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

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Tuesday, January 25, 2022 – 5:30 p.m.

CALL TO ORDER:

ROLL CALL: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chair), Dan Koukol, and Robyn Vickers

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from January 10, 2022, Meeting (Pages 2-9)

PUBLIC COMMENT:

NEW BUSINESS:

1. Discussion of Establishing Definitions of Landscaping Business and Excavating Business in the Zoning Ordinance; Committee Could Initiate Text Amendments Regarding These Terms (Page 10)
2. Discussion Regarding Establishing a Policy Requiring Applicants to the Planning, Building and Zoning Department to be Free of Debt to the County at the Time of Application Submittal
3. Discussion and Approval of a Policy Allowing the Public to Use the Computer Systems in the County Boardroom During Planning, Building and Zoning Related Meetings and Hearings
4. Discussion of Hiring One Additional Code Enforcement Officer

OLD BUSINESS:

1. Update on Special Use Permit Enforcement (Pages 11-21)
2. Review and Approval of Policy Regarding Code Enforcement in Cases Where Parties Are Pursuing Compliance Through Legislative or Administrative Means (Examples Include Text Amendment, Map Amendment, Special Use Permit or Variance Applications) (Pages 22-23)

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

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 PLANNING, BUILDING & ZONING COMMITTEE**

*Kendall County Office Building*

*Rooms 209 and 210*

*111 W. Fox Street, Yorkville, Illinois*

**6:30 p.m.**

**Meeting Minutes of January 10, 2022 – Unofficial until Approved**

**CALL TO ORDER**

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

**ROLL CALL**

Committee Members Present: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Dan Koukol, and Robyn Vickers

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner)

**APPROVAL OF AGENDA**

Member Koukol made a motion, seconded by Member Vickers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Vickers made a motion, seconded by Member Flowers, to approve the minutes of the December 14, 2021, meeting. With a voice vote of five (5) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from December 2021.

**PETITIONS**

*Petition 21-37 Kendall County Planning, Building and Zoning Committee*

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act became effective January 1, 2022. A copy of Public Act 102-0180 was provided.

Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

Below please find the original redlined version of the proposal:

#### **8:02.A Permitted Uses in the R-1**

5. Lands and buildings used for horticulture or farm purposes **including vegetable gardens as defined by the Garden Act.**

#### **8:06.A Permitted Uses in the R-2**

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**

~~b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and~~

~~e. b.~~ Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

#### **8:07.A Permitted Uses in the R-3**

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**

~~b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and~~

~~e. b.~~ Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

#### **8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts**

**6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet (10') back from the nearest right-of-way line.**

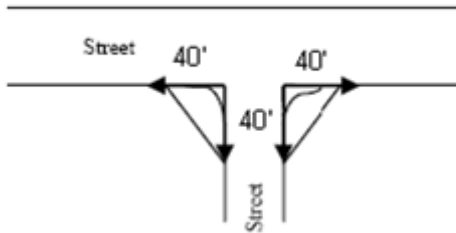
**7. Vegetable Gardens as defined by the Garden Act.**

**Remaining Permitted Uses to be Renumbered.**

**Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.**

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms **and vegetable gardens as defined by the Garden Act** shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor, zero (0) in opposition, and one (1) present with two (2) members absent. The minutes were provided.

At the October 27, 2021, Kendall County Regional Planning Commission meeting, the consensus of the Commission was to establish a setback larger than ten feet (10') in the front yards and side yards of corner lots for Boulder Hill. The minutes were provided.

The Kendall County Zoning Board of Appeals started their review of the proposal on November 1, 2021. The discussion centered on increased traffic. They noted that existing garage sales, which are not regulated, caused additional traffic and parking issues. The Zoning Board also noted that the size of lots in Boulder Hill will restrict the amount of produce available to be sold. The minutes of the hearing were provided.

Per the Zoning Ordinance, the required front yard setbacks in the R-4, R-5, and R-6 Districts are forty feet (40') from the right-of-way from freeway and arterial roads, thirty feet (30') for major and minor collector roads, and twenty-five feet (25') from all other roads. For the R-7 District, the front yard setbacks are fifty feet (50') for freeway and arterial roads, forty feet (40') from major and minor collector roads, and thirty feet (30') from all other roads. The side yard setback for corner lots in the R-4, R-5, R-6, and R-7 Districts is thirty feet (30').

A map showing the areas zoned R-4, R-5, R-6, and R-7 was provided.

The proposal could be amended to restrict roadside stands from the front yard and side yards of corner lots in the R-4, R-5, R-6, and R-7 Districts with the setbacks as noted in the previous paragraph. This would cause roadside stands to be placed closer to the house, including on porches and inside garages, on smaller lots.

Staff would like to point out that accessory structures are presently not allowed in the front yard or side yards of corner lot setbacks and that lawn furniture can be placed within two point five feet (2.5') of any property line. Staff has also been directed not to strictly enforce setback restrictions related to lemonade and similar stands in residential areas.

With the above information in mind, the Kendall County Regional Planning Commission met on December 8, 2021, and recommended that roadside stands be restricted from required front yard setbacks and side yard setbacks for corner lots in the R-4, R-5, R-6, and R-7 Districts by vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes were provided.

The Kendall County Zoning Board of Appeals concluded the public hearing on December 13, 2021. The Zoning Board of Appeals felt the County would have difficulty enforcing setbacks and there were questions regarding the number of houses that would have roadside stands in Boulder Hill. The Kendall County Zoning Board of Appeals recommended approval of the text amendment with the original proposal to allow roadside stands up to ten feet (10') of the nearest right-of-way by a vote of seven (7) in favor and zero in opposition. The minutes were provided.

