### **DEPARTMENT OF PLANNING, BUILDING & ZONING**



111 West Fox Street • Room 204 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

#### **MEMORANDUM**

To: Kendall County Planning, Building & Zoning Committee From: Matthew H. Asselmeier, AICP, CFM, Senior Planner

Date: March 6, 2023

Re: Petition 23-16 Request for Minor Amendment to a Special Use Permit for a Church and

School

On February 19, 2008, the Kendall County Board approved Ordinance 2008-04, granting a special use permit and variances for a church and school at 8609 Route 47.

Condition 1 of the Ordinance required the site to be developed in accordance to a site plan. A copy of Ordinance 2008-04 is attached to this memo.

On March 1, 2023, the Petitioner submitted a request for an amendment to the special use permit to relocate proposed building addition phase 1 from the north side of the building to the west side of the building and to reduce the square footage of the addition from fifteen thousand three hundred twenty (15,320) square feet to seven thousand twenty-five (7,025) square feet, a reduction of eight thousand two hundred ninety five square (8,295) square feet. A copy of the application is attached to the memo.

The total square footage of additions approved in 2008 was thirty-seven thousand two hundred thirty-three (37,233) square feet. The total square footage including all existing buildings and the proposed additions in 2008 was one hundred twelve thousand, three hundred ninety-two (112,392) square feet. A reduction of eight thousand two hundred ninety-five (8,295) square feet constitutes a reduction of coverage of approximately seven point four percent (7.4%) of total building square footage. The proposed change meets the criteria of a minor amendment to an existing special use permit as outlined in Section 13:08.N of the Kendall County Zoning Ordinance.

Staff would like to point out that the proposal will not change any other aspect of the existing special use permit. In particular, no changes to the stormwater detention area or parking will be required. Condition 3 of Ordinance 2008-04, pertaining to the right-of-way dedication, will remain effective.

Petition information was sent to Kendall Township and the United City of Yorkville on March 6, 2023.

Staff recommends approval of the requested extension.

If the Planning, Building and Zoning Committee wishes to approve the request, a draft minor amendment is attached.

If you have any questions, please let me know.

Thanks,

MHA

ENCs: Application Material Ordinance 2008-04

Draft Minor Amendment



### **DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

### **APPLICATION**

| Est. 1841  | PROJECT NAME                            |                       | FILE #:   |  |
|--|---|-----------------------|---|--|
| ILLINOIS   |   |                       |   |  |
|  |   |                       |   |  |
| NAME OF APPLICANT (includ  | ing First, Middle Initial, and Last Nam | ie)                   |   |  |
| T- 15 1  | C-1                                     | To making             | Operations  |  |
|  |   |                       |   |  |
| CURRENT LANDOWNER/NAME(s)  |   |                       |   |  |
| ( vos Evangelical Lullevan Church  SITE INFORMATION SITE ADDRESS OR LOCATION ASSESSOR'S ID NUMBER (PIN)  |   |                       |   |  |
| SITE INFORMATION ACRES 2009-0804   | SITE ADDRESS OR LOCATION                | I                     | ASSESSOR'S ID NUMBER (PIN)                                  |  |
| VOIES 2003 0004  | Slang State Rt                          | 47 P. L               | lic Institutional   |  |
| EXISTING LAND USE  | 8609 State Rt.                          | LAND CLASSIFICAT      | ION ON LRMP   |  |
| No. 57 Acres   |   |                       |   |  |
|  |   |                       |   |  |
| REQUESTED ACTION (Check All That Apply):   |   |                       |   |  |
| SPECIAL USE  | MAP AMENDMENT (Re                       | zone to\              | /ARIANCE  |  |
|  | A A GOLDITIONAL LIGH                    | t 6                   | HTE DI ANI DEVIEW   |  |
| ADMINISTRATIVE VARIA   |   | for:S                 |   |  |
| TEXT AMENDMENT   | RPD (Concept; Pr<br>FINAL PLAT          | reliminary; Final) AL | DMINISTRATIVE APPEAL THER PLAT (Vacation, Dedication, etc.) |  |
| PRELIMINARY PLAT   | <del>_</del>                            | 0                     | THER PLAT (Vacation, Dedication, etc.)                      |  |
| X AMENDMENT TO A SPECIAL USE ( Major; X Minor)  PRIMARY CONTACT MAILING ADDRESS  PRIMARY CONTACT EMAIL   |   |                       |   |  |
| PRIMARY  |   |                       |   |  |
| Ce00   | 8609 State R                            | 1.47 Youkulle, I      | 2/105/00  |  |
| PRIMARY  | PRIMARY CONTACT FAX                     | # PRI                 | MARY CONTACT OTHER #(Cell, etc.)                            |  |
| ***  | (12.)                                   |                       |   |  |
| ,  | (630)                                   | 2500                  |   |  |
| ENGINEER CONTACT   | Green ENGINEER MAILING ADD              | RESS .                |   |  |
| David Schultz  |   |                       |   |  |
| ENGINEER PHONE #   | ENGINEER 1701 II                        |                       |   |  |
|  |   |                       |   |  |
|  |   |                       | TOTAL MANAGE MAILED BY                                      |  |
| RTY 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. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDAL COUNTY AS OF THE APPLICATION DATE.                       |   |                       |   |  |
|  |   |                       |   |  |
| SIGNATURE OF APPLIC  | ANI                                     | perations             | , DAIE 3/11/0/83  |  |
|  |   |                       |   |  |
| FEE PAID:\$  |   |                       |   |  |
|  | CHECK #:                                |                       |   |  |

