

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

AGENDA

Monday, June 10, 2019 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Elizabeth Flowers, Judy Gilmour, Matt Kellogg (Vice-Chairman), Matthew Prochaska (Chairman), and One Vacancy

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from May 13, 2019 Meeting (Pages 3-22)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 23-24)
Six Month PBZ Financial Report Review (Pages 25-26)

PUBLIC COMMENT:

PETITIONS:

1. **18 – 04 – Kendall County Regional Planning Commission (Pages 27-35)**
Request: Proposed Amendments to Future Land Use Map for Properties Located Near Route 47 in Lisbon Township

2. **19 – 13 – Kendall County Regional Planning Commission (Pages 36-63)**
Request: 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
Purpose: Proposal Allows Research and Development Home Occupations to Occur Outside of Dwelling and Permitted Accessory Structures

NEW BUSINESS:

1. Recommendation on an Ordinance Amending the Fee Schedule of the Kendall County Planning, Building and Zoning Department by Establishing a Rental Fee and Rental Terms for 2012 National Rifle Association Range Source Book (Pages 64-66)
2. Recommendation on Junk and Debris Citation Letter
3. Request for Guidance Regarding Petition 16-03 Pertaining to Dumpsters in Residential Zoning Districts-Committee Could Amend or Withdraw the Proposal. (Pages 67-69)
4. Approval of Setting a Date and Time for a Second Meeting of the Planning, Building and Zoning Committee in the Month of June 2019

OLD BUSINESS:

1. Recommendation on Request from the Village of Plattville to Amend Section 2 of the Proposed Intergovernmental Agreement by Deleting the Reference to the Kendall County Comprehensive Plan and Clarification of Costs as Stated in Section 4 of the Proposal (Pages 70-74)
2. Recommendation on Amendments to the Kendall County Land Cash Ordinance by Updating the School Enrollment Figures, Fair Market Value Calculation, and Related Tables (Pages 75-93)
3. Update on Alleged Stormwater Ordinance Violation at 508 W. Route 126 (Anderson Tree Farm) (Pages 11-21 and 94-98)

CORRESPONDENCE:

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

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

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of May 13, 2019 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 6:30 p.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Matt Kellogg (Vice-Chairman), John Purcell (arrived @ 6:40 p.m.), and Matthew Prochaska (Chairman)

Committee Members Absent: Judy Gilmour

Also Present: Matt Asselmeier (Senior Planner), Ruth Ann Sikes, Part Time Office Assistant (Zoning), Judy Bush, Virginia Lake, Boyd Ingemunson, Joe Clark, Jim Williams and Greg Stromberg

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Kellogg, to approve the agenda with a change of moving the April 30, 2019 Email regarding Anderson Tree Farm to after the second item of New Business. With a voice vote of three (3) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Kellogg made a motion, seconded by Member Flowers, to approve the minutes of the April 30, 2019, meeting with the amendment of changing the time in the heading from 6:30 p.m. to 8:00 a.m. With a voice vote of three (3) ayes, the motion carried unanimously.

EXPENDITURE REPORT

The Committee reviewed the Expenditure Report. Member Kellogg, made a motion, seconded by Member Flowers, to forward the report to Finance for review. With a voice vote of three (3) ayes, the motion carried unanimously.

PUBLIC COMMENT:

Jim Williams would like to see increased enforcement of violations in Boulder Hill. Brian Holdiman does the best he can but fines are not placed on violations. He would like to see greater cooperation between the County and Oswego Township on code enforcement.

Member Purcell arrived at this time (6:40 p.m.).

Judy Bush agreed with Mr. Williams. She felt the current ordinances were not enforced.

Virginia Lake echoed the comments of Mr. Williams and Ms. Bush. They can't walk down their sidewalks because of all the campers and trucks.

PETITIONS

Petition 19-07 Kendall County Planning, Building and Zoning Committee

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.

ZPAC reviewed this proposal at their meeting on March 5, 2019. ZPAC unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. The Kendall County Regional Planning Commission unanimously recommended approval.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on April 1, 2019. Three (3) members of the public testified in opposition to this proposal. Their concerns focused on code enforcement and the negative impacts to the aesthetics of the neighborhood if the proposal passed. One (1) of the members of the public requested that Kendall County adopt regulations similar to the Village of Oswego's regulations on this matter. The Kendall County Zoning Board of Appeal unanimously issued a negative recommendation of the proposal. Members voted no because they felt that Boulder Hill would turn into a trailer park and housing values would be depressed because the neighborhood would look bad. Also, just because an ordinance is difficult to enforce, does not mean that the ordinance should be repealed.

The proposal was sent to the townships on March 4, 2019. On April 10, 2019, Oswego Township sent a letter of objection regarding the proposal. Oswego Township would like to see Kendall County adopt similar regulations as the Village of Oswego, if allowed by State law. Oswego Township does not have a Planning Commission, so their objection does not trigger a supermajority vote at the County Board for approval of this proposal.

It was the consensus of the Committee that the rules for the Village of Oswego and the Village of

Montgomery should be examined pertaining to fees and enforcement.

Member Flowers made a motion, seconded by Member Kellogg, to withdraw Petition 19-07 in its current form.

The votes were as follows:

Yeas (4): Flowers, Kellogg, Prochaska, and Purcell

Nays (0): None

Abstain (0): None

Absent (1): Gilmour

The motion carried. The Petition was withdrawn.

Petition 19-08 – Daniel, Bruce, and Norma Van Deventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

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 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.

The Land Resource Management Plan calls for the property to be residential.

Trails are planned along Galena Road and along Blackberry Creek. 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.

The zoning in the area is A-1 and R-3 with Yorkville and Montgomery having zoning within a half (1/2) mile of the property.

EcoCat was submitted and consultation was terminated.