The draft ordinance was provided.

The consensus of the Committee was to leave the setback as originally proposed for roadside at ten feet (10') from the right-of-way line. The belief was that garage sales would be more problematic than produce sales.

Member Gilmour made motion, seconded by Member Koukol, to recommend approval of the proposal.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on January 18, 2022, on the consent agenda.

*Petitions 22-02 Daniel L. Dycus on Behalf of Gospel Assembly Church*

Mr. Asselmeier summarized the request.

On March 15, 2005, the Kendall County Board granted a special use permit for a church, parsonage, church school, and church daycare at the subject property. Ordinance 2005-06 was provided.

Condition 2 of Ordinance 2005-06 required the church to file a pre-annexation agreement with Yorkville. No pre-annexation agreement was executed. The property was for sale and the lack of a pre-annexation agreement created confusion regarding the types of uses that could be placed on the property.

On December 10, 2021, a representative of the church filed a request for voluntary revocation of the special use permit. This request was provided.

The draft revocation ordinance was provided.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

Staff recommended approval of the proposed special use permit revocation.

Member Gilmour made motion, seconded by Member Flowers, to recommend approval of the request.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on January 18, 2022, on the consent agenda.

**NEW BUSINESS**

Approval of Annual Renewal of Mobile Home Permit at 13443 Fennel Road

Mr. Asselmeier said this mobile home was for taking care of a family member needing medical care. No complaints have been filed with either the Planning, Building and Zoning Department or Health Department regarding this property.

Member Koukol made a motion, seconded by Member Vickers, to approve the renewal. With a voice vote of five (5) ayes, the motion carried.

Discussion of a Contract Between Kendall County and Wiss, Janney, Elstner Associates, Inc. Regarding the Historic Structure Survey in Kendall and Bristol Townships; Committee Could Refer the Proposal to the State's Attorney's Office

Mr. Asselmeier presented the proposed contract and comments from the Historic Preservation Commission.

Member Gilmour suggested waiting with having the State's Attorney's Office review of the contract until the grant was awarded.

It was noted that a tight timeline existed for completing the project, if the grant was funded.

Member Flowers suggested having the Committee of the Whole review the proposal and then have the State's Attorney's Office review the proposal, if the grant was funded. If the grant was funded, then the proposal could go directly to the County Board.

Chairman Gengler made a motion, seconded by Member Flowers to forward the proposal to the Committee of the Whole. With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the Committee of the Whole on January 13, 2022.

Discussion of Future Land Use Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier summarized the issue.

Chairman Gengler said that he had conversation with a local resident and the local resident favored not changing the plan at this time. Chairman Gengler acknowledged the growth coming to the County.

Member Vickers noted that property owners might never sell their property.

Member Koukol said that site selectors look at the County's map and go to Grundy County because the Kendall County map still shows non-commercial and non-industrial future land uses. He felt some land owners were interested in changing the future land use map.

Member Vickers noted that more businesses in the County would help lower property taxes.

Member Gilmour asked if the residents that were previously opposed to the original proposal were still opposed to changing the map. Chairman Gengler said that the resident he spoke with was still against the proposal and that resident wanted the County to examine changes on a case-by-case basis.

Mr. Asselmeier explained the process for changing the plan.

The Committee reviewed Morris' Future Land Use Map.

Discussion occurred regarding road improvements in the southern portion of the County.

Member Gilmour requested input from the residents. The residents would be notified and given an opportunity to provide input during the adoption process, if the proposal was initiated.

Member Koukol made a motion, seconded by Member Flowers, to forward the proposal to the Committee of the Whole with a positive recommendation.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Koukol, and Vickers  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion carried. The proposal goes to the Committee of the Whole on January 13, 2022.

Kendall County Regional Planning Commission Annual Meeting-February 5, 2022, at 9:00 a.m.

Mr. Asselmeier reported the Kendall County Regional Planning Commission Annual Meeting would be February 5<sup>th</sup> in the County Boardroom.

Kendall County Historic Preservation Commission Annual Meeting-February 16, 2022, at 6:00 p.m., at the Little White School Museum

Mr. Asselmeier reported the Kendall County Historic Preservation Commission Annual Meeting would be February 16<sup>th</sup> at the Little White School Museum in Oswego.

Approval to Schedule a Second Planning, Building and Zoning Committee Meeting in January 2022

The consensus of the Committee was to have a special meeting on January 25, 2022, at 5:30 p.m.

## **OLD BUSINESS**

Review and Approval of Policy Regarding Code Enforcement in Cases Where Parties Are Pursuing Compliance Through Legislative or Administrative Means (Examples Include Text Amendments, Map Amendments, Special Use Permits or Variance Applications)

Mr. Asselmeier summarized the request.

Since at least 2017, the Planning, Building and Zoning Department's understanding was that, in cases where parties were pursuing text amendments, map amendments, variances, special use permits, or other legislative or administrative approvals, the Department would not issue citations against these parties until a final legislative or administrative decision was made. The Department was aware that several months may be necessary in order reach final legislative or administrative decisions. The Department was also aware that courts historically layover such cases until final legislative or administrative decisions are made before rendering verdicts.

