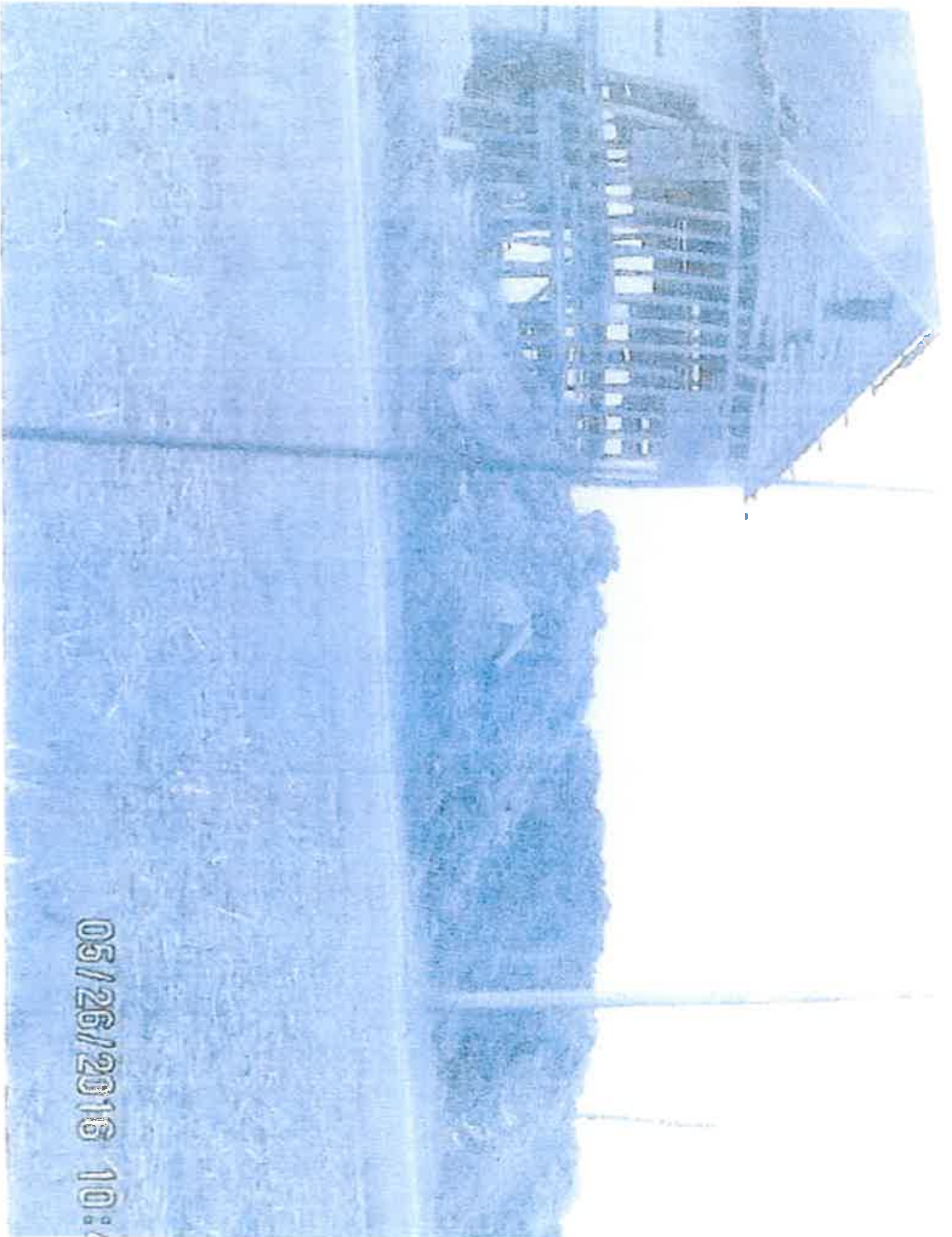


05/26/2018 10:43

Good Behavior Group Staff









05/28/2016 11









contego defense group



Tactical pistol drill with 2 IDPA targets and steel

Contego Defense Group



Published on Jul 28, 2015

264 views

Like Dislike

264 views

Published on Jul 28, 2015

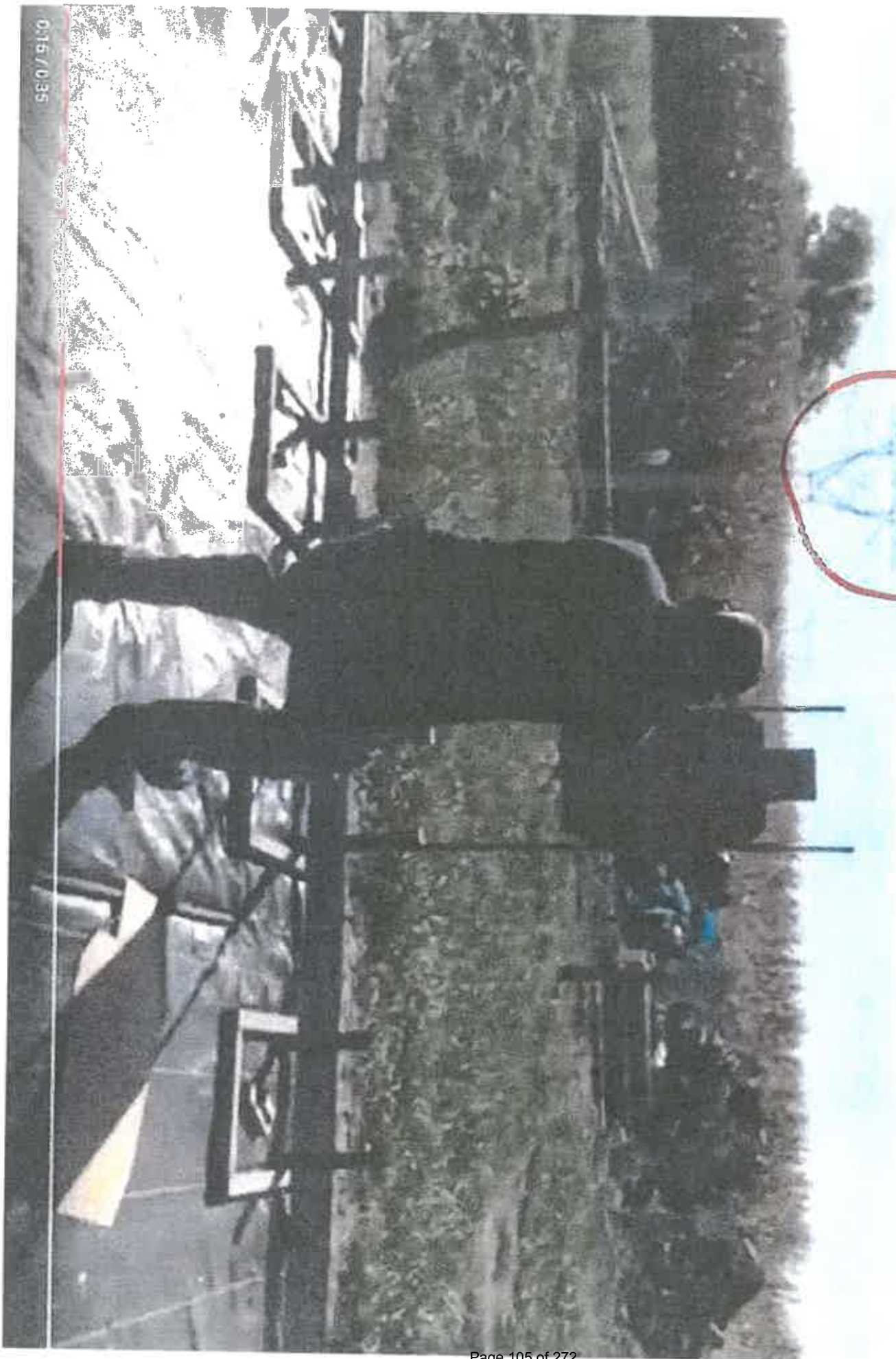
We run a pistol drill with multiple engagements and rapid movements. From cover we open draw and engage two paper targets at seven yards, then hard burns to hit a steel plate at ten yards.







contego defense group



0:15 / 0:35







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108 views

contegodefensegroup It might look missed that 4th clay target, but reall wounded it pretty bad. It will go back its clay friends and tell them about it scariest day of its life. And it'll have t scars to prove it.

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contegodefensegroup It missed that 4th clay target, wounded it pretty bad. It will its clay friends and tell their scariest day of its life. And it scars to prove it.



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contegodefensegroup It might miss that 4th clay target, but it wounded it pretty bad. It will scare its clay friends and tell them it's the scariest day of its life. And it'll scare to prove it.

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contegodefensegro missed that 4th clay wounded it pretty bi its clay friends and t scariest day of its life scars to prove it.

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CDG Instructor David Ryniec teaching basic marksmanship at an IL Concealed Carry Class
CDG Instructor David Ryniec reviewing a trigger control drill at our September Illinois Concealed Carry Class

f w s+ p in

1 of 3



X



CDG Instructor David Ryneck reviewing a trigger control drill at our September Illinois Concealed Carry Class.

2 of 3

f 8+ p in

Event upload: 2016-09-11-2016-CLASS-CHILDREN-SUN-TRAINING_SEPT13-2016_2





CDG Instructor David Rytter reviewing a trigger control drill at our September Illinois Concealed Carry Class

f g+ p in

sent: upload: 2016-09-11-CCL-CLASS-CHICAGO-GUN-TRAINING_SEPT-24-2016_0...

3 of 3



Mar
25

Elemental Skills Clinic - Class I: Draw Technique

by Deseronto Defense Group



Sales Ended

\$30

DETAILS

DESCRIPTION

Our Elemental Skills Clinics are designed to develop specific aspects of marksmanship to help elevate your overall shooting skills. The draw clinic will focus on techniques that will help you with maximizing the efficiency of your movements to be able to pull your weapon out quicker than your threat- because the person who can shoot faster and more accurately will win the fight. Drills and discussions will include different draw techniques and considerations, different carrying positions and holsters and accurate shots placed quickly & how to maximize your draw. And at least 2 magazines will be required.

Found event here: [http://www.15C.com](#)

For more info contact us at 630.430.3153 or info@contagdefensegroup.com

DATE AND TIME

Sat, March 25, 2017
3:00 PM - 4:00 PM CDT
[Add to Calendar](#)

LOCATION

CDG RANGE
14207 Church Rd
Minooka, IL 60447
[View Map](#)



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CDG Schedule

1 HOW TO REGISTER FOR A COURSE AT CDG

To register find the class you would like to register for on our schedule below. Click on the class you would like to register for & you will be taken to the eventbrite page to register. If you have any issues with registration please feel free to contact us.

2 SPECIAL PRICING AVAILABLE!

Special pricing is available for veterans, LEO, first responders and groups of 6 or more. Please call 630-450-3753 for details.

? FOLD card is not required to take the IL CCL Class.

+ [CLICK HERE FOR IL CCL COURSE INFO](#)

THE FOLLOWING IS A LIST OF OUR CLASSES FOR 2017:

ILLINOIS CONCEALED CARRY COURSE SCHEDULE

DATE	CLASS	TIME	LOCATION	STATUS
03/18/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Mirrooka	OPEN
04/29/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Mirrooka	OPEN
06/07/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Mirrooka	OPEN

Class Dates (in Field #1)

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06/24/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Minnoka	OPEN
07/29/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Minnoka	OPEN
08/19/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Minnoka	OPEN
09/09/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Minnoka	OPEN
10/28/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Minnoka	OPEN
11/18/17	ILLINOIS CONCEAL CARRY	9:00AM - 5:00PM	PRIVATE RANGE - Minnoka	OPEN

CDG PISTOL GUNFIGHT PRINCIPLES COURSE SCHEDULE

DATE	CLASS	TIME	LOCATION	STATUS
03/25/17	PISTOL GUNFIGHT PRINCIPLES CLASS I	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
04/29/17	PISTOL GUNFIGHT PRINCIPLES CLASS II	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
05/27/17	PISTOL GUNFIGHT PRINCIPLES CLASS III	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
06/24/17	PISTOL GUNFIGHT PRINCIPLES CLASS IV	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
07/29/17	PISTOL GUNFIGHT PRINCIPLES CLASS I	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
08/05/17	PISTOL GUNFIGHT PRINCIPLES CLASS II	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
09/16/17	PISTOL GUNFIGHT PRINCIPLES CLASS III	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
10/21/17	PISTOL GUNFIGHT PRINCIPLES CLASS IV	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN
11/25/17	PISTOL GUNFIGHT PRINCIPLES CLASS I	9:00AM - 1:00PM	PRIVATE RANGE - Minnoka	OPEN

CDG ELEMENTAL SKILLS CLINICS: PISTOL COURSE SCHEDULE

DATE	CLASS	TIME	LOCATION	STATUS
03/25/17	ELEMENTAL SKILLS CLINIC I: DRAW TECHNIQUE	2:00PM - 4:00PM	PRIVATE RANGE - Minnoka	OPEN
04/29/17	ELEMENTAL SKILLS CLINIC II: TRIGGER CONTROL	2:00PM - 4:30PM	PRIVATE RANGE - Minnoka	OPEN
05/27/17	ELEMENTAL SKILLS CLINIC III: SHOOT & MOVE	2:00PM - 4:30PM	PRIVATE RANGE - Minnoka	OPEN
06/24/17	ELEMENTAL SKILLS CLINIC IV: MALFUNCTIONS & MANIPULATION	2:00PM - 4:30PM	PRIVATE RANGE - Minnoka	OPEN
07/29/17	ELEMENTAL SKILLS CLINIC I: DRAW TECHNIQUE	2:00PM - 4:00PM	PRIVATE RANGE - Minnoka	OPEN
08/05/17	ELEMENTAL SKILLS CLINIC II: TRIGGER CONTROL	2:00PM - 4:00PM	PRIVATE RANGE - Minnoka	OPEN
09/16/17	ELEMENTAL SKILLS CLINIC III: SHOOT & MOVE	2:00PM - 4:00PM	PRIVATE RANGE - Minnoka	OPEN
10/21/17	ELEMENTAL SKILLS CLINIC IV: MALFUNCTIONS & MANIPULATION	2:00PM - 4:00PM	PRIVATE RANGE - Minnoka	OPEN
11/25/17	ELEMENTAL SKILLS CLINIC I: DRAW TECHNIQUE	2:00PM - 4:00PM	PRIVATE RANGE - Minnoka	OPEN



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CDG RIFLE FUNDAMENTALS COURSE SCHEDULE

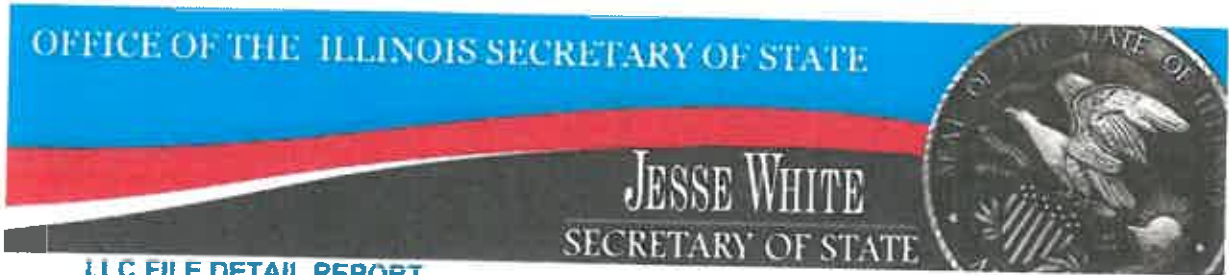
DATE	CLASS	TIME	LOCATION	STATUS
03/26/17	RIFLE FUNDAMENTALS	1:00PM - 4:00PM	PRIVATE RANGE - Minooka	OPEN
05/28/17	RIFLE FUNDAMENTALS	9:00AM - 12:00PM	PRIVATE RANGE - Minooka	OPEN
07/30/17	RIFLE FUNDAMENTALS	9:00AM - 12:00PM	PRIVATE RANGE - Minooka	OPEN
09/24/17	RIFLE FUNDAMENTALS	1:00PM - 4:00PM	PRIVATE RANGE - Minooka	OPEN
11/26/17	RIFLE FUNDAMENTALS	1:00PM - 4:00PM	PRIVATE RANGE - Minooka	OPEN

CDG SHOTGUN FUNDAMENTALS COURSE SCHEDULE

DATE	CLASS	TIME	LOCATION	STATUS
04/30/17	SHOTGUN FUNDAMENTALS	9:00AM - 12:00PM	PRIVATE RANGE - Minooka	OPEN
06/25/17	SHOTGUN FUNDAMENTALS	9:00AM - 12:00PM	PRIVATE RANGE - Minooka	OPEN
08/06/17	SHOTGUN FUNDAMENTALS	9:00AM - 12:00PM	PRIVATE RANGE - Minooka	OPEN
10/22/17	SHOTGUN FUNDAMENTALS	9:00AM - 12:00PM	PRIVATE RANGE - Minooka	OPEN

CDG HAND-TO-HAND COMBAT COURSE SCHEDULE

DATE	CLASS	TIME	LOCATION	STATUS
03/11/17	HAND-TO-HAND COMBAT: LEVEL I	1:00PM - 5:00PM	TBD - Naperville	CLOSED
04/15/17	HAND-TO-HAND COMBAT: LEVEL II	1:00PM - 5:00PM	TBD - Naperville	CLOSED
05/13/17	HAND-TO-HAND COMBAT: LEVEL III	1:00PM - 5:00PM	TBD - Naperville	CLOSED
06/03/17	HAND-TO-HAND COMBAT: LEVEL IV	1:00PM - 5:00PM	TBD - Naperville	CLOSED
07/08/17	HAND-TO-HAND COMBAT: LEVEL V	1:00PM - 5:00PM	TBD - Naperville	CLOSED
08/12/17	HAND-TO-HAND COMBAT: LEVEL I	1:00PM - 5:00PM	TBD - Naperville	CLOSED
09/10/17	HAND-TO-HAND COMBAT: LEVEL II	1:00PM - 5:00PM	TBD - Naperville	CLOSED
10/14/17	HAND-TO-HAND COMBAT: LEVEL III	1:00PM - 5:00PM	TBD - Naperville	CLOSED
11/11/17	HAND-TO-HAND COMBAT: LEVEL IV	1:00PM - 5:00PM	TBD - Naperville	CLOSED
12/16/17	HAND-TO-HAND COMBAT: LEVEL V	1:00PM - 5:00PM	TBD - Naperville	CLOSED



LLC FILE DETAIL REPORT

File Number	04524756		
Entity Name	CONTEGO DEFENSE GROUP, LLC		
Status	NGS	On	10/01/2016
Entity Type	LLC	Type of LLC	Domestic
File Date	10/31/2013	Jurisdiction	IL
Agent Name	O'FLAHERTY LAW, P.C.	Agent Change Date	10/31/2013
Agent Street Address	5002 MAIN ST SUITE 201	Principal Office	1000 E OGDEN AVE NAPERVILLE, IL 605630000
Agent City	DOWNERS GROVE	Management Type	MBR View
Agent Zip	60515	Duration	PERPETUAL
Annual Report Filing Date	00/00/0000	For Year	2016
Series Name	NOT AUTHORIZED TO ESTABLISH SERIES		

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Greg Peterson Exhibit #7
3/26/2017

3/26/ 2017 Incident

On March 26, 2017 at approximately 3:30 PM, I arrived home after running errands. At that time I noticed 2 vehicles, a dark Jeep Cherokee and a white SUV at the proposed site of the Delaney Gun Range. There were 3 people standing by the vehicles, one of the persons was wearing a bright pink top and the other two were wearing darker clothing. I grabbed my binoculars and viewed the taller male and a female in the pink top holding rifles with magazines and pointing them south. The shorter balding male appeared to be giving them instructions. I observed him with the female dropping the magazine from the rifle and reinserting it on 2 occasions.

I left my home again at 4:15 for a short errand just down the road and returned at 4:30 PM. As I was driving up my driveway, I observed the three individuals much farther north than previously seen. The female in the pink shirt was pointing a rifle south followed by the taller male also pointing a rifle south with the shorter male in the rear. I watched them advance south in what appeared to be a tactical scenario exercise.

About 5:00 PM I observed the white SUV leave down my driveway followed shortly by the Black Jeep. The Black Jeep has been a frequent visitor at the site during the times shooting occur at the site.

Greg Peterson

Kendall County Special Use #16-14

Robert Alan Delaney – applicant

Dirt Road Range – project name

Submission by Joseph J. Phillips, 6718 Whitewillow Road, Minooka IL 60447

- 5 sets of Petition to Deny A-1 Special Use #16-14 – includes 41 signatures of individuals who live, work or hold an ownership in property near the proposed range
- Map of opposition neighbors - landowners in red, homes white X's
- CMA completed by John Greene Realtor dated July 27, 2016 which outlines a loss of property value. It states "a gun range would have an overall negative impact to your property." further that "the value of your property could potentially be reduced by as much as 30%...In your case, that could be as much as \$135,900."
John Greene Realtor has been a premier real estate brokerage since 1976 with divisions in residential, commercial and land. They have been named Best Real Estate company by Naperville Magazine 7 years in a row, listed by Chicago Tribune Top Workplaces and are 2015 & 2016 Inc. 5000 list of fastest growing private companies in America.
- Realtor.com graphic that shows a shooting range listed as land uses that drag down home values, it is listed alongside power plants, cemeteries and strip clubs.
- Graphic showing the property tax gains & losses resulting from an outdoor gun range from results at a Greene County Virginia range.
- Applicant has not provided a regional traffic impact study to show the effect of a Commercial enterprise in an Agricultural area.
- Applicant has NO road frontage to his project
- Applicant has NO owned access road built to a specification that supports Fire Apparatus (75,000#) or turning radius for such equipment, merely an easement on a residential driveway.
- Applicant has provided no lead remediation plan
- Applicant has not provided a hydrological study to determine the movement of groundwater and how lead contamination may impact private wells in the area with contamination.
- The outdoor gun range will have a negative impact on livestock in this Agricultural area. Noise impacts the handling of livestock as they have sensitive hearing. Loud noise disturbs cattle, horses and other animals which may initiate a fearful response at any given time. Allowing this Special Use will limit my rights as a farm owner to raise livestock.

COPIES

Petition to Deny A-1 Special-Use

JPS 12

Petition summary and background:

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Printed name	Signature	Address	Comment	Date
Joseph Phillips		6718 White-Willow Road Minoka MI 49847	Homeowner in the line of fire in opposition	7/24/16
Joseph M. Lewis		17548 Church At Minoka Minoka MI 49847	Homeowner in area	7/24/16
Amy S. Pousis		17548 Church At Minoka Minoka MI 49847	Homeowner in area	7/24/16
James R. Manning		12118 White Willow Road Minoka MI 49847	Resident in the area	7/24/2016
KEU Sandberg		1488 S. Broadway Street Cool CT, MI 49816	Landowner in the line of fire 49880 family Truistbank	7/25/16
TODD SANDERS		1488 S. Broadway Street Cool CT, MI 49816	Landowner in the line of fire 49880 family Truistbank	7/25/16
Ron Berg		15819 Church Rd Minoka MI 49847	Landowner in line	7/25/16
Tamara Berg		15819 Church Rd Minoka MI 49847	Landowner in line	7/25/16
Randy Karpis		14859 Brisbin Rd Minoka MI 49847	Home farm owner	7/26/16
VERBUCKA RAKES		14859 Brisbin Rd Minoka MI 49847	Home farm owner 1 mile	7/26/16
Ed W. C. Sbr-001-		385 Pine Meadows Lane Minoka MI 49847	Farm owner	7/26/16
Carla Tweed		16490 Brisbin Rd. Minoka MI 49847	Home owners 1/2 mile	7/26/16

PETITION SHEET # JP 5

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.

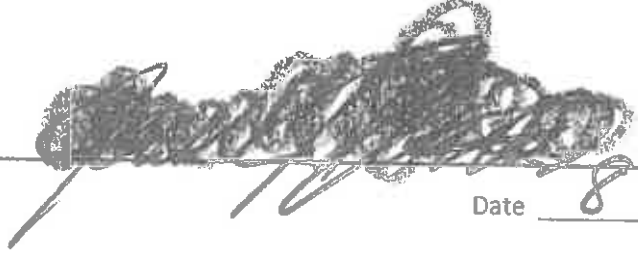
Print circulator(s) name:

Joseph J. Phillips

Address

6718 White Willow Rd. Minooka IL 60447

Signed



Date 8 / 17 / 2016

COPY

SP4 8

Petition to Deny A-1 Special-Use

Petition summary and background: We the Property Owners and Residents located near the proposed Shooting Range are objecting to this Petition #16-14 based on the Loss of Property Value, Loss of Quality of Life, Safety, Environmental Hazards, Increased Traffic and Increased Noise due to the proximity of this Commercial Enterprise in a Residential/Ag neighborhood.

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Printed name	Signature	Address	Comment	Date
Pamela Kunke		1721 Belle Rd, Minnetonka, MN 55345	Deny A-1 Special Use	7.25.16
William Kunke		1721 Belle M, Minnetonka	Deny unanimously	7-25-16
Judith Tierney		15325 Ridge Rd, Minnetonka	Deny without a doubt	7-26-16
PATRICK Tierney		15225 RIDGE RD MINNETONKA, MN	Deny A-1 Special Use	7-26-16
Tyler A. Griswold		25137 W. Pioneer Ln., Minnetonka IL.	Tenant 100% opposed	7/26/16
RICK MARKETT		514 JESSIE GARDNER TR, IL	DENY SPECIAL USE	7/26/16
Deb Backulich		945 W Main Broadway, IL	Opposed	8/3/16
Soyce Ebbens		969 Maroon Ct, IL	Opposed	8/13/16

PETITION SHEET # JP4

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.

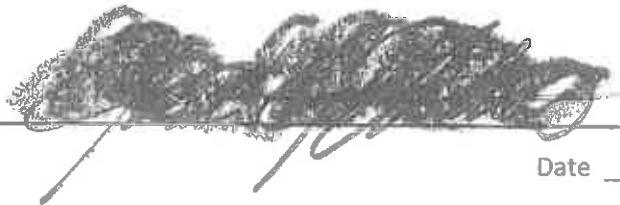
Print circulator(s) name:

Joseph J. Phillips

Address

6718 White willow Rd. Minooka IL 60447

Signed


Date 8 / 17 / 2016

JP3 5

COPY Petition to Deny A-1 Special-Use

Petition summary and background: We the Property Owners and Residents located near the proposed Shooting Range are objecting to this Petition #16-14 based on the Loss of Property Value, Loss of Quality of Life, Safety, Environmental Hazards, Increased Traffic and Increased Noise due to the proximity of this Commercial Enterprise in a Residential/Ag neighborhood.

Action petitioned for: We, the undersigned, are concerned citizens who urge our leaders to act now to Deny the Petition #16-14 for an A-1 Special-Use for an Outdoor Shooting Range located at 16502B Church Rd, Church Rd, Lisbon Twp (PIN 08-25-300-006;009)

Printed name	Signature	Address	Comment	Date
ROY F. WAKE		6232 WHITE WILLOW RD. MINOOKA, IL 60447		7/28/16
KATHY WAKE		6232 WHITE WILLOW MINOOKA, IL 60447		7/28/16
KENDAL WAKE		6232 WHITE WILLOW RD MINOOKA IL 60447		7/29/16
Seth Wake		6232 White Willow Rd Minooka, IL 60447		7/29/16
Peter Beckwith		6319 white willow Rd Minooka, IL 60447		8-6-16

PETITION SHEET # JP3

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.

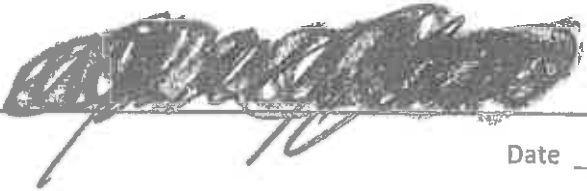
Print circulator(s) name:

Joseph J. Phillips

Address

6718 Whitewillow Road, Minooka IL 60447

Signed


Date 8 / 17 / 2016

PETITION SHEET # JP 2

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.


Print circulator(s) name:

Joseph J. Phillips

Address

6718 Whitewillow Road, Mazon IL 60447

Signed


Date 8 / 17 / 16

Petition to Deny A-1 Special-Use




771
COPY

Petition summary and background:

We the Property Owners and Residents located near the proposed Shooting Range are objecting to this Petition #16-14 based on the Loss of Property Value, Loss of Quality of Life, Safety, Environmental Hazards, Increased Traffic and Increased Noise due to the proximity of this Commercial Enterprise in a Residential/Ag neighborhood.

Action petitioned for:

We, the undersigned, are concerned citizens who urge our leaders to act now to Deny the Petition #16-14 for an A-1 Special-Use for an Outdoor Shooting Range located at 16502B Church Rd, Church Rd, Lisbon Twp (PIN 08-25-300-006;009)

Printed name	Signature	Address	Comment	Date
LINDA DIESBOROK		16204 Church Rd	Property subject of property owners	7/25/16
TOAN TWEET		16490 Brielin Rd	Property value will probably go down	7/25/16
Connie Christi		1576 Powers Rd Marano	Property value (elected concerns)	7/25/16

PETITION SHEET # JP1

Special Use #16-14 Kendall County Illinois

I hereby certify and witnessed the signing of the attached signature sheet by each person whose signature appears on the signature sheet, and I believe each individual is an elector and stakeholder qualified to sign the Petition to Deny A-1 Special Use.


Print circulator(s) name:

Joseph J. Phillips

Address

6718 Whitewillow Road, Minocha IL 60447

Signed



Date 8, 17, 2016





COPY

John Greene
1111 N. Lincoln St.
Minooka, IL 60449
815.545.6309
www.johngreene.com

July 27, 2016

Joe,

Please see the attached CMA for 6718 White Willow Rd in Minooka, IL.

Regarding the home and property located at 6718 White Willow Rd, Minooka, IL, it is my team's opinion and real estate opinion and assessment, that today's fair market value is \$453,000.

This value is based on the 7 sales of comparable homes in the last 10 months, all located in Minooka, with acreages between 1-20 acres. The attached sales had various acreages, with a majority of them very dated and needing extensive rehabbing, as well as many of the sales not having the separate external structures that the subject has. The factors included in the value are:

- A fully-remodeled home
- Ranch-style floor plan of 2,700 square feet
- Separate barn and shed
- 5 acres bordering White Willow & Route 47

Per your request, we have also analyzed local and national data to determine the impact to value should a gun range be approved and built. Based on our research, we feel that a gun range would have an overall negative impact to your property. As several research articles suggested, potential buyers would have concerns about:

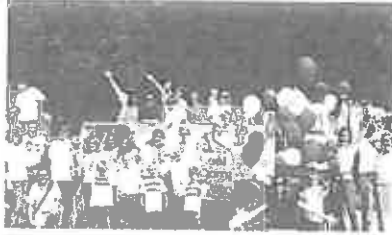
- Noise pollution
- Lead Shot health Hazard
- Ability to resell in the future
- Unattractive / non-compliant construction
- Health concerns for those down range or immediately adjacent to the firing range
- Sales Comps – although that local area had no recent sales comps with direct comparison to gun range sales, NAR "National Association of Realtors" suggests that home would take longer to sell, sell for less, or sometimes just don't sell citing the pool of potential buyers is very limited. (i.e. people who want to be very near a range and would pay a premium as such).