<sup>&</sup>lt;sup>1</sup>Primary Contact will receive all correspondence from County <sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

CHURCH 8609 Rt. 47 Yorkville, IL 60560 630-553-7335





SCHOOL 8535 Rt. 47 Yorkville, IL 60560 630-553-7861

(Missouri Synod)
"Walk... Grow... Love"

Kendall County
Planning, Building & Zoning Department
111 W. Fox St.
Yorkville, IL 60560
Mr. Matt Asselmeier
Senior Planner

Request: Minor Amendment for special use permit 0804.

Mr. Asselmeier,

Cross Lutheran Church is requesting a change to our existing special use permit #0804 issues in 2008.

Currently we are planning to change the phase one aspect of this special use permit. The plan now is to locate the phase one area on SP#0804 to the West end of the facility. This is shown on drawing from the design engineer HR Green. We do not plan on building now or in the future the phase one shown on SP#0804 on the North side of the facility adjacent to Ament Road.

This change also reduces the footprint from  $\pm$ 15,320 square feet to be only  $\pm$ 7,025 square feet on the West end of the facility. This is a reduction of 8,295 square feet.

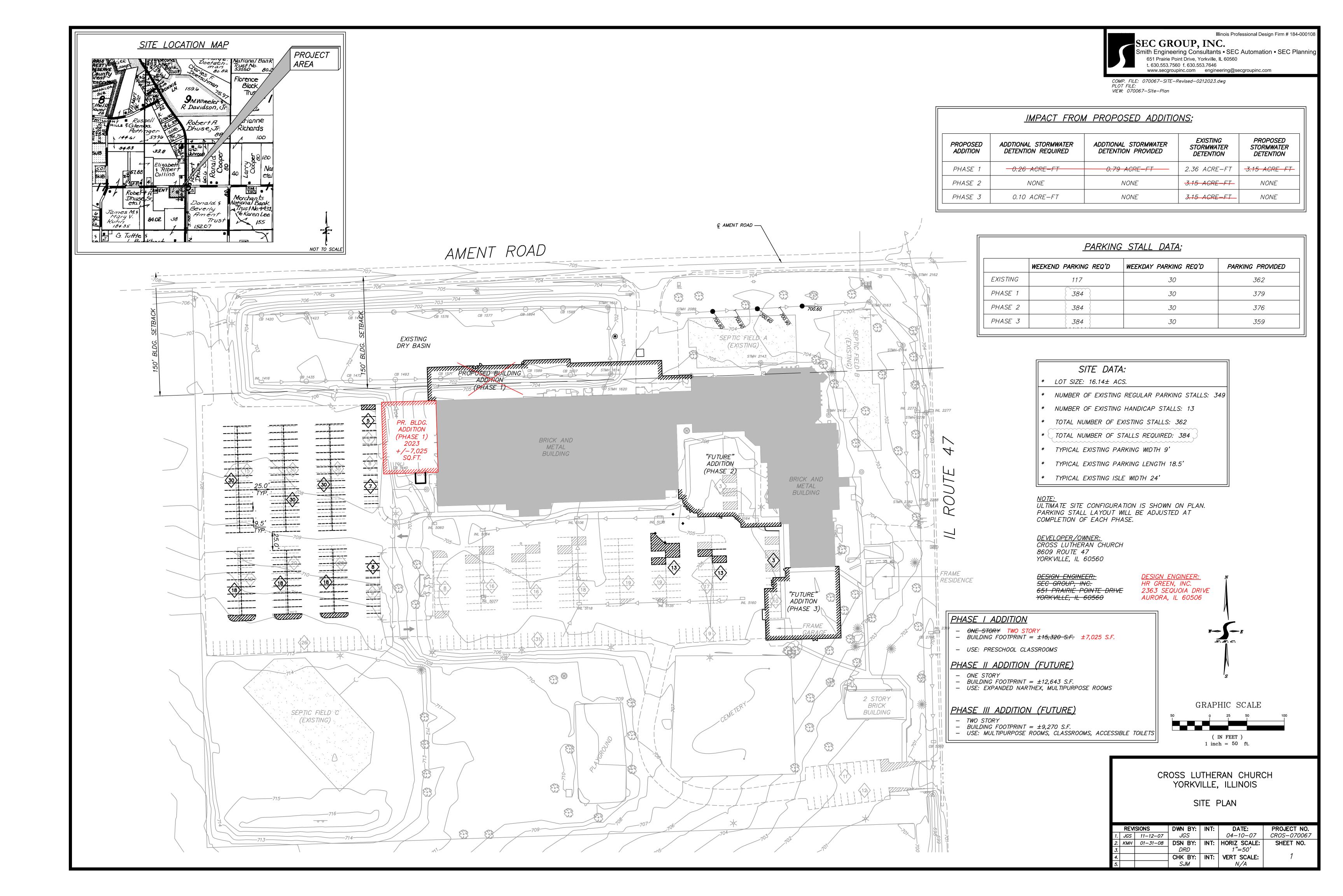
Also, the new design will not require the reconfiguration of the stormwater detention area or change the landscaping plan, that was needed to accommodate the former phase one plan drawing submitted for SP#0804.

Cross is requesting this item to be placed on the agenda for the upcoming March Planning, Building & Zoning meeting.

