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**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
**AGENDA**

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Wednesday, March 27, 2019 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Benjamin Schroeder, John Shaw, Claire Wilson, and One Vacancy

APPROVAL OF AGENDA

APPROVAL OF MINUTES            Approval of Minutes from February 27, 2019 Meeting (Pages 3-5)

PETITIONS

1.            **18 – 24 – Dorothy Flisk on Behalf of Skyfall Equestrian, LLC (Pages 6-49)**  
Request:        Major Amendment to a Special Use Permit to Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)  
PINs:            01-01-200-020 and 02-06-102-009  
Location:        17 Ashe Road, Little Rock and Bristol Townships  
Purpose:        Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)
  
2.            **19 – 07 – Kendall County Planning, Building and Zoning Committee (Pages 50-57)**  
Request:        Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes  
Purpose:        Proposal Allows for the Parking of Unoccupied Recreational Vehicles, Trailers and Mobile Homes in the Front and Corner Yard Setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts Provided that No Sidewalk, Trail, or Visibility of Motorists is Blocked; Removes the Requirement that Certain Recreational Vehicles be Registered; Removes the Seventy-Two (72) Hour Parking Provision
  
3.            **19 – 08 – Daniel, Bruce, and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) (Pages 58-88)**  
Request:        Map Amendment Rezoning the Subject Property from A-1 Agricultural to R-1 One-Family Residential  
PIN:            02-11-300-007  
Location:        The Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road in Bristol Township  
Purpose:        Proposal Rezones the Property to R-1 to Allow the Prospective Buyer to Construct One House on the Property
  
4.            **19 – 09 – Kendall County Regional Planning Commission (Pages 89-96)**  
Request:        Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff’s Office Shooting Ranges to the List of Permitted Uses in the A-1 Agricultural District in Oswego Township (Ordinance to Expire December 31, 2024), Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition  
Purpose:        Proposal Makes Kendall County Sheriff’s Office Shooting Ranges a Permitted Use on A-1 Zoned Property in Oswego Township; Ordinance Expires December 31, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS

1.            Approval to Initiate a Text Amendment to Sections 4.06 and 4.07 of the Kendall County Zoning Ordinance by Allowing Research and Development Related Home Occupations to be Conducted Outside of a Dwelling or Permitted Accessory Structure and Adding the Phrase “Unless Otherwise Permitted by Law” to the End of Section 4.06.f and Section 4.07.g (Pages 97-99)

OLD BUSINESS

1. Update on Petition 18-04-Request from the Kendall County Regional Planning Commission for Changes to the Future Land Use Map for Properties Located Near Route 47 in Lisbon Township (Pages 100-108)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next Meeting on Wednesday, April 24, 2019

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

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Meeting Minutes of February 27, 2019 - 7:00 p.m.**

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

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, Benjamin Schroeder, John Shaw, and Claire Wilson

**Members Absent:** Angela Zubko

**Staff Present:** Matthew H. Asselmeier, Senior Planner, and Ruth Ann Sikes, Part Time Office Assistant (Zoning)

**In the Audience:** None

**APPROVAL OF AGENDA**

Member Nelson made a motion, seconded by Member Ashton to approve the agenda as presented. With a voice vote of nine (9) ayes, the motion carried unanimously.

**APPROVAL OF MINUTES**

Member Wilson made a motion, seconded by Member Casey to approve the minutes of the January 23, 2019, and the February 2, 2019 meeting. With a voice vote of nine (9) ayes, the motion carried unanimously with correction.

**PETITIONS**

None

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

**NEW BUSINESS**

**Approval to Initiate a Text Amendment to Section 7.01.C and Section 7.01.D of the Kendall County Zoning Ordinance by Transferring Kendall County Sheriff's Office Shooting Range from the List of Special Uses in the A-1 Agricultural District to the List of Permitted Uses in the A-1 Agricultural District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Transfer**

Mr. Asselmeier summarized the proposal.

Member Wilson asked who was initiating the text amendment. Member Nelson replied that the Kendall County Regional Planning Commission was initiating the text amendment. This arises from the Sheriff having a gun that might not have proper zoning. The Sheriff has a new site down in Lisbon Township which has proper zoning. The Sheriff probably has two (2) to three (3) years before bringing this range online.

Member Wilson expressed concerns about the Sheriff not asking for a special use permit.

Member Davis expressed concerns about making the use a permitted use county wide. The consensus of the Commission was to make the proposed use a permitted use in Oswego Township only.

Member Schroeder asked if there were any houses behind the gun range. Member Nelson said the closest houses were a mile away.

Discussion occurred regarding establishing a sunset provision. The consensus of the Commission was to set the sunset at December 31, 2024.

Member Rodriguez asked how concerned Sheriff Baird was with this proposal. Member Nelson said he thought the Sheriff was concerned.

Member Nelson made a motion, seconded by Member Bledsoe, to approve initiating the proposed text amendment by adding in the sunset clause of December 31, 2024, and restricting the permitted use to Oswego Township only.

Ayes (9): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, Shaw and Wilson

Nays (0): None

Absent (1): Zubko

The motion carried.

This proposal will go to ZPAC on March 5, 2019. Depending on what happens there it will be back at the Regional Planning Commission on March 27, 2019.

### **OLD BUSINESS**

#### **Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Changes to the Future Land Use Map for Properties Located Near Route 47 in Lisbon Township**

Mr. Asselmeier gave an update on the petition. A County Board Member believes the Village of Lisbon should be the one that decides the zoning in that area with regards to mining. Mining areas should be annexed into the Village of Lisbon so the Village can receive the tax revenue.

Member Schroeder asked if the water table had ever been considered in this mining area. Member Nelson replied yes and that is one (1) of the reasons we decided to make a mining district. Chairman Ashton stated that the water pumped into the creek from the mine pits could be a resource for drinking water.

Member Wilson expressed concerns about showing the existing properties zoned for mining as agriculture.

Motion made by Member Nelson, seconded by Member Davis, to amend the map to show the items in blue (mining) would be turned back to agriculture, except those properties already zoned for mining, and the rest of the map would stay as is.

Ayes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Wilson

Abstain (1): John Shaw

No: (0)

Absent (1): Zubko

The motion passed.

### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petition 19-04 and Petition 19-05 were approved by the County Board.

Member Schroeder brought up the subject of sprinklers. He said he believes they should be required and cited KCRPC Meeting Minutes 2.27.19

fires in other places. He asked if he could speak with the Fire Chief about the issue.

**OTHER BUSINESS/ANNOUNCEMENTS**

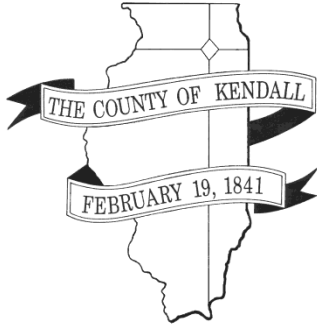
Mr. Asselmeier read the resignation letter of Angela Zubko.

Chairman Ashton stated that Teska is working on the Zoning Ordinance project. When that project is ready for review, Chairman Ashton said that he would like to start meetings at 5:00 p.m.

**ADJOURNMENT**

Member Wilson made a motion, seconded by Member Nelson, to adjourn. With a voice vote of nine (9) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:45 p.m.

Respectfully submitted by,  
Ruth Ann Sikes  
Part-Time Office Assistant (Zoning)



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

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**Petition 18-24**

**Dorothy Flisk on Behalf of Skyfall Equestrian, LLC  
Major Amendment to a Special Use Permit**

**INTRODUCTION**

Dorothy Flisk, on behalf of Skyfall Equestrian, LLC, is requesting a major amendment to their special use permit to increase the number of horses allowed to be boarded in the stable from twenty-four (24) to thirty-six (36). The Petitioner desires the amendment to respond to increased market demand for stabling services.

When the Petitioner originally applied for a major amendment to their special use permit, they did not provide information regarding a new building or a revised manure management plan reflecting the addition of twelve (12) horses. The matter was originally laid over at ZPAC until this information was provided.

**SITE INFORMATION**

PETITIONER: Skyfall Equestrian, LLC

ADDRESS: 17 Ashe Road

LOCATION: West Side of Ashe Road in the Equestrian Estates at Legacy Farms Subdivision



TOWNSHIPS: Little Rock and Bristol

PARCEL #s: 01-01-200-020 and 02-06-102-009

LOT SIZE: 8.5 +/- Acres

EXISTING LAND USE: Existing Horse Barn and Horse Paddock Area

ZONING: RPD-1 with a Special Use Permit For Horse Related Uses

LRMP:	Existing Land Use	Agricultural
	Future Land Use	Rural Estate Residential (Max 0.45 DU/Acre)
	Roads	Ashe Road is Major Collector; Property has Indirect Access to Ashe Road via a Private Road
	Trails	Trails are Planned along Ashe Road. Property does not front Ashe Road or have access to proposed trail location.
	Floodplain/Wetlands	There are wetlands in the area. There is a floodplain to west and northwest of the subject property. Based on the Kendall County GIS, the Floodplain is approximately 130' away from the property.

REQUESTED ACTION: Major Amendment to an Existing Special Use Permit. Petitioner would like to increase the number of horses allowed to be housed in the stable from twenty-four (24) to thirty-six (36).

APPLICABLE REGULATIONS: Section 13.08.O – Special Uses and Planned Developments; Major Amendments

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential and Woods	RPD-1	Rural Estate Residential	RPD-1 (Kendall County) Farming (Kane County)
South	Agricultural/Residential	RPD-1	Rural Estate Residential	RPD-1 and A-1
East	Single-Family Residential	RPD-1	Rural Estate Residential	RPD-1 and A-1
West	Floodplain and Woods	RPD-1	Rural Estate Residential	A-1, A-1 SU, R-1, and M-1

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

The Petitioner provided an EcoCat from 2005, see Attachment 14. Since no new building footprints were planned, a revised EcoCat was not required.

**NATURAL RESOURCES INVENTORY**

The Petitioner applied for an NRI in February 2019; see Attachment 13. A letter from the Kendall County Soil and Water Conservation District will be presented at the March 27<sup>th</sup> Kendall County Regional Planning Commission meeting.

**ACTION SUMMARY**

**LITTLE ROCK TOWNSHIP**

Petition information was sent to Little Rock Township on August 2, 2018. Revised information was sent February 21, 2019.

### **BRISTOL TOWNSHIP**

Petition information was sent to Bristol Township on August 2, 2018. Revised information was sent February 21, 2019.

### **CITY OF PLANO**

The City of Plano submitted a response on July 30, 2018 (See Attachment 7). Revised information was sent February 21, 2019 and the City of Plano had no objections (See Attachment 15).

### **BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to the Bristol-Kendall Fire Protection District on August 2, 2018. Revised information was sent February 21, 2019.

### **LITTLE ROCK-FOX FIRE PROTECTION DISTRICT**

The Little Rock Fox Fire Protection District had no objections (See Attachment 6). Revised information was sent February 21, 2019.

### **ZPAC**

ZPAC originally met on this proposal in August 2018. The Petitioner originally did not submit information on any proposed building. ZPAC requested an updated site plan, an updated manure management plan, proof of application of NRI, and EcoCat information.

ZPAC met on this proposal again on March 5, 2019. The Petitioner agreed to work with the Kendall County Health Department on revised manure management plan. Two (2) neighbors and the attorney for the Homeowners' Association expressed opposition to the proposal based on the impact on the private streets in the subdivision, concerns about the manure management plan, and concerns about property values. The letter from the attorney is included as Attachment 16. ZPAC recommended approval with a vote of four (4) in favor and two (2) present. The minutes of the ZPAC meeting are included as Attachment 17.

### **GENERAL INFORMATION**

Pictures of the property are included as Attachments 8-11.

The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures shown in Attachment 10 and construct an area for hay and straw and an additional twelve (12) stalls; see Attachment 12. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

### **RELATION TO EXISTING SPECIAL USE PERMIT**

The existing special use permit was established by Ordinance 2012-22. The restrictions placed on the special use permit were:

*NOW, THEREFORE, BE IT ORDAINED*, that the Kendall County Board hereby repeals Kendall County Ordinance #06-29 in its entirety and grants approval of a special use zoning permit to amend their existing special use permit **to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision subject to the following conditions (Emphasis Added):**

- 1. A maximum of twenty-four (24) horses are allowed to be housed in the stable. (Emphasis Added)**



2. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
3. The facility shall be exclusively used by the owners, trainers, boarders and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outdoor event exceeding fifty (50) guests, the owner, shall provide each of the property owners and Homeowners Association with at least thirty (30) days notice of the event. The Owner shall host no more than two (2) such outdoor events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club.
4. As a private equestrian facility, no school horses will be available for rent to the general public. Training is available to the owners, trainers, boarders and their guests, only.
5. A maximum of two (2) adults and their immediate family can live in each of the two stable manager housing units inside the stable.
6. Private Road Maintenance: The Owner will solely maintain that portion of the road that is on Lot 17, with that portion being shown on the Final Plat for Equestrian Estates at Legacy Farms Subdivision. The Homeowners Association or property owners will maintain the remaining roads within the Subdivision. The Owner will pay 29% of the cost of maintaining that portion of the roads running from Ashe Road to the turnabout, the turnabout road, and from the turnabout to that portion of the road that intersects with Lot 17. The Owner will notify all boarders that the residential roads are for private use only. With all things being equal with other service providers, including price and quality of service, the Homeowners Association and/or residents agrees to allow the Owner to provide landscaping and road maintenance services.
7. Trails: The Homeowners Association or property owners will be responsible for maintaining any trails in Lot 18. The Owner will be responsible for 29% of the cost to maintain the trails in Lot 18 and the Homeowners Association or property owners will be responsible for 71% of the cost. With all things being equal with other service providers, including price and quality of service, the Homeowners Association or property owners agree to allow the Owner to provide trail improvement and maintenance services.
8. Insurance: The Owner will maintain a comprehensive general liability policy in the minimum amount of \$1,000,000.00. The Homeowners Association and/or property owners will be named as an additional insured.
9. Lighting: The outdoor arena shall not be lighted. The existing lighting on the south side of the stable will only be used before 8pm or in case of emergency.
10. Sale of the Stable: In the event the Owner lists the property for sale, the Owner shall notify the Homeowners Association and property owners of such listing within five (5) business days.
11. Stable Workers: All employees or independent contractors shall be retained by the Owner.
12. There shall be no signage on the property indicating the stable accepts commercial stabling of horses. The Owner may post upon Homeowners Association and/or property owners approval and/or request a small discreet sign on Lot 17, at the entrance to the facility.
13. No signs are permitted on the eastern portion of the outdoor riding arena.
14. Horse trailers: Horse trailers shall be parked west of the outdoor arena.
15. No rodeo, barrel racing or reining shows, but practicing such activities is a permitted use.

The Kendall County Planning, Building and Zoning Department has not received any complaints regarding the special use at the subject property.

The Kendall County Health Department received one (1) complaint since the issuance of the amended special use permit for manure related issues. The issue was unfounded.

The original ordinance granting the special use permit, Ordinance 2006-05, allowed thirty-six (36) horses to be stabled at the property.

#### **BUILDING CODES**

Any new buildings would have to meet applicable building codes.

#### **ACCESS**

The property has indirect access to Ashe Road via private streets.

#### **ODORS AND MANURE PLAN**

Pictures of the manure area are included as Attachment 11. The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area. The Petitioner has two (2) backup plans for handling manure. One (1) plan involves a truck transporting manure to a company in Wisconsin. The other plan involves working with a company that transforms manure into energy. Manure will be monitored daily and more pickups could occur if the manure pile gets too large. The revised manure management plan is included as Attachment 18. The Kendall County Health Department's approval of the manure management plan is included as Attachment 19.

#### **LIGHTING**

No new lighting is planned.

#### **SCREENING**

No additional fencing or buffering is planned.

#### **STORMWATER**

No changes in impervious surface are planned. The stormwater situation may have to be reexamined if the Petitioner constructs new building(s).

#### **UTILITIES**

No changes in utilities, well, or septic system are planned. Any new utilities would have to secure applicable permits.

#### **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, including major amendments to special use permits. 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 that the manure management plan is implemented as proposed, the amendment to the special use will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.***

*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. **Provided that the manure management plan is implemented as proposed and that the property owner follows the remaining***

restrictions in Ordinance 2012-22, the amendment will not be substantially injurious to the us and enjoyment of other property in the area nor will the amendment impair property values.

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Provided that the manure management plan is implemented as proposed, no concerns exist regarding drainage. The owner of the property will need to continue their required contributions to the Homeowners' Association as outlined in Ordinance 2012-22 to ensure that Ashe Road remains in good repair.***

*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. **The proposed special use permit and site plan conform to all other applicable regulations of the RPD-1 Zoning District.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The LRMP states the following regarding the Rural Estate Residential Area, "limited business use may also be appropriate for small offices or agricultural service enterprises" and "agricultural uses will continue to be a major use in Rural Estate areas" (Page 5-17). Accordingly, with proper restrictions, the proposed use is consistent with the purpose and objectives of the LRMP.***

## **RECOMMENDATION**

Staff recommends approval of the requested amendment with the following conditions:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
3. The site shall be developed substantially in accordance with the attached site plan.
4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
5. The manure shall be handled in substantial the manner stated in the manure management plan.
6. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
7. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
8. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

## **ATTACHMENTS**

1. Application Materials
2. Aerial
3. Ordinance 2012-22
4. Ordinance 2006-29
5. Ordinance 2006-05
6. 7.30.18 Little Rock-Fox Fire Protection District Email
7. 7.30.18 City of Plano Email
8. Stable East Wing
9. Stable West Wing
10. Accessory Buildings
11. Manure Area
12. Site Plan

13. NRI Application
14. 2005 EcoCat
15. 2.25.19 City of Plano Email
16. 10.11.18 Letter from Christopher Fowler
17. 3.5.19 ZPAC Minutes
18. Manure Management Plan
19. 3.11.19 Letter from Kendall County Health Department Regarding Manure Management Plan

LAW OFFICES  
OF

***Daniel J. Kramer***

1107A SOUTH BRIDGE STREET  
YORKVILLE, ILLINOIS 60560  
(630) 553-9500  
Fax: (630) 553-5764

DANIEL J. KRAMER

KELLY A. HELLAND  
D.J. KRAMER

June 27, 2018


Matt Asselmeier  
Senior Planner  
Kendall County Building & Zoning  
Via Hand Delivery

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Matt:

Enclosed please find original Application for Major Amendment to Special Use and supporting documents. A check in the amount of \$1,155.00 made payable to the Kendall County Treasurer. If you need any additional information please feel free to contact me. If you could let me know the schedule of meetings we will be on when you get a chance I would appreciate it.

Very truly yours,

  
Daniel J. Kramer  
Attorney at Law

DJK/cth

Enclosures

LAW OFFICES  
OF

***Daniel J. Kramer***

1107A SOUTH BRIDGE STREET  
YORKVILLE, ILLINOIS 60560  
(630) 553-9500  
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DANIEL J. KRAMER

KELLY A. HELLAND  
D.J. KRAMER

June 27, 2018

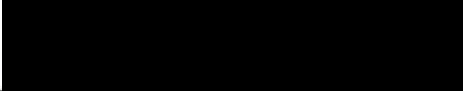
Matt Asselmeier  
Senior Planner  
Kendall County Building & Zoning  
Via Email: [Masselmeier@co.kendall.il.us](mailto:Masselmeier@co.kendall.il.us)

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Matt:

Please be advised that we are filing the enclosed Application for Minor Special Use Amendment. My client would request to waive the requirement for the Kendall County Soil & Water Conservation NRI Report and the State of Illinois INDR Report since there are no changes in zoning, structures on the property, or utilities serving the property. Please let me know if this is acceptable at your earliest convenience.

Very truly yours,

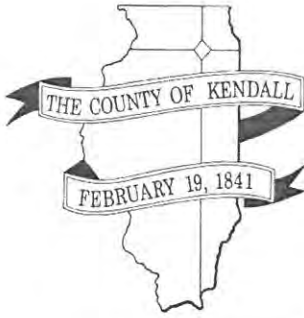
  
Daniel J. Kramer  
Attorney at Law

DJK/cth  
Enclosures

Petitioner hereby requests the following 2 amendments to the Equestrian Special Use:

1. Applicant requests to increase the maximum number of horses allowed from 25 to 36 horses.
2. Applicant requests permission to board horses outside of the horses owned by the residents of the Equestrian Estates at Legacy Farm Subdivision.

These requests do not involve any changes to structures, uses, or utilities of the current Special Use.



**DEPARTMENT OF PLANNING, BUILDING & ZONING**  
 111 West Fox Street • Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**APPLICATION**

PROJECT NAME Skyfall Equestrian Major Su FILE # 18-24  
*Amended 2/2018*

<b>NAME OF APPLICANT</b> Skyfall Equestrian LLC		
<b>CURRENT LANDOWNER/NAME(s)</b> Skyfall Equestrian LLC		
<b>SITE INFORMATION</b>		
ACRES 8.5 acre	SITE ADDRESS OR LOCATION 17 Ashe Road, Sugar Grove, IL	ASSESSOR'S ID NUMBER (PIN) 02-06-102-009 & 01-01-200-020
EXISTING LAND USE Equestrian Facility	CURRENT ZONING RPD-2	LAND CLASSIFICATION ON LRMP
<b>REQUESTED ACTION</b> (Check All That Apply):		
<input 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.)
<input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input checked="" type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Attorney Daniel J. Kramer	1107A S. Bridge Street, Yorkville, IL 60560	Dkramer@dankramerlaw.com
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
630-553-9500	630-553-5764	
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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.		
<b>SIGNATURE OF APPLICANT</b> 		<b>DATE</b> <u>June 26, 2018</u>

FEE PAID: \$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<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



PARCEL ONE:  
LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT  
THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER  
CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS  
DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY,  
ILLINOIS.

PARCEL 2:  
EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE  
ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT  
RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS  
RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032



This instrument was prepared by:  
Wade R. Joyner  
1058 Bristol Court  
Wheaton, IL 60189

201600017514

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 11/4/2016 8:18 AM  
WD: 1549.00 RHSPS FEE: 10.00  
PAGES: 3

Return recorded document to.