Since 2016, the following businesses and activities were allowed to operate while waiting for zoning approvals:

1. Delaney Gun Range at 16502 Church Road (Ceased After Special Use Permit was Withdrawn)
2. Jet's Towing at 790 Eldmain Road
3. Billboard at 34 and Hafenrichter (Special Use Permit Not Renewed Between 2004 and 2017)
4. 15331 Burr Oak Road (Special Use Permit Not Renewed Prior to 2018)
5. TZ Landscaping at 276 Route 52
6. Temporary Use Permit Renewal at 9211 Route 126
7. Pipe Strong at 17854 N. Wabena Road
8. Driveway in the Setback at 9261 Kennedy
9. Cox Landscaping at 9000 Route 34
10. Trucking Business at 3485 Route 126
11. Fence at 68 Saugatuck (Lowered after ZBA Denial)
12. Craft Fair at 5681 Whitewillow Road
13. Brighter Daze at 10978 Crimmin Road

A proposed policy outlining enforcement actions and warning period was provided.

Chairman Gengler favored not allowing businesses to operate under new rules unless and until those new rules were approved by the County Board. Businesses would have to operate under the approved rules until new conditions were approved.

Member Koukol did not favor closing businesses while the businesses went through the process.

Member Flowers favored tighter and clear rules.

Member Gilmour favored at looking at cases on an individual basis and to have enforcement in these cases to be a Committee decision.

Discussion occurred regarding 1038 Harvey Road going through the application process and related court actions.

The consensus of the Committee was to lay over this item until the January 25, 2022, meeting.

#### **REVIEW VIOLATION REPORT**

##### *Review of Violation Report for December 2021*

The Committee reviewed the violation report.

##### *Review of FY 20-21 Inspection Report*

The Committee reviewed the report.

The consensus of the Committee was to add hiring an additional full-time code inspector to the January 25, 2022, agenda.

#### **REVIEW NON-VIOLATION REPORT**

##### *Review of Non-Violation Report for November 2021*

The Committee reviewed the non-violation report.



Review of Non-Violation Report for December 2021

The Committee reviewed the non-violation report.

**UPDATE FOR HISTORIC PRESERVATION COMMISSION**

Certified Local Government Annual Report

The Committee reviewed the report. Mr. Asselmeier noted that the report that was sent to the State included all of the minutes of the Commission's meetings in 2021.

**REVIEW PERMIT REPORT**

Review November 2021 Permit Report

The Committee reviewed the report.

Review December 2021 Permit Report

The Committee reviewed the report.

Review of End of Year Permit Report

The Committee reviewed the report.

**REVIEW REVENUE REPORT**

Review of November 2021 Revenue Report

The Committee reviewed the report.

Chairman Gengler suggested looking into building and zoning fees in the spring.

Review of 2009-2021 Revenue Report

The Committee reviewed the report.

Review of December 2021 Revenue Report

The Committee reviewed the report.

**CORRESPONDENCE**

Correspondence Related to the Temporary Use Permit Granted in December 2019 and Renewed in January 2021 (Petitions 19-45 and 20-31) for Portable Concrete Crushing Operations at 9211 Route 126 (PIN: 05-04-400-003) in Kendall Township

The Committee reviewed the correspondence.

**COMMENTS FROM THE PRESS**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Member Flowers made a motion, seconded by Member Vickers, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 8:00 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM 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: Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: January 18, 2022  
Re: Definitions of Landscaping and Excavating Businesses

At the December 14, 2021, Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare definitions for landscaping businesses and excavating businesses.

For preparing the proposed definition of landscaping business, Staff used the definition found in the North American Industrial Classification System as published by the United States Census Bureau. The proposed definition of landscaping business is as follows:

“LANDSCAPING BUSINESS. A business engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and businesses primarily engaged in providing these services along with the design of landscape plans and/or the construction and installation of walkways, retaining walls, decks, fences, ponds, and similar structures.”

When considering a definition of excavating businesses, the North American Industrial Classification System grouped excavating businesses with other site preparing contractors including dirt movers, trenching, and foundation drilling. Also, the terms “excavating business” and “excavator” do not appear in the Zoning Ordinance. Accordingly, Staff proposes the following definition of excavating business:

“EXCAVATING BUSINESS. A business engaged in site preparation activities including grading, earthmoving, and land clearing and businesses that rent equipment for such purposes. For the purposes of this Ordinance, an excavating business shall be considered a contractors’ office or shop.”

Contractor and Contractor Offices and Shops are conditional uses in the B-2 and B-3 Districts and permitted uses in the M-1 and M-2 Districts. In the B-2 and B-3 Districts, all work and storage must be inside buildings.

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

Thanks,

MHA



## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141 Fax (630) 553-4179

### MEMORANDUM

To: Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: January 19, 2022  
Re: Enforcement of Special Use Conditions

At the December 14, 2021 Planning, Building and Zoning Committee meeting, the Committee reviewed five (5) special use cases. Below please find updates on these cases.

1. Ordinance 2004-24-Special Use Permit for a Church at 748 Jones Road  
Issue: Condition 3 requires an annexation agreement with Shorewood.  
How Department Became Aware of Violation: Property is for sale.  
Current Status: Troy Fire Protection District is going through the special use process.
2. Ordinance 2005-06-Special Use Permit for a Church West of 8250 Route 71  
Issue: Condition 2 requires a pre-annexation agreement with Yorkville.  
How Department Became Aware of Violation: Property is for sale.  
Current Status: Closed; County Board approved revocation of a special use permit on January 18, 2022.
3. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Road  
Issue: Condition 6 requires a right-of-way dedication  
How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.  
Current Status: The County Highway Engineer is working with the property owner to complete the necessary documents for the dedication.
4. Ordinance 2006-19-Special Use Permit for a Church at 8 West Rickard Drive  
Issue: Site to be developed in accordance with site plan, including a three foot (3') tall berm.  
How Department Became Aware of Violation: Church wanted to construct a fence on the property  
Current Status: A former Senior Planner approved a site plan without the berms in 2011. The Committee needs to discuss this matter.
5. Ordinance 2012-26-Special Use Permit for YPAC  
Issue: Condition 6 requires paved parking lot by 2014 with 28 parking spaces  
How Department Became Aware of Violation: YPAC approached County for financial assistance in 2018.  
Current Status: The owners of YPAC applied for ARPA Funds from the County and were told that they need to submit a time line for paving the parking lot; PBZ letter was returned as unclaimed.