It appears on information provided by NAR, Realtor.com and Inmann that the value of your property could potentially be reduced by as much as 30% to its current fair market value. In your case, that could be as much as \$135,900.

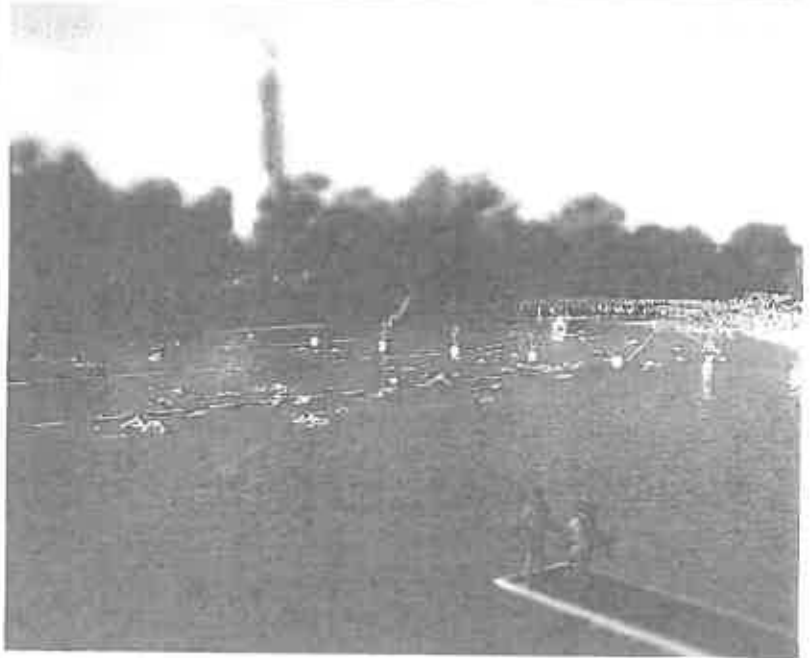
Should you need further analysis, we are happy to introduce you to a couple local appraisers that could take a deeper dive into the sales comps. However, if we were to market your place for sale, we would anticipate some form of price reduction / discount for a new potential purchaser should the gun range be approved.

If you have any further questions, please don't hesitate to contact me. Thank you!

Sincerely,
Joel Kirstein
Senior Vice President
John Greene Commercial
815.545.6309
joelkirstein@johngreenecommercial.com



Comparative Market Analysis



johngreene



MARKET ANALYSIS SUMMARY

SELLER Joe Phillips
ADDRESS 6718 White Willow Rd, Minooka, IL
Total sq. ft of Subject 2700sf Home, 5 acre property

Limiting Factors

sides to Route 47

Favorable Factors

Fully Remodeled Ranch Home

3 Full Baths

Separate Shed & Barn

Gorgeous Kitchen

Great Size Bedrooms

Full Basement

INDICATED VALUE

Sales Person's Independent Approach

Market Data Approach

FAIR MARKET VALUE:
(Approximate Selling price)

460,000

\$ 453,000

443,000

Recommended List Price
\$ 475,000

Partnership Price
\$ _____

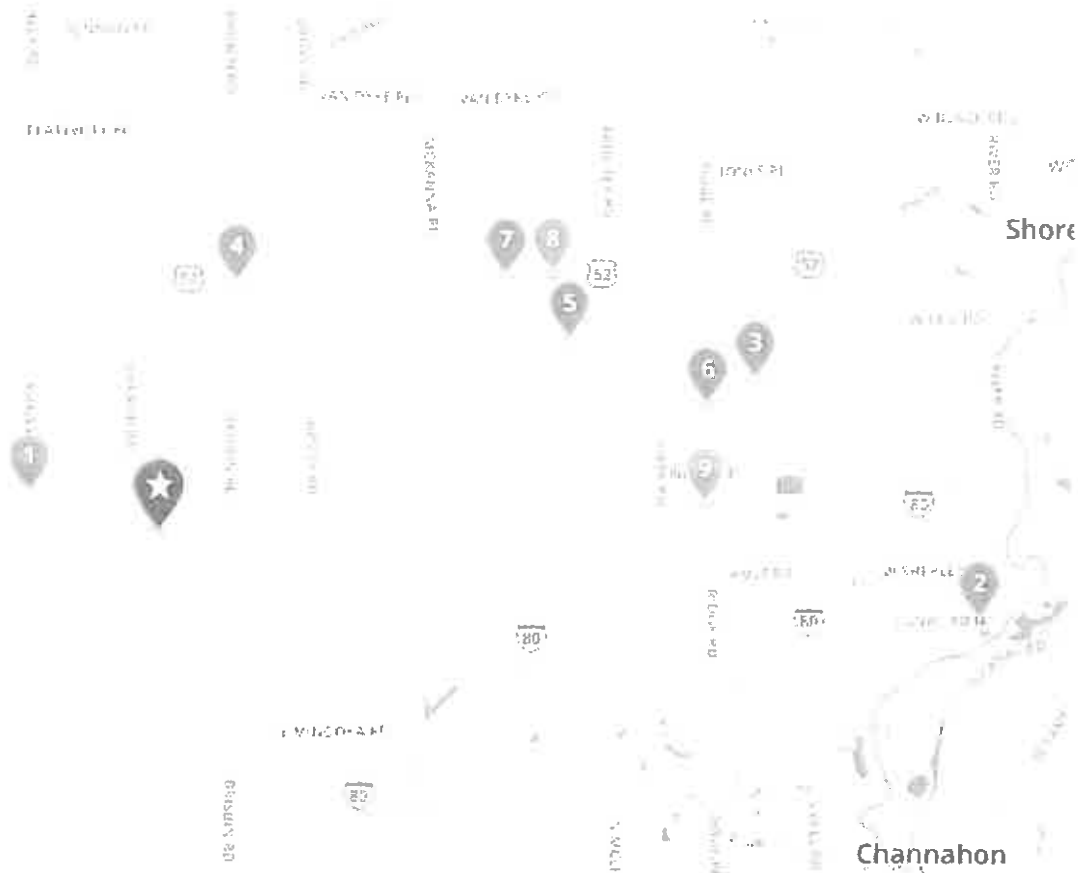
Prepared by: Brett McIntyre

Date: July 26, 2016



johngreenerestor.com

Map of All Listings



	MLS #	Status	Address	Price
0		Subject	6718 White Willow Rd, Minooka, IL	
1	08934983	S	16595 Ashley Road	\$305,000
2	08990890	S	26001 West Canal Road	\$350,000
3	09237024	S	532 Bell Road	\$364,000
4	09020657	S	14550 Brisbin Road	\$380,000
5	09163558	S	15130 Jughandle Road	\$399,000
6	09011899	S	15875 Ridge Road	\$405,000
7	08897673	S	3055 Route 52 South	\$410,000
8	09196904	A	2530 US Highway 52 Highway	\$325,000
9	08714613	A	16801 Ridge Road	\$400,000

Status: S = Closed, A = Active



Brett McIntyre | john greene. Realtor | 1311 S. Route 59 | Mobile: 630-253-3629 | www.brettmcintyre.com | brettmcintyre@johngreener.com

Summary of Comparable Properties



Sold Listings

Address	Beds	Baths	YrBlt	SqFt	List Price	Sold Price	Sold Date
16595 Ashley Road	4	3/1		2,924	\$325,000	\$305,000	6/6/16
26001 West Canal Road	3	2/2	1991	3,196	\$369,900	\$350,000	9/30/15
532 Bell Road	3	3/1	2000	2,550	\$369,900	\$364,000	7/15/16
14550 Brisbin Road	3	2/1	2005	2,400	\$410,000	\$380,000	11/16/15
15130 Jughandle Road	4	3/0	1970	3,000	\$410,000	\$399,000	7/13/16
15875 Ridge Road	4	4/2	1974	3,327	\$479,500	\$405,000	1/13/16
3055 Route 52 South	4	2/1	1970	3,200	\$435,000	\$410,000	6/1/16
Averages				2,942	\$399,900	\$376,286	

Active Listings

Address	Beds	Baths	YrBlt	SqFt	List Price	Sold Price	Sold Date
2530 US Highway 52 Highway	3	2/2	1970	2,500	\$325,000		
16801 Ridge Road	5	5/0		5,000	\$400,000		
Averages				3,750	\$362,500		



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Comparable Property Statistics



Sold Listings

Number of listings	7
Lowest price	\$305,000
Average price	\$373,286
Highest price	\$410,000
Avg price per sqft	\$128
Avg DOM	338



Active Listings

Number of listings	2
Lowest price	\$325,000
Average price	\$362,500
Highest price	\$400,000
Avg price per sqft	\$105
Avg DOM	401



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Property Details



S 16595 Ashley Road, Minooka

\$305,000

Listing information

MLS#: 08934983

Beds: 4

Sq Ft: 2,924

Sold Date: 6/6/16

Status: Closed

Baths: 3/1

Year Built:

DOM: 330

Features

Waterfront: No Heat/Fuel: Propane, Forced Air Sewer: Septic-Private Water: Well-Private Garage: Garage Door Opener(s), Transmitter(s), Heated, 7 Foot or more high garage door Exterior: Deck, Porch, Storms/Screens Interior: Vaulted/Cathedral Ceilings, Bar-Wet, Wood Laminate Floors, 1st Floor Bedroom, 1st Floor Laundry, 1st Floor Full Bath Basement: Full Appliances: Oven/Range, Microwave, Dishwasher, Refrigerator Area Amenities: Street Paved Number of Rooms: 11 Tax Amount: 5913.08 Number of Fireplaces: 1 Garage Spaces: 6 Additional Rooms: Den, Loft, Recreation Room Assessments: 0

Remarks

This property has it all...a beautifully remodeled and updated 4 bedroom farmhouse with great addition in 2005 on a 1 acre lot...a 36'x48' outbuilding with heated floor and 14' high overhead door...a big living room with vaulted ceiling and second floor overlook...a huge 1st floor master bedroom with luxurious master bathroom...a finished basement...a beautiful roomy kitchen. Country living at it's best! You must see!



Information is deemed reliable but not guaranteed.



Source: MRED



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Property Details



S 26001 West Canal Road, Minooka

\$350,000

Listing information

MLS#: 08990890	Beds: 3	Sq Ft: 3,196	Sold Date: 9/30/15
Status: Closed	Baths: 2/2	Year Built: 1991	DOM: 1500

Features

Waterfront: No Heat/Fuel: Propane, Forced Air, 2+ Sep Heating Systems Sewer: Septic-Mechanical Water: Well-Private Garage: Garage Door Opener(s), Transmitter(s), Heated, 7 Foot or more high garage door Exterior: Patio, Porch, Brick Paver Patio, Grill-Outdoors, Outdoor Fireplace Interior: Hardwood Floors, Heated Floors, 1st Floor Laundry Lot: Wooded Basement: Full Appliances: Oven-Double, Dishwasher, Refrigerator, Washer, Dryer Area Amenities: Park/Playground, Pool, Tennis Courts, Street Paved Number of Rooms: 9 Tax Amount: 6976.16 Number of Fireplaces: 2 Parking Type: Off Street

Remarks

Distinctive 3-BR home on 3.5 picturesque wooded acres. Welcoming kitchen and gathering room has granite counters, extra prep sink at island, and wood burning fireplace. Great room with 2nd wood burning fireplace has panoramic sliding doors that offer a fabulous view of the woods and abundant wildlife. Many extras and upgrades including oversized master suite area and a warm and comfortable professional office along with dual HVAC, heated garage and heated floors. This wonderful family home is set far out but is close to everything and is surely a must see.



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Property Details



S 532 Bell Road, Minooka

\$364,000

Listing information

MLS#: 09237024

Beds: 3

Sq Ft: 2,550

Sold Date: 7/15/16

Status: Closed

Baths: 3/1

Year Built: 2000

DOM: 12

Features

Waterfront: No Heat/Fuel: Gas, Forced Air Sewer: Septic-Private Water: Well-Private Exterior: Deck, Porch Interior: Vaulted/Cathedral Ceilings, Hardwood Floors, 1st Floor Laundry Lot: Horses Allowed Basement: Full Appliances: Oven/Range, Microwave, Dishwasher, Refrigerator Number of Rooms: 9 Tax Amount: 5963.20 Number of Fireplaces: 1 Parking Included in Price: Yes Garage Spaces: 3 Additional Rooms: Loft, Recreation Room Assessments: 0 Assessments Frequency: Not Applicable Assessments Include: None SP/OLP Ratio: 0.98 Lotsize: 5 Acres: 5

Remarks

Peaceful country living on 5 acres! Beautiful 3 bdr, 3.1 bath home w/loft and 3 car garage conveniently located with easy access to I-80. This home features a large eat-in kitchen open to spacious family rm w/ wood burning fireplace, formal living room w/ cathedral ceiling and dining rm, 1st floor laundry, 3 generously sized bedrooms and loft which could be easily converted to bdr 4. Large master suite w/ cathedral ceiling, walk-in closet and private bath w/whirlpool and separate shower, huge rec room wired for home theater in finished basement. Freshly painted, new carpeting on 2nd floor. New furnace 2015, central air 2016, hot-water heater 2012, roof 2011. Must see this rare find!



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Property Details



S 14550 Brisbin Road, Minooka

\$380,000

Listing information

MLS#: 09020657

Beds: 3

Sq Ft: 2,400

Sold Date: 11/16/15

Status: Closed

Baths: 2/1

Year Built: 2005

DOM: 23

Features

Waterfront: No Heat/Fuel: Propane Sewer: Septic-Private Water: Well-Private Garage: Garage Door Opener(s), Transmitter(s), 7 Foot or more high garage door Exterior: Patio, Porch, Horse Barn/Pole Barn, Storms/Screens Interior: Vaulted/Cathedral Ceilings, Hardwood Floors, 1st Floor Bedroom, 1st Floor Laundry, 1st Floor Full Bath Lot: Corner Basement: Full Appliances: Oven/Range, Microwave, Dishwasher, Refrigerator, Washer, Dryer, All Stainless Steel Kitchen Appliances Number of Rooms: 8 Tax Amount: 5723.75 Number of Fireplaces: 1 Parking Included in Price: Yes Garage Spaces: 2

Remarks

Beautiful custom built home nestled on 5 acres with out building. This home features a first floor master suite w/luxury bath, 2 story great rm w/ fpl, large eat-in kit w/42" cherry cabinets, s.s appliances, 1st floor laundry, generous bdrms w/Jack & Jill bath, cathedral ceilings, loft, hardwood floors and freshly painted throughout. 2+ car attached garage, full bsmt plumbed for bth, 36x72 machine shed w/12x12 overhead door, 14 ft ceiling, heated floor, 220 electric & water. Newer roof, gutters, downspouts, hot water heater, stove, ref & microwave. Enjoy peaceful living with views of open areas from your front porch. Don't miss this unique opportunity.



Brett McIntyre | John Greene, Realtor | 1311 S. Route 59 | Mobile: 630-253-3629 | www.brettmcintyre.com | brettmcintyre@johngreene.com

Property Details



15130 Jughandle Road, Minooka

\$399,000

Listing information

MLS#: 09163558	Beds: 4	Sq Ft: 3,000	Sold Date: 7/13/16
Status: Closed	Baths: 3/0	Year Built: 1970	DOM: 45

Features

Waterfront: No Heat/Fuel: Hot Water/Steam Sewer: Septic-Private Water: Well-Private Garage: Garage Door Opener(s), Transmitter(s) Exterior: Deck, Porch, Hot Tub, Gazebo, Brick Paver Patio Interior: Hot Tub, Hardwood Floors, 1st Floor Bedroom, 1st Floor Laundry, 1st Floor Full Bath Lot: Horses Allowed, Landscaped Professionally, Wooded Basement: Full Appliances: Oven/Range, Microwave, Dishwasher, Refrigerator, Washer, Dryer Area Amenities: Street Paved Number of Rooms: 10 Tax Amount: 8, 372.3 Number of Fireplaces: 1 Parking Included in Price: Yes Garage Spaces: 4

Remarks

Set back off a tranquil tree lined street is a real find on nearly 3 acres of professionally landscaped yard, offering an all brick 3000 s.f. English Country home. So tastefully updated & meticulously maintained, you'll know you arrived at a special place upon entry. The beautiful & perfect condition hardwood floors throughout the main level of the home punctuated by white mill work, plantation shutters & subtle fresh wall color will make you say "WOW". The floor plan is unique in its offering of family room, dining room & kitchen space that feels open, yet intimate, at the same time. Related living is an obvious offering w/a main floor master suite & nearby living room that can be private or for gatherings. Kitchens don't come larger than this one w/ample cabinet/counter top space, cheery breakfast room & adjacent mud/laundry room w/another full bath! 2nd floor offers 3 bedrooms, rem...



Information is deemed reliable, but not guaranteed.



Brett McIntyre | john greene. Realtor | 1311 S. Route 59 | Mobie: 630-253-3629 | www.brettmcintyre.com | brettmcintyre@johngreenerealtor.com

Property Details



S 15875 Ridge Road, Minooka

\$405,000

Listing information

MLS#: 09011899	Beds: 4	Sq Ft: 3,327	Sold Date: 1/13/16
Status: Closed	Baths: 4/2	Year Built: 1974	DOM: 91

Features

Waterfront: Yes Heat/Fuel: Propane, Forced Air, Zoned Sewer: Septic-Private Water: Well-Private
Garage: Garage Door Opener(s), Transmitter(s), 7 Foot or more high garage door Exterior: Balcony, Patio, Porch, Boat Dock/Mooring Interior: 1st Floor Bedroom, 1st Floor Laundry, 1st Floor Full Bath
Lot: Horses Allowed, Pond, Stream, Water View Basement: Full Appliances: Oven/Range, Microwave, Dishwasher, Refrigerator Area Amenities: Pond/Lake, Water Rights Number of Rooms: 10 Tax Amount: 7526 Number of Fireplaces: 2 Garage Spaces: 2 Additional Rooms: Den, Recreation Room, Storage Assessments: 0

Remarks

18+ acre property plus Lake House! This custom ranch home offers a peaceful private Lake for boating, fishing, hunting, camping, swimming and family fun. The hillside location offers a large finished walkout basement to the boat dock. The modern floor plan offers 4 bedrooms on the main level as well as an office den. The large great room with the wall of windows gives serene views of your private lake! This year round home is now offered for sale for the first time. Quality Bedford stone construction. Easy I-80 access, in the country but close to shopping, and 'in town' activities. This lake retreat can now be yours today!



Information is deemed reliable but not guaranteed.



Brett McIntyre | john greene. Realtor | 1311 S. Route 59 | Mobile: 630-253-3629 | www.brettmcintyre.com | brettmcintyre@johngreenerealtor.com

Property Details



S 3055 Route 52 South, Minooka

\$410,000

Listing information

MLS#: 08897673

Beds: 4

Sq Ft: 3,200

Sold Date: 6/1/16

Status: Closed

Baths: 2/1

Year Built: 1970

DOM: 367

Features

Waterfront: Yes Heat/Fuel: Propane, Forced Air, 2+ Sep Heating Systems, Zoned Sewer: Septic-Private Water: Well-Private Garage: Garage Door Opener(s), Transmitter(s) Exterior: Balcony, Deck, Porch, Storage Shed, Dog Run and/or Invisible Fence, Storms/Screens Interior: Vaulted/Cathedral Ceilings, Skylight(s), Bar-Wet, Hardwood Floors, In-Law Arrangement, 1st Floor Laundry Lot: Fenced Yard, Horses Allowed, Landscaped Professionally, Water View, Wooded Basement: Walkout Appliances: Oven-Double, Oven/Range, Microwave, Dishwasher, Refrigerator, High End Refrigerator, Freezer, Washer, Dryer, Disposal, Grill-Indoor

Remarks

GORGEOUS MEDITERRANEAN WALK OUT RANCH ON 5+ ACRES BACKING TO AUX SABLE CREEK. THIS MAGNIFICANT HOME HAS 4 BR, 1 INDOOR GRILL, CHEF KITCHEN WITH PANORAMIC VIEWS, SEE-THROUGH FIREPLACE WITH VAULTED/CATHEDRAL CEILINGS, WET BAR, SKYLIHTS AND IN-LAW ARRANGEMENT. NEW WINDOWS THROUGHOUT THE HOME AS WELL - A MUST SEE!



Information is deemed reliable but not guaranteed.

Source: MRED



Brett McIntyre | John Greene, Realtor | 1311 S. Route 59 | Mobile: 630-253-3629 | www.brettmcintyre.com | brettmcintyre@johngreene.com

Property Details



A 2530 US Highway 52 Highway, Minooka

\$325,000

Listing information

MLS#: 09196904

Beds: 3

Sq Ft: 2,500

List Date: 4/15/16

Status: Active

Baths: 2/2

Year Built: 1970

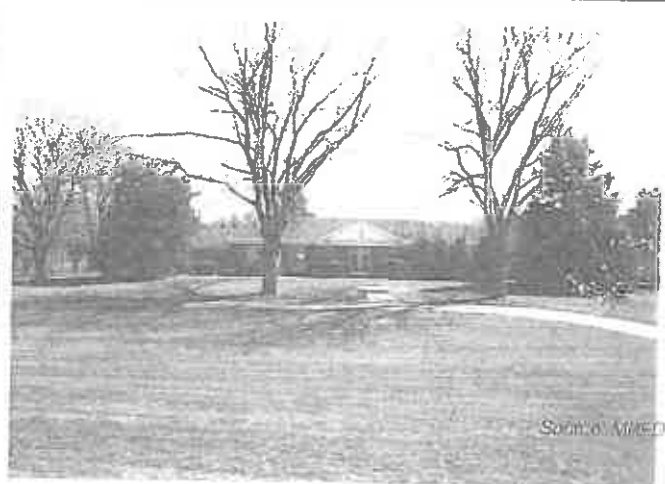
DOM: 103

Features

Waterfront: No Heat/Fuel: Heat Pump Sewer: Septic-Private Water: Well-Private Garage: Garage Door Opener(s), Transmitter(s) Exterior: Patio Interior: Bar-Dry, Hardwood Floors, 1st Floor Bedroom, 1st Floor Laundry, 1st Floor Full Bath Lot: Horses Allowed, Wooded Basement: Full Appliances: Oven-Double Area Amenities: Street Paved Number of Rooms: 9 Tax Amount: 5065 Number of Fireplaces: 2 Parking Included in Price: Yes Garage Spaces: 2 Additional Rooms: Foyer, Mud Room, Recreation Room, Workroom Assessments: 0 Assessments Frequency: Not Applicable Assessments Include: None

Remarks

Here's your chance to own an all brick 3000 square foot ranch on 3.55 acres! This one needs updating, but what potential! Structurally perfect and offers a full basement-half is finished. 3 bedrooms on the main level plus living room, family room, dining room & eat in kitchen. The home offers a large laundry/mud room right off the oversized 2 car garage. All room sizes are massive! Full wall stone fireplace in family room & full wall brick fireplace next to wet bar in basement. Home set way back off Rt. 52 at Jughandle Road with plenty of space for outbuilding on W. side of lot. Circular drive provides for ample parking. Taxes are estimated due to subdivision of original pin number. exact taxes will be determined soon.



Brett McIntyre | john greene, Realtor | 1311 S. Route 59 | Mobile: 630-253-3629 | www.brettmcintyre.com | brettmcintyre@jchngreerealtor.com

Property Details



A 16801 Ridge Road, Minooka

\$400,000

Listing information

MLS#: 08714613	Beds: 5	Sq Ft: 5,000	List Date: 8/28/14
Status: Active	Baths: 5/0	Year Built:	DOM: 699

Features

Waterfront: No Heat/Fuel: Gas, Forced Air Sewer: Septic-Private Water: Well-Private Garage: Garage Door Opener(s), Transmitter(s) Lot: Horses Allowed Basement: Full Appliances: Oven/Range, Microwave, Dishwasher, Refrigerator, Washer, Dryer Number of Rooms: 12 Tax Amount: 7018.88 Number of Fireplaces: 3 Parking Included in Price: Yes Garage Spaces: 9 Additional Rooms: 2nd Kitchen, 5th Bedroom, Library, Office Assessments: 0 Assessments Frequency: Not Applicable Assessments Include: None Lotsize: 10 Acres: 10

Remarks

5 levels offered w/this 5000 (approx) sq ft home! Elevator access to all! 10 ac on Ridge Rd in front of Summerfield of Minooka Sub. Orig home blt in the 1850's. Additions in 1990. Zoned heat/air, nat gas, generator. Addl space, barn w/stalls (horses welcome) & lge shed. Perfect as a farmette or future dev pot. LR/FR plus 22x23 library w/frplc. Mstr suite offers frplc & 22x9 bath. Full bsmnt, 2 full kit & so much much



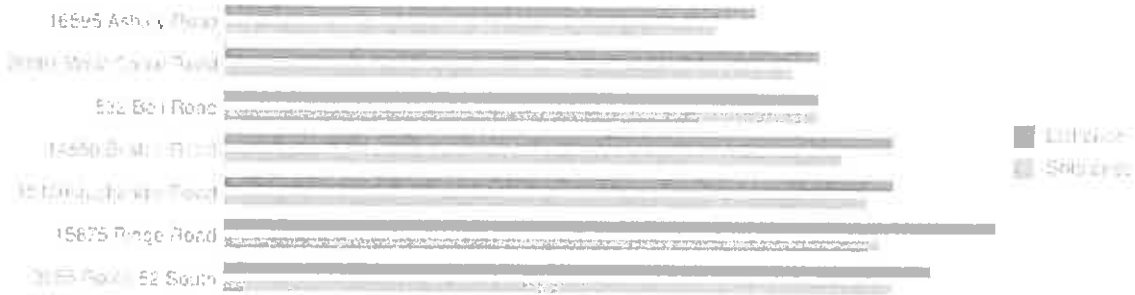
Information is deemed reliable but not guaranteed.

Source: MRED



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brettmcintyre@johngreeneraltor.com

Sold Property Analysis



Address	List Price	Sold Price	Difference	DOM	\$ per Sqft
16595 Ashley Road	\$325,000	\$305,000	-6.15%	330	\$104
26001 West Canal Road	\$369,900	\$350,000	-5.38%	1500	\$110
532 Bell Road	\$369,900	\$364,000	-1.60%	12	\$143
14550 Brisbin Road	\$410,000	\$380,000	-7.32%	23	\$158
15130 Jughandle Road	\$410,000	\$399,000	-2.68%	45	\$133
15875 Ridge Road	\$479,500	\$405,000	-15.54%	91	\$122
3055 Route 52 South	\$435,000	\$410,000	-5.75%	367	\$128
Sold Averages	\$399,900	\$373,286	-6.66%	398	\$128



Brett McIntyre | john greene, Realtor | 1311 S. Route 59 | Mobile: 630-253-3629 | www.brettmcintyre.com |
brettmcintyre@johngreene.com

Online Valuation Analysis



Sold Listings

Address	Sold Date	Sold Price	Zestimate	Difference
16595 Ashley Road	6/6/16	\$305,000	\$346,000	13.44%
26001 West Canal Road	9/30/15	\$350,000	\$374,335	6.95%
532 Bell Road	7/15/16	\$364,000	\$331,139	-9.03%
14550 Brisbin Road	11/16/15	\$380,000	\$380,125	0.03%
15130 Jughandle Road	7/13/16	\$399,000	\$369,487	-7.40%
15875 Ridge Road	1/13/16	\$405,000	\$409,371	1.08%
3055 Route 52 South	6/1/16	\$410,000	\$318,395	-22.34%
Sold Averages		\$373,286	\$361,264	2.47%

Active Listings

Address	List Price	Zestimate	Difference
2530 US Highway 52 Highway	\$325,000	\$335,292	3.17%
16801 Ridge Road	\$400,000	\$407,412	1.85%

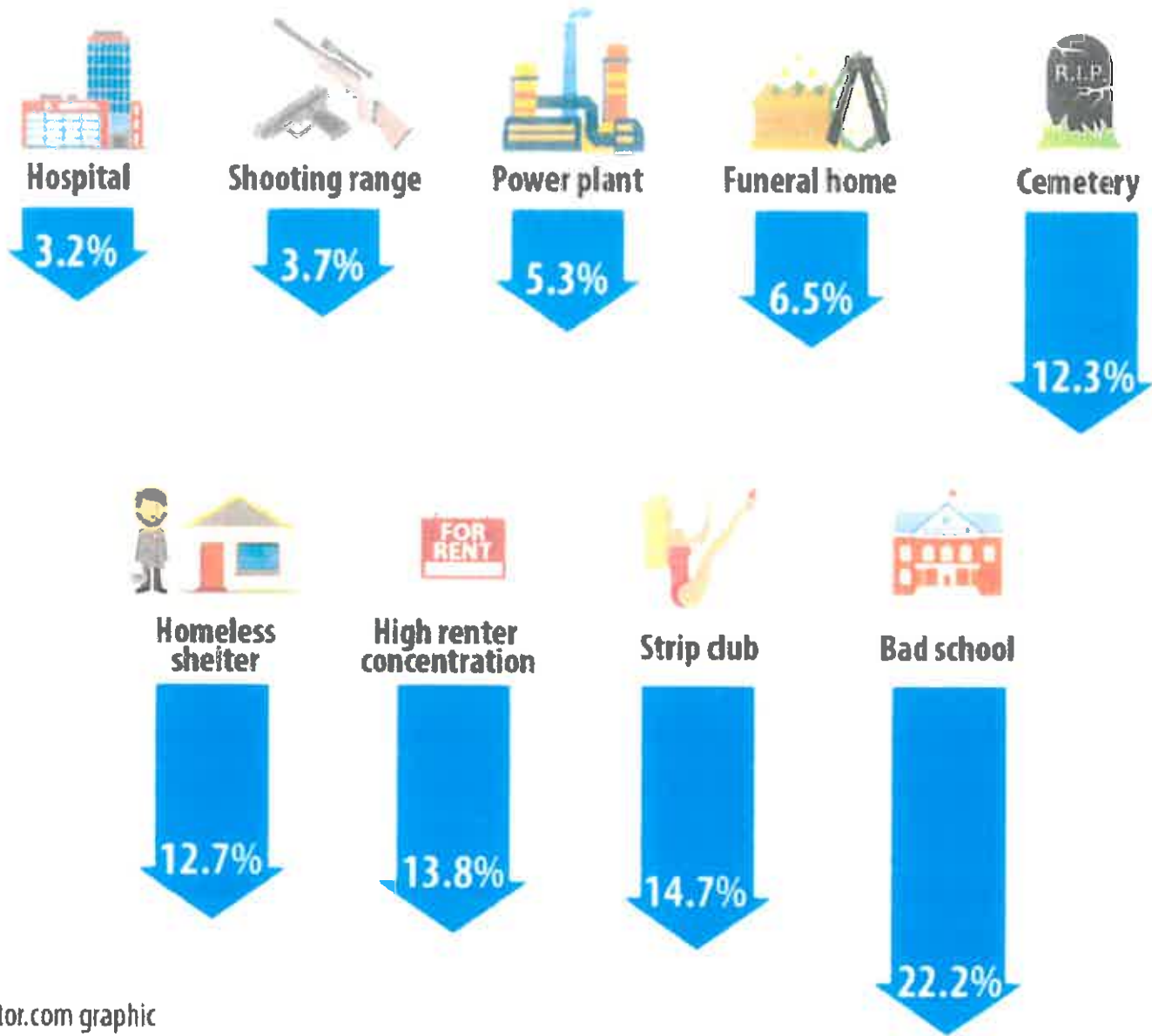
Source: MRED



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Things That Drag Down the Value of Your Home

The "drag" is calculated by comparing home prices near each facility (in the same ZIP code) with all homes in the same county.

