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**KENDALL COUNTY  
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
AGENDA**

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**Wednesday, August 22, 2018 – 5:00 p.m.**

**CALL TO ORDER**

**ROLL CALL:** Larry Nelson (Chair), Kendall County Regional Planning Commission Chairman or Designee (Bill Ashton), Kendall County Zoning Board of Appeals Chairman or Designee (Randy Mohr), Kendall County Board Chairman or Designee (Scott Gryder), Kendall County Soil and Water Conservation District Representative (Megan Andrews), Kendall County Planning, Building and Zoning Committee Chairman or Designee (Bob Davidson), Jeff Wehrl, and John Shaw

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES** Approval of Minutes from April 25, 2018 Meeting (Pages 2-6)

**NEW/OLD BUSINESS**

1. Discussion of Proposed Amendments to the Land Resource Management Plan for Properties in Lisbon Township (Pages 7-42)
2. Discussion of Petition 18-07 Regarding Text Amendments to Section 13.08 of the Kendall County Zoning Ordinance Pertaining to the Renewal, Amendment, and Revocation of Special Use Permits (Pages 43-52)

**OTHER BUSINESS/ANNOUNCEMENTS**

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

**ADJOURNMENT** Next regularly scheduled meeting on Wednesday, September 26, 2018

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

**KENDALL COUNTY  
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

*Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois  
5:00 p.m.  
Meeting Minutes of April 25, 2018*

**Members Present:** Larry Nelson (Chairman), Megan Andrews (arrived 5:36 p.m.), Bill Ashton, Robert Davidson, Matthew Prochaska (on behalf of Scott Gryder), and Jeff Wehrli (arrived at 5:09 p.m.)

**Member Absent:** John Shaw and Randy Mohr

**Others Present:** Matt Asselmeier and Andrez Beltran

Chairman Larry Nelson called the meeting to order at 5:02 p.m.

1. **APPROVAL OF AGENDA**

Mr. Prochaska made a motion to approve the agenda. Mr. Ashton seconded the motion. With a voice vote of four (4) ayes, the motion carried.

2. **APPROVAL OF MINUTES**

Mr. Davidson made a motion to approve the minutes of the March 28, 2018 meeting. Mr. Prochaska seconded the motion. With a voice vote of four (4) ayes, the motion carried.

3. **NEW/OLD BUSINESS**

**Discussion of Proposed Amendments to the Land Resource Management Plan for Properties Along Route 47 in Lisbon Township**

Mr. Asselmeier presented the revised future land use map based on the Committee's comments from the previous meeting. The mixed use business area was extended to the west to correspond to the Village of Lisbon's Comprehensive Plan.

Discussion occurred about the Village of Lisbon's sewer issues and financial situation.

Mr. Wehrli arrived at this time (5:09 p.m.)

Discussion occurred regarding incentives to bring businesses to the Lisbon area. Andrez Beltran discussed opportunities to work with Grundy County. Wisconsin, Indiana, and Grundy County use personal property tax. Grundy County imposes the tax on large

companies; only five (5) companies in Grundy County pay the tax. Mr. Beltran will do additional research on Grundy County's personal property tax on businesses. Mr. Beltran discussed the lack of gas infrastructure in southern Kendall and northern Grundy Counties. Mr. Beltran will check the size of the gas mains and capacity along Route 47.

Discussion occurred regarding septic systems and water concerns in the area, both potable and fire suppression. Mr. Andrez said that Grundy County is working on increasing water capacity at Minooka to increase the number of buildings. Discussion occurred regarding grants for water towers; there use to be loans available. Most grants are for water quality improvements. The County previously used the revolving loan fund to assist municipalities with similar projects, but that is not applicable anymore according to the State.

Discussion occurred regarding the Grundy County Economic Development Project Area. Mr. Beltran said that getting an Area requires a greater legislative process than Tax Increment Finance (TIF) Districts.

Mr. Beltran discussed the importance of attracting logistics to the area and the importance of distance to the interstate.

Discussion occurred regarding using the water pumped from the quarries as a water source. Mr. Beltran discussed creating a combined sanitary and water district to assist the Village of Lisbon and provide water and sewer services in the area.

Mr. Beltran said that the focus of the County's economic development activities is industrial businesses and Eldamain Road and the northern part of the County.

Megan Andrews arrived at this time (5:36 p.m.)

Discussion occurred regarding which entity had jurisdiction of a quarry-type project.

Mr. Beltran discussed the current incentives available in Kendall County, including the Enterprise Zone.

Mr. Asselmeier will research the possibility and regulatory issues concerning using water from quarries as a potable or fire suppression water source and the water quality standards. Ms. Andrews will reach out to the Bureau of Water for resources. Mr. Beltran will research the management of this type of facility.

The consensus was to run the changes to the Land Resource Management Plan by the Planning, Building and Zoning Committee before having a public hearing. Mr. Ashton made a motion, seconded by Mr. Wehrli, to move the proposed changes forward to the

Planning Commission with a favorable recommendation. With a voice vote of all ayes, the motion passed unanimously.

**Request from the Kendall County Planning, Building and Zoning Committee for Comments Pertaining to Petition 18-07 Regarding Text Amendments Establishing Procedures for Renewing Special Use Permits**

Mr. Asselmeier read his memo on the subject.

At their meeting on April 9, 2018, the Planning, Building and Zoning Committee reviewed the concerns of the Kendall County Regional Planning Commission regarding Petition 18-07 pertaining to proposed text amendments to Section 13.08 regarding special use permit renewal procedures.

The Planning, Building and Zoning Committee would like the County Board to have the ability to amend or revoke special use permits for cause by a supermajority vote. The Planning, Building and Zoning Committee also wanted the language related to previous owner(s) to remain in the proposal to avoid “shell games” of business entities changing their names. Mr. Asselmeier noted his proposed changes.

Mr. Asselmeier noted Staff’s concerns that the proposed procedure could create a conflict with the existing revocation procedures outlined in the Zoning Ordinance, a copy of which is attached. The majority of the special use permits issued in the last several years had provisions which stated the special use permit could be amended or revoked if the terms of the special use permit were violated.

Mr. Asselmeier noted that DeKalb, Kane, DuPage, and McHenry require renewals to go through the complete special use application process. Grundy County requires special use permits go through the entire process only if a violation occurred. If no violation occurred, then the special use permit was automatically renewed.

The Planning, Building and Zoning Committee requested the Kendall County Regional Planning Commission’s comments and suggestions regarding Petition 18-07 pertaining to proposed text amendments to Section 13.08 regarding special use permit renewal procedures.

The consensus of the Committee was that the County Board could only initiate amendments or revocation for cause and only after a special use permit holder was found guilty of a violation.

Mr. Ashton made a motion, seconded by Mr. Wehrli, to recommend the following changes:

In paragraph 1, “or if” shall be replaced with “because”. The County Board would only

be able to amend or revoke special use permits if a special use permit holder were found guilty through the courts or administrative adjudication.

Paragraph 2 would be deleted in its entirety.

Paragraph 3 would remain unchanged.

In paragraph 4, the first sentence would be changed to read, "This Sub-Section shall apply to any special use permit issued after the date of adoption of this ordinance (insert date) requiring renewal."

With a voice vote, the motion passed with five (5) in favor and none opposed. Ms. Andrews abstained.

**Discussion of Petition 18-03 Pertaining to Text Amendments to the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments**

Mr. Asselmeier read his memo on the subject. Mr. Asselmeier noted the hearing on this subject is April 30<sup>th</sup>.

Chairman Nelson asked Planning Commission members for their input and they had concerns regarding applications moving through the process without adequate review.

Mr. Ashton noted that the Planning Commission does not have time limit for comments. Mr. Asselmeier noted the requirement that the County Board is only supposed to make their decisions based on the record created by the Zoning Board of Appeals.

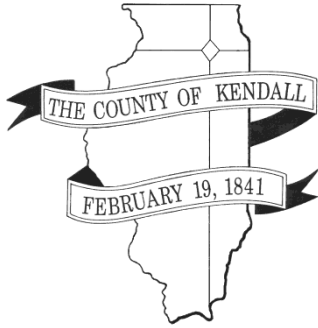
Mr. Davidson will take the petition back to the Planning, Building and Zoning Committee and request the Zoning Board of Appeals to layover the petition at their meeting on April 30<sup>th</sup>.

There were no additional comments from the public or press.

**Adjournment:**

The next meeting will be May 23, 2018. Mr. Prochaska made a motion to adjourn the meeting. Mr. Wehrli seconded the motion. With a voice vote of six (6) ayes, the motion passed and the meeting adjourned at 6:54 p.m.

Respectfully submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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To: Comprehensive Land Plan and Ordinance Committee  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: August 17, 2018  
Re: Proposed Future Land Use Map Change Along Route 47 in Lisbon Township

In 2017, the Kendall County Regional Planning Commission and Comprehensive Land Plan and Ordinance Committee started the process of considering amendments to the Future Land Use Map in Lisbon Township along Route 47. The reason for considering changes at this time was because of the widening of Route 47 to four (4) lanes in Lisbon Township.

The proposed changes were based on the following:

1. The mining area was designated because that was the location of the rock.
2. A commercial area should be designated on the east side of Route 47 north of the Grundy County line because everything else in the area was proposed to be industrial/office use.
3. The intersection of Routes 47 and 52 were designed as commercial to provide the Village of Lisbon an opportunity to place sales tax generating business. The southeast corner of this intersection was designated mixed use business because of the grain operation at this location.
4. The intersection of Route 47 and Plattville Road was designed as commercial to provide the Village of Plattville an opportunity to place sale tax generating businesses.
5. The rest of the corridor was classified as mixed use business.
6. Outer roads were proposed on both sides of Route 47 to prevent the highway from becoming congested with multiple turnouts.
7. Because of the need for buffering the mining area, the need for outer roads, and the anticipated businesses that would locate along the corridor, the corridor was set at one half (1/2) mile wide on both sides of Route 47.

On February 28, 2018, the Kendall County Regional Planning Commission and Comprehensive Land Plan and Ordinance Committee held a joint meeting in Plattville. Sixteen (16) members of the public attended the meeting. The overwhelming majority of the public in attendance favored maintaining the entire corridor as agricultural. A small minority favored small businesses like Casey's at Routes 47 and 52. Nobody in the audience favored commercial and industrial uses along the corridor when specifically asked. The Village of Lisbon also explained their sanitary sewer situation.

Following the meeting in Plattville, the Comprehensive Land Plan and Ordinance Committee decided to incorporate the Village of Lisbon's Future Land Use Map in the proposed map. Shortly thereafter, the State announced that it was not renewing the centerline protection of the Prairie Parkway. The consensus of the Comprehensive Land Plan and Ordinance Committee was to retain the Prairie Parkway alignment on the map for the short term as an historical reference point for planning purposes.

The Kendall County Regional Planning Commission held a public hearing on this proposal on June 27, 2018. With minimal discussion and nobody from the public expressing opposition, the Kendall County Regional Planning Commission recommended approval of the proposal.

The Kendall County Zoning Board of Appeals held a meeting on this proposal on July 30, 2018.