Thank you for your consideration in advance.

James K. Smiley

Director of Operations



State of Illinois County of Kendall

Zoning Petition 07-20

### ORDINANCE NUMBER 2008 - <u>08-</u>04

05-16-300-009

### GRANTING A SPECIAL USE for OPERATION OF A CHURCH AND SCHOOL to CROSS LUTHERAN EVANGELICAL CHURCH

<u>WHEREAS.</u> Cross Lutheran Evangelical Church has filed a petition for a Special Use within the A-1 Agricultural Zoning District for the operation of a Church pursuant to Section 7.01.D.7 and Section 7.01.D.27 of the Kendall County Zoning Ordinance for property located at the southwest corner of Illinois State Route 47 and Ament Road, commonly known as 8609 Illinois State Route 47, in Kendall Township, as legally described in "Exhibit A"; and

WHEREAS, said petition is to allow the operation of a Church and School; and

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

<u>WHEREAS</u>, said petition included a request for a variance from the requirements of Section 7.H.2.a of the Kendall County Zoning Ordinance to The proposed building addition of Phase One off of Ament Road to encroach into the required 150' front yard setback by 31' resulting in a setback of 129'; and

<u>WHEREAS</u>, said petition included a request for a variance from the requirements of Section 7.H.2.a of the Kendall County Zoning Ordinance to the existing parking on the west end of the property encroaching into the required 50' setback off the property line by 14' resulting in a setback of 36'; and