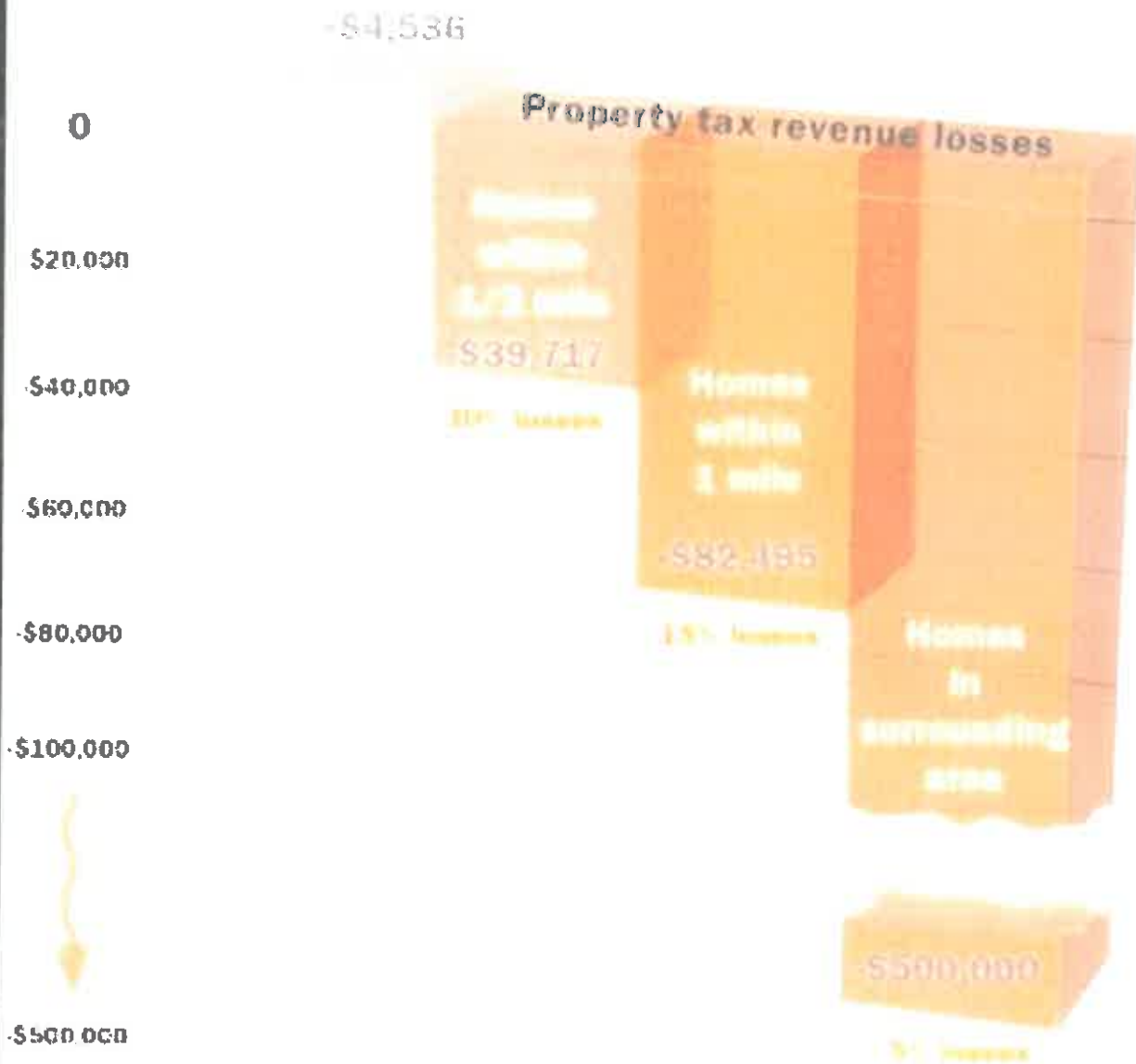


realtor.com graphic

A Losing Proposition

Greene County Annual Revenue

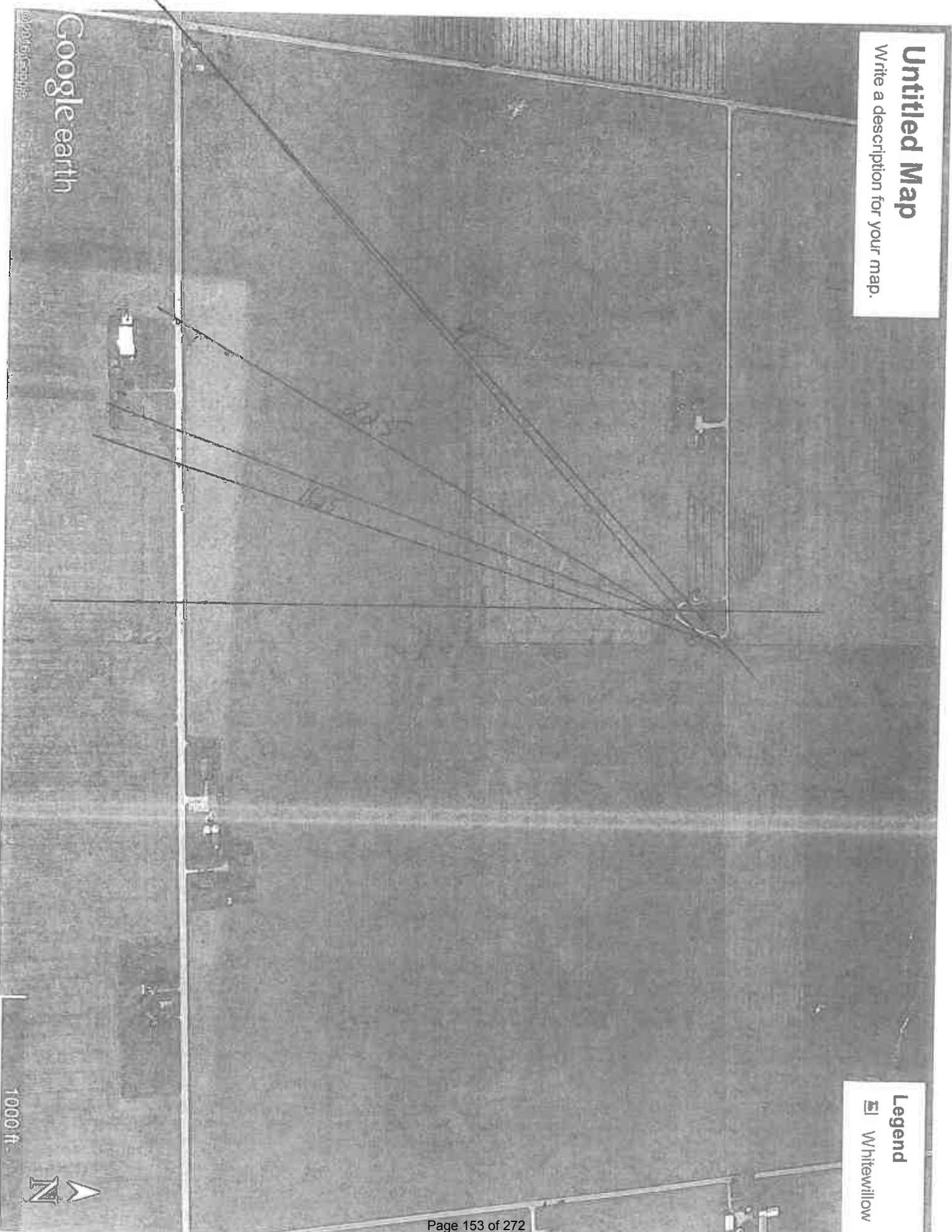
Estimated losses resulting from an out-of-range range
at 15337 Spotswood Trail, Rockersville, Va



Untitled Map

Write a description for your map.

Legend
Whitewillow



Google earth

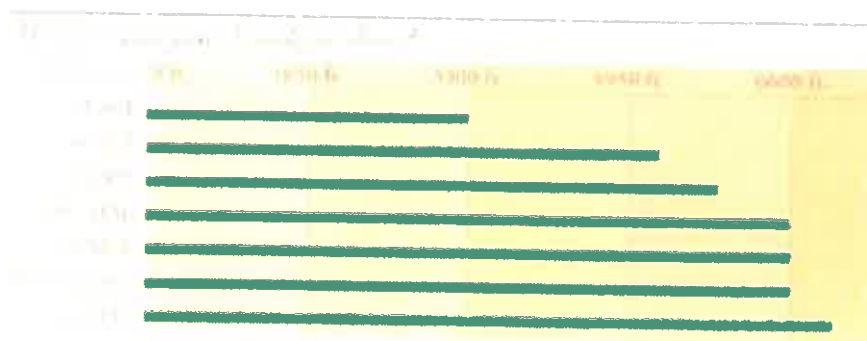
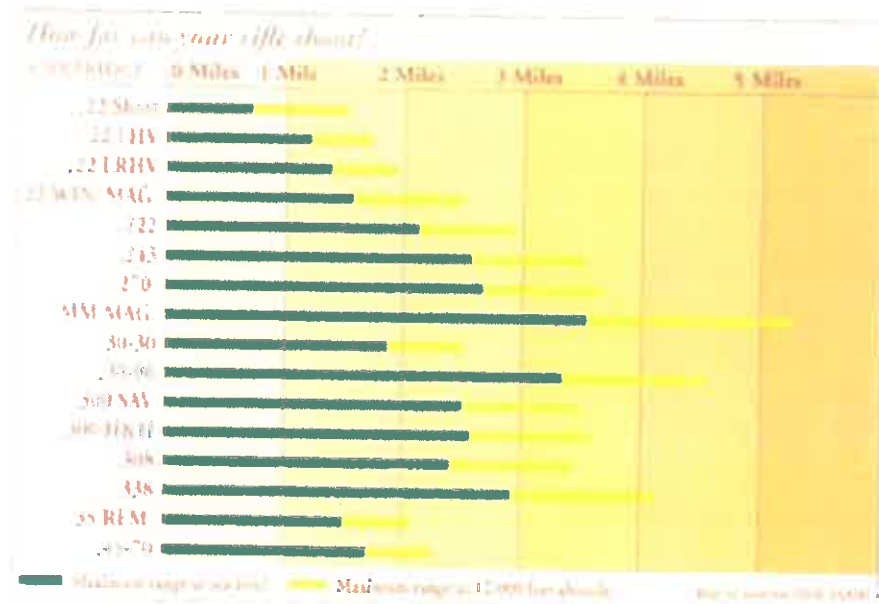
© 2015 Google

10000 ft



Know Your Rifle or Handgun's Range

Metallic cartridges are very powerful. Some bullets can travel almost five miles! Be sure you identify your target and what lies beyond it before you squeeze the trigger. The charts below show just how far bullets from different cartridges can travel.



KENDALL COUNTY SHERIFF'S OFFICE
CASE 2017-0986 NARRATIVE
DEPUTY D. RATKOVICH #54
MARCH 25, 2017

On 03/25/17 at approximately 1249 hours, I, Deputy Ratkovich KE54 responded to 6718 Whitewillow Road, Minooka in reference a other public complaint report.

Upon arrival I met with Joseph Phillips who resides at 6718 Whitewillow Road. Joseph advised me that he wanted to document an incident in reference unknown subjects that were shooting on property just north of his residence. Joseph pointed out to me through his front picture window that there is a gun range being built just north of his property with an address off of Church Road and that through his binoculars he could see individuals that were shooting and that they were shooting in a southerly direction, towards his residence. Joseph did advise that he estimated this distance to be approximately 1200 yards however he was a little concerned that through viewing from his residence he could see some of the targets were sticking over the top of the berm that the individuals were using. Specifically, Joseph pointed the cardboard silhouette that was on the most west side of the berm, that he could fully see the complete silhouette and that he believed that because of that angle that if the subjects were shooting at that target, there would be nothing to stop the projectiles.

Joseph just wanted this incident documented. I then provided Joseph with my business card with the report number on it.

I then relocated to 16502 B. Church Road, where I met with three male white individuals that were shooting handguns at the targets. They were identified as David Ryniec, Jonathon Villanueva, and John Kalad. I checked all three individuals and were advised by KenCom that all three were clear and valid and possessed valid FOID cards. In speaking with David Ryniec, he advised that he has permission from Robert Delaney, who is the property owner. I advised David of the concern of the complainant and advised that the berm that these three individuals were shooting towards was only approximately 5 ft tall and 20 ft wide. I observed the cardboard silhouettes to be mounted on target stands and although most of the silhouette was in front of and below the grade of the dirt berm, the portion of the head of the silhouette targets were above the berm. I explained to David and his friends of the legalities of shooting in an unsafe manner and that all three individuals advised that they would cease shooting at this time. David requested a report number as well to give to Mr. Delaney. David did advise that he was instructed by Mr. Delaney to shoot in the south direction and not in the east direction where the dirt was taller due to the houses were closer, facing the east direction. David provided me with a phone number for Robert Delaney of [REDACTED] for contact purposes.

At this time I cleared the area and I relocated back to the Sheriff's Office where I attempted to make contact with Robert Delaney to advise him of the report generated by a neighbor. I then found that the phone number provided to me by David Ryniec was no longer valid for Delaney. I cleared with nothing further.

Submitted by	[REDACTED]	Date	03/27/17	Time	0625
Approved by	[REDACTED]	Date	3-27-17	Time	630



Kendall County

Office of the Sheriff

Dwight A. Baird, Sheriff
1102 Cornell Lane Yorkville Illinois 60560
Phone: 630-553-7500 Fax: 630-553-1972
www.co.kendall.il.us/sheriff



APPROVAL OF REQUEST FOR RECORDS

TO: Joe Phillips

DATE: March 29, 2017

Today the Kendall County Sheriff's Office received your written request for public records. In response to your request and pursuant to the Illinois Freedom of Information Act, please be advised that your request for records is granted in its entirety.

I. List of Approved Records

The categories of records for which we approved your request are as follows:

Report #2017-0986

If you have any questions regarding this matter or require further information, please feel free to contact the undersigned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dee Fuchs".

Dee Fuchs
Freedom of Information Act Officer
Kendall County Sheriff's Office
630.553.7500 x1100

Ready to Protect, Proud to Serve

2017-0926



Kendall County Sheriff's Office Detail



Print Date/Time: 03/27/2017 11:42
Login ID: dfarren
Case Number: 2017-00000986

KENDALL COUNTY SHERIFF'S OFFICE
ORI Number: IL0470000

Case Details:

Case Number:	2017-00000986	Incident Type:	9059 - OTHER PUBLIC COMPLAINTS
Location:	6718 WHITEWILLOW RD	Occured From:	03/25/2017 12 45
		Occured Thru:	03/25/2017 12 45
Reporting Officer ID:	DR012990-RATKOVICH	Reported Date:	03/25/2017 12 45 Saturday
		Status:	1 - OPEN
		Status Date:	03/27/2017

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
-----	-----------	------------	---------	-------------	--------

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
COMPLAINANT	1	PHILLIPS, JOSEPH JOHN	6817 WHITEWILLOW RD MINOOKA, IL 60447	[REDACTED]	WHITE	MALE	[REDACTED]
WITNESS	1	RYNIEC, DAVID PAUL	[REDACTED]	[REDACTED]	WHITE	MALE	46
WITNESS	4	DELANEY ROBERT ALAN	[REDACTED]	[REDACTED]	WHITE	MALE	37
WITNESS	3	VILLANUEVA, JONATHON	[REDACTED]	[REDACTED]	WHITE	MALE	63
WITNESS	2	KALAD, JOHN	[REDACTED]	[REDACTED]	WHITE	MALE	38
							33



Kendall County Sheriff's Office Detail



Print Date/Time: 03/27/2017 11:42
 Login ID: dfarren
 Case Number: 2017-00000986

KENDALL COUNTY SHERIFF'S OFFICE
 ORI Number: IL0470000

Subject # 1-COMPLAINANT

Primary: No
 Name: PHILLIPS, JOSEPH JOHN
 Address: 6817 WHITEWILLOW RD
 MINOOKA IL 60447
 Primary Phone: [REDACTED]

Race: WHITE Sex: MALE
 Height: 5ft 11 in Weight: 250.0 lbs
 Eyes: BLUE Hair: BROWN
 DVL #: [REDACTED] State: IL

DOB: [REDACTED]
 Age: 46

Resident Status: RESIDENT

Subject # 1-WITNESS

Primary: No
 Name: RYNIEC, DAVID PAUL
 Address: [REDACTED]
 Primary Phone: [REDACTED]

Race: WHITE Sex: MALE
 Height: 6ft 1 in Weight: 225.0 lbs
 Eyes: BROWN Hair: BROWN
 DVL #: [REDACTED] State: IL

DOB: [REDACTED]
 Build: MEDIUM
 Age: 37

Resident Status: NON-RESIDENT

Subject # 4-WITNESS

Primary: No
 Name: DELANEY, ROBERT ALAN
 Address: [REDACTED]
 Primary Phone: [REDACTED]

Race: WHITE Sex: MALE
 Height: 6ft 1 in Weight: 210.0 lbs
 Eyes: BLUE Hair: GRAY
 DVL #: [REDACTED] State: IL

DOB: [REDACTED]
 Age: 63

Resident Status: RESIDENT

Subject # 2-WITNESS

Primary: No
 Name: VILLANUEVA, JONATHON
 Address: [REDACTED]
 Primary Phone: [REDACTED]

Race: WHITE Sex: MALE
 Height: 5ft 4 in Weight: 145.0 lbs
 Eyes: BROWN Hair: BROWN
 DVL #: [REDACTED] State: IL

DOB: [REDACTED]
 Age: 38

Resident Status: NON-RESIDENT

Subject # 2-WITNESS

Primary: No
 Name: KALAD, JOHN
 Address: [REDACTED]
 Primary Phone: [REDACTED]

Race: WHITE Sex: MALE
 Height: 5ft 11 in Weight: 215.0 lbs
 Eyes: BROWN Hair: BLACK
 DVL #: [REDACTED] State: IL

DOB: [REDACTED]
 Age: 33

Resident Status: NON-RESIDENT

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property



Kendall County Sheriff's Office Detail



Print Date/Time: 03/27/2017 11:42
Login ID: dfarren
Case Number: 2017-00000986

KENDALL COUNTY SHERIFF'S OFFICE
ORI Number: IL0470000

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
Vehicles							
No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate State



CONTEGO DEFENSE GROUP

David Ryniec



John Ryniec

...

John Ryniec

Father Friend Veteran



Works at Contego Defense Group



Worked at USS Mitscher



Went to Bolingbrook High School



Lives in Springfield, Illinois



Married to Lucinda Ambrosini-Ryniec



From Bolingbrook, Illinois

WITNESS 1
ON SITE
3/25/17
CONDUCTING
CLASS



John Kalad

WITNESS 2
ON SITE
3/25/17
PROVIDING
PHOTOGRAPHY
FOR
CONTIGO
WEBSITE

Owner and Photographer at John Kalad Photography

Lives in Lisle, Illinois

Married to April Kalad





50% Off Gun-Range Outing with Training



To
Ratings

Training and range time with six different firearms

NOT AVAILABLE

Discount:
50%

Total Price:
\$99

DEAL ENDED

**DRAFT
ORDINANCE NUMBER 2017 - ____**

**GRANTING A SPECIAL USE AT
16502 CHURCH ROAD IN LISBON TOWNSHIP TO
OPERATE AN OUTDOOR TARGET PRACTICE AND SHOOTING RANGE**

WHEREAS, Robert Delaney, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 38.49 acre property located on the east side of Church Road, 0.25 miles north of Whitewillow Road, commonly known as 16502 Church Road (PINs# 08-25-300-009 and 08-25-300-006), in Lisbon Township; and

WHEREAS, said property is legally described as:

Parcel 1

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, AND ALSO A STRIP OF LAND 2 RODS WIDE OFF THE SOUTH SIDE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 35, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND EXCEPTING THEREFROM; BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER SECTION 25; THENCE NORTH 89 DEGREES 59 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1333.03 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 43 MINUTES 25 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 703.38 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 55 SECONDS EAST 295.18 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 25 SECONDS EAST, 736.39 FEET TO THE NORTH LINE OF THE SOUTH 2 RODS OF THE SOUTH HALF OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 41 MINUTES 00 SECONDS WEST 33.00 FEET TO THE POINT OF BEGINNING, FURTHER EXCEPTION THEREFROM; THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25 AND PART OF THE NORTHWEST QUARTER OF THE SECTION 25, ALL IN THE TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE NORTH 89 DEGREES 59 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1333.03 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE SOUTH 00 DEGREES 43 MINUTES 25 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 295.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 43 MINUTES 25 SECONDS EAST, 328.18 FEET TO THE NORTH LINE OF THE SOUTH 2 RODS OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 25, THENCE NORTH 89 DEGREES 59 MINUTES 55 SECONDS EAST ALONG NORTH LINE OF THE SOUTH 2 RODS OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION WEST, 132.74 FEET TO THE POINT OF BEGINNING; ALL IN KENDALL COUNTY, ILLINOIS.

Parcel 2

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION

25 TOWNSHIP 35 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPLE MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 25, THENCE NORTH 89 DEGREES 59 MINUTES 55 SECONDS EAST ALONG THE NORTH LINE OF SAIS SOUTHWEST QUARTER, 1333.03 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25, THENCE SOUTH 00 DEGREES 34 MINUTES 25 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25 FOR A DISTANCE OF 295.18 FEET TO THE BEGINNING; THENCE NORTH 89 DEGREES 59 MINUTES 55 SECONDS WEST 295.18 FEET, THENCE SOUTH 00 DEGREES 43 MINUTES 25 SECONDS WEST, 408.20 FEET, THENCE SOUTH 89 DEGREES 59 MINUTES 55 SECONDS WEST, 295.18 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 00 DEGREES 43 MINUTES 25 SECONDS EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 408.20 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS; and

WHEREAS, said property is currently zoned A-1 Agricultural; and

WHEREAS, said petition is to obtain a Special Use Permit to operate an outdoor target practice and shooting range; and

WHEREAS, the proposed outdoor target practice and shooting range meets the requirements set forth in section 7.01.D.33; and

WHEREAS, all special use procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the Findings of Fact in accordance with Section 13.08.J of the Zoning Ordinance, and a recommendation by the Special Use Hearing Officer on April 3, 2017; and

WHEREAS, the Findings of Fact were approved as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The facts and evidence presented does not sustain this finding. While the condition and restrictions placed on a special use permit may minimize some of the negative impacts of the proposed use, the conditions will not provide adequate remediation of the negative impacts of the proposal. This proposal deals with the use of weapons. The Peterson property is arguably within the 1000 foot radius. The proposed gun range would have a negative impact on the public health, safety, and welfare of the neighbors in the area.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The facts and evidence presented does not sustain this finding. The proposed use could be injurious to the use and enjoyment of other property owners in the general area and more specifically in the immediate vicinity. Noise is a concern. The risks association with a facility using weapons is a

concern. The proposed use will negatively impact the property values of nearby homes and property.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities and drainage exist onsite. The point of ingress/egress from Church Road is over an easement. The underlying driveway is presently not constructed for a commercial use or for large amounts of traffic. Church Road is not classified as a collector road.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The proposed use could conform to the applicable regulations of the district. Appropriate conditions and restrictions could be placed on the special use permit to ensure compliance. However, failing the first two findings will not completely rectify the non-conformities that may arise as a result of the proposed special use.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Outdoor shooting ranges are a special use within the A-1 Agricultural District. The subject property is classified as agricultural on the Future Land Use Map. No improvements to Church Road are planned in the Land Resource Management Plan; this could negatively impact the ability of a non-agricultural business from remaining in operation because patrons may have difficulty reaching the property.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit to operate an outdoor target practice and shooting range in accordance to the submitted plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The shooting range operation shall conform with NRA standards established in the NRA Source Book, unless a subsequent restriction is stricter than the NRA standards.
2. The maximum number of outdoor shooting lanes shall be twenty-four (24).
3. The maximum number of thirty (30) patrons may be on the property at a time, not including a maximum three (3) employees of the business allowed by this special use permit.
4. Berming shall be a minimum height of twenty (20) feet per the NRA Range Source Book. The berm shall be located to the south, west, and east of the shooting area. A baffle between four (4) foot and six (6) foot in height should be erected on top of the southern berm. A HESCO barrier of the same height and in the same location may be substituted for a berm.
5. A sign shall be installed that is visible to all visitors of the shooting range that lists allowed firearm types, rules of operation – hearing and vision protection required.
6. Pistols shall be the only firearm permitted to be discharged as part of the business allowed by this special use permit.
7. Firearms associated with the business allowed by this special use permit shall only be discharged in the area confined by the berm or HESCO barrier. Firearms can only be discharged when facing in a southerly direction.

8. A state recognized, nationally recognized or NRA Certified range supervisor shall be present at all times.
9. A range flag, a sign, or red light shall be displayed at all times when firing is taking place.
10. Access to the shooting range shall be controlled by a lockable gate.
11. A hazardous waste plan addressing lead management is required outlining lead removal occurring at least once a year.
12. Submission of a maintenance bond annually for removal of lead. The maintenance bond amount shall be \$3,500 paid within 60 days of the issuance of the special use permit. The annual maintenance bond shall be submitted to the Planning, Building and Zoning Department by May 1 of each year.
13. No skeet shooting, trap shooting, or sporting clays shall be permitted.
14. No discharge of lead shall occur into any wetlands or onto land used for crop growth as of the date of the adoption of this special use permit.
15. No alcohol shall be allowed as it relates to the business allowed by this special use permit.
16. Hours of operation shall be limited to between thirty (30) minutes after sunrise and thirty (30) minutes before sunset. **The County suggests restricting the hours of operation to between 8:00 a.m. and 8:00 p.m. Mondays through Saturdays and between Noon and 6:00 p.m. on Sundays.**
17. The shared access drive shall be treated with calcium chloride within sixty (60) days of approval of the special use provided that the owner of the shared driveway consents to the treatment.
18. The shared access drive shall be paved with a hard surface within one (1) year of approval of the special use provided that the owner of the shared driveway consents to the paving.
19. Only range staff and property owners shall be permitted to have a key to the gate to the shooting range.
20. No firearm sales shall occur on the property.
21. All applicable Federal, State and County rules and regulations shall be adhered to.
22. All applicable Federal and State licenses and approval shall be submitted to the Kendall County Planning, Building and Zoning Department prior to commencing operations and submitted annually thereafter.
23. The business allowed by this special use permit shall satisfy all requirements of the Kendall County Health Department.
24. A stormwater management permit shall be approved prior to the start of construction.
25. Proposed signage shall meet the requirements of Section 12 of the Zoning Ordinance. The sign shall be a maximum four foot by eight foot (4X8) in size and shall not be illuminated.
26. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. Lighting shall be installed in a manner that does not cause light to be shine into neighboring houses.
27. Must adhere to the Performance standards of Section 4.12 of the Zoning Ordinance.
28. Noise generated by the business allowed by this special use shall comply with the following:
 - a. **Day Hours:** No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
 - b. **Night Hours:** No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving

residential land provided; however, that point of measurement shall be on the residential property line of the complainant.