Seven (7) members of the public expressed opposition to this proposal and nobody from the public spoke in favor of the proposal. Many of those that spoke desired to preserve farmland and prevent the expansion of mining in the area. Some of the members of the public were concerned that, if the proposal was approved, the door would be opened to non-agricultural uses along the corridor. One (1) member of the public wanted the Prairie Parkway alignment removed because showing the alignment did not serve a planning purpose in their opinion. The Kendall County Zoning Board unanimously recommended denial. Ms. Clementi agreed with Mr. Thompson and Mr. LeCuyer and believed more input from the community should be taken into account. She wished for agriculture to be preserved in the area. Mr. Cherry understood the residents' opinions on the matter, but he was still on the fence and just thought he should vote no. Mr. Thompson stated he had some problems with the proposal since he comes from an agriculture background. Also, he stated the importance of a plan. He recommended that anyone wanting to preserve their land should work with the Conservation Foundation. Mr. LeCuyer stated there should be more discussion with the residents in the area. He argued there was use and value to the land and the only way to preserve the land is placing it in a conservation trust. Chairman Mohr stated the plan was meant to be a fluid document. He reiterated that zoning is not going to be changed but does believe that certain parts of the proposal needed to be reexamined. He believed that the Prairie Parkway should be kept for on the map for historical purposes. He also argued the one half (1/2) mile corridor was excessive.

At the Zoning Board of Appeals meeting, five (5) attendees indicated they did not receive notification of the meeting by letter. Staff mailed the letters July 5<sup>th</sup>; the letters were not sent certified because Staff believes that State law does not require certified mailings for changes to the Land Resource Management Plan. Unlike a rezoning, a change to the Future Land Use Plan is not binding and has no direct legal action on what a property owner can and cannot do with their land.

The Kendall County Planning, Building and Zoning Committee discussed this issue at their meeting on August 13, 2018. The following comments on this issue were provided at that meeting:

Kurt Friestad, Chicago Road, stated that he wanted to keep the County agricultural in the southern portion of the County and is opposed to the proposed changes. He believed the changes open the door for removing agriculture. Chairman Davidson responded that, if owners never sale their land, the proposal will not affect them. However, owners have a right to sell their land. Chairman Davidson also stated a comprehensive plan was necessary to prevent problems in the future like homes on or near a four (4) lane highway. He did not believe factories or businesses will come to the area until sewer and water is brought to the area. The comprehensive plan will be looked at every five (5) years and can be changed. Kurt Friestad responded that changing the ground from agriculture will not be beneficial now or in the long term. Member Kellogg stated the comprehensive plan gives guidance for an investor coming into the area. Also, land owners have rights and the County cannot prevent them from doing certain activities with their land. He stated that doing nothing was not a good idea. Mr. Friestad did not believe water and sewer will be coming to area in the near future.

Steven Halcomb, Sherrill Road, questioned the public policy for the Committee. He stated his household and his in-law's household did not receive any correspondence in the mail regarding the proposal. He asked what incentives exist for the county to have mining in Lisbon Township. He also asked if any study occurred examining which properties produce the greatest agricultural yields per acre and which properties have the most rock for mining.

Chairman Davidson agreed that many property owners were not notified. Mr. Asselmeier stated that, in his opinion, State law does not require notification because the zoning of the property will not change if this proposal is approved. Mr. Asselmeier also stated that nobody in Section 32 of Lisbon Township was notified by mail. Mr. Asselmeier stated that a property owner can still go to the Village of Lisbon, annex their property, and rezone their property under the Village of Lisbon's regulations, if this proposal is rejected.

Linda Fosen, Townhall Road, did not agree with the proposed changes of a half (1/2) mile corridor on Route 47 and the removal of the rural settlement classification on the map. She asked for clarification of rural settlement. Mr. Asselmeier stated there was a small area on



the map that was classified as a rural settlement with agriculture surrounding it, but under the new proposal it will be classified as mixed use business.

Scott Friestad, Quarry Road, stated there is currently over one thousand two hundred (1200) acres in the mining district not including the future mining areas. He stated that the new proposal included more acres and was excessive. He encouraged the Planning, Building and Zoning Committee to vote against the proposal.

Scott Wallin, Ashley Road, was concerned about keeping the land agriculture and also changing the landscape to commercial. He stated that, if one (1) person sells their property, more people will also sell their property. He also requested the Committee to vote against the proposal.

Dave McConnell, Whitewillow Road, stated that he lives near one (1) of the quarries. He stated he understands preserving natural resource. However, this proposal is not helping preserve natural resources. He did not believe the big companies care about the neighboring property owners. Also, just because property owners are selling, it does not mean the County should invite more mining.

Bob Friestad, Whitewillow Road, requested everyone in the audience opposed to the proposal to stand. He stated the number of people standing should mean something to the Committee.

Linette Halcomb, Sherrill Road, stated that she comes from a family of farmers. She stated that changing the property from agriculture to mining hurts the food production that is necessary for living. Mrs. Halcomb questioned if the residents of Lisbon were aware of the proposed changes. She stated that excessive mining was not safe for the town or the residents. Furthermore, she stated the proposal was not just a comprehensive plan, but deals with changing the future. She requested board to vote no.

Member Gilmour asked about the Village of Lisbon's sewer system. Mr. Asselmeier responded that the Village of Lisbon did not have the financial resources to assist with paying for laterals to houses; the sewer plant was not operational. Also, the Village of Lisbon relies on the tipping fees from the quarries to fund municipal operations. Chairman Davidson explained at least one (1) of the quarries was not currently active.

Member Kellogg asked if the Prairie Parkway had been abolished by the State. Chairman Davidson and Member Gryder confirmed the center line had been removed.

Member Gilmour questioned if other meetings have been held in Plattville. Mr. Asselmeier responded the meetings were held at the Kendall County Office Building for Comprehensive Land Plan and Ordinance Committee, Kendall County Regional Planning Commission, and Kendall County Zoning Board of Appeals. Also, the Village of Lisbon's Mayor and Clerk attended the Plattville meeting. Mr. Asselmeier was unaware if any of the municipalities conducted their own meeting.

Member Gilmour asked if the public was present for the Kendall County Regional Planning Commission hearing. Mr. Asselmeier responded that one (1) member of the public was present and spoke.

Member Gilmour asked how the mailing list was created. Mr. Asselmeier stated the mailing list was generated by the GIS system using the information about the properties near the corridor. Member Gilmour stated that she understood the law and, if the zoning was not changed, the mail notification was not required. However, she was concerned that some people were not notified.

Member Gryder asked how many people objected to the proposal. Mr. Asselmeier stated all of the land owners that attended meetings objected to the proposal. Mr. Asselmeier explained that the original proposal dealt with the half (1/2) mile corridor along Route 47.

Chairman Davidson stated the State's Attorney needed to clarify the notification requirement and if the proposal can continue.

Mr. Asselmeier stated the next Planning, Building and Zoning Committee meeting is September 10<sup>th</sup> at 6:30 p.m. Subsequent meetings are on October 9<sup>th</sup> and November 13<sup>th</sup>. The public will be sent notification of when the proposal will be on the agenda for a future meeting.

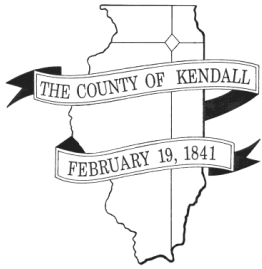
The notification question will be forwarded to the State's Attorney's Office and the Petition will be laid over until the meeting after the State's Attorney's Office provides an opinion. The public will be notified of the next meeting date on this proposal.

The July 5<sup>th</sup> letter that was sent to property owners along the corridor and a proposed resolution are attached to this memo.

If you have any questions, please let me know.

MHA

ENC: July 5, 2018 Letter to Property Owners  
Draft Resolution



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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July 5, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

At their meeting on June 27<sup>th</sup>, the Kendall County Regional Planning Commission recommended approval of the proposed changes to the Kendall County Land Resource Management Plan's Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. The proposed changes were outlined in a letter sent to you date May 30, 2018, and can be found at [https://www.co.kendall.il.us/wp-content/uploads/Petition\\_18-04.pdf](https://www.co.kendall.il.us/wp-content/uploads/Petition_18-04.pdf).

The Kendall County Zoning Board of Appeals will be meeting on this proposal on Monday, **July 30<sup>th</sup> at 7:00 p.m.** at **111 W. Fox Street, in Rooms 209 and 210, in Yorkville**. Pending the outcome of the Kendall County Zoning Board of Appeals meeting, this proposal will be discussed at the Monday, **August 13<sup>th</sup>** meeting of the Kendall County Planning, Building and Zoning Committee, which starts at **6:30 p.m.** in the same location as the Kendall County Zoning Board of Appeals meeting. At the August 13<sup>th</sup> meeting, the Kendall County Planning, Building and Zoning Committee could issue a recommendation to the County Board.

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

Sincerely,

**THE COUNTY OF KENDALL**

Matthew H. Asselmeier, AICP  
Senior Planner

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unapproved Hearing Minutes of June 27, 2018**

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

**ROLL CALL**

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

Members Absent: Roger Bledsoe

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Todd Milliron

**PUBLIC HEARING**

**Petition 18-04 Kendall County Regional Planning Commission**

Mr. Asselmeier summarized the request. The proposed changes include:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining (Mr. Asselmeier acknowledged the typographical error in the letter, but noted that the “south” was included in the notice in the newspaper).
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon’s Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

Ms. Wilson arrived at this time (7:01 p.m.).

Mr. Nelson requested that the final map be officially added to the record. No objections were expressed regarding this request.

Ms. Wilson asked if the properties north of Helmar Road would remain agricultural other than the commercial shown on the map. Mr. Asselmeier stated that properties north of Helmar Road were in Kendall Township and not part of the scope of this proposal.

Todd Milliron, Yorkville, asked how large in acreage was in the mining area. Mr. Nelson responded a strip of mixed use business existed between Route 47 and the mining. The specific distance was small because the Commission considered Route 47 to be a logical stop because of the berming requirements for mining currently contained in the Zoning Ordinance.

Mr. Nelson made a motion to approve the proposed amendments to the Land Resource Management Plan as presented with the amendment that only Lisbon Township information be shown on the map, seconded by Mr. Wormley. Ms. Zubko noted that the zoning of properties would not change if this proposal were adopted. Mr. Nelson noted that a property owner wishing to change their zoning would need to go through the rezoning process.

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

No – None (0)

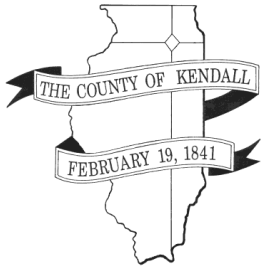
Absent – Bledsoe (1)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 30<sup>th</sup>.

Mr. Nelson made a motion, seconded by Ms. Wilson, to adjourn the public hearing. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at the public hearing at 7:10 p.m.

Enclosures from Public Hearing:

1. May 30, 2018 Letter to Property Owners Including the Three (3) Maps Presented at the Public Hearing.
2. Certificate of Publication for Petition 18-04 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. June 27<sup>th</sup> Letter from Ruth Bell to the Kendall County Regional Planning Commission.



