

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
August 29, 2022 – 7:00 p.m.

CALL TO ORDER

Vice Chairman Tom LeCuyer called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: Randy Mohr

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Sunny Simon, Yonia Nyamle, Lydia Ramirez, and Abacuc Rodriguez

PETITIONS

Vice Chairman LeCuyer swore in Sunny Simon, Yonia Nyamle, Lydia Ramirez, and Abacuc Rodriguez.

The Zoning Board of Appeals started their review of Petition 22-14 at 7:01 p.m.

Petition 22 – 14 – Sunny Simon on Behalf of Boulder Hill Market, LLC and Yonia Ahymee Nyamle on Behalf of the Olgani Wosho Foundation

Request: Special Use Permit for a Place of Worship

PIN: 03-05-401-003

Location: 67 Boulder Hill Pass, Montgomery, Oswego Township

Purpose: Petitioner Wants to Operate a Church Inside This Unit of Boulder Hill Market; Unit is Zoned B-3 Highway Business District

Mr. Asselmeier summarized the request.

The Olangi Wosho Foundation would like to operate the Christian Spiritual Warfare Ministry at 67 Boulder Hill Pass.

The application materials and site plan were provided.

On February 17, 2015, the Kendall County Board approved Ordinance 2015-02, granting a special use permit for a place of worship to River's Edge Fellowship at 71 Boulder Hill Pass. This ordinance was also provided.

The unit is approximately six thousand eight hundred (6,800) square feet.

The unit is zoned B-3.

The County's Future Land Use Map called for the property to be Suburban Residential (Max 1.00 DU/Acre).

Boulder Hill Pass is a Township maintained local road.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were commercial related, an apartment complex, train tracks, and a wooded lot.

The adjacent properties were zoned A-1, R-7, B-1, and B-3. One (1) of the adjacent properties was inside the Village of Montgomery.

The County's Land Resource Management Plan called for the area to be Suburban Residential.

EcoCAT Report was submitted on July 8, 2022, and indicated the following protected resources in the vicinity:

Greater Redhorse

River Redhorse

Adverse impacts were unlikely and consultation was terminated.

The NRI application was submitted on July 6, 2022. The LESA Score was 78 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on July 21, 2022. No comments received.

Petition information was sent to the Village of Montgomery on July 21, 2022. No comments received.

Petition information was sent to the Oswego Fire Protection District on July 21, 2022. The Oswego Fire Protection District submitted an email on July 22, 2022 indicating that a sprinkler system might be required, depending on the occupancy load. This email was provided.

ZPAC reviewed this proposal at their meeting on August 2, 2022. Discussion occurred regarding restricting outdoor events at the property. The Petitioners were not present at the meeting. ZPAC recommended approval of the proposal with conditions proposed by Staff by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided. After the ZPAC meeting, the Petitioner submitted an email saying they will not have outdoor services. This email was provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 24, 2022. Discussion occurred regarding the noise regulations. The suggestion was made to have the noise regulations apply to non-church service related activities only. No weddings would occur at the property and no outside activities would occur at the property. Any signs installed on the property would have to meet applicable regulations. The Petitioners stated they had no concerns regarding the conditions. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Ordinance in Section 7:01.D.41 places the following requirements on special use permits for places of worship:

1. 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.
2. 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.

No changes to the exterior of the building are proposed as part of the special use permit.

According to the information submitted to the County, the Olgani Wosho Foundation operates the Christian Spiritual Warfare Ministry. If approved, services would be held on Tuesday mornings, Wednesday afternoons, Wednesday nights, Friday mornings, Friday nights, Saturdays around Noon, Saturday nights, and Sunday afternoons. The times of activities were subject to change. Various community based activities, including food distributions and retreats, would either occur at the property or originate from the property.

67 Boulder Hill Pass is approximately six thousand, eight hundred (6,800) square feet in size. Per the submitted building plan, the space has one (1) door facing the parking lot and two (2) doors facing the back side of the building. Two (2) restroom facilities are inside the space.

No information was provided regarding the number of people inside the space.

A change in occupancy would be required.

The property is served by public water and sewer.

No new impervious surface is proposed.

The property fronts Boulder Hill Pass.

The existing parking lot has approximately two hundred thirty-five parking (235) spaces.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per every three (3) seats is required for places of worship.

No exterior lighting was planned.

No signage information was provided. Any signage installed would be required to meet the requirements of the Kendall County Zoning Ordinance.

No information was provided regarding security.

No changes to the existing landscaping was planned.

No information was provided regarding noise control.

No odor causing activities are foreseen at the property.

If approved, this would be the thirteenth (13th) special use permit for a place of worship in the unincorporated area and the second (2nd) such special use permit in the Boulder Hill Market.

The proposed Findings of Fact were 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. Provided the operators of the use follow applicable building codes, no threats to the public health, safety, morals, comfort, or general welfare are foreseen.

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 subject property is mostly surrounded by business uses with multi-family uses found to the east. Provided a restriction is placed in the special use permit regarding noise, no injury should be caused to neighboring properties. No information has been provided showing that the existing place of worship in Boulder Hill Market has negatively impacted property values or the use and enjoyment of other properties in the immediate vicinity.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The use will be located inside an existing building with no plans to alter existing points of ingress and egress or drainage. Adequate utilities are onsite.

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 Zoning Board of Appeals. This is true; no variances are needed.

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. True, the Future Land Use Map calls for this property to be Suburban Residential and the property has been zoned for commercial uses since 1956. According to the definition of Suburban Residential found on page 6-45 of the Land Resource Management Plan, "Compatible governmental, educational, religious, and recreational uses also may be permitted in these areas." Governmental, educational, religious, and recreational uses can be found adjacent to the subject property. The proposed use would enhance and complement the existing uses in the area.

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions:

1. The special use shall be restricted to the unit shown as 67 Boulder Pass in the submitted site plan. No outdoor services shall be held at the subject property. (Amended after ZPAC meeting)
2. If the Olangi Wosho Foundation vacates the unit, the special use permit shall automatically be revoked.
3. 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.

4. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use, including, but not limited to, the signage regulations contained in the Kendall County Zoning Ordinance.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Asselmeier noted his reluctance to add the noise restriction, but felt it was necessary due to the location of the nearby apartment complex and the times of services.

Vice Chairman LeCuyer opened the public hearing at 7:07 p.m.

No member of the public testified at the hearing.

Vice Chairman LeCuyer closed the public hearing at 7:07 p.m.

Member Fox made a motion, seconded by Member Prodehl, to approve the Findings of Fact for the special use permit.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

The proposal will go to the Planning, Building and Zoning Committee on September 12, 2022.

The Zoning Board of Appeals completed their review of Petition 22-14 at 7:09 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that for the next hearing/meeting, there is a map amendment request for a portion of property on Route 52 south of 2735 Route 52. The owners of Yogi Bear Campground were still working on their special use permit amendment application.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Fox made a motion, seconded by Member Whitfield, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:38 p.m.

The next regularly scheduled hearing/meeting will be on October 3, 2022.

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

Exhibits

1. Memo on Petition 22-14 Dated August 25, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-14 (Not Included with Report but on file in Planning, Building and Zoning Office)

2/2

**KENDALL COUNTY
ZONING BOARD OF APPEALS
AUGUST 29, 2022**

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

NAME	ADDRESS	SIGNATURE
Lydia Ramirez	[REDACTED]	
Mara Ruiz		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 22-14

**Sunny Simon on Behalf of Boulder Hill Market, LLC and
Yonia Ahymee Nyamle on Behalf of the Olangi Wosho Foundation
B-3 Special Use Permit for a Place of Worship**

INTRODUCTION

The Olangi Wosho Foundation would like to operate the Christian Spiritual Warfare Ministry at 67 Boulder Hill Pass.

The application materials are included as Attachment 1. The site plan is included as Attachment 2.

On February 17, 2015, the Kendall County Board approved Ordinance 2015-02, granting a special use permit for a place of worship to River's Edge Fellowship at 71 Boulder Hill Pass. This ordinance is included as Attachment 3.