The LESA Score was 129 indicating a low level of protection.

Petition information was sent to Bristol Township on February 25, 2019. Bristol Township did not provide any comments.

Petition information was sent to the Village of Montgomery on February 25, 2019. They submitted no objections.

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 submitted no objections.

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

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 Kendall County Regional Planning Commission reviewed this petition at their meeting on March 27, 2019. A neighbor questioned why the property needed to be rezoned. Mr. Asselmeier explained Kendall County's forty (40) acre rule and housing allocation rules in agricultural areas. The address of the property required clarification. The Kendall County Regional Planning Commission unanimously recommended approval of the request.

The Kendall County Zoning Board of Appeals held a public hearing on this petition on April 1, 2019. Other than the Petitioner's Attorney, no other members of the public testified in favor or in opposition to the proposal. The Kendall County Zoning Board of Appeals unanimously recommended approval of the request.

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

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.

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.

Staff recommends approval of the proposed map amendment.

Member Purcell asked if the board had voted on this proposal previously. Member Kellogg said it was for a driveway variance.

Member Purcell asked if the Petitioner knew there was going to be some major highway work in that area. The Petitioner's Attorney responded that they were aware that improvements were planned in the area.

Member Purcell made a motion, seconded by Member Kellogg, to recommend approval of the Map Amendment.

The votes were as follows:

Yeas (4): Flowers, Kellogg, Prochaska, and Purcell
Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried. This proposal will go to the County Board on May 21st.

NEW BUSINESS

Discussion of SB7

The Committee discussed SB7.

Chairman Prochaska asked the committee to go through the information at their convenience.

Mr. Asselmeier asked if a template ordinance would be developed by the Illinois Municipal League or Counties' Association. Chairman Prochaska said that he believed the Counties' Association would be doing a template ordinance.

Request for Guidance Regarding Alleged Stormwater Ordinance Violation at 508 W. Route 126 (Anderson Tree Farm)

Mr. Asselmeier presented information regarding the request.

Karen Anderson presented pictures of the flooding from last year and stated they did not raise the ground level two feet.

Joe Clark presented pictures of flood near his house. He also stated the Anderson's have raised the level of the land approximately two feet (2'). He was looking for some help with the problem because of water in his basement.

The Committee discussed many ways of fixing the problem. The Committee requested Ken Hostert, Na-Au-Say Township Highway Commission, to attend a future meeting.

CORRESPONDENCE:

April 30, 2019 Email from Anderson Tree Farm Regarding Special Use Permit Application

Mr. Asselmeier read the correspondence. They have taken the pictures down from the website and they will not be applying for the special use permit.

NEW BUSINESS

Recommendation on Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer Systems (MS4)

Member Purcell asked if this was a follow up. Mr. Asselmeier said it was the Annual Report. The Annual Report was basically the same as last year's report and the filing fee is in the Department's budget.

Member Purcell made a motion, seconded by Member Kellogg, to forward the Annual Report to

the County Board.

The votes were as follows:

Yeas (4): Flowers, Kellogg, Prochaska, and Purcell

Nays (0): None

Abstain (0): None

Absent (1): Gilmour

The motion carried. This matter will go to the County Board May 21st.

Approval of Setting a Date and Time for a Second Meeting of the Planning, Building, and Zoning Committee in the Month of May 2019

Chairman Prochaska stated he did not believe that a second meeting was needed.

OLD BUSINESS

Update on Zoning Violation at 45 Cheyenne Court

Greg Stromberg provided an update. He hopes to complete the project by August 1st or September 1st. An update will be provided around July 1st.

Discussion of Land Cash Ordinance

Mr. Asselmeier summarized.

It was the consensus of the Committee that the weighted average of all lot sales for the entire county should be used as the fair market value. This would set the fair market value at Forty-Seven Thousand One Hundred Twenty-One Dollars (\$47,121). Staff will bring a proposal reflecting this fair market value to the next meeting.

Discussion of Junk and Debris Ordinance Update

Mr. Asselmeier provided an Update.

Member Purcell stated he had concerns about the subjectivity of junk and debris near commercial establishments.

The consensus of the Committee was to exempt commercial and manufacturing zoned properties where lawful businesses are operating and to send the revised proposal to the Committee of the Whole.

Zoning Ordinance Project Update

Chairman Prochaska requested Staff to inform Teska Associates that no additional extension will be given on the deadline for the project.

REVIEW OF THE VIOLATION REPORT

The Committee reviewed the violation report.

Update on Zoning Violation at 790 Eldamain Road

Additional fencing has been added and the property owners' attorney believes fencing should be completed in the next few weeks.

Approval to Forward Violation of Stormwater Ordinance at 84 Woodland Drive, Plano to the State's Attorney's Office

Mr. Asselmeier summarized the case.

In July 2018, the Kendall County Planning, Building and Zoning Department received a complaint of dumping at 84 Woodland without a permit. On July 25, 2018, an inspection occurred at the property and the determination was made that a permit was required because the dumping impacted a natural waterway. On November 10, 2018, the property owner paid for a stormwater management permit, but did not provide any information on the amount of dirt placed onsite or future plans for the property.

The property owner has two (2) options. He can dump more dirt if he provides a plan, topographic survey, and engineering calculations. This option requires the owner to know how much dirt he intends to haul onto the site. The second option is leaving things "as-is" which requires the owner to get a topographic survey and get an engineer to certify that the fill had not impact on the waterway.

On March 13, 2019, the owner was sent a certified letter explaining his options. On April 9, 2019, the owner requested, the Department granted, an extension until April 30, 2019.

A landscaping business is not allowed on the subject property.

Staff requests guidance as to how to proceed. This guidance could include forwarding the case to the State's Attorney's Office.