In addition to the above, Staff became aware of the following violation:

1. Ordinance 2014-21-Special Use Permit for Peaceful Pathways Montessori School at 8250 Route 71  
Issue: Condition 2 requires the gravel driveway to be paved with asphalt no later than May 15, 2017

How Department Became Aware of Violation: The Parcel ID number for the property was updated in 2021 and Staff discovered the condition.  
Current Status: Request has been sent to the Petitioner's Attorney for a time line for paving the driveway; Petitioner has until February 18, 2022, to respond.

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

MHA

02-14-476-001  
02-14-476-002

ORDINANCE NUMBER 2006 - 19

GRANTING SPECIAL USE  
8 WEST RICKARD DRIVE  
LYNWOOD BAPTIST CHURCH

WHEREAS, Lynwood Baptist Church filed a petition for a Special Use within the R-3 district, for property located at 8 West Rickard Drive in Bristol Township; and

WHEREAS, said petition is to allow for construction of a church addition and operation of a church; and

WHEREAS, said property is zoned R-3 One Family Residential and the request is allowable upon issuance of a Special Use Permit per § 8.08.B.1 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as follows:

*Lot numbers One hundred sixteen (116) and One hundred seventeen (117) of Lynwood Subdivision, Extension Seven (7): A Subdivision of a Part of Lot 5 in Section Fourteen (14), Township 37 North, Range 7 East of the Third Principal Meridian. Subject to easements to Illinois Bell Telephone Company; Commonwealth Edison Company, Northern Illinois Gas Company, Drainage Easements and subject to Building and other general restrictions of said Subdivision as recorded in Recorder's Office of Kendall County, Illinois ; and*

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a Special Use zoning permit for the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:

1. While construction of Phase I can take place before availability of Fox Metro sewer, occupancy is to be withheld until such time that the church is hooked up to Fox Metro sewer service.
2. The proposed building activity will substantially conform to the submitted site plan, as amended to reflect the berming and landscaping, with a maximum seating capacity of 388 persons.
3. The petitioner will need to be issued a site development permit in conjunction with the

building permit. As part of the site development review, the petitioner will submit a photometric plan for the parking lot area for review and approval by PBZ with brightness at a maximum of 2.0 foot candles at the property line, as well as the species, diameter, height, and location on the proposed berm of the vegetative landscaping, as required by § 11.02.G.3 of the Zoning Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on March 21, 2006.

Attest:



John A. Church  
Kendall County Board Chairman



Paul Anderson  
Kendall County Clerk

# EXHIBIT

# **A**

DATE **3-8-06**

## PRELIMINARY IMPROVEMENT PLANS

FOR

# LYNWOOD BAPTIST CHURCH

## BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS

DESCRIPTION OF PROPERTY  
 ZONED R-3 RESIDENTIAL SITE AREA 4.7AC  
 LOTS 116 AND 117 LYNWOOD SUBDIVISION  
 BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS

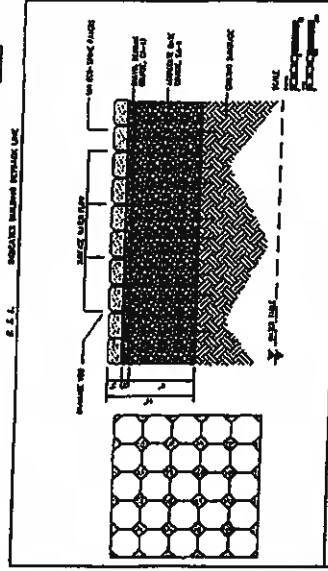
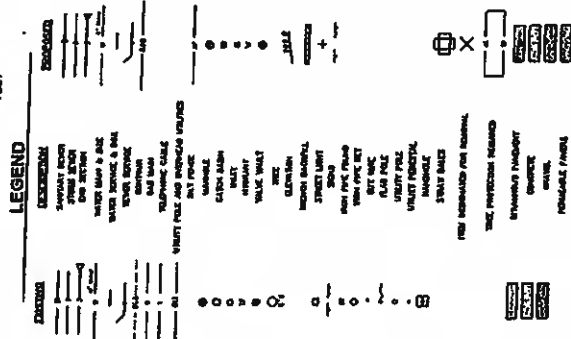
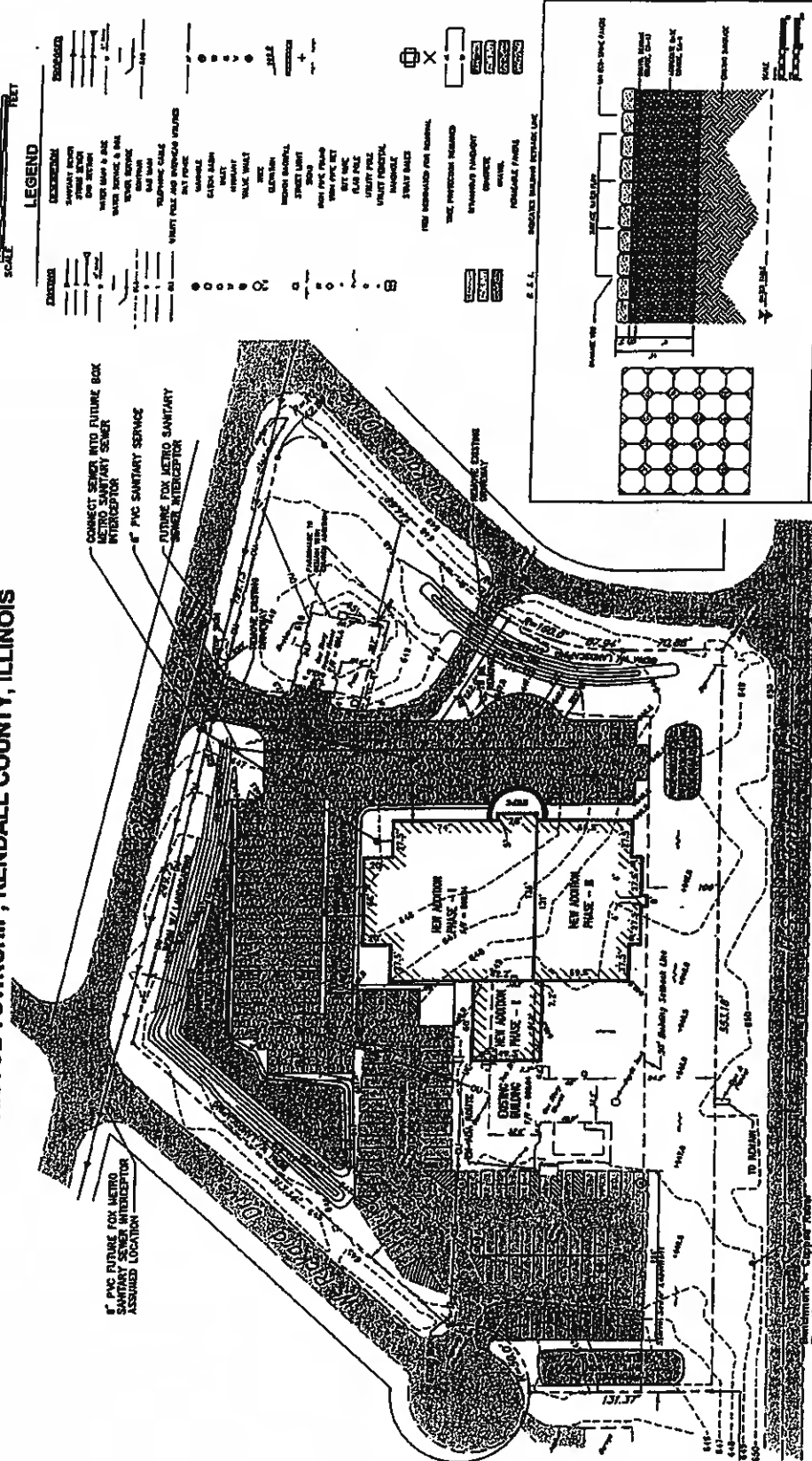
**SITE SUMMARY**  
 EXISTING SITE CHURCH WITH APPROXIMATELY  
 40 PARKING SPACES  
 PROPOSED SITE:  
 25700 SF CHURCH WITH 200 SEATS  
 WITH 100 PARKING SPACES AND 8  
 HANDICAPPED SPACES  
 130' x 184' SPACE/3 SEATS 8' x 184'  
 WITH 24' AISLES

**SANITARY SEWER SUMMARY**  
 EXISTING SITE USES SEPTIC SYSTEM  
 LOCATED BETWEEN THE CHURCH AND  
 US 24.  
 THE PROPOSAL TO CONNECT TO  
 THE FUTURE FOX METRO INTERCEPTOR  
 PLANNED TO RUN ALONG CHARLES  
 STREET. LOCATION OF INTERCEPTOR  
 AND SERVICE SUBJECT TO CHANGE.

**STORM WATER SUMMARY**  
 EXISTING SITE HAS NO POSITIVE  
 OUTLET. WATER MUST INFILTRATE INTO  
 RUSLAND DRIVE IN THE CHURCH NEXT TO  
 PROPOSED SITE. THE SITE WILL UTILIZE  
 PERMEABLE PAVEMENT AND INFILTRATION  
 AREAS.

**WATER SUMMARY**  
 THE CHURCH WILL UPGRADE THE  
 EXISTING WELL.

**LANDSCAPING SUMMARY**  
 A 3'-30" HIGH LANDSCAPE BERM WILL  
 BE CONSTRUCTED ALONG THE OUTSIDE  
 EDGE OF THE PROPERTY AS SHOWN.  
 BERM TO FURTHER SCREEN THE  
 PARKING AREAS.



DATE: JUNE 2005	PROJECT: POLICE
DRAWN BY: JMD	FILE NO: P005402
PRELIMINARY SITE DEVELOPMENT PLAN	

LYNWOOD BAPTIST CHURCH 8 RICKARD DRIVE OSTEGO, ILLINOIS 60543	LYNWOOD BAPTIST CHURCH BRISTOL TOWNSHIP KENDALL COUNTY, ILLINOIS
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Engineering Enterprises, Inc.  
 Civil Engineers & Land Surveyors  
 52 Wheeler Road  
 Sayre, Illinois 60554 630/468-9350