<u>WHEREAS</u>, said petition included a request for a variance from the requirements of Section 7.H.2.a of the Kendall County Zoning Ordinance to the primary church structure currently encroaching into the required 150' corner side yard along the northeast corner of the building along Route 47 by 7' resulting in a setback of 143'; and

<u>WHEREAS</u>, said petition included a request for a variance from the requirements of Section 7.H.2.a of the Kendall County Zoning Ordinance to the two story brick building north of the parking lot encroaching into the 150' required front yard off of Route 47 by 78' resulting in a 72' setback; and

<u>WHEREAS</u>, said petition included a request for a variance from the requirements of Section 7.H.2.a of the Kendall County Zoning Ordinance to The frame residence structure north of the two story brick building encroaching the 150' required front yard setback off of Route 47 by 67' resulting in a 83' setback; and

WHEREAS, said petition included a request for a variance from the requirements of Section 7.H.2.a

Kendall County Clerk

of the Kendall County Zoning Ordinance to the existing parking lot south of the old Church building encroaching the required 150' corner side yard setback off of Route 47 by 57' resulting in a 93' setback. This parking lot also encroaches into the side yard setback requirement of 50' by 22' resulting in a side yard setback of 28'; and

<u>WHEREAS</u>, said variance requests were supported by the Kendall County Regional Plan Commission and approved by the Zoning Board of Appeals; and

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

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

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby grants approval of a special use zoning permit per section 7.01.D.7 (A-1 Special Uses-Church) and section 7.01.D.27 (A-1 Special Uses-School) to permit the use indicated in the recitals section of this Ordinance, subject to the following conditions:

- 1. The property shall be developed in substantial conformance to the Site Plan and Long Range plan attached hereto as "Group Exhibit B"
- 2. The property shall be developed in substantial conformance to the Landscape Plan attached hereto as "Group Exhibit B" with the exception of the proposed landscaping along the west side of parking area. Installation of 3' evergreen species along the west side of parking area shall be done to screen headlight shine onto adjacent properties. Said installation shall be completed at such time as the adjoining property is approved for residential development or within two years following the completion of the 'Future Phase Three Building Addition' whichever occurs earlier.
- 3. Prior to the release of any permits (Building, Site Development, Occupancy) the petitioner shall dedicate 35' of R.O.W. along Ament Road
- 4. All building elevations shall meet the height restrictions of the Kendall County Zoning Ordinance

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

Attest:

John A./Church

Remetta Mickelson

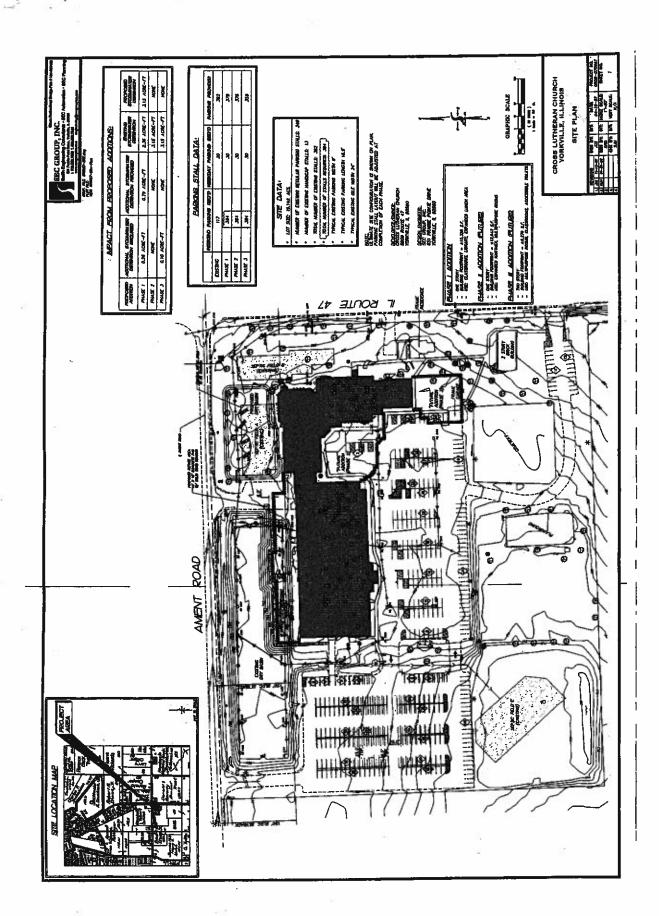
Kendall County Board Chairman

#### Exhibit "A"

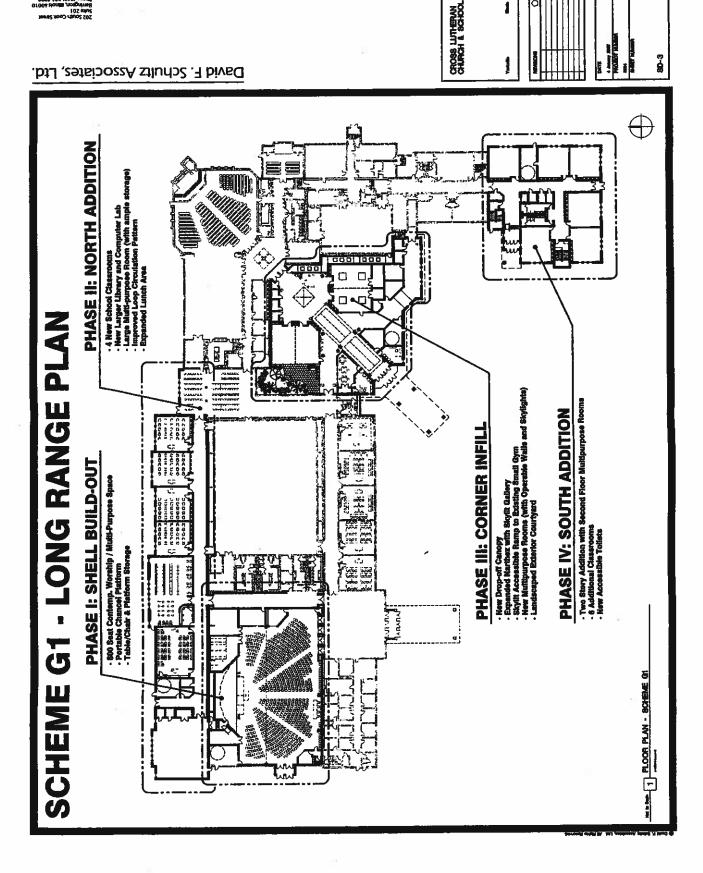
### LEGAL DESCRIPTION OF LAND

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: THE NORTHERLY 749.64 FEET OF SAID SOUTHWEST QUARTER, EXCEPTING THE WEST 1644.66 FEET; AND EXCEPT THAT PART GRANTED TO THE PEOPLE OF THE STATE OF ILLINOIS BY A WARRANTY DEED RECORDED AS DOCUMENT NUMBER 904163 IN BOOK 289 AT PAGE 237; AND EXCEPT THAT PART DEDICATED FOR HIGHWAY PURPOSES BY A DOCUMENT RECORDED IN BOOK 77 AT PAGE 477, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