SkyFall Equestrian, LLC  
17 Ashe Road  
Lot J  
Sugar Grove, IL 60554

WARRANTY DEED

THE GRANTOR,

SUCCESS IN THE SUBURBS, INC , an Illinois Corporation

of 1436 Meander Drive, Naperville, Illinois 60565 for and in consideration of Ten and no/100 DOLLARS, in hand paid, CONVEY and WARRANT to

SKYFALL EQUESTRIAN, LLC, an Illinois Limited Liability company,

GRANTEE.

the following described Real Estate situated in the County of Kendall, and the State of Illinois, to wit

See Exhibit A, attached

SUBJECT TO real estate taxes for the year 2016 and all subsequent years Covenants, conditions, easements and restrictions of records, building lines and easements.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois

Permanent Index Number 01-02-200-020 and 02-06-102-009  
Address(es) of Real Estate 17J Ashe Road, Sugar Grove, Illinois 60554

CONVEYED this 17 day of August, 2016

Chicago Title

1 of 3

3

16 SA 9415043 AM  
04


SUCCESS IN THE SUBURBS, INC  
an Illinois Corporation,

By [Redacted]  
Denise E Burks, President

By [Redacted]  
Russell D Burks, Secretary/Treasurer

State of \_\_\_\_\_ }  
County of Charleston } ss

COUNTY OF KENDALL  
REAL ESTATE TRANSFER TAX  
\$500.00

STATE TAX  REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE	NOV -4 16	REAL ESTATE TRANSFER TAX
	# 0000000000	0100000
		FP326656

I, THE UNDERSIGNED, a notary public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that Russell D Burks, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such, he signed and delivered the said instrument, as a free and voluntary act and deed, for the uses and purposes therein set forth

Given under my hand and official seal, this 17 day of August, 2016

[Redacted Signature]  
Notary Public



State of \_\_\_\_\_ }  
County of Charleston } ss

I, THE UNDERSIGNED, a notary public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that Denise E Burks, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such, he signed and delivered the said instrument, as a free and voluntary act and deed, for the uses and purposes therein set forth

Given under my hand and official seal, this 17 day of August, 2016

[Redacted Signature]  
Notary Public



Send subsequent tax bills to:

SkyFall Equestrian, LLC  
17 Ashe Road  
Lot J  
Sugar Grove, IL 60554

PARCEL ONE

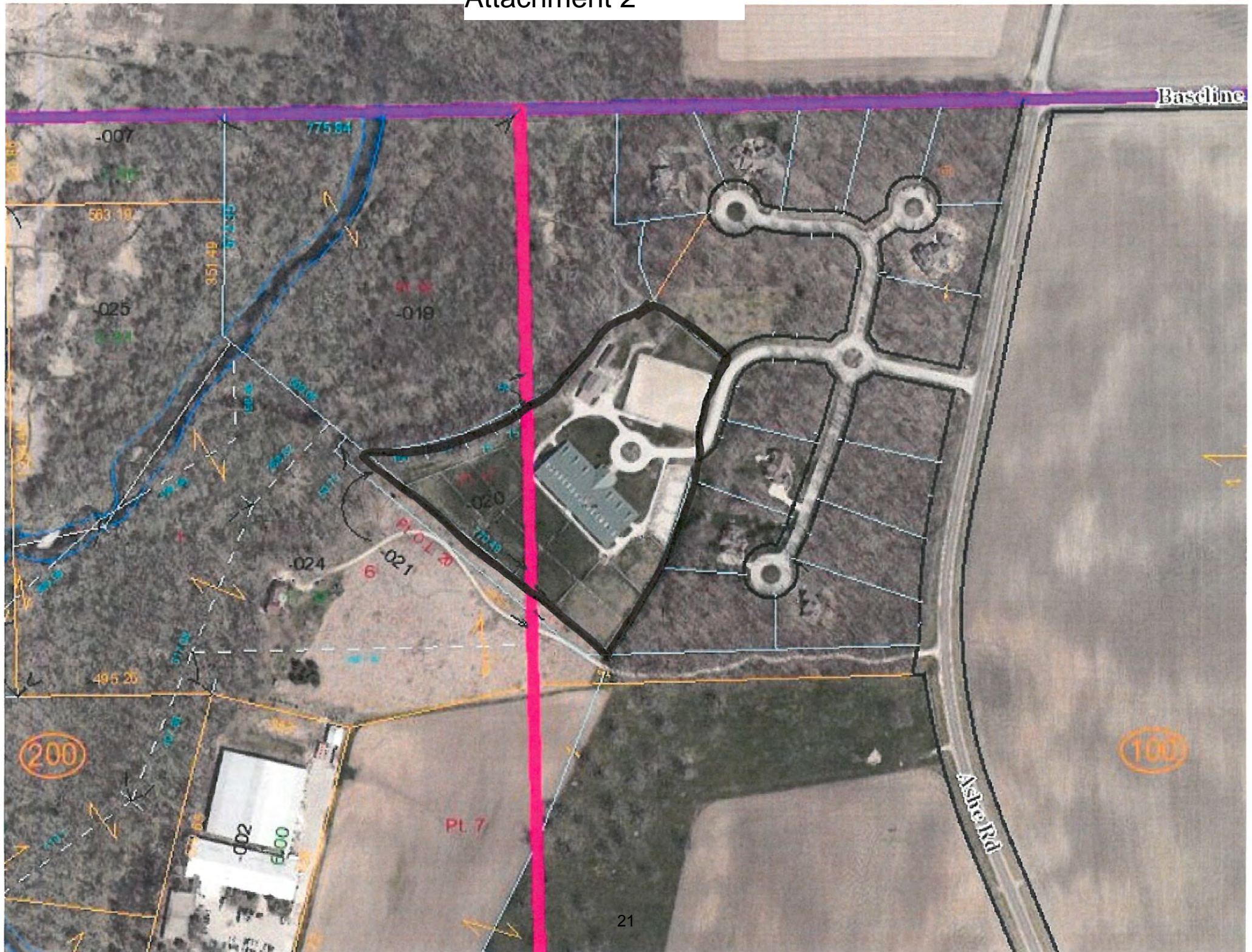
LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY, ILLINOIS.

PARCEL 2

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032.

Unofficial





State of Illinois  
County of Kendall

Zoning Petition #12-29

ORDINANCE # 2012 - 22

GRANTING AN AMENDMENT TO RESCIND ORDINANCE 2006-29 & AMEND AN  
EXISTING SPECIAL USE FOR THE  
**OPERATION OF A CENTRAL HORSE STABLE AND STABLE MANAGER HOUSING  
FOR SUCCESS IN THE SUBURBS, INC.**

WHEREAS, Success in the Suburbs, Inc. filed a petition for a Special Use within the RPD-1 zoning district for an 8.5 acre property located on, and identified as Lot 17 of the Equestrian Estates at Legacy Farm Subdivision, commonly known as 17J Ashe Road, (PIN's#02-06-102-009 & 01-01-200-020); and

WHEREAS, Ordinance 2006-29 allowed for construction and operation of a central horse stable serving the equine boarding needs of the homeowners and guests of homeowners of the Equestrian Estates at Legacy Farm Subdivision, as well as providing for the housing needs of the managers of the central horse stable; and

WHEREAS, said petition is to amend the existing special use to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision; and

WHEREAS, said property is legally described as:

PARCEL 1:

LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS OVER LOT 19 (PRIVATE ROAD) IN EQUESTRIAN ESTATES AT LEGACY FARMS, AFORESAID, AS CREATED BY INSTRUMENT RECORDED JUNE 9, 2006, AS DOCUMENT 200600017122 AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on September 10, 2012; and

WHEREAS, on February 21, 2006 the Kendall County Board approved the necessary ordinance rezoning the property to RPD-1 and granted a Special Use for a stable to house horses and managers quarters to pursuant to the terms and conditions as specified per Ordinance #2006-05; and

State of Illinois  
County of Kendall

Zoning Petition #12-29

WHEREAS, condition number 1 of said ordinance granting the Special Use set a maximum limit of thirty-six (36) horses to be stored in said stable; and

WHEREAS, on April 18, 2006 the Kendall County Board approved an ordinance reducing the maximum number of horses previously approved to be stored in said stable to not more than twenty-four (24) horses;

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

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #06-29 in its entirety and grants approval of a special use zoning permit to amend their existing special use permit to change the private horse facility from allowing only boarders who live within the Subdivision into a private horse facility that also allows boarder who do not live within the Subdivision subject to the following conditions:

1. A maximum of twenty-four (24) horses are allowed to be housed in the stable.
2. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
3. The facility shall be exclusively used by the owners, trainers, boarders and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outdoor event exceeding fifty (50) guests, the owner, shall provide each of the property owners and Homeowners Association with at least thirty (30) days notice of the event. The Owner shall host no more than two (2) such outdoor events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club.
4. As a private equestrian facility, no school horses will be available for rent to the general public. Training is available to the owners, trainers, boarders and their guests, only.
5. A maximum of two (2) adults and their immediate family can live in each of the two stable manager housing units inside the stable.
6. Private Road Maintenance: The Owner will solely maintain that portion of the road that is on Lot 17, with that portion being shown on the Final Plat for Equestrian Estates at Legacy Farms Subdivision. The Homeowners Association or property owners will maintain the

State of Illinois  
County of Kendall

Zoning Petition #12-29


remaining roads within the Subdivision. The Owner will pay 29% of the cost of maintaining that portion of the roads running from Ashe Road to the turnabout, the turnabout road, and from the turnabout to that portion of the road that intersects with Lot 17. The Owner will notify all boarders that the residential roads are for private use only. With all things being equal with other service providers, including price and quality of service, the Homeowners Association and/or residents agrees to allow the Owner to provide landscaping and road maintenance services.


7. Trails: The Homeowners Association or property owners will be responsible for maintaining any trails in Lot 18. The Owner will be responsible for 29% of the cost to maintain the trails in Lot 18 and the Homeowners Association or property owners will be responsible for 71% of the cost. With all things being equal with other service providers, including price and quality of service, the Homeowners Association or property owners agree to allow the Owner to provide trail improvement and maintenance services.
8. Insurance: The Owner will maintain a comprehensive general liability policy in the minimum amount of \$1,000,000.00. The Homeowners Association and/or property owners will be named as an additional insured.
9. Lighting: The outdoor arena shall not be lighted. The existing lighting on the south side of the stable will only be used before 8pm or in case of emergency.
10. Sale of the Stable: In the event the Owner lists the property for sale, the Owner shall notify the Homeowners Association and property owners of such listing within five (5) business days.
11. Stable Workers: All employees or independent contractors shall be retained by the Owner.
12. There shall be no signage on the property indicating the stable accepts commercial stabling of horses. The Owner may post upon Homeowners Association and/or property owners approval and/or request a small discreet sign on Lot 17, at the entrance to the facility.
13. No signs are permitted on the eastern portion of the outdoor riding arena.
14. Horse trailers: Horse trailers shall be parked west of the outdoor arena.
15. No rodeo, barrel racing or reining shows, but practicing such activities is a permitted use.

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

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 18<sup>th</sup> day of September, 2012.

Attest:

  
 \_\_\_\_\_  
 Kendall County Clerk  
 Debbie Gillette

  
 \_\_\_\_\_  
 Kendall County Board Chairman  
 John Purcell



01-01-200-020  
02-06-102-029



State of Illinois  
County of Kendall

Zoning Petition  
05-41

**ORDINANCE NUMBER 2006 - 29**

**AMENDING SPECIAL USE  
CONSTRUCTION AND OPERATION OF A CENTRAL HORSE STABLE AND  
STABLE MANAGER HOUSING  
LEGACY FARM, LLC**

WHEREAS, Legacy Farm, LLC filed a petition for a Special Use within the RPD-1 zoning district for property located on, and identified as Lot 17 of the Equestrian Estates at Legacy Farm Subdivision; and

WHEREAS, said petition allowed for construction and operation of a central horse stable serving the equine boarding needs of the homeowners and guests of homeowners of the Equestrian Estates at Legacy Farm Subdivision, as well as providing for the housing needs of the managers of the central horse stable as determined by the Zoning Board of Appeals pursuant to § 4.15 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as Lot 17, Equestrian Estates at Legacy Farm; and

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

WHEREAS, on February 21, 2006 the Kendall County Board approved the necessary ordinance rezoning the property to RPD-1 and granted a Special Use for a stable to house horses and managers quarters to pursuant to the terms and conditions as specified per Ordinance #2006-05; and

WHEREAS, condition number 1 of said ordinance granting the Special Use set a maximum limit of thirty-six (36) horses to be stored in said stable; and

WHEREAS, the petitioner desires to reduce the maximum number of horses previously approved to be stored in said stable to not more than twenty-four (24) horses;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants an amendment to conditions previously approved per Ordinance #2006-05 are hereby amended as follows:

1. A maximum of ~~thirty-six (36)~~ twenty-four (24) horses are allowed to be housed in the stable.
2. Stabling of horses from non-residents of Legacy Farms is allowed for a maximum of one (1) month, provided said horses are owned by a guest of a resident of Legacy Farms.
3. There shall be no signage on the property indicating the stable accepts commercial stabling of horses.

State of Illinois  
County of Kendall

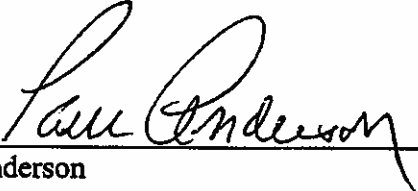
Zoning Petition  
05-41


4. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
5. In the event the petitioner sells the central horse stable, the Homeowners Association of Equestrian Estates at Legacy Farms has the right of first refusal to purchase the stable.
6. All employees of the central stable shall be employees of the owner/operator and not the Homeowners Association.
7. A maximum of four (4) persons can be employed at the stable, and a maximum of four (4) persons – two (2) per unit – can live in the stable manager housing inside the stable.

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

IN WITNESS OF, this ordinance has been enacted on April 18, 2006.

Attest:

  
\_\_\_\_\_  
Paul Anderson  
Kendall County Clerk

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

01-01-200-020  
02-06-102-009  
see 06-29



State of Illinois  
County of Kendall

Zoning Petition  
05-41

**ORDINANCE NUMBER 2006 - 05**

**GRANTING SPECIAL USE**  
**CONSTRUCTION AND OPERATION OF A CENTRAL HORSE STABLE AND**  
**STABLE MANAGER HOUSING**  
**LEGACY FARM, LLC**

WHEREAS, Legacy Farm, LLC filed a petition for a Special Use within the RPD-1 zoning district for property located on, and identified as Lot 17 of the Equestrian Estates at Legacy Farm Subdivision; and

WHEREAS, said petition is to allow for construction and operation of a central horse stable serving the equine boarding needs of the homeowners and guests of homeowners of the Equestrian Estates at Legacy Farm Subdivision, as well as providing for the housing needs of the managers of the central horse stable as determined by the Zoning Board of Appeals pursuant to § 4.15 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned A-1 Agricultural and R-1 One Family Residential, with an associated Ordinance to change the zoning map for the subject parcel to RPD-1 Residential Planned Development - One; and

WHEREAS, said property is legally described as Lot 17, Equestrian Estates at Legacy Farm; and

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

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to permit the use indicated in the recitals section of this Ordinance subject to the following conditions:

1. A maximum of thirty-six (36) horses are allowed to be housed in the stable.
2. Stabling of horses from non-residents of Legacy Farms is allowed for a maximum of one (1) month, provided said horses are owned by a guest of a resident of Legacy Farms.
3. There shall be no signage on the property indicating the stable accepts commercial stabling of horses.
4. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
5. In the event the petitioner sells the central horse stable, the Homeowners Association of Equestrian Estates at Legacy Farms has the right of first refusal to purchase the stable.

State of Illinois  
County of Kendall

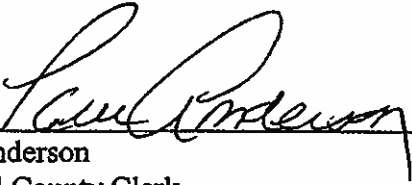
Zoning Petition  
05-41

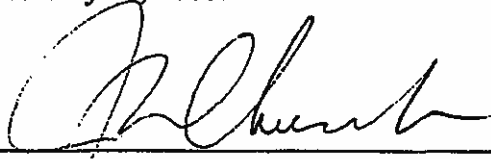
6. All employees of the central stable shall be employees of the owner/operator and not the Homeowners Association.
7. A maximum of four (4) persons can be employed at the stable, and a maximum of four (4) persons – two (2) per unit – can live in the stable manager housing inside the stable.

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

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

Attest:

  
\_\_\_\_\_  
Paul Anderson  
Kendall County Clerk

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

# Attachment 6

## Matt Asselmeier

---

**From:** Chief Greg Witek [gwitek@lrffpd.com]  
**Sent:** Monday, July 30, 2018 5:02 AM  
**To:** Matt Asselmeier  
**Cc:** Chiefs at LRFFPD  
**Subject:** Fwd: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road  
**Attachments:** Distribution Form-Petition 18-24.pdf

LRF has no objections

---  
*Fire Chief Greg Witek*

--- Forwarded message ---

**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Date:** July 25, 2018 9:14:27 AM  
**Subject:** Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road  
**To:** Aaron Rybski <ARybski@co.kendall.il.us>, Andrews, Megan - NRCS-CD, Yorkville, IL <Megan.Andrews@il.nacdnet.net>, Brian Holdiman <BHoldiman@co.kendall.il.us>, David Guritz <dguritz@co.kendall.il.us>, Fran Klaas <FKlaas@co.kendall.il.us>, 'Greg Chismark' <GChismark@wbkengineering.com>, Jason Langston <JLangston@co.kendall.il.us>, Jonathan Oelschlager <joelschlager@co.kendall.il.us>, Robert Davidson <rdavidson@co.kendall.il.us>, Scott Koeppel <skoeppel@co.kendall.il.us>, Latreese Caldwell <LCaldwell@co.kendall.il.us>, Julie Bennett (bennett4390@sbcglobal.net) <bennett4390@sbcglobal.net>, Mike Torrence (Mtorrence@Bristolkendallfire.com) <Mtorrence@Bristolkendallfire.com>, Robert Walker (bristolwsp@comcast.net) <bristolwsp@comcast.net>, Greg Witek <GWitek@LRFFPD.com>, Kathy Miller <kmiller@cityofplanoil.org>, Tom Karpus <tkarpus@cityofplanoil.org>

Please see the attached memo regarding Petition 18-24.

If you have any questions, please let me know.

Thanks,

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

# Attachment 7

## Matt Asselmeier

---

**From:** Tom Karpus [tkarpus@cityofplanoil.org]  
**Sent:** Monday, July 30, 2018 2:13 PM  
**To:** Matt Asselmeier  
**Subject:** RE: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

Matt,

Attorney Kramer sent us the full petition this morning. Please be advised the City of Plano has no objections.

Tom

**Thomas J. Karpus, R.A., ALA**  
**Director, Building, Planning, & Zoning**  
**City of Plano, IL**  
**(630)552-8425**

**From:** Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]  
**Sent:** Wednesday, July 25, 2018 9:14 AM  
**To:** Aaron Rybski <ARybski@co.kendall.il.us>; Andrews, Megan - NRCS-CD, Yorkville, IL <Megan.Andrews@il.nacdnet.net>; Brian Holdiman <BHoldiman@co.kendall.il.us>; David Guritz <dguritz@co.kendall.il.us>; Fran Klaas <FKlaas@co.kendall.il.us>; 'Greg Chismark' <GChismark@wbkengineering.com>; Jason Langston <JLangston@co.kendall.il.us>; Jonathan Oelschlager <joelschlager@co.kendall.il.us>; Robert Davidson <rdavidson@co.kendall.il.us>; Scott Koeppel <skoeppel@co.kendall.il.us>; Latreese Caldwell <LCaldwell@co.kendall.il.us>; Julie Bennett (bennett4390@sbcglobal.net) <bennett4390@sbcglobal.net>; Mike Torrence (Mtorrence@Bristolkendallfire.com) <Mtorrence@Bristolkendallfire.com>; Robert Walker (bristoltwsp@comcast.net) <bristoltwsp@comcast.net>; Greg Witek <GWitek@LRFFPD.com>; Kathy Miller <kmiller@cityofplanoil.org>; Tom Karpus <tkarpus@cityofplanoil.org>  
**Subject:** Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

Please see the attached memo regarding Petition 18-24.

If you have any questions, please let me know.

Thanks,

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

# Attachment 8 Stable East Wing



Attachment 9 Stable West Wing





Attachment 10 Accessory Buildings

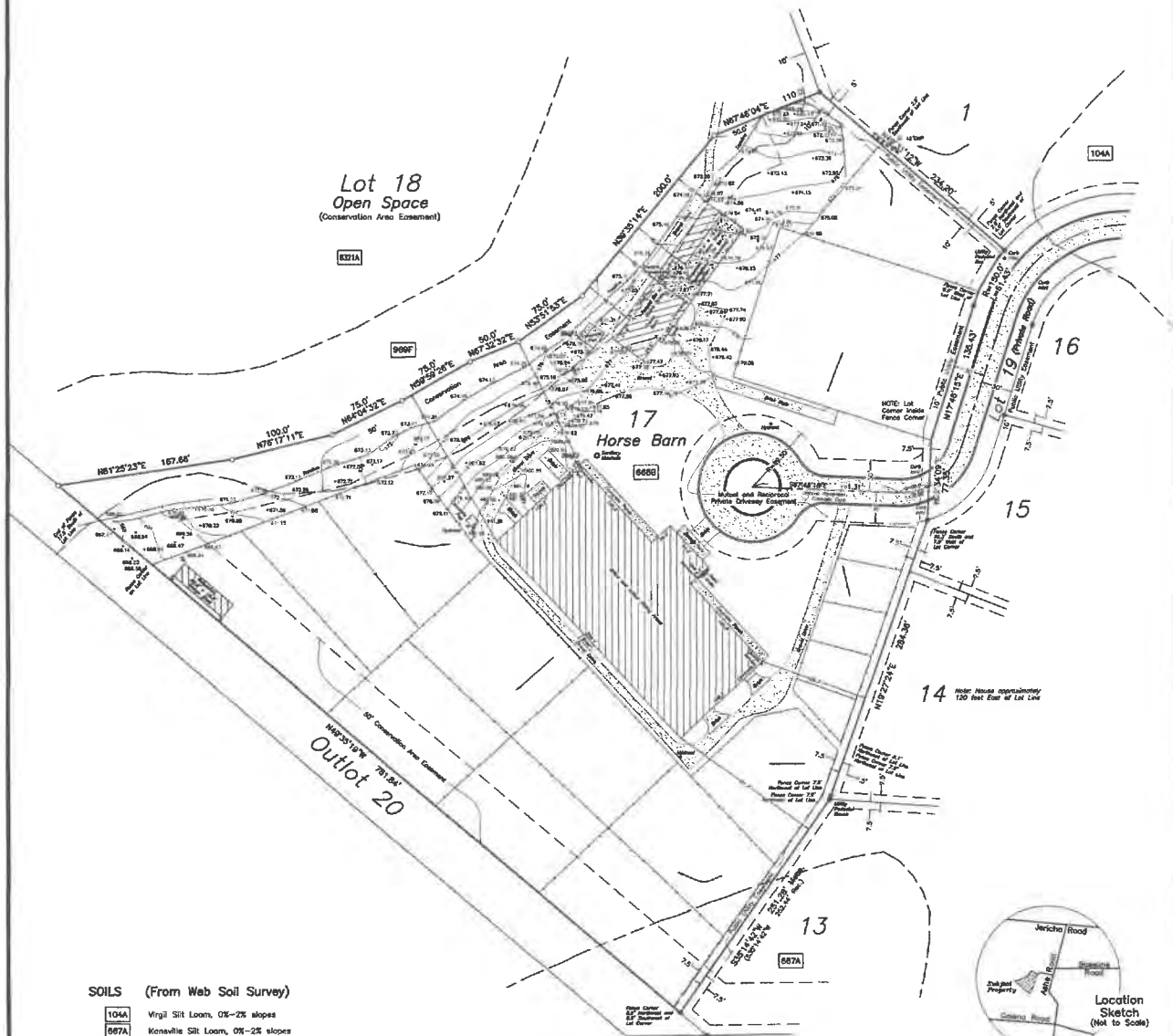


Attachment 11 Manure Area  
(August 2018)





ZONING PLAT OF  
 LOT 17 EQUESTRIAN ESTATES AT LEGACY FARMS  
 BRISTOL AND LITTLE ROCK TOWNSHIPS KENDALL COUNTY ILLINOIS



**SOILS (From Web Soil Survey)**

104A	Virgil Silt Loam, 0%–2% slopes
667A	Koneville Silt Loam, 0%–2% slopes
668B	Somonauk Silt Loam, 2%–5% slopes
999F	Coaco–Rodman Complex, 20%–30% slopes
631A	DuPage Silt Loam, 0%–2% slopes, occasionally flooded

**FLOODPLAIN STATEMENT:**  
 The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 1709300300 with an effective date of February 4, 2009. Base Flood Elevation (BFE) is approximately 648 located West of the West Line of Lot 17.