Chairman Prochaska made a motion, seconded by Member Flowers, to forward this violation to the State's Attorney's Office.

The votes were as follows:

Yeas (3): Flowers, Kellogg, and Prochaska

Nays (1): Purcell

Abstain (0): None

Absent (1): Gilmour

The motion carried.

REVIEW NON-VIOLATION COMPLAINT REPEORT

None

UPDATE FROM HISTORIC PRESERVATION COMMISSION

A plaque will be presented to the Chapel on the Green for Preservation of a Commercial Structure at the next County Board meeting.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

May 3, 2019 Letter from IDOT Regarding Noise Traffic Study on Routes 47 and 30

Mr. Asselmeier read the correspondence.

Member Purcell asked the location of the study area along Route 47. Mr. Asselmeier read the study area location. Mr. Asselmeier did not know when the noise walls would be installed.

PUBLIC COMMENT

Jim Williams complimented the Committee on their activities.

COMMENTS FROM THE PRESS:

None

ADJOURNMENT

Member Flowers made a motion, seconded by Member Purcell, to adjourn. With a voice vote of four (4) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 7:45 p.m.

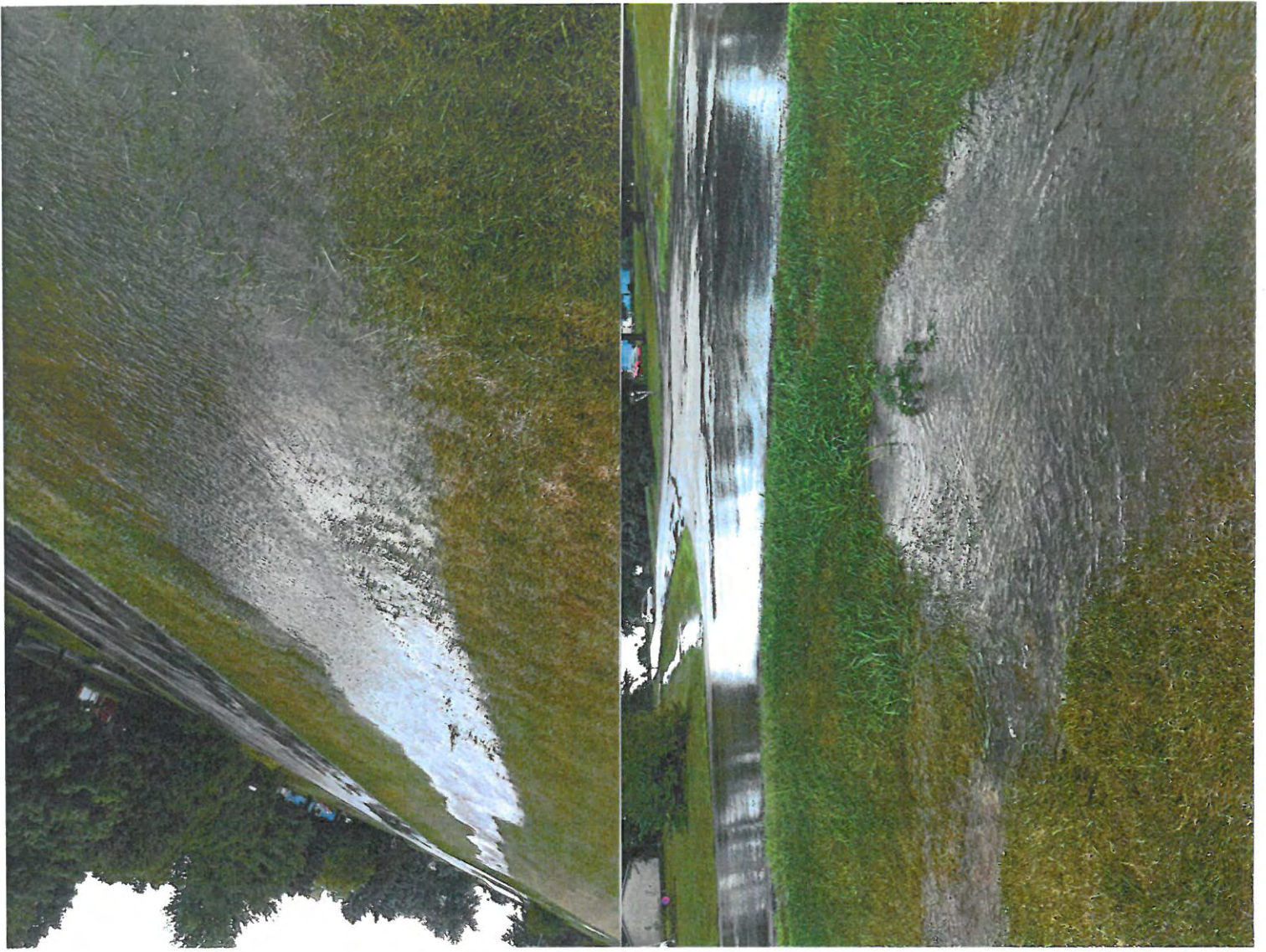
Minutes prepared by Ruth Ann Sikes, Part Time Office Assistant

Enc.

