7 749,64 SWILY
EYC W 1644,66
EUC 100T

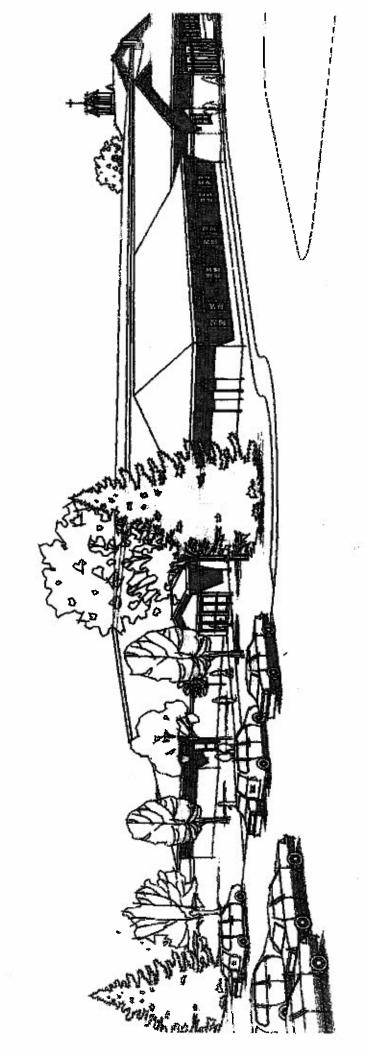


### EXHIBIT # (1.05.7) DATE



XHBI drojs #

Southwest Perspective - Phase I & II

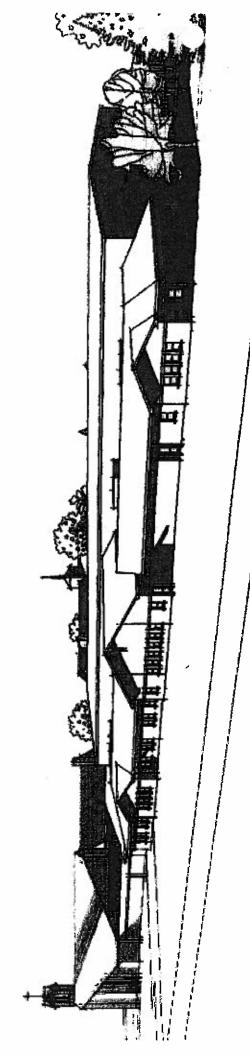


CROSS LUTHERAN CHURCH & SCHOOL Yorkville, Illinois

DAVID F. SCHULTZ ASSOCIATES, LTD. 202 South Cook Street, Suite 201
Barrington, Illinois 60010
Copyright 2007, All Rights Reserved.

EXHIBIT # Grow B (3 of 7) DATE

Northwest Perspective - Phase II



CROSS LUTHERAN CHURCH & SCHOOL

Yorkville, Illinois

EXHIBIT # (五(202) B (4) & 7) DATE

DAVID F. SCHULTZ ASSOCIATES, LTD. 202 South Cook Street, Suite 201 Barrington, Illinois 60010

Copyright 2007, All Rights Reserved.