**WETLANDS STATEMENT:**  
 The National Wetlands Inventory Map shows no designated wetlands on the Subject Property.

**LEGAL DESCRIPTION OF SUBJECT PROPERTY:**  
**PARCEL ONE:**  
 Lot 17, Equestrian Estates at Legacy Farms Subdivision, according to the Plat thereof recorded on June 8, 2006, as Document Number 200600017122, and per Correction Instruments recorded March 27, 2007 as Document 200700010033 and as Document 200700010032 in Little Rock and Bristol Townships, Kendall County, Illinois.

**PARCEL TWO:**  
 Easement for the benefit of Parcel 1 for Ingress and Egress over Lot 19 (Private Road) in Equestrian Estates at Legacy Farms, a/c/m/d, as created by Instrument June 8, 2006, as Document Number 200600017122, and per Correction Instruments recorded March 27, 2007 as Document 200700010033 and as Document 200700010032 in Little Rock and Bristol Townships, Kendall County, Illinois.

**DEVELOPER:**  
 Dorothy M. Flak  
 17 Ash Road, Lot J  
 Sugar Grove, Illinois 60554

**AREA OF SUBJECT PROPERTY:**  
 370,269 Sq.Ft. = 8.5002 Acres

**PRESENT ZONING:**  
 RPD-1 SU (Residential Planned Development – Special Use)

**PROPOSED ZONING:**  
 RPD-1 SU (Residential Planned Development – Special Use)

**SUBJECT PROPERTY ADDRESS:**  
 17 Ash Road, Lot J

**SUBJECT PROPERTY P.I.N.**  
 02-06-102-009  
 01-01-200-020

**SCALE**  
 1"=50'

0 25 50 75 100 125

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- x—x—x— Indicates Spot Elevation
- w—w—w— Indicates Contour Elevation
- d—d—d— Indicates Direction of Drainage

**BENCHMARKS**  
 BM#1 – Northeast Corner of Concrete Dumpster Pad West of Frame Barn. Elevation = 677.47  
 BM#2 – Northeast Corner of Concrete Pad at Northeast Corner of Indoor Riding Arena. Elevation = 632.08

December 21st, 2018

JOB NO.	18245
JOB NAME	ATTY. KRAMER
DWG FILE	18245C
REVISION DATE	

**Phillip D. Young and Associates, Inc.**  
 LAND SURVEYING – TOPOGRAPHIC MAPPING – Lic.#184-002775  
 1107B South Bridge Street  
 Yorkville, Illinois 60560  
 Telephone (630)553-1580

DANIEL J. KRAMER

LAW OFFICES  
OF  
***Daniel J. Kramer***  
1107A SOUTH BRIDGE STREET  
YORKVILLE, ILLINOIS 60560  
(630) 553-9500  
Fax: (630) 553-5764

KELLY A. HELLAND  
D.J. KRAMER

February 12, 2019

Kendall County SWCD  
Attn: Megan  
7775A Route 47  
Yorkville, IL 60560

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Megan:

Enclosed please find KCSWCD Application for NRI Report and Special Use Drawing. A check in the amount of \$75.00 made payable to the Kendall County SWCD. If you need any additional information please feel free to contact me. If you could let me know the schedule of meetings we will be on when you get a chance I would appreciate it.

Very truly yours,

Daniel J. Kramer  
Attorney at Law

DJK/cth

Enclosures



**Kendall County Soil & Water Conservation District**

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

[www.kendallswcd.org](http://www.kendallswcd.org)

**NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION**

**Petitioner:** Skyfall Equestrian LLC  
 Address: 17 J Ashe Road  
 City, State, Zip: Sugar Grove, IL 60554  
 Phone Number: [REDACTED]  
 Email: [REDACTED]

**Contact Person:** Attorney Daniel J. Kramer  
 1107A S. Bridge Street  
 Yorkville, IL 60560  
 (630) 553-9500  
 dkramer@dankramerlaw.com

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

**Site Location & Proposed Use**

Township Name Bristol & Little Rock Township \_\_\_\_\_ N, Range \_\_\_\_\_ E, Section(s) \_\_\_\_\_  
 Parcel Index Number(s) 02-06-102-009 and 01-01-200-020  
 Project or Subdivision Name Equestrian Estates at Legacy Farm Number of Acres 8.5  
 Current Use of Site horse farm Proposed Use horse farm  
 Proposed Number of Lots 1 Proposed Number of Structures 1  
 Proposed Water Supply Well Proposed type of Wastewater Treatment septic  
 Proposed type of Storm Water Management \_\_\_\_\_

**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: Kendall County PB & Z

**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	\$	<u>375.00</u>
_____ Additional Acres at \$18.00 each	\$	_____
<b>Total NRI Fee</b>	<b>\$</b>	<b><u>75.00</u></b>

**NOTE:** Applications are due by the 1<sup>st</sup> 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

\_\_\_\_\_  
 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 \_\_\_\_\_



**Illinois**  
Department of  
**Natural Resources**

One Natural Resources Way, Springfield, IL 62702-1271

Rod R. Blagojevich, Governor

http://dnr.state.il.us



DEPARTMENT OF  
NATURAL RESOURCES

SEP 01 2005

**CONSULTATION AGENCY ACTION REPORT**

(Illinois Administrative Code Title 17 Part 1075)

Division of Resource Review and Coordination

Stephen K. Davis, Chief

**OREP**

Date submitted: August 31, 2005  
If this is a resubmittal, include previous IDNR response if available.

FOR DEPARTMENT USE ONLY  
PROJCODE: 0201028  
Date Due: 10/1/05

Applicant Name: Legacy Farms LLC  
Contact Person: Derrick Watts  
Applicant Address: 8 Hathaway Crescent  
Aurora, IL 60506

Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**LOCATION OF PROPOSED ACTION**

A MAP SHOWING LOCATION OF PROPOSED ACTION IS REQUIRED

Project Name: Equestrian Estates at Legacy Fams County: Kendall

Project Address (if available): 17 Ashe Road

City, State, Zip: Kendall County, IL

Township/Range/Section (e.g. T45N,R9E,S2): T37N, R 6E NE ¼ 1 and T37N, R7E NW ¼ 6

Brief Description of Proposed Action: 16 lot subdivision within the eastern 30 Acres of the site

Projected Start Date and End Date of Proposed Action: Spring 2006-Fall 2006

Will state funds or technical assistance support this action? [ Yes | No ] If Yes, the Interagency Wetlands Policy Act will apply. Contact the funding agency or this Division for details.

Local/State Agency with Project Jurisdiction: Kendall County

Contact: Jerry Dundgeon

Address: 111 W. Fox Street

Yorkville, IL 60560

Phone: 630-553-4141

Fax: 630-553-4179

E-mail: \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

Are endangered/threatened species or Natural Areas present in the vicinity of the action? [ YES /  NO ]

Could the proposed action affect the threatened/endangered species or Natural Area? [ YES /  NO ]

Is consultation terminated? [ YES /  NO ]

Comments: \_\_\_\_\_

Evaluated by: \_\_\_\_\_

Division of Resource Review and Coordination (217) 785-5500

Date: 10-9-05

**Matt Asselmeier**

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**From:** Tom Karpus [tkarpus@cityofplanoil.org]  
**Sent:** Monday, February 25, 2019 8:53 AM  
**To:** Matt Asselmeier  
**Subject:** RE: Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

Matt,

The City of Plano has no objection.

Tom

**Thomas J. Karpus, R.A., ALA**  
**Director, Building, Planning, & Zoning**  
**City of Plano, IL**  
**(630)552-8425**

---

**From:** Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]  
**Sent:** Thursday, February 21, 2019 10:00 AM  
**To:** Aaron Rybski <ARybski@co.kendall.il.us>; Andrews, Megan - NRCS-CD, Yorkville, IL <Megan.Andrews@il.nacdnet.net>; Brian Holdiman <BHoldiman@co.kendall.il.us>; David Guritz <dguritz@co.kendall.il.us>; Fran Klaas <FKlaas@co.kendall.il.us>; 'Greg Chismark' <GChismark@wbkengineering.com>; Jason Langston <JLangston@co.kendall.il.us>; Meagan Briganti <MBriganti@co.kendall.il.us>; Matthew G. Prochaska <mprochaska@co.kendall.il.us>; Scott Koeppel <skoeppel@co.kendall.il.us>; Julie Bennett (bennett4390@sbcglobal.net) <bennett4390@sbcglobal.net>; Mike Torrence (Mtorrence@Bristolkendallfire.com) <Mtorrence@Bristolkendallfire.com>; Robert Walker (bristoltwsp@comcast.net) <bristoltwsp@comcast.net>; Greg Witek <GWitek@LRFFPD.com>; Kathy Miller <kmiller@cityofplanoil.org>; Tom Karpus <tkarpus@cityofplanoil.org>  
**Subject:** Kendall County Petition 18-24-Major Amendment to Special Use Permit at 17 Ashe Road

To All:

The Kendall County ZPAC will be discussing a proposed major amendment to a special use permit at 17 Ashe Road on March 5<sup>th</sup> at 9:00 a.m. in the County Board Room at 111 W. Fox Street in Yorkville.

The Staff Report on this proposal is attached.

In addition to increasing the number of horses allowed boarded, the Petitioner also plans to demolish a couple structures and built a new building on the same footprint as one of the existing buildings.

If you have any questions, please let me know.

Thanks,

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





Law Office //

MICHAEL T. HUGUELET, P.C.

Attorneys // Law

Michael T. Huguelet \*  
Christopher S. Fowler\*\*

\*Also admitted in Florida  
\*\*Also admitted in Nebraska

Of Counsel  
Margaret A. O'Sullivan

October 11, 2018

writer's email:  
cfowler@hugueletlaw.com

Via Certified Mail

Matthew Asselmeier  
Department of Planning, Building & Zoning  
County of Kendall  
111 W. Fox Street, Room 204  
Yorkville, IL 60560

**Re: *Petition 18-24 Proposed Major Amendment to Special Use Permit to Increase the Number of Horses Allowed Boarded at 17 Ashe Road from Twenty-Four to Thirty-Six ("Petition")***

Dear Mr. Asselmeier:

Please be advised that the Law Office of Michael T. Huguelet, P.C. represents The Equestrian Estates at Legacy Farm Homeowners' Association (the "Association"). My client has advised me that Skyfall Equestrian, LLC and its attorney have submitted a Petition for a proposed major amendment to special use permit presently in place and affecting the Equestrian Estates at Legacy Farm Subdivision (the "Subdivision"). It is my understanding that a meeting was held on August 7, 2018, whereby the Petition was presented, however, it appears that further documentation was required for full consideration of Petition 18-24. As such, my client seeks confirmation whether a new meeting has been requested before the ZPAC committee on the Petition.

Please be advised that my client, as well as many of the homeowners in the Subdivision have indicated an objection to the Petition. As you may be aware, this is not the first time the owner of Lot 17 has attempted to change the dynamic of the Subdivision over the objection of the homeowners. The homeowners are upset due to the fact that the prior Petition, as well as the current submission, change the nature of the Subdivision they originally bought into. The homeowners were attracted to the idea of living in a quiet neighborhood, amongst a forest, which permitted the homeowners to have horses should they choose. None of the homeowners contemplated living next to a business enterprise operating within the Subdivision. My client



October 11, 2018  
Matthew Asselmeier  
Page 2

objects, amongst other things, to an increase in the number of horses to be boarded at the property as it will increase the traffic through the Subdivision, as there is only one access point to Lot 17. The increased volume of traffic will increase the burden and cost imposed upon the Association and the homeowners for maintenance of the roads and the trails in the Subdivision. Moreover, the current owner continues to fail to dispose of the waste produced by the current amount of horses. An increase in the boarded horses will further compound the existing problem.

Previously, the owners had objected to the prior ordinance as it opened up the equestrian facility to the public in order to have a for-profit institution attempt to operate an equestrian facility. The ordinance deprived the owners of certain rights in the original covenants that the facility and trails were to be used exclusively by them, which was a selling point for the Subdivision. The proposed amendment increases the volume by which the public will be entering the Subdivision, which in turn increases costs as well as liability due to the risks associated with more vehicles and traffic through the Subdivision. These are all risks which unfairly would be borne by the owners and the Association. The Association attempted to resolve its issues with the prior owner, however, the prior owner failed to negotiate in good faith. As before, many owners and the Association feel that the new owner seeks to circumvent it and impair their rights without just cause or compensation. As such, please be advised that the Equestrian Estates at Legacy Farm Homeowner's Association and various homeowners object to this Petition and requests the objections be presented at any meeting related to the presentation of the Petition. Thank you for your attention to this matter. I look forward to hearing from you.

Very Truly Yours,

MICHAEL T. HUGUELET, P.C.



Christopher S. Fowler

CSF/cje

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
March 5, 2019 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:

Megan Andrews – Soil and Water Conservation District  
Meagan Briganti – GIS  
David Guritz – Forest Preserve  
Fran Klaas – Highway Department  
Aaron Rybski – Health Department  
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC  
Brian Holdiman – PBZ Department  
Deputy Commander Jason Langston – Sheriff's Department  
Matthew Prochaska – PBZ Committee Chair

Audience:

Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

**AGENDA**

Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

**MINUTES**

Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

**PUBLIC COMMENT**

Dan Huddleston, President of the Homeowners' Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it unpleasant for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners' Association.

No notices of shows have been provided to the Homeowners' Association. The Homeowners' Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners' Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners' Association, discussed the cost increases on the Homeowners' Association.

**PETITIONS**

**Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships**

Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners' Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
3. The site shall be developed substantially in accordance with the attached site plan.
4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski  
Nays (0): None  
Present (2): Guritz and Klaas  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

**Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township**

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11<sup>th</sup>.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County's highway regulations.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes**

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition**

Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff's Office shooting ranges. If

this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

**OLD BUSINESS/NEW BUSINESS**

Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

**CORRESPONDENCE**

None

**ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

Attachment 18

Aaron J. Rybski, L.E.H.P.  
Director of Environmental Health Services  
Kendall County Health Department  
811 W. John St., Yorkville, IL 60560

March 7, 2019

Dear Mr. Rybski,

Thank you again for the opportunity to provide the information about the manure management. When I first bought the property and since October of last year we had to dump the daily waste in a pile and then transfer to the garbage which were 8 yards and I had 3 of them that were picked up 4 days a week, which was costing me approximately \$50,000 a year on waste removal which was not a cost I originally had accounted when purchasing the business. Where the garbage containers were I have had built a concrete pad which was grated and sealed with 3 rows of concrete, in late November I am adding a 4<sup>th</sup> row next two weeks to ensure nothing escapes the enclosure. Additionally, I am going to this spring get a fence to make the enclosure look well not like manure and more appealing. This winter I had to figure out the difficult way what to do if the driver for the mushroom farmer was unable to come, so now I have two backups when the mushroom farmer has no room for more waste; most likely during two months of winter January & February. The manure is picked up every 7-8 days depending on the driver's schedule; The driver Griffin Trucking Larry picks up the manure, and delivers to River Valley Ranch- Eric Rose owner whom has been in business since 1975 in Wisconsin. The backups which I used over the winter are Mark Boyle with MTB green technologies in Somonauk, IL., he has a company that transfers the manure waste into energy. Also my straw farmer Reece has taken it as well to spread on his fields. In regards to how often trucks will be entering the premises it will actually be significantly less than it was with the garbage. The manure is monitored daily; Manure shall be picked up on the more frequent during hot weather to limit odors and insect attraction. Additionally, pickups shall be scheduled more frequently if the pad is fills completely before overflowing. Please do not hesitate with any other questions. I thank you for your time and assistance, and hope this note finds you well.

Best,

Dorothy M Flisk  
Direct: [REDACTED]  
Proprietor Legacy River Equestrian Center  
17 Ashe Road Lot J  
Sugar Grove, IL. 60608





**KENDALL COUNTY HEALTH DEPARTMENT**

811 W. John Street, Yorkville, IL 60560-9249 630/553-9100 Administration Fax 630/553-9506



**Public Health**  
Prevent. Promote. Protect.

March 11, 2019

Matthew Asselmeier  
Senior Planner  
Kendall County Planning, Building and Zoning

**RE: Manure Management Plan for proposed increase in permitted number of horses at Skyfall Equestrian Estates, 17 Ashe Rd. Unit J**

**PIN: 02-06-102-009**

Mr. Asselmeier,

On March 7, 2019, this Department received the Manure Management Plan for the above referenced property and accepts it to serve the needs of the major amendment to the special use permit (petition 18-24).

If there are any questions concerning this determination, please feel free to contact me directly at the number listed below.

Sincerely,

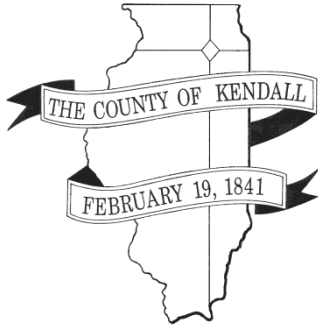
Aaron J. Rybski, L.E.H.P.  
Director of Environmental Health Services  
Kendall County Health Department

Kendall County Location  
811 West John Street  
Yorkville, Illinois 60560  
630/553-9100 Fax 630/553-9605

**Kendall-Grundy Community Action**  
A Unit of Kendall County Health Department



Grundy County Location  
1802 N. Division St., Rm. 602  
Morris, Illinois 60450  
815/941-3262 Fax 815/942-3925



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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To: Kendall County Regional Planning Commission  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: March 11, 2019  
Re: Petition 19-07- Request from the Kendall County Planning, Building and Zoning Committee for Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking of Trailers

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

A redline version of the proposal is attached to this memo.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

The proposal was sent to the townships on March 4, 2019. To date, no townships have provided written comments.

ZPAC reviewed this proposal at their meeting on March 5, 2019. ZPAC unanimously recommended approval. The minutes of the ZPAC meeting are attached.

Thanks,

MHA

ENC: Redlined Version of Section 11.05A of the Kendall County Zoning Ordinance  
March 5, 2019 ZPAC Meeting Minutes

**11.05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES. (Amended 7/18/2006)**

**A. Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes (Amended 7/18/2006)**

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:

a. The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.

b. Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:

i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11.02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.

ii. **Except in the R-4, R-5, R-6, and R-7 districts**, recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.

iii. **In the R-4, R-5, R-6, and R-7 districts**, recreational vehicles, trailers and their contents may **not** encroach into a required front or corner side yard setback, **but** shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.

iv. **iii.** Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

**~~Exception: An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of Section 4.08.A.1.b.ii above as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.) Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle. This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property. Owners shall be required to register their properties with the Planning, Building~~**

~~and Zoning Department on a form approved by the Department prior to December 29, 2006. In addition, the owner shall supply a copy of the plat of survey indicating the approved location for the storage of the vehicle and shall be required to pay a one time registration fee of \$75.00. The Planning Building and Zoning Department shall keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated.~~

c. When recreational vehicles or trailers and their contents are not fully screened from adjacent properties, the maximum number of unscreened recreational vehicles or trailers permitted to be parked or stored on a zoning lot shall be in accordance with the following table:

Zoning	Permitted RV's or Trailers
Agriculture	Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant
R1, R2, R3	2, provided such recreational vehicles or trailers are for use by the property owner or tenant
All other residential districts	1 provided such recreational vehicles or trailers are for use by the property owner or tenant
Commercial or Industrial Districts	No restriction on trailers, recreational vehicles provided they are part of a permitted trailer storage or sales business.

(Amended 7/18/2006)

2. Exception: The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances:

~~a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed 72 hours within a one week period.~~

b) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to 14 consecutive days within a one year period or 21 days (non-consecutive) within a one year period unless otherwise approved in writing by the Zoning Administrator.

3. Unoccupied mobile homes can be stored only in commercial and industrial districts and only as part of a permitted trailer storage or sales business. (Amended 7/18/2006)

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
March 5, 2019 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:

Megan Andrews – Soil and Water Conservation District  
Meagan Briganti – GIS  
David Guritz – Forest Preserve  
Fran Klaas – Highway Department  
Aaron Rybski – Health Department  
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC  
Brian Holdiman – PBZ Department  
Deputy Commander Jason Langston – Sheriff's Department  
Matthew Prochaska – PBZ Committee Chair

Audience:

Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

**AGENDA**

Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

**MINUTES**

Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

**PUBLIC COMMENT**

Dan Huddleston, President of the Homeowners' Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it unpleasant for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners' Association.

No notices of shows have been provided to the Homeowners' Association. The Homeowners' Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners' Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners' Association, discussed the cost increases on the Homeowners' Association.

**PETITIONS**

**Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships**

Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners' Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
3. The site shall be developed substantially in accordance with the attached site plan.
4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski  
 Nays (0): None  
 Present (2): Guritz and Klaas  
 Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

**Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township**

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11<sup>th</sup>.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County's highway regulations.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes**

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition**

Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff's Office shooting ranges. If



this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

#### **OLD BUSINESS/NEW BUSINESS**

Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

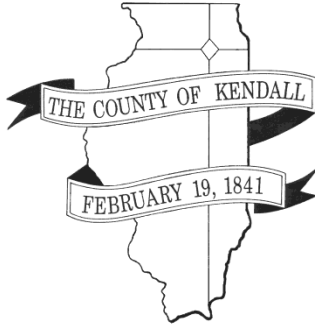
#### **CORRESPONDENCE**

None

#### **ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

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**Petition 19-08**

**Daniel, Bruce, and Norma VanDeventer and Deborah Hull on  
Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and  
Diane and Craig Zimmerman (Prospective Buyer)  
Map Amendment Rezoning Property from A-1 to R-1**

**INTRODUCTION**

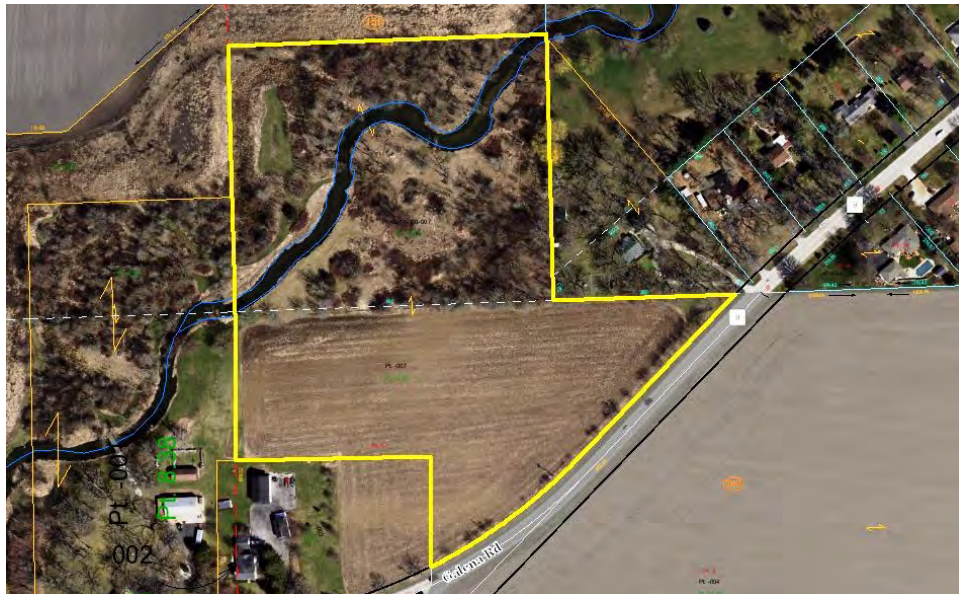
Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

**SITE INFORMATION**

**PETITIONERS:** Daniel, Bruce, and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

**ADDRESS:** Between 7977 and 7823 Galena Road

**LOCATION:** Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road



**TOWNSHIP:** Bristol

**PARCEL #:** 02-11-300-007

**LOT SIZE:** 15.62 +/- Acres

**EXISTING LAND USE:** Agricultural

ZONING: A-1 Agricultural District

LRMP: Future Land Use	Rural Residential (Max 0.65 DU/Acre) and Suburban Residential (Max 1.0 DU/Acre)
Roads	Galena Road is a County Maintained Major Collector Road.
Trails	Yorkville has a trail planned along Galena Road and Montgomery has a trail planned along Blackberry Creek.
Floodplain/Wetlands	Blackberry Creek runs through the property and development can occur only the south portion of the property is outside the floodplain. There is a freshwater emergent wetland on the northwest side of the property.