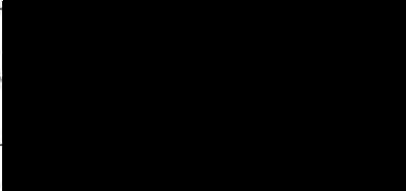






**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
MAY 13, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Judy Bush		
Virginia Lake		
Boyd Ingemanson		
JOE CLARK		

EmpPctClaim Kendall County

Claims Listing

05/08/19 12:45:43 PM

Page 001

Vendor #	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
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BUILDING AND ZONING

1	191522	SOURCE ONE OFFICE PRODUCTS	4/30/19	OFFICE SUPPLIES	05/08/19	01020026200 OFFICE SUPPLIES	24.57
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24.57*

2	011908	ASPPM		APPLICATION FEE EXAM & 2 YR CERTIFIC	05/01/19	01020026206 TRAINING	170.00
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170.00*

3	220620	VERIZON	9828568831	CELL PHONE - CODE OF	05/01/19	01020026207 CELLULAR PHONE	55.55
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55.55*

4	190816	SHAW MEDIA	041910101009	LEGAL PUBLICATION	05/08/19	01020026209 LEGAL PUBLICATIONS	104.78
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104.78*

5	110531	KENDALL CO HIGHWAY DEPT	APRIL 2019	APRIL 2019 - PBZ TRU	05/08/19	01020026217 VEHICLE MAINT/REPAIRS	131.20
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131.20*

6	261005	RANDY ERICKSON	APRIL 2019	APRIL 2019 PLUMBING	05/08/19	01020026361 PLUMBING INSPECTIONS	1,540.00
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1,540.00*

Total BUILDING AND ZONING 2,026.10*

ENGINEERING/CONSULTING ESCROW ACCT

7	230933	WBK ENGINEERING, LLC	20176	FOX METRO EXPANSION	05/08/19	59020000046 FOX METRO WATER REC DIST	451.48
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451.48*

8	230933	WBK ENGINEERING, LLC	19931	SCHLAPP RD BANQUET F	05/01/19	59020000069 SCHLAPP RD BANQUET CENTER	291.00
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291.00

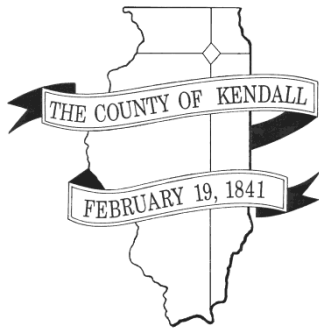
9	230933	WBK ENGINEERING, LLC	19928	REVIEW SERVICES 1/1/	05/01/19	59020000069 SCHLAPP RD BANQUET CENTER	388.00*
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388.00*

Total ENGINEERING/CONSULTING ESCROW 839.48*

GRAND TOTAL 2,865.58**

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 110565	KENDALL PRINTING	19-0517	250 PLUMBING INSPECT	05/21/19	01020026200	OFFICE SUPPLIES	115.50
2 191522	SOURCE ONE OFFICE PRODUCTS	01020026200	OFFICE SUPPLIES	05/21/19	01020026200	OFFICE SUPPLIES	74.99
3 020541	BUILDING & ZONING PETTY CASH	5/7/19	CMAP TRAVEL EXPENSES	05/21/19	01020026204	CONFERENCES	190.49*
4 160189	PARADISE CAR WASH	223885	PB2 TRUCK WASHES	05/21/19	01020026217	VEHICLE MAINT/REPAIRS	18.50+
							15.00
							15.00*
Total BUILDING AND ZONING							223.99*
GRAND TOTAL							223.99**



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 3, 2019
Re: Mid-Fiscal Year 2018-2019 Escrow Report

Below please find the balances of the various escrow accounts as of the close of business on June 1, 2019.

Fox Metro	\$5,543.54
Tanglewood Trails	\$32,582.00
Heights Tower Service	\$0.00 (Closed Per Greg Chismark May 24, 2019)
Stor Mor	\$13.12
NICOR-Aux Sable Creek	\$1,257.00
Vena Bridge at Cherry and Schlapp	\$18.15
Tri-Star Development on Route 52	\$822.00
Fox Metro O&M Building	\$3,771.50
NIOCR-Miller and Creek	\$692.39
84 Woodland	\$538.50
Light Road Industrial Park	\$2.00
Schlapp Road Banquet Center	\$812.00

The balance in the Fox River Watershed Stormwater Mitigation account was \$387,100.00.

The balance in the Henneberry Woods account was \$114,173.83.

The balance in the Ravine Woods account was \$9,276.26.

The balance in the Land Cash account was \$276,425.74.

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

MHA

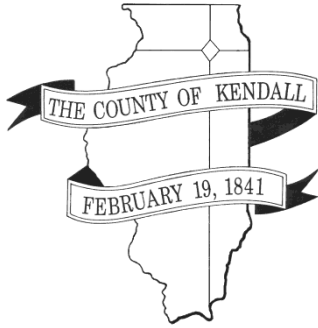
KENDALL COUNTY TREASURER
 FUND BALANCES
 Balances as of: 05/31/19