SITE INFORMATION

PETITIONER: Sunny Simon on Behalf of Boulder Hill Market, LLC (Property Owner) and Yonia Ahymee Nyamle on Behalf of the Olangi Wosho Foundation (Tenant)

ADDRESS: 67 Boulder Hill Pass, Montgomery

LOCATION: Southwest Side of Boulder Hill Pass Inside the Boulder Hill Market





Note: The addresses may not be in the exact location inside the building.

TOWNSHIP: Oswego

PARCEL #: 03-05-401-003

LOT SIZE: 7.82 +/- Acres; 6,800 Square Feet Unit Space

EXISTING LAND USE: Commercial-Shopping Center

ZONING: B-3 (Unit) B-3 with a Special Use Permit for a Place of Worship (Property)

LRMP:

Future Land Use	Suburban Residential (Max 1.0 DU/Acre) (County)
Roads	Boulder Hill Pass is a Township Maintained Local Road.
Trails	None
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Place of Worship

APPLICABLE REGULATIONS: Section 9:03.C – B-3 Special Uses
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Gas Station and Wooded	B-3	Suburban Residential	N/A
South	Township Office	B-3 and R-7	Suburban Residential	N/A
East	Oswegoland Parking District/Office/Wedgewood Manor	B-1, B-3, and R-7	Suburban Residential	N/A
West	Train Tracks	A-1 (County) Village of Montgomery	Suburban Residential (County) Village of Montgomery	N/A

PHYSICAL DATA**ENDANGERED SPECIES REPORT**

EcoCAT Report was submitted on July 8, 2022, and indicated the following protected resources in the vicinity:

Greater Redhorse
River Redhorse

See Attachment 1, Pages 11-13.

Adverse impacts were unlikely and consultation was terminated; see Attachment 4.

NATURAL RESOURCES INVENTORY

The NRI application was submitted on July 6, 2022, see Attachment 1, Page 10. The LESA Score was 78 indicating a low level of protection. The NRI Report is included as Attachment 5.

ACTION SUMMARY**OSWEGO TOWNSHIP**

Petition information was sent to Oswego Township on July 21, 2022.

VILLAGE OF MONTGOMERY

Petition information was sent to the Village of Montgomery on July 21, 2022.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to the Oswego Fire Protection District on July 21, 2022. The Oswego Fire Protection District submitted an email on July 22, 2022 indicating that a sprinkler system might be required, depending on the occupancy load. This email is included as Attachment 6.

ZPAC

ZPAC reviewed this proposal at their meeting on August 2, 2022. Discussion occurred regarding restricting outdoor events at the property. The Petitioners were not present at the meeting. ZPAC recommended approval of the proposal with conditions proposed by Staff by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were included as Attachment 7. After the ZPAC meeting, the Petitioner submitted an email saying they will not have outdoor services. This email is included as Attachment 8.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 24, 2022. Discussion occurred regarding the noise regulations. The suggestion was made to have the noise regulations apply to non-church service related activities only. No weddings would occur at the property and no outside activities would occur at the property. Any signs installed on the property would

have to meet applicable regulations. The Petitioners stated they had no concerns regarding the conditions. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were included as Attachment 9.

GENERAL INFORMATION

The Kendall County Zoning Ordinance in Section 7:01.D.41 places the following requirements on special use permits for places of worship:

1. 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.
2. 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.

No changes to the exterior of the building are proposed as part of the special use permit.

OPERATIONS

According to the information found on Attachment 1, Pages 3-4, the Olgani Wosho Foundation operates the Christian Spiritual Warfare Ministry. If approved, services would be held on Tuesday mornings, Wednesday afternoons, Wednesday nights, Friday mornings, Friday nights, Saturdays around Noon, Saturday nights, and Sunday afternoons. The times of activities were subject to change. Various community based activities, including food distributions and retreats, would either occur at the property or originate from the property.

BUILDINGS AND BUILDING CODES

67 Boulder Hill Pass is approximately six thousand, eight hundred (6,800) square feet in size. Per Attachment 2, Page 3, the space has one (1) door facing the parking lot and two (2) doors facing the back side of the building. Two (2) restroom facilities are inside the space.

No information was provided regarding the number of people inside the space.

A change in occupancy would be required.

ENVIRONMENTAL HEALTH

The property is served by public water and sewer.

STORMWATER

No new impervious surface is proposed.

ACCESS

The property fronts Boulder Hill Pass.

PARKING AND INTERNAL TRAFFIC CIRCULATION

The existing parking lot has approximately two hundred thirty-five parking (235) spaces.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per every three (3) seats is required for places of worship.

LIGHTING

No exterior lighting was planned.

SIGNAGE

No signage information was provided. Any signage installed would be required to meet the requirements of the Kendall County Zoning Ordinance.

SECURITY

No information was provided regarding security.

LANDSCAPING

No changes to the existing landscaping was planned.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No odor causing activities are foreseen at the property.

RELATION TO OTHER SPECIAL USES

If approved, this would be the thirteenth (13th) special use permit for a place of worship in the unincorporated area and the second (2nd) such special use permit in the Boulder Hill Market.

FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided the operators of the use follow applicable building codes, no threats to the public health, safety, morals, comfort, or general welfare are foreseen.***

*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 subject property is mostly surrounded by business uses with multi-family uses found to the east. Provided a restriction is placed in the special use permit regarding noise, no injury should be caused to neighboring properties. No information has been provided showing that the existing place of worship in Boulder Hill Market has negatively impacted property values or the use and enjoyment of other properties in the immediate vicinity.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The use will be located inside an existing building with no plans to alter existing points of ingress and egress or drainage. Adequate utilities are onsite.***

*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 Zoning Board of Appeals. **This is true; no variances are needed.***

*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. **True, the Future Land Use Map calls for this property to be Suburban Residential and the property has been zoned for commercial uses since 1956. According to the definition of Suburban Residential found on page 6-45 of the Land Resource Management Plan, "Compatible governmental, educational, religious, and recreational uses also may be permitted in these areas." Governmental, educational, religious, and recreational uses can be found adjacent to the subject property. The proposed use would enhance and complement the existing uses in the area.***

RECOMMENDATION

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

1. The special use shall be restricted to the unit shown as 67 Boulder Pass in the attached site plan (Attachment 2). No outdoor services shall be held at the subject property. **(Amended after ZPAC meeting)**
2. If the Olangi Wosho Foundation vacates the unit, the special use permit shall automatically be revoked.
3. 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.
4. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use, including, but not limited to, the signage regulations contained in the Kendall County Zoning Ordinance.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Application Materials (Including Petitioner’s Findings of Fact, NRI Application, and EcoCat)
2. Site Plan
3. Ordinance 2015-02
4. EcoCat Information
5. NRI Report
6. July 22, 2022 Oswego Fire Protection District Email
7. August 2, 2022 ZPAC Meeting Minutes (This Petition Only)
8. August 4, 2022 Email Regarding Outdoor Events
9. August 24, 2022 Kendall County Regional Planning Commission Meeting Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME : The Olangi Wosho Foundation **FILE #:** _____

NAME OF APPLICANT		
Yonia Ahyee Nyamle		
CURRENT LANDOWNER/NAME(s)		
Boulderhill Property LLC		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
6,800 sq/ft	67 Boulder Hill Pass, Montgomery, IL 60538	03-05-401-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Yonia Ahyee Nyamle	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	N/A	[REDACTED]
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT	[REDACTED]	DATE 7/1/2022

FEE PAID:\$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

\$400
 sign (light up size name) 952.50

July 8, 2022

TO: Building, Zoning and Permits
111 W. Fox St.
Yorkville, IL 60560

TO whom it may concern,

I, Sunny Simon, accept the application from Olangi
Wosho Foundation to open a church for service and
church activities at 67 Boulder Hill Pass in Montgomery.

Sincerely,

A black rectangular redaction box covers the signature area, with a horizontal line extending to the right from its right edge.