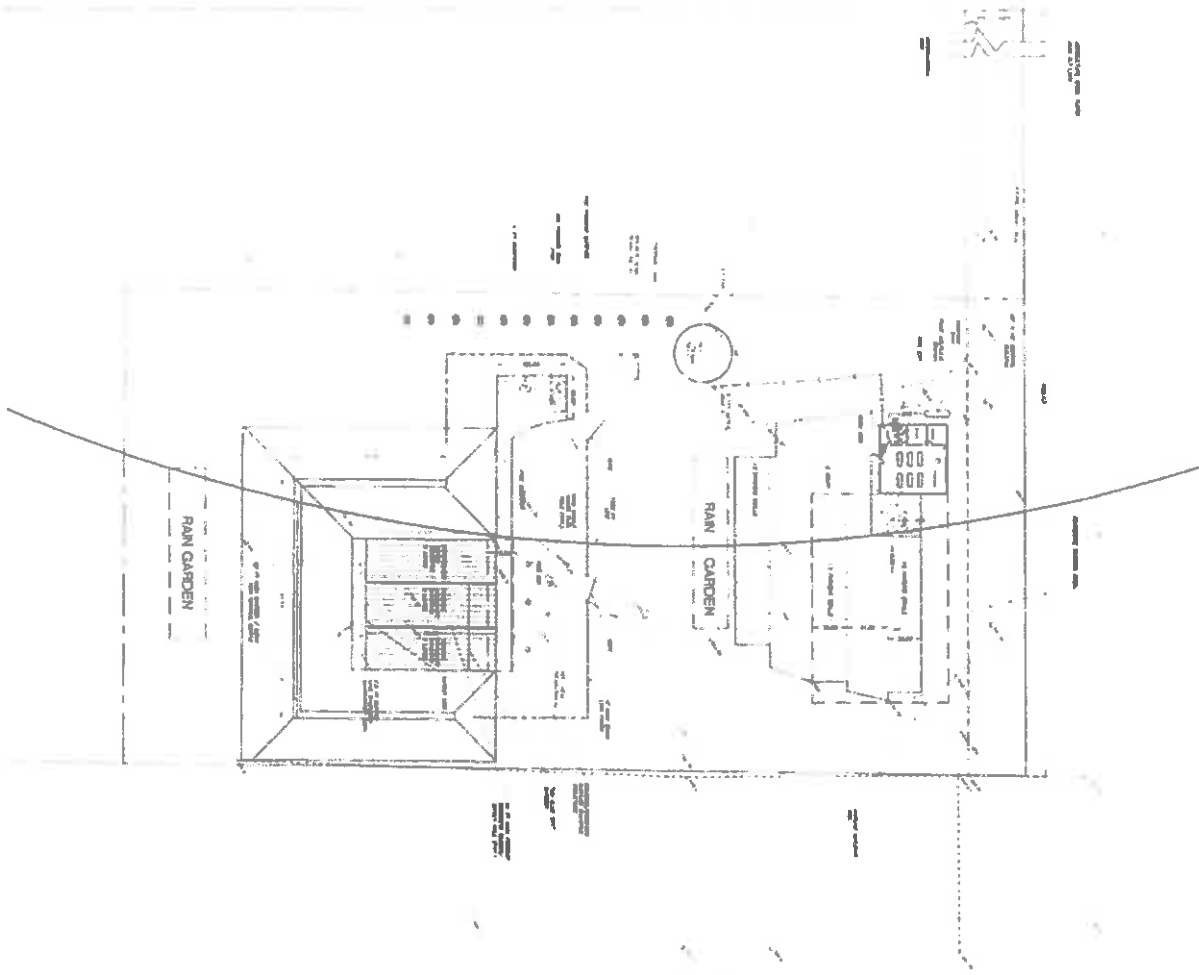
- c. **EXEMPTION: Powered Equipment:** Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
29. The petitioner shall submit to the County within sixty (60) days of the approval of this special use ordinance a bond of \$3,000 to ensure the completion of an appraisal of the property located at 16502 Church Road Unit A. If the property owner at 16502 Church Road Unit A does not request and complete an appraisal of the property at 16502 Church Road Unit A within one (1) year of the approval of this special use ordinance, the bond shall be released to the petitioner. If the property located at 16502 Church Road Unit A is sold within fifteen (15) years of the approval of this special use ordinance at a price less than what is stated in the aforementioned appraisal, the petitioner, and its successors, heirs, and assigns of the property, will financially compensate the property owners of 16502 Church Road Unit A the difference between the sale price and the appraisal.
30. The owner of business allowed by this special use permit shall have the property inspected at least on an annual basis by the Lisbon-Seward Fire Protection District.
31. The owner of the property awarded the special use permit by this ordinance may apply for a special use permit for an indoor shooting range at a future date.
32. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
33. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this ___th day of April, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



C-2

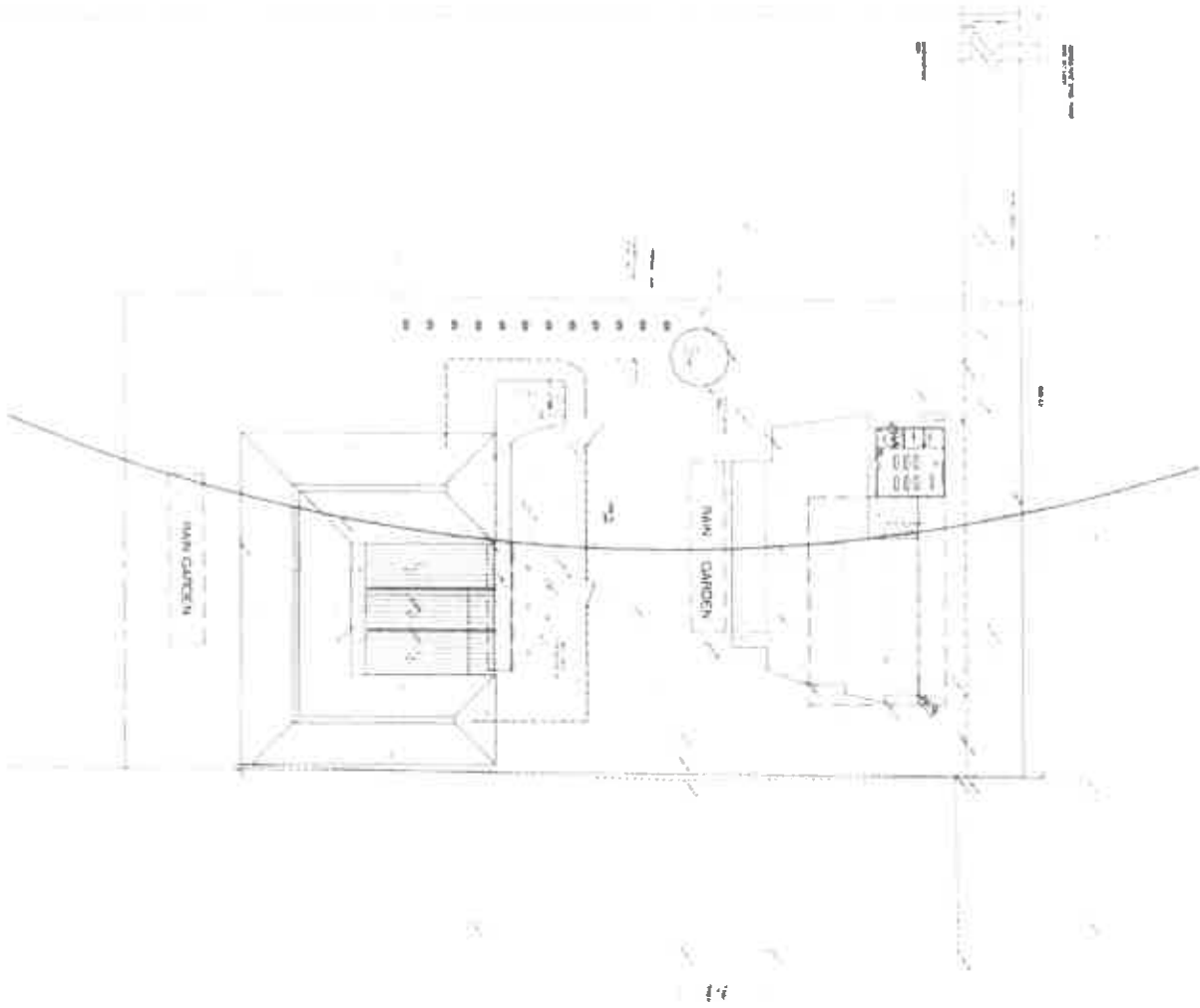
JCK
 ENGINEERS & ARCHITECTS
 450 WEST 104TH STREET
 MINNEAPOLIS, MN 55426
 TEL: 612-338-1100
 WWW.JCKENGINEERS.COM

DIRT ROAD RANGE

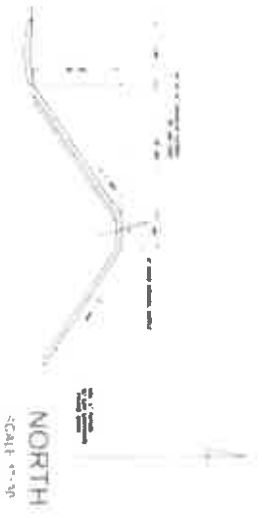
MINOOKA, ILLINOIS
 CHURCH ROAD
 Site Improvements

SITE PLAN

Exhibit A Page 3



BACKSTOP BERM DETAIL
NOT SCALE



KEY

C-3
JCK
 JOHNSON & BROWN
 150 WEST LARK STREET
 PRINCEDON, IL 61774
 815-438-3884
 FAX 815-438-3885

DIRT ROAD RANGE

MINOOKA, ILLINOIS
 CHURCH ROAD
 Site Improvement

GRADING PLAN

PBZ

April 4, 2017

To: All Kendall County Board Members

RE: Delaney Gun Range

I urge you to deny the special-use permit for Robert Delaney and his proposed outdoor gun range located off of Church Road.


I am a property owner and resident of the community a short half-mile due south of the proposed location. Mr. Delaney and his lawyer indicated in the county hearings that he is willing to provide economic recover to Mr. Peterson, whose house is located within 1000 feet of the proposed shooting range. However, Mr. Delaney has not given the same benefit to the remaining 3 residents located within half a mile from the location. These homes, including mine, will most definitely suffer an economic loss of property value due to the outdoor gun range. My property will stand to lose anywhere from 3% to 30% as was evidenced at the Zoning Commissioner's Hearing on April 3. For me, that equates to a \$13,500 loss on the low end to a \$135,000 loss on the high end.

In addition to a monetary loss, I face the loss of my enjoyment and general welfare on my own piece of land. His proposal will allow gun shooting to commence 30 minutes after sunrise to 30 minutes before sunset. That's 14 hours a day in the peak of summer! I don't want to be woken on a Sunday morning at 6:00 am to the sound of gunfire!

And if not for the noise, then I have the eyesore of 20-foot berms with 6-foot fencing that will be visible out my front window.

Mr. Delaney has failed on the first two items in the Finding of Fact: he *will be* detrimental to my "...health, safety, morals, comfort, [and] general welfare," and this special use permit *will* "...substantially diminish and impair [my] property values."

Mr. Delaney may have the right to do as he pleases on his property, but his rights are not absolute - they are circumscribed by the rights of others. Mr. Delaney is infringing on not only my rights but also the rights of all the members of his community. He has failed to demonstrate how this special use will bring a benefit to our community.


James Manning
6718 White Willow Rd
Minooka, IL 60447

-bell

Lead Management Plan

The shooting range is designed to capture spent rounds whole or mostly whole in the bullet trap which is constructed from a sloped metal deck and recycled rubber media. Using a rubber berm prevents excessive dust from bullets breaking apart meaning the lead is very well contained within the trap system.

Range staff will follow the maintenance plan (attached) proposed by Action Target to ensure proper containment and collection of bullets on the range. The maintenance plan covers daily, quarterly and mining protocols.

Range staff will inspect the trap daily, keeping the rubber levels correct to ensure proper containment of spent projectiles.

As recommend in the maintenance plan, we will mine the trap when there are approximately 80,000 rounds per lane present. Due to the toxic and harmful nature of the lead, a company that specializes in lead reclamation will be used to mine the bullet trap. The following are lead management companies that specialize in the shooting range industry:

Best Technology Systems

- <http://www.btsranges.com/>
- Phone 815-254-9554

MT2

- <http://www.mt2.com/>
- 1-888-435-6645

Green Bay Lead

- <http://www.greenbaylead.com/>
- 920-499-1314

Using experts in the industry to mine the lead ensures that proper safety protocols and regulations will be followed/used correctly. The company that mines the lead from the trap will keep it for recycling to be reused in batteries, ammunition or other industrial applications.

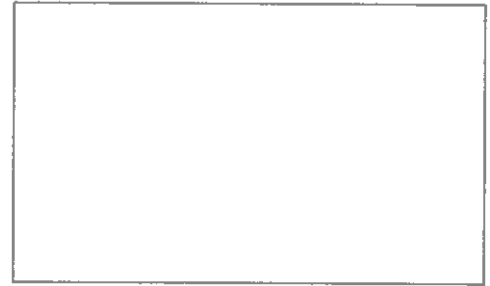
The lead is transported from the range by the company that performs the mining, following all safety and legal protocols.

Many ranges in the greater Chicago area (from Waukegan to Joliet) use these methods and companies to contain and manage the lead in their shooting ranges. Best Technology Systems is an Illinois company, located in Plainfield. They have decades of experience collecting lead from indoor and outdoor shooting ranges.



BEST TECHNOLOGY SYSTEMS

Quality Specialists in Bullet Trap
and Shooting Range Maintenance



Bidder Qualifications

**Best Technology Systems, Inc.
12024 S. Aero Drive
Plainfield, IL 60585**

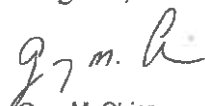
Best Technology Systems, Inc. is an environmental contractor that specializes in bullet trap maintenance and the cleaning of shooting ranges. The company has been in business for twenty three years and has been servicing ranges for the police and military for well over eighteen years. Best Technology Systems, Inc. has an office staff that will provide excellent service from the first phone call through to the final documentation package you will receive at the end of the project. We also have five field crews that service shooting ranges and bullet traps throughout the United States. Best Technology Systems, Inc. has all of the specialized equipment, tools, supplies and the experience to properly maintain your range.

Best Technology Systems, Inc. prides itself on offering its clients exceptional quality in a variety of services at competitive rates. Our specialties include the following:

- Decontamination of shooting ranges
- Provide and install replacement parts on bullet traps
- Lead recycling of spent lead projectiles
- Replace, supply, and dispose of range ventilation filters
- Demolition of bullet traps
- Rebuilding of bullet traps
- Patch, repair, and recycle granular rubber traps
- Disassemble and clean deceleration chambers
- Flip impact plates
- Shooters Exposure Assessments – monitors lead exposure during shooting
- Ventilation System Evaluation – monitors proper airflow down range
- Sell personal protective equipment, vacuums, and supplies to properly clean shooting ranges.

If you need any more information, please call our office at 815-254-9554.

Regards,


Gary M. Chinn
President

BEST TECHNOLOGY SYSTEMS, INC.

**Quality Specialists
in Shooting Range
Cleaning
and Bullet Trap
Maintenance**

**Gary Chinn
Best Technology Systems, Inc.
12024 S. Aero Drive
Plainfield, IL 60585-8796**

**Phone: 815-254-9554
Fax: 815-254-9558**

Email: mail@btsranges.com

To our Prospective Customer:

Thank you for your interest in **Best Technology Systems, Inc. (BTS)** We specialize in environmental solutions for shooting ranges and provide a wide array of expert services for indoor and outdoor ranges. We can do everything from simple lead removal and regular range cleaning to a complex decommissioning.

OSHA, State and Local Health Departments have begun to force range owners into compliance with lead laws, and many range have received stiff fines and/or have been closed. In all cases, full compliance requires written respiratory and medical surveillance for range personnel and specific training for employees who are exposed to lead. Employees should be trained to wear respirators, protective clothing and how to operate specialized equipment such as HEPA vacuums.

We are knowledgeable and strictly enforce all State, EPA and OSHA regulations. In addition all of our employees are licensed in lead abatement and adhere to all OSHA regulations pertaining to employee protection.

OUR SERVICES INCLUDE . . .

- Remove and recycle spent lead projectiles from all metal bullet traps.
- Remove and recycle spent lead projectiles from all granular rubber bullet traps.
- Repair and maintain all metal and rubber bullet traps.
- Basic and complex cleaning of all shooting ranges.
- Disassemble and clean deceleration chambers on metal bullet traps.
- Flip & rotate impact plates on metal bullet traps.
- Bullet trap demolition, removal, and disposal.
- Supply, install and dispose of all range ventilation pre, secondary, and HEPA filters.
- Full range decommissioning of indoor and outdoor ranges.
- Mining of outdoor dirt or sand berms.
- Disposal of lead contaminated hazardous waste in EPA approved landfill with proper manifesting.
- Disposal of live ammunition.
- Remove, dispose and pay for range brass casings.
- Sell range cleaning supplies, equipment and P.P.E. (personal protective equipment).
- Conduct initial lead exposure assessments for employees and for shooters.
- Conduct Range Airflow Evaluation.
- Provide OSHA 1910.1025 Training Awareness Classes.

4/24/07

RUBBER BERM TRAP

OPERATION AND MAINTENANCE MANUAL

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RUBBER BERM TRAP

OPERATION AND MAINTENANCE MANUAL
REVISION 2.0



ACTION TARGET
3411 Mountain Vista Pkwy
Provo, UT 84606, USA



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SECTION 1: GENERAL INSTRUCTIONS

1.1 GETTING HELP

For questions about the information found in this manual, please contact Action Target Customer Service at **(888) 377-8033**.

1.2 MANUAL CONVENTIONS

The following icons in this manual highlight helpful/essential information:

-  This is a safety tip to help you maintain the safety of yourself and others.
-  This is a warning to indicate potential danger or damage to equipment.
-  This is a note to draw your attention to important and helpful information.

SECTION 2: PRODUCT INFORMATION

2.1 OVERVIEW

- Action Target's rubber berm trap is designed to stop and contain bullets.
- The rubber acts as an absorption layer that allows for an extremely quiet and clean environment because it dampens noise and minimizes airborne lead dust.


2.2 FEATURES

- The rubber berm trap consists of a 2ft. layer of chopped rubber spread over a steel framework.

2.3 PRODUCT USE GUIDELINES

- Users may shoot across lanes and at distances as near as 3 yds.
- Rounds up to .50 BMG at 25 yds may be used.
- Shotgun ammo should not be smaller than 00 Buck.

 Action Target advises users not to use tracer rounds on any type of rubber trap.

 Bullets may ricochet upwards, especially as the rubber granules of the rubber berm trap break down. Action Target recommends that baffles are incorporated directly above the rubber berm trap.

2.4 PROTECTIVE CLOTHING

When inspecting or maintaining the rubber berm trap, personal protection equipment should be used to reduce exposure to lead and other contaminants, such as:

- Tyvek suit and respirator
- Gloves
- Eye protection



SECTION 3: RUBBER BERM TRAP MAINTENANCE

◆ Action Target Customer Service Department: (877) 852-2418.

3.1 DAILY

1. Remove foreign materials

Inspect surface of rubber and remove waste materials such as large lead ingots/accumulation, shotgun wads, wood splinters, cardboard, etc.

2. Maintain a uniform rubber thickness

After each use of the rubber berm trap, use a metal rake to draw the thick areas back over the thin areas to maintain a uniform thickness.

After raking the trap, check the thickness of the rubber. Use a yard stick/ruler to do this, checking the areas directly behind the target and at one-yard intervals. The chopped rubber should be spread out over the entire berm at a depth of 24 inches or more, including in front of the floor rib. The section of the berm located in the direct line of fire, sometimes referred to as the "hot spot" (about 60" from the floor), must be piled higher (an additional 6-12 inches).

Over time, the rubber granules will break down. When the depth of rubber in the trap is less than 24 inches (and less than 30 inches in the "hot spot"), contact Action Target Customer Service and place an order for **chopped rubber - part number 5428**.

⚠ If the rubber thickness drops below 24 inches, the steel plate supporting the rubber may be penetrated. If this happens contact Action Target Customer Service.

3. Ensure fins have not failed

The berm fins (see Fig. 4) that prevent the rubber from sliding off the trap are designed to allow bullets to pass through them. However, if the fins have become too damaged to perform this function, contact Action Target Customer Service.

4. Refill overhead hopper if needed/applicable

Where applicable, check the hopper to ensure it contains rubber media. Refill as necessary. Small bags/buckets and a shovel work well for this purpose. A ladder will be needed to reach the hopper.

3.2 QUARTERLY

For traps treated with Flame Seal RG fire retardant, ensure 50% of fire retardant coating is visible on the surface of the rubber (see section 4.1).

3.3 EVERY 80,000 ROUNDS PER LANE

At approximately 80,000 rounds per lane the rubber on the rubber berm trap will become saturated and must be mined and refilled by Action Target.

◆ It is not advised to extract bullets by hand. Doing so is extremely labor intensive and presents major health hazards. Action Target has an automated method for removing lead from rubber berm traps. Contact Action Target Customer Service to schedule this service.

SECTION 4: FIRE RETARDANT MAINTENANCE

4.1 FIRE RETARDANT REAPPLICATION CRITERIA

To ensure the rubber trap maintains its fire resistant properties, fire retardant (**Flame Seal RG - part #15756**) should be reapplied to:

A. The surface of the trap when:

- Less than 50% of the fire retardant coating is visible on the surface of the trap (the coating is light gray in color, as seen in Fig. 2).
- More than 25% of the rubber in the trap has been replaced (due to break down, etc.).

B. The entire trap when:

- Spent bullets have been cleaned out of the rubber trap.

Range owners are advised to contact Action Target Customer Service and arrange to have a qualified technician to reapply fire retardant to the rubber berm trap. Action Target cannot be held responsible for the performance of the fire retardant if it is applied by anyone other than an authorized Action Target service technician.

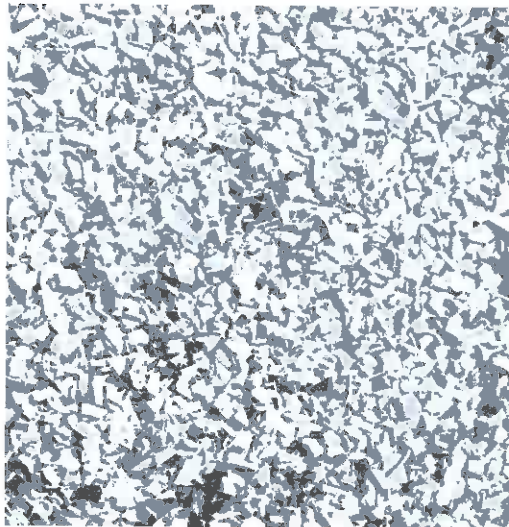


FIGURE 1. 100% FIRE RETARDANT COVERAGE

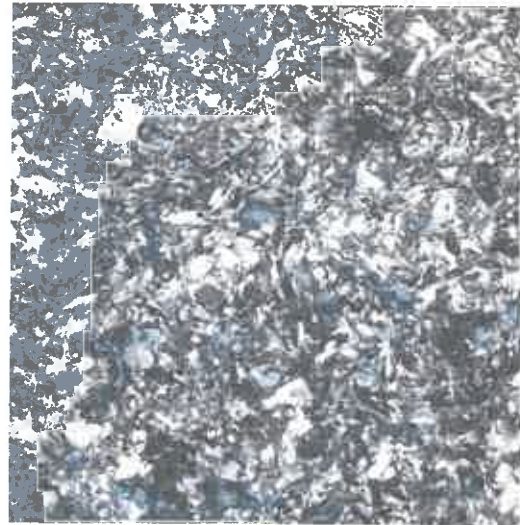


FIGURE 2. 50% FIRE RETARDANT COVERAGE

SECTION 5: FIRE RETARDANT APPLICATION

- ◆ Instructions regarding environmental conditions, mixing, and application rate must be followed to ensure fire retardant performs optimally.

5.1 HOW TO ORDER THE FIRE RETARDANT

To order fire retardant, call Action Target Customer Service at (877) 852-2418 and place an order for **Flame Seal RG, part #15756**.

- ◆ Flame Seal is orderable in 5 gallon quantities (4 gallons of resin and 1 gallon of catalyst solution). To calculate the amount required, see section 5.8.

- ◆ The resin and catalyst solution should NOT be mixed together until needed. Store in separate airtight containers at a temperature between 40°F (-4.4°C) and 90°F (32°C). Use within 1 year of the manufacturing date.

5.2 ORDER MORE RUBBER IF NECESSARY

Before reapplying fire retardant, check the rubber depth (as per instructions in section 3.1) to determine if more rubber is required.

5.3 ENVIRONMENTAL CONDITIONS

Before mixing and applying the fire retardant, ensure the following conditions are met:

1. Application Conditions:

- Ambient and surface temperatures are between 50°F and 95°F (surface temperatures should also be 5°F above the dew point. See Table 1 for dew point calculation chart).
- Ambient and surface temperatures are not below 32°F.
- Humidity is below 85%.
- The rubber is dry and clean.
- The fire retardant is above 50°F. Do not apply direct heat to the product of the product container. If required, heat gradually in a room that is above 50°F for 24 - 48 hours before spraying.

TABLE 1. DEW POINT CALCULATION CHART (°F)

% RELATIVE HUMIDITY	AMBIENT (AIR) TEMPERATURE										
	20°	30°	40°	50°	60°	70°	80°	90°	100°	110°	120°
90%	18	28	37	47	57	67	77	87	97	107	117
85%	17	26	36	45	55	65	75	84	95	104	113
80%	16	25	34	44	54	63	73	82	93	102	110
75%	15	24	33	42	52	62	71	80	91	100	108
70%	13	22	31	40	50	60	68	78	88	96	105
65%	12	20	29	38	47	57	66	76	85	93	103
60%	11	19	27	36	45	55	64	73	83	92	101
55%	9	17	25	34	43	53	61	70	80	89	98
50%	6	15	23	31	40	50	59	67	77	86	94
45%	4	13	21	29	37	47	56	64	73	82	91
40%	1	11	18	26	35	43	52	61	69	78	87
35%	-2	8	16	23	31	40	48	57	65	74	83
30%	-6	4	13	20	28	36	44	52	61	69	77

2. Curing Conditions:

- Ambient and surface temperatures are between 50°F and 95°F (surface temperatures should also be 5°F above the dew point).
- Humidity does not exceed 85% for more than 4 hours per day. If it does, the curing duration should be extended an additional 24 hours. The time until the rubber is dry to the touch depends on the temperature, as shown:

TABLE 2. CURING TEMPERATURE AND DURATION OF FLAME SEAL RG

TEMPERATURE (°F)	TIME (HRS)
80+	48
60 - 80	54
50 - 60	72

◆ Use of the trap may be resumed while the fire retardant is curing.

5.4 PROTECT SURROUNDING SURFACES

Before applying the fire retardant, use paper or plastic and tape to mask off retriever guide rails and surrounding surfaces (see Fig. 3), including:

- Side plates
- Baffles
- Hopper
- Back wall
- Floor in front of the berm (lay down a drop cloth)



FIGURE 3. PROTECT SURROUNDING SURFACES BEFORE APPLYING FIRE RETARDANT

5.5 SPRAYER EQUIPMENT

Airless paint sprayer equipment is suitable to use for applying the fire retardant. The size and power of the sprayer equipment should be determined by the size of the job.

Minimum Requirements:

- 3/4 HP electric motor or 1 HP gas powered motor (outdoor only)
- Output capability of 0.4 GPM with 2000+ PSI (dynamic) at the gun
- RAC tip size 0.021 - 0.031 determined by paint pump capability and desired spray pattern

Fire retardant sprayer equipment (spray guns, hoses, pumps, paint mixers and funnels) should be used for fire retardant application only; paint residue may soften and clog the spray gun.

⚠ DO NOT use a spray tip with a diffuser. Remove paint strainers from the spray pump and gun as they may restrict the flow of the fire retardant.

5.6 OPTIONAL EQUIPMENT

Use plywood planks to walk over the rubber berm trap when applying fire retardant. For larger outdoor berms, consider using a boom lift.

5.7 MIXING THE FIRE RETARDANT

Safety Prerequisites:

- For proper ventilation, mix fire retardant either outside or in front of an open bay door.

Protective Gear:

- Organic vapor cartridge respirator (3M-5201 Organic Vapor Assembly)
- Safety glasses
- Gloves
- Protective coveralls

Instructions:

1. Use an “aggressive” drill mixer designed for 5 gallon pails with a ½” chuck drill motor. Mix at 600 - 800 rpm. DO NOT use a cordless drill motor.
2. Spin the drill motor in the direction that pulls upwards. DO NOT draw excessive air into the mix as bubbles may interrupt spraying.
3. Mix resin thoroughly until mixture is smooth and even (there should be no spongy pieces larger than ¼” in diameter).
4. Ensure the 1-gallon jug of the catalyst is shaken for a few seconds before adding it to the resin as the catalyst may be slightly thicker near the bottom of the pail.
5. Add the catalyst to the resin* and mix with the same mixer drill used in step #1.
6. Mix for 1 minute. Avoid drawing air into the mixture while stirring. The catalyst adds instant viscosity and body to the mixture.

! DO NOT mix any longer than recommended as this may shorten the pot life of the mixture. However, if spraying becomes difficult, stir the mixture just enough to restore proper viscosity for continued spraying.

*Once the catalyst is added, the mixture must be applied before the expiration time, as shown in Table 3.

TABLE 3. EXPIRATION TIME OF PREPARED FIRE RETARDANT ACCORDING TO TEMPERATURE

TEMPERATURE (°F)	EXPIRATION TIME (MINS)
65	120 - 150
75	110 - 130
85	80 - 100
95	50 - 70

5.8 COVERAGE RATE

One 5-gallon container of fire retardant (see section 5.1 for ordering information) will cover 325 total square feet. Therefore, determine the square footage of the trap and divide that number by 325 to determine how many 5-gallon containers of fire retardant are required.

Using a 1,600 square foot trap as an example:

- If covering the surface only of the trap (see section 5.9.1), an order for 5 x 5-gallon containers (25 gallons total) of fire retardant would be required.
- If covering the entire trap (see section 5.9.2), which requires five layers of fire retardant, then multiply the surface square footage by 5. An order for 25 x 5-gallon containers of fire retardant would be required.

◆ No curing/drying time is required between layers.

5.9 APPLYING THE FIRE RETARDANT

! If the recommended application rate, mixing process, and environmental conditions are not heeded, then the effectiveness of the fire retardant will be compromised.

5.9.1 SURFACE OF TRAP

1. If adding extra rubber to the trap, lay down the rubber *before* applying fire retardant.
2. Use a metal rake to even out the rubber, ensuring it has a uniform depth of at least 2 ft. including in front of the floor rib. There should also be an additional 6 to 12 inches of rubber on the "hot spot" section of the berm (located in the direct line of fire about 60" from the floor).
3. Mix the fire retardant to the proper viscosity and spray it evenly over the surface of the rubber.

5.9.2 ENTIRE TRAP

Apply 5 layers of fire retardant throughout the 2 ft. deep rubber following the directions below:

1. Remove all the rubber from the berm.
2. Lay down a 6-inch layer of rubber over the entire surface of the berm.
3. Mix the fire retardant to the proper viscosity and spray it evenly over the rubber. Ensure fire retardant is applied at the proper application rate.
4. Lay down another 6-inch layer of rubber and apply fire retardant.
5. Lay down a third 6-inch layer of rubber and apply fire retardant.
6. For the fourth layer, lay down only 3 inches of rubber and apply the fire retardant.
7. Lay down the final 3-inch layer of rubber. Before applying final coat of fire retardant, make sure the rubber is spread out evenly at a depth of at least 2 ft., including in front of the floor rib. Pile an additional 6 to 12 inches of rubber on the "hot spot" section of the berm (located in the direct line of fire about 60" from the floor). Apply fire retardant to surface of rubber.

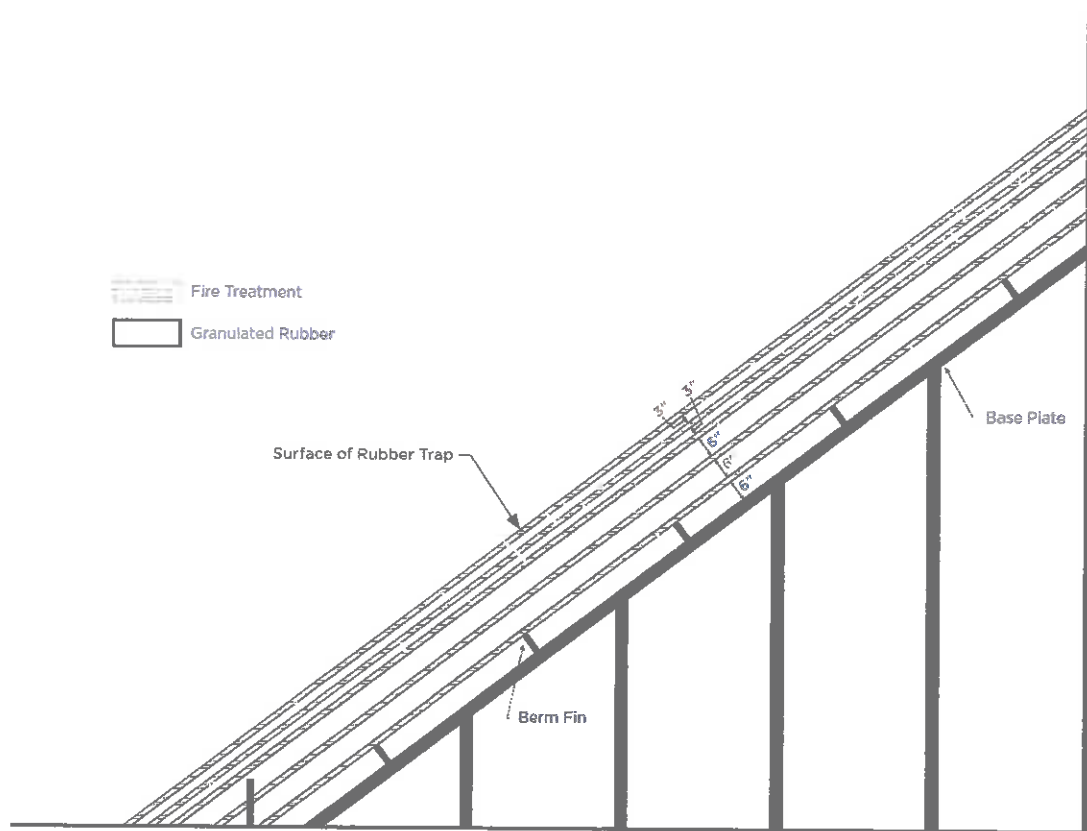


FIGURE 4. GRAPHICAL REPRESENTATION OF FIRE RETARDANT APPLIED TO ENTIRE TRAP

Matt Asselmeier

From: Jeff Wilkins
Sent: Wednesday, May 03, 2017 8:06 AM
To: Matt Asselmeier
Subject: FW: Delaney Gun Range proposal

You should put this in the application file. Jeff

Jeff Wilkins
Kendall County Administrator



From: Joe Phillips [mailto: [REDACTED]]
Sent: Tuesday, May 2, 2017 10:09 PM
To: KC Board <KCBoard@co.kendall.il.us>
Cc: Scott R. Gryder <sgryder@co.kendall.il.us>; Lynn Cullick <lcullick@co.kendall.il.us>; Robert Davidson <rdavidson@co.kendall.il.us>; Elizabeth Flowers <EFlowers@co.kendall.il.us>; Tony Giles <tgiles@co.kendall.il.us>; Judy Gilmour <jgilmour@co.kendall.il.us>; Audra Hendrix <ahendrix@co.kendall.il.us>; Matt Kellogg <mkellogg@co.kendall.il.us>; Matthew G. Prochaska <mprochaska@co.kendall.il.us>; John Purcell <JPurcell@co.kendall.il.us>
Subject: Delaney Gun Range proposal

Dear Kendall County Board members,

First, I want to Thank You for your time serving the constituents of Kendall County. It's not always easy work when the decisions you often make affects the livelihood of others.