# ORIENTATION PLAN

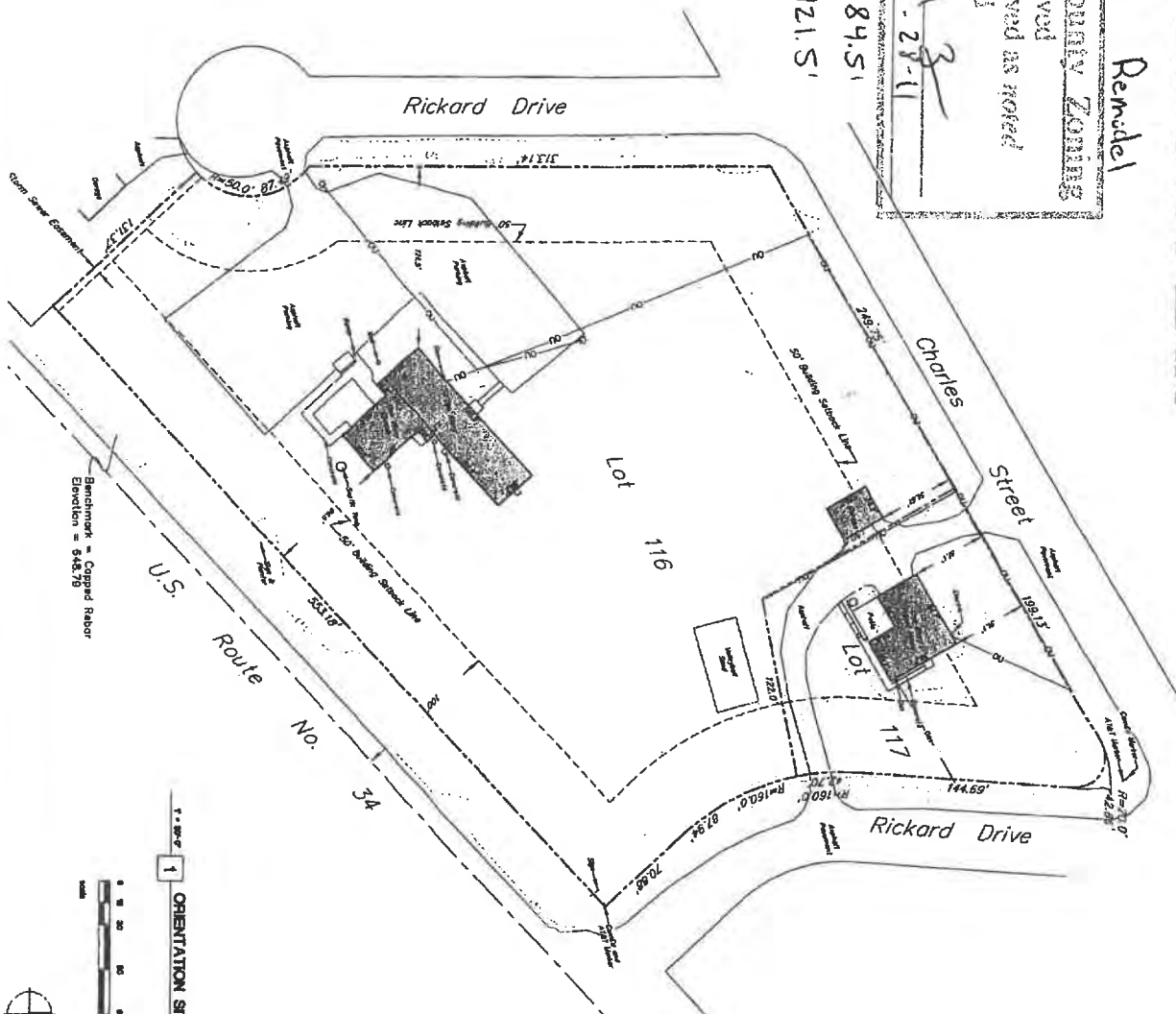
R-3 Remodel

Kenilworth County Zoning

Approved  
 Approved as noted  
 Rejected

by [Signature]  
 date 4-23-11

F<sub>34</sub> S<sub>01</sub> 84.51  
 F<sub>R</sub>: S<sub>01</sub> 121.51  
 S -



ORIENTATION SITE PLAN



David F. Schultz Associates, Ltd.

202 South Cook Street  
 Suite 201  
 Barrington, Illinois 60010  
 Phone (847) 381-8808

<p><b>LYNWOOD BAPTIST CHURCH</b></p> <p>OWNER</p> <p>LANDSCAPE</p>	<p>REVISIONS</p> <p>DATE</p> <p>BY</p> <p>DESCRIPTION</p>
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NOT FOR CONSTRUCTION

DATE: \_\_\_\_\_

DRAWN BY: \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

SCALE: AS SHOWN

SD-21



**ORDINANCE NUMBER 2014 - 21**

**GRANTING A MAJOR AMENDMENT TO A SPECIAL USE FOR  
BRIAN WATKINS, d/b/a PEACEFUL PATHWAYS MONTESSORI SCHOOL**

WHEREAS, Brian Watkins, d/b/a Peaceful Pathways Montessori School has filed a petition for a major amendment to their Special Use within the A-1 Agricultural Zoning District for a 7.06 acre property located on the south side of Route 71, west of the Ravine Woods Subdivision, commonly known as 8250 Route 71, (PIN# 05-03-200-021), in Kendall Township; and

WHEREAS, said property is currently zoned A-1 Agricultural with an existing Special Use for operation of a school; and

WHEREAS, said petition is to amend their existing special use permit to continue operation of their school and modify their site plan to build another building and modify the existing conditions; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a special use for a pre-school facility with a maximum of 24 students as Ordinance 2005-60 on November 15, 2005; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner an amendment to the Special Use to allow an increase to the maximum student enrollment from twenty-four (24) to seventy-five (75) and to allow the construction of a classroom structure pursuant to Ordinance 2007-19 approved by the Kendall County Board on May 15, 2007; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner an amendment to the Special Use to allow an increase to the maximum student enrollment from seventy-five (75) to two hundred (200) students, modify the site plan and conditions pursuant to Ordinance 2009-05 approved by the Kendall County Board on March 17, 2009; and

WHEREAS, said property is legally described as:

**PARCEL ONE:**

THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 3906.54 FEET, AN ARC DISTANCE OF 1438.0 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHWESTERLY ALONG SAID CENTER LINE CURVE 555.60 FEET; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 99 DEGREES 50 MINUTES 41 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 540.0 FEET; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 78 DEGREES 36 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 625.64 FEET; THENCE NORTHWESTERLY 515.60 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 7.000 ACRES OF LAND MORE OR LESS.