11:31:54 AM
 06/04/19
 Page 001

	Budget	MTD	YTD	%Budget

BUILDING & ZONING				

01020026101	SALARY/ADMINISTRATOR	.00	.00	.00
01020026102	SALARIES - PLANNING & ZONING MANAGE	68,959.00	7,956.81	34,440.88
01020026103	SALARIES - COMPLIANCE OFFICERS	56,891.00	6,761.31	29,266.12
01020026104	SALARY - CLERICAL	37,050.00	3,853.13	16,551.64
01020026106	SALARIES - OVERTIME	.00	.00	.00
01020026115	ZBA PER DIEM	2,800.00	250.00	750.00
01020026151	REPORTER - NON SALARY	.00	.00	.00
01020026200	OFFICE SUPPLIES	1,550.00	215.06	896.22
01020026201	POSTAGE	650.00	.00	378.29
01020026202	BOOKS/SUBSCRIPTIONS	200.00	.00	.00
01020026203	DUES	750.00	.00	250.00
01020026204	CONFERENCES	1,500.00	18.50	37.41
01020026205	MILEAGE	100.00	.00	44.31
01020026206	TRAINING	200.00	170.00	260.00
01020026207	CELLULAR PHONE	670.00	55.55	333.83
01020026209	LEGAL PUBLICATIONS	1,200.00	104.78	572.26
01020026216	EQUIPMENT	400.00	.00	.00
01020026217	VEHICLE MAINT/REPAIRS	2,500.00	146.20	636.59
01020026238	MICROFILMING/REPRODUCTION	.00	.00	.00
01020026361	PLUMBING INSPECTIONS	14,000.00	1,540.00	6,580.00
01020026363	CONSULTANTS	18,000.00	.00	480.00
01020026364	NOXIOUS WEED MOWING	.00	.00	.00
01020026365	CONTRACTED INSPECTION SERVICES	.00	.00	.00
01020026367	NPDES PERMIT FEE	1,000.00	.00	.00
01020026368	NPDES PERMIT ASSISTANCE	.00	.00	.00
01020026370	RECORDING EXPENSE	1,200.00	.00	414.00
01020026380	REGIONAL PLAN COMMISSION	500.00	.00	95.53
01020026381	ZONING BOARD OF APPEALS	500.00	.00	.00
01020026382	HEARING OFFICER	.00	.00	.00
01020026383	HISTORICAL PRESERVATION COMM	500.00	.00	196.75
01020026384	AD HOC ZONING	500.00	.00	.00
01020026385	REFUNDS	.00	.00	.00
		211,620.00*	21,071.34*	92,183.83*
Ending Balance 05/31/19				-92,183.83



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Kendall County Planning Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: April 1, 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

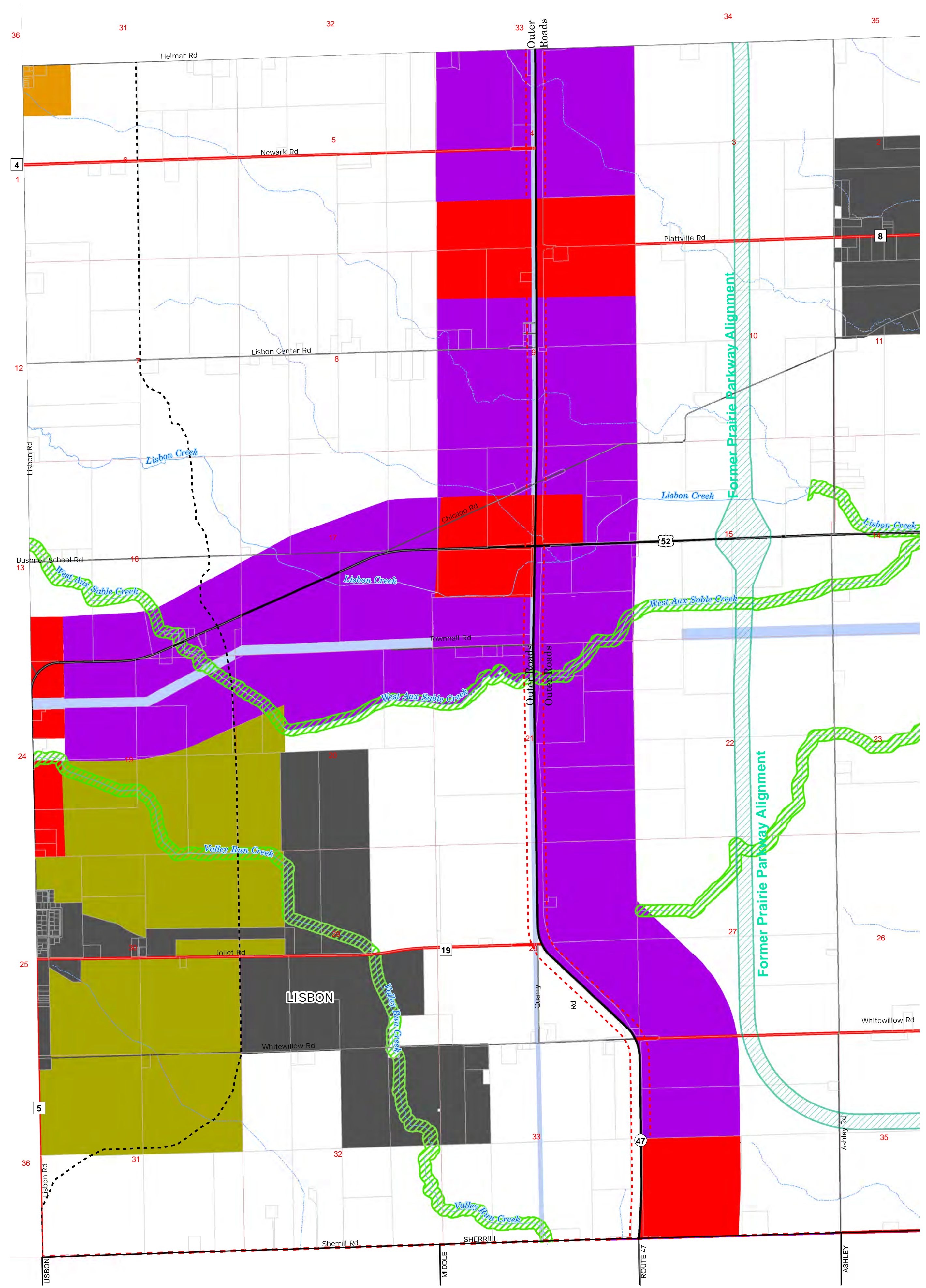
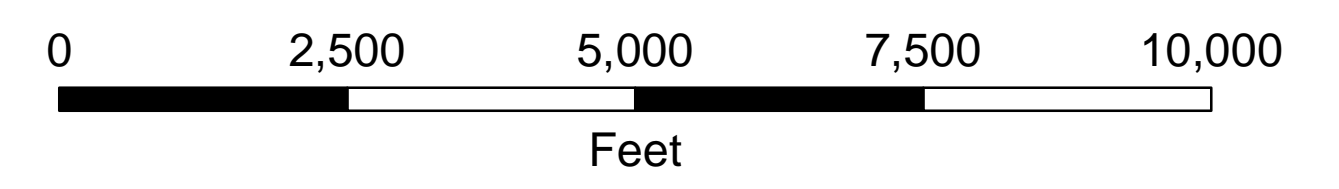
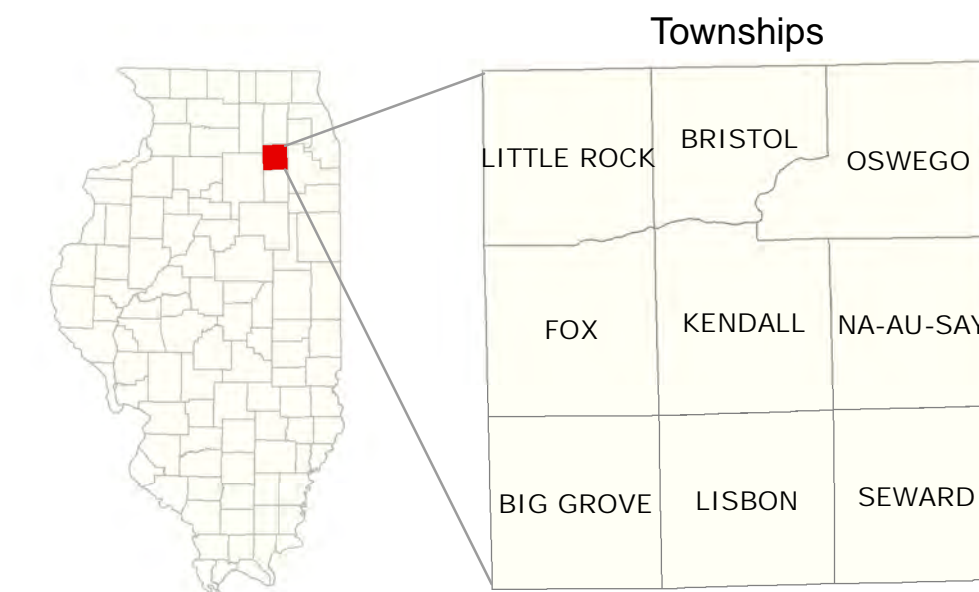
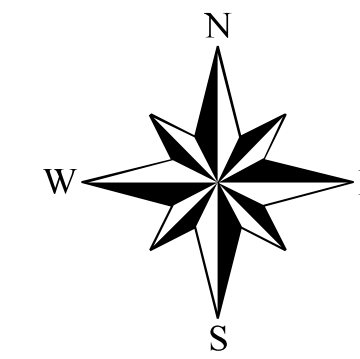
ENC: Mining Removed