Olangi Wosho Foundation

The plan description below is designed to provide an overview of the Olangi Wosho Foundation and the functions of its ministry known as the Christian Spiritual Warfare Ministry in the State of Illinois.

Brief Description of the ministry:

The Christian Spiritual Warfare Ministry is an international ministry that was founded by Papa and Maman Olangi. Through years of countless prayers, the Lord revealed himself to Maman Olangi with a vision to deliver and bring all nations into Jesus Christ, to deliver bondage, the yoke of witchcraft, ancestral curses, and generational curses. This is to be accomplished through spiritual strengthening teachings and the instructions that the God provided to Maman Olangi. As a result, she established three distinct groups. The first is the International Community of Women of Ambassador of Christ (CIFMC). The second is the Peniel Centre for all men. Third is the youth ministry, known as Christian Youth Combatant (JCC). The ministry has over 100 branches worldwide executing and spreading the gospel of Jesus Christ through the preaching of repentance.

Program and timing schedule:

Our branch weekly programs are as follow:

- Tuesday: Morning Intersection (9-11 AM)
- Wednesday: Intersection afternoon (6-8 PM) & Intersection overnight (12-2:30 AM)
- Friday: Morning Intersection (9-11 AM) & Midnight Prayer (12-3:00 AM)
- Saturday: Intersection (JCC @ 11:30 -12:30 AM) & Spiritual strengthen teaching (6-8PM)
- Sunday: Adoration & Worship service (3-6PM)
-

THIS ACTIVITIES ARE SUBJECT TO CHANGE OR BEING MODIFY WHENEVER NECESSARY.

Outdoor activities:

We developed a variety of activities that are local, national, and international. Every year, we create activities that nourish our spirit and physical self. These activities include:

- organizing community picnic for the youth
- Site visits
- Retreats
- Seminar sessions
- Community outreach
- Shelter food distributions
- Community prayer sessions

THIS ACTIVITIES ARE SUBJECT TO CHANGE OR BEING MODIFY WHENEVER NECESSARY.

**WARRANTY DEED
GENERAL**

15-WNW2840386V
RE ATT 10/2



201600009469

**DEBBIE
GILLETTE**
KENDALL COUNTY, IL

RECORDED: 6/29/2016 2:21 PM
40: 1099.00 RNSPS FEE: 18.00
PAGES: 4

THE GRANTOR(S), Boulder Hill Market, LLC, of the Village of Montgomery, County of Kendall, State of Illinois, for and in consideration of Ten (\$10.00) and no/100ths Dollars in hand paid, convey(s) and warrant(s) to Boulder Hill Property, LLC, (Grantee's Address) [REDACTED] of the County of DuPage, the following described real estate situated in the County of Kendall in the State of Illinois, to wit
See attached Exhibit A

SUBJECT TO. General Real Estate taxes for 2016 and subsequent years, Easements, covenants and restrictions of record

hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Illinois

Permanent Real Estate Index Number(s) 03-05-401-003
Address of Real Estate 21 Boulder Hill Pass, Montgomery, IL 60538

Dated this 2nd day of JUNE, 2016

[REDACTED]

Boulder Hill Market, LLC
BY Kimberly A Funk, Trustee of Sole Member

Chicago Title Insurance Company
1795 West State Street
Geneva IL 60134



Sandy Wegman

Kane County Recorder
719 S Batavia Ave, Bldg C
Geneva IL, 60134
Phone 630-232-5935
Fax 630-232-5945

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
COUNTY OF KANE)^{SS}

Kimberly A. Funk, Trustee, being duly sworn on oath,

states that affiant resides at [REDACTED]

And further states that (please check the appropriate box)

A That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land, or
B That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons (please circle the appropriate number)

- 1 The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access,
- 2 The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access,
- 3 The sale or exchange of parcels of land between owners of adjoining and contiguous land,
- 4 The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access,
- 5 The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access,
- 6 The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use,
- 7 Conveyances made to correct descriptions in prior conveyances,
- 8 The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access,
- 9 The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land,
- 10 This conveyance is of land described in the same manner as title was taken by grantor(s)

AFFIANT further states that s he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording

SUBSCRIBED AND SWORN TO BEFORE ME

This 2nd day of JUNE, 2016

[REDACTED]

Signature of Notary Public

[REDACTED]

Signature of Affiant



EXHIBIT A

THAT PART OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS

COMMENCING AT THE MOST WESTERLY CORNER OF BOULDER HILL, KENDALL COUNTY, ILLINOIS, UNIT 1, SAID POINT BEING THE POINT OF INTERSECTION OF THE CENTER LINE OF ILLINOIS STATE HIGHWAY NO 25 WITH THE SOUTHWESTERLY LINE OF BOULDER HILL PASS EXTENDED NORTHWESTERLY, THENCE SOUTH 49 DEGREES 13 MINUTES 28 SECONDS EAST ALONG SAID SOUTHWESTERLY LINE 197 50 FEET TO A POINT OF CURVATURE, THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE, BEING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 3171 60 FEET, AN ARC DISTANCE OF 52 50 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID CURVE BEING ALONG SAID SOUTHWESTERLY LINE, AN ARC DISTANCE OF 508 69 FEET TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE, BEING ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 731 25 FEET, AN ARC DISTANCE OF 182 71 FEET TO A POINT LYING 200 72 FEET NORTHWESTERLY OF THE NORTHEAST CORNER OF BOULDER HILL, KENDALL COUNTY, ILLINOIS, UNIT 9, (AS MEASURED ALONG THE LAST DESCRIBED CURVE), THENCE SOUTH 64 DEGREES 31 MINUTES 02 SECONDS WEST 553 54 FEET TO A POINT LYING 25 FEET NORTHERLY OF THE NORTHERLY LINE OF HILLSTONE ROAD (AS MEASURED AT RIGHT ANGLES THERETO), THENCE SOUTH 07 DEGREES 23 MINUTES 49 SECONDS EAST TO SAID NORTHERLY LINE, THENCE SOUTH 82 DEGREES 36 MINUTES 11 SECONDS WEST ALONG SAID NORTHERLY LINE 75 00 FEET TO THE NORTHWEST CORNER OF SAID UNIT 9, THENCE NORTH 84 DEGREES 57 MINUTES 25 SECONDS WEST 119 46 FEET TO THE EASTERLY LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY, THENCE NORTHERLY ALONG SAID EASTERLY LINE BEING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1050 48 FEET, AN ARC DISTANCE OF 453 80 FEET, THENCE NORTH 42 DEGREES 34 MINUTES 23 SECONDS EAST 201 40 FEET TO A POINT LYING 250 FEET SOUTHEASTERLY OF THE CENTER LINE OF ILLINOIS STATE HIGHWAY NO 25 (AS MEASURED AT RIGHT ANGLES THERETO), THENCE NORTH 40 DEGREES 46 MINUTES 32 SECONDS EAST 249 56 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Kimberly A. Funk, Trustee of Sole Member of Boulder Hill Market, LLC

personally known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed, and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead

Given under my hand and official seal, this 2nd day of JUNE, 2016



(Notary Public)



Unofficial

Prepared By
C Kenneth Blood
4N701 School Rd, Ste A
St Charles, IL 60175

Mail To Lacy & Associates, LLC
ATTN: Michael Lacy
Two Mid America Plaza, Suite 800
Oak Brook Terrace, IL 60181

Name and Address of Taxpayer/Address of Property/Grantee:
TAXPAYER: Boulder Hill Property, LLC
ADDRESS OF PROPERTY:
21-89 Boulder Hill Pass
Montgomery, IL 60538



9999000000	REAL ESTATE TRANSFER TAX
0070000	
FP326656	

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$350.00

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Boulder hill property LLC.
Address 67 Boulder hill pass, Mont
City Montgomery State IL Zip 60538

2. Nature of Benefit Sought Open a church

3. Nature of Applicant: (Please check one)
 Natural Person (a)
 Corporation (b)
 Land Trust/Trustee (c)
 Trust/Trustee (d)
 Partnership (e)
 Joint Venture (f)