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Forest Preserve	A-1	Forest Preserve and Rural Residential	R-3 (County) R-2, R-3, and R-5B (Montgomery)
South	Agricultural and Single-Family Residential	R-1 (County) B-3 (Yorkville)	Urban Area	A-1, R-1, and R-3 (County) R-2, B-3, and OS-2 (Yorkville)
East	Single-Family Residential	A-1 and R-3	Suburban Residential	A-1 and R-3 (County) R-2 and M-2 (Yorkville)
West	Forest Preserve and Single-Family Residential	A-1 and R-1	Rural Residential	A-1 and R-1 (County) R-3 and R-5B (Montgomery)

The aerial of the property is included as Attachment 2. Pictures of the property are included as Attachments 3-7. The topographical site plan is included as Attachment 8. The general site plan is included as Attachment 9.

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCAT Report submitted and consultation was terminated, see Attachment 1 Pages 10 and 11.

## **NATURAL RESOURCES INVENTORY**

The application for NRI was submitted on February 19, 2019, see Attachment 1, Page 9. NRI information will be distributed at the March 27<sup>th</sup> Kendall County Regional Planning Commission meeting.

## **ACTION SUMMARY**

### **BRISTOL TOWNSHIP**

Petition information was sent to Bristol Township on February 25, 2019.

### **VILLAGE OF MONTGOMERY**

Petition information was sent to the Village of Montgomery on February 25, 2019.

### **UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville at the end of February. The subject property is across the street from Yorkville, but is in Montgomery's planning jurisdiction. Yorkville will be reviewing the proposal during April 2019.

### **BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

### **ZPAC**

ZPAC reviewed this petition at their meeting on March 5, 2019. The Kendall County Highway Department requested a site plan showing the location of the proposed driveway for the house. It was noted that a variance would be required to the Kendall County Highway Regulations, if the Petitioner desired more than a right-in, right-out point of ingress/egress. ZPAC unanimously recommended approval of the request. The minutes of this meeting are included as Attachment 10.

## **GENERAL INFORMATION**

The Petitioner desires the map amendment in order to construct one (1) single-family home on the property.

If approved, the Zimmermans would like to run a carpentry business out of the property in accordance with Kendall County's home occupation regulations.

## **BUILDING CODES**

Any new homes or accessory structures would be required to meet applicable building codes.

## **ACCESS**

The property fronts Galena Road. Staff has no concerns regarding the ability of Galena Road to support the proposed map amendment. A variance to the Kendall County Highway Access Regulation Ordinance will be required, if the Petitioner desired more than a right-in, right-out point of ingress/egress. At their meeting on March 19, 2019, the County Board approved an ordinance granting access onto Galena Road at the subject property. A copy of the ordinance is included as Attachment 11.

## **ODORS**

No new odors are foreseen.

## **LIGHTING**

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

## **SCREENING**

No fencing or buffer is presently planned for the property.

## **STORMWATER**

Any new homes constructed in the floodplain would have to secure a stormwater permit.

## **UTILITIES**

Electricity is nearby. New well and septic information would have to be evaluated as part of the building

permit process.

#### **FINDINGS OF FACT**

*Existing uses of property within the general area of the property in question. The surrounding properties are a mix of agricultural, single-family residential, and forest preserve uses.*

*The Zoning classification of property within the general area of the property in question. The surrounding properties in the unincorporated area are zoned A-1, R-1, and R-3. Both the Village of Montgomery and the United City of Yorkville have residentially zoned properties within one half (1/2) mile of the subject property.*

*The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. A single-family home cannot be constructed on the property because a residential housing allocation does not exist and because the property is less than forty (40) acres in size.*

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area supports residential growth. A residential subdivision inside the Village of Montgomery is located within one half (1/2) mile of the subject property. No uses that would negatively impact residential development are located near the subject property.*

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential and Suburban Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.*

#### **RECOMMENDATION**

Staff recommends approval of the proposed map amendment.

#### **ATTACHMENTS**

1. Application Materials (Including the Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Aerial
3. Looking West
4. Looking East
5. Looking Northeast
6. Looking West from Eastern Neighbor
7. Intersection of Kennedy and Galena Roads
8. Topographical Site Plan
9. General Site Plan
10. March 5, 2019 ZPAC Minutes
11. Access Variance Ordinance.



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

PROJECT NAME Zimmerman Re-Zoning FILE #: 14-08

<b>NAME OF APPLICANT</b> Craig & Diane Zimmerman		
<b>CURRENT LANDOWNER/NAME(S)</b> Wilber C. VanDenter Trust		
<b>SITE INFORMATION</b>	<b>SITE ADDRESS OR LOCATION</b>	<b>ASSESSOR'S ID NUMBER (PIN)</b>
ACRES 15.62 acres	8225 Galena Rd	02-11-300-007
<b>EXISTING LAND USE</b> <del>Ag</del>	<b>CURRENT ZONING</b> A-1	<b>LAND CLASSIFICATION ON LRMP</b> Rural Residential
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-1</u> )	<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)		
<b>1 PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Boyd Ingemunson	759 John St.	boydingemunson@gmail.com
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
630 553-5622	630 553-7958	630 913-1950
<b>2 ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
N/A		
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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.		
<b>SIGNATURE OF APPLICANT</b> 		<b>DATE</b> 2/15/19

FILE PAID: \$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<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

Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

*Existing uses of property within the general area of the property in question.*

Residential / Agricultural

*The Zoning classification of property within the general area of the property in question.*

R-1 / R-3 / ~~A-1~~ A-1

*The suitability of the property in question for the uses permitted under the existing zoning classification.*

property is suitable

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

~~trend~~ Development trending to Residential Use

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.*

~~Consist~~ Consistent with LRMP

Justification for Re-Zoning

Petitioner's are seeking to re-zone the property to R-1 to build a residence and an outbuilding. Upon re-zoning Petitioner's would be seeking to utilize the property for a home occupation as permitted in the Kendall County Zoning Ordinance.



02/01/2019

**Fidelity National Title Insurance Company  
A.L.T.A. COMMITMENT**

WTC File No. :YVL-CRE-2019KL-263.0

MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 658.20 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 511.59 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 52 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS. EXCEPT THAT PART LYING IN SECTION 10, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOS.

PERMANENT TAX NUMBER: 02-11-300-007

ISSUED BY:  
Wheatland Title Company  
105 W. Veterans Parkway  
Yorkville, Illinois 60560

Law Office of Lisa A. Coffey, P.C.  
3408 Orchard Road  
Oswego, IL 60543

Agent for:  
Fidelity National Title Insurance Company

9710045 10/06/1997 03:09P 1 of 1  
PAUL Anderson, Kendall County, IL Recorder

Form 108, 108  
AMERICAN LEGAL FORMS, CHICAGO, IL 60611-1212

**WARRANTY DEED**  
**Statutory (ILLINOIS) (General)**

CAUTION: Consult a lawyer before using or acting under this form. Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty of merchantability or fitness for a particular purpose.

**THE GRANTOR (NAME AND ADDRESS)**

WILBUR VAN DEVENTER and  
JESSIE VAN DEVENTER, his wife,  
8225 Galena Road  
Bristol, Illinois 60512

(The Above Space For Recorder's Use Only)

of the \_\_\_\_\_ of \_\_\_\_\_ County  
of Kendall of Bristol State of Illinois  
for and in consideration of Ten and 00/100 DOLLARS, (\$10.00)  
in hand paid. CONVEY and WARRANT to  
THE WILBUR C. VANDEVENTER DECLARATION OF TRUST DATED SEPTEMBER 15, 1997,  
Wilbur C. VanDeventer, Trustee, 8225 Galena Road, Bristol, Illinois 60512

(NAMES AND ADDRESS OF GRANTEE(S))

the following described Real Estate situated in the County of Kendall in the State of Illinois, to wit:  
(See reverse side for legal description.) hereby releasing and waiving all rights under and by virtue of the Homestead  
Exemption Laws of the State of Illinois. SUBJECT TO: General taxes for 1997 and subsequent years and  
covenants, conditions, restrictions and easements of record.

Permanent Index Number (PIN): 02-11-300-007

Address(es) of Real Estate: 8225 Galena Road, Bristol, Illinois 60512

DATED this 30th day of September 19 97

PLEASE  
PRINT OR  
TYPE NAME(S)  
BELOW  
SIGNATURE(S)

Wilbur VanDeventer

(SEAL)

Jessie VanDeventer

(SEAL)

(SEAL)

(SEAL)

State of Illinois, County of Kendall

"OFFICIAL SEAL"  
CAROL POLIVKA  
Notary Public, State of Illinois  
My Commission Expires 06/02/00

ss. I, the undersigned, a Notary Public in and for  
said County, in the State aforesaid, DO HEREBY CERTIFY that  
Wilbur VanDeventer and Jessie VanDeventer, his wife  
personally known to me to be the same persons whose names are  
subscribed in the foregoing instrument, appeared before me this day in person,  
and acknowledged that they signed, sealed and delivered the said  
instrument as their free and voluntary act, for the uses and purposes  
therein set forth, including the release and waiver of the right of homestead.

IMPRESS SEAL HERE

Given under my hand and official seal, this 30th day of September 19 97

Commission expires 6/2/00 Carol Polivka NOTARY PUBLIC

This instrument was prepared by John D. Gutzke, ROLEWICK & GUTZKE, P.C. (cjp)

1776 S. Naperville Road, Ste 104A, Wheaton, IL 60187-8133

PAGE 1

SEE REVERSE SIDE ▶

**Legal Description**

of premises commonly known as 8225 Galena Road, Bristol, Illinois 60512

This Transaction is exempt from the Real Estate  
Transfer Tax Act pursuant to 35 ILCS 200/31-45 (a).  
Dated: 7-28-79 By: [Redacted]

MAIL TO: John D. Gutake, Esquire (c/p)  
ROLEWICK & GUTAKE, P.C.  
1776 S. Naperville Road, Ste 104A  
Wheaton, IL 60187-8133

SEND SUBSEQUENT TAX BILLS TO:  
Mr. Wilbur C. VanDeventer  
[Redacted]  
[Redacted]

OR RECORDER'S OFFICE BOX NO. \_\_\_\_\_

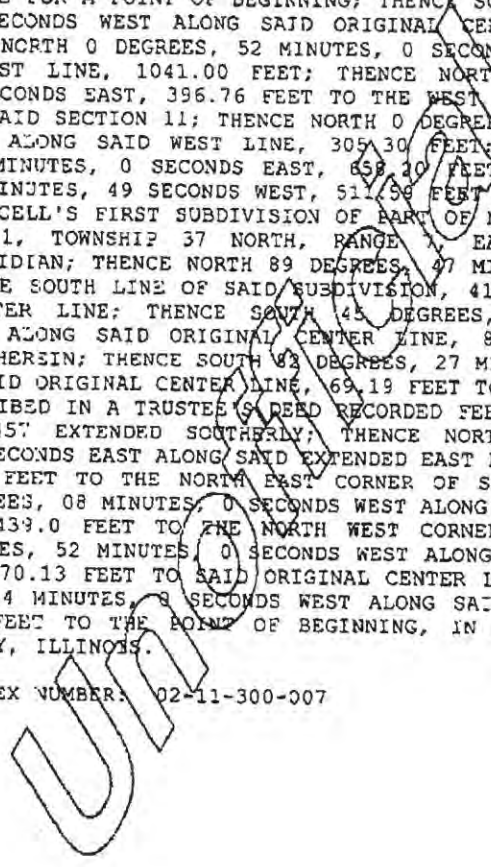
PAGE 2

LEGAL DESCRIPTION

THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTH EAST 1/4, 666.52 FEET TO THE ORIGINAL CENTER LINE OF GALENA ROAD (FORMERLY CALLED CANNONBALL TRAIL); THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 72.32 FEET TO A LINE DRAWN PARALLEL WITH AND 66.00 FEET, NORMALLY DISTANT, WESTERLY OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 658.10 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 511.98 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 83 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 52 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

*part  
more*

PERMANENT INDEX NUMBER: 02-11-300-007



KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. Nature of Benefit Sought \_\_\_\_\_

3. Nature of Applicant: (Please check one)  
 Natural Person  
 Corporation  
 Land Trust/Trustee  
 Trust/Trustee  
 Partnership  
 Joint Venture

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
Daniel VanDeventer	[REDACTED]	1/4
Bruce VanDeventer	[REDACTED]	1/4
Deborah Hull	[REDACTED]	1/4
Norma VanDeventer	[REDACTED]	1/4

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

Daniel VanDeventer, Trustee of the Wilbur C. VanDeventer Declaration of Trust dtd 9/15/1997

I, Daniel VanDeventer, 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 18th day of February, A.D. 2019

(seal)



[REDACTED] Notary Public



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

BY: MEA

www.kendallswcd.org

**NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION**

Petitioner: Craig & Diane Zimmerman Contact Person: Boyd Ingemunson  
 Address: [Redacted] 759 John St.  
 City, State, Zip: [Redacted] Yorkville IL 60560  
 Phone Number: [Redacted] ( ) 630 553-5622  
 Email: [Redacted] boydingemunson@gmail.com

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

**Site Location & Proposed Use**  
 Township Name Bristol Township 37 N, Range 7 E, Section(s) 10  
 Parcel Index Number(s) 02-11-300-007  
 Project or Subdivision Name Zimmerman Re-Zoning Number of Acres 15.62  
 Current Use of Site Ag Proposed Use Residential  
 Proposed Number of Lots 1 Proposed Number of Structures 2  
 Proposed Water Supply well Proposed type of Wastewater Treatment Septic  
 Proposed type of Storm Water Management n/a

**Type of Request**  
 Change in Zoning from A-1 to R-1  
 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
_____ Additional Acres at \$18.00 each	\$ 198
<b>Total NRI Fee</b>	<b>\$ 573</b>

**NOTE:** Applications are due by the 1<sup>st</sup> 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 2/14/19  
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# 1904 Date Initially rec'd 2/19/19 Date all rec'd \_\_\_\_\_ Board Meeting March 11, 2019  
 Fee Due \$ \_\_\_\_\_ Fee Paid \$ 573.00 Check # [Redacted] Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_



1 of 3 Find | Next



Applicant: Craig and Diane Zimmerman  
Contact: Boyd Ingemunson  
Address: [Redacted]

IDNR Project Number: 1907946  
Date: 02/19/2019

Project: Zimmerman Rezoning  
Address: 8225 Galena Road, Bristol

Description: Rezoning property from A-1 to R-1 on the north side of Galena Road across from Kennedy Road.

**Natural Resource Review Results**

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

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

**Location**

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

County: Kendall

Township, Range, Section:  
37N, 7E, 10  
37N, 7E, 11



IL Department of Natural Resources  
Contact  
Justin Dillard  
217-785-5500  
Division of Ecosystems & Environment

Government Jurisdiction  
Kendall County  
Matthew Asselmeier  
111 W. Fox Street  
Yorkville, Illinois 60560 -1621

**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.

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

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.

Page 1 of 3

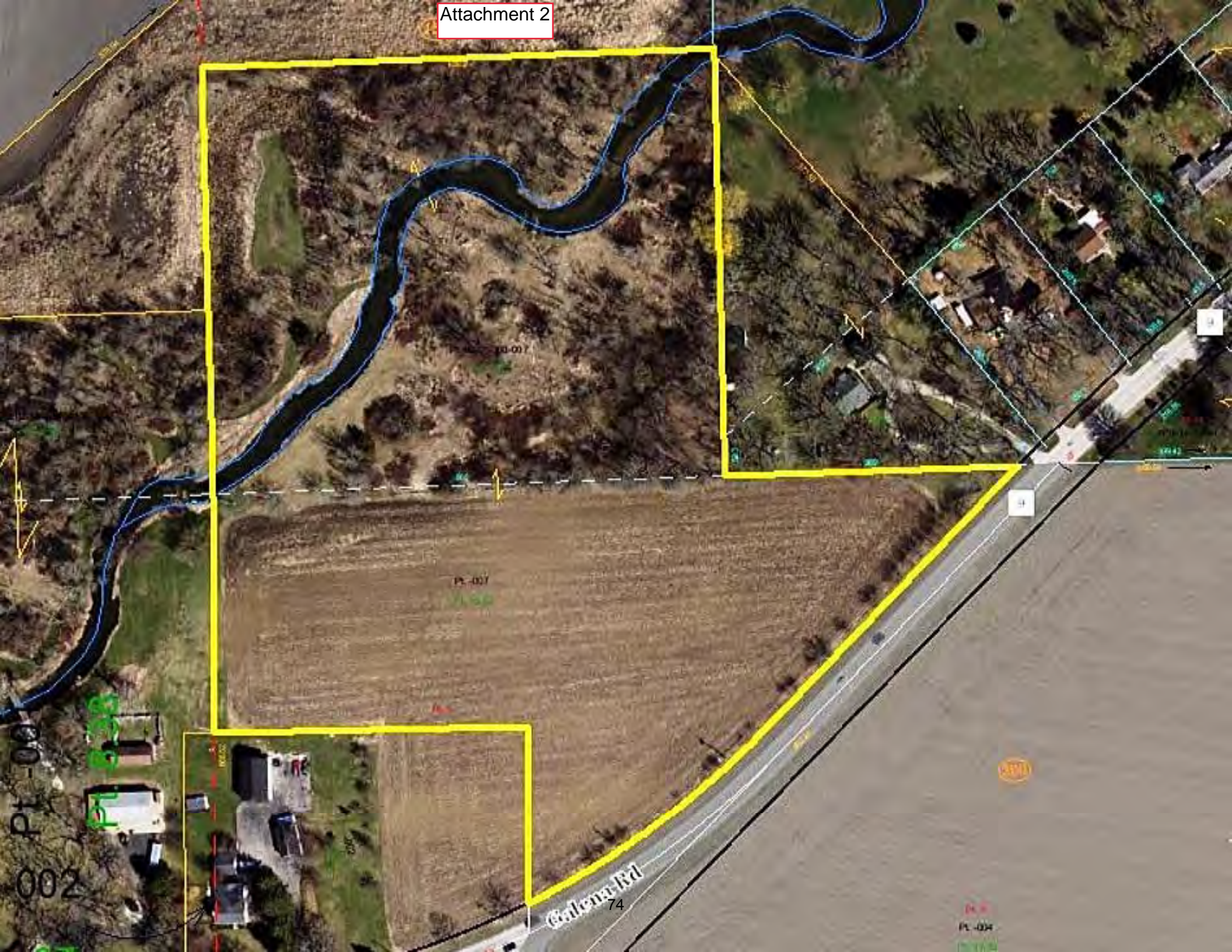


CONSENT FOR RE-ZONING APPLICATION

I, Daniel VanDeventer, Trustee of the Wilbur C. VanDeventer Declaration of Trust dated September 15, 1997, hereby consent to Craig and Diane Zimmerman proceeding with the application with Kendall County to re-zone property identified under parcel # 02-11-300-007 from A-1 to R-1. Said consent is contingent upon the applicants closing on the purchase of the property prior to the zoning.

A black rectangular redaction box covering the signature of Daniel VanDeventer.

Daniel VanDeventer, Trustee



PL-001  
002

Galena Rd  
74

PL-007

PL-001

PL-004

000





Attachment 5 Looking Northeast

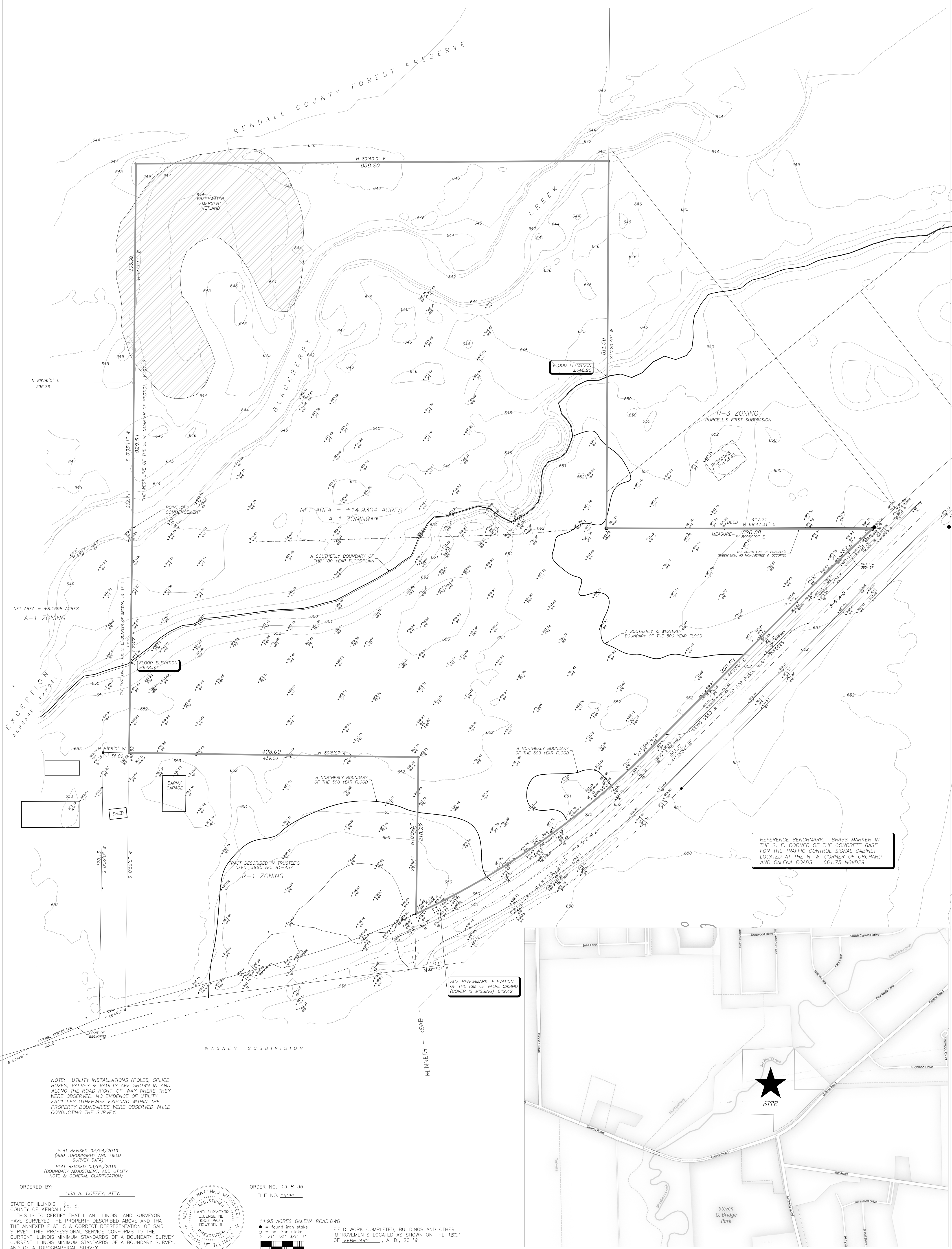
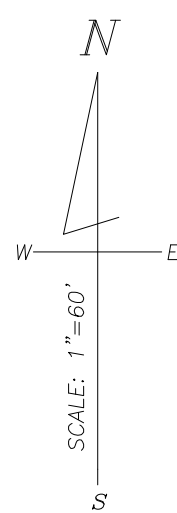






# PLAT OF SURVEY

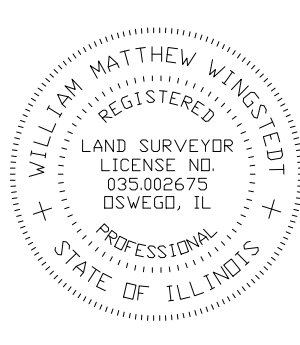
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NOTE: UTILITY INSTALLATIONS (POLES, SPICE BOXES, VALVES & VAULTS ARE SHOWN IN AND ALONG THE ROAD RIGHT-OF-WAY WHERE THEY WERE OBSERVED. NO EVIDENCE OF UTILITY FACILITIES OTHERWISE EXISTING WITHIN THE PROPERTY BOUNDARIES WERE OBSERVED WHILE CONDUCTING THE SURVEY.