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

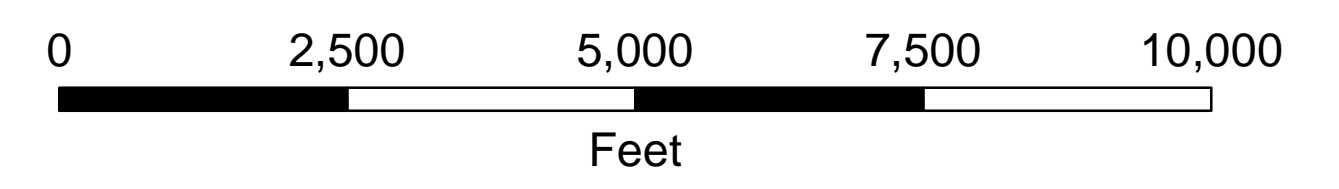
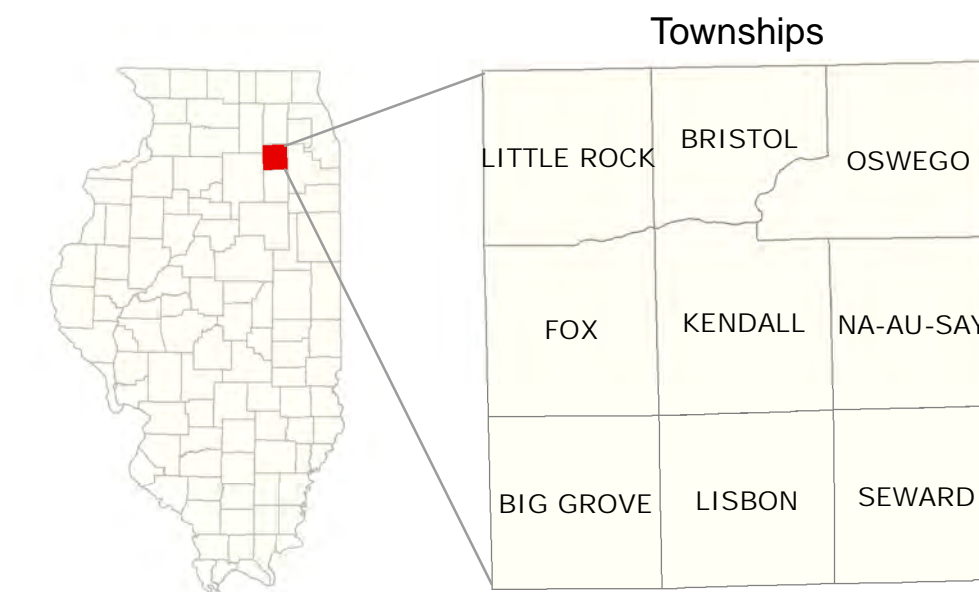
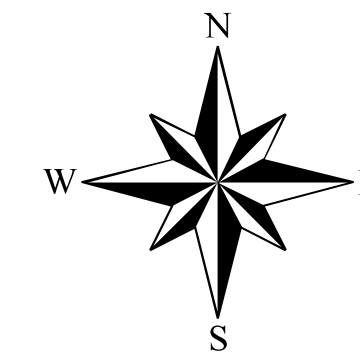