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

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

NAME	ADDRESS	INTEREST
<u>SUNNY SIMON</u>	[REDACTED]	<u>10%</u>
<u>Salichen Kalapurake</u>	[REDACTED]	<u>40%</u>
<u>Sajiman Kora</u>	[REDACTED]	<u>20%</u>

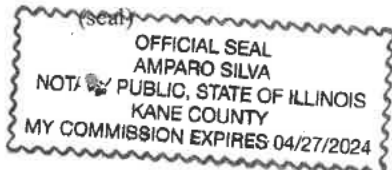
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

Sunny Simon, [REDACTED] - PRESIDENT

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

Subscribed and sworn to before me this 7th day of July, A.D. 2022

[REDACTED]
Notary Public





Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Sunny Simm **Contact Person:** Sunny Simm
Address: 67 Boulder Hill Pass
City, State, Zip: Montgomery IL 60538
Phone Number: [REDACTED]
Email: [REDACTED]

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

Site Location & Proposed Use

Township Name: OSwego **Township:** 37N N, **Range:** 8E E, **Section(s):** 5
Parcel Index Number(s): 003-05-401-003
Project or Subdivision Name: Boulder Hill Property **Number of Acres:** 7.82
Current Use of Site: Vacant **Proposed Use:** Church and religious activities
Proposed Number of Lots: 1 **Proposed Number of Structures:** 1
Proposed Water Supply: Montgomery **Proposed type of Wastewater Treatment:** Montgomery
Proposed type of Storm Water Management: Montgomery

Type of Request

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

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

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

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$	375.00
<u>3</u> Additional Acres at \$18.00 each	\$	54.00
Total NRI Fee	\$	<u>429.00</u>

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

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

Petitioner or Authorized Agent

7/6/22
Date

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

FOR OFFICE USE ONLY

NRI# _____ Date initially rec'd _____ Date all rec'd _____ Board Meeting _____
 Fee Due \$ _____ Fee Paid \$ _____ Check # _____ Over/Under Payment _____ Refund Due _____



Applicant: Sunny Simon
Contact: Sunny Simon
Address: 67 Boulder Hill Pass
Montgomery, IL 60538

IDNR Project Number: 2300382
Date: 07/08/2022

Project: Church
Address: 67 Boulder Hill Pass, Montgomery

Description: Open a church for service and church activities

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

- Greater Redhorse (*Moxostoma valenciennesi*)
- River Redhorse (*Moxostoma carinatum*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall

Township, Range, Section:
37N, 8E, 5



IL Department of Natural Resources
Contact
Kyle Burkwald
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Building, Planning and Zoning
Matt Asselmeier
111 West Fox Street
Yorkville, Illinois 60560

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 2300382

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number: 2300382



EcoCAT Receipt	Project Code 2300382
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APPLICANT	DATE
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Sunny Simon
 Sunny Simon
 67 Boulder Hill Pass
 Montgomery, IL 60538

7/8/2022

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81

TOTAL PAID \$ 127.81

Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.

This is true

That the special use will not be substantially injurious to the use and enjoyment of other properties 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.

This is true

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

This is true

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 Zoning Board of Appeals

This is true


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.

This is true

Lacy & Associates LLC
Attorneys at Law

930 N. York Road, Suite 212
Hinsdale, Illinois 60521
Phone: 630-873-3484
e-mail: lacy@lacyassociates.com

July 7, 2022

Boulder Property LLC
Attn. Sunny Simon


Re. United Survey Service, LLC
Survey #16-24146-Dated May 9, 2016 regarding the real property
commonly known as 21-89 Boulder Hill Pass, Montgomery, Illinois ("Property").


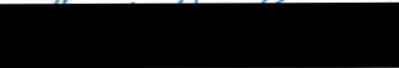
Dear Mr. Simon,

The above referenced survey was done on your behalf in connection with your purchase of the Property. The survey belongs to you and you are free to use it for any purpose or in manner you deem fit.

If you have any further concerns, please contact me at you earliest convenience.

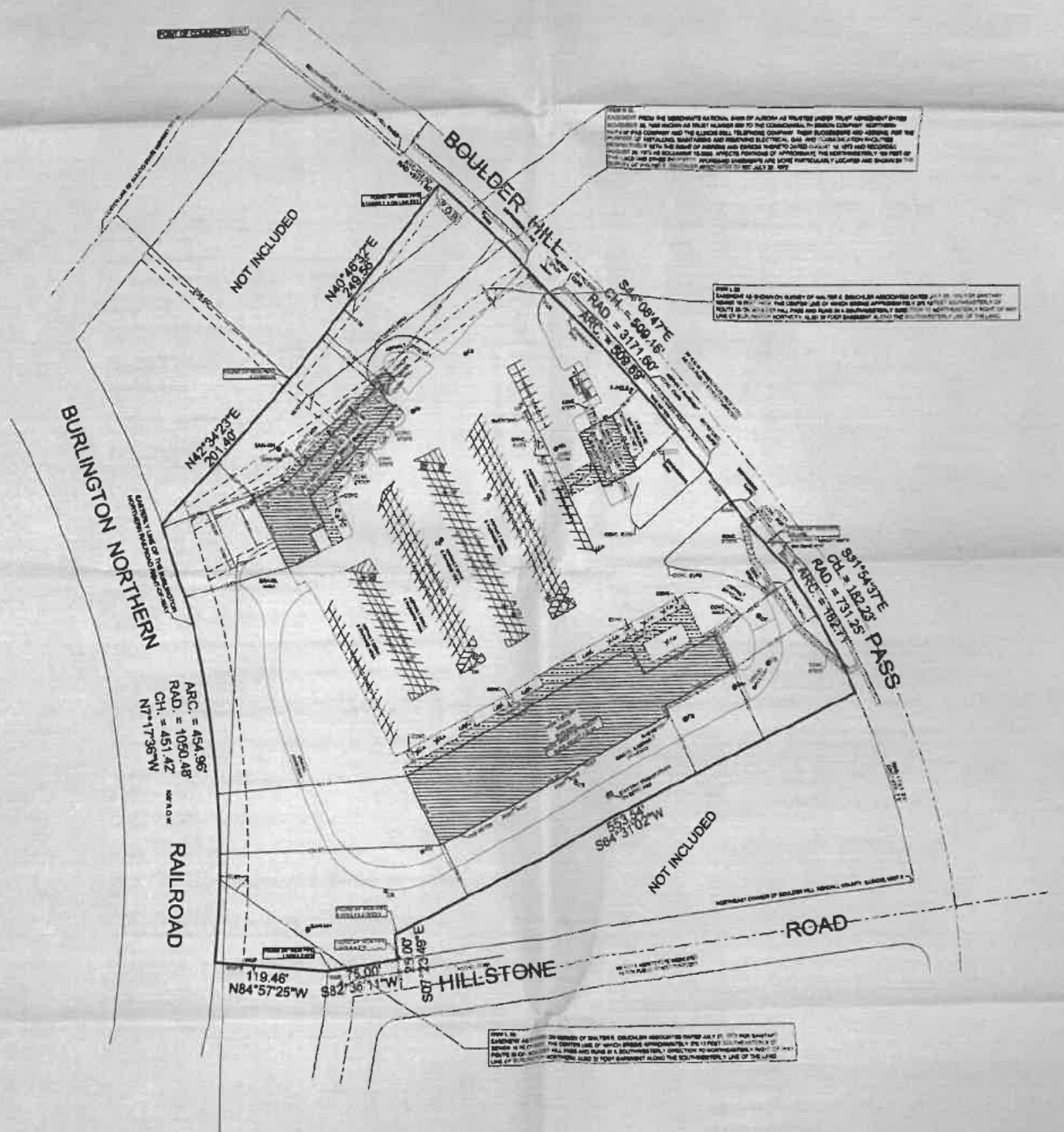
Your attention to this matter is appreciated

Sincerely,

Michael Lacy

UNITED SURVEY SERVICE, LLC
CONSTRUCTION AND LAND SURVEYORS
2100 N. 18TH AVENUE, UNIT C, MELROSE PARK, IL 60166
TEL: (847) 295-1010 FAX: (847) 295-0887 FAX: (214) 833-5045
E-MAIL: USURVEY@USMIDCO.COM
ALTA / NSPS
LAND TITLE SURVEY



NOTE 1:
This map shows the approximate actual area of a parcel as surveyed. Any discrepancy between the actual area and that shown on this map is the responsibility of the owner of the land. The surveyor has no liability for any discrepancy between the actual area and that shown on this map.