Southeast Perspective - Phase III & IV

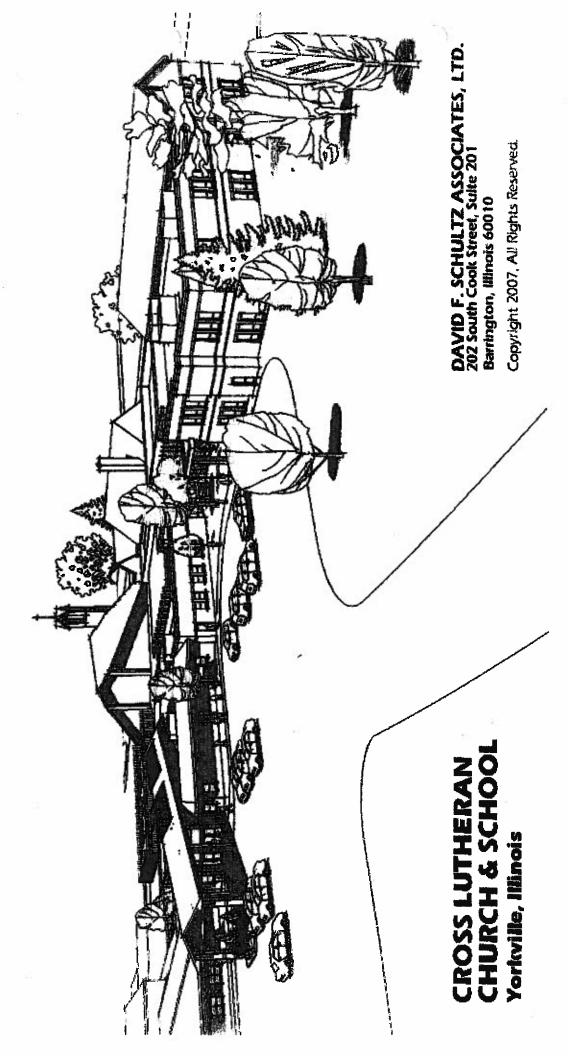
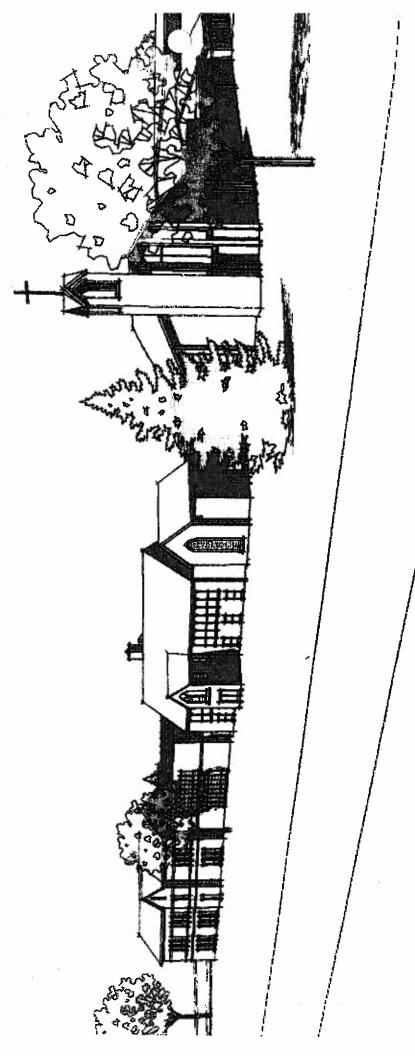


EXHIBIT # Group B (5x7) DATE

Northeast Perspective - Phase IV



DAVID-F. SCHULTZ ASSOCIATES, LTD. 202 South Cook Street, Suite 201
Barrington, Illinois 60010

CROSS LUTHERAN CHURCH & SCHOOL

Yorkville, Illinois

Copyright 2007, All Rights Reserved

EXHIBIT
# GROP & (6 or 7)
DATE

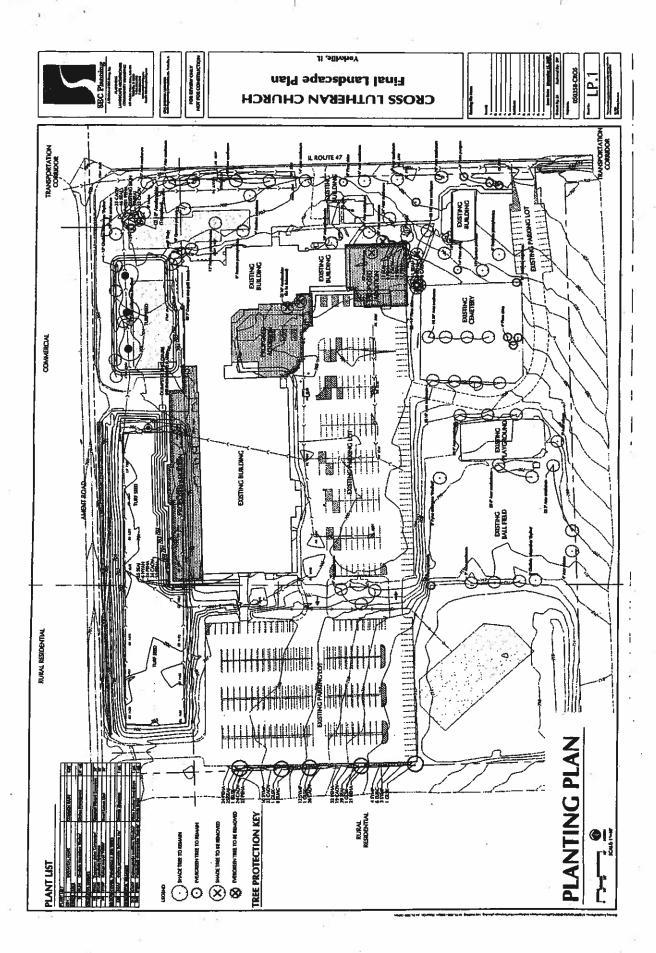


EXHIBIT # Glosp B (7x 7) DATE State of Illinois Zoning Petition
County of Kendall #23-16