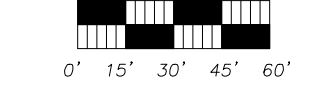
PLAT REVISED 03/04/2019 (ADD TOPOGRAPHY AND FIELD SURVEY DATA)  
 PLAT REVISED 03/05/2019 (BOUNDARY ADJUSTMENT, ADD UTILITY NOTE & GENERAL CLARIFICATION)

ORDERED BY: LISA A. COFFEY, ATTY.



ORDER NO. 19-B-36  
 FILE NO. 19085

14.95 ACRES GALENA ROAD.DWG  
 FIELD WORK COMPLETED, BUILDINGS AND OTHER IMPROVEMENTS LOCATED SHOWN ON THE 12TH OF FEBRUARY, A. D., 2019.

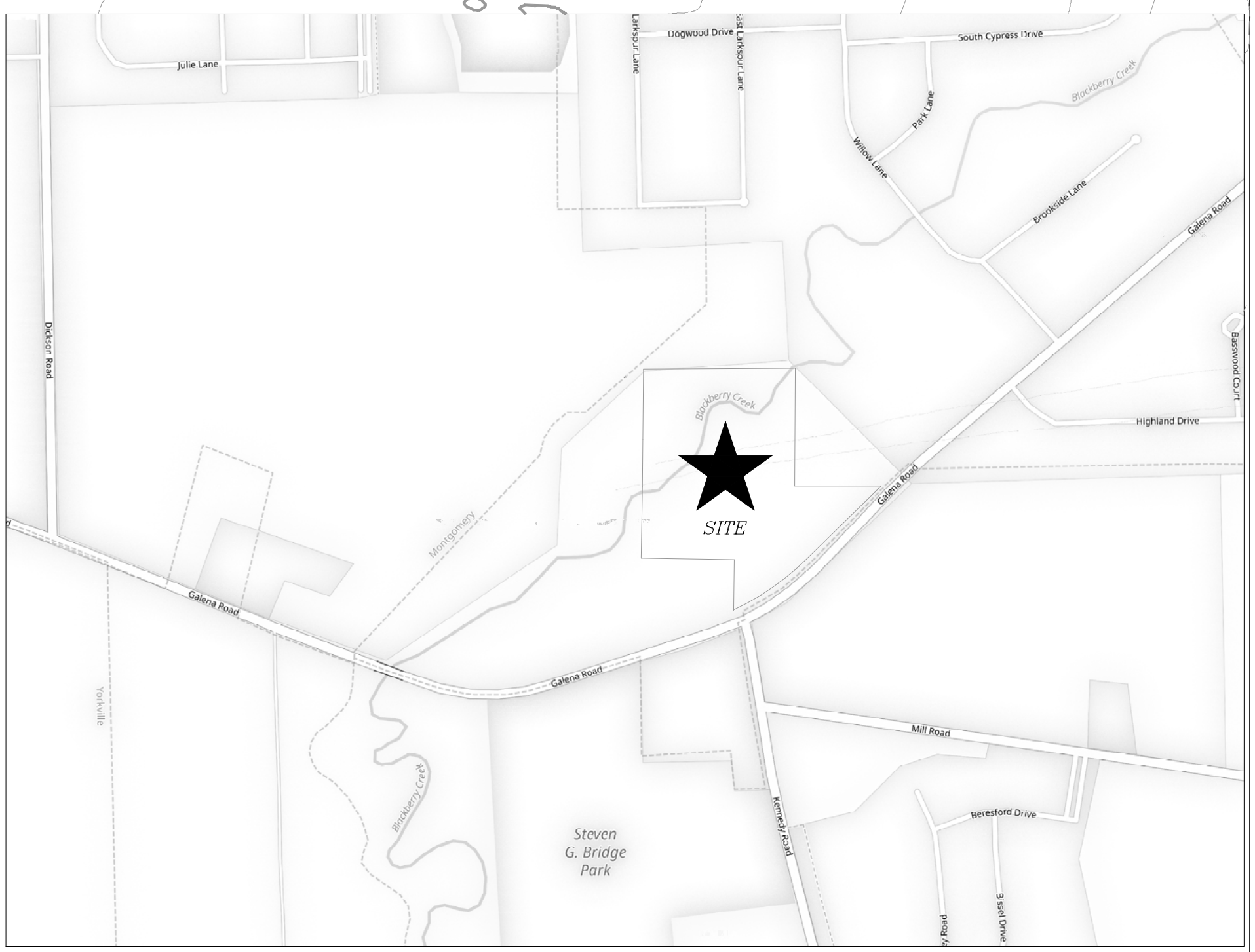


STATE OF ILLINOIS } S. S.  
 COUNTY OF KENDALL }  
 THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY AND OF A TOPOGRAPHICAL SURVEY.  
 THIS 18TH DAY OF FEBRUARY, A. D., 2019.

ILLINOIS LAND SURVEYOR NO. 2675  
 (LICENSE SUBJECT TO RENEWAL AND EXPIRES 11/30/2020)  
 REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.  
 ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.  
 LINE DIRECTIONS AND BEARINGS, WHERE SHOWN, ARE BASED ON A DEED DATUM LINE.  
 PLEASE COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES

REFERENCE BENCHMARK: BRASS MARKER IN THE S. E. CORNER OF THE CONCRETE BASE FOR THE TRAFFIC CONTROL SIGNAL CABINET LOCATED AT THE N. W. CORNER OF ORCHARD AND GALENA ROADS = 661.75 NGVD29

SITE BENCHMARK: ELEVATION OF THE RIM OF VALVE CASING (COVER IS MISSING) = 649.42



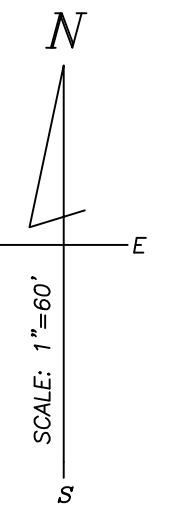
VICINITY MAP  
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<https://www.openstreetmap.org/copyright>

**WILLIAM M. WINGSTEDT**  
 ILLINOIS PROFESSIONAL LAND SURVEYOR  
 329 WHITE PINES CT., OSWEGO, ILLINOIS 60543  
 PHONE: (630) 554-8209 FAX (630) 551-1207

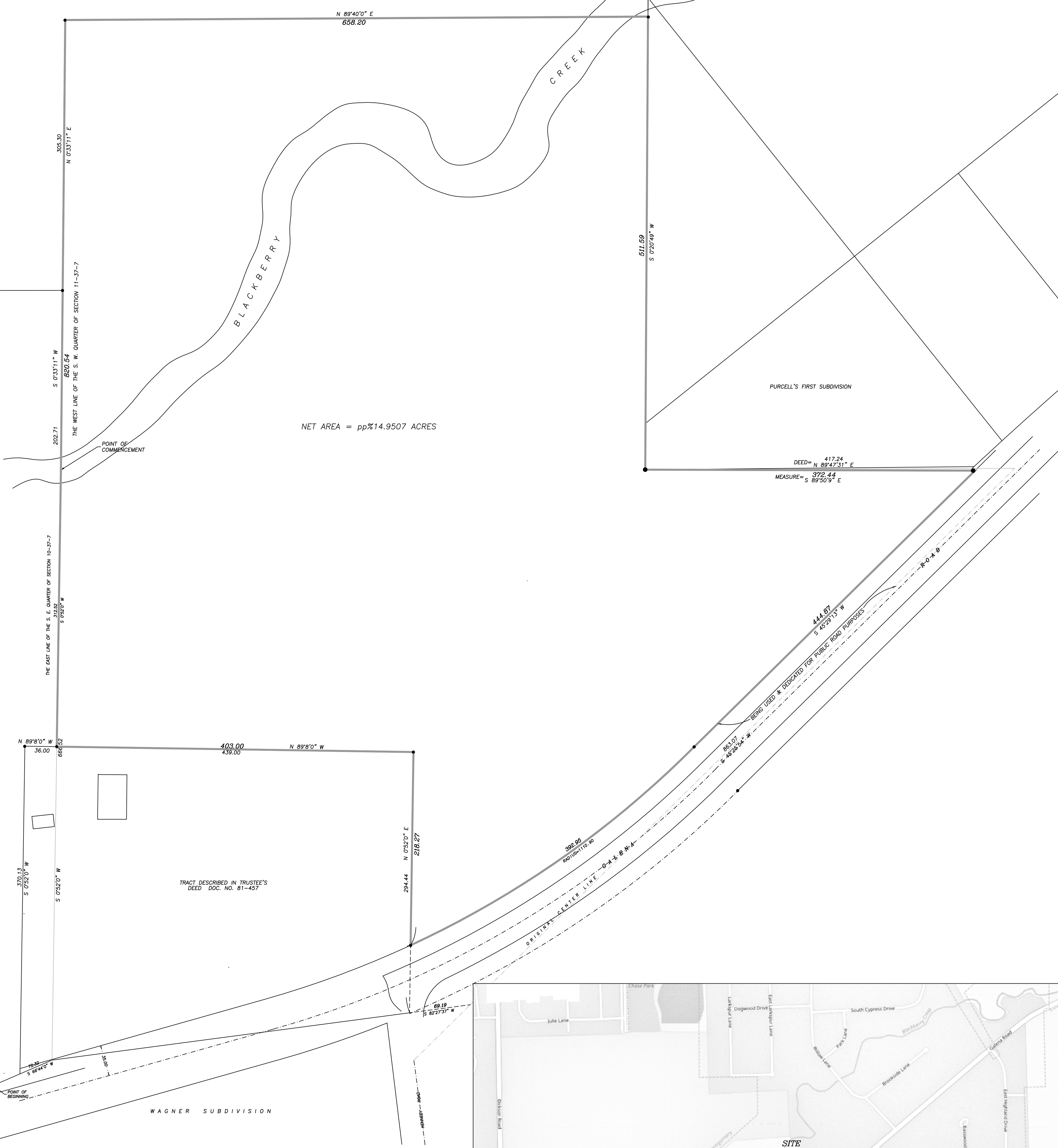


# PLAT OF SURVEY

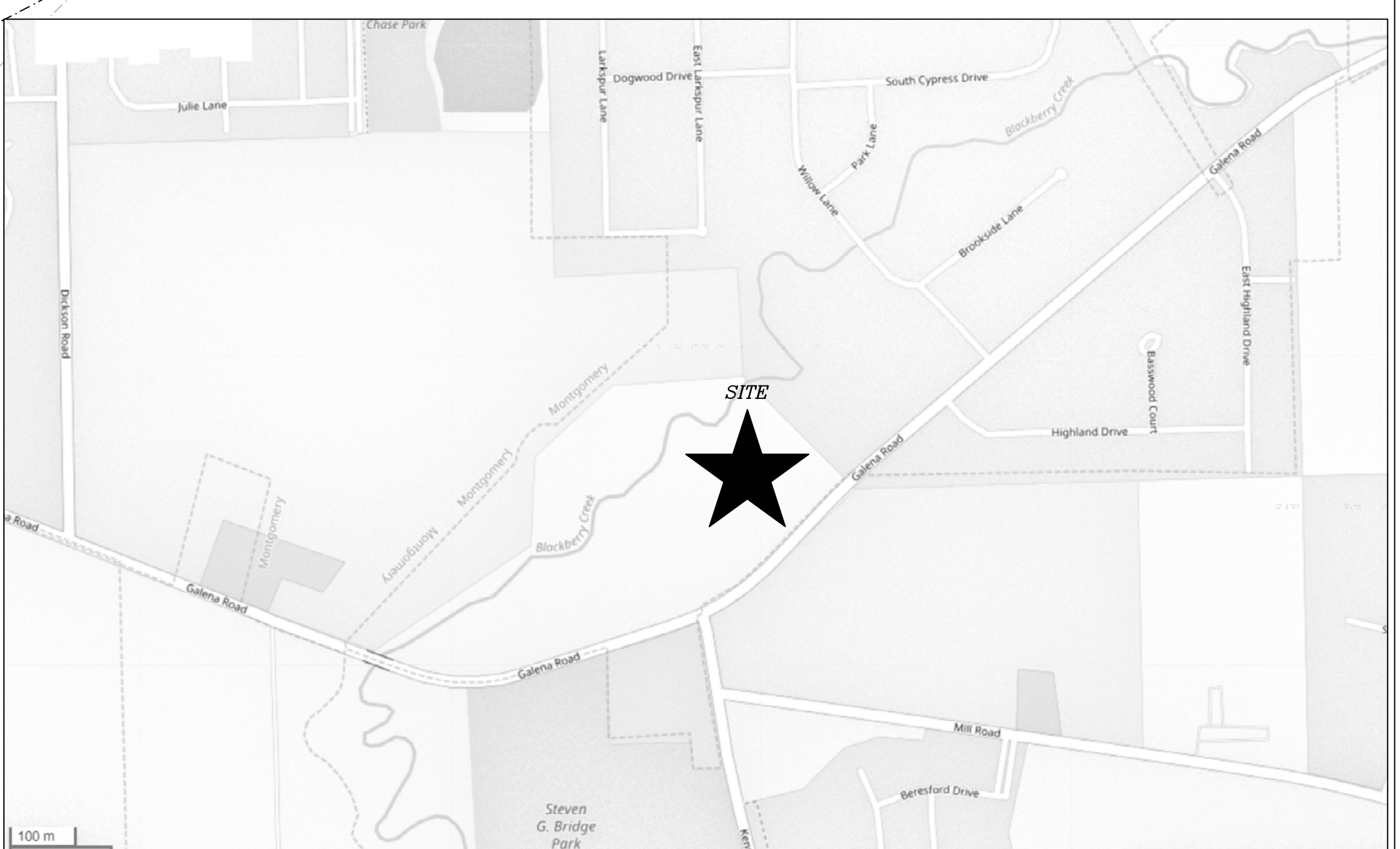
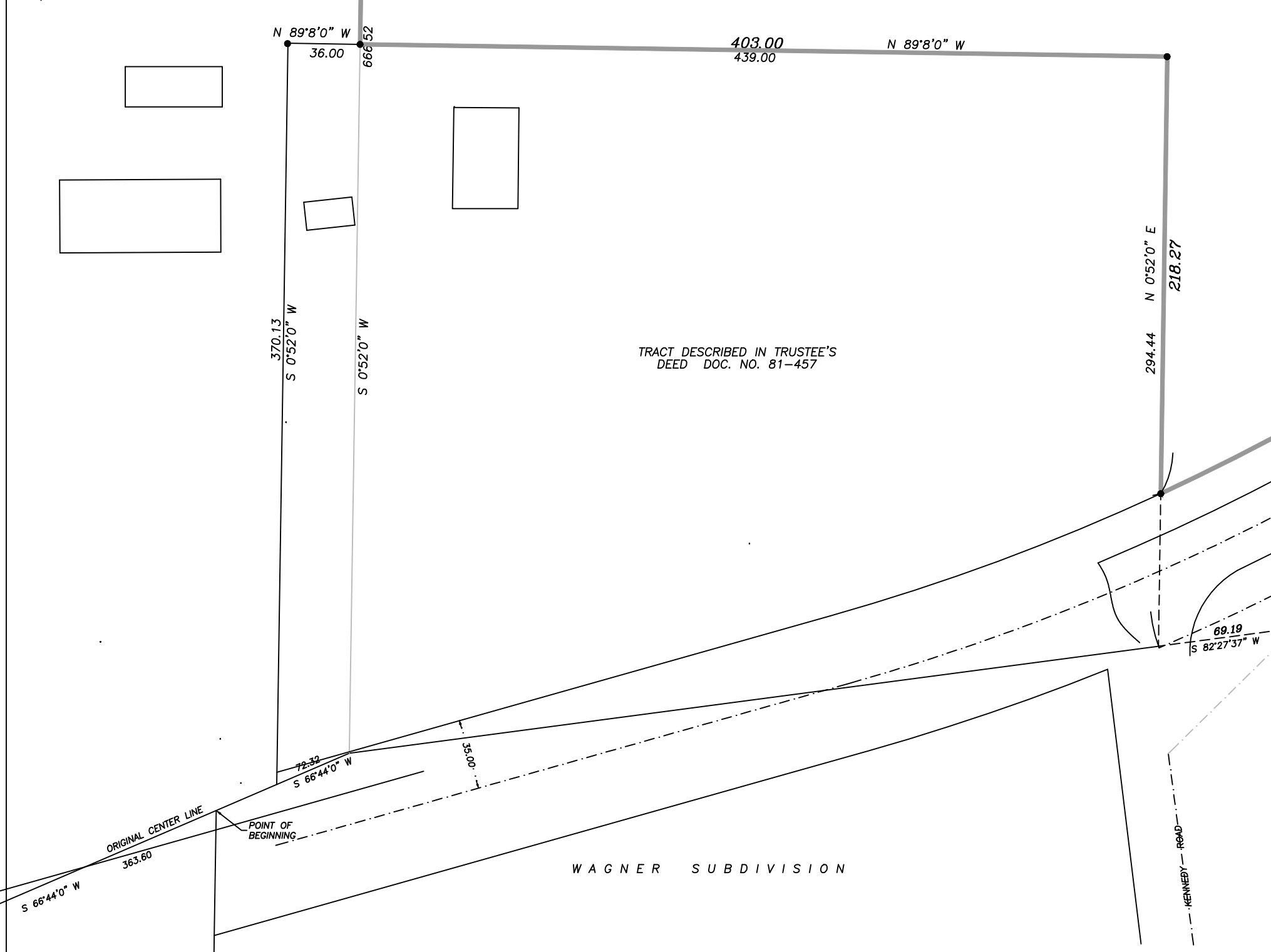
OF  
 THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTH EAST 1/4, 666.52 FEET TO  
 THE ORIGINAL CENTER LINE OF GALENA ROAD (FORMERLY CALLED CANNONBALL TRAIL); THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 72.32 FEET TO A LINE DRAWN  
 PARALLEL WITH AND 66.00 FEET, NORMALLY DISTANT, WESTERLY OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60  
 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE  
 NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 658.20 FEET;  
 THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 511.59 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE  
 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45  
 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE,  
 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 52 MINUTES, 00 SECONDS EAST  
 ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 09 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT,  
 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 66  
 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, EXCEPT THAT PART LYING IN SECTION 10,  
 TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.



KENDALL COUNTY FOREST PRESERVE



NET AREA = ±8.1698 ACRES  
 EXCEPTION Acreage Parcel



ORDERED BY: LISA A. COFFEY, ATTY.  
 STATE OF ILLINOIS } S. S.  
 THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR,  
 HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT  
 THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID  
 SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE  
 CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY.  
 GIVEN UNDER MY HAND AND SEAL AT OSWEGO, ILLINOIS,  
 THIS 18TH DAY OF FEBRUARY, A. D., 2019.  
 WILLIAM M. WINGSTEDT  
 ILLINOIS LAND SURVEYOR NO. 2675  
 (LICENSE SUBJECT TO RENEWAL AND EXPIRES 11/30/2020)  
 REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.  
 ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.  
 LINE DIRECTIONS AND BEARINGS, WHERE SHOWN, ARE BASED ON A DEED DATUM LINE.  
 PLEASE COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES

ORDER NO. 19 B 36  
 FILE NO. 19085  
 14.95 ACRES GALENA ROAD.DWG  
 FIELD WORK COMPLETED, BUILDINGS AND OTHER  
 IMPROVEMENTS LOCATED AS SHOWN ON THE 18TH  
 OF FEBRUARY, A. D., 2019.  
 0' 15' 30' 45' 60'

VICINITY MAP  
 © OpenStreetMap contributors  
 https://www.openstreetmap.org/copyright  
**WILLIAM M. WINGSTEDT**  
 ILLINOIS PROFESSIONAL LAND SURVEYOR  
 329 WHITE PINES CT., OSWEGO, ILLINOIS 60543  
 PHONE: (630) 554-8209 FAX (630) 551-1207

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
March 5, 2019 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:

Megan Andrews – Soil and Water Conservation District  
Meagan Briganti – GIS  
David Guritz – Forest Preserve  
Fran Klaas – Highway Department  
Aaron Rybski – Health Department  
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC  
Brian Holdiman – PBZ Department  
Deputy Commander Jason Langston – Sheriff's Department  
Matthew Prochaska – PBZ Committee Chair

Audience:

Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

**AGENDA**

Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

**MINUTES**

Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

**PUBLIC COMMENT**

Dan Huddleston, President of the Homeowners' Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it unpleasant for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners' Association.

No notices of shows have been provided to the Homeowners' Association. The Homeowners' Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners' Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners' Association, discussed the cost increases on the Homeowners' Association.

**PETITIONS**

**Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships**

Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners' Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
3. The site shall be developed substantially in accordance with the attached site plan.
4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski  
Nays (0): None  
Present (2): Guritz and Klaas  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

**Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township**

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11<sup>th</sup>.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County's highway regulations.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes**

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition**

Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff's Office shooting ranges. If

this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

**OLD BUSINESS/NEW BUSINESS**

Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

**CORRESPONDENCE**

None

**ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner

**KENDALL COUNTY**  
**Ordinance No. \_\_\_\_\_**

*An Ordinance Granting Variance to the Kendall County Highway Access Regulation Ordinance*

---

**WHEREAS**, access to Kendall County Highways has been regulated by the Kendall County Board through the Kendall County Highway Access Regulation Ordinance, originally adopted by the Board on May 18, 1999 and notwithstanding subsequent revisions; and

**WHEREAS**, Galena Road (County Highway 9) has been classified as an Access 2 Highway in said Ordinance, requiring a spacing for private accesses of not less than 1,320 feet; and

**WHEREAS**, Diane and Craig Zimmerman have petitioned Kendall County for the installation of a private access on the north side of Galena Road approximately 500 feet east of the intersection of Galena Road and Kennedy Road as depicted on the attached Location Map; and

**WHEREAS**, in consideration of other private accesses in the immediate vicinity of said proposed access, the extremely low volume nature of the private access proposed, and the minimal conflict created by installation of said access.

**THEREFORE, BE IT ORDAINED**, that the Kendall County Board hereby grants a variance to the Kendall County Highway Access Regulation Ordinance, for the specified purpose, subject to the terms and conditions imposed herein.