NOTE 2:
This map shows the approximate actual area of a parcel as surveyed. Any discrepancy between the actual area and that shown on this map is the responsibility of the owner of the land. The surveyor has no liability for any discrepancy between the actual area and that shown on this map.

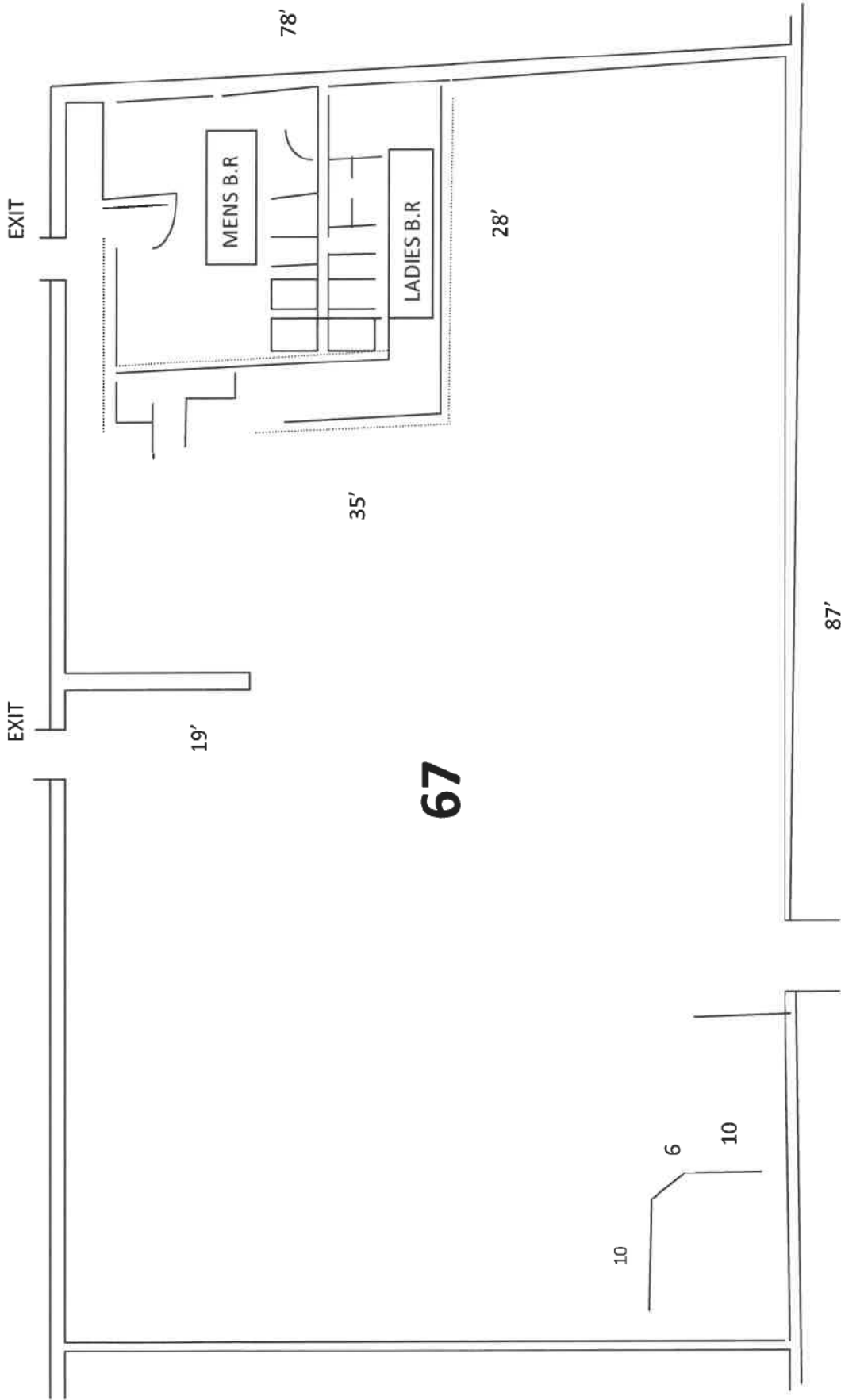
NOTE 3:
This map shows the approximate actual area of a parcel as surveyed. Any discrepancy between the actual area and that shown on this map is the responsibility of the owner of the land. The surveyor has no liability for any discrepancy between the actual area and that shown on this map.

NOTE 4:
This map shows the approximate actual area of a parcel as surveyed. Any discrepancy between the actual area and that shown on this map is the responsibility of the owner of the land. The surveyor has no liability for any discrepancy between the actual area and that shown on this map.

LEGEND ABBREVIATIONS

[Symbol]	Property Boundary
[Symbol]	Setback Boundary
[Symbol]	Utility Right-of-Way
[Symbol]	Lot Boundary
[Symbol]	Survey Line
[Symbol]	As-Built Structure
[Symbol]	Proposed Structure
[Symbol]	Obstacle
[Symbol]	Water
[Symbol]	Other
[Symbol]	Unknown
[Symbol]	Unimproved

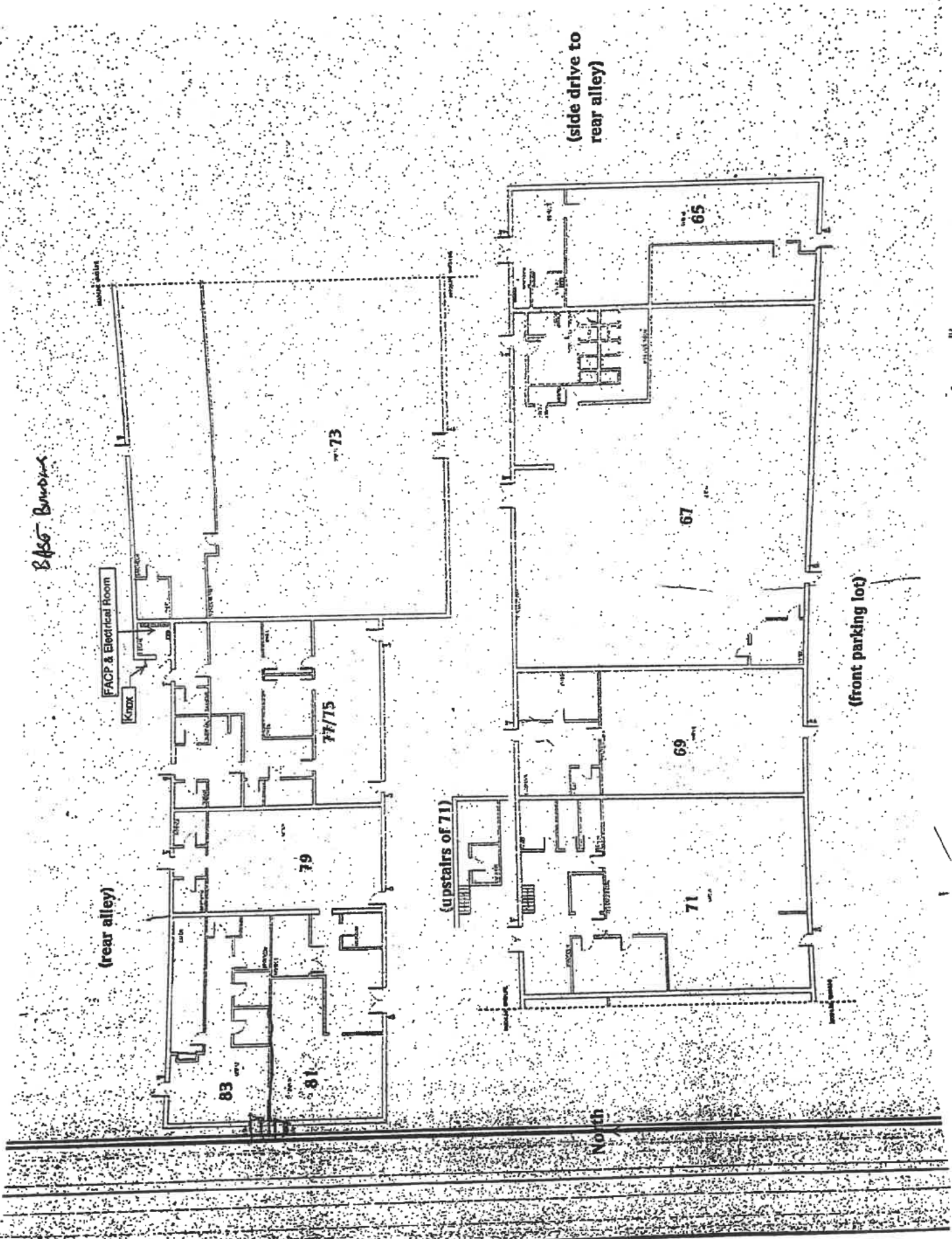
ORDERED BY	
LACY & ASSOCIATES, LLC	
SCALE 1" = 50'	
DATE MAY 8, 2018	
FILE No.	
2016 - 24148	
DATE	REVISION