#### MINOR AMENDMENT TO EXISTING SPECIAL USE

### AMENDING THE SITE PLAN ON PROPETY LOCATED AT 8609 ROUTE 47 AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 05-16-300-009 IN KENDALL TOWNSHIP

<u>WHEREAS</u>. Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Planning, Building and Zoning Committee of the Kendall County Board to approve minor amendments to existing special use permits and provides the procedure through which minor amendments to existing special use permits are granted; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural District and consists of approximately 16.5 acres located at the southwest corner of the intersection of Ament Road and Route 47 and addressed as 8609 Route 47 (PIN: 05-16-300-009), in Kendall Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, on February 19, 2008, the Kendall County Board approved Ordinance 2008-04 which granted a special use permit and variances for the operation of a church and school at the subject property; and

<u>WHEREAS</u>, Condition Number 1 of Ordinance 2008-04 stated that the site shall be developed substantially in conformance to an attached site plan; and

<u>WHEREAS</u>, the subject property is currently owned by Cross Evangelical Lutheran Church, as represented by James K. Smiley, and hereinafter shall be referred to as "Petitioner"; and

<u>WHEREAS</u>, on or about March 1, 2023, Petitioner's representative filed a petition for a minor amendment to Condition Number 1 of Ordinance 2008-04 to reduce the size of the phase 1 building addition from 15,320 square feet to 7,025 square feet and to relocate the phase 1 building addition from the north side of the existing building to the west side of the existing building; and

### <u>NOW, THEREFORE, BE IT ORDAINED, BY THE PLANNING, BUILDING AND ZONING COMMITTEE OF THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> as follows:

- 1. The Planning, Building and Zoning Committee of the Kendall County Board finds that the requested minor amendment will result in equal or better performance than the original condition imposed and the property will still be in substantial compliance with the previously approved Ordinance 2008-04.
- 2. The Planning, Building and Zoning Committee of the Kendall County Board hereby grants approval of Petitioner's petition for a minor amendment to Condition Number 1 of Ordinance 2008-04 by allowing the phase 1 building addition to be constructed in substantially the size and location outlined in the site plan attached hereto as Exhibit B.
- 3. This minor amendment only applies to the addition identified as phase 1 on the site plan attached hereto as Exhibit B.
- 4. The remaining conditions and restrictions outlined in Ordinance 2008-04 shall remain valid and effective.
- 5. This minor amendment shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

State of Illinois Zoning Petition
County of Kendall #23-16

<u>IN WITNESS OF</u>, this minor amendment to an existing special use permit has been enacted by a majority vote of the Planning, Building and Zoning Committee of the Kendall County Board and is effective this 13<sup>th</sup> day of March, 2023.

| Attest:                             |                                       |  |
|-------------------------------------|---------------------------------------|--|
|                                     |                                       |  |
| Kendall County Zoning Administrator | Kendall County PBZ Committee Chairman |  |
| Matthew H. Asselmeier               | Seth Wormley                          |  |

#### Exhibit "A"

### LEGAL DESCRIPTION OF LAND

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: THE NORTHERLY 749.64 FEET OF SAID SOUTHWEST QUARTER, EXCEPTING THE WEST 1644.66 FEET; AND EXCEPT THAT PART GRANTED TO THE PEOPLE OF THE STATE OF ILLINOIS BY A WARRANTY DEED RECORDED AS DOCUMENT NUMBER 904163 IN BOOK 289 AT PAGE 237; AND EXCEPT THAT PART DEDICATED FOR HIGHWAY PURPOSES BY A DOCUMENT RECORDED IN BOOK 77 AT PAGE 477, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

7 749,64 SWILY
EYC W 1644,66
EUC 100T