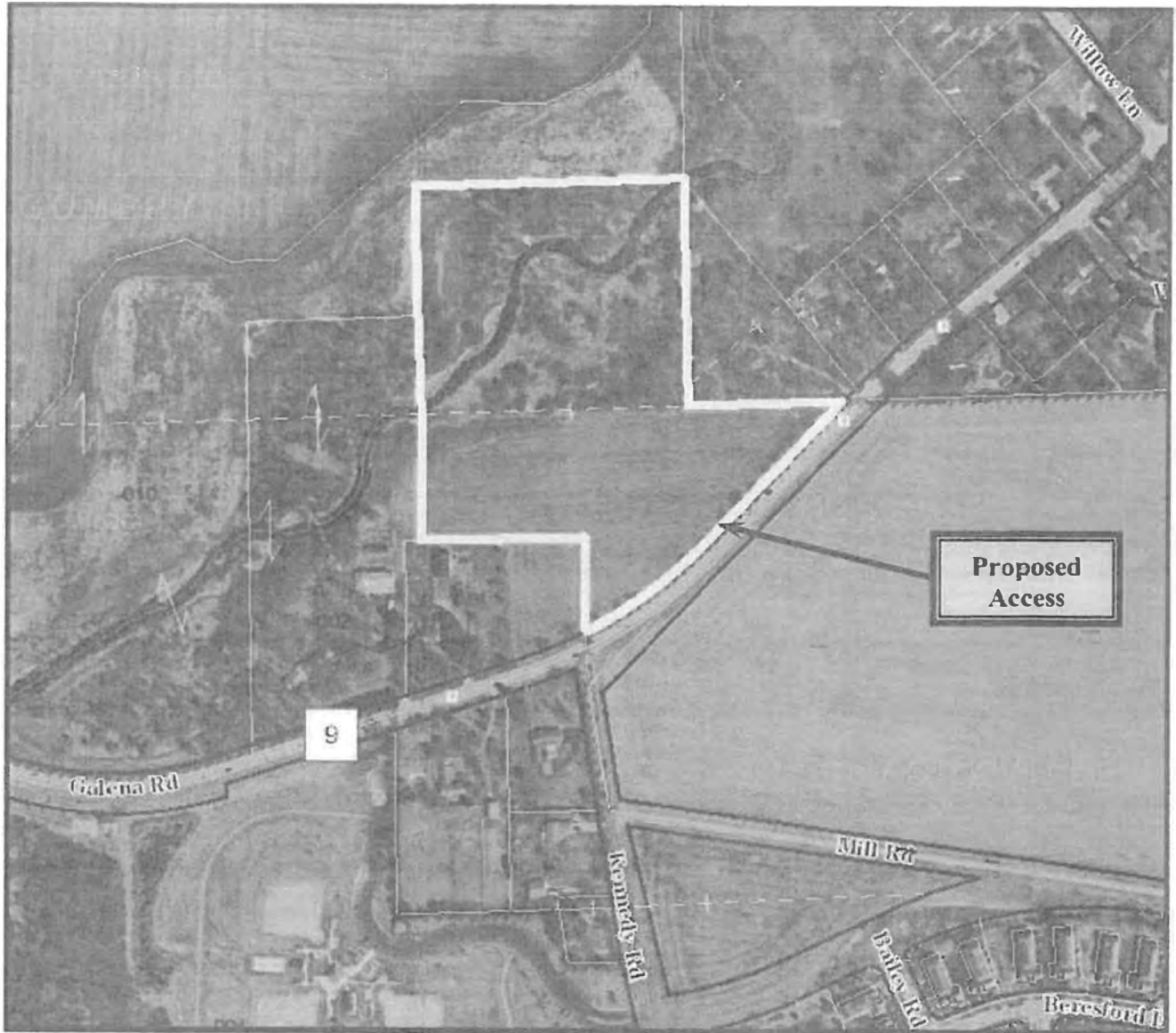
1. The above listed recitals are incorporated herein as if fully set out herein.
2. That a variance is hereby authorized for Diane and Craig Zimmerman, for the installation of a single, full-access driveway on the north side of Galena Road approximately 500 feet east of the intersection of Galena Road and Kennedy Road. Said access shall conform in all ways to the construction requirements of the Kendall County Highway Department, and shall be constructed at no cost to the Department.
3. That said access shall serve a single family residence and shall be constructed for no other purpose.
4. Any exceptions, violations or noncompliance to the requirements contained herein, on behalf of the petitioner, will result in the immediate forfeiture of the variance.

Approved by the County Board of Kendall County, State of Illinois.

\_\_\_\_\_  
Scott Gryder – Kendall County Board Chairman

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of an ordinance adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2019

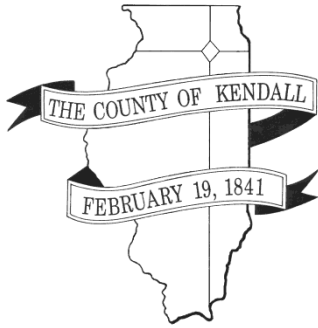
\_\_\_\_\_  
Debbie Gillette – County Clerk



**LOCATION MAP**  
**Galena Road Variance Request**  
Diane & Craig Zimmerman  
Between 7977 and 7823 Galena Road  
Related to Zoning Petition 19-08

*March 19, 2019*





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

---

To: Kendall County Regional Planning Commission  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: March 11, 2019  
Re: Proposed Text Amendment Adding Kendall County Sheriff's Office Shooting Ranges to the List of Permitted Uses in the A-1 Agricultural Zoning District in Oswego Township

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff's Office shooting ranges. If this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

The A-1 zoning map is attached to this memo. A map of all of the County-owned properties currently zoned A-1 is also attached.

This proposal was mailed to the townships on March 4, 2019. To date, no township has provided written comments.

ZPAC reviewed this proposal on March 5, 2019 and unanimously recommended approval. The minutes of this meeting are attached.

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

Thanks,

MHA

ENC: A-1 Zoning Map  
County-Owned Properties Zoned A-1  
March 5, 2019 ZPAC Meeting Minutes

# Zoning Map A1, A1-BP, A1-SU, A1-SU-PUD

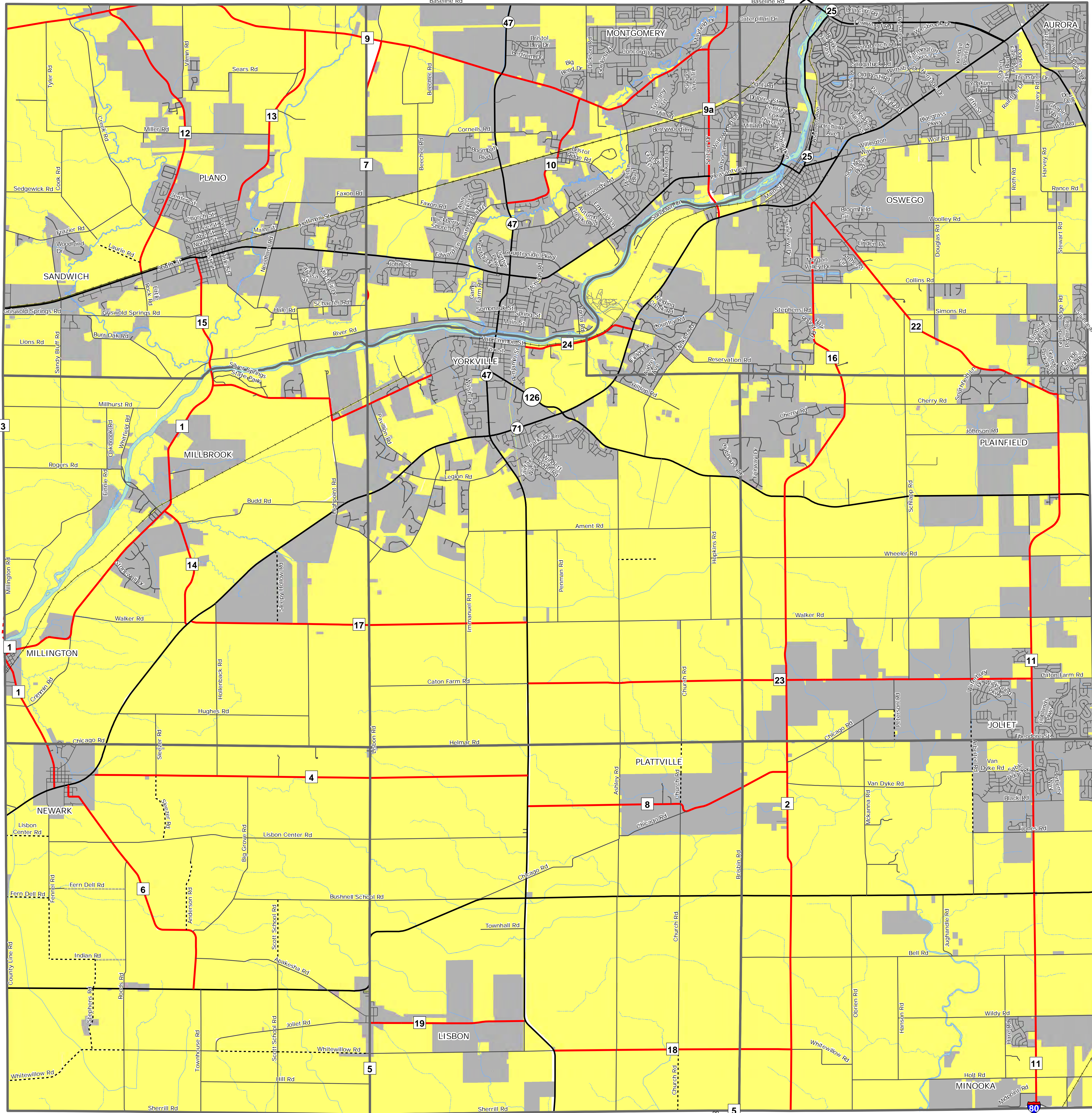
## KENDALL COUNTY

- 2019 -

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

### Legend

- ADJACENT COUNTY
- COUNTY
- INTERSTATE
- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- A1, A1-BP, A1-SU, A1-SU-PUD
- All Other Zoning/Municipalities



**Kendall County GIS**  
111 West Fox Street - Room 308  
Yorkville, Illinois 60560-1498  
630.553.4212

# County Owned Properties Zoned A1

## KENDALL COUNTY

- 2019 -

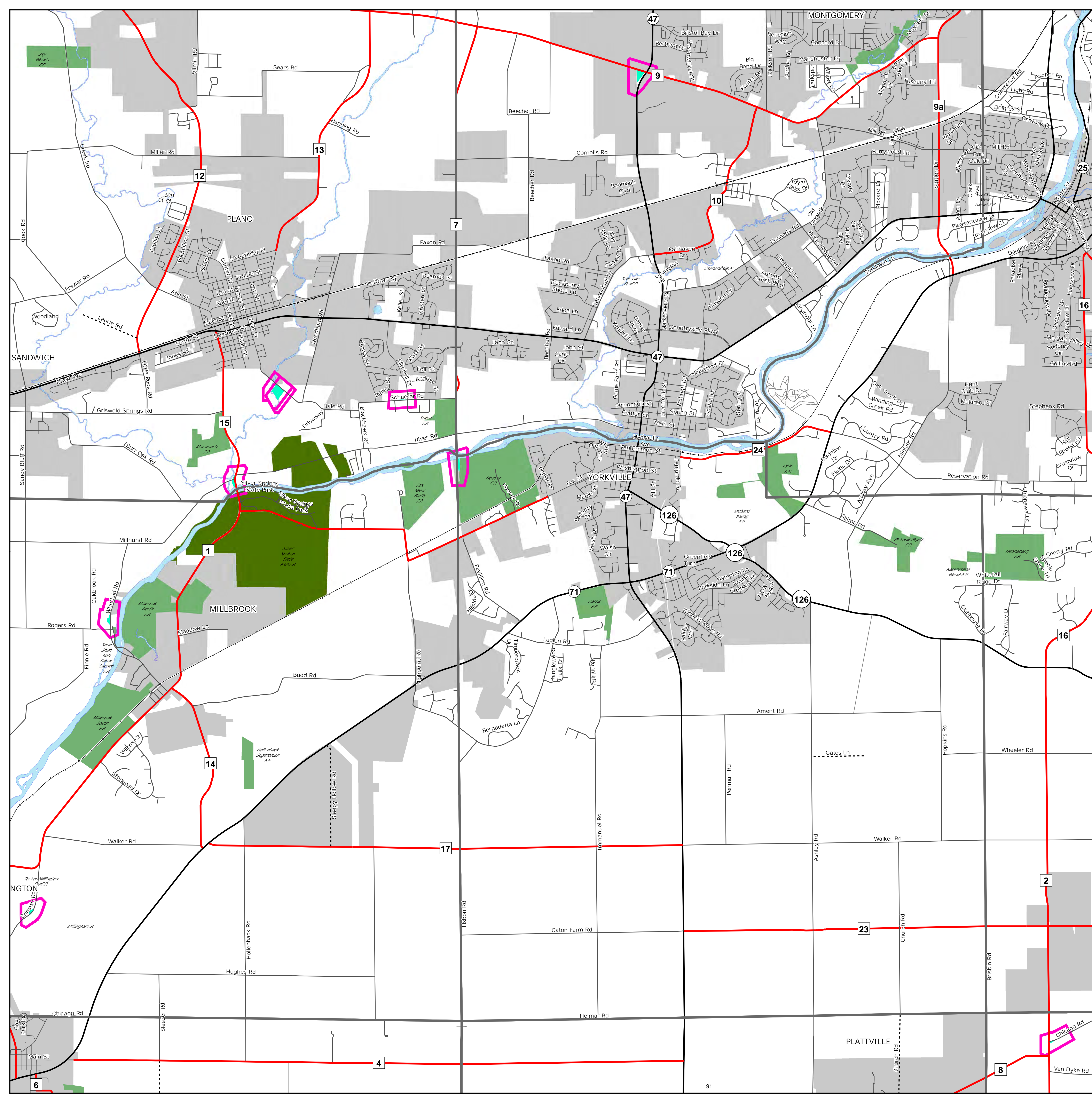
<http://gis.co.kendall.il.us>

### Legend

- ADJACENT COUNTY
- COUNTY
- INTERSTATE
- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- County Owned Properties - Zoned A1



**Kendall County GIS**  
 111 West Fox Street - Room 308  
 Yorkville, Illinois 60560-1498  
 630.553.4212



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
March 5, 2019 – Unapproved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:

Megan Andrews – Soil and Water Conservation District  
Meagan Briganti – GIS  
David Guritz – Forest Preserve  
Fran Klaas – Highway Department  
Aaron Rybski – Health Department  
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC  
Brian Holdiman – PBZ Department  
Deputy Commander Jason Langston – Sheriff's Department  
Matthew Prochaska – PBZ Committee Chair

Audience:

Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

**AGENDA**

Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

**MINUTES**

Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

**PUBLIC COMMENT**

Dan Huddleston, President of the Homeowners' Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it unpleasant for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners' Association.

No notices of shows have been provided to the Homeowners' Association. The Homeowners' Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners' Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners' Association, discussed the cost increases on the Homeowners' Association.

**PETITIONS**

**Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships**

Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners' Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."
3. The site shall be developed substantially in accordance with the attached site plan.
4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski  
 Nays (0): None  
 Present (2): Guritz and Klaas  
 Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

**Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township**

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11<sup>th</sup>.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County's highway regulations.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes**

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

**Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition**

Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff's Office shooting ranges. If

this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

#### **OLD BUSINESS/NEW BUSINESS**

Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

#### **CORRESPONDENCE**

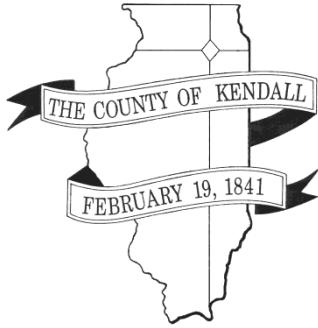
None

#### **ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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To: Kendall County Regional Planning Commission  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: March 20, 2019  
Re: Proposed Text Amendment Regarding Home Occupation Regulations

At their meeting February 27, 2019, the Comprehensive Land Plan and Ordinance Committee requested that Staff prepare a proposed text amendment to the Kendall County Zoning Ordinance allowing research and development related home occupations to be conducted onsite the dwelling or accessory structure and to address noise, dust, fumes, and odor issues.

A redlined proposal is attached.

For reference, "Home Occupation" related terms are defined as follows:

**HOME OCCUPATION** Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

**HOME OCCUPATION - AGRICULTURAL.** A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation". (*Amended 04/18/2000*)

**HOME OCCUPATION- RESIDENTIAL** A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

Home Occupations are permitted uses in the A-1 District and all Residential Districts. Home Occupations are special uses in the RPD Districts.

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

Thanks,

MHA

ENC: Redlined Proposal

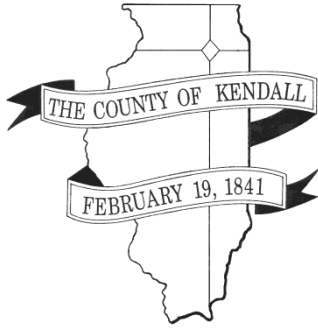
#### Section 4.06-Home Occupation – Agricultural

- a. It is conducted entirely within the dwelling or permitted accessory building by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence. **Research and development related businesses shall be exempt from the requirement that the home occupation be conducted entirely within the dwelling or permitted accessory structure, unless otherwise prohibited by law.**
- b. A maximum sign of 8 square feet will be permitted but must meet setback requirements in section 11 of the Zoning Ordinance and be unlit.
- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.
- d. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the Zoning Board of Appeals pursuant to an application for special use filed in accordance with the provisions of this ordinance.
- e. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- f. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, **unless otherwise permitted by law.**

#### Section 4.07-Home Occupation – Residential

- a. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence. **Research and development related businesses shall be exempt from the requirement that the home occupation be conducted entirely within the dwelling, unless otherwise prohibited by law.**
- b. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.
- d. No more than ten (10) vehicle trips by either customers, delivery persons or employees may be made throughout a day to and from the home occupation.
- e. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.

- f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- g. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, **unless otherwise permitted by law.**
- h. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. To exceed this limit requires a variance.
- i. Salons shall be limited to one chair or nail table, commonly referred to as a station.



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**MEMORANDUM**

---

To: Kendall County Regional Planning Commission  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: March 20, 2019  
Re: Proposed Future Land Use Map Change Along Route 47 in Lisbon Township

At their meeting on February 27, 2019, the Comprehensive Land Plan and Ordinance Committee suggested removing all of the mining area around the Village of Lisbon. That same evening, the Kendall County Regional Planning Commission voted to remove mining around the Village of Lisbon except for those areas already zoned for mining uses. These two (2) maps are attached to this memo.

Also attached to this memo are the proposed Future Land Use Map incorporating the old Village of Lisbon Future Land Use Map's mining area, the old Village of Lisbon's Future Land Use Map, the new Village of Lisbon's Future Land Use Map, a map incorporating the Mining Area on the new Village of Lisbon's Future Land Use Map, a map showing sections 32 and 33 as mixed use business, and the existing Future Land Use Map for Lisbon Township.

If you have any questions, please let me know.

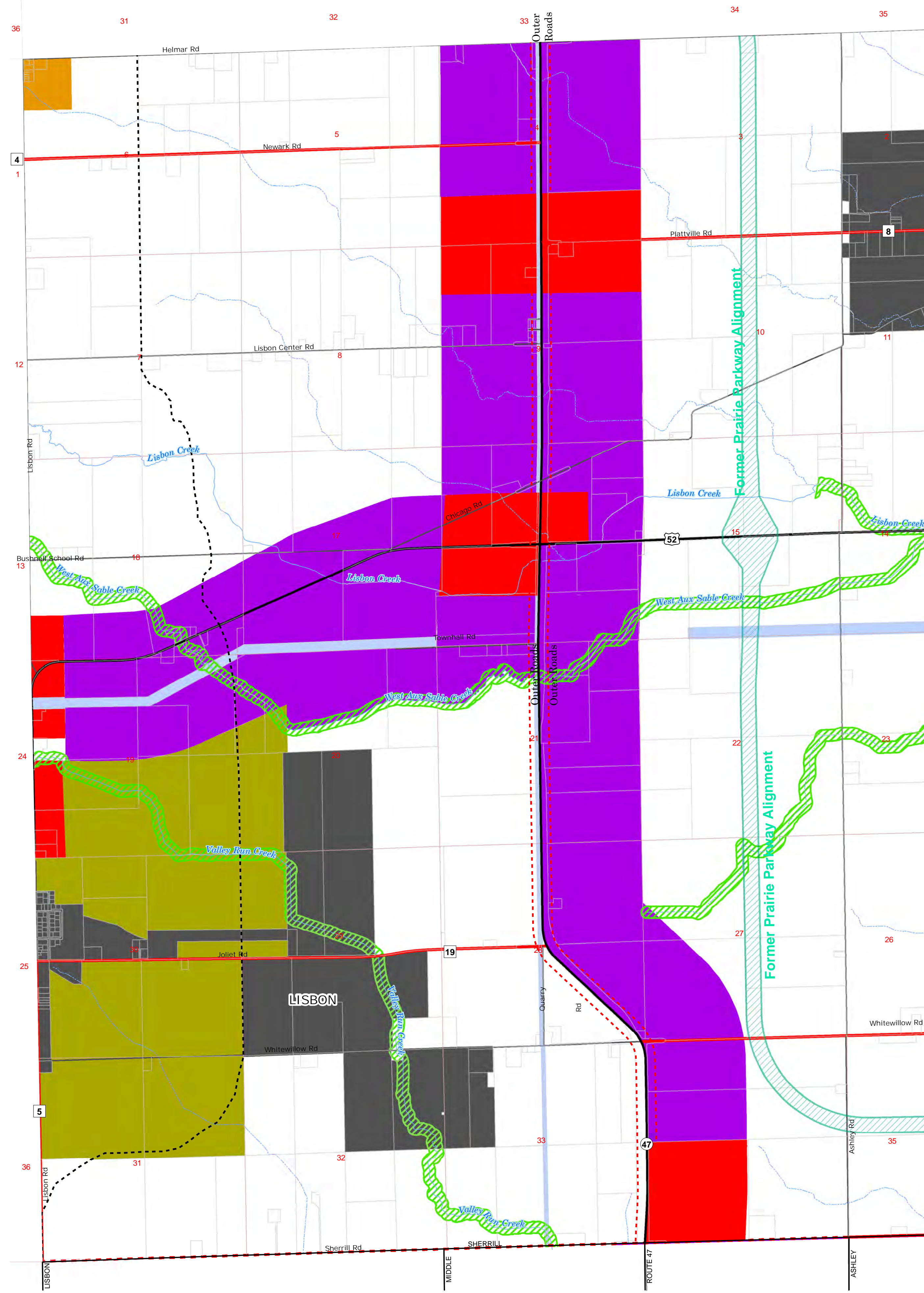
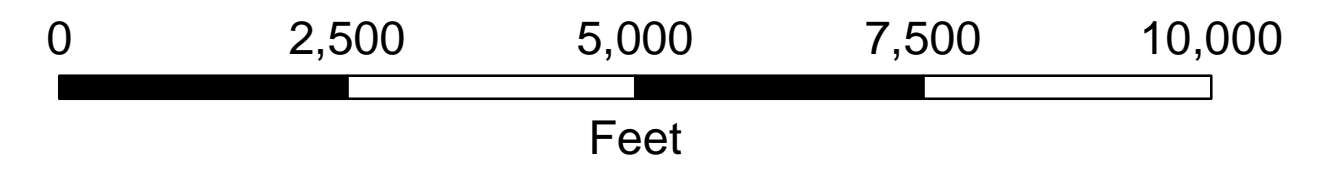
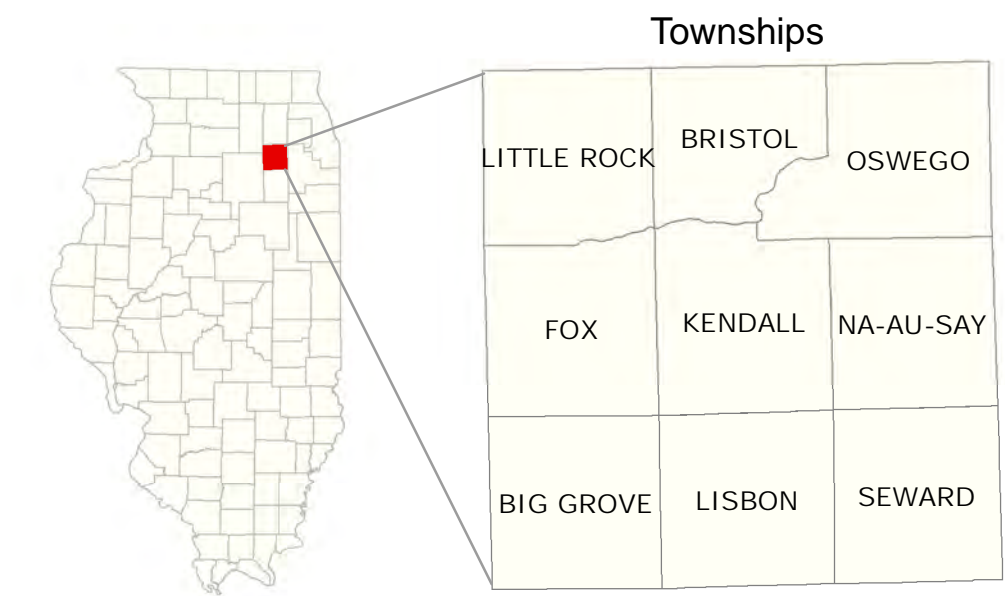
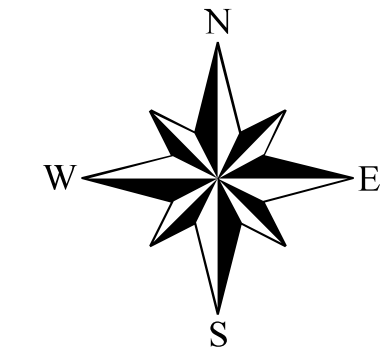
MHA