ENTRANCE

67 BOULDER HILL PASS INTERIOR PLAN

PARKING LOT



State of Illinois
County of Kendall

Zoning Petition
#14-39

ORDINANCE NUMBER 2015 - 02

GRANTING SPECIAL USE FOR THE TENANTS AT
71 BOULDER HILL PASS
RIVER'S EDGE FELLOWSHIP

WHEREAS, River's Edge Fellowship has filed a petition for a Special Use within the B-3 Highway Business Zoning District for a 4,800 square foot tenant space on an overall 7.82 acre property located in the Boulder Hill Marketplace on the east side of Boulder Hill Pass, approximately 0.15 miles north of Route 25 (PIN# 03-05-401-003), in Oswego Township; and

WHEREAS, said petition is to allow the operation of a place of worship including community outreach events; and

WHEREAS, said property is currently zoned B-3 Highway Business District; and

WHEREAS, said property is legally described as:

THAT PART OF THE EAST HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPLE MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25 AND THE EAST RIGHT OF WAY LINE OF THE C.B. & Q. RAILROAD, THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF THE C.B. & Q. RAILROAD FOR A DISTANCE OF 2000 FEET; THENCE EAST ON A LINE SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 TO A POINT WHERE THE SAID LINE INTERSECTS THE WEST RIGHT OF WAY LINE OF BOULDER HILL PASS (AS SHOWN ON THE SUBDIVISION PLAT OF BOULDER HILL UNIT #1) EXTENDED IN SAME ARC AS SHOWN; THENCE NORTHWESTERLY ALONG THE WEST RIGHT OF WAY LINE OF SAID BOULDER HILL PASS EXTENDED, TO A POINT WHERE THE SAID LINE INTERSECTS THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25; THENCE SOUTHWESTERLY ALONG THE SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING

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 February 2, 2015; 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. **We believe the presence of River's Edge Fellowship would help improve the public health, safety, comfort and general welfare of***

State of Illinois
County of Kendall

Zoning Petition
#14-39

the Boulder Hill area.

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **Our desire, by being present in the Boulder Hill market, would be to not hinder or disrupt any business, office or residence but to be a benefit to all. We feel that fuller occupancy of the center would increase the traffic flow for existing businesses as well as increase the property value as a whole.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is an existing shopping/professional center therefore all these considerations are already in place.***

*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. **We wholeheartedly agree to adhere to and respect all applicable regulations.***

*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. **This special use permit will be consistent with the uses in the strip center.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer & 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 run with the tenant, River's Edge Fellowship at 71 Boulder Hill Pass; and

WHEREAS, if the River's Edge Fellowship was to move out of the building the special use would dissolve at that time; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit operate a place of worship including community outreach events in the 4,800 square feet of building space located at 71 Boulder Hill Pass.

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

State of Illinois
County of Kendall

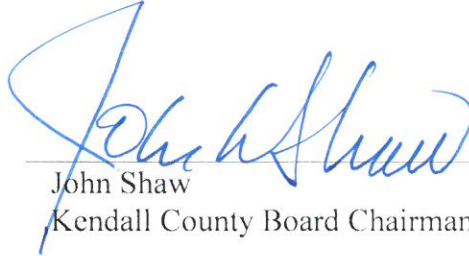
Zoning Petition
#14-39

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17th day of February, 2015.

Attest:



Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman

Anyone, 6 months of age and older, is eligible to receive the COVID-19 vaccine. Find your nearest vaccination location at [vaccines.gov](https://www.vaccines.gov). <<https://www.vaccines.gov/>>



(/dnr/)

Consultation Search

Search EcoCAT Consultations

Clear Selections

Search by County-TRS

Search by City

Project Number	Project Name	Date Received	Applicant	Jurisdiction	File Status	Results	Measures Adopted	City *	County *	TI
2300382	Church	7/8/2022	Sunny Simon	Building, Planning and Zoning	Closed	Consultation Termination Terminated Closed		Montgomery	Kendall	371

* Information in the city field was entered by applicants and has not been proofed or validated by IDNR. The existence of mis-spelled city names may reduce the number of projects found when you search by city.

** Sorting by this field may list repeats for projects that fall into more than one TRS.



Kendall County Soil & Water Conservation District

August 1, 2022

Sunny Simon
67 Boulder Hill Pass
Montgomery, IL 60538

Dear Sunny Simon,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) Application for the proposed Boulder Hill Market church special use permit petition filed with Kendall County. The proposed project is located in the southeast corner of Section 5 in Oswego Township (T.37N-R.8E of the 3rd Principal Meridian) in Kendall County, Illinois (Parcel Index Number 03-05-401-003). After reviewing the application, it was determined that a *full NRI Report is not necessary at this time* for the proposed project. The church plans to operate out of an existing building within a commercial shopping center where soils have previously been disturbed. The site plan is not proposing any grading, land disturbance, addition of buildings, or building expansions.

The Kendall County SWCD has reviewed the 7.82-acre project site and would like to note the following in regard to natural resource considerations:

- The site, as submitted for review, is currently a commercial shopping center. The unit being proposed as a place of worship is located at 67 Boulder Hill Pass in Montgomery, IL. The unit is currently vacant.
- The 2008 Soil Survey for Kendall County as maintained by the United States Department of Agriculture – Natural Resource Conservation Service (USDA-NRCS) contains soil maps and descriptions for soil types throughout the county. The table below shows the soil map units that are present within the project site.

Soil Map Unit
318D2 Lorenzo loam, 6-12% slopes, eroded
325B Dresden silt loam, 2-4% slopes
802B Orthents, loamy, undulating

- Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. They are based on the soil properties that directly influence the specified use of the soil. Each soil map unit has limitations for a variety of land uses such as buildings with basements, buildings without basements, small commercial buildings, shallow excavations, onsite sewage disposal, and lawns/landscaping. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.
- The information provided in the table below provides further detail regarding the following:
 - Drainage Class: Refers to the frequency and duration of wet periods under similar conditions to those under which the soil formed.
 - Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D),

the first letter is for drained areas and the second letter is for undrained areas. Group A soils have a high infiltration rate, low runoff potential and high rate of water transmission. Group B soils have a moderate infiltration rate and rate of water transmission. Group C soils have a slow infiltration rate and rate of water transmission. Group D soils have a very slow infiltration rate, high runoff potential and a very slow rate of water transmission.

- Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape.

Map Unit	Drainage Class	Hydrologic Group	Hydric Designation
318D2	Well Drained	B	Non-Hydric
325B	Well Drained	B	Non-Hydric
802B	Well Drained	C	Non-Hydric Hydric Inclusions Likely

- This site is located on slopes of approximately 2-12%. The site lies within the Fox River Watershed (Mastodon Lake sub watershed). Topographic maps indicate that the site drains predominantly to the northwest towards the Fox River.
- Based on an in-office review of the Federal Emergency Management Agency’s (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0053G (effective date February 4, 2009), it does not appear that this parcel is located within the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard. Additionally, based upon review of the U.S. Fish & Wildlife Service’s National Wetlands Inventory Map, wetlands do not appear to be identified on the project site. The Fox River, however, is located within 350 feet of the parcel and is identified as a Riverine (R), Lower Perennial (2), Unconsolidated Bottom (UB), Permanently Flooded (H) (R2UBH) wetland/waters.
- If construction is to occur onsite in the future, a soil erosion and sediment control plan should be prepared and implemented in accordance with both Kendall County and Illinois EPA requirements. The Illinois Urban Manual can be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.
- The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure that includes Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use such as cropland and forestland. The best group is assigned a value of 100 and all other groups are assigned lower values (94, 87, 79, etc.). The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The overall score is based on a 300-point rating scale. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
318D2	6	69	0.5	34.5
325B	4	79	2.5	197.5
802B	8	0	4.8	0.0
Totals			7.8	232
LE Calculation			(Product of relative value / Total Acres) 232 / 7.8 = 29.7	
LE Score			LE = 30	

The Land Evaluation score for this site is 30 out of a possible 100 points, indicating that the soils are not well-suited for agricultural uses.

Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	0
	2. Current land use adjacent to site. (30-20-15-10-0)	0
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	15
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	48

The Site Assessment score for this site is 48 out of a possible 200 points. The Land Evaluation value (30) is added to the Site Assessment value (48) to obtain a LESA Score of 78. The table below shows the level of protection for the proposed project site based on the LESA Score.

LESA Score Summary

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

The overall LESA Score for this site is 78 indicating a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

If you have any questions, please contact our office at (630) 553-5821 extension 3.

Sincerely,



Alyse Olson
Resource Conservationist

Attachment 6

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Friday, July 22, 2022 7:13 AM
To: Matt Asselmeier
Cc: FireChief; Brian Holdiman
Subject: [External]RE: Kendall County Zoning Petition 22-14

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Morning Matt,

Only comments here: as per the State of Illinois's Life-Safety Code, this new assembly occupancy may require sprinkler protection depending on the size of the occupancy load determined for the facility (which is something that for starters, their architect should be able to determine).

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 2, 2022 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Scott Gengler – PBZ Committee Chair
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

John Tebrugge and Lydia Ramirez

PETITIONS

Petition 22-14 Sunny Simon on Behalf of Boulder Hill Market, LLC and Yonia Ahymee Nyamle on Behalf of the Olgani Wosho Foundation

Mr. Asselmeier summarized the request.

The Olangi Wosho Foundation would like to operate the Christian Spiritual Warfare Ministry at 67 Boulder Hill Pass.

The application materials and site plan were provided.

On February 17, 2015, the Kendall County Board approved Ordinance 2015-02, granting a special use permit for a place of worship to River's Edge Fellowship at 71 Boulder Hill Pass. This ordinance was also provided.

The unit is approximately six thousand eight hundred (6,800) square feet.

The unit is zoned B-3.

The County's Future Land Use Map called for the property to be Suburban Residential (Max 1.00 DU/Acre).

Boulder Hill Pass is a Township maintained local road.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were commercial related, an apartment complex, train tracks, and a wooded lot.

The adjacent properties were zoned A-1, R-7, B-1, and B-3. One (1) of the adjacent properties was inside the Village of Montgomery.

The County's Land Resource Management Plan called for the area to be Suburban Residential.

EcoCAT Report was submitted on July 8, 2022, and indicated the following protected resources in the vicinity:

Greater Redhorse
River Redhorse

The NRI application was submitted on July 6, 2022. The LESA Score was 78 indicating a low level of protection.

Petition information was sent to Oswego Township on July 21, 2022.

Petition information was sent to the Village of Montgomery on July 21, 2022.

Petition information was sent to the Oswego Fire Protection District on July 21, 2022. The occupancy load might require the unit to be sprinklered.

The Kendall County Zoning Ordinance in Section 7:01.D.41 places the following requirements on special use permits for places of worship:

1. 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.
2. 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.

No changes to the exterior of the building are proposed as part of the special use permit.

According to the information provided, the Olgani Wosho Foundation operates the Christian Spiritual Warfare Ministry. If approved, services would be held on Tuesday mornings, Wednesday afternoons, Wednesday nights, Friday mornings, Friday nights, Saturdays around Noon, Saturday nights, and Sunday afternoons. The times of activities were subject to change. Various community based activities, including food distributions and retreats, would either occur at the property or originate from the property.

67 Boulder Hill Pass is approximately six thousand, eight hundred (6,800) square feet in size. The space has one (1) door facing the parking lot and two (2) doors facing the back side of the building. Two (2) restroom facilities are inside the space.

No information was provided regarding the number of people inside the space.

A change in occupancy would be required.

The property is served by public water and sewer.

No new impervious surface is proposed.

The property fronts Boulder Hill Pass.

The existing parking lot has approximately two hundred thirty-five parking (235) spaces.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per every three (3) seats is required for places of worship.

No exterior lighting was planned.

No signage information was provided. Any signage installed would be required to meet the requirements of the Kendall County Zoning Ordinance.

No information was provided regarding security.

No changes to the existing landscaping was planned.

No information was provided regarding noise control.

No odor causing activities were foreseen at the property.

If approved, this would be the thirteenth (13th) special use permit for a place of worship in the unincorporated area and the second (2nd) such special use permit in the Boulder Hill Market.

The proposed Findings of Fact were 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. Provided the operators of the use follow applicable building codes, no threats to the public health, safety, morals, comfort, or general welfare are foreseen.

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 subject property is mostly surrounded by business uses with multi-family uses found to the east. Provided a restriction is placed in the special use permit regarding noise, no injury should be caused to neighboring properties. No information has been provided showing that the existing place of worship in Boulder Hill Market has negatively impacted property values or the use and enjoyment of other properties in the immediate vicinity.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The use will be located inside an existing building with no plans to alter existing points of ingress and egress or drainage. Adequate utilities are onsite.

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 Zoning Board of Appeals. This is true; no variances are needed.

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. True, the Future Land Use Map calls for this property to be Suburban Residential and the property has been zoned for commercial uses since 1956. According to the definition of Suburban Residential found on page 6-45 of the Land Resource Management Plan, "Compatible governmental, educational, religious, and recreational uses also may be permitted in these areas." Governmental, educational, religious, and recreational uses can be found adjacent to the subject property. The proposed use would enhance and complement the existing uses in the area.

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions. The Petitioners had not agreed to these conditions:

1. The special use shall be restricted to the unit shown as 67 Boulder Pass in the attached site plan.
2. If the Olangi Wosho Foundation vacates the unit, the special use permit shall automatically be revoked.
3. 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.

4. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use, including, but not limited to, the signage regulations contained in the Kendall County Zoning Ordinance.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Gengler asked why the Future Land Use Map called for this area to be residential. Mr. Asselmeier did not know why the Future Land Use Map called for the area to be residential.

The Petitioner was not in attendance.

Discussion occurred about outside events. Mr. Asselmeier noted the times of services. Discussion occurred about adding a condition requiring services to be held indoors after a certain time of day. The consensus was not to add this recommendation until discussion occurs with the Petitioners.

Discussion occurred regarding other uses inside the Boulder Hill Market and previous uses at the unit.