As a resident living nearby the proposed Delaney Gun Range, I and dozens of neighbors have followed the course of this Special Use application for over a year now. Many of the meeting dates were postponed by the petitioner and his Attorney at the last minute, causing countless individuals to rearrange schedules so they could attend...only to find that the meeting was once again delayed.

What we all learned through the process was that Bob Delaney has lied time and again to every elected and appointed Board thus far. You see, Bob Delaney has claimed that the only shooting was "friends and family" but that was proven incorrect when the Kendall County Sheriff made a record of shooting in a dangerous manner on March 25th with individuals who didn't know how to contact Bob Delaney (they provided an incorrect phone number to Deputy). Most anyone who refers to people as friends and family would have a proper method of contact for that person.

Further, the website for Contego Defense Group offered conceal carry classes on their schedule for March 25th followed by a rifle fundamentals class the next day. Contego Defense has historically offered a Groupon for their classes at the Minooka location.

Would you please recognize that Bob Delaney continues to thumb his nose at Kendall County and holds these classes at an un-permitted location. The petitioner has NO lead recovery plan or lead management plan in place for the shooting that has already transpired. The petitioner has knowingly started the construction of the range and ignored the requests by Land Use to stop activity.

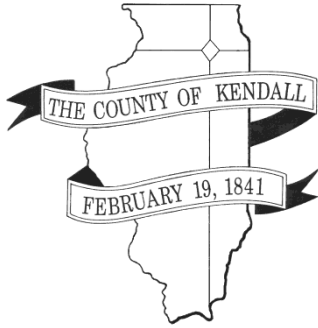
Please join the previous board members of Lisbon township, Kendall County Regional Planning & the Special Use Hearing Officer to VOTE NO to this proposed Special Use. This would be a commercial enterprise located on a private residential driveway off of a township road to which no traffic impact study has been completed.

Thank You for your time.

Regards,

Joseph J. Phillips
6718 Whitewillow Road
Minooka, IL 60447

WM800 Family Investments, LLC
White Willow Property LLC
MKM R.E. Holdings, LLC



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 4, 2017
Re: Petition 16-26-Request by the John and Sharon Pagel Living Trust to Rezone 3.2 Acres at 2380 Douglas Road from R-1 to R-3

The Zoning Board of Appeals held a public hearing on May 1, 2017 on a request by the John and Sharon Pagel Living Trust to Rezone 3.2 Acres at 2380 Douglas Road from R-1 to R-3. The petitioner desires this request because they would like to subdivide the property and construct a home on the eastern portion of the existing lot. They cannot subdivide the property under the present R-1 Zoning Classification because of the minimum lot size.

Enclosed with this memo are the minutes of the Zoning Board of Appeals hearing including all Staff Reports, meeting minutes, and exhibits related to this petition, unless otherwise noted. Though not included with this memo, the petitioner submitted the notice of publication and green cards from the certified mailings; these documents are on file in the PBZ Department. Various documents contained personal information (i.e. phone numbers, signatures, etc.) that were redacted. The original, un-redacted versions of these documents are on file in the PBZ Department.

As noted in the minutes, the Zoning Board of Appeals found the following Findings of Fact and issued a positive recommendation by a vote of 6-1:

*Existing uses of property within the general area of the property in question. **There are rural residential county subdivisions and Village of Oswego municipal subdivisions within the general area.***

*The Zoning classification of property within the general area of the property in question. **A mix of County R-1, R-2, and R-3 as well as Village of Oswego R-1 and R-2 Zoning classifications are in the area.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **True, the property is suitable to fulfill the petitioner's desires to rezone the property in order to divide the parcel to construct a smaller home.***

*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 is for the benefit of the***

Page 1 of 2

petitioner.

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

The Kendall County Regional Planning Commission met on January 25, 2017 and unanimously issued a negative recommendation because of stormwater concerns and inconsistency of zoning the property R-3 when the other parcels in the subdivision are zoned R-1. Neither the Village of Oswego nor Oswego Township expressed opposition to this proposal.

A copy of a draft ordinance is enclosed with this memorandum.

MHA

Enc: Zoning Board of Appeals Minutes of 5.1.17 Related to this Proposal
Draft Ordinance

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
May 1, 2017 – 7:00 p.m.
PAGEL CASE ONLY (16-26)

CALL TO ORDER

At 7:02 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

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

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson, Daniel Kramer (representing the John and Sharon Pagel Living Trust), Brian Johnson (of Pinnacle Engineering Group), Merlin Hummel, Glenn Faus, Rich Carter, Robert Parnass and Tom Todd

PETITION

16-26 John and Sharon Pagel Living Trust
Request: Rezoning from R-1 (One Family Residential District) to R-3 (One Family Residential District)
Location: 2380 Douglas Road (Northeast East Corner of Douglas Road and Burkhart Drive), Oswego
PIN(s): 03-15-251-009
Purpose: Request to Rezone to Allow Petitioner to Subdivide the Property to Construct a Home

Chairman Mohr opened the public hearing at 9:00 p.m. All of the members of the public that wished to speak had been sworn in previously.

Mr. Asselmeier summarized the petition and reviewed the Staff Report. The petitioner desires the map amendment in order to be able to subdivide the property to construct a small house. The adjoining properties are zoned R-1 and R-3. ZPAC had no objections to the proposal. Oswego Township and the Village of Oswego expressed no concerns regarding the proposal. The Kendall County Regional Planning Commission met in January and unanimously recommended denial of the proposal because of stormwater concerns and concerns related to having a R-3 zoned parcel on the east side of Douglas Road in this area. The petitioner is not requesting any variances.

Daniel Kramer, attorney for the petitioner, said the trend of development is for small, municipal size zoning lots. The zoning request is consistent with the Kendall County Land Resource Management. The subject property is 3.2 acres; the corner portion of the lot is 1.7 acres and the proposed new lot is 1.5 acres. The minimum lot size in R-3 is 45,000 square foot. The area is relatively flat and the neighbors have concerns about stormwater drainage. The new home site is the highest point in the area. There would be less stormwater run-off after the house is constructed. Mr. Kramer supplied pictures of the property and stated that no water was on the property after 2 inch rainfalls in March and April. There is

no water today where the house would go on the property despite the recent rains. The cause of water problems in the area do not originate at this property; they are caused by municipal development and the loss of grass water ways. Debris also blocks drainage. The water issues are not a zoning issue, but are building and site development issues.

Brian Johnson, Pinnacle Engineering Group, examined the site for drainage concerns. They measured 1.28 cfs after a recent rain, which is marginal run-off. After a house is constructed and grass is planted, the calculation dropped to 1.19 cfs. Construction of a house and planting grass eliminates erosion and improves vegetation. The stormwater infrastructure in the area needs to be maintained and the culverts cleaned out; this will improve drainage in the area. The public health department has to approve the plans prior to the start of construction.

Merlin Hummel of 18 Ingleshire Road, Montgomery, provided a history of the area from 1893 to the present. He explained the stormwater drainage issues in the area and that the subject property drained slowly. Water remained in basements until May or June. The field at the subject property was often the last one he planted because of water.

Chairman Mohr asked when the subdivision was created. Mr. Asselmeier responded in September 1973.

Glenn Faus of 2951 Douglas Road would like to see accountability for the maintenance of the stormwater infrastructure and the damage caused by the water. He discussed the water flows from Wolf Road. Douglas Road was submerged 2 nights this past week.

Rich Carter of 2507 Douglas Road stated that the pond across Burkhart Drive from the Pagel property is overflowing. The ditch on Douglas Road is full. The water is coming from the subdivision. The water issues are getting worse over time. Areas that absorb water are needed.

Chairman Mohr stated that the water issue will not be solved by building or not building the house in question.

Robert Parnass of 2350 Douglas Road stated that the pictures submitted by the petitioner do not reflect reality. The Pagels submitted a similar petition 30 years ago and they withdrew the petition because of water issues. There is almost always water in the area. He also believed that the request is spot zoning because the other parcels are 3 acres in size and the petitioner wants a smaller lot. He also noted that the soil evaluation stated the soils were unsuited for structures and onsite sewage disposal systems. Chairman Mohr asked if the other lots could be subdivided. Mr. Asselmeier said a subdivision would be evaluated on a lot by lot basis because the subdivision was platted in September 1973.

Tom Todd of 60 Burkhart Drive said that his sump pump never stops running. Water issues continue to get worse. He asked why the Village of Oswego was allowed to comment on this proposal. Chairman Mohr explained that the subject property was within the 1.5 mile planning jurisdiction of the Village of Oswego.

Chairman Mohr closed the public hearing at 9:59 p.m.

Daniel Kramer distributed a roster of owners near the property that supported the proposal. This includes the owner to the west, the east, and the neighbors at 53 and 59. The petitioner has not had

water come through her standpipe during the recent heavy rains. Discussion occurred regarding the Morgan Creek Drainage District and their legal responsibilities.

Ms. McKay asked if the proposed house would have a basement. The house will have a crawl space.

Ms. McKay asked if the land was not farmable because of the flooding. Mr. Kramer responded that a portion of the property has been farmed. She will build the house in the highest area. The land may be good farmland, but it is only 1.5 acres.

A question was raised regarding engineering. Mr. Kramer responded that the site development still needed to be approved.

Chairman Mohr reviewed the Findings of Fact as pertaining to the proposed map amendment:

Existing uses of property within the general area of the property in question. There are rural residential county subdivisions and Village of Oswego municipal subdivisions within the general area.

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

The Zoning classification of property within the general area of the property in question. A mix of County R-1, R-2, and R-3 as well as Village of Oswego R-1 and R-2 Zoning classifications are in the area.

Ayes (4): LeCuyer, McKay, Thompson and Whitfield
Nays (3): Mohr, Cherry, and Clementi
Comments: Chairman Mohr stated that this an R-1 subdivision and, outside 1 or 2 lots, it will not be something different.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner desires to rezone the property in order to divide the parcel to construct a smaller home. At least one member of Kendall County Regional Planning Commission believed that the proposed rezoning would not improve (at best) or negatively impact (at worst) the stormwater management practices of the area because the property drains slowly.

Ayes (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield
Nays (0):
Comments: Ms. Clementi stated that she agrees with the stormwater modeling.

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

smaller lot size allowed by the proposed rezoning was consistent with the development trends in the area.

Ayes (0): None

Nays (7): Mohr, Cherry, Clementi, LeCuyer, McKay, Thompson and Whitfield

Comments: Chairman Mohr said that the only person the map amendment helps is the petitioner.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed rezoning and construction of a residence would be consistent with the Land Resource Management Plan. However, at least one member of the Kendall County Regional Planning Commission expressed concerns about the precedent this rezoning would set for the area east of Douglas Road.

Ayes (3): LeCuyer, Thompson and Whitfield

Nays (4): Mohr, Cherry, Clementi and McKay

Comments: Chairman Mohr said that the current zoning is consistent with the Land Resource Management Plan.

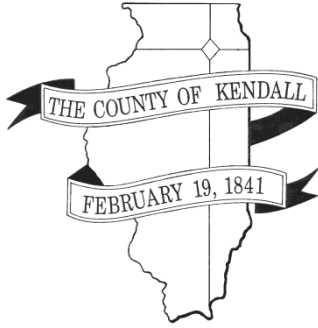
Mr. Whitfield, seconded by Mr. Cherry, made a motion to approve the map amendment as proposed. The votes were as follows:

Ayes (6): Cherry, Clementi, LeCuyer, McKay, Thompson, and Whitfield

Nays (1): Mohr

Absent (0): None

The motion passed. This proposal will be forwarded to the Planning, Building, and Zoning Committee with a positive recommendation; their next meeting is May 8, 2017 at 6:30 p.m.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

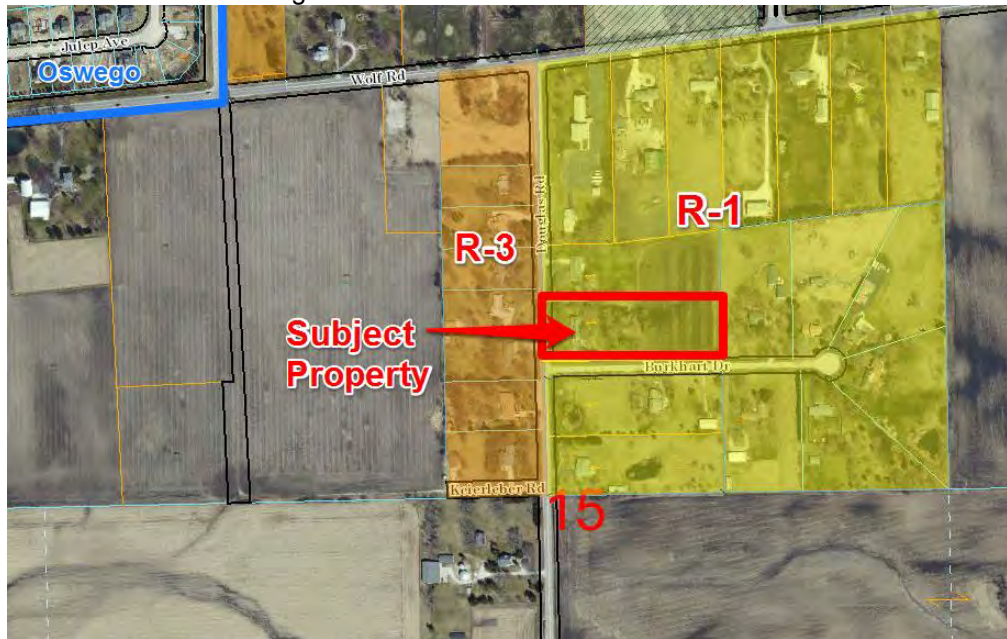
**Petition 16-26
Pagel Zoning Map Amendment
R-1(One-Family Residence) to R-3
(One-Family Residence)**

SITE INFORMATION

PETITIONER John & Sharon Pagel Living Trust

ADDRESS 2380 Douglas Road, Oswego

LOCATION Northeast corner of Douglas Road and Burkhardt Drive



TOWNSHIP Oswego

PARCEL # 03-15-251-009

LOT SIZE 3.2 acres

EXITING LAND USE Vacant

ZONING R-1 (One-Family Residence)

LRMP	Land Use	Suburban Residential (Max 1.00 du/ac)
	Roads	Douglas Road is a Major Collector
	Trails	None

Floodplain/ Wetlands	None
-------------------------	------

REQUESTED ACTION Zoning Map Amendment to rezoned from R-1 to R-3
 APPLICABLE REGULATIONS Section 13.07 – Amendments

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family	R-1	Suburban Residential	R-1; Ag-SU, Oswego
South	Single-Family	R-1	Suburban Residential	R-1; Ag
East	Single-Family	R-1	Suburban Residential	R-1; Ag
West	Single-Family	R-3	Suburban Residential	R-3; Ag

PHYSICAL DATA

ENDANGERED SPECIES REPORT

No record of endangered species was found and IDNR terminated the consultation.

NATURAL RESOURCES INVENTORY

The Executive Summary is attached.

ACTION SUMMARY

OSWEGO TOWNSHIP

Expressed no concerns regarding this proposal.

VILLAGE OF OSWEGO

Expressed no issues regarding this proposal.

ZPAC

ZPAC reviewed this proposal on December 6, 2016. They expressed concerns regarding the potential of the proposed lot interfering with the existing septic field, setback issues on Douglas Road and right-of-way issues on Douglas Road. All of these concerns have been addressed. ZPAC unanimously recommended approval of this proposal.

RPC

RPC reviewed this proposal on January 25, 2017. Five members of the public expressed their concerns about the impact of the proposal on stormwater in the area and that stormwater was already a problem. The RPC unanimously recommended denial of the proposal on the grounds that the property would not be suitable for an additional house because of stormwater issues and because the trend in the general area is not for houses and uses allowed within the R-3 Zoning District.

MAP AMENEDMENT

The Pagel's would like to split their existing 3.2-acre lot to allow for construction of an additional home. To meet zoning lot size requirements, this would require the proposed rezoning from R-1 (minimum 130,000 sq. ft.) to R-3 (minimum 45,000 sq.) lot. The result would be two lots of approximately 1.5 acres, both meeting all setback and lot area requirements. The county's Land Use Plan identifies this area as Suburban Residential, which suggests a minimum lot size of one acre.

The property to the north, south, and east is all zoned for larger R-1 lots, while the property to the west is zoned and developed as R-3 along Douglas Road. North of Wolf Road (approximately ¼ mile to the north) are single-family lots in Oswego of approximately 8,000 sq. ft.

The existing parcel extends to the centerline of Douglas Road. The Zoning Plat shows a reservation of a 33'

area for the ½ roadway. The Highway Department expressed no concerns about this proposal.

BUILDING CODES

A building permit will be required for the construction of the proposed home.

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

CONCLUSION

The rezoning of the subject property from R-1 to R-3 is consistent with the County's Land Use Plan.

ATTACHMENTS

1. Zoning Plat
2. Findings of Fact as Submitted by the Petitioner
3. Natural Resource Inventory Executive Summary
4. ZPAC Minutes of December 6, 2016
5. RPC Minutes of January 25, 2017

ZONING PLAT OF PART OF THE NORTH HALF OF SECTION 15, T37N-R8E, 3rd PM OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS

DEVELOPER:

John and Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

AREA TO BE REZONED:

143645 Sq.Ft. = 3.2972 Acres

PRESENT ZONING:

R-1 (Residential District)

PROPOSED ZONING:

R-3 (Residential District)

P.I.N.

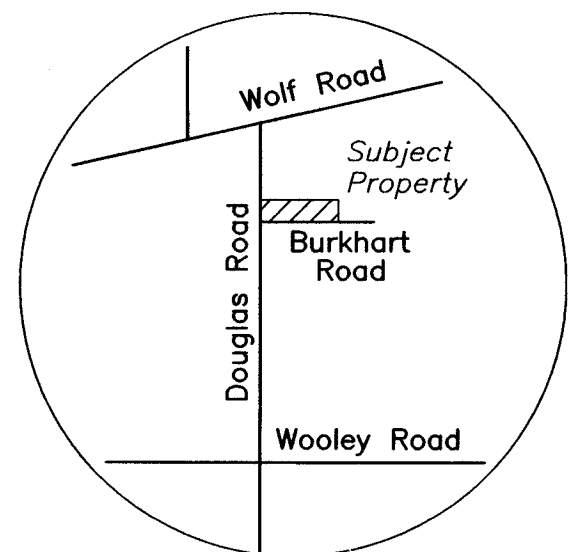
03-15-251-009

PIN 03-15-176-002
Ronald L & Barbara I
Vaurinek
R-3
Lot 3

PIN 03-15-176-003
John R & Penelope B Campbell
R-3
Lot 4

PIN 03-15-17-004
Paul M & Betty J. Ivemeyer Trust
R-3
Lot 5

PIN 03-15-176-005
Elaine M. Nichols
R-3
Lot 6



LOCATION SKETCH
Not to Scale

Keierleber Acres

Douglas Road

N

SCALE
1"=50'

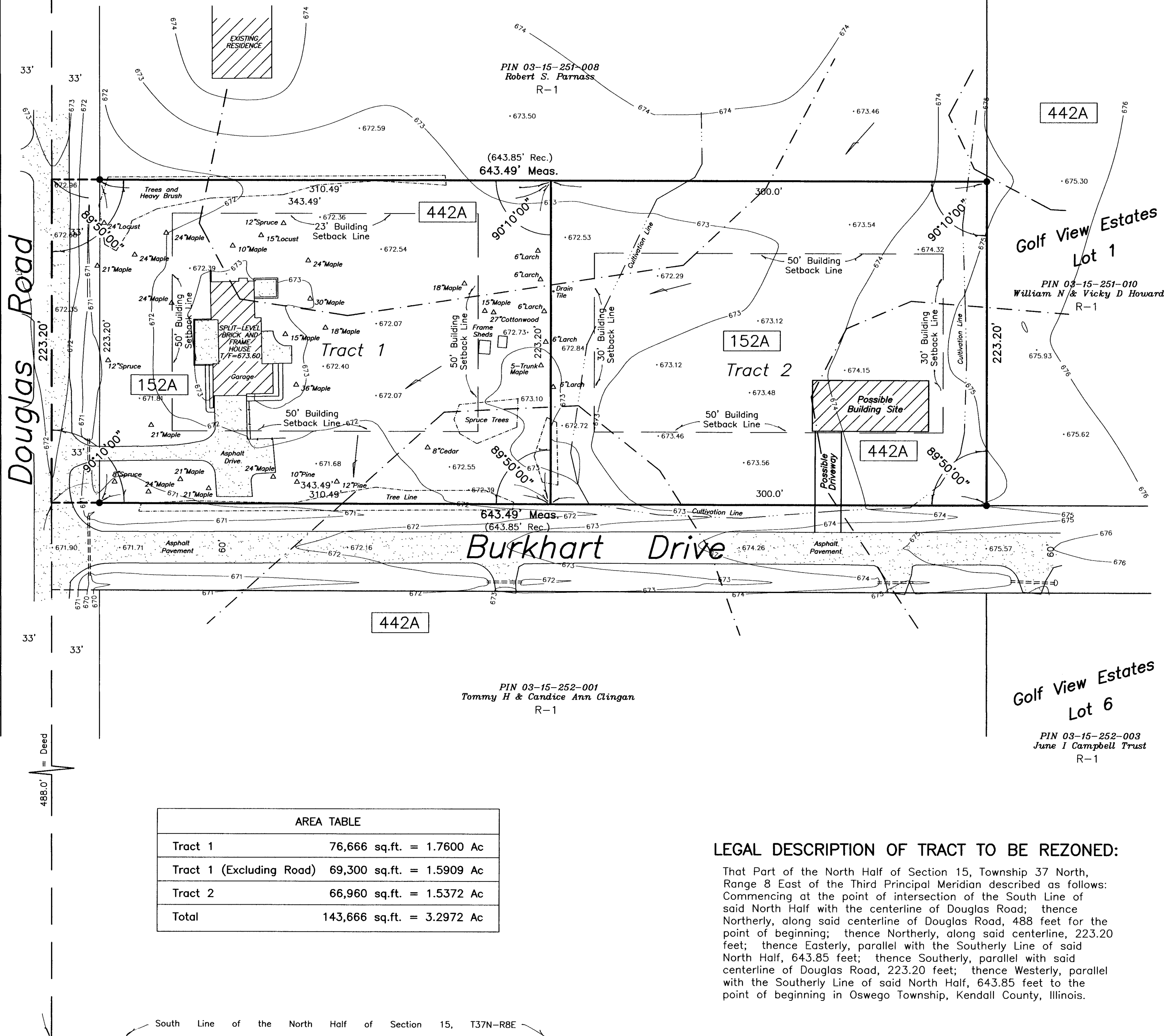
- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary
- Indicates Direction of Drainage
- 672.40 Indicates Existing Spot Elevation
- 672- Indicates Existing Contour Elevation

NOTE: This property is commonly known as 2380 Douglas Road.

Soil Type
(USDA/NRCS - Kendall County, 2015)

- 152A** Drummer Silty Clay Loam, 0%-2% slopes
- 442A** Mundelein Silt Loam, 0%-2% slopes

NOTE: The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0058G with an effective date of February 4, 2009.



AREA TABLE	
Tract 1	76,666 sq.ft. = 1.7600 Ac
Tract 1 (Excluding Road)	69,300 sq.ft. = 1.5909 Ac
Tract 2	66,960 sq.ft. = 1.5372 Ac
Total	143,666 sq.ft. = 3.2972 Ac

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the North Half of Section 15, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the South Line of said North Half with the centerline of Douglas Road; thence Northerly, along said centerline of Douglas Road, 488 feet for the point of beginning; thence Northerly, along said centerline, 223.20 feet; thence Easterly, parallel with the Southerly Line of said North Half, 643.85 feet; thence Southerly, parallel with said centerline of Douglas Road, 223.20 feet; thence Westerly, parallel with the Southerly Line of said North Half, 643.85 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

South Line of the North Half of Section 15, T37N-R8E

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

JOB NO. 16062
JOB NAME PAGEL
DWG FILE 16062

August 1, 2016

Attachment 2-Findings of Fact as Submitted by the Petitioner

Existing uses of property within the general area of the property in question. **Rural residential county subdivisions and Village of Oswego municipal subdivisions.**

The Zoning classification of property within the general area of the property in question. **A mix of County R-1, R-2, and R-3 as well as Village Oswego R-1 and R-2.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The area sought to be rezoned to permit the building of an additional residence to allow the Petitioner to downsize makes an economic and practical use of the land that sits idle and not farmed nor used for any utilitarian purpose.**

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The proposed zoning and construction of residence would comply with all land use and setbacks with no variances; consistent with the Kendall County LRMP in that it is contiguous with other rural residential growth; and is located within contiguous growth area of the Village of Oswego.**

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Sharon Pagel for the proposed Pagel project. This parcel is located in Section 15 of Oswego Township (T.37N.-R.8E. 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 a 98 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. All of the soils identified onsite are designated as prime farmland.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 100% of the soils are very limited for dwellings with basements and shallow excavations; 63.6% of the soils are very limited for dwellings without basements, lawns/landscaping are rated as unsuitable for onsite sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Based on the application submittal, soil testing has been completed onsite by a Certified Soil Classifier; this data compiled from onsite testing should be referenced during project design. 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 Waubonsie 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 Statutes, Ch. 70, Par 405/22.02a).

Chair

Date

Attachment 4
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 6, 2016 – Meeting Minutes

Mike Hoffman called the meeting to order at 9:06 a.m.

Present:

Fran Klaas – Highway Department
Aaron Rybski – Health Department
David Guritz- Forest Preserve
Mike Hoffman- Teska
Jason Langston – Sheriff's Office

Absent:

Greg Chismark – WBK Engineering, LLC
Megan Andrews – Soil & Water Conservation District
Brain Holdiman- PBZ Department

Audience: No one in attendance

AGENDA

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda. With a voice vote the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the September 6, 2016 meeting minutes with a correction to the spelling of Mr. Klaas's name. With a voice vote of 5-0 ayes, the motion carried.

PETITIONS

Petition 16-26 – Pagel

Mike Hoffman summarized the petition, noting the request to rezone approximately 3 acres from R-1 to R-3 to allow the lot to be split into two parcels and an additional home constructed. He noted that there is property zoned R-3 immediately to the west. Mr. Rybski noted that his office did not have a record of the septic field for the existing home, and would like to make sure that the proposed lot would not interfere with that existing field. Mr. Hoffman noted he would raise the issue with the applicant. Fran Klaas asked if they plan to submit for a two lot subdivision, and noted a potential issue with right-of-way dedication along Douglas Road with how it might impact the setback of the existing home. Mr. Hoffman suggested he would follow-up with the applicant's attorney Mr. Kramer.

Mr. Klaas made a motion, seconded by Mr. Guritz to recommend approval and move the case on to the January 25th, 2017 Regional Planning Commission meeting. Approved unanimously via voice vote.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Hoffman noted that the Lasky plat of vacation (16-17) was approved by the County Board in September and both the High Grove rezoning and preliminary/final plat (16-21) were approved by the County Board in October. He also noted that the Bluffs Inc. d/b/a Cider Creek special use (16-25) was also approved by the County Board on October 17th, 2016.

OLD BUSINESS - None

NEW BUSINESS

Mr. Hoffman noted that an updated schedule for planning and zoning activity was being created, and ask if the committee was comfortable maintaining the same first Tuesday of the month meeting schedule. All members present confirmed that was acceptable.

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 9:16 am, adjourned.

**ATTACHMENT 5
KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of January 25, 2017

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

ROLL CALL

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

Staff present: Matthew H. Asselmeier, Senior Planner

Members Absent: Tom Casey and Claire Wilson

In the Audience: Dan Kramer (Representing the John and Sharon Pagel Living Trust), Bob Parnass, Melvin Hummel, Darrin Hummel, Debbie Wotski, and Rich Carter

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the November 30, 2016 minutes. With a voice vote of all ayes, the motion carried.

Mr. Ashton introduced Matt Asselmeier, the new Senior Planner for Kendall County, and Ruben Rodriguez, a new Commissioner.

PETITIONS

16-26 John and Sharon Pagel Living Trust

Mr. Asselmeier briefly reviewed the case, summarizing the staff memorandum. Mr. Kramer then presented information on behalf of the petitioner. Mr. Kramer stated Ms. Pagel desired to subdivide the property because she wanted to build a smaller home, which would not be allowed in the existing R-1 District because of minimum lot size. The estimated square footage of the proposed house was 1,600 square feet. Mr. Kramer said that the soils were suitable for septic and that the new construction would not negatively create additional stormwater issues. The proposal would not create any setback issues.

Ms. Zubko asked about the creation of the subdivision. Mr. Kramer stated that it was an old assessor's plat.

Ms. Zubko asked if any water issues existed. Mr. Kramer said that drain tile was in place and that the existing septic system was located near the existing house.

Mr. Wormley expressed concerns about bad soils which causes two (2) demolitions in the area because of foundation issues. Mr. Kramer stated that a foundation study occurred and that the proposed house would be built without a basement.

Mr. Rodriguez asked about current conditions during heavy rain events. Mr. Kramer said minimum elevation changes occurred on the property, with no floodplain or wetland in the area, and that the Kendall County Planning, Building & Zoning Department would have to review and approve the grading plans for the proposed house.