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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May 30, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

The Kendall County Regional Planning Commission and Kendall County Comprehensive Land Plan and Ordinance Committee are considering changing the Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. In general, the proposed changes are as follows:

1. Changing the Agricultural Area West of Route 47 from Slightly North of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

The existing Future Land Use Map and the Proposed Future Land Use Map are enclosed for your reference. The proposed Future Land Use Map is slightly different from the proposal presented at the February meeting in Plattville. The map key is:

Mining=M-3 (Mining and Mining Related Uses)

Mixed Use Business=B-6, M-1, M-2 and M-3 (Large Office and Manufacturing Uses)

Commercial= B-1, B-2 and B-3 (Small Office and Retail Uses)

The Kendall County Regional Planning Commission will hold a public hearing on the proposed changes on Wednesday, **June 27<sup>th</sup> at 7:00 p.m. at 111 W. Fox Street, in Rooms 209 and 210, in Yorkville.**

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

Sincerely,

**THE COUNTY OF KENDALL**

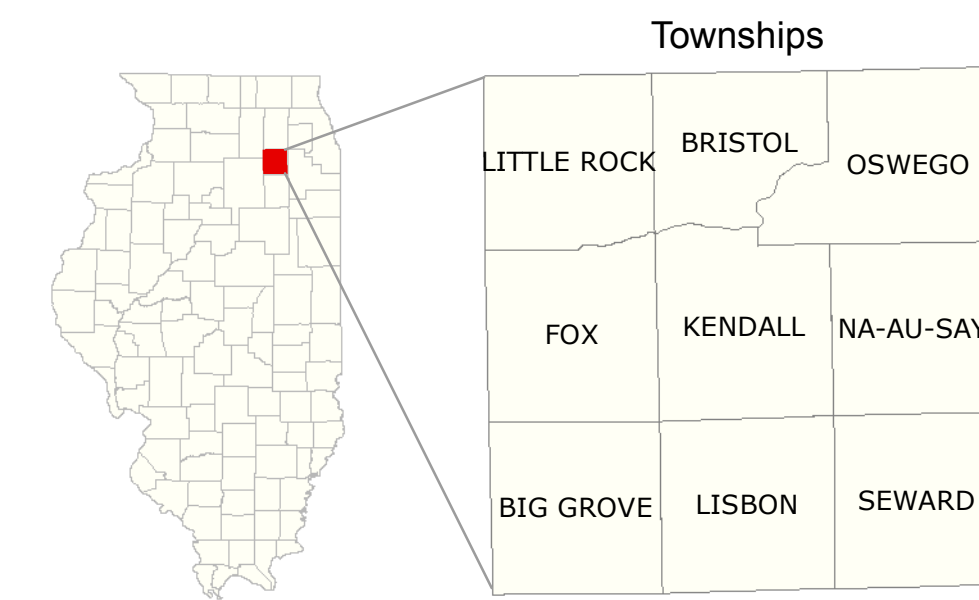
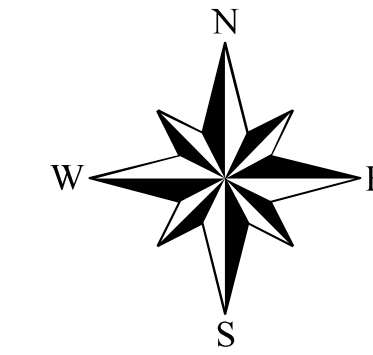
Matthew H. Asselmeier, AICP  
Senior Planner

Encs: Current Future Land Use Map  
Proposed Future Land Use Map

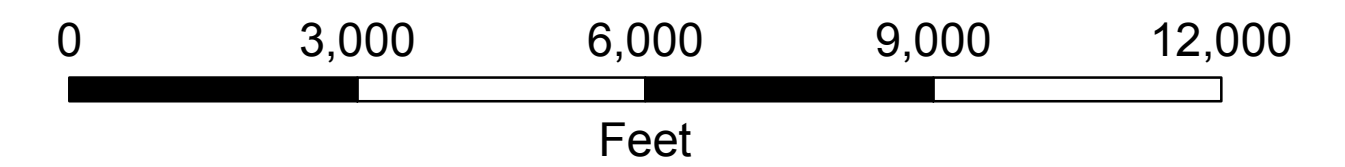
# Future Land Use Lisbon Township KENDALL COUNTY

- 2017 -

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



Scale: 1 in = 2,000 feet

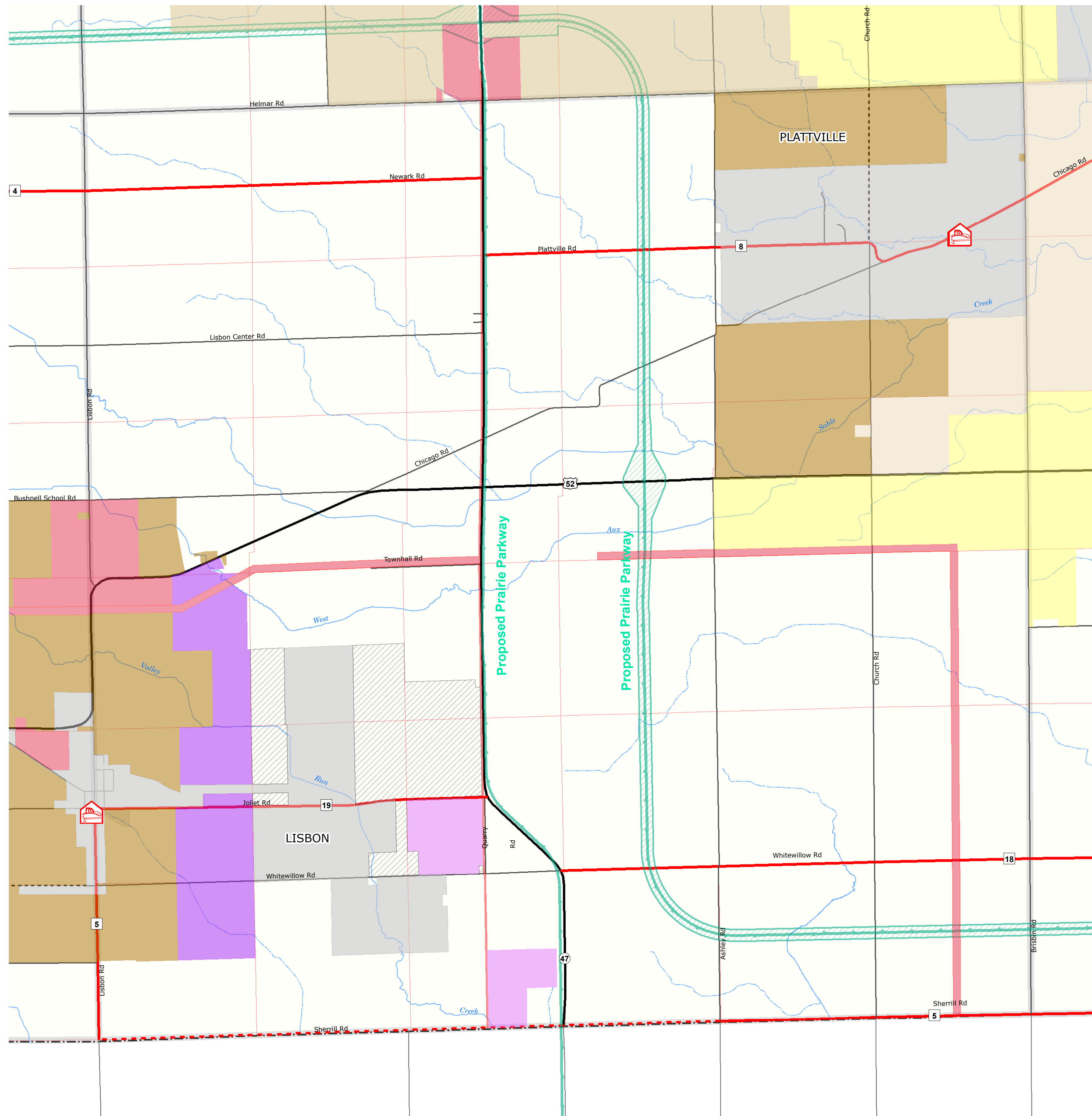


## Legend

### Future Land Use

#### Land Use Type

- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Residential Max Density 0.45 DU Acre
- Countryside Residential Max Density 0.33 DU Acre
- Commercial
- Commonwealth Edison
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Agriculture
- Open Space
- Forest Preserve/State Parks
- Unknown
- FEIS\_centerline
- Protected Corridor - 2007



**Kendall County GIS**

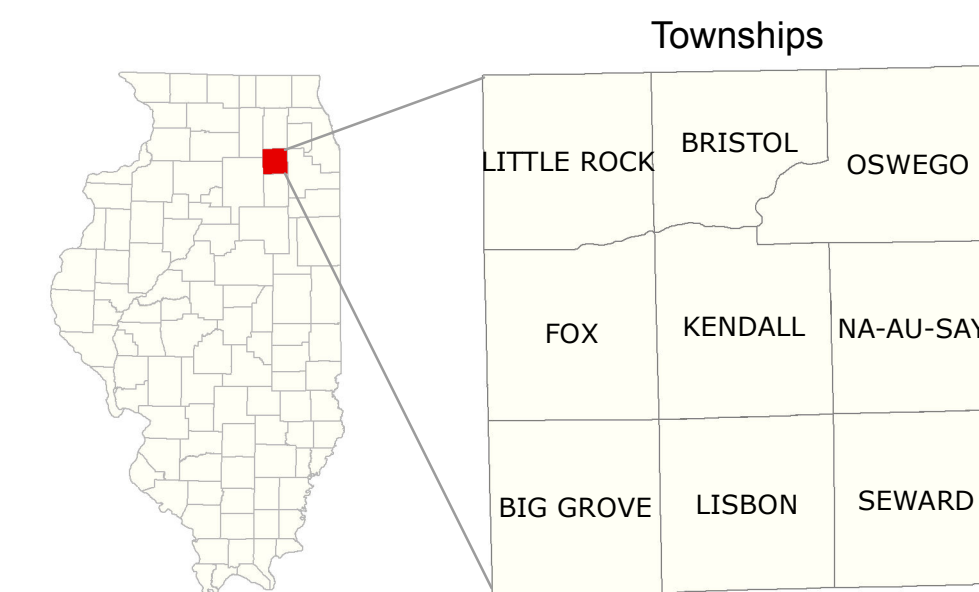
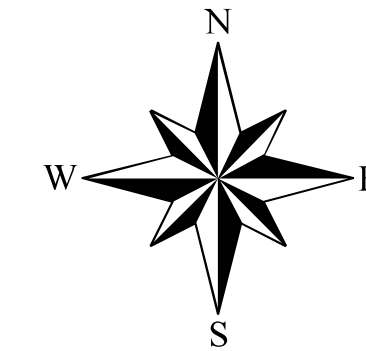
111 West Fox Street - Room 308  
Yorkville, Illinois 60560-1498  
630.553.4030



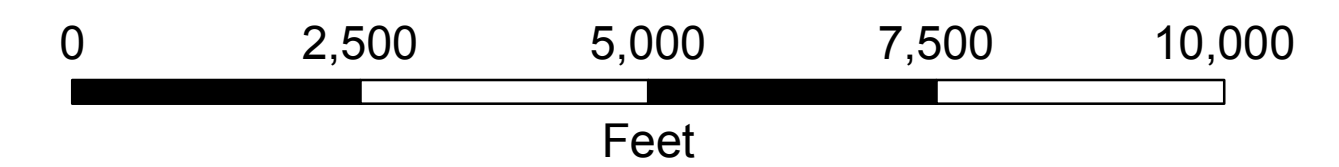
# DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