AND

PARCEL TWO:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71, SAID POINT OF BEING ON A CURVE SAID CURVE BEING CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 3906.54 FEET, WITH A CHORD THAT BEARS SOUTH 37 DEGREES 54 MINUTES 25 SECONDS WEST, A DISTANCE OF 1438.52 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1446.68 FEET; THENCE SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 50.33 FEET, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE CONTINUING SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 465.30 FEET; THENCE SOUTH 51 DEGREES 00 MINUTES 46 SECONDS WEST, 360.94 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT A IN RAVINE WOODS SUBDIVISION THEREOF RECORDED OCTOBER 14, 2007 AS DOCUMENT NUMBER 200400028822; THENCE CONTINUING SOUTH 51 DEGREES 01 MINUTES 04 SECONDS WEST, 264.70 FEET TO THE POINT OF BEGINNING, THENCE NORTH 28 DEGREES 24 MINUTES 12 SECONDS WEST, 489.27 FEET TO A POINT ON THE SOUTH LINE OF STATE ROUTE 71, THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 10.00 FEET TO A POINT; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, the Zoning Board of Appeals did grant the petitioner said request for a variance to the parking lot drive aisle standards for the aisles to be twenty (20) feet in width on July 28, 2014; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.04.A.3 of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on July 28, 2014; and

WHEREAS, the findings of fact were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **It would add more impervious are that is really not necessary since it met the prior regulations from 2007. The petitioners are trying to keep a residential character to the property and a 20' drive aisle is already larger than a typical driveway.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Most other properties are not built yet and were not approved previously. Other petitioners can request a small drive aisle but staff most likely would not support it.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **There is not a true hardship but it met previous conditions and was already approved by the fire protection district in 2007.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **To date***

**there have been no issues with a 20' drive aisle, therefore staff is of the opinion that should remain.**

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **This variance will not change congestion on the public streets or impact any surrounding properties or values.***

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on July 28, 2014; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The property is considered an amenity to the area by providing an additional educational resource for parents with children ages 15 months to 15 years old. Some improvements have already been made to the property including a right in and right out of the property and with the expansion of Route 71 a left turn lane will be added to help any traffic and safety concerns.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The operation of a Montessori school during normal school hours should not diminish the residential usage of adjacent property. The subject site borders on Outlot "A" of the Ravine Woods subdivision. Adequate landscape buffering of the proposed parking area is provided by the existing woodland portions of the site which should shield Outlot "A" from views of the parking area. The increase in required parking is minimal and should not have an impact on surrounding areas.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The petitioners are currently working with the fire protection district but 20' was the width of the driveway regulations back in 2007 and the fire department approved the site plan at the time. However, the petitioners are currently working with the fire protection district to make sure the current site plan will meet their needs. No new ingress or egress or drainage will be provided at this time.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The special use will conform to all other respects of applicable regulations except for the variance that is being requested on the drive aisle width.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The existing use is consistent with the LRMP of rural residential as the petitioners still live on site and the site is almost at maximum capacity. Unless more land is acquired this is the build out of the site.***

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

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

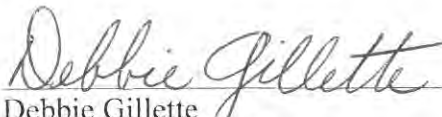
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinances #05-60, #07-19 & #09-05 in their entirety and grants approval of a major amendment to their existing special use zoning permit to continue operation of their school at 8250 Route 71 in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. Limit student enrollment to no more than two-hundred (200) and fifteen (15) full-time employees. However, in the event State or Local requirements or any other requirements, regarding the number of instructors to serve the number of students would require hiring of additional employees necessitating installation of additional off-street parking spaces, such alterations shall require review and approval of necessary permits for review and approval by PBZ staff without the need to amend the special use.
2. Existing gravel driveway (not including the parking stalls) shall be paved with asphalt no later than May 15, 2017 or once the student enrollment exceeds 150, whichever occurs first.
3. Prior to the issuance of a building permit the following must be completed:
  - a. Review and approval from the Health Department regarding existing and proposed well and sanitary disposal systems and their ability to handle the anticipated student amount.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on August 19<sup>th</sup>, 2014.