The special use would go away if the subject church moved or closed.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the special use permit with conditions proposed by Staff.

With a voice vote of six (6) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on August 24, 2022.

PUBLIC COMMENT

None

ADJOURNMENT

Ms. Briganti made a motion, seconded by Mr. Rybski, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:29 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Encs.

Matt Asselmeier

From: Sunny Simon <[REDACTED]>
Sent: Thursday, August 4, 2022 12:49 PM
To: Matt Asselmeier
Cc: Maria Rivera; [REDACTED]
Subject: Re: [External]Publication Notice Draft

Sent from my iPhone

On Aug 2, 2022, at 1:44 PM, Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

Yes we are agreeing to restricting outdoor services at the property.

Thanks

Sunny Simon
[REDACTED]

Maria:

ZPAC met today and recommended approval of the proposal. There were some concerns regarding having services outdoors. Would you be agreeable to condition restricting outdoor services at the property?

The IDNR website said that the EcoCat consultation was terminated. Could you send me the termination letter?

The Regional Planning Commission meeting is August 24th at 7:00 p.m. Please plan to attend that meeting.

Thanks,

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

From: Maria Rivera <[REDACTED]>
Sent: Wednesday, July 20, 2022 4:11 PM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Sunny Simon <[REDACTED]>
Subject: Re: [External]Publication Notice Draft

Hi Matt.

Attachment 9, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of August 24, 2022 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:03 p.m.

ROLL CALL

Members Present: Bill Ashton, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Tom Casey and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Sunny Simon, Yonia Ahymee, and Lydia Ramirez

PETITIONS

Petition 22-14 Sunny Simon on Behalf of Boulder Hill Market, LLC and Yonia Ahymee Nyamle on Behalf of the Olgani Wosho Foundation

Mr. Asselmeier summarized the request.

The Olgani Wosho Foundation would like to operate the Christian Spiritual Warfare Ministry at 67 Boulder Hill Pass.

The application materials and site plan were provided.

On February 17, 2015, the Kendall County Board approved Ordinance 2015-02, granting a special use permit for a place of worship to River's Edge Fellowship at 71 Boulder Hill Pass. This ordinance was also provided.

The unit is approximately six thousand eight hundred (6,800) square feet.

Discussion occurred regarding previous tenants in the unit. The previous use was for a youth related use.

The unit is zoned B-3.

The County's Future Land Use Map called for the property to be Suburban Residential (Max 1.00 DU/Acre).

Boulder Hill Pass is a Township maintained local road.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were commercial related, an apartment complex, train tracks, and a wooded lot.

The adjacent properties were zoned A-1, R-7, B-1, and B-3. One (1) of the adjacent properties was inside the Village of Montgomery.

The County's Land Resource Management Plan called for the area to be Suburban Residential.

EcoCAT Report was submitted on July 8, 2022, and indicated the following protected resources in the vicinity:

Greater Redhorse

River Redhorse

Adverse impacts were unlikely and consultation was terminated.

The NRI application was submitted on July 6, 2022. The LESA Score was 78 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on July 21, 2022. No comments received.

Petition information was sent to the Village of Montgomery on July 21, 2022. No comments received.

Petition information was sent to the Oswego Fire Protection District on July 21, 2022. The Oswego Fire Protection District submitted an email on July 22, 2022 indicating that a sprinkler system might be required, depending on the occupancy load. This email was provided.

ZPAC reviewed this proposal at their meeting on August 2, 2022. Discussion occurred regarding restricting outdoor events at the property. The Petitioners were not present at the meeting. ZPAC recommended approval of the proposal with conditions proposed by Staff by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided. After the ZPAC meeting, the Petitioner submitted an email saying they will not have outdoor services. This email was provided.

The Kendall County Zoning Ordinance in Section 7:01.D.41 places the following requirements on special use permits for places of worship:

1. 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.
2. 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.

No changes to the exterior of the building are proposed as part of the special use permit.

According to the information submitted to the County, the Olgani Wosho Foundation operates the Christian Spiritual Warfare Ministry. If approved, services would be held on Tuesday mornings, Wednesday afternoons, Wednesday nights, Friday mornings, Friday nights, Saturdays around Noon, Saturday nights, and Sunday afternoons. The times of activities were subject to change. Various community based activities, including food distributions and retreats, would either occur at the property or originate from the property.

67 Boulder Hill Pass is approximately six thousand, eight hundred (6,800) square feet in size. Per the submitted building plan, the space has one (1) door facing the parking lot and two (2) doors facing the back side of the building. Two (2) restroom facilities are inside the space.

No information was provided regarding the number of people inside the space.

A change in occupancy would be required.

The property is served by public water and sewer.

No new impervious surface is proposed.

The property fronts Boulder Hill Pass.

The existing parking lot has approximately two hundred thirty-five parking (235) spaces.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per every three (3) seats is required for places of worship.

No exterior lighting was planned.

No signage information was provided. Any signage installed would be required to meet the requirements of the Kendall County Zoning Ordinance.

No information was provided regarding security.

No changes to the existing landscaping was planned.

No information was provided regarding noise control.

No odor causing activities are foreseen at the property.

If approved, this would be the thirteenth (13th) special use permit for a place of worship in the unincorporated area and the second (2nd) such special use permit in the Boulder Hill Market.

The proposed Findings of Fact were 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. Provided the operators of the use follow applicable building codes, no threats to the public health, safety, morals, comfort, or general welfare are foreseen.

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 subject property is mostly surrounded by business uses with multi-family uses found to the east. Provided a restriction is placed in the special use permit regarding noise, no injury should be caused to neighboring properties. No information has been provided showing that the existing place of worship in Boulder Hill Market has negatively impacted property values or the use and enjoyment of other properties in the immediate vicinity.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The use will be located inside an existing building with no plans to alter existing points of ingress and egress or drainage. Adequate utilities are onsite.

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 Zoning Board of Appeals. This is true; no variances are needed.

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. True, the Future Land Use Map calls for this property to be Suburban Residential and the property has been zoned for commercial uses since 1956. According to the definition of Suburban Residential found on page 6-45 of the Land Resource Management Plan, "Compatible governmental, educational, religious, and recreational uses also may be permitted in these areas." Governmental, educational, religious, and recreational uses can be found adjacent to the subject property. The proposed use would enhance and complement the existing uses in the area.

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions. As of the date of this memo, the Petitioners have not agreed to these conditions:

1. The special use shall be restricted to the unit shown as 67 Boulder Pass in the submitted site plan. No outdoor services shall be held at the subject property. **(Amended after ZPAC meeting)**
2. If the Olangi Wosho Foundation vacates the unit, the special use permit shall automatically be revoked.
3. 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.

4. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use, including, but not limited to, the signage regulations contained in the Kendall County Zoning Ordinance.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Asselmeier said he was concerned about adding noise related restrictions, but the use planned to have services overnight and an apartment complex was located in the vicinity. Member Nelson asked if the County could regulate sound caused by a church service. Member Nelson suggested adding a quantifier that the noise regulation would only apply to non-church service related activities.

Chairman Ashton asked about signs. Mr. Asselmeier responded that the Petitioners could install signage as allowed in the B-3 District.

Mr. Asselmeier asked the Petitioners if they had any concerns regarding the proposed conditions. Sunny Simon and Yonia Nyamle responded that they had no concerns.

Member Wilson asked if the weddings would ever occur at the property. Mr. Simon responded no. All activities would occur inside the unit.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the special use permit.

The votes on were as follows:

Ayes (7): Ashton, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Casey and Stewart

Abstain (0): None

The motion carried.

The proposal will go to the Kendall County Zoning Board of Appeals on August 29, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

For the September meeting, there is a map amendment request for a portion of property on Route 52 south of 2735 Route 52. The owners of Yogi Bear Campground were still working on their special use permit amendment application. Commissioners reviewed the outstanding items related for the Yogi Bear Campground's application.

ADJOURNMENT

Chairman Ashton made a motion, seconded by Member Hamman, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:50 p.m.

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

Enc.