ENC: Mining Removed  
Mining Removed Except Where Zoned  
Proposed Future Land Use Map (Old Lisbon Map)  
Proposed Future Land Use Map (New Lisbon Map)  
Mixed Use Business Map  
Old Lisbon Future Land Use Map  
New Lisbon Future Land Use Map  
Current Future Land Use Map for Lisbon Township

# Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2019 -

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



### Legend

- - - Outer Roads
- - - Proposed Roadways
- Future LRMP Abbreviation**
- Urbanized Areas
- Mixed Use Business
- Public Institutional
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential

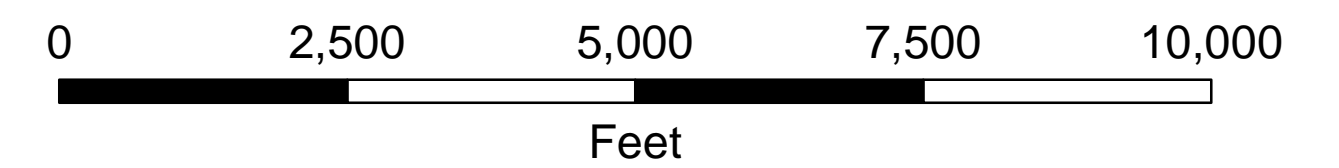
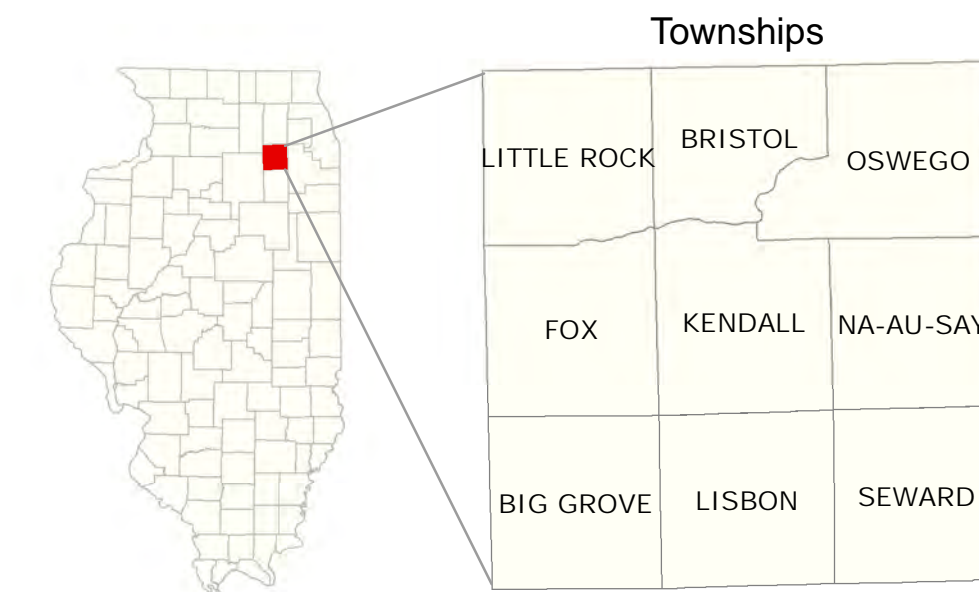
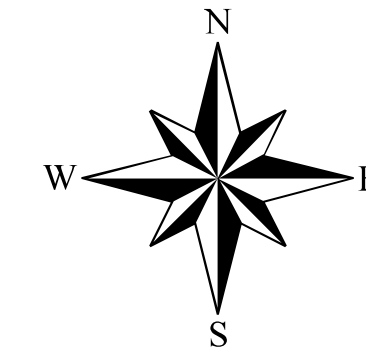


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# Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

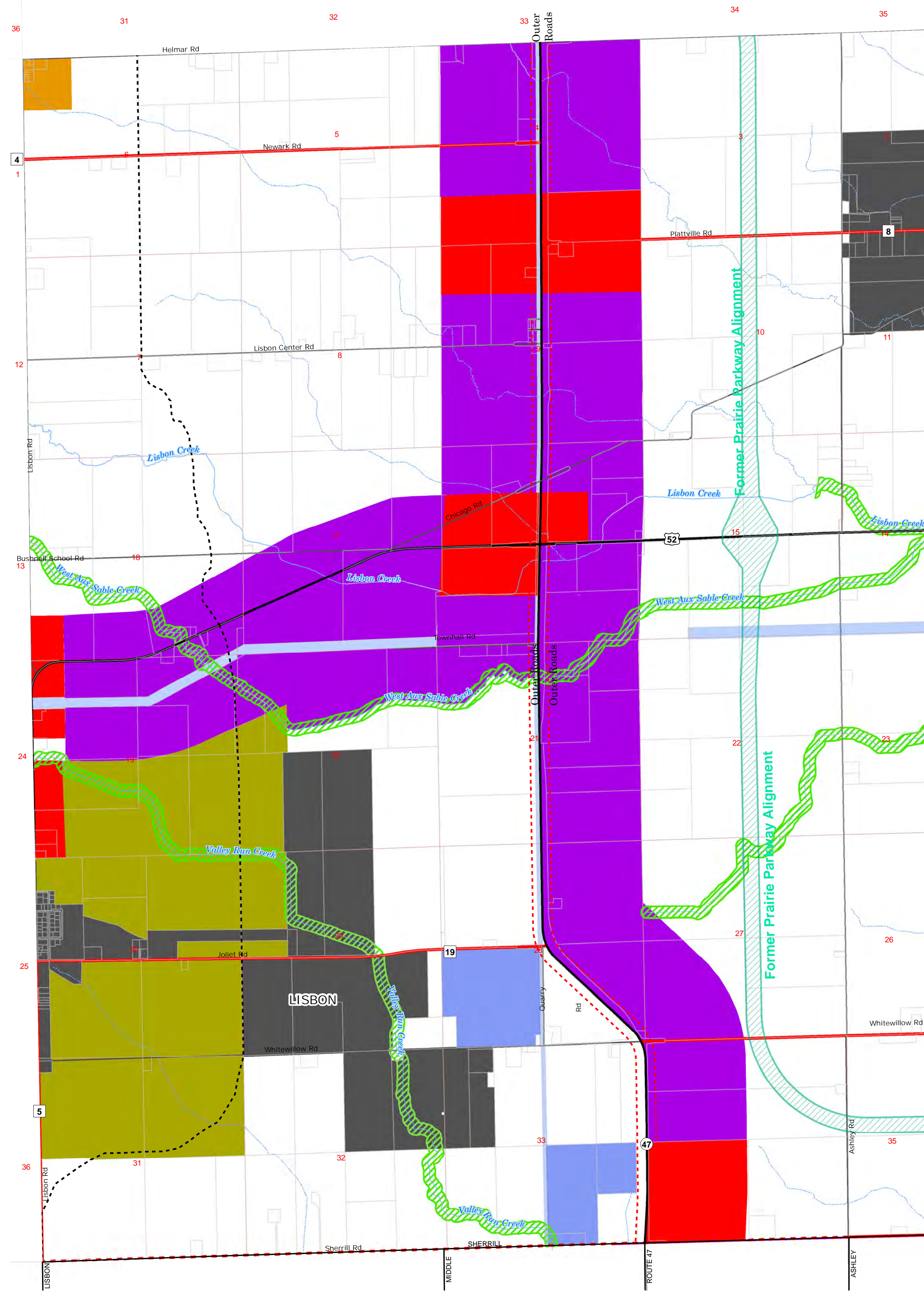
- 2019 -

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



**Legend**

- - - Outer Roads
- - - Proposed Roadways
- Future Land Use**
- Land Use Type**
- Mining
- Future LRMP**
- Abbreviation**
- Urbanized Areas
- Mixed Use Business
- Public Institutional
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential

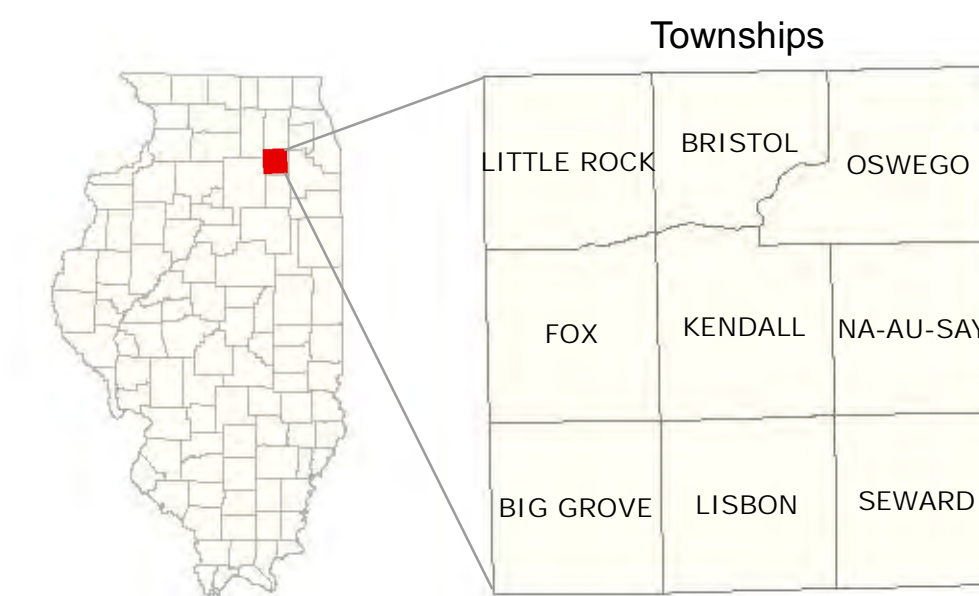
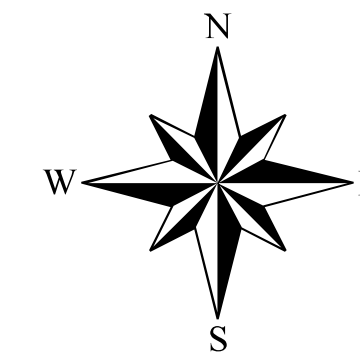


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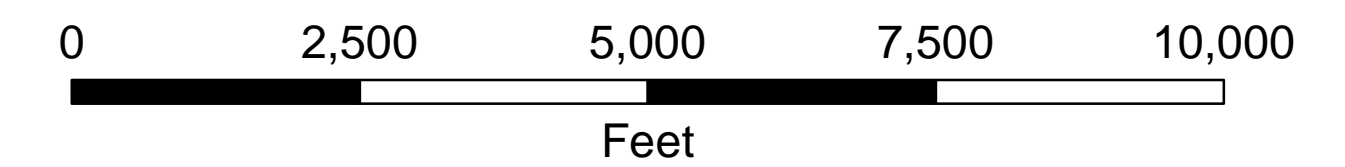
# Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



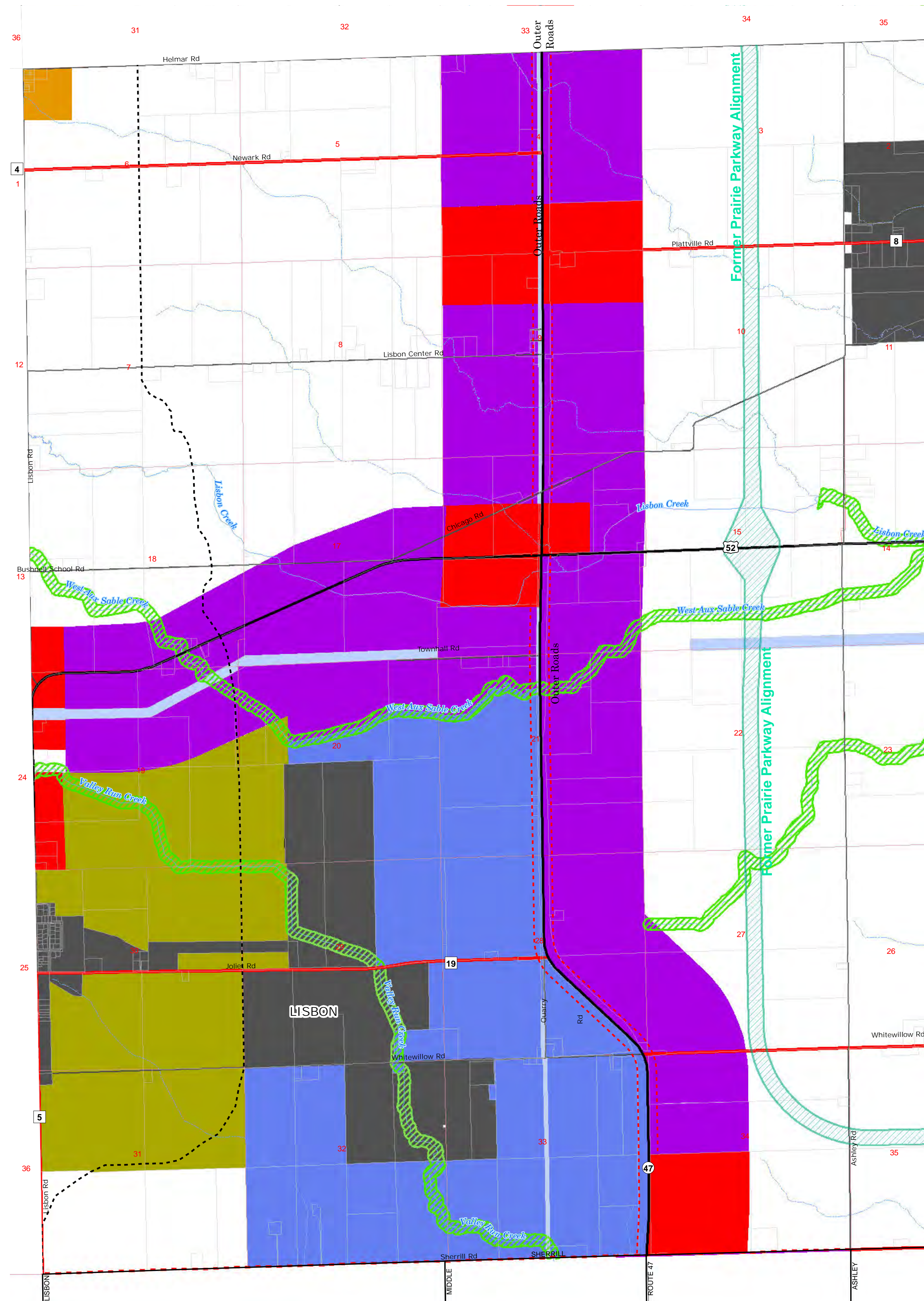
## Legend

- - - Outer Roads
- - - Proposed Roadways

### Future LRMP

#### Abbreviation

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

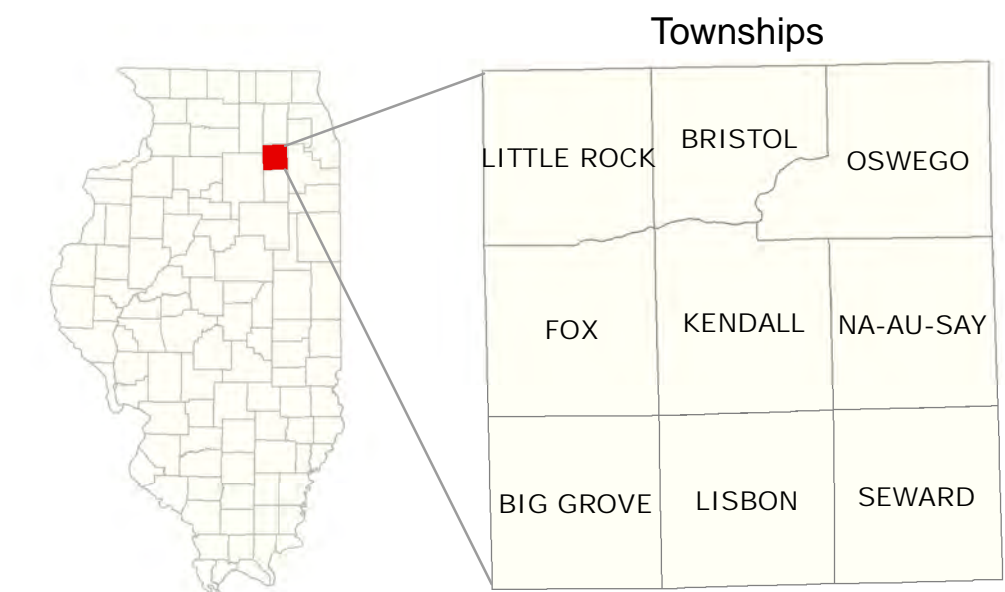
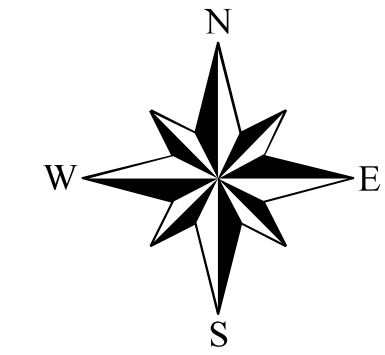


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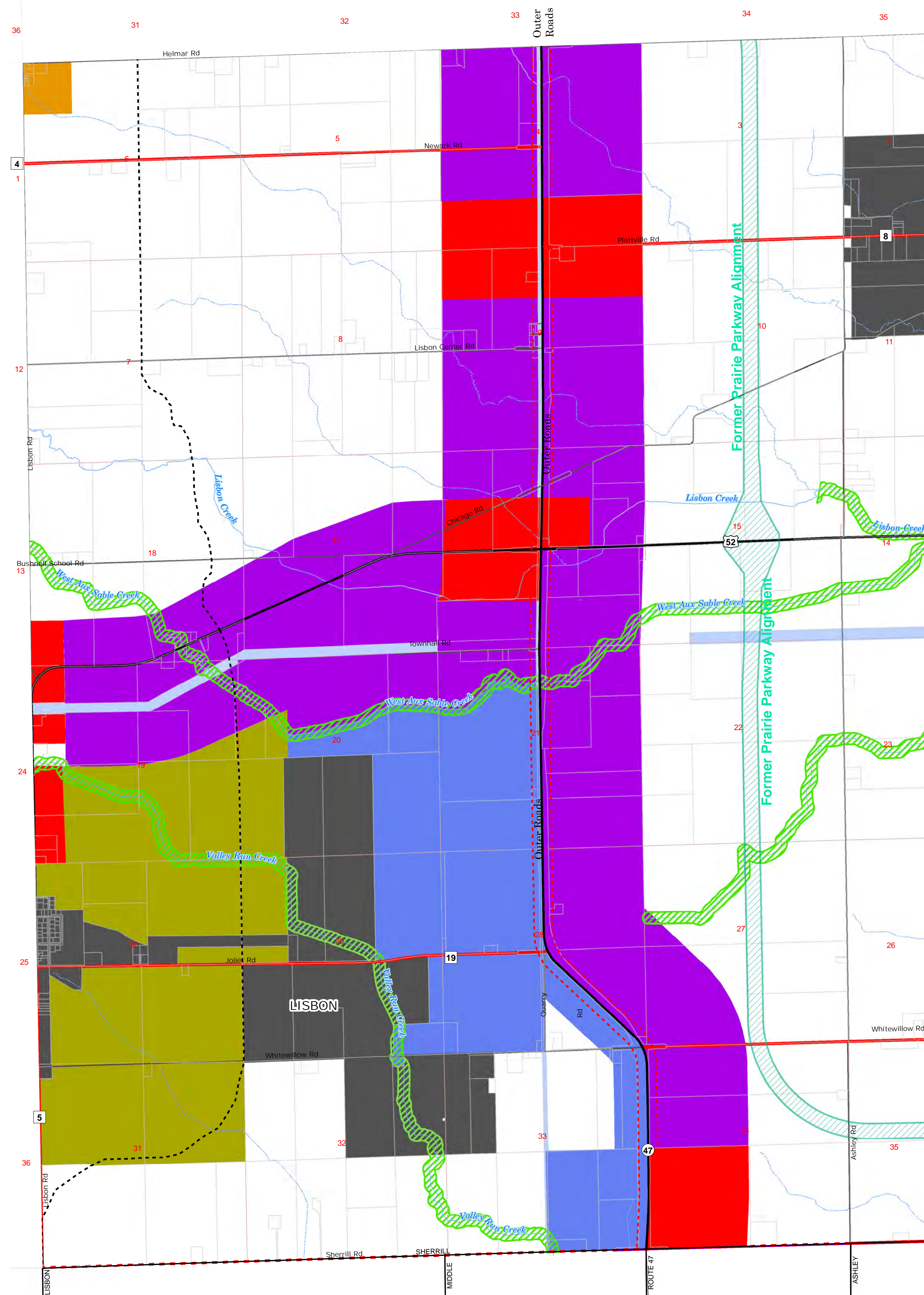
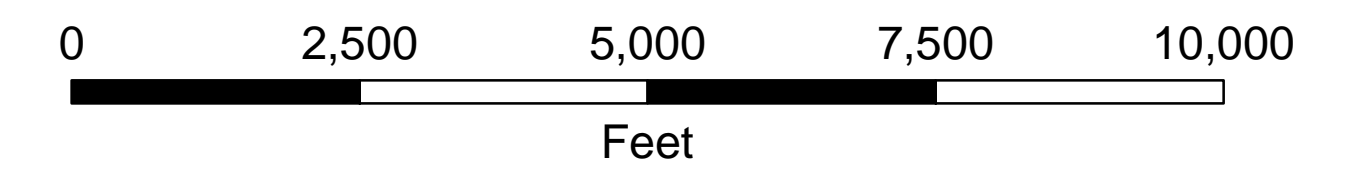
# Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