## Legend

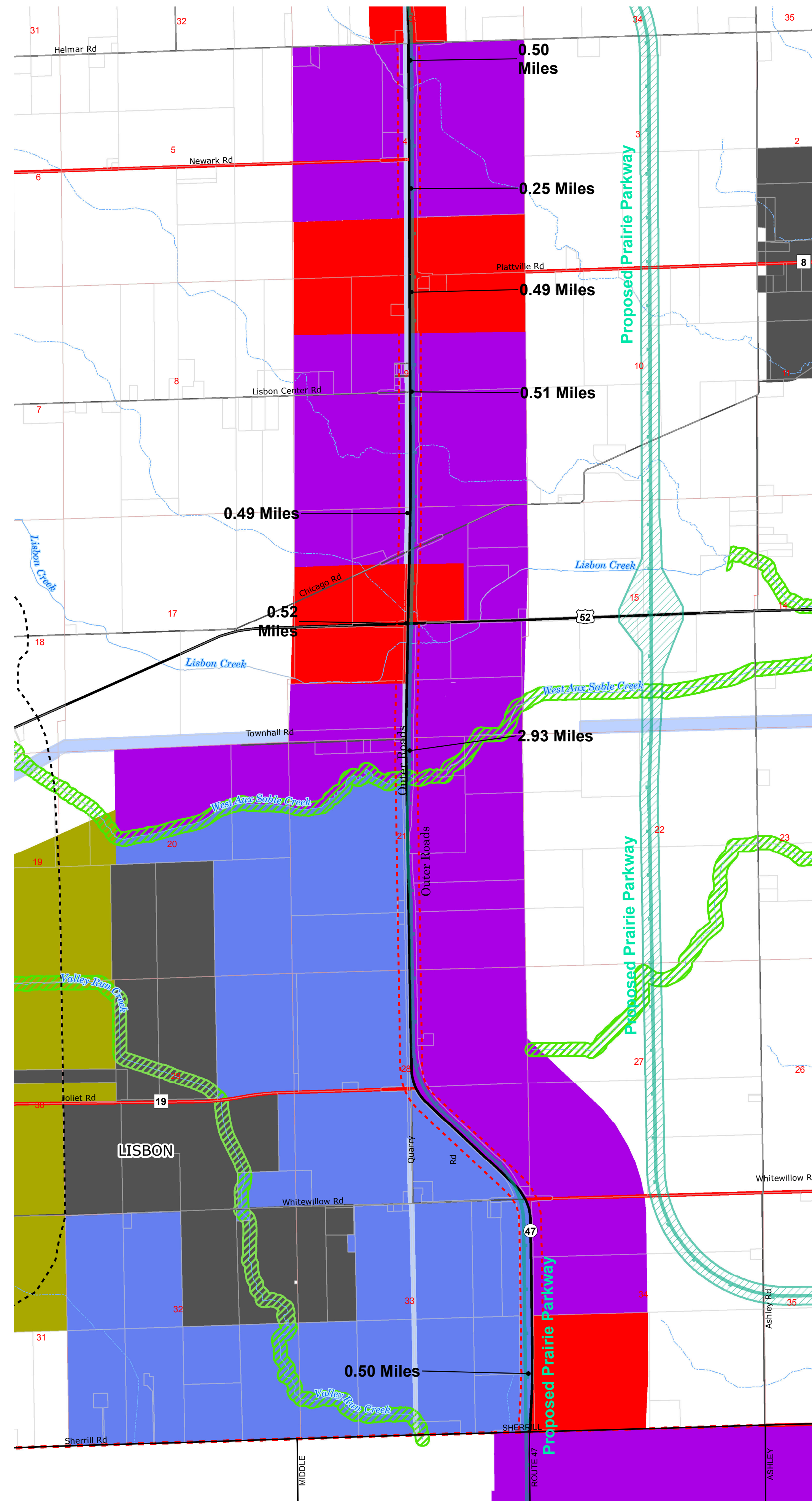
--- Outer Roads

--- Proposed Roadways

### Future LRMP

#### Abbreviation

- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



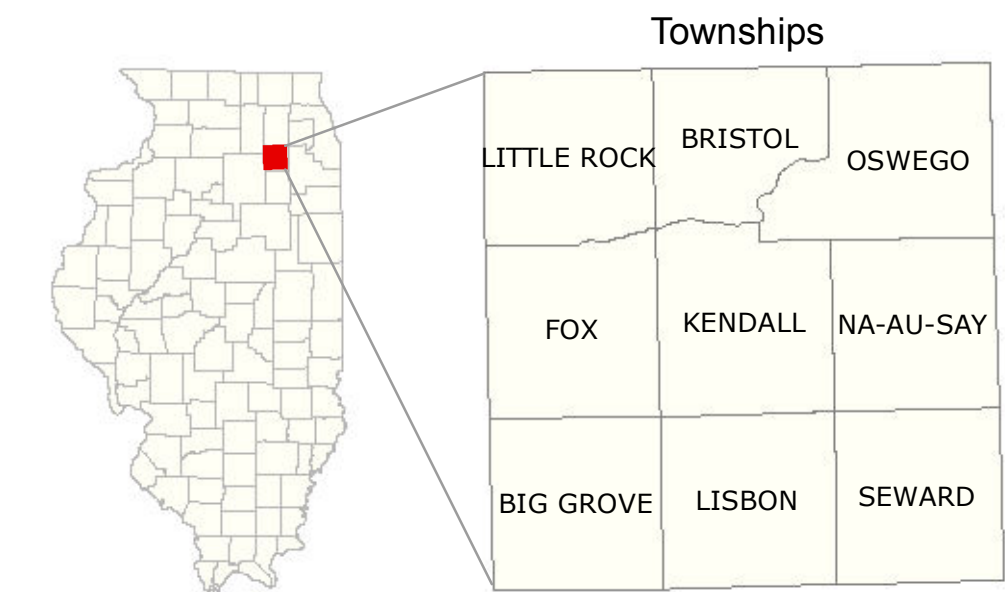
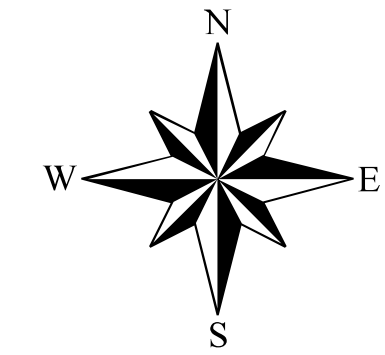
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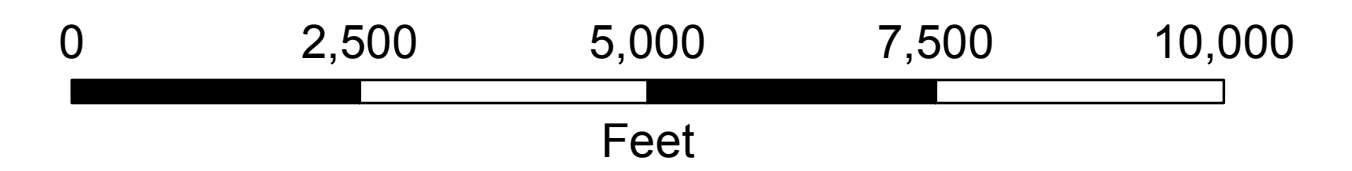
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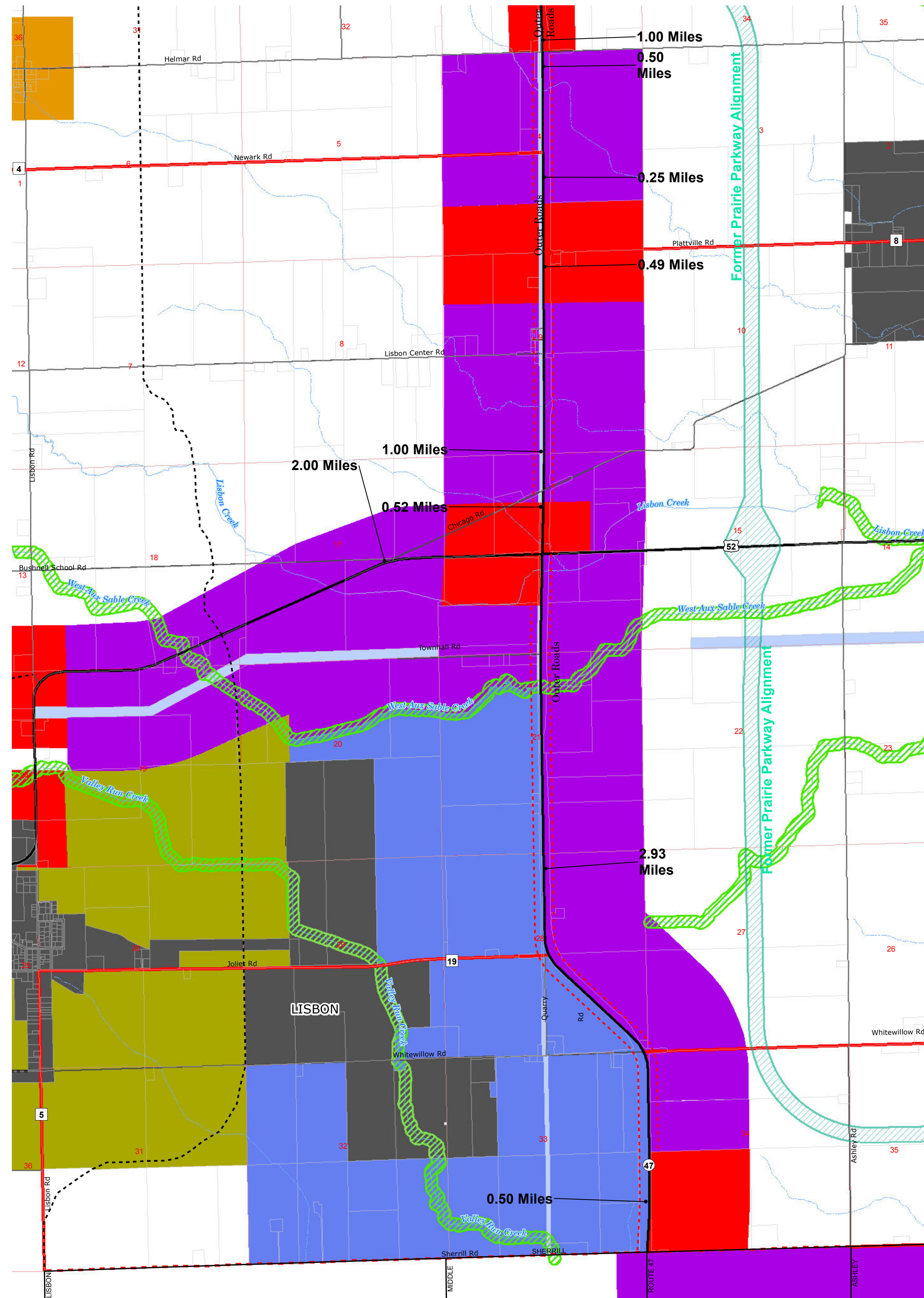
## Legend