Attest:

  
Debbie Gillette  
Kendall County Clerk

  
Bennett Mikelson  
Chief Deputy

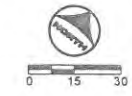
  
John Shaw  
Kendall County Board Chairman

<p><b>SITE DATA:</b> EXISTING ZONING: A1-SU</p> <ul style="list-style-type: none"> <li>LOT SIZE: 279,406± SQ. FT. (6.411 AC.)</li> </ul>
<p><b>BUILDING AREA:</b></p> <ul style="list-style-type: none"> <li>EXISTING BUILDING: (7,055 SQ. FT.) (SEPARATE FROM RESIDENCE)</li> <li>PROPOSED BUILDING: (6,500 ± SQ. FT.)</li> </ul>
<p><b>PARKING DATA:</b></p> <p><b>EXISTING DATA:</b></p> <ul style="list-style-type: none"> <li>REGULAR STALL COUNT: 15</li> <li>ADA ACCESSIBLE STALLS: 1</li> <li>TOTAL NUMBER OF EXISTING STALLS: 16</li> </ul> <p><b>PROPOSED DATA:</b></p> <ul style="list-style-type: none"> <li>NUMBER OF REGULAR PARKING STALLS: 28</li> <li>NUMBER OF ADA ACCESSIBLE STALLS: 2</li> <li>TOTAL NUMBER OF PROPOSED STALLS : 30</li> <li>TYPICAL PARKING WIDTH: 9.0'</li> <li>TYPICAL PARKING LENGTH: 20.0'</li> <li>TYPICAL ISLE WIDTH: 20.0' MIN. - TWO WAY</li> <li>TYPICAL ISLE WIDTH: 12.0' MIN. - ONE WAY</li> </ul>



LOT 1  
279,406± SQ. FT.  
(6.411 AC.)

EXHIBIT A



PRELIMINARY  
NOT FOR CONSTRUCTION

NO.	DATE	BY	REVISION DESCRIPTION

HRGreen.com  
HRGreen

PEACEFUL PATHWAYS MONTESSORI  
PROPOSED BUILDING ADDITION  
KENDALL COUNTY, ILLINOIS  
CONCEPT PLAN  
CONCEPT PLAN 6

BAR IS ONE INCH ON  
OFFICIAL DRAWINGS  
IF NOT ONE INCH,  
ADJUST SCALE ACCORDINGLY

DRAWN BY: GJV  
APPROVED: DWS  
JOB DATE: 05/30/2014  
JOB NO: 88140094

DRAWING  
CON 6

xrefs: 070103.dwg, 070075-ExistingTopo, econtours, 070075-POS-REFERENCEONLY, xgl-1-0x07  
 8/6/2014 5:43:12 PM \\HRGreen.com\Data\88140094\CAD\Drawings\88140094-PCS-Concept-6.dwg



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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: Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: January 19, 2022  
Re: Policy Regarding Code Enforcement in Cases Where Parties Are Pursuing Compliance

Since at least 2017, the Planning, Building and Zoning Department's understanding was that, in cases where parties were pursuing text amendments, map amendments, variances, special use permits, or other legislative or administrative approvals, the Department would not issue citations against these parties until a final legislative or administrative decision was made. The Department was aware that several months may be necessary in order reach final legislative or administrative decisions. The Department was also aware that courts historically layover such cases until final legislative or administrative decisions are made before rendering verdicts.

Since 2016, the following businesses and activities were allowed to operate while waiting for zoning approvals:

1. Delaney Gun Range at 16502 Church Road (Ceased After Special Use Permit was Withdrawn)
2. Jet's Towing at 790 Eldmain Road
3. Billboard at 34 and Hafenrichter (Special Use Permit Not Renewed Between 2004 and 2017)
4. 15331 Burr Oak Road (Special Use Permit Not Renewed Prior to 2018)
5. TZ Landscaping at 276 Route 52
6. Temporary Use Permit Renewal at 9211 Route 126
7. Pipe Strong at 17854 N. Wabena Road
8. Driveway in the Setback at 9261 Kennedy
9. Cox Landscaping at 9000 Route 34
10. Trucking Business at 3485 Route 126
11. Fence at 68 Saugatuck (Lowered after ZBA Denial)
12. Craft Fair at 5681 Whitewillow Road
13. Brighter Daze at 10978 Crimmin Road

Attached please find policy outlining enforcement actions and warning periods as updated based on the comments received at the January 10, 2022, Planning, Building and Zoning Committee meeting.

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

MHA

Enc.: Enforcement Policy



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**POLICY FOR CODE ENFORCEMENT IN CASES WHERE  
APPLICANTS ARE PURSUING LEGISLATIVE AND ADMINISTRATIVE REMEDIES**

1. Whenever possible, the Planning, Building and Zoning Department shall encourage voluntary compliance of the ordinances the Department enforces.
2. The Planning, Building and Zoning Department shall not issue citations for parties violating the ordinances the Department enforces if the party:
  - a. Is actively working to the Zoning Administrator's or Code Compliance Official's satisfaction on a text amendment, map amendment, special use permit, variance, building related permit, or other applicable application, **excluding amendments to existing special use permits**; or
  - b. Has submitted an application for a text amendment, map amendment, special use permit, variance, building related permit, or other applicable application, **excluding amendments to existing special use permits**, and said application is currently moving through the review and approval process.
3. In cases of alleged violations, the Planning, Building and Zoning Department shall provide a thirty (30) day warning period to the party allegedly violating the applicable ordinance prior to the issuance of a citation, unless one (1) of the following has occurred:
  - a. The alleged violation involves an imminent threat to the health, safety, and welfare of the public; or
  - b. The party or property impacted has previously received a thirty (30) day warning for another alleged violation; or
  - c. The issuance of a thirty (30) day warning would not result in the resolution of the alleged violation; or
  - d. If the ordinance allegedly violated has a different, established warning period. In such a case the warning period and procedure in the applicable ordinance shall take precedent.
4. Thirty (30) day warning periods may be extended by the Zoning Administrator or Code Compliance Official if the Zoning Administrator or Code Compliance Official believes the warned party has taken significant steps to establish compliance and if such extension is deemed necessary to achieve compliance.

Approved by majority vote of the Planning Building and Zoning Committee on January 25, 2022.