Mr. Nelson stated that any new stormwater issues created by the proposed home would be minimal.

Mr. Ashton discussed the berm on the west side of the new lot.

Bob Parness, 2350 Douglas Road, expressed concerns about high water and poor drainage in the area.

Mevlin Hummel, 18 Ingleshire Road, provided a history of the area and stated that high water had been a problem in the area for a long period of time. Mr. Hummel's family owned the property at 2507 Douglas since 1893. Mr. Hummel stated that he opposed the subdivision until the installation of necessary tiles.

Debbie Wotski, 2374 Wolf Road, discussed stormwater issues. Ms. Wotski also requested improvements to Wolf Road before new houses are constructed in the area.

Rich Carter, 2507 Douglas, also explained stormwater issues in the area.

Ms. Zubko expressed concerns about the precedent of placing R-3 zoning on the east side of Douglas Road.

Mr. Kramer discussed the topography of the area and the stormwater management facilities needed if Wolf Road is widened as proposed. Mr. Kramer stated that a new house would not impact water volume and that any water issues would be addressed as part of the building permit review process.

Mr. Nelson expressed concerns regarding spot zoning and that new structures, both primary and accessory, could be constructed on the property by successive property owners in the future.

Ms. Zubko stated that she did not believe the proposal was consistent with the development trend in the area.

Ms. Zubko moved to approve, seconded by Mr Shaw. With a roll call vote:

Yes – None (0)

No – Ashton, Bledsoe, Nelson, Rodriguez, Shaw, Wormley, and Zubko (7)

The motion failed.

The Commission requested that Mike Hoffman prepare a memo regarding zoning breaks.

OLD BUSINESS

None

NEW BUSINESS

Mr. Asselmeier requested the Commission's opinion of the Annual Meeting. The Commissioners agreed by consensus to hold the Annual Meeting on February 25th at 9:00 a.m. in the Board Room. Media contacts should be added to the list of invitees.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Rich Carter asked to be informed of future meetings regarding the Pagel proposal and asked for the County to investigate the existing retention ponds near the Pagel property to ensure that they were being properly maintained.

ADJOURNMENT

Ms. Zubko made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 8:20 p.m.

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

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

**KELLY A. HELLAND
D.J. KRAMER**

January 30, 2017

Matt Asselmeier
Senior Planner
Kendall County Planning, Building & Zoning
111 W. Fox St.
Yorkville, IL 60560

VIA: Fax (553-4179) and E-Mail (Masselmeier@co.kendall.il.us)

Re: Kendall County Petition 16-26 John and Sharon Pagel Living Trust

Dear Mr. Asselmeier:

Please be advised that my client would hereby request the above referenced Petition be continued to the May Zoning Board of Appeals meeting for public hearing. In reviewing the comments from the public and the Zoning Board of Appeals my client believes it would be advantageous to provide evidence of any water accumulation on the property or in the vicinity of the proposed rezoning. We believe that by May 2017 any snow accumulation will have melted and the rainier portion of the spring will have occurred.

I will be in attendance at tonight's meeting and request for a continuance of the same in person.
Very truly yours,

Kelly A. Helland

Kelly A. Helland
Attorney at Law

KAH/lgc

area for the ½ roadway. The Highway Department expressed no concerns about this proposal.

BUILDING CODES

A building permit will be required for the construction of the proposed home.

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

FINDINGS OF FACT

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. The findings of fact submitted with the application are included with exhibits. The petitioner & staff have answered as follows:

Existing uses of property within the general area of the property in question. There are rural residential county subdivisions and Village of Oswego municipal subdivisions within the general area.

The Zoning classification of property within the general area of the property in question. A mix of County R-1, R-2, and R-3 as well as Village of Oswego R-1 and R-2 Zoning classifications are in the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner desires to rezone the property in order to divide the parcel to construct a smaller home. At least one member of Kendall County Regional Planning Commission believed that the proposed rezoning would not improve (at best) or negatively impact (at worst) the stormwater management practices of the area because the property drains slowly.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is towards suburban residential growth. However, at least one member of the Kendall County Regional Planning Commission did not believe that the smaller lot size allowed by the proposed rezoning was consistent with the development trends in the area.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed rezoning and construction of a residence would be consistent with the Land Resource Management Plan. However, at least one member of the Kendall County Regional Planning Commission expressed concerns about the precedent this rezoning would set for the area east of Douglas Road.

CONCLUSION

The rezoning of the subject property from R-1 to R-3 is consistent with the County's Land Use Plan.

ATTACHMENTS

1. Zoning Plat
2. Findings of Fact as Submitted by the Petitioner
3. Natural Resource Inventory Executive Summary
4. ZPAC Minutes of December 6, 2016
5. RPC Minutes of January 25, 2017
6. January 30, 2017 Letter Requesting a Layover until May.



Close-up of the pink marker on the ground.



Close-up of the muddy area.



View of the paved area and trees.



View of the grassy field.



View of the pond area.





Taken: April 14, 2011
View looking off of road at house & field beyond
from house property to show road & field off
the property line.



Taken: April 14, 2011 - 1/2 mile from property to the field



Taken: April 17, 2011 - 1/2 mile from property showing evidence of debris
on the roadside property.



Taken: Road 10/11/11



Taken: Road 10/11/11



Taken: Road 10/11/11



Taken: Road 10/11/11
Light brown, yellow
dirt on the roadside
near the house from
1/2 mile from off
roadside house. Don't
know what it is.



Station	Depth (ft)	Temperature (°F)	Dissolved Oxygen (mg/L)	pH	Specific Conductance (µmhos/cm)	Total Solids (mg/L)	Total Phosphorus (mg/L)	Total Nitrogen (mg/L)	Ammonia Nitrogen (mg/L)	Orthophosphate (mg/L)	Nitrate Nitrogen (mg/L)	Chlorophyll a (µg/L)	Chlorophyll b (µg/L)	Chlorophyll c (µg/L)	Chlorophyll a+b+c (µg/L)
1.00	0.00														
1.50	0.50														
2.00	1.00														
2.50	1.50														
3.00	2.00														
3.50	2.50														
4.00	3.00														
4.50	3.50														
5.00	4.00														
5.50	4.50														
6.00	5.00														
6.50	5.50														
7.00	6.00														
7.50	6.50														
8.00	7.00														
8.50	7.50														
9.00	8.00														
9.50	8.50														
10.00	9.00														



Station 100 - North Hwy 100



Station 101 - North Hwy 100



Station 102 - North Hwy 100



Station 103 - North Hwy 100



Station 104 - North Hwy 100

MEMO

To: Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

From: Brian D. Johnson, P.E., CPESC

Date: April 14, 2017

Re: **Future Pagel Residence (Tract 2) – Drainage Review**
2380 Douglas Road, Oswego, IL
Kendall County

Pinnacle Engineering Group has reviewed the above referenced site for the one potential single family home development as it relates to existing and proposed drainage conditions. During this review, PEG utilized available public GIS information found on the Kendall County website and detailed survey information provided by Phillip D. Young and Associates, Inc.

Existing / Current Conditions

The existing parcel (PIN: 03-15-251-009) located at the NE corner of Douglas Road and Burkhart Drive is comprised of two tracks of land totaling 3.297 acres (*see Zoning Plat attached*). Track 1 (western location) currently has a single-family home with associated driveways, yard space, and utilities equaling approximately 1.760 acres. Track 2 (eastern location), is currently undeveloped land previously farmed with moderate vegetation and approximately 1.537 acres in size.

The site drains from the NE to the SW as shown on the *GIS Existing Condition Drainage Map*. Most of the water is conveyed overland through the previously farmed area toward Burkhart Drive. This water is then conveyed through a culvert under Burkhart Drive along Douglas Road and then continues south along the Douglas Road ditch.

Through the review of online resources, it does not appear that any Floodplain or protected natural resources are found onsite.

Proposed Recommendations

In reviewing the site and potential house location on Track 2 (*see Aerial Exhibit*); the house appears to be outside the normal overland flow drainage conveyance area. Any improvements in this area, including grading, shall be done in a fashion not to impact or impede this existing conveyance capacity.

Furthermore, it is recommended that the site implement some Best Management Practices (BMP's). This can include improved dense vegetation to promote infiltration and better ground stabilization, native vegetation, and/or other acceptable practices. This will be a natural/noninvasive enhancement compared to its current condition.

Prior to construction, the approvals from Kendall County will be necessary. This will include a review of the grading plan showing the proposed site improvements to insure the project meets the County's stormwater requirements.

END

ZONING PLAT OF
PART OF THE NORTH HALF OF SECTION 15, T37N-R8E, 3rd PM
OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS

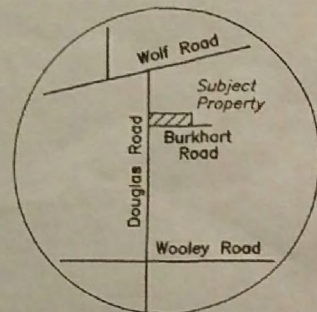
DEVELOPER:
John and Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

AREA TO BE REZONED:
143645 Sq.Ft. = 3.2972 Acres

PRESENT ZONING:
R-1 (Residential District)

PROPOSED ZONING:
R-3 (Residential District)

P.I.N.
03-15-251-009



LOCATION SKETCH
Not to Scale

N

SCALE
1"=50'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary
- Indicates Direction of Drainage
- 872.40 Indicates Existing Spot Elevation
- 672- Indicates Existing Contour Elevation

NOTE: This property is commonly known as 2380 Douglas Road.

Soil Type
(USDA/NRCS - Kendall County, 2015)

- 152A Drummer Silty Clay Loom, 0%-2% slopes
- 442A Mundein Silt Loom, 0%-2% slopes

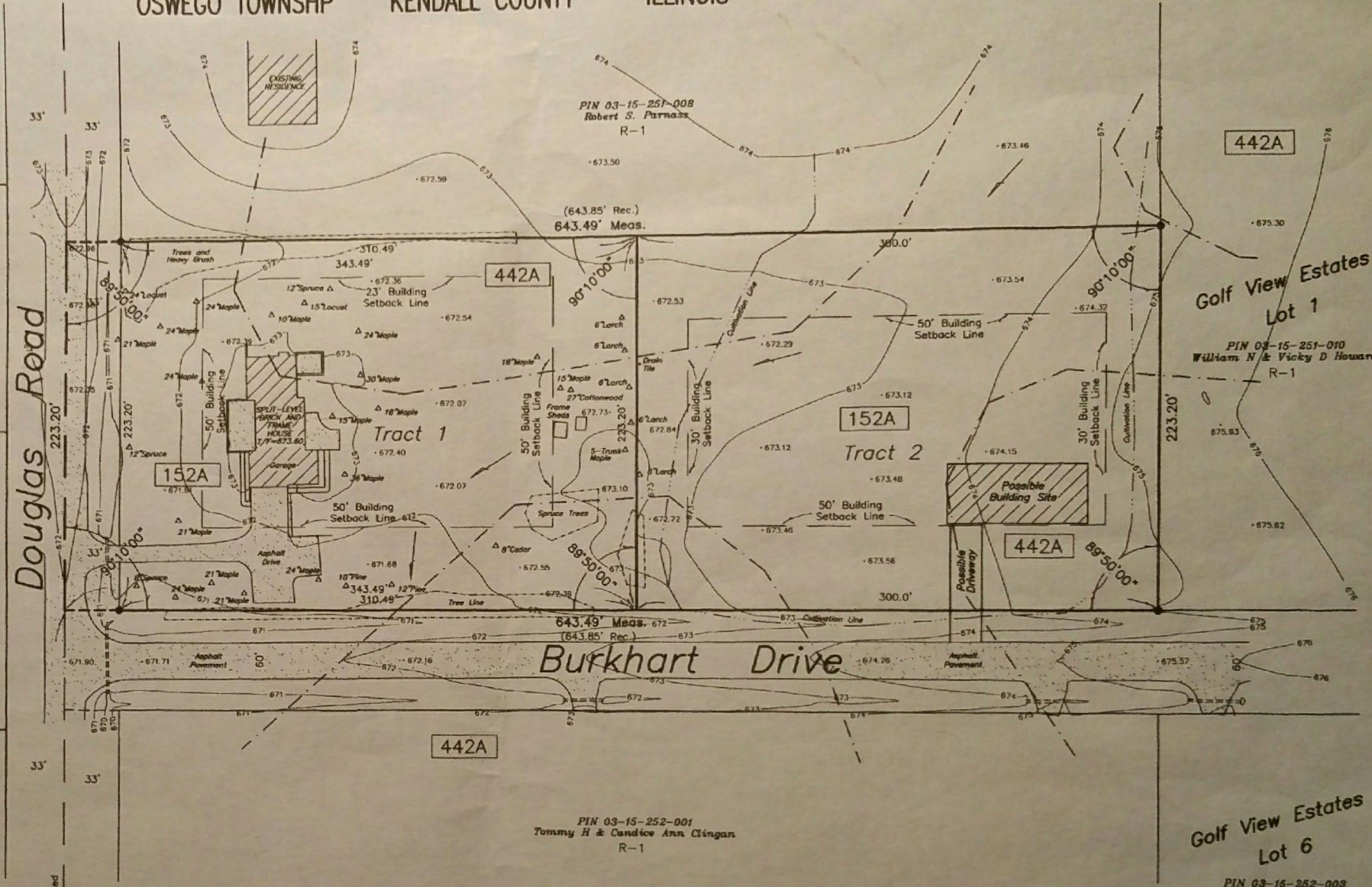
NOTE: The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0058G with an effective date of February 4, 2009.

PIN 03-15-176-002
Ronald L. & Barbara J. Vavrinek
R-3
Lot 3

PIN 03-15-176-003
John R. & Penelope B. Campbell
R-3
Lot 4

PIN 03-15-17-004
Paul M. & Betty J. Ivemeyer Trust
R-3
Lot 5

PIN 03-15-176-005
Elaine M. Nichols
R-3
Lot 6



AREA TABLE	
Tract 1	76,666 sq.ft. = 1.7600 Ac
Tract 1 (Excluding Road)	69,300 sq.ft. = 1.5909 Ac
Tract 2	66,960 sq.ft. = 1.5372 Ac
Total	143,666 sq.ft. = 3.2972 Ac

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the North Half of Section 15, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the South Line of said North Half with the centerline of Douglas Road; thence Northerly, along said centerline of Douglas Road, 488 feet for the point of beginning; thence Northerly, along said centerline, 223.20 feet; thence Easterly, parallel with the Southerly Line of said North Half, 643.85 feet; thence Southerly, parallel with said centerline of Douglas Road, 223.20 feet; thence Westerly, parallel with the Southerly Line of said North Half, 643.85 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

August 1, 2016

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

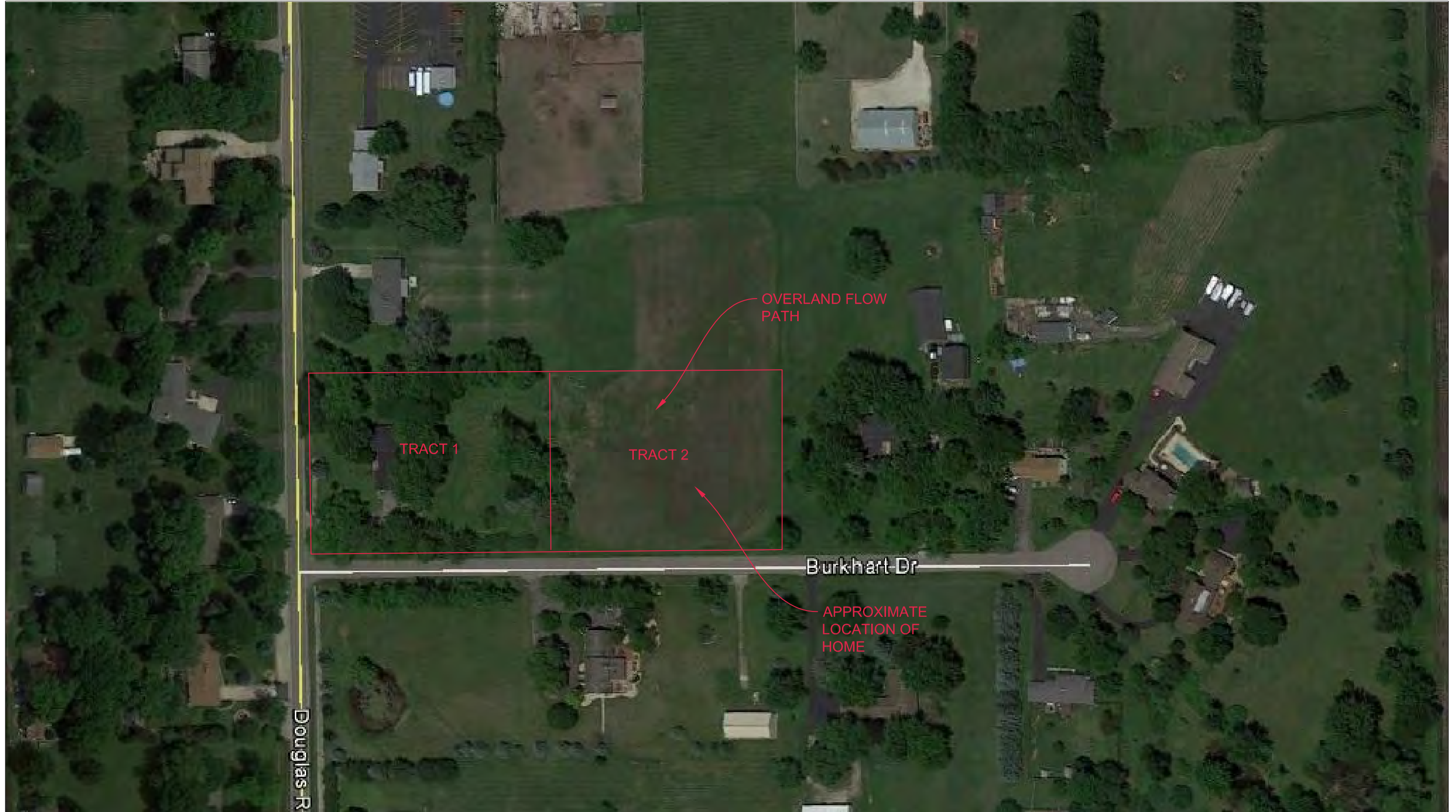
Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

JOB NO. 16062
JOB NAME PAGEL
DWG FILE 16062



2380 DOUGLAS ROAD - GIS EXISTING CONDITION DRAINAGE MAP

04/14/17

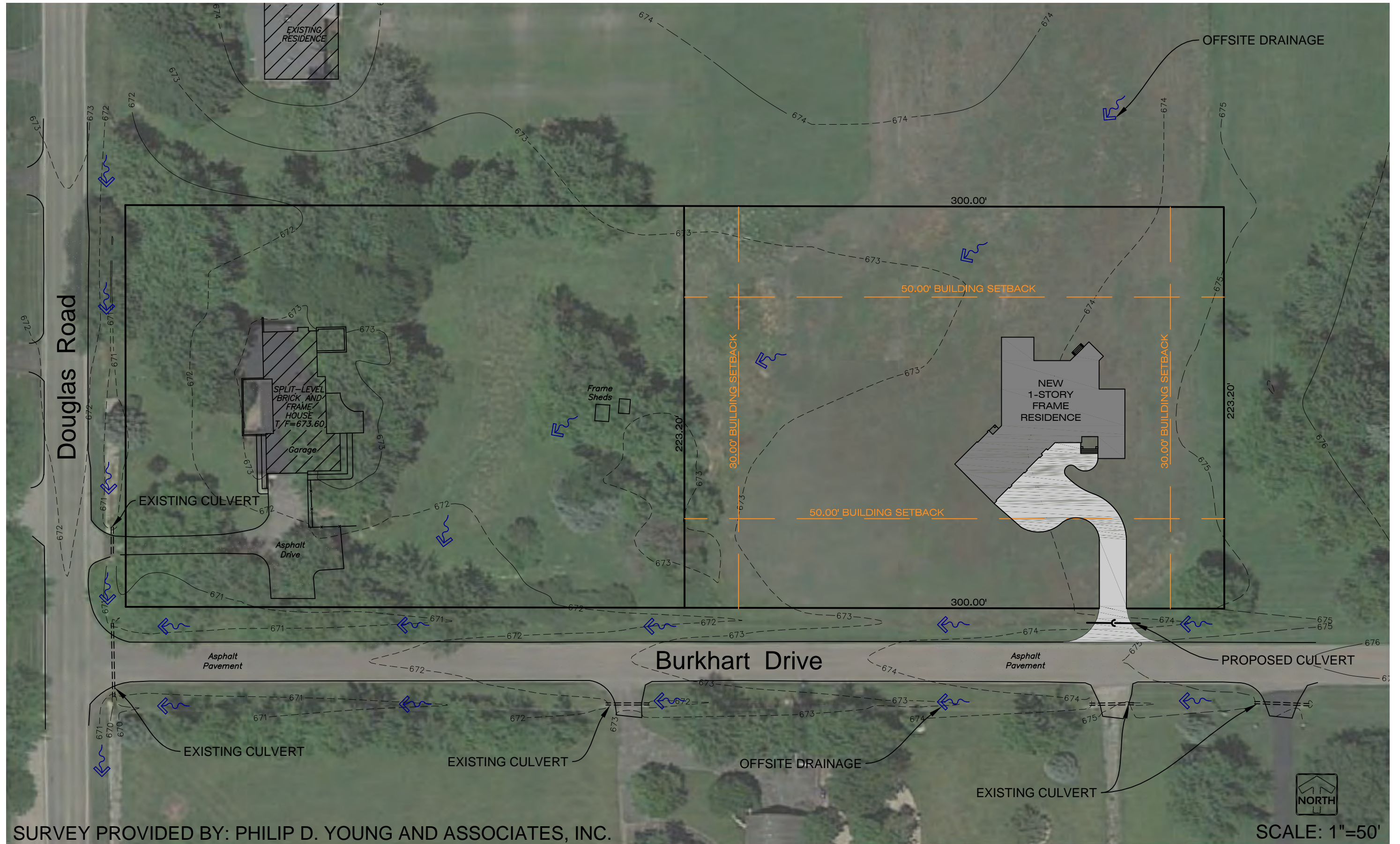


SOURCE: GOOGLE EARTH



2380 DOUGLAS ROAD - GIS EXISTING CONDITION DRAINAGE MAP

04/14/17



E
#60
Fagel

Todd

#59
Blue

#54
Baker

#53
Sardella

#45
Hosbeto

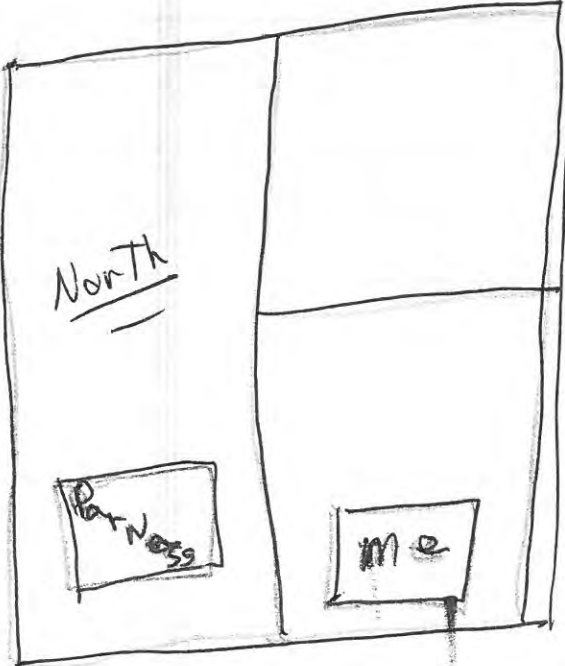
#38
Pason

#24
Dunford

Berkant Dr.

N

S



Douglas Rd

Betty
Ivemeyer

W

ON APRIL 25, 2017

From,

Betty Ivemeyer

2415 Douglas Road

Oswego, IL 60543

To,

Daniel J Kramer, Attorney at Law

1107A South Bridge Street

Yorkville, IL 60560

Dear, Mr. Kramer,

I, Betty Ivemeyer, received the public notice from the Kendall County Zoning Board of Appeals concerning Petition #16-26. It is my understanding that the Petitioner, John and Sharon Pagel Living Trust is seeking to rezone @ 3.3 acres from R-1 to R-3. This public hearing is scheduled to be heard on Monday, May 1, 2017 at 7:00 PM at the Kendall County Office Building. Due to my health, I am unable to attend.

I, Betty Ivemeyer, am not opposed to the rezoning of the property. Paul and I have lived at the Douglas address since 1965; the Pagels moved in in 1972. I feel that there is no reason that this should not be approved. It will have no ill effect on the rest of the homes.

Yours Truly,

A handwritten signature in dark ink, appearing to read "Betty Ivemeyer", with some ink bleed-through from the reverse side of the page.

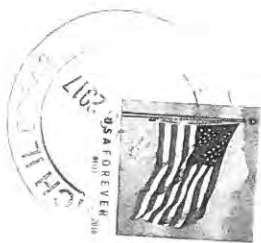
Betty Ivemeyer

Cc: John and Sharon Living Trust



Sandi Ivemeyer
1955 Polly Ct.
Sandwich, IL 60548

Daniel J. Kramer
1107 A South Bridge St
Yorkville, IL 60560



6056081774 0001

April 20, 2017

Kendall County Zoning Board of Appeals

Re.: Petition #16-26 – Petitioner, John and Sharon Pagel

My name is Vicky Howard. My husband William and I reside at 45 Burkhart Drive, Oswego, IL 60543. We have resided here since 1998. Our property is adjacent to Sharon Pagel's property directly on the east end. We support Sharon Pagel in seeking to rezone from R-1 to R-3.

We know Sharon Pagel improved her lot by putting in drainage tiles. We have never experienced water issues on our property either before or after Sharon Pagel did the improvements. We have complete confidence in Sharon Pagel in building an esthetically pleasing homestead keeping with the values we have in our neighborhood.

Respectfully,



William and Vicky Howard

ORDINANCE NUMBER 2017-_____

**MAP AMENDMENT FOR AN 3.2 ACRE PARCEL LOCATED AT THE NORTHEAST CORNER
OF BURKHART DRIVE AND DOUGLAS ROAD (2380 DOUGLAS ROAD)**

Rezone from R-1 to R-3

WHEREAS, the John and Sharon Pagel Living Trust submitted a request for a map amendment from R-1 to R-3, for a property located at the northeast corner of the intersection of Burkhart Drive and Douglas Road in Oswego Township, more commonly known as 2380 Douglas Road; and

WHEREAS, said property is identified with the tax identification number 03-15-251-009 and the part for rezoning is legally described below; and

THAT PART OF THE NORTH HALF OF SECTION 15, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID NORTH HALF WITH THE CENTERLINE OF DOUGLAS ROAD; THENCE NORTHERLY, ALONG SAID CENTERLINE OF DOUGLAS ROAD, 488 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY, ALONG SAID CENTERLINE, 223.20 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID NORTH HALF, 643.85 FEET; THENCE SOUTHERLY, PARALLEL WITH SAID CENTERLINE OF DOUGLAS ROAD, 223.20 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID NORTH HALF, 643.85 FEET TO THE POINT OF BEGINNING IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, the petitioner desires to rezone 3.2 acres to R-3 (One Family Residential District) for the purposes of subdividing the lot and constructing a new home on the proposed eastern lot; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.07.F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals with a vote of 6 ayes and 1 nay on May 1, 2017; and

WHEREAS, the findings of fact were approved as follows:

*Existing uses of property within the general area of the property in question. **There are rural residential county subdivisions and Village of Oswego municipal subdivisions within the general area.***

*The Zoning classification of property within the general area of the property in question. **A mix of County R-1, R-2, and R-3 as well as Village of Oswego R-1 and R-2 Zoning classifications are in the area.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **True, the property is suitable to fulfill the petitioner's desires to rezone the property in order to divide the parcel to construct a smaller home.***

*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 is for the benefit of the petitioner.

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a zoning map amendment from R-1 to R-3 on the tract of land located and depicted on the drawing attached as “Exhibit A” hereto and incorporated herein.

IN WITNESS OF, this ordinance has been enacted on May 16, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

ZONING PLAT OF
PART OF THE NORTH HALF OF SECTION 15, T37N-R8E, 3rd PM
OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS

DEVELOPER:

John and Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

AREA TO BE REZONED:

143645 Sq.Ft. = 3.2972 Acres

PRESENT ZONING:

R-1 (Residential District)

PROPOSED ZONING:

R-3 (Residential District)

P.I.N.