- Outer Roads
- Proposed Roadways

### Future LRMP

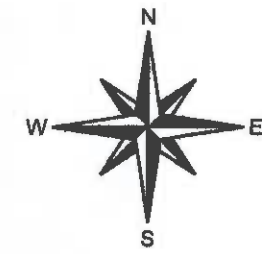
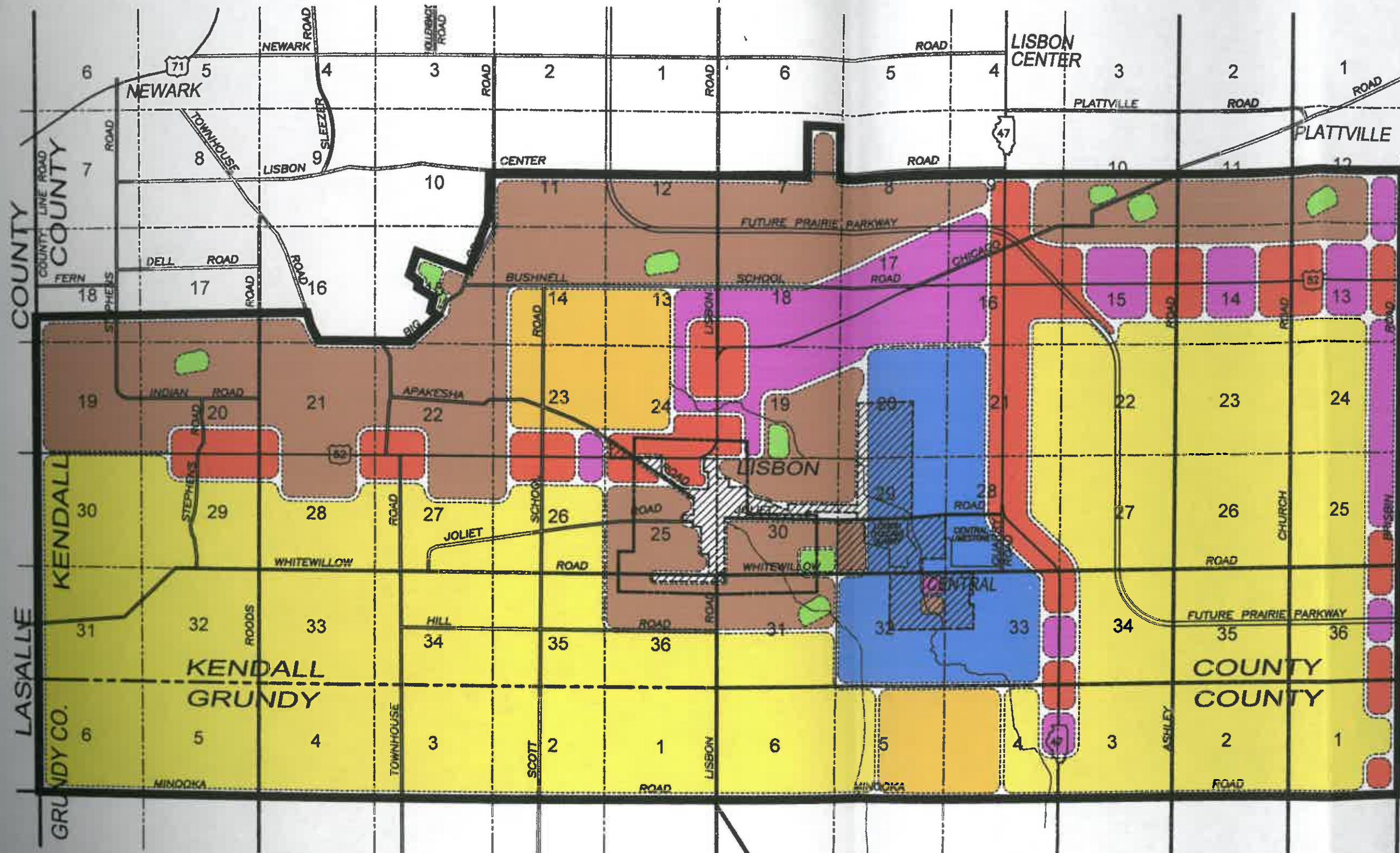
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





**Kendall County GIS**  
111 West Fox Street - Room 308  
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RANGE 6 EAST RANGE 7 EAST



**LEGEND**

-  LISBON COMPREHENSIVE BOUNDARY
-  EXISTING LISBON VILLAGE LIMITS
-  ORIGINAL LISBON VILLAGE LIMITS
-  COMMERCIAL
-  MIXED USE BUSINESS
-  MINING
-  OPEN SPACE
-  1 ACRE CITY LOTS
-  INDUSTRIAL
-  AGRICULTURAL

TOWNSHIP 34 NORTH  
TOWNSHIP 33 NORTH

RANGE 6 EAST RANGE 7 EAST

DRAWN BY: MAR	DATE: 8/14/07
CHECKED BY: GRC	

REVISIONS	
DATE	BY
10/25/06	MM
11/13/06	MM
11/20/06	MM

**CHAMLIN ASSOCIATES**  
PERU MORRIS ILLINOIS

**COMPREHENSIVE PLANNING MAP**  
VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

PLANNING AREAS

SCALE: 1 = 1700	SHEET
FILE NO.:	OF

Findings of Fact for Proposed LRMP Map Changes Along Route 47 (Approximately 5.5 Miles)  
in Lisbon Township

1. The Illinois Department of Transportation approved Alternative B5 in 2007 which called for the widening of Route 47 from Caton Farm Road to the Grundy County Line through Lisbon Township as part of the Prairie Parkway Project.
2. The purpose of the Prairie Parkway was to:
  - a. “Improve regional mobility by providing more north-south, higher speed multi-lane roads or additional lanes to serve traffic growth and reduce regional travel times for long distance travel.
  - b. Address local system deficiencies by developing a transportation system that serves forecast growth in local traffic and reduces travel times.
  - c. Improve access from the study area to regional jobs by serving the forecast growth in work trips and by reducing travel times from the study area current and future jobs.
  - d. Improve safety by reducing existing and projected growth in motor vehicle crashes”  
Source: Prairie Parkway Design Report (2011) Page 1.
3. The Illinois Department of Transportation did not conduct any economic analysis of the impact of the proposed Prairie Parkway on lands located near Route 47 south of Caton Farm Road. Source: Illinois Department of Transportation
4. The Illinois Department of Transportation withdrew centerline protection of the Prairie Parkway in February 2018.
5. There are commercial and industrial lands in Grundy County and Minooka closer to Interstate 80 interchange
  - a. Kraft facility has 1 million square feet available.
  - b. 150 acres is available across from the Morris Airport
  - c. Morris plans warehouses out to Brisbin Road.
  - d. Morris plans retail on Route 47 north of town.
  - e. Morris plans industrial uses by the airport.  
Source: Grundy County EDC
6. The City of Morris has extended water lines to Minooka Road and sanitary sewer lines to Nelson Road; no plans to extend infrastructure into Lisbon Township. The City of Morris obtains water for the area north of Interstate 80 from wells south of Interstate 80 Source: Guy Christensen, City of Morris

7. The Chicago Metropolitan Agency for Planning, in the Kendall County Industrial Market Analysis of April 2016, concluded that industrial uses would favor locations near Minooka and inside Grundy County because of their proximity to Interstate 80 (Page 34)
8. Any buildings constructed presently along the corridor will utilize wells and septic systems. Larger buildings (over 5,000 square feet) will need adequate water for fire suppression and/or will need to be constructed with appropriate firewalls.
9. No fiber optics lines currently exist in the area.
10. Traffic counts along Route 47 in Lisbon Township have generally declined since 2003 with the exception for the north end of the Township:
  - a. 5400 (2003) to 4950 (2017) south end of County
  - b. 6300 (2003) to 4950 (2017) south end Route 47 and 52 interchange
  - c. 6600 (2003) to 6250 (2017) north of Chicago Road
  - d. 6400 (2003) to 6700 (2017) at Newark RoadSource: Illinois Department of Transportation
11. Traffic Counts on Route 52 have remained steady since 2003:
  - a. 1800 (2003) to 1600 (2017) south of Bushnell School Road
  - b. 2900 (2003) to 3350 (2017) east of 47Source: Illinois Department of Transportation
12. Current traffic accidents are most likely to occur near road intersections; many of these accidents are “failure to yield” type accidents. The types of accidents could change and could include more overcorrection type accidents after the widening project is completed. Source: Kendall County Sherriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.

16. Existing mining operations are located in Sections 21, 28 and 33. The mining operations could expand into Sections 32, 29 and 20.
17. West Aux Sable Creek is located in the area.
18. The intersection of Plattville Road and Route 47 is the most likely area on the west side of an enlarged Village of Plattville where sales tax producing businesses could locate.
19. Grainco FS and CHS Elburn currently operate grain storage facilities between Helmar and Newark Roads on the west side of Route 47. These uses are special uses in the A-1 Zoning District and are Permitted Uses in the M-2 Zoning District.
20. Commonwealth Edison has a ROW along Route 47 running north to south and near Townhall Road running east to west.
21. The Kendall County Land Resource Management Plan includes classifications for Commercial Uses (office and retail establishments at nodes), Transportation Corridor Uses (uses in B-3, B-5 and B-6 Zoning Districts), Mixed Use Business (uses in B-6 and the 3 Manufacturing Districts) and Mining.
22. Most of the land along the corridor is currently used for agricultural purposes.
23. The Kendall County Economic Development Committee would like outer roads to ensure to prevent interruption of traffic flows in the area. The Committee was also concerned about adequate water and the aesthetics of the corridor. The Committee also wanted a portion of the corridor reserved for industrial uses.
24. Few houses are located along the corridor. Locations with less traffic tend to be better suited for residential uses and these locations exist elsewhere in the County. No loss of affordable housing units is anticipated. The County will remain in compliance with the Illinois Affordable Housing Planning and Appeal Act (310 ILCS 67).

#### 9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
  2. Agricultural implement sales and service on an open lot or within a building.
  3. Animal hospital
  4. Banquet Halls are permitted subject to the following conditions:
    - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
    - b. The subject parcel must be a minimum of 5 acres.
    - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
    - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
    - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
    - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
    - g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

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

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

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Clean up and restoration services with the following conditions:
  - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
  - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
  - c. All operations are to take place inside an enclosed structure.
  - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
  - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
  - f. No materials that are brought in can be burned on this site.
  - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
  - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes
11. Currency exchange.



12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice with the following conditions:
  - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
  - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
  - c. Hours of operation from 7am to 10pm
  - d. No alcohol allowed.
  - e. Must meet all requirements of the Kendall County Health Department.
  - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
10. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
11. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
12. Landscaping business, provided that:
  - a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.

- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
  - c. No landscape waste generated off the property can be burned on this site.
- 13. Meetings Halls
- 14. Micro-Brewery and/or Winery
- 15. Micro Distillery subject to the following conditions:
  - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
  - b. Locally grown inputs shall be used to the greatest extent possible
  - c. The number of hours permitted to operate shall be on the approving ordinance.
  - d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
  - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
  - f. Shall contact & meet all requirements of the Kendall County Health Department.
  - g. A waste management plan should be submitted to the Kendall County Health Department
- 16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
- 17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
- 18. Pawn Shop
- 19. Performing arts center subject to the following conditions:

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
  - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
  - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
  - d. The amount of students and type of events are listed in the approving ordinance.
  - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - f. Must meet applicable Fire Protection District codes.
20. Places of Worship subject to the following conditions:
- a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00
21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.
22. Public or Private Utilities and Service uses:
- a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses

23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop

D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

#### 9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.

B-6  
Permitted Uses

1. Accessory uses.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. Wholesale sales, displays and offices, but not including storage or warehousing

B-6  
Special Uses

1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship
12. Private clubs such as soccer, etc.
13. Public or Private Utilities and Service uses:
  - a. Telecommunications hub

- b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
14. Restaurants and/or taverns
  15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
  16. Self Service Storage Facilities (enclosed)
  17. Telecommunications stations
  18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District

M-1  
Permitted Uses

1. Ambulance Service (Private)
2. Animal feed; preparation, grinding, mixing and storage.
3. Auction Facility
4. Banquet Halls
5. Beverages, non-alcoholic, bottling and distributing.
6. Business or trade school
7. Clean up and restoration services
8. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
9. Construction equipment sales and service.
10. Contractors' offices and shops.
11. Glass cutting and glazing establishments
12. Light manufacturing and assembly.
13. Micro Distillery
14. Miscellaneous uses - as follows:
  - Accessory uses.
  - Signs.
  - Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
15. Motor vehicle Sales/ Motorcycle Sales including truck sales.
16. Nano Breweries.
17. Offices, business and professional, including medical clinics.
18. Parking Garages for storage of private passenger automobiles and commercial vehicles.
19. Public and community service uses - as follows:
  - Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
  - Electric sub-stations.
  - Fire stations.
  - Governmental buildings and facilities
  - Municipal or privately owned recreation buildings
  - Police stations.
  - Sewage treatment plants.