## Legend

--- Outer Roads

--- Proposed Roadways

### Future LRMP

#### Abbreviation

Urbanized Areas

Mixed Use Business

Public Institutional

Mining

Rural Settlements

Commercial

Continued Growth Suburban Residential



## Kendall County GIS

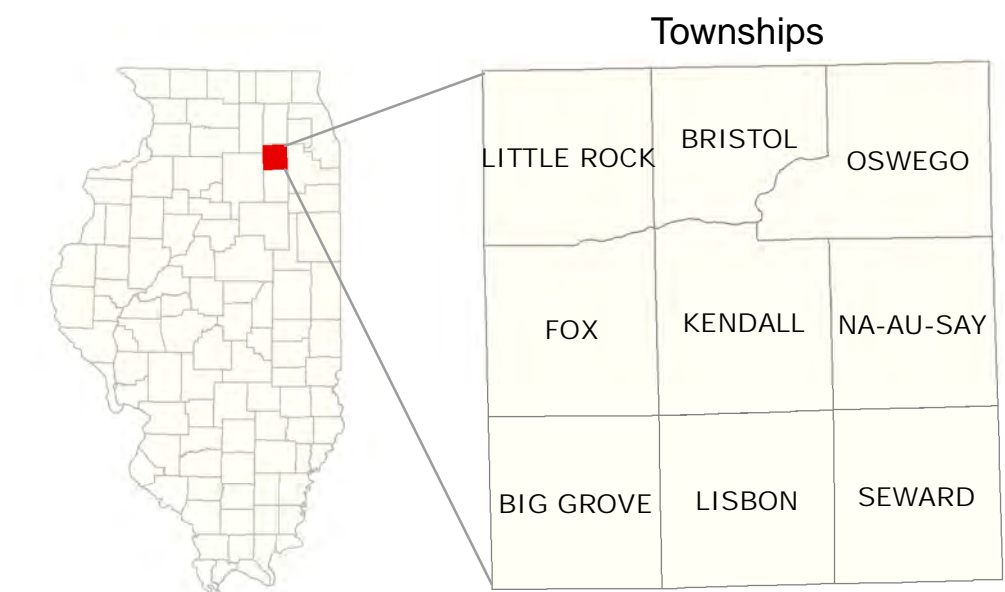
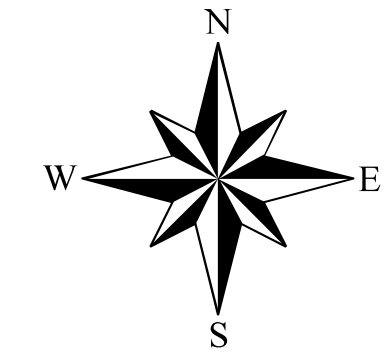
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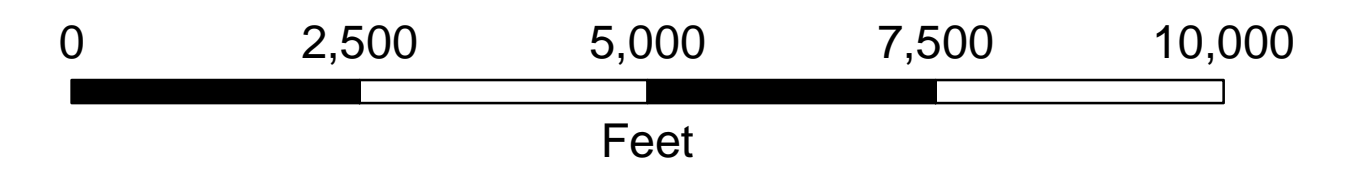
# Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



## Legend

--- Outer Roads

--- Proposed Roadways

### Future LRMP

#### Abbreviation

Natural Resource Areas

Grundy Mixed Use Business

Court Ordered Mining

Open Space

Urbanized Areas

Mixed Use Business

Transportation Corridors

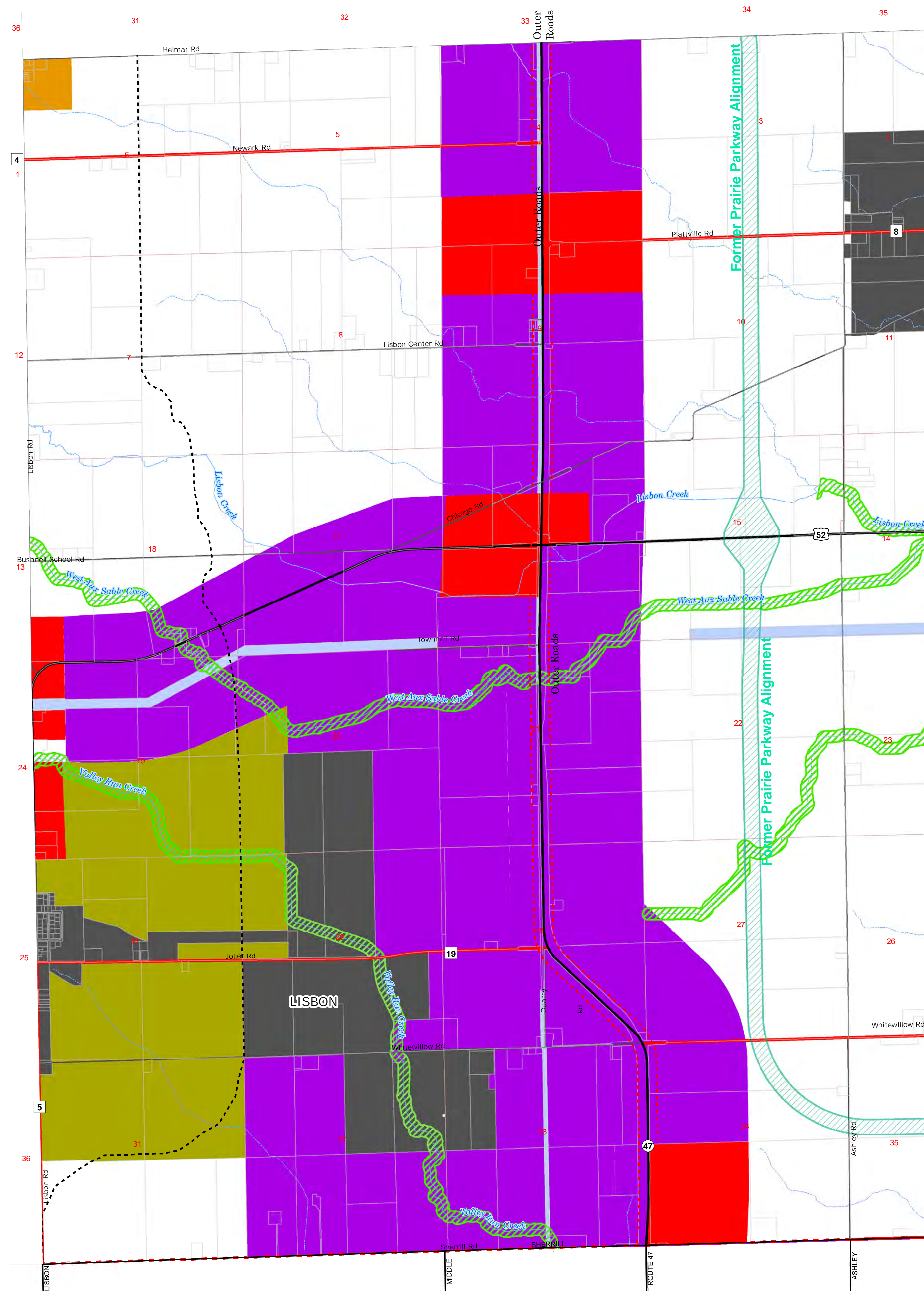
Public Institutional

Mining

Rural Settlements

Commercial

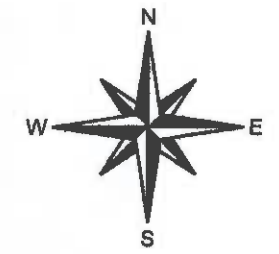
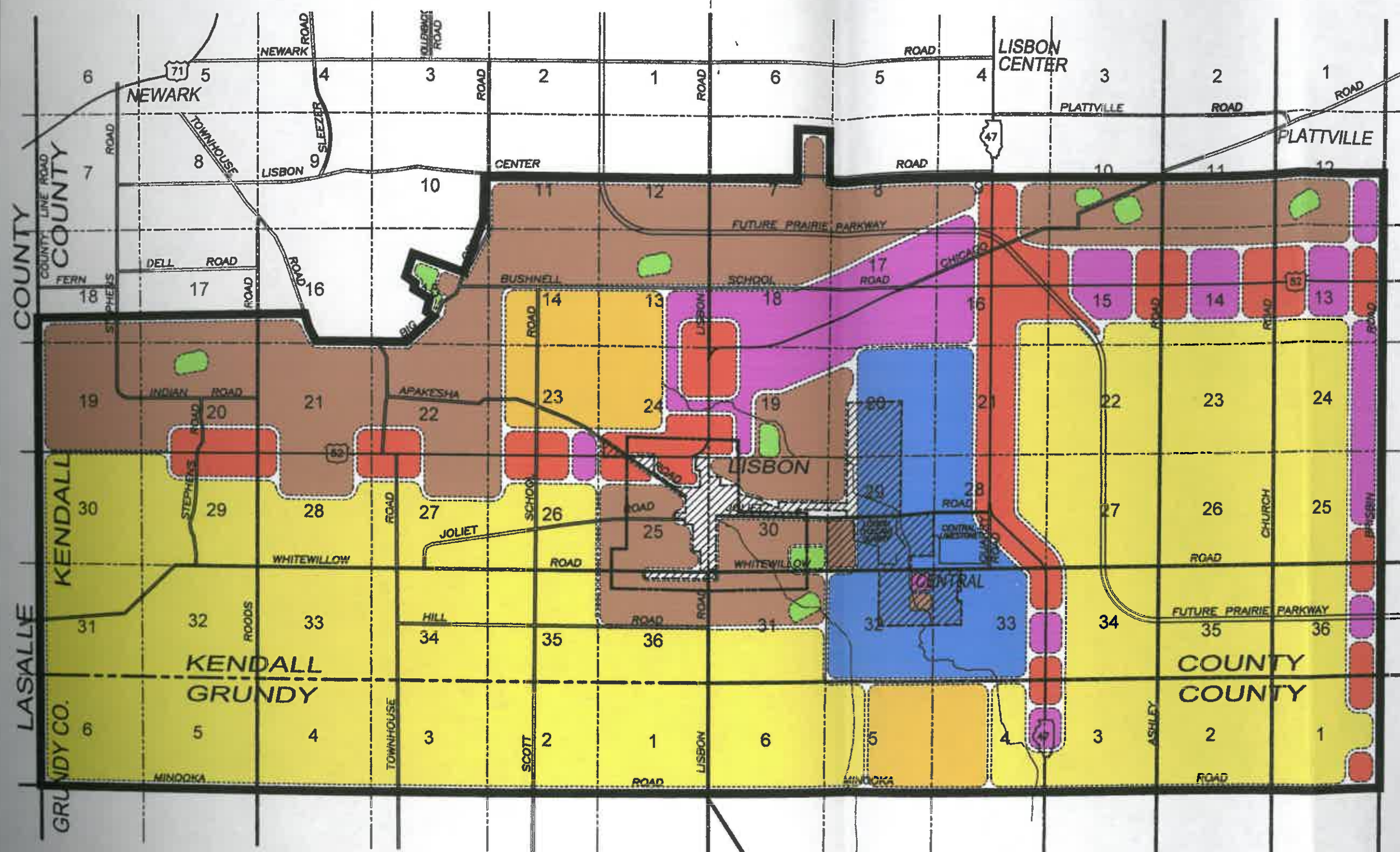
Continued Growth Suburban Residential





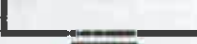







**Kendall County GIS**

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

RANGE 6 EAST RANGE 7 EAST



**LEGEND**

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

TOWNSHIP 34 NORTH  
TOWNSHIP 33 NORTH

RANGE 6 EAST RANGE 7 EAST

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

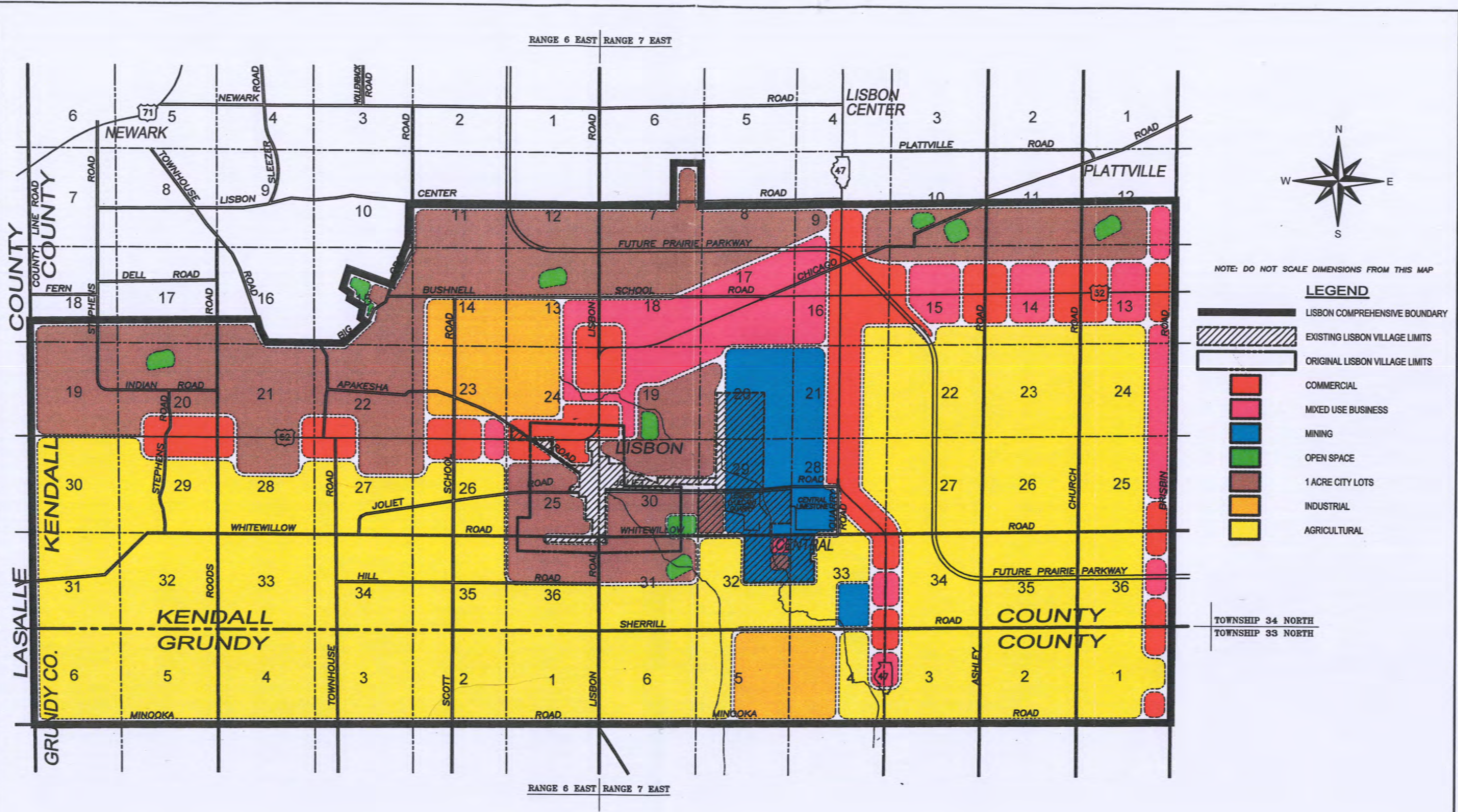
REVISIONS	
DATE	BY
10/25/06	MM
11/13/06	MM
11/20/06	MM

**CHAMLIN ASSOCIATES**  
PERU MORRIS ILLINOIS

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

PLANNING AREAS

SCALE: 1 = 1700	SHEET
FILE NO.:	OF



NOTE: DO NOT SCALE DIMENSIONS FROM THIS MAP

**LEGEND**

- LISBON COMPREHENSIVE BOUNDARY
- EXISTING LISBON VILLAGE LIMITS
- ORIGINAL LISBON VILLAGE LIMITS
- COMMERCIAL
- MIXED USE BUSINESS
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TOWNSHIP 34 NORTH  
TOWNSHIP 33 NORTH

DRAWN BY: MAB	DATE: 8/14/07	REVISIONS	
		DATE	BY
CHECKED BY: GRC	DATE: 8/14/07	11/20/06	MAB
		2/5/06	MAB
		2/24/06	MAB

**CHAMLIN ASSOCIATES**  
PERU MORRIS ILLINOIS

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

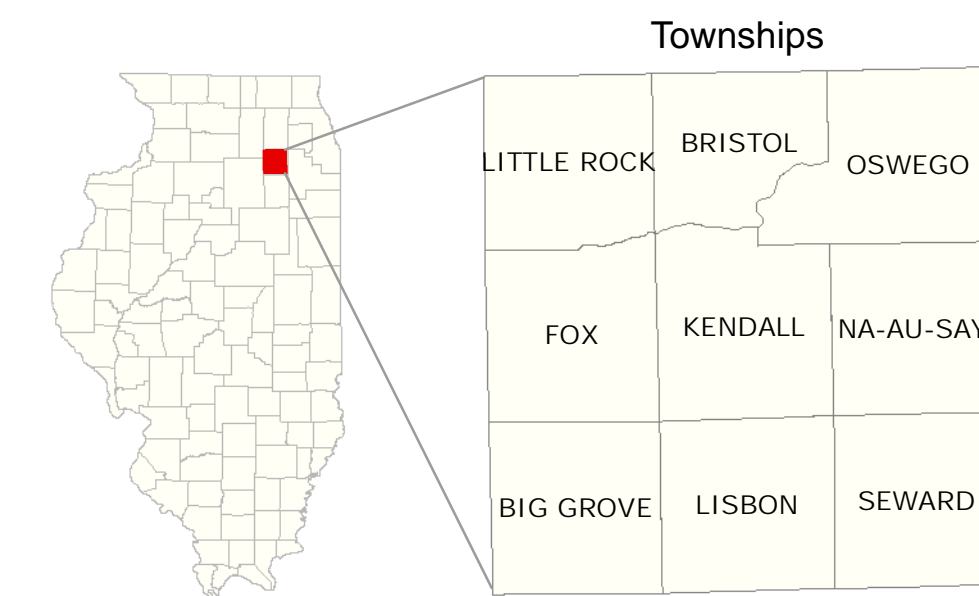
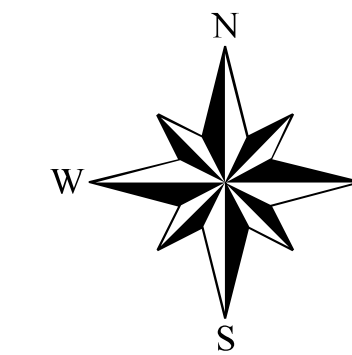
PLANNING AREAS

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FILE NO.: 12876	OF

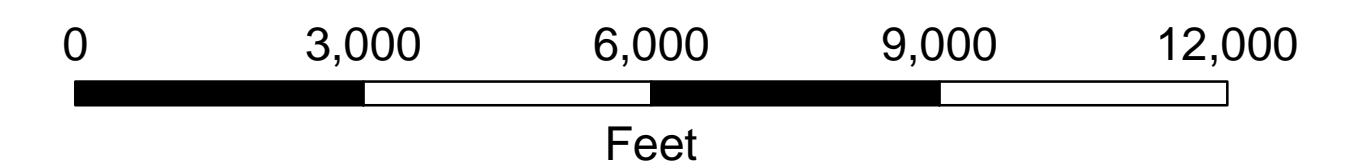
# Future Land Use Lisbon Township KENDALL COUNTY

- 2017 -

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



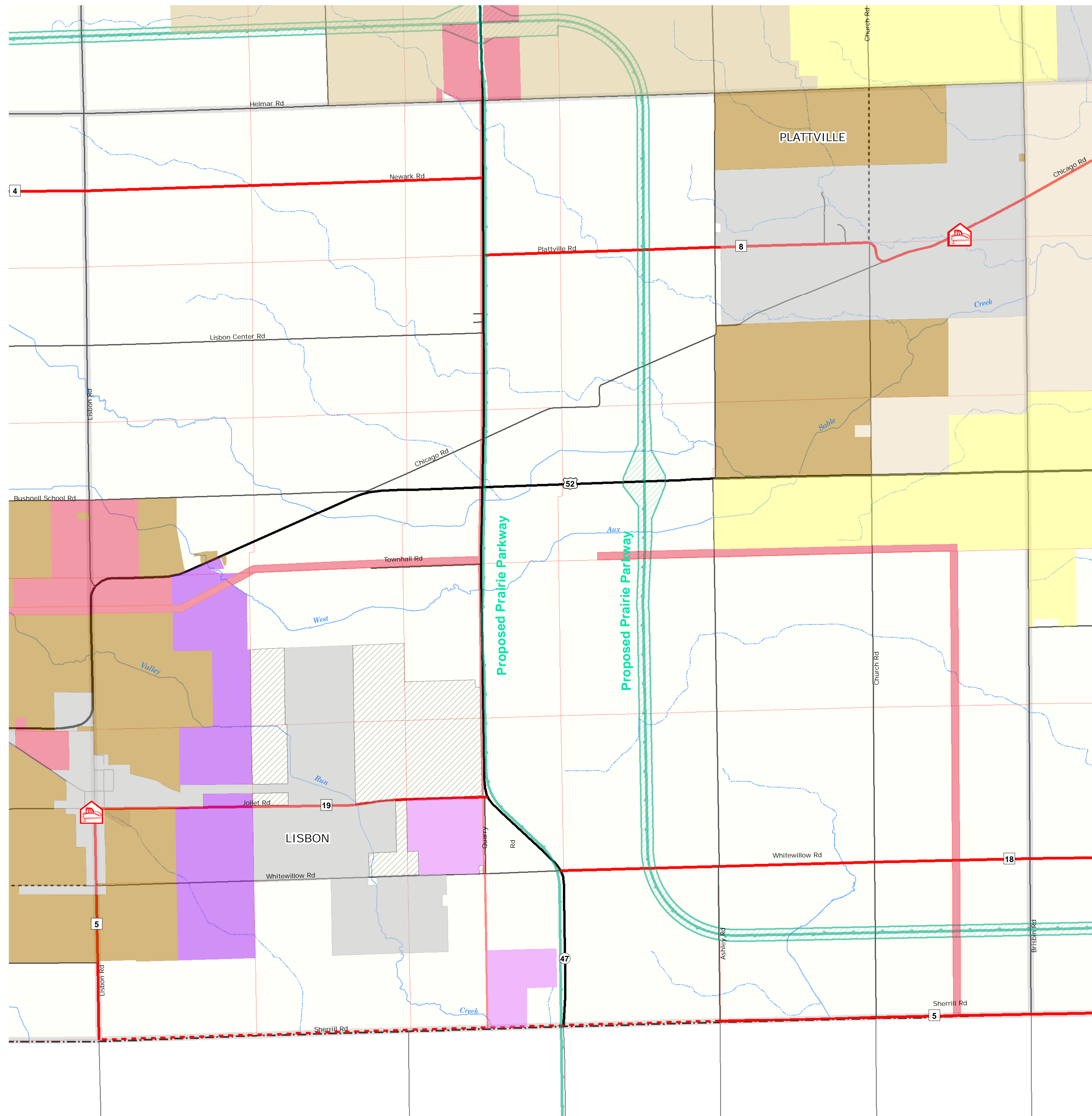
Scale: 1 in = 2,000 feet



## Legend

### Future Land Use

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



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