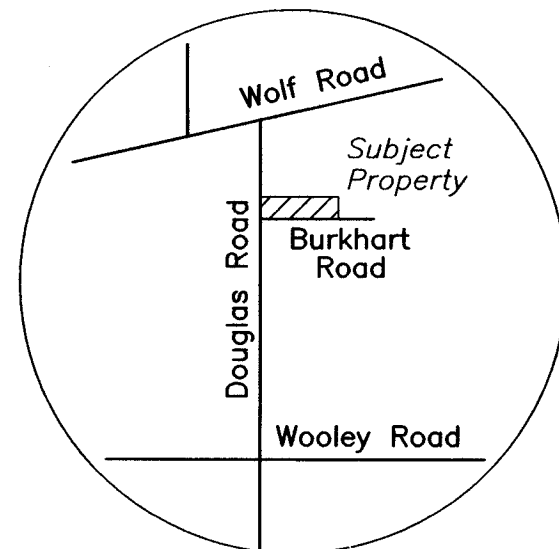
03-15-251-009

PIN 03-15-176-002
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Lot 3

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John R & Penelope B Campbell
R-3
Lot 4

PIN 03-15-17-004
Paul M & Betty J. Ivemeyer Trust
R-3
Lot 5

PIN 03-15-176-005
Elaine M. Nichols
R-3
Lot 6



LOCATION SKETCH
Not to Scale

N

SCALE
1"=50'

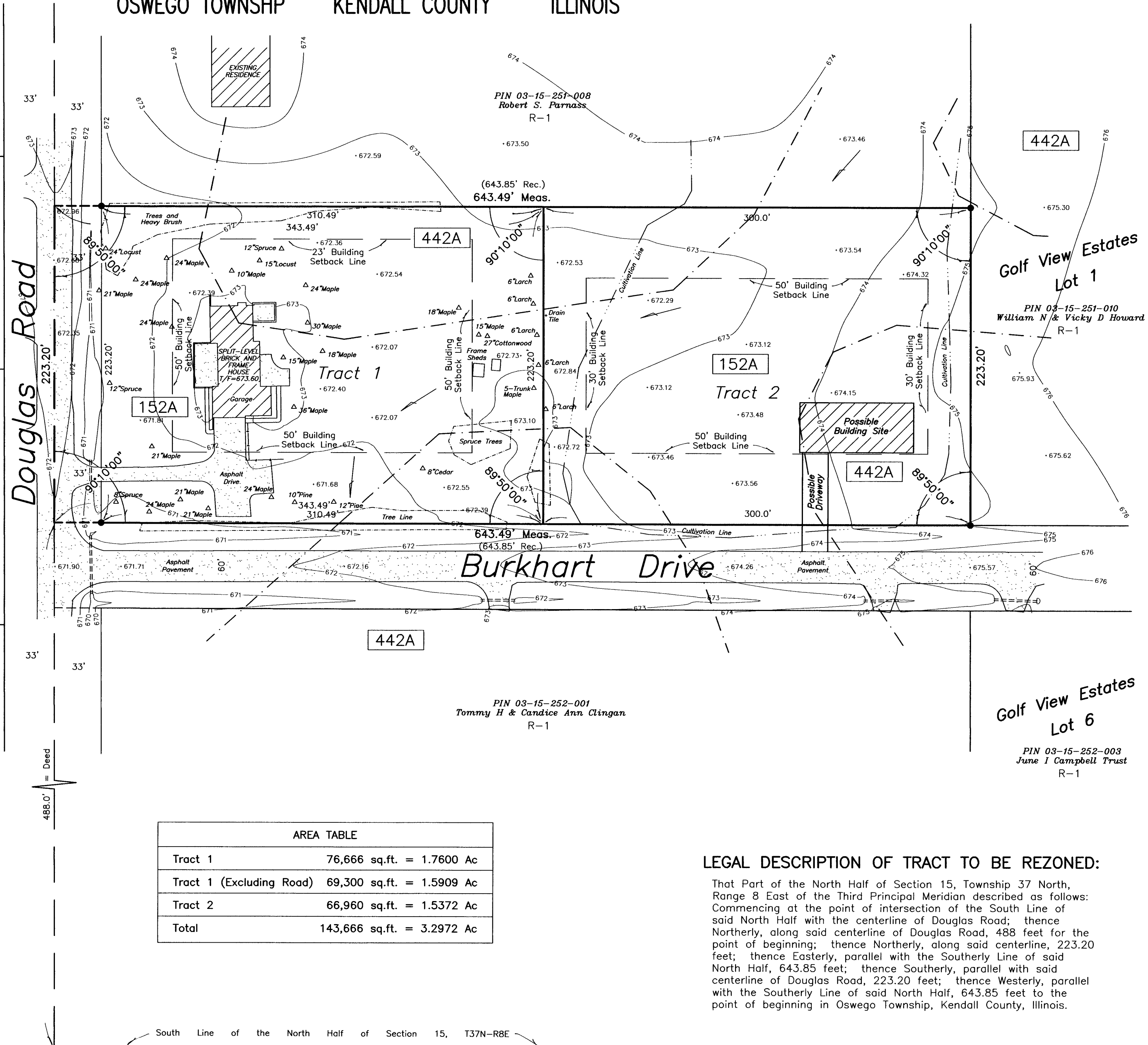
- Indicates Iron Stake Found
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- Indicates Line of Fence
- - - Indicates Soils Boundary
- Indicates Direction of Drainage
- 672.40 Indicates Existing Spot Elevation
- 672- Indicates Existing Contour Elevation

NOTE: This property is commonly known as 2380 Douglas Road.

Soil Type
(USDA/NRCS - Kendall County, 2015)

- 152A Drummer Silty Clay Loam, 0%-2% slopes
- 442A Mundelein Silt Loam, 0%-2% slopes

NOTE: The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0058G with an effective date of February 4, 2009.



AREA TABLE	
Tract 1	76,666 sq.ft. = 1.7600 Ac
Tract 1 (Excluding Road)	69,300 sq.ft. = 1.5909 Ac
Tract 2	66,960 sq.ft. = 1.5372 Ac
Total	143,666 sq.ft. = 3.2972 Ac

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the North Half of Section 15, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the South Line of said North Half with the centerline of Douglas Road; thence Northerly, along said centerline of Douglas Road, 488 feet for the point of beginning; thence Northerly, along said centerline, 223.20 feet; thence Easterly, parallel with the Southerly Line of said North Half, 643.85 feet; thence Southerly, parallel with said centerline of Douglas Road, 223.20 feet; thence Westerly, parallel with the Southerly Line of said North Half, 643.85 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

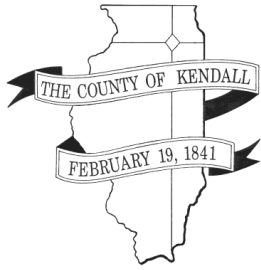
South Line of the North Half of Section 15, T37N-R8E

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

JOB NO. 16062
JOB NAME PAGEL
DWG FILE 16062

August 1, 2016



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee**From:** Matthew H. Asselmeier, AICP, Senior Planner**Date:** April 25, 2017**Re:** Petition 17-10-Repeal of Special Use at 04-30-200-003 and 04-29-100-007

On April 17, 2017, Samantha Dippold submitted the attached letter, marked as Exhibit 1, requesting the special use permit at the properties identified by parcel ID numbers 04-30-200-003 and 04-29-100-007 be revoked. The petitioner desires to construct a single-family home on the property. The subject property is zoned R-2 One Family Residential.

On November 10, 1986, the Kendall County Board approved a special use permit allowing for the placement of a 42 lot residential subdivision on the property. The special use permit allowed for lots smaller than normally allowed in the R-2 District to be created in the development. A copy of Ordinance 86-12 is included as Exhibit 2.

A copy of the aerial of the development is included as Exhibit 3. The area bounded in orange is the entire development. The area bounded in yellow represents the land owned by the petitioner.

If the special use is revoked, the subject area would be zoned R-2 One-Family Residential. The remaining portion of the old development would retain the special use permit. Given that the subdivision originally proposed in the 1986 has not developed and that no plans exist to develop the subdivision as originally proposed, Staff has no objections to the revocation of the special use permit as requested. Staff does suggest that the owners of the other portions of development be contacted to see if they would oppose or support the revocation of the special use permit on their portions of the original subdivision.

If the Committee wishes to take action on this proposal, a draft ordinance is included as Exhibit 4.

MHA

Enclosures: Exhibit 1 Letter
Exhibit 2 Ordinance 86-12
Exhibit 3 Aerial
Exhibit 4 Draft Ordinance

Dear Kendall County Board:

I own the property identified by Parcel ID Number 04-30-200-003 and 04-29-100-007, which has a special use permit for a Planned Unit Development. This special use permit was issued in 1986 and no development has occurred on the property nor do I believe a development will occur on the property as was planned in 1986.

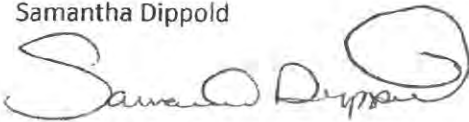
I wish to construct a single-family home on the property and, therefore, I request a revocation of the special use permit.

Please consider this letter a formal request to revoke the special use permit in question as required in Section 13.08.F of the Kendall County Zoning Ordinance. I waive my right to a public hearing on this matter and request that the revocation be reviewed by the PBZ Committee. Please let me know the date and time of the PBZ Committee meeting when this proposal will be reviewed.

If you have any questions, please contact me at (573) 513-0309.

Sincerely,

Samantha Dippold

A handwritten signature in cursive script that reads "Samantha Dippold". The signature is written in dark ink and is positioned below the printed name.

Property Owner

04-19-400-009 + 010 PT 04-29-100-003 PT 04-29-200-01
 04-20-300-002 PT 04-29-200-001
 04-30-200-003 86-10
 04-30-200-002 ORDINANCE
 AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED 96-08

R-2 SU
 PUD

WHEREAS, Gene Whitfield did petition the Zoning Board of Appeals of Kendall County, Illinois for a public hearing in the manner required by law and ordinances of Kendall County, Illinois, for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed map amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed map amendment on the 29th day of August, 1986 in the Kendall County Board Room and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois, that the petition be granted and the zoning maps be amended; and

WHEREAS, the appropriate zoning classification for the residential use requested by petitioner is R2 Residential; and

WHEREAS, as a result of the unique environmental conditions of the property, strict adherence to the minimum lot size requirements of the R2 Residential district would deprive the petitioner of a reasonable use of the land; and

WHEREAS, the petitioner has submitted a plat describing and depicting the size and location of 42 lots in the land described in the petition; and

WHEREAS, said lot size vary from 1 acre to 24.1 acres; and


WHEREAS, granting of a special use permit as a planned unit development in accordance with the attached plat is in conformance with the Ordinance and is a reasonable land use of the property described. Said planned unit development authorizing the variance in lot size from the specific minimum is provided by the Ordinance.

Ordinance

NOW, THEREFORE, be it ordained by the County Board of Kendall County that the following described property be and the same is hereby reclassified from Agriculture A1 to residential R2 with the special use for plan use and development in accordance with the attached plat and that the Zoning Administrator be hereby ordered and directed to change the zoning map to show the change in zoning classification, legally described as follows:

See attached Exhibit "A"

PASSED THIS 10th day of November, 1986.



Chairman, County Board of
Kendall County, Illinois

ATTEST:



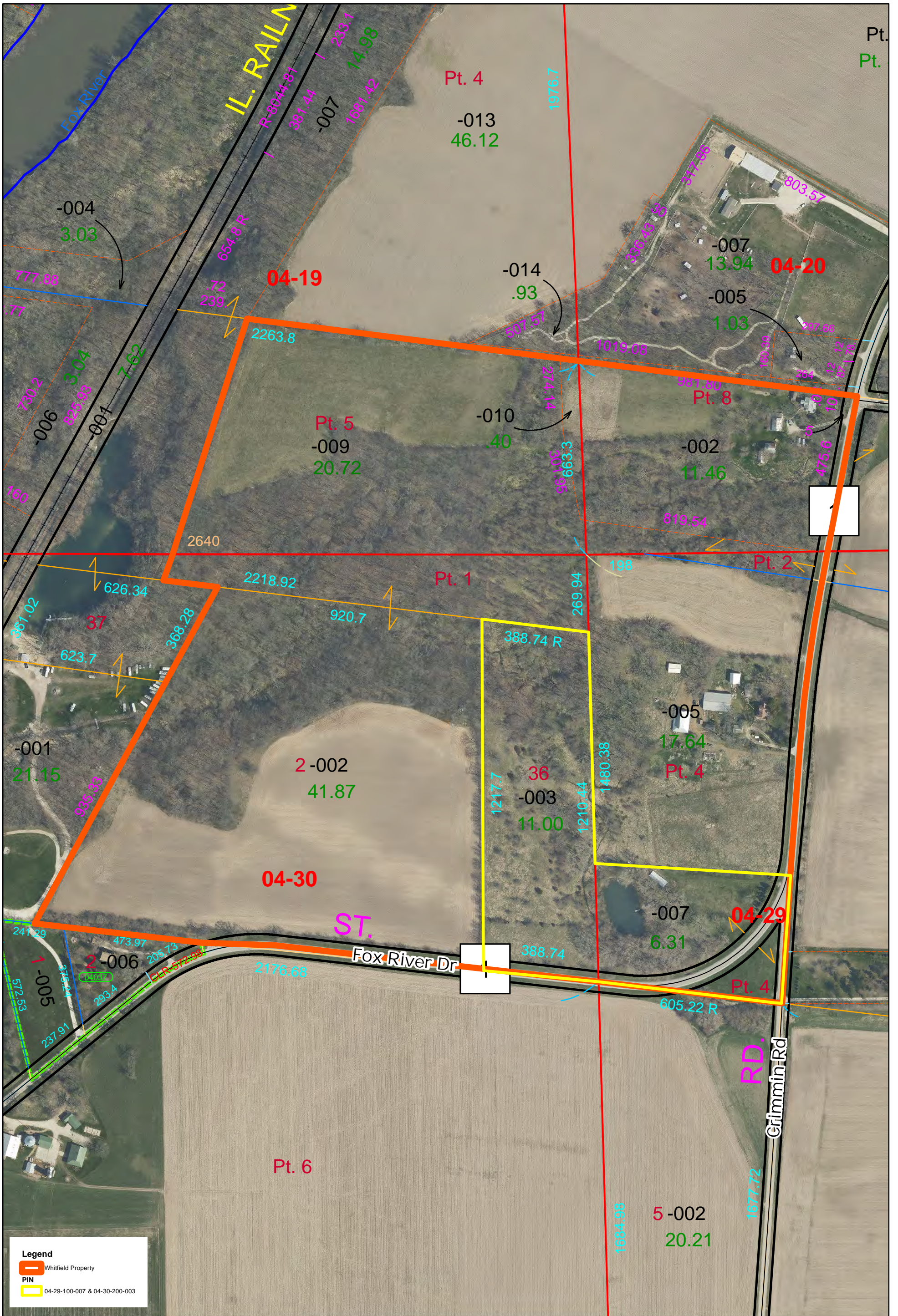
County Clerk

Legal Description for Gene Whitfield:

Tract to be rezoned from A1 to R2SU

That part of the Southeast Quarter of Section 19, part of the Southwest Quarter of Section 20, part of the Northwest Quarter of Section 29 and part of the Northeast Quarter of Section 30, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of said Section 20; thence North $89^{\circ}15'14''$ west along the south line of said Section 20, 891.0 feet; thence North $0^{\circ}30'12''$ East, 25.74 feet; thence North $79^{\circ}32'34''$ West, 850.64 feet; thence North $25^{\circ}42'21''$ East, 26.64 feet; thence North $81^{\circ}50'28''$ West, 4,764.34 feet for a point of beginning; thence South $18^{\circ}47'55''$ West, 944.76 feet to the south line of Lot 1 of said Section 30 as shown in Plat Book 3, page 20; thence South $82^{\circ}19'24''$ East along said south line, 182.16 feet; thence South $30^{\circ}13'28''$ West parallel with the Burlington Northern, Inc. Railroad Company right of way through said Section 30, 368.28 feet; thence South $29^{\circ}43'28''$ West, 935.33 feet to the northerly line of Comb's Subdivision; thence South $82^{\circ}04'11''$ East along said northerly line and said northerly line extended, to the center line of Crimmin Road; thence northerly along said center line to a line drawn South $81^{\circ}50'28''$ East from the point of beginning; thence North $81^{\circ}50'28''$ West to the point of beginning in Fox Township, Kendall County, Illinois and containing 110.096 acres.

*and along the center line of Fox River Drive,



Legend

- Whitfield Property
- PIN**
- 04-29-100-007 & 04-30-200-003

Kendall County GIS
 111 West Fox Street - Room 309
 Yorkville, Illinois 60560-1498
 618.653.4939

Aerial : 2016

Whitfield Property including
 04-29-100-007 & 04-30-200-003
 Fox Twp.
 Kendall County Illinois

0 180 360 540
 Feet

1 inch = 300 feet

Created : 04/17/2017

Exhibit 4
ORDINANCE # 2017-_____

REVOKING A SPECIAL USE for
PROPERTY LOCATED AT THE NORTHWEST CORNER
OF FOX RIVER DRIVE AND CRIMMIN ROAD

WHEREAS, Gene Whitfield petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the development of a planned unit development at the northwest corner of Fox River drive and Crimmin Road, in Fox Township; and

WHEREAS, said property is legally described as follows:

That part of the Southeast Quarter of Section 19, part of the Southwest Quarter of Section 20, part of the Northwest Quarter of Section 29 and part of the Northeast Quarter of Section 30, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of said section 20; thence North 89° 15'14" west along the south line of said Section 20, 891.0 feet; thence north 0°30'12" East, 25.74 feet; thence North 79°32'34" West, 850.64 feet; thence North 25°42'41" East, 26.64 feet; thence North 81°50'28" West, 4,764.34 feet for a point of beginning; thence South 18°47'55" West, 944.76 feet to the south line of Lot 1 of said Section 30 as shown in Plat Book 3, page 20; thence South 82°19'24" East along said south line, 182.16 feet; thence South 30°13'28" West parallel with the Burlington Northern, Inc. Railroad Company right of way through said Section 30, 368.28 feet; thence South 29°43'28" West, 935.33 feet to the northerly line of Comb's Subdivision; thence South 82°04'11" East along said northerly line and said northerly line extended, to the center line of Crimmin Road; thence northerly along said center line; to a line drawn South 81°50'28" East from the point of beginning; thence North 81°50'28" West to the point of beginning in Fox Township, Kendall County, Illinois and containing 110.096 acres.

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 86-12 on November 10, 1986; and

WHEREAS, the properties identified by Parcel ID Numbers 04-30-200-003 and 04-29-100-007 are located within the development awarded a special use permit by Ordinance 86-12; and

WHEREAS, Samantha Dippold purchased the properties identified by Parcel ID Numbers 04-30-200-003 and 04-29-100-007 in 2016; and

WHEREAS, Samantha Dippold, owner, has stated in a letter as provided in attached Exhibit "A" that she voluntarily requests that Kendall County revoke the special use permit on the above-referenced property and waived her right to a public hearing for the revocation; and

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Kendall County, Illinois that the special use permit granted under Ordinance 86-12 as applied to those properties identified by

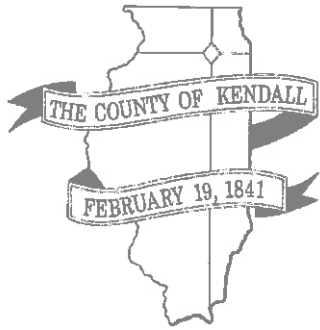
Parcel ID Numbers 04-30-200-003 and 04-29-100-007 be revoked as of the date of this Ordinance.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of May, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 4, 2017
Re: Proposed Agreement with WBK Engineering for Work Related to the Submittal of the Annual Report for the 2017 NPDES-MS4 Requirements

Kendall County is required to annually prepare a report with the Illinois Environmental Protection Agency for renewal of the MS-4 ILR 40 Permit. The County is required to submit this report by June 1st.

WBK Engineering, LLC submitted the attached proposal. The scope of work and costs are the same as their proposal from 2016.

If the Committee is agreeable, the proposal can be forwarded to the County Board for final consideration.

If anyone has any questions prior to the meeting, please let me know.

MHA



Proposal for NPDES MS-4 Annual Report

Kendall County, Illinois

April 13, 2017

Mr. Matthew Asselmeier
Kendall County Planning, Building and Zoning
111 W. Fox Street
Yorkville, Illinois 60560

Dear Mr. Asselmeier:

WBK Engineering, LLC (WBK) is pleased to provide this proposal to Kendall County for professional engineering services related to submittal of the Annual Report for the 2017 NPDES – MS-4 requirements. Included below is our understanding of the assignment, scope of services, project assumptions, and estimate of fee.

Understanding of the Assignment

It is our understanding that the client needs to file an Annual Report with the IEPA for the renewal of the MS-4 ILR 40 permit. We further understand the County is seeking assistance with preparation of the annual report for compliance with NPDES requirements. The Annual Report will be prepared utilizing the most current IEPA forms and submitted in accordance with IEPA requirements.

Scope of Services

Task 1 | Preparation of Annual Report

WBK will prepare the MS-4 Annual Report in accordance with IEPA requirements and utilizing IEPA format for NPDES – MS-4. We will review the six minimum control measures with the County and document goals and objectives towards compliance. We expect to interview the Senior Planner and to inventory existing activities that demonstrate compliance with NPDES MS-4 requirements. We will identify activities performed by County Departments and report the same. A complete submittal will be prepared and submitted to the IEPA on behalf of the County with all supporting documentation.

Estimate of Fees

Due to the nature of the tasks listed in the above Scope of Basic Services, we have provided time and material budgets. The actual amount invoiced will be based on the level of effort required to accomplish the task, but we will not exceed the budget without your prior approval. Our estimated fees are based on the entire Scope of Basic Services being awarded to us. In general, individual tasks cannot be broken out and awarded separately.

WBK Engineering, LLC
WBKEngineering.com



St. Charles Office
116 West Main Street, Suite 201
St. Charles, IL 60174
630.443.7755

Aurora Office
8 East Galena Boulevard, Suite 402
Aurora, IL 60506
630.701.2245

Task #	Task Name	Fee
Task 1	Preparation of 2017 MS-4 Annual Report	\$1,700
	Reimbursable Costs (Including Printing)	Cost + 10%

Please note that preparing this proposal requires the exercise of professional knowledge and judgment, and as such, this proposal remains the proprietary instrument of service of the firm WBK Engineering, LLC. No portion of this proposal may be shared with another firm providing similar services without our permission.

We propose to bill you monthly based on the attached Schedule of Charges. We establish our contract in accordance with the attached General Terms and Conditions. These General Terms and Conditions are expressly incorporated into and are made an integral part of this contract for professional services. We reserve the right to increase our fees by five percent (5%) on December 31st of each calendar year.

If this proposal is acceptable, please return one (1) signed copy to us for our files to serve as a notice to proceed. Thank you for the opportunity to provide service to Kendall County. If you have any questions, please do not hesitate to call.

Sincerely,



Patrick Kelsey, CPSS/SC
Resource Management Practice Principal

Encl: 2017 Schedule of Charges
General Terms and Conditions—Kendall County (April 4, 2016)

THIS PROPOSAL, SCHEDULE OF CHARGES, AND GENERAL TERMS & CONDITIONS ACCEPTED FOR KENDALL COUNTY:

BY: _____

TITLE: _____

DATE: _____

WBK ENGINEERING, LLC
2017 Standard Charges for Professional Services

<u>Classification</u>	<u>Hourly Rate</u>
Principal	\$ 210
Engineer VI	\$ 189
Engineer V	\$ 169
Engineer IV	\$ 142
Engineer III	\$ 117
Engineer II	\$ 98
Engineer I	\$ 84
Engineering Technician IV	\$ 138
Engineering Technician III	\$ 116
Engineering Technician II	\$ 97
Engineering Technician I	\$ 81
Senior Scientist	\$ 178
Environmental Resource Specialist IV	\$ 123
Environmental Resource Specialist III	\$ 97
Environmental Resource Specialist II	\$ 88
Environmental Resource Specialist I	\$ 78
Urban Planner VI	\$ 185
Urban Planner V	\$ 152
Urban Planner IV	\$ 124
Urban Planner III	\$ 98
Urban Planner II	\$ 80
Professional Land Surveyor	\$ 133
Intern	\$ 45
Office Professional	\$ 62
Direct Costs: Copies & Prints, Messenger & Delivery Services, Mileage, etc.	Cost +10%

Charges include overhead and profit.

*WBK Engineering, LLC reserves the right to increase
rates and costs by 5% annually.*

WBK ENGINEERING, LLC
GENERAL TERMS AND CONDITIONS WITH KENDALL COUNTY, ILLINOIS

1. Relationship Between Engineer and Client: WBK ENGINEERING, LLC (Engineer) shall serve as Client's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts or failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.

2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.

3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible. It is understood by Engineer that this agreement is with a government entity. As such, any further price adjustments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Client understands that the project schedule will be adjusted to accommodate the formal County procedure. The Engineer is not obligated to begin any additional work until County Board approval.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms

and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the resumption of the services upon expiration of the Suspension of Services Order. Any costs greater than the “not to exceed” fee referenced herein and by attachments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period of suspension is greater than thirty (30) days.

5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fees, incurred by Engineer and directly resulting from the project at issue, before the termination date shall be reimbursed by Client. Upon receipt of a termination notice, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with termination of services. Client shall not be liable for those costs and expenses resulting from Engineer's failure to mitigate such losses. Further, Client shall not be responsible for salaries, overhead and fees accrued after Agreement's termination.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files. Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer. The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies

provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inexactitudes, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk.
8. The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.
9. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.
10. Compliance with Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement. With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable.

Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the

reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly. However, Engineer acknowledges that any such compensation will be contingent upon prior submittal of costs to the County for review and approval by the Kendall County Board.

11. **Affirmative Action:** The Engineer is committed to the principles of equal employment opportunity. Moreover, as a government contractor bound by Executive Order 11246, Engineer takes its affirmative action obligations very seriously. Engineer states as its Policy of Affirmative Action the following:

It will be the policy of the Engineer to recruit, hire, train and promote persons in all job titles without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

All employment decisions shall be consistent with the principle of equal employment opportunity, and only job-related qualifications will be required.

All personnel actions, such as compensation, benefits, transfers, tuition assistance, social and recreational programs, etc. will be administered without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

12. **Indemnification:** Engineer shall indemnify, hold harmless and defend with counsel of Kendall County's own choosing, Client Kendall County, its officials, officers, employees, including their past, present, and future board members, elected officials and agents from and against all liability, claims, suits, demands, proceedings and actions, including costs, reasonable fees and expense of defense, arising from, to, any loss, damage, injury, death, or loss or damage to property (collectively, the "Claims"), to the extent such Claims result from the Engineer's negligent or willful acts, errors or omissions in its performance under this Agreement. Nothing contained herein shall be construed as prohibiting Kendall County, its officials, directors, officers, agents and employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, suits, demands, proceedings and actions brought against them. Pursuant to Illinois law, 55 ILCS 5/3- 9005, any attorney representing the County, under this paragraph, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney, as provided in 55 ILCS 5/3-9005. Kendall County's participation in its defense shall not remove Engineer's duty to indemnify and hold the County harmless, as set forth above.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties), which caused the personal injury or property damage.

Engineer shall not be liable for special, incidental or consequential damages, including, but not limited to loss of profits, revenue, use of capital, claims of customers, cost of purchased or replacement power, whether based on contract, tort, negligence, strict liability or otherwise, by reasons of the services rendered under this Agreement.

13. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.
14. Governing Law & Dispute Resolutions: This Agreement shall be governed by and construed in accordance with Articles previously set forth by (Item 9 of) this Agreement, together with the laws of the **State of Illinois**.

Any claim, dispute or other matter in question arising out of or related to this Agreement, which cannot be mutually resolved by the parties of this Agreement, shall be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by either party. If such matter relates to or is the subject of a lien arising out of the Engineer's services, the Engineer may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by arbitration.

The Client and Engineer shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Requests for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. Mediation shall proceed in advance of legal or equitable proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

The parties shall share the mediator's fee equally. The mediation shall be held in the county where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

15. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.

16. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.
17. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein or within the Proposal for Engineering Services and the Schedule of Charges, which are herein incorporated by reference. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement, Proposal for Engineering Services and the Schedule of Charges shall be null, void and without effect to the extent they conflict with the terms of this Agreement.
18. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".
19. Severability of Invalid Provisions: If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, country or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.
20. Force Majeure: Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, fires, natural calamities.
21. Subcontracts: Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing. Engineer hereby waives any claim of lien against subject premises on behalf of Engineer, its officers, insurers, employees, agents, suppliers and/or sub-contractors employed by this Agreement. Upon completion of the project and as a condition prior to payment in full, Engineer shall tender to Client a final waiver of lien for all subcontractors and/or suppliers.
22. Access and Permits: Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer performs such services. Should such services be necessary, Engineer shall provide a written quote to Client in advance for approval.

23. Designation of Authorized Representative: Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
24. Notices: Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.

In the case of notice to Kendall County, County Administrator, County of Kendall, 111 West Fox Street, Room 316, Yorkville, IL 60560, Fax (630) 553-4214 with copy sent to: Kendall County State's Attorney, 807 John Street, Yorkville, Illinois 60560, fax (630) 553-4204. And, in the case of Engineer, to: P.J. Fitzpatrick, WBK Engineering, LLC, 116 W. Main Street, Suite 201, St. Charles, IL 60174

25. Limit of Liability: The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed those amounts that are equal to what Engineer has retained insurance coverage for at the time of contracting. Said insurance limits at the time of contracting include: Professional Liability of \$2,000,000.00 each occurrence and \$4,000,000.00 general aggregate; General Liability of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate; Automobile Liability of \$1,000,000.00; and an Excess/Umbrella of \$10,000,000.00 per occurrence. Engineer understands that said limits on liability are based upon the coverage amounts that may be paid by his insurer and such liability limits are set irrespective of whether the insurer(s) actually pay such limits on Engineer's behalf. Engineer further understands that should insurance not provide the coverage amounts above, Engineer shall still be responsible for its liability up to the amounts listed. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.
26. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which

the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party indemnified hereunder. Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer. Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that decisions concerning types and amounts of insurance are specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

27. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify,

or because of errors or omissions which may have occurred in assembling the information the Client is providing.

28. Payment: Client shall be invoiced once each month for work performed during the preceding period. Payment shall be made in accordance with the Illinois Local Government Prompt Payment Act, as amended (50 ILCS 505/1 et seq.)
29. When construction observation tasks are part of the service to be performed by the Engineer under this Agreement, the Client will include the following clause in the construction contract documents and Client agrees not to modify or delete it:

Kotecki Waiver: Contractor (and any subcontractor into whose subcontract this clause is incorporated) agrees to assume the entire liability for all personal injury claims suffered by its own employees, including without limitation claims under the **Illinois** Structural Work Act, asserted by persons allegedly injured on the Project; waives any limitation of liability defense based upon the Worker's Compensation Act, court interpretations of said Act or otherwise; and to the fullest extent permitted by law, agrees to indemnify and hold harmless and defend Owner and Engineer and their agents, employees and consultants (the "Indemnitees") from and against all such loss, expense, damage or injury, including reasonable attorneys' fees, that the Indemnitees may sustain as a result of such claims, except to the extent that **Illinois** law prohibits indemnity for the Indemnitees' own negligence. The Owner and Engineer are designated and recognized as explicit third-party beneficiaries of the Kotecki Waiver within the general contract and all subcontracts entered into in furtherance of the general contract.

30. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Engineer has no responsibility to supervise and direct the work; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be contracted with to be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall be required to take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project. Nothing within this paragraph shall be construed to constitute a warranty or guarantee as to the safety of the services the Contractor shall perform or to intimate the existence of a duty for providing indemnification or shared liability on behalf of the County for any actions, inactions or failures of contractors to provide proper safety precautions in the performance of their work.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer, and the Client, shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer and the Client do not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

31. **Insurance and Indemnification:** The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall be required to provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.

32. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is an operation, maintenance and repair activity for which the Engineer is not responsible.

33. Non-Discrimination: Engineer, its officers, employees, and agents agree not to commit unlawful discrimination and agree to comply with all applicable provisions of the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Federal Rehabilitation Act, and all applicable rules and regulations.
34. Compliance With State and Federal Laws: Engineer agrees to comply with all applicable federal, state and local laws and regulatory requirements and to secure such licenses as may be required for its employees and to conduct business in the state, municipality, county and location. Such obligation includes, but is not limited to, environmental laws, civil rights laws, prevailing wage and labor laws.
35. Authority To Execute Agreement: The County of Kendall and Engineer each hereby warrant and represent that their respective signatures set forth in the attached Proposal for Engineering Services have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.
36. Venue: The parties agree that the venue for any legal proceedings between them shall be the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit, State of Illinois.
37. Non-Appropriation: In the event Kendall County is in default under the Agreement because funds are not appropriated for a fiscal period subsequent to the one in which the Agreement was entered into which are sufficient to satisfy all or part of the County's obligations under this Agreement during said fiscal period, the County agrees to provide prompt written notice of said occurrence to Engineer. In the event of a default due to nonappropriation of funds,

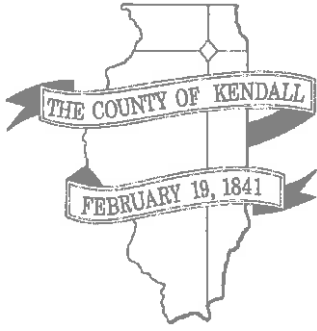
both parties have the right to terminate the Agreement upon providing thirty (30) days written notice to the other party. No additional payments, penalties and/or early termination charges shall be required upon termination of the Agreement.