Telephone exchanges.  
Water filtration plants.  
Water pumping stations.  
Water reservoirs.

20. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.  
Art needle work and hand weaving.  
Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.  
Awnings, venetian blinds.  
Bakeries.  
Beverages - non-alcoholic.  
Blacksmith shop.  
Books - hand binding and tooling.  
Bottling works.  
Brushes and brooms.  
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.  
Cameras and other photographic equipment and supplies.  
Canning and preserving.  
Canvas and canvas products.  
Carpet and rug cleaning.  
Carting, express hauling or storage yards.  
Cement block manufacture.  
Ceramic products - such as pottery and small glazed tile.  
Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.  
Clothing.  
Cosmetics and toiletries.  
Creameries and dairies.  
Dentures.  
Drugs.  
Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.  
Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.  
Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.  
Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.  
Fur goods, not including tanning and dyeing.  
Glass products, from previous manufactured glass.  
Hair, felt and feather products (except washing, curing and dyeing).  
Hat bodies of fur and wool felt.  
Hosiery.



House trailer, manufacture.  
Ice, dry and natural.  
Ink mixing and packaging and inked ribbons.  
Jewelry.  
Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.  
Laundries.  
Leather products, including shoes and machine belting, but not including tanning and dyeing.  
Luggage.  
Machine shops for tool, die and pattern making.  
Meat products.  
Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.  
Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.  
Musical instruments.  
Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.  
Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.  
Perfumes and cosmetics.  
Pharmaceutical products.  
Plastic products, but not including the processing of the raw materials.  
Poultry and rabbits - slaughtering.  
Precision instruments - such as optical, medical and drafting.  
Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.  
Printing and newspaper publishing, including engraving and photoengraving.  
Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.  
Copying/Reproduction Stores & banner or sign supplies  
Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.  
Silverware, plate and sterling.  
Soap and detergents, packaging only.  
Soldering and welding.  
Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.  
Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.  
Storage of household goods.  
Storage and sale of trailers, farm implements and other similar equipment on an open lot.

Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4.12 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

21. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

Catering Establishments as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice
10. Kendall County Sheriff's Office shooting range
11. Kennels
12. Landscaping business,
13. Meetings Halls
14. Micro-Brewery and/or Winery
15. Micro Distillery
16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
18. Pawn Shop
19. Performing arts center
20. Places of Worship subject to the following conditions:
21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
22. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop
  1. Amphitheater, drive-in theater, auditorium, stadium and sports arena,
  2. Athletic Fields with Lights,
  3. Amusement park, including go-cart tracks, water parks and other rides, .
  4. Bait Shop

5. Convenience Store
  6. Hotel and/or Motel
  7. Indoor entertainment and recreation
  8. Indoor Target Practice
  9. Kendall County Sheriff's Office shooting range
  10. Kennels
  11. Places of Worship
  12. Planned Developments- Business
  13. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
  14. Racetrack
  16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses
  17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
  18. Telecommunications Stations
  19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
2. Adult Regulated uses
  3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
  4. Airport, private airstrip, heliports and aircraft landing fields
  5. Art Galleries and studios
  6. Grain Storage.
  7. Indoor Target Practice
  8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
  9. Kennels
  10. Medical Cannabis Cultivation Centers- Temporary
  11. Medical Cannabis Cultivation Centers- Temporary
  12. Motor freight terminals.
  13. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
  14. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
  15. Paintball Facilities
  16. Parks and recreational areas
  17. Planned developments, industrial
  18. Private Clubs or lodges
  19. Private clubs such as soccer, etc.
  20. Racetrack provided that the following minimum standards are met:
  21. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)

22. Stadiums, auditoriums and arenas.
23. Theaters, outdoor drive-in.
24. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
25. Truck Wash Facility or Motor Vehicle Wash Facility
26. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4.12. can be met in their entirety.
27. Wind Farms, Commercial,

M-2  
Permitted Uses

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products:
  - Charcoal, lampblack and fuel briquettes.
  - Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.
  - Coal, coke and tar products, including gas manufacturing.
  - Electric central station, power and steam-generating plants.
  - Fertilizers.
  - Film, photographic.
  - Flour, feed and grain - milling and processing.
  - Incineration or reduction of garbage, offal and dead animals.
  - Linoleum and oil cloth.
  - Magnesium foundries.
  - Matches.
  - Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
  - Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
  - Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
  - Rubber (natural or synthetic).
  - Soaps, including fat and oil rendering.
  - Starch.
  - Wood, coal, and bones, distillations.
  - Wood pulp and fiber, reduction and processing, including paper mill operations.
  - Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products: Goods used in or produced by manufacturing activities permitted in this district.
  - Grain.
  - Manure, peat and topsoil.
  - Petroleum and petroleum products.

M-2  
Special Uses

1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
7. Miscellaneous uses as follows:
  - a. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
8. Slaughter House

M-3  
Permitted Uses

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

M-3  
Special Uses

1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
2. Commercial off-premise advertising structures
3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
4. Outdoor Target Practice or Shooting (not including private shooting in your own yard)

TO: Kendall County Planning Commission

RE: Proposed changes to Lisbon Township LRMP

Once again, I unable to attend your meeting tonight, June 27, and am forwarding this written comment for your consideration.

Thank you for removing the Prairie Parkway from the Planning map. I was most concerned about its continued inclusion on the map.

I remain concerned about the following:

Changing the Agricultural area west of Route 47 slightly north of Townhouse Rd south to the Kendall/Grundy County line to Mining: I feel allowing all the various Mining and B-6 classifications - six pages of uses, single spaced - for such a long stretch along Rt 47 allows far too many uses that are counterproductive to agriculture and residents. I recommend classifying the area west of Rt 47 north and south of Joliet Road to M-3, and moving north along Rt 47 to just north of Townhouse Rd., classify in order of declining intensity properties as M-2, M-1, and B-6

Extending the undefined M classification west on Rt 52 to Lisbon from the Rtes. 47/52 intersection: I realize this is done to accommodate Village of Lisbon growth and tax collection capabilities and is what is done statewide to accommodate incorporated villages and town. However, it is not good planning. The interests of the Village and its present and future residents are better served by the Village extending its own planning and zoning plan into its Extra Territorial Zoning district and, as parts of the ETZ are annexed to the Village, continuing to plan and zone its ETZ as the Village boundaries extend.

If the Commission prefers to keep M classification along Rt 52 from 47/52 intersection to Village of Lisbon, I ask that the M designation be made more specific -- showing B-6, M-1 and M-2 categories for various parts of that stretch of Rt 52. Doing so would lessen negative impact the very wide range of uses allowed in M designation would have on existing agriculture and residents.

Ruth Bell, 

Bell Ltd. Partners. 10381 Lisbon Center Rd, Newark, Il. 60541

**RESOLUTION NUMBER 2018-\_\_\_\_\_**

**A RESOLUTION ADOPTING AN AMENDMENT TO THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN TO UPDATE THE FUTURE LAND USE PLAN IN LISBON TOWNSHIP IN THE VICINITY OF ROUTE 47**

WHEREAS, 50 ILCS 805 allows Counties to create and adopt Land Resource Management Plans; and

WHEREAS, 55 ILCS 5/5-14001 through 5-14008 specifies how a County may adopt and amend Official Plans; and

WHEREAS, Kendall County adopted a Land Resource Management Plan in March 1994; and

WHEREAS, the Kendall County Board has amended the Land Resource Management Plan on several occasions since its adoption in March 1994; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted a Policy, Framework, Planning Goals & Objectives, Management Goals & Objectives, and Land Resource and Management Area Policies for the County; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted official Future Land Use Maps for each township and for the County as a whole; and

WHEREAS, Illinois State Route 47 was widened to four lanes in Lisbon Township; and

WHEREAS, the Village of Lisbon adopted a Comprehensive Plan in January 2009 which included proposed land uses along a portion of Illinois State Route 47 in Lisbon Township; and

WHEREAS, the Kendall County Regional Planning Commission, hereinafter be referred to as "Petitioner," believes that future land uses along Illinois State Route 47 will change due to the widening of the highway in Lisbon Township and that the Kendall County Land Resource Management Plan should be amended to incorporate portions of the Village of Lisbon's Comprehensive Plan; and

WHEREAS, on February 28, 2018, Petitioner held a public meeting in the Village of Plattville at 6410 Chicago Road, Yorkville, Illinois to obtain input from the residents of Lisbon Township and two members of the public expressed opposition to the proposal; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Regional Planning Commission conducted a public hearing on June 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested amendment and one member of the public asked questions and zero members of the public testified in favor or testified in opposition to the request; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals met on July 30, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested map amendment and seven members of the public expressed opposition to the proposal; and



WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended denial of the proposed amendment; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and meetings, and has forwarded to the Kendall County Board a recommendation of **approval** of the proposed amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee, the recommendation of the Kendall County Zoning Board of Appeals, the record of the public hearing conducted by the Kendall County Regional Planning Commission, the recommendation of the Kendall County Regional Planning, and has determined that said proposed amendment to the Kendall County Land Resource Management Plan is necessary and in the best interests of Kendall County; and

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The revisions to the Future Land Use Plan of the Land Resource Management Plan, attached hereto as Exhibit A, are hereby adopted as an amendment to the Kendall County Land Resource Management Plan.
2. Any text or maps contained in the Kendall County Land Resource Management Plan in conflict with the attached Exhibit A are hereby repealed.

IN WITNESS OF, this resolution has been enacted by a majority vote of the Kendall County Board and is effective this 21<sup>st</sup> day of August, 2018.