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

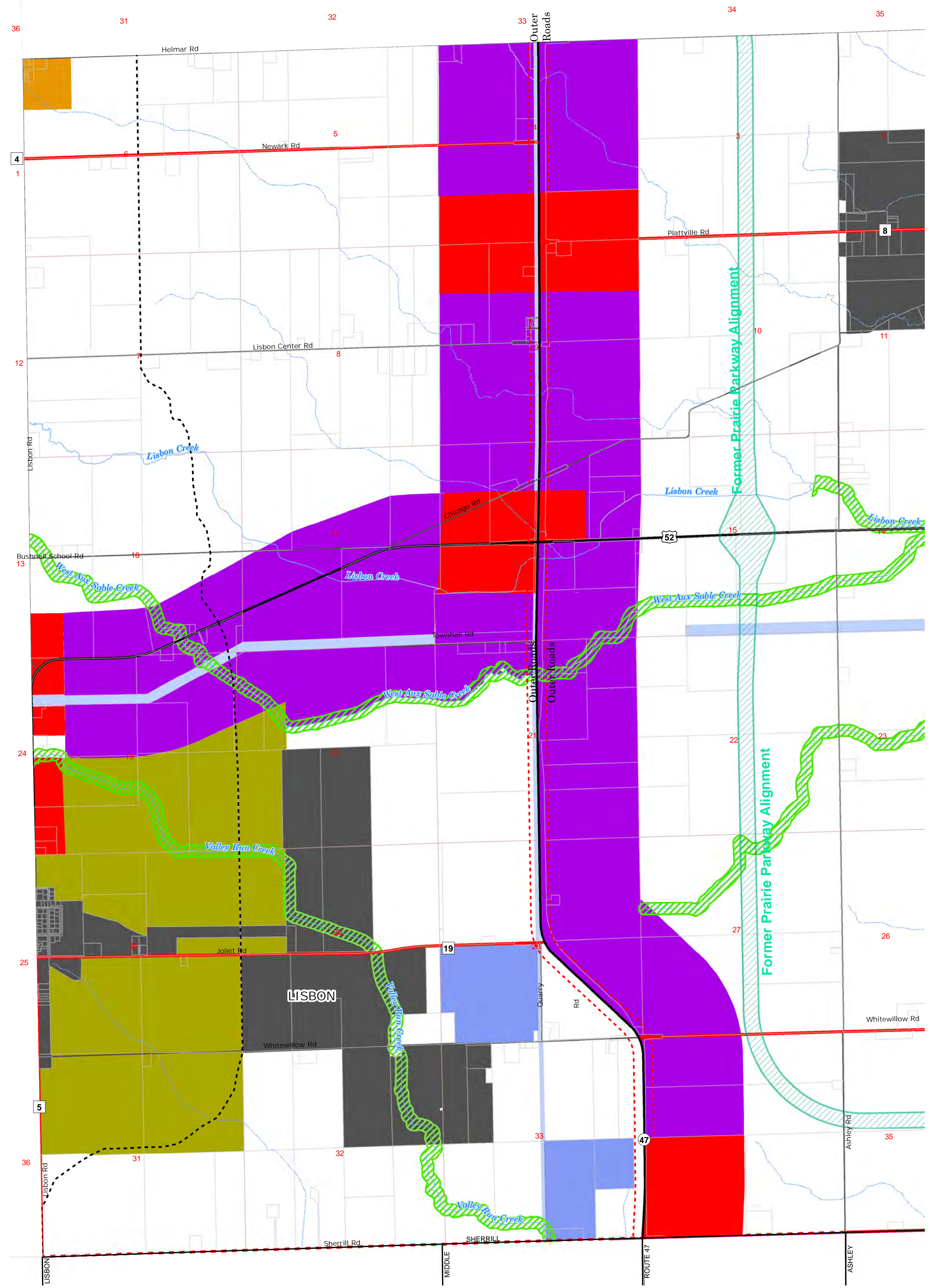
Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2019 -

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- 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

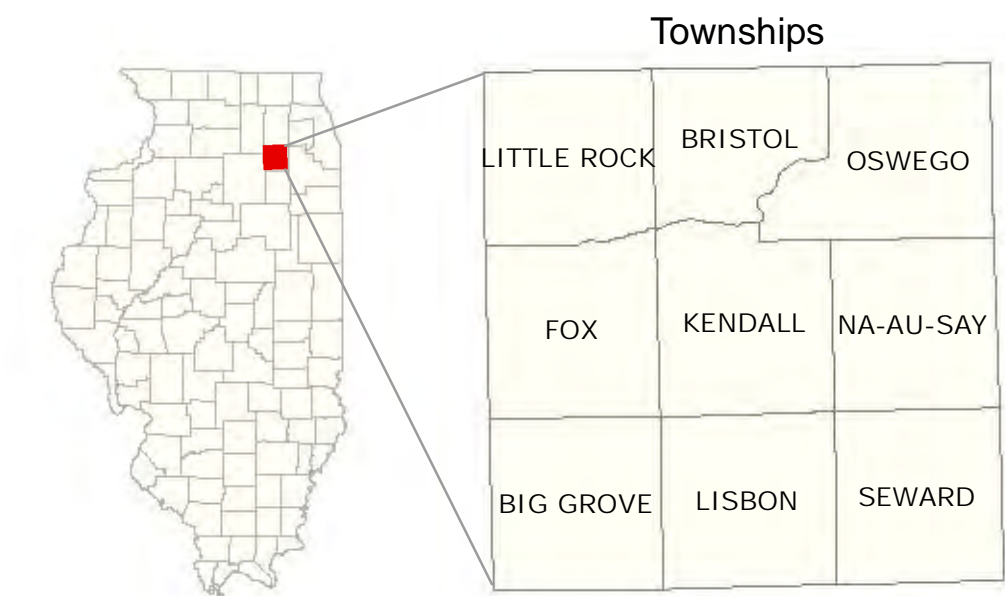
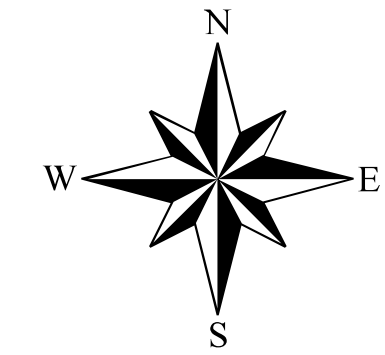