38. Insurance. Engineer will obtain and continue in force, during the term of this Agreement, all insurance as set forth below. Each insurance policy shall not be cancelled or changed without thirty (30) days prior written notice, given by the insurance carrier to Kendall County at the address set forth herein. Before starting work hereunder, Engineer shall deposit with Subscriber certificates evidencing the insurance it is to provide hereunder: (a) Worker's Compensation and Occupational Disease Disability insurance, in compliance with the laws of the jurisdiction where the work is being performed, (b) Employer's comprehensive general liability insurance for both personal injury and property damage

in the minimum amount of \$1,000,000 per occurrence, and \$2,000,000 per aggregate per project, (c) Comprehensive business automobile liability insurance in the minimum amount of \$1,000,000 combined single limit, (d) Minimum umbrella occurrence insurance of \$5,000,000 per occurrence and \$5,000,000 aggregate, (e) Professional liability insurance in the minimum amount of \$1,000,000 combined single limit. Kendall County shall be named as Additional Insureds on a Primary and Non-Contributory basis with respect to the general liability, business auto liability and excess liability insurance, as well as a waiver of subrogation with respect to the general liability and workers' compensation in favor of Kendall County. Also, Kendall County and shall be designated as the certificate holders.

39. Certification: Engineer certifies that Engineer, its parent companies, subsidiaries, and affiliates are not barred from entering into this Agreement as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 et seq. (the Illinois Prevailing Wage Act).
40. Drug Free Workplace: Engineer and its consultants, employees, contractors, subcontractors, and agents agree to comply with all provisions of the Substance Abuse Prevention on Public Works Act, 820 ILCS 265/1 et seq. and the Illinois Drug Free Workplace Act, 30 ILCS 580/1 et seq.
41. Prevailing Wage: To the extent that this Agreement calls for the construction, demolition, maintenance and/or repair of a "public work" as defined by the Illinois Prevailing Wage Act, 820 ILCS 130/.01 et seq. ("the Act"), such work shall be covered under the Act. The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing covered work on public works projects no less than the "prevailing rate of wages" (hourly cash wages plus fringe benefits) in the county where the work is performed. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor's website at: <http://www.state.il.us/agency/idol/rates/rates.html>. All contractors and subcontractors rendering services under this Agreement must comply with all requirements of the Act, including, but not limited to, all wage, notice and record-keeping duties.
42. Both parties affirm no Kendall County officer or elected official has a direct or indirect pecuniary interest in WBK or this Agreement, or, if any Kendall County officer or elected official does have a direct or indirect pecuniary interest in WBK or this Agreement, that interest, and the procedure followed to effectuate this Agreement has and will comply with 50 ILCS 105/3.

43. Employment of Illinois Workers on Public Works Act. If at the time the Contract Documents are executed, or if during the term of the Contract Documents, there is a period of excessive unemployment in Illinois as defined in the Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 et seq., (hereinafter referred to as "the Act"), Engineer, its consultants, contractors, subcontractors and agents agree to employ Illinois laborers on this Project in accordance with the Act. Engineer understands that the Act defines (a) "period of excessive unemployment" as "as any month following two consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded 5%, as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures", and (b) "Illinois laborer" as "any person who has resided in Illinois for at least thirty (30) days and intends to become or remain an Illinois resident." See 30 ILCS 570/1. Engineer understands and agrees that its failure to comply with this provision of the Contract Documents may result in immediate termination of the Contract Documents.
44. Engineer agrees to comply with The Davis Bacon Act – 40 U.S. C. 3141 et seq. as may be necessary. The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The DavisBacon Act prevailing wage provisions apply to the "Related Acts," under which federal agencies assist construction project through grants, loans, loan guarantees, and insurance. Examples of the related Acts are the American Recovery and Reinvestment Act of 2009, the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 4, 2017
Re: Billboard Update

At the April 10th PBZ meeting, the Committee requested Staff to contact the State's Attorney's Office to see if billboards could be removed as outlined in Section 12.21 of the Zoning Ordinance. This provision of the Zoning Ordinance set a seven (7) year amortization of outdoor advertising structures starting in 2000.

Upon review of previous information supplied by the State's Attorney's Office, the State's Attorney's Office believed that removing a billboard would be a regulatory taking and the owner would have to be compensated unless an agreement exists to remove the billboard after a certain time.

Upon review of the billboards in question, the billboard at the southeast corner of Hafenrichter and Route 34 on the parcel identified as 03-01-127-004 is the only billboard that has a clear review period. This billboard was erected by special use permit (Ordinance 2004-43). A renewal of the special use permit is required every three (3) years. On May 2nd, Staff mailed the property owner a letter requesting them to initiate a special use application renewal or start the process of removing the billboard. The property owner has until May 22nd to respond.

If any Committee members have any questions, please let me know.

MHA *MHA*

**KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of December 16, 2013**

CALL TO ORDER

The meeting was called to order by Chairman Scott Gryder at 6:32 p.m.

ROLL CALL

Present: Chairman Scott Gryder, Amy Cesich, Vice-Chair Judy Gilmour, Lynn Cullick and Jeff Wehrli

Absent: None

Also present: Planning & Zoning Manager: Angela Zubko, Administrator Jeff Wilkins, Code enforcement Brian Holdiman & States Attorney Eric Weis

In the audience: David Gravel (Green Organics Vice President), Jessie Sexton (Green Organics Manager), Jeff Milroy and Attorney Gregg Ingemunson

APPROVAL OF AGENDA

Judy Gilmour made a motion to approve the agenda as written, Amy Cesich seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES

Judy Gilmour made a motion to approve the minutes from November 12, 2013. Amy Cesich seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)

Judy Gilmour made a motion to approve the expenditure report in the amount of \$17,435.05 and forward it onto the Finance Committee, Amy Cesich seconded the motion. All agreed and the motion was approved.

OLD BUSINESS--

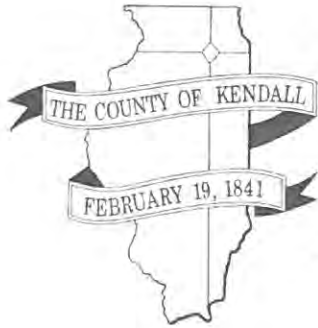
Billboard discussion- Planner Zubko stated in the packet were the meeting minutes from the last 2 meetings billboards were discussed. The Committee wanted the SAO in attendance to ask some questions. Mr. Eric Weis gave a little background and stated the Board can have them removed but under eminent domain act we'd have to pay them fair cost. Planner Zubko asked about the Special Use, Mr. Weis stated he'd have to look at that specific case. Mr. Wilkins asked since they're legal non-conforming can they replace it? Mr. Weis stated it would depend on the fact. Ms. Cesich asked if this sets precedent. Mr. Weis stated we have Ordinances in place and those are case by case basis. There was discussion on just compensation and appraisals are received, how much it cost to erect it, maintain it, how much is brought in and how the property can be used. Attorney Gregg Ingemunson had a little to weigh in about eminent domain and explained the process. The committee decided that nothing could be done at this moment unfortunately. For the special use it will be decided if they amend their special use.

Recommendation to accept contractual services proposal from Erickson Construction for plumbing inspections at rate of \$140 per inspection- Mr. Jeff Wilkins stated as you know Mr. Schneider will be retiring. Since we knew this could be over \$30,000 we did go out for bid. We received 2 bids, Erickson for \$140 per inspection and Bee Plumbing at a rate of \$150 per inspection. We have worked out the
12.16.13 PBZ Meeting Minutes

Page 1

Parcel #: 03-01-127-004
Billboard 5 and M-2 SU





DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 4, 2017
Re: 9111 Ashley Road Update

On April 19th, Staff conducted an inspection at the banquet facility at 9111 Ashley Road. The property owner, per the special use restrictions, planted Colorado blue spruce trees at the northern entrance of the property and east of the accessory buildings. The owner also planted a lilac hedge along the north side of the southern exit.

Pictures of the plantings are attached.

If any Committee members have any questions, please let me know.

MHA 

Enc: 4 Pictures



04/19/2017 10:42



04/19/2017 10:42



04/19/2017 10:42



04/19/2017 10:42



8751 E. Highpoint Rd.
 Yorkville, Illinois 60650
 630-254-8319
 Fax: 630-553-2954
 cdj80@msn.com

Date: 02/13/17

ATTN: Doug Westphal
 Email:
 Phone:

<i>We hereby submit specifications and estimate for:</i>	Tanglewood Trails Subdivision	
Price includes the following:		
Relocating brush piles from wet pond area to dry shoreline (Weather permitting) No hauling and no burning	\$	3,800.00
Total from sheet 2 if used:	\$	3,800.00
Total from all sheets:	\$	3,800.00

We hereby propose to furnish labor complete in accordance with the above specifications, for the sum of: \$ 3,800.00

Payments as follows: Upon completion of each section of work or every 30 days

Exclusions: Permit acquisition, handling or hauling of contaminated soils, soils remediation, frost breaking, engineering/lay-out, shoring of excavations, demolition/excavation/export of unforeseen obstructions located below grade. Winter service charges. Dewatering beyond the capabilities of a 2" pump.

All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above this estimate. All agreements contingent upon strikes, accident or delays beyond our control. If legal action is necessary for collection, a 2% monthly interest charge (24% per annum) will be accrued, in addition to all fees incurred for recovery. Prevailing Wage rates are excluded. If it is determined that government or municipal funds are an inclusive part of this project and/or agreements herein and project requires labor at prevailing wage rates then a change order extra will be immediately forthcoming. Jensen Excavating LLC is not responsible for utilities that are not marked by Julie and any costs for locating or repair of unmarked utilities is the responsibility of the owner. This proposal is subject to acceptance within 30 days and it is void thereafter at the option of the undersigned.

Authorized Signature _____

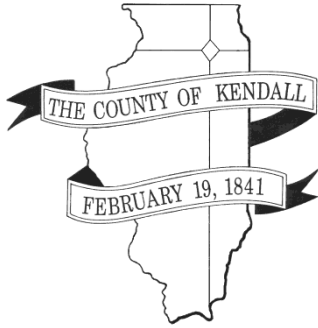
ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date _____

Print _____



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 4, 2017
Re: Outdoor Shooting Range Regulations

Staff recently conducted a review of outdoor shooting range regulations of neighboring counties. Below please find this information. If the Committee would like to explore amendments to Kendall County's regulations, we can start the process of amending the Zoning Ordinance.

Please provide Staff guidance on how the Committee would like to proceed.

Kendall County

Outdoor Target Practice or Shooting (not including private shooting in your own yard) with the following conditions:

- a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.
- b. Requires minimum parcel size of 5 acres, depending on the venue.
- c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
- d. State recognized, nationally recognized or NRA Certified range supervisor must be present
- e. Range flag flown, a sign or red light lit at all times that firing is taking place.
- f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
- g. Access must be controlled by a lockable gate.
- h. Hazardous waste plan addressing lead management required.
- i. No discharge of lead shot into wetland.
- j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.

- k. No alcohol allowed.
- l. No projectiles shall leave the boundaries of the site.
- m. All applicable Federal, State and County rules and regulations shall be adhered to.
- n. Must meet all requirements of the Kendall County Health Department
- o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
- p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
- q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.
- r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

McHenry County

Conditional Use in A-1 and B-3 Districts

14.3.OO. Shooting Range, Outdoor – Commercial

14.3.OO.1. The outdoor shooting range, including the safety area, must be under the control of the operator of the range, by ownership or lease.

14.3.OO.2. The layout of all handgun, rifle, shotgun, trap and skeet ranges shall conform to National Rifle Association standards with regard to layout and dimensions. The range proper shall be fenced in a manner so as to prohibit entrance onto the property by members of the public, and shall have signs posted at one-hundred-foot (100') intervals warning members of the public of the danger.

14.3.OO.3. Ranges designed for the use of handguns and rifles shall provide berms at least twenty (20) feet high and six (6) feet thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:

14.3.OO.3.a. Shotgun Ranges: No berms required.

14.3.OO.3.b. Ranges for handguns and rifles not more powerful than .22 long rifle.

14.3.OO.3.b.i. Backstop - at least one hundred fifty (150) feet from the firing line.

14.3.OO.3.b.ii. Lateral - not closer than thirty (30) feet from the firing line.

14.3.OO.3.c. Ranges for rifles more powerful than .22 long rifle.

14.3.OO.3.c.i. Backstop - at least three hundred (300) feet from the firing line.

14.3.OO.3.c.ii. Lateral - not closer than thirty (30) feet from the firing line.

14.3.OO.4. The range shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:

14.3.OO.4.a. Shotgun Ranges – one thousand five hundred (1500) feet, provided that shot size is limited to #4 or smaller.

14.3.OO.4.b. Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand (7,000) feet.

14.3.OO.4.c. Ranges for rifles more powerful than .22 long rifle - thirteen thousand five hundred (13,500) feet.

14.3.OO.4.d. The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association.

14.3.00.5. The safety area shall conform to National Rifle Association standards for the shape and width. The safety area shall have signs posted at intervals warning of the potential danger from stray bullets.

14.3.00.6. The range shall provide public bathroom facilities.

14.3.00.7. A sign is required on the range site listing allowable types of firearms, and stating the rules of operation of the range.

14.3.00.8. At least one (1) range supervisor shall be present at all times when firing is taking place. The supervisor shall be certified by the National Rifle Association for the type of shooting being supervised, and know and enforce all range rules.

14.3.00.9. At least one (1) range flag shall be flown whenever firing is taking place. The flagpole shall be at least eighteen (18) feet high, and the flag shall be bright red, forty (40) inches long, twenty (20) inches wide at the pole, and six (6) inches wide at the free end.

14.3.00.10. Everyone on the firing line is required to wear hearing protection and safety glasses.

14.3.00.11. The outdoor shooting range shall be covered by accident and liability insurance.

Kane County

Special Use in Farming District-No restrictions in Code; handled on a case-by-case basis

DeKalb County

Special Use in Agricultural District-No restrictions in Code; handled on a case-by case basis

Grundy County

Permitted Use in Commercial General District and Commercial Interchange District

Will County

Special Use in A-1 and C-6-No restrictions in Code; handled on a case-by-case basis

Lake County

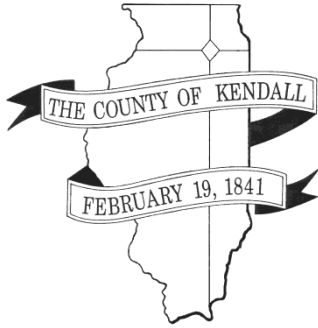
Conditional Use in Agricultural, Recreational Commercial, and Open Space Districts.

(SS) *Shooting/archery range, outdoor (recreation and entertainment, outdoor use category).*

(1) The site shall have a minimum area of at least 40 acres for a shooting range or 20 acres for an archery range.

(2) The petitioner shall submit a site capacity calculation and a detailed site plan showing the layout and design of the proposed outdoor shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch = 100 feet.

(3) The petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at a minimum, describe the type of range (i.e., public, private, or government), the type of firearms and targets expected to be used, and the days and hours of operation. The County Board may impose conditions in the conditional use permit on the layout and design of the range, and the days and hours of operation.



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MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 4, 2017
Re: Proposed Intergovernmental Agreements Between Kendall County and the Villages of Plattville and Millbrook

At their meeting on April 25th, the Millbrook Village Board approved the proposed Intergovernmental Agreement regarding PBZ services with the Village. The Board approved one amendment to the proposal as shown below:

6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be **primary secondary** coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

The Village of Plattville will review the proposal at their meeting on May 15th. Both Intergovernmental Agreements possessed the same language.

Staff requests guidance on how to proceed.

MHA

Permit Summary by Category
Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	1	\$0	\$0	\$0
Garage	1	\$20,000	\$817	\$0
Accessory Buildings	3	\$9,199	\$250	\$0
Additions	1	\$35,000	\$277	\$0
Barns/Farm Buildings	1	\$125,000	\$0	\$0
Driveway	1	\$1,000	\$200	\$0
Fire Restoration	1	\$125,000	\$728	\$0
Generator	1	\$5,182	\$110	\$0
	10	\$320,381	\$2,382	\$0

**Permit Summary by Category by Month
Kendall County**

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	8	1	2	2	3	0	0	0	0	0	0	0	0
Garage	2	0	0	1	1	0	0	0	0	0	0	0	0
Accessory Buildings	16	0	8	4	4	0	0	0	0	0	0	0	0
Additions	3	0	0	1	2	0	0	0	0	0	0	0	0
Remodeling	4	0	2	1	1	0	0	0	0	0	0	0	0
Barns/Farm Buildings	3	0	2	0	1	0	0	0	0	0	0	0	0
Signs	1	1	0	0	0	0	0	0	0	0	0	0	0
Swimming Pools	6	0	0	5	1	0	0	0	0	0	0	0	0
Decks	4	1	0	0	3	0	0	0	0	0	0	0	0
Demolitions	2	1	1	0	0	0	0	0	0	0	0	0	0
Electrical Upgrades	2	0	1	1	0	0	0	0	0	0	0	0	0
Change in Occupancy	1	0	0	0	1	0	0	0	0	0	0	0	0
Driveway	2	0	0	1	1	0	0	0	0	0	0	0	0
Fire Restoration	3	1	0	1	1	0	0	0	0	0	0	0	0
Patio	1	0	0	1	0	0	0	0	0	0	0	0	0
Wind Turbine	1	0	1	0	0	0	0	0	0	0	0	0	0
Generator	1	0	0	0	1	0	0	0	0	0	0	0	0
	60	5	17	18	20	0	0	0	0	0	0	0	0

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4/5/2017	012017050	01 House	0720200005	BROMELAND ANDREW J & JENNIFER L	15375 ROODS RD NEWARK, IL 60541-		CL Design-Build, Inc. (Cheryl Lee)
4/26/2017	022017063	02 Garage	0116427010	FRIEDERS FRANK D & JULIE L	30 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 3	Self
4/11/2017	032017056	03 Accessory Buildings	0308154002	KAYER TODD M & JEANNA D	10 SHORE DR OSWEGO, IL 60543-	MARINA VILLAGE	SAME
4/19/2017	032017060	03 Accessory Buildings	0304255013	SHADDIX THOMAS W & LETICIA	125 HEATHGATE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 23	Backyard Buildings and More
4/27/2017	032017069	03 Accessory Buildings	0435300006	LEGGETT BRANDON D & JULIE A	13600 HUGHES RD NEWARK, IL 60541-		
4/18/2017	042017058	04 Additions	0226452009	GRAHOVEC EDWARD J & LINDA	49 WINDING CREEK RD YORKVILLE, IL 60560-	OAK CREEK SUB	Brady Construction, LLC
4/4/2017	042017052	04 Additions	0712400003	SIEVERS KATHERYNN E & RYAN L	13825 LISBON RD NEWARK, IL 60541-		
4/27/2017	042017064	04 Additions	0931100002	MONTELLO JOHN J JR & MURRAY MAUREEN J	17280 BRISBIN RD MINOOKA, IL 60447-		
4/5/2017	082017055	08 Barns/Farm Buildings	0533200007	STEWART DAVID	11200 ROUTE 47 YORKVILLE, IL 60560-		
4/27/2017	122017068	12 Swimming Pools	0304476007	ROWE GARY A & DEBORAH A	63 SHEFFIELD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 22	Dries Inc.
4/26/2017	132017065	13 Decks	0307402015	MATTHEW J HILL	166 DOLORES ST OSWEGO, IL 60543-	SHORE HEIGHTS UNIT 2	SELF

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4/27/2017	142017024	14 Demolitions	0835400003	WHITE WILLOW PROPERTY LLC & MKM	17915 CHURCH RD MINOOKA, IL 60447-		D CONSTRUCTION
4/19/2017	182017061	18 Driveway	0216229006	REX NICHOLAS E & AMANDA L	22 NORTH ST BRISTOL, IL 60512-		Self
4/19/2017	192017059	19 Fire Restoration	0304408019	GOMEZ CASSANDRA	138 TEALWOOD RD MONTGOMERY, IL 60538-		Tranquility Builders
4/4/2017	202017053	20 Patio	0305253008	SCHUSTER MATTHEW & AMANDA	16 E RIVER RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 15	Sebert Landscape
4/11/2017	232017057	23 Generator	0421251001	LEDESMA PAULA & VIRGINIA M	15593 PROSPECT HILL DR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 3	Lee Legler Construction & Electrical, Inc.

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3/3/2017	012017028	01 House	0605301001 CHRIS AND LORI BAILEY	4811 CHERRY ROAD OSWEGO, IL 60543	HENNEBERRY WOODS UNIT 4	CL DESIGN/CHERYL LEE
3/24/2017	012017036	01 House	0417300002 DICKSON VALLEY MINISTRIES	8250 FINNIE RD NEWARK, IL 60541-		Same
1/3/2017	012017009	01 House	0513300003 GATES ROBERT A & PATRICIA L	8813 "B" HOPKINS RD YORKVILLE, IL. 60560		
4/5/2017	012017050	01 House	0720200005 BROMELAND ANDREW J & JENNIFER L	15375 ROODS RD NEWARK, IL 60541-		CL Design-Build, Inc. (Cheryl Lee)
1/18/2017	012017015	01 House	0135100012 MESSER OLETH JR & ROSE L	13524 D HALE ROAD PLANO, IL. 60545		
3/3/2017	012017032	01 House	0420226005 GOODLET TIMOTHY J	16077 S STONEWALL DR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 4	Self
2/16/2017	022016192	02 Garage	0304479042 TERRAZAS JUAN	72 SONORA DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 23	Self
4/26/2017	022017063	02 Garage	0116427010 FRIEDERS FRANK D & JULIE L	30 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 3	Self
3/1/2017	032017027	03 Accessory Buildings	0219100003 CAMACHO MIGUEL & SANDRA E	11728 FAXON RD PLANO, IL 60545-		FBI BUILDINGS INC.
2/21/2017	032017025	03 Accessory Buildings	0105251002 PETITJEAN LEONARD E JR TR & PETITJEAN ANITA A	16318 GALENA ROAD PLANO, IL. 60545		SELF
2/9/2017	032017023	03 Accessory Buildings	0116402010 MIESZALA RONALD	40 S LINDEN DR PLANO, IL 60545-	MEYERBROOK UNIT 4	

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2/9/2017	032017022	03 Accessory Buildings	0214426006	ENTILE MATTHEW R	86 W RICKARD DR OSWEGO, IL 60543-	LYNWOOD EXTENSION 5	
3/14/2017	032017043	03 Accessory Buildings	0615100008	ODONOVAN-MAYA SUSAN	2884 ROUTE 126 PLAINFIELD, IL 60544-		
3/2/2017	032017034	03 Accessory Buildings	0508101001	JAMES MICHAEL STOCCHERO	10925 ROUTE 71 YORKVILLE, IL 60560-		
4/11/2017	032017056	03 Accessory Buildings	0308154002	KAYER TODD M & JEANNA D	10 SHORE DR OSWEGO, IL 60543-	MARINA VILLAGE	SAME
3/13/2017	032017042	03 Accessory Buildings	0508176008	BASTIAN JOHN C & DONNA K	86 MAPLE LN YORKVILLE, IL 60560-	WOODLAND ACRES	WILLMAN & GROESCH G.C.
2/8/2017	032017018	03 Accessory Buildings	0926400007	LUNDOQUIST ROBERT & CAROL	16801 RIDGE RD MINOOKA, IL 60447-		
3/9/2017	032017039	03 Accessory Buildings	0502102003	SIOK CLIFFORD & KIMBERLY	322 EMILY CT YORKVILLE, IL 60560-		Everlast Portable Buildings
3/8/2017	032017038	03 Accessory Buildings	0416129001	ANDERSON BRUCE	8 N HUDSON ST MILLBROOK, IL 60536-		
2/28/2017	032017020	03 Accessory Buildings	0105176005	BOND MICHAEL E & CHERIE L	232 CREEK RD PLANO, IL 60545-		Cleary Building Corp.
4/19/2017	032017060	03 Accessory Buildings	0304255013	SHADDIX THOMAS W & LETTICIA	125 HEATHGATE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 23	Backyard Buildings and More
4/27/2017	032017069	03 Accessory Buildings	0435300006	LEGETT BRANDON D & JULIE A	13600 HUGHES RD NEWARK, IL 60541-		

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3/3/2017	032017035	03 Accessory Buildings	0216228007	SCHOON RICHARD W & BARBARA A	43 HUNTER LN BRISTOL, IL 60512-	BRISTOL WOODS UNIT 2	WILLMAN & GROESCH
4/27/2017	042017064	04 Additions	0931100002	MONTELLO JOHN J JR & MURRAY MAUREEN J	17280 BRISBIN RD MINOOKA, IL 60447-		
4/18/2017	042017058	04 Additions	0226452009	GRAHOVEC EDWARD J & LINDA	49 WINDING CREEK RD YORKVILLE, IL 60560-	OAK CREEK SUB	Brady Construction, LLC
4/4/2017	042017052	04 Additions	0712400003	SIEVERS KATHERYNN E & PAVANI	13825 LISBON RD NEWARK, IL 60541-		Homeowner
1/18/2017	042016216	04 Additions	0213428001	GUERRERO LORENA	6163 ROUTE 34 OSWEGO, IL 60543-		Homeowner
3/31/2017	052017051	05 Remodeling	0318378007	PECHETTE BRANDON B & JESSICAL	60 S WEST DR OSWEGO, IL 60543-	RIVERVIEW HEIGHTS	Home Mobility Solutions, Inc.
2/27/2017	052017030	05 Remodeling	0508102001	MESSERSMITH JEREMY & CHRISTINA	7250 E HIGHPOINT RD YORKVILLE, IL 60560-		Homeowner
2/16/2017	052017026	05 Remodeling	0722400009	ZUIDEMA SCOTT	14313 ROUTE 52 NEWARK, IL 60541-		
2/8/2017	082017021	08 Barns/Farm Buildings	0914100009	BALTZ ROBERT	1925 Route 52 Minooka, IL 60447		
4/5/2017	082017055	08 Barns/Farm Buildings	0533200007	STEWART DAVID	11200 ROUTE 47 YORKVILLE, IL 60560-		
3/3/2017	082017029	08 Barns/Farm Buildings	0819100008	GONZALEZ RAUL A	15390 ROUTE 52 NEWARK, IL 60541-		

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2/8/2017	092017017	09 Signs	0318403015	MERCHANTS NATIONAL BANK	5375 ROUTE 34 OSWEGO, IL 60543-		
4/27/2017	122017068	12 Swimming Pools	0304476007	ROWE GARY A & DEBORAH A	63 SHEFFIELD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 22	Dries Inc.
3/31/2017	122017049	12 Swimming Pools	0605395003	FORSELL DON E & AMY K	4806 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 2 SWIM SHACK, INC.	
3/22/2017	122017046	12 Swimming Pools	0221301014	WARD JAMES J & BETH A	3531 B ROUTE 47 YORKVILLE, IL 60560-	RONHILL ESTATES	THE GREAT ESCAPE
3/13/2017	122017041	12 Swimming Pools	0508376016	FEDANZO-DUDLEY AARON & MARYBETH	43 RONHILL RD YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 1	SUNDOWN POOLS
3/9/2017	122017040	12 Swimming Pools	0502102003	SIOK CLIFFORD & KIMBERLY	322 EMILY CT YORKVILLE, IL 60560-		
3/6/2017	122017037	12 Swimming Pools	0234226006	SPIESS ERNST M & FELICIA A	8051 VAN EMMON RD YORKVILLE, IL 60560-		
4/26/2017	132017065	13 Decks	0307402015	MATTHEW J HILL	166 DOLORES ST OSWEGO, IL 60543-	SHORE HEIGHTS UNIT 2	SELF
1/26/2017	132017016	13 Decks	0312300009	PERREAULT LEON & LISA MARIE	1925 HARVEY RD OSWEGO, IL 60543-	KRAL SUB	
4/27/2017	142017024	14 Demolitions	0835400003	WHITE WILLOW PROPERTY LLC & MKM	17915 CHURCH RD MINOOKA, IL 60447-		D CONSTRUCTION
3/22/2017	152017044	15 Electrical Upgrades	0304429002	MORITZ BLAKE & DEBRA	25 SONORA DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 26	DCI Electric Corp

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2/16/2017	152017019	15 Electrical Upgrades	0219100003	CAMACHO MIGUEL & SANDRA E	11728 FAXON RD PLANO, IL 60545-		
4/19/2017	182017061	18 Driveway	0216229006	REX NICHOLAS E & AMANDA L	22 NORTH ST BRISTOL, IL 60512-		Self
3/23/2017	182017047	18 Driveway	0213476025	OJEDA SERGIO	2774 ARBOR LN OSWEGO, IL 60543-		SELF
4/19/2017	192017059	19 Fire Restoration	0304408019	GOMEZ CASSANDRA	138 TEALWOOD RD MONTGOMERY, IL 60538-		Tranquility Builders
3/28/2017	192017048	19 Fire Restoration	0304327005	HENTHORN DENNIS	25 SURREY RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 10	SERVPRO OF LAGRANGE PARK/NO. ILLINOIS
1/6/2017	192017012	19 Fire Restoration	01033354002	PAIGE PAUL P & PETRY KATHRYN	14 EARL ST PLANO, IL 60545-	STAINFIELD SUB UNIT 2	Self
4/4/2017	202017053	20 Patio	0305253008	SCHUSTER MATTHEW & AMANDA	16 E RIVER RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 15	Sebert Landscape
2/27/2017	212017031	21 Wind Turbine	0610200006	KELLER FRANK	7426 SCHLAPP RD OSWEGO, IL 60543-		
4/11/2017	232017057	23 Generator	0421251001	LEDESMA PAUL A & VIRGINIA M	15593 PROSPECT HILL DR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 3	Lee Legler Construction & Electrical, Inc.

PLANNING BUILDING & ZONING RECEIPTS 2017

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 17	TOTAL FY17	MONTHLY FY 16	TOTAL FY16
December	\$2,119.28	\$925.00	\$0.00	\$0.00	\$3,044.28	\$3,044.28	\$3,516.58	\$3,516.58
January	\$1,977.24	\$100.00	\$1,814.10	\$0.00	\$3,791.34	\$6,835.62	\$7,881.78	\$11,398.36
February	\$3,151.44	\$1,425.00	\$6,413.08	\$0.00	\$10,989.52	\$17,825.14	\$6,108.07	\$17,506.43
March	\$4,667.84	\$25.00	\$2,438.05	\$1,000.00	\$8,130.89	\$25,956.03	\$17,363.99	\$34,870.42
April	\$6,501.42	\$105.00	\$992.51	\$0.00	\$7,598.93	\$33,554.96	\$13,956.06	\$48,826.48
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,876.24	\$53,702.72
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22,581.26	\$76,283.98
July	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,472.64	\$85,756.62
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,083.93	\$95,840.55
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,846.29	\$104,686.84
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,856.91	\$128,543.75
November	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,553.25	\$149,097.00
TOTAL	\$18,417.22	\$2,580.00	\$11,657.74	\$1,000.00	\$33,554.96	\$33,554.96	\$149,097.00	