Attest:

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Kendall County Clerk  
Debbie Gillette

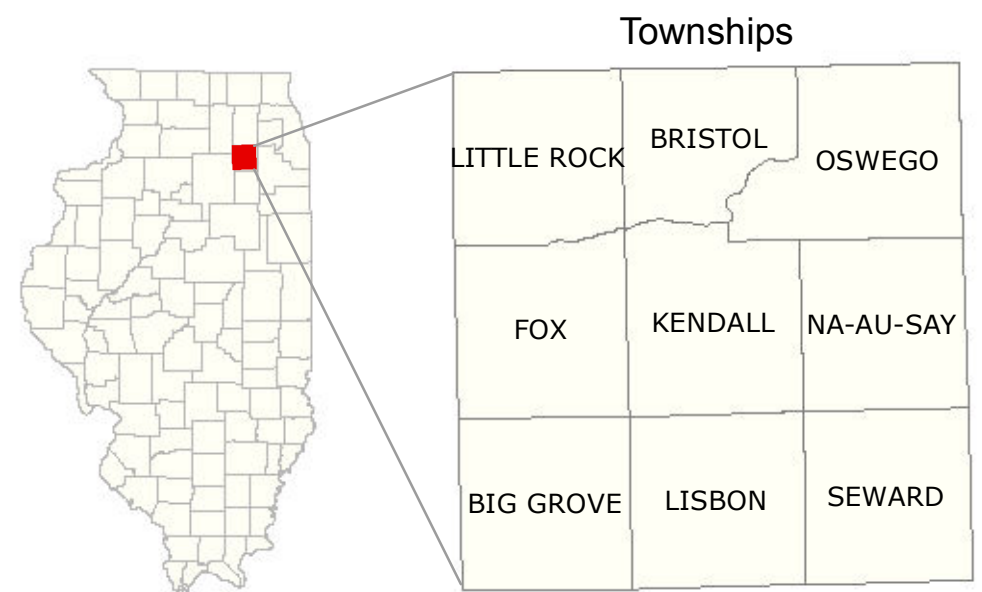
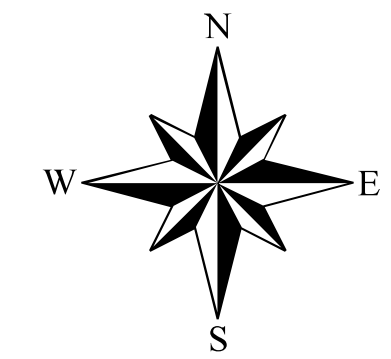
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Kendall County Board Chairman  
Scott R. Gryder

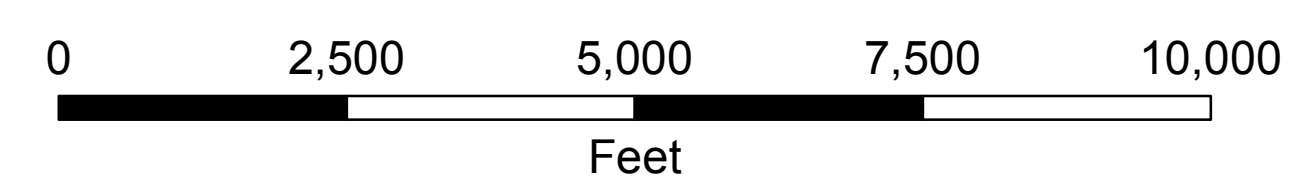
# Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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

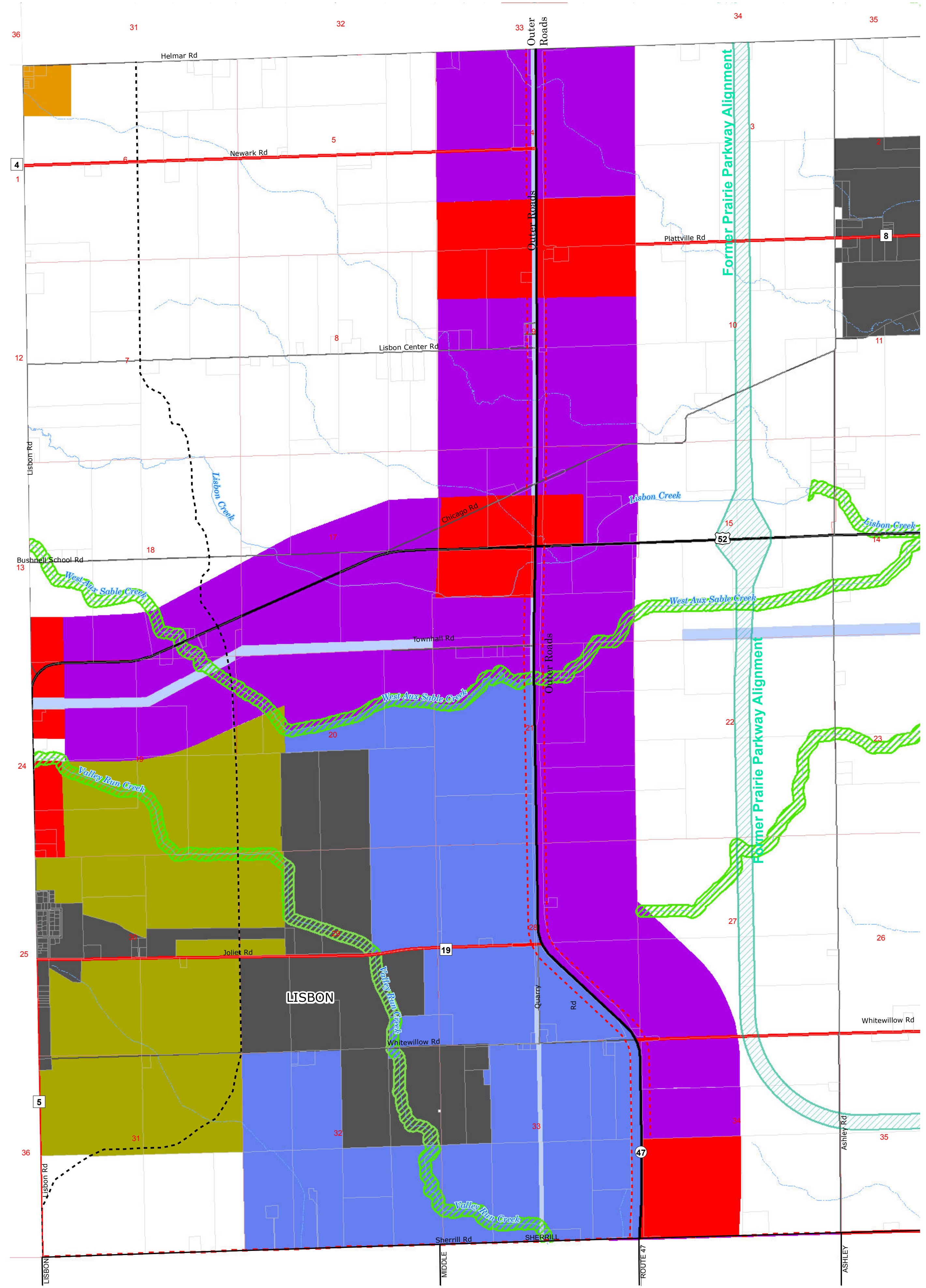


Scale: 1 in = 1,667 feet

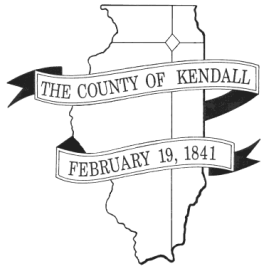


### Legend

- - - Outer Roads
- - - Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



**Kendall County GIS**  
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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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Yorkville, IL • 60560

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Fax (630) 553-4179

**MEMORANDUM**

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To: Comprehensive Land Plan and Ordinance Committee  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: August 17, 2018  
Re: 18-07 Proposed Text Amendment to Section 13.08 Pertaining to Special Use Permit Renewal Procedures

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This proposed text amendment was originally initiated because the Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. This proposal evolved into its current form as the Planning, Building and Zoning Committee and Kendall County Regional Planning Commission reviewed the proposal. Ultimately, the proposal called for amending the text of the Zoning Ordinance to allow the County Board to amend or revoke special use permits for any reason by a simple majority vote. This proposal only applies to special use permits issued after the date of adoption of this ordinance.

The Planning, Building and Zoning Committee reviewed the original proposal on February 13<sup>th</sup> and unanimously approved initiating the text amendment process. The Planning, Building and Zoning Committee reviewed the concerns raised by the Kendall County Regional Planning Commission at their May and June meetings and ultimately approved this text amendment proposal in its current form.

ZPAC reviewed the original proposal on March 6<sup>th</sup> and unanimously recommended approval.

The Kendall County Regional Planning Commission believed that amendments and revocations should only occur after a special use permit holder had been found guilty in court and such revocations and amendments should occur by super-majority votes of the County Board. The Kendall County Regional Planning Commission also expressed concerns about the investments that special use permit holders made in their property and business that could be lost if a special use permit was revoked. Concerns about obtaining business loans were expressed on several occasions and that this proposal would discourage business. The Kendall County Regional Planning Commission also did not like the potential for litigation. Concerns about the County Board behaving arbitrarily on revocations or amendments were also expressed. The Planning, Building and Zoning Committee was also informed of the Kendall County Regional Planning Commission's concerns about holding property and special use permit holders accountable for violations of previous property and/or special use permit holders. The Planning, Building and Zoning Committee did not share the concerns of the Kendall Regional Planning Commission on these matters and they (the Planning, Building and Zoning Committee) believed the County Board should have the ability to amend and/or revoke special use permits as outlined in the proposal. At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial with eight (8) members of the Commission present.

Staff mailed notices of the meetings and a copy of the proposal to all special use permit holders on

The following comments on this subject were made at the March 28, 2018, Kendall County Regional Planning Commission meeting:

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

The following comments on the subject were at the June 27, 2018, Kendall County Regional Planning Commission meeting:

Todd Milliron, Yorkville, does not like the simple majority language. He would like a supermajority vote of the County Board. He would like to see cause, documentation, and due process when amendments to or revocation of special use permits are considered.

Peter Pasteris, Johnson Road, expressed concerns regarding the proposal. He does not believe a special use permit should be revoked or amended if someone is following the provisions of their special use permit.

The following comments on the subject were made the July 25, 2018, Kendall County Regional Planning Commission meeting:

The proposal will not impact the campground on Van Emmon.

Dan Koukol, Oswego Township, said many of the special use permit holders employ many people in Kendall County. These employees spend money in Kendall County. The Comprehensive Land Plan and Solid Waste Plan are constantly updated. Families have been built on the special use permits. Mr. Koukol was also concerned that fewer than six (6) votes could be required to revoke someone's special use permit. He also expressed concerns that these special use permit holders will not get financing. If a special permit holder makes four (4) County Board members angry, they could lose their special use permit.

Jerry Callahan, attorney for Green Organics, argued that the grandfathering provisions were not clear. Does "upon revocation" mean that someone has to cease immediately? He stated that people cannot just cease an activity because of private property rights. There are no standards for revocation or amendment of special use permits which makes it difficult for people and businesses to make business decisions.

Peter Pasteris, Johnson Road, stated that his farm means a lot to him. He looked at his special use permit as a way to save their farm. He discussed the multiplier effect of his

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business on hotels, caterers, kids doing jobs, and similar businesses and people. He thinks that, if this proposal is approved, some of the growth will cease. He expressed concerns that he could lose his grandfathering if he makes changes to the layout of the site.

Megan Jensen, Caton Farm Road, stated that they went through the special use process two (2) years ago. She expressed concerns regarding the impact of potential changes to their special use permit. They purchased their property on the condition that the zoning must be approved. If the special use permit were revoked, that revocation would negatively impact their use of the property. The people applying for special use permits are trying to follow the rules.

Pete Bielby, Fox River Drive, asked how many special use permits did not run with the land. Mr. Asselmeier said very few. His special use permit runs with the land.

Nobody in audience at the July 25<sup>th</sup> meeting expressed support of the proposed amendment.