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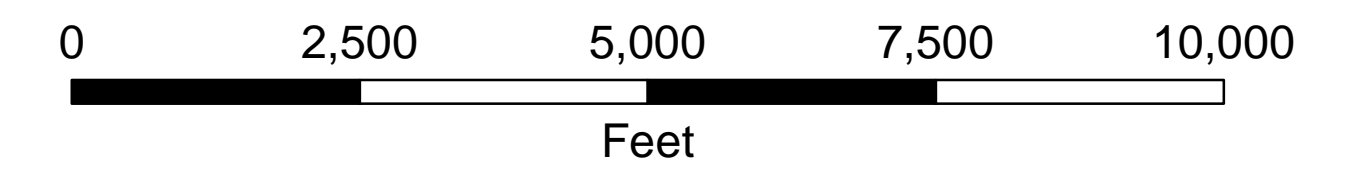
Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



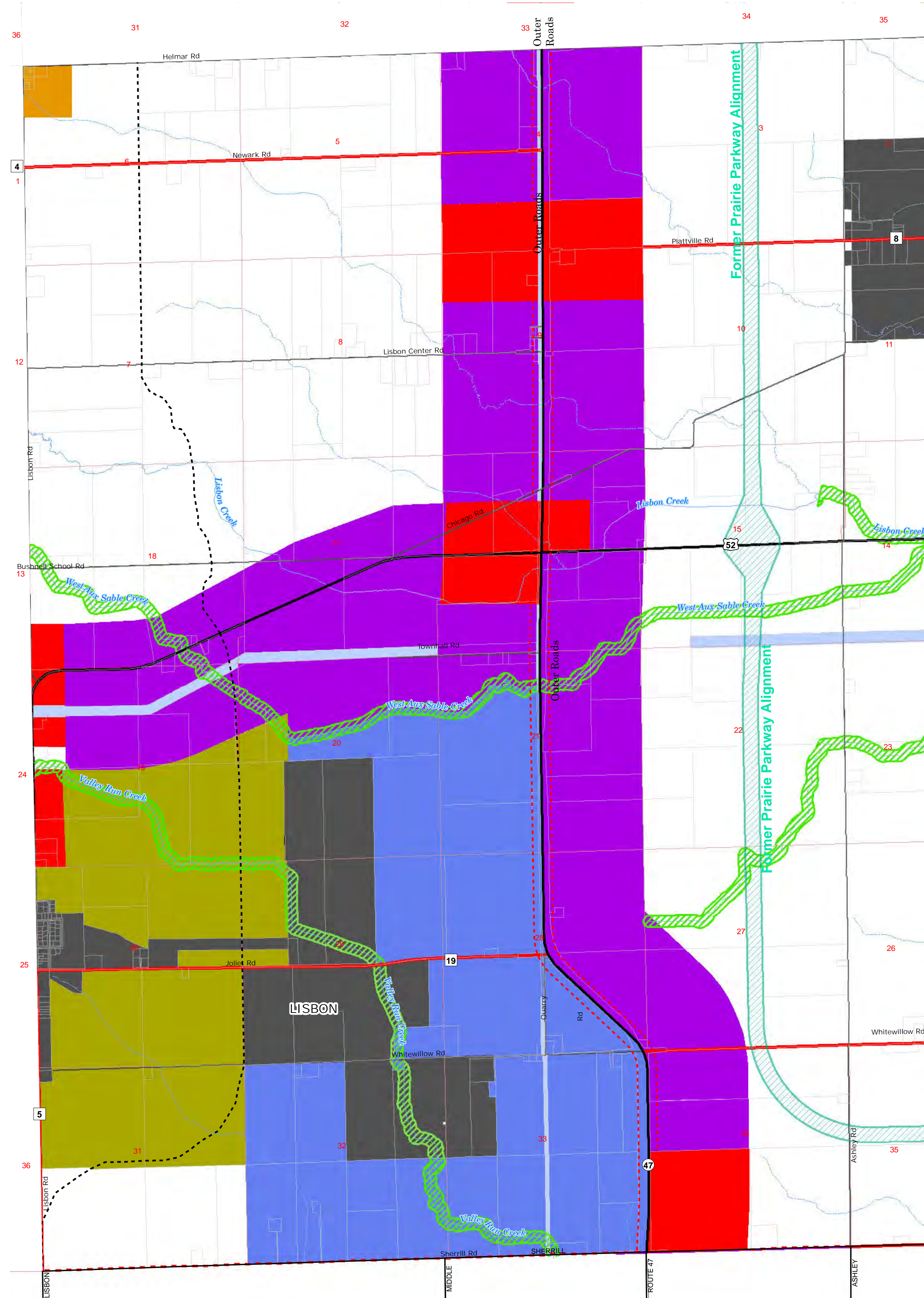
Legend

- - - 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