The Kendall County Zoning Board of Appeals held a public on this proposal on July 30<sup>th</sup>. The Zoning Board of Appeals unanimously recommended denial of the petition. The following comments on the subject were made at the meeting:

Jerry Callaghan, attorney for Green Organics, stated that he attended the Kendall County Regional Planning Commission meeting on July 23, 2018. He stated that Green Organics has five (5) more years on their special use permit. He stated the language of the petition was that the special use will remain in effect until the special use permit expires. Chairman Mohr agreed with Mr. Callaghan. Mr. Callaghan continued that, if the special use permit was to be revoked, notice had to be sent two (2) months prior to final action. Mr. Asselmeier responded, if Kendall County wanted to revoke a special use permit, yes. Mr. Callaghan expressed concerns regarding the procedure and lack of standards for revocation. Mr. Callaghan expressed concerns regarding the loss of investment made by a business if the County revoked a special use permit. Mr. Callaghan questioned the County's ability to shut down an activity due to legal non-conforming regulations. Mr. Callaghan argued the proposal did not take into consideration the owners property rights and was promoting chaos and confusion. He agreed if an owner was not adhering to their special use permit, the County has a right to revoke their special use. Mr. Callaghan agreed that the petition will discourage investments and discourage banks from lending money to owners. He requested the Zoning Board of Appeals to reject the proposed text amendment. Chairman Mohr questioned the location of the Green Organics business and if they are paying the tipping fees as part of the special use permit. Mr. Callaghan believed that Green Organics was paying the tipping fees. Chairman Mohr questioned if Green Organics will still be in a similar situation in five (5) years when they are set to renew their permit. Mr. Callaghan believed any owner would be in a better position for renewal if this proposal was not rejected. Mr. Asselmeier responds that one member of the Planning, Building and Zoning Committee believed the issues with the special use permits were a legislative decision and that revocation falls under that scope and the County would have that right to revoke under the legislative decision. Mr. Callaghan agreed that the issuance of special use permits are a legislative decision, but did not believe it can be legislated to revoke someone's property rights.

Mark Caldwell, Finnie Road, Dickson Valley Camp, stated that he understood the camp would be grandfathered, but did not agree with the proposal. Mr. Caldwell argued that the language could be used negatively by future County Boards that have an agenda against religious

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organizations such as his. He stated any changes or amendments to the camp could place them under the new regulations. Mr. Caldwell admitted that the camp will continue to evolve and changes will be made. However, they will be penalized with the new language if accepted. Mr. Caldwell requested for the Zoning Board of Appeals to vote no.

Megan Jensen, Caton Farm Road, requested the Zoning Board of Appeals vote no on the petition. She understood the petition will not affect them as they are grandfathered. However, if their special use needed to be amended for any reason, the County could revoke their special use permit for any reason. Ms. Jensen argued the County should not be able to revoke at a later date if the owner agreed to follow any and all rules. Furthermore, she argued the petition was proposed for a couple of properties with issues, but this proposal will not apply to those properties because they are also grandfathered. The proposal creates issues for future special use. Also, if the special use permit that came with her property was revoked, they would have lower property values. Ms. Clementi questioned what Ms. Jensen's special use was for; Ms. Jensen's special use was for landscaping.

Fred Davis, Canton Farm Road was mainly concerned with the County's ability to revoke the special use permit without good reason and without majority of County Board members present. Mr. Davis reinvested back into the Kendall County community via his special use and he did not believe the petition will be welcoming to businesses. Mr. Davis argued if someone is not following the rules, their special use permit should be revoked. Mr. Davis questioned if he amended his business by expansion or hiring more workers would he then be under the new petition. Mr. Asselmeier stated that, if Mr. Davis' amendments were more than ten percent (10%) of something quantifiable in his special use permit, he would fall under the new regulations. Chairman Mohr stated that whatever changes Mr. Davis makes to his property will affect the homes or properties near him which would warrant him to fall under the new petition if approved. Chairman Mohr acknowledged that there will still be a procedure whether the petition is accepted or not if Mr. Davis adds to his special use. Mr. Asselmeier explained that, with the current procedure Mr. Davis would still be required to amend his special use if he intended on amending his property more than ten percent (10%). Chairman Mohr questioned if Mr. Davis would be better off not expanding; Mr. Asselmeier confirmed.

Pete and Laurie Pasteris, Johnson Road, believed if the County was having an issue with a few people with a special use permit, the County should deal with those individuals instead of creating problems for the ones that are following the rules. Mr. Pasteris stated they have a farm but also a special use for a weddings. He argued if he changes the tent size, they would have to accept the new guidelines. Mr. Pasteris argued the farm was another selling point for his business. Ms. Pasteris argued their loan could create problems if Kendall County decided to revoke their special use permit, which is not fair in her opinion.

Nate Howell, Church Road stated his problem with the revocation language. He has a special use for his whole property, but uses a small percentage for his shooting range. Mr. Howell argued that, if he decided to demolish his current barn, he would automatically be placed under the new rules. Mr. Howell argued if someone on the County Board did not like shooting ranges, he would no longer have a business. Mr. Howell stated he cannot add or take down any building because of his special use permit. Mr. Asselmeier responded that, due to how Mr. Howell's site plan was approved, Mr. Howell would have a harder time making any changes to his property.

Chairman Mohr questioned the definition of guilty. Mr. Asselmeier responded guilty meant

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being found guilty by a court. Chairman Mohr referred to Mr. Howell taking down the barn on his property; Mr. Mohr believed that Mr. Howell should have his special use revoked even though the removal of the barn would technically be a violation of special use permit. Mr. Asselmeier stated, because of how his special use permit was written, Mr. Howell would be in violation. However, the original goal of the proposal was to revoke special use permits only after all legal actions have been taken and the property owner was in fact found guilty of violation by a court.

Mr. Whitfield stated there was already a revocation process in place. Mr. Asselmeier stated there was a procedure currently in place. After notice, the owner has thirty (30) days for remediation. An owner can request an extension. After all extensions were exhausted, the case goes to the Kendall County Board Committee they can forward the case to the States' Attorney for legal action. Mr. Asselmeier stated the one (1) special use permit holder has been causing problems, but has not been found guilty because they remedied their violations. Mr. Whitfield sought clarification that there was a procedure already in place that keeps the owners in line with the rules. Mr. Davidson stated his opposition because he believed that a super majority vote should be required. Mr. Davidson did not believe the petition will have a positive effect.

Chairman Mohr agreed with Mr. Howell that, if someone on the Kendall County Board did not like shooting ranges, that belief would be a reason for revocation.

Ms. Clementi did not believe the proposal was fair to the people, and the people causing problems should be addressed directly.

Mr. LeCuyer stated that too many rules that could hinder the people that are adhering to the rules.

Mr. Thompson agreed with Mr. Whitfield and stated the proposal is too imposing.

Mr. Whitfield stated there was already a process in place for the people who are causing problems.

Chairman Mohr stated there should be a requirement of supermajority vote and there needs to be clarification on what constitutes being guilty.

Mr. Pasteris responded that, if he abuses his special use permit, his permit should be revoked. Chairman Mohr did not believe an issue of playing music too loud deserved a guilty verdict and revocation of a special use permit.

Mr. Davis questioned, if Mr. Howell's barn falls over due to the weather and was required to put up a new barn, would Mr. Howell be under the new rules. Chairman Mohr stated that Mr. Howell's permit would need to be re-evaluated.

Chairman Mohr stated currently guilty was not specified enough and needs to be addressed. Mr. Davidson stated if someone gets a notice and addresses the issues within thirty (30) days, the notice disappears and the County Board would never know about the issue.

Mr. Davidson argued there was a long process to revoke someone's special use under the current procedure.

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The original proposal was mailed to each township on February 15<sup>th</sup>. The townships have been updated on the status of this proposal, with the most recent proposal mailed to each township on July 31<sup>st</sup>. To date, Little Rock Township is the only township to submit comments; they filed a formal objection to the proposed amendment.

A copy of the proposal is attached to this memo

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

Thanks,

MHA

ENC: Proposed Revised Procedures



Renewal of Special Use Permits Procedures (5/14/18)

**Everything in 13.08 R is added to the Ordinance**

**13.08.R. Special Use Renewal Procedures**

- 1. All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the Kendall County Board requests one or more amendments to or revocation of the special use permit using the procedure outlined in Section 13.08.R.2.**
- 2. If the Kendall County Board requests one or more amendments to or the revocation of a special use permit requiring renewal, the following process shall occur:**
  - a. Prior to initiating the amendment or revocation, the Kendall County Board shall direct the Planning, Building and Zoning Department to notify the property owner and owner of the special use permit by registered letter that changes to or revocation of their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The letter shall be sent not earlier than six (6) months or less than two (2) months prior to the renewal period stated in the special use permit or within six (6) months after all judicial appeals of the guilty verdict have been exhausted. The guilty verdict shall run with property and not the owner of the special use permit.**
  - b. After sending the required letter, the Kendall County Board may approve initiating amendment(s) to or revocation of a special use permit by a favorable vote of a majority of the members of the Kendall County Board.**
  - c. The proposed amendments shall follow the procedure outlined in Section 13.08.C (Processing of Special Use Permit Applications) regardless of the size or nature of the proposed amendment(s) to or revocation of the special use permit.**
  - d. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings.**
  - e. After the completion of the procedure outlined in Section 13.08.R.2.c, the Kendall County Board may approve amendments to or revocation of special use permits by favorable vote of a majority of the Kendall County Board.**
  - f. Within five (5) calendar days of approval of amendments to or revocation of a special use permit, the Kendall County Planning, Building and Zoning**

**Department shall notify the property owner and owner of the special use permit by registered mail of the changes or revocation to the special use permit.**

- g. Amendments approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place.**
  - h. Revocations approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the revocation and the revocation becoming effective, the conditions of the special use permit previously in effect shall remain in place.**
  - i. If a proposed amendment or revocation fails to receive the required votes, the existing special use permit shall be automatically renewed for the same duration as listed in the special use permit currently in effect.**
  - j. If a special use permit is revoked under the provisions of this Sub-Section, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.**
  - k. At least one (1) year shall lapse between the effective date of the revocation and the application for a new special use permit for the same or similar use at the same property.**
  - l. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.**
- 3. Section 13.08.R shall apply to any special use permit issued after the date of the adoption of this amendment. INSERT DATE requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this Sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this Sub-Section.**

Amendment or Revocation of Special Use Permits Without Renewal Periods

Amendment to Section 13.08.F

Red is Proposed

REVOCAION. ~~In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use.~~ **The Kendall County Board may initiate revocation of a special use permit following a simple majority vote of the County Board. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings.** If a revocation is proposed, the Zoning Board of Appeals shall hold a public hearing (following procedures outlined in Section 13.08 H below) and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice **by registered letter** at least 15 days in advance of the hearing. *(Amended 3.21.18)*

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

Amendment to Section 13.08.M

AMENDMENTS TO APPROVED SPECIAL USES. Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable). Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use.

Amendment of Special Uses under this paragraph shall apply to all existing, valid Special Uses issued prior to the date of the amendment of this ordinance as well as any future Special Uses granted under this ordinance. *(Amended 9.15.2009)*

**The Kendall County Board may initiate amendments by a simple majority vote of the members of the Kendall County Board to approved special use permits after notifying the property owner and owner of the special use permit by registered letter that change(s) to their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The proposed amendment(s) shall be treated as**

**major amendments regardless of the size or nature of the proposed amendments and shall follow review the procedure outlined in Section 13.08.O. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings. After the completion of the procedure outlined in Section 13.08.O, the Kendall County Board may approve amendments to or special use permits by favorable vote of a majority of the Kendall County Board. Within five (5) calendar days of approval of amendments to a special use permit initiated by the Kendall County Board, the Kendall County Planning, Building and Zoning Department shall notify the property owner and owner of the special use permit by registered mail of the change(s) to the special use permit. The amendments shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.**

13.08.O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA). *(Amended 9.15.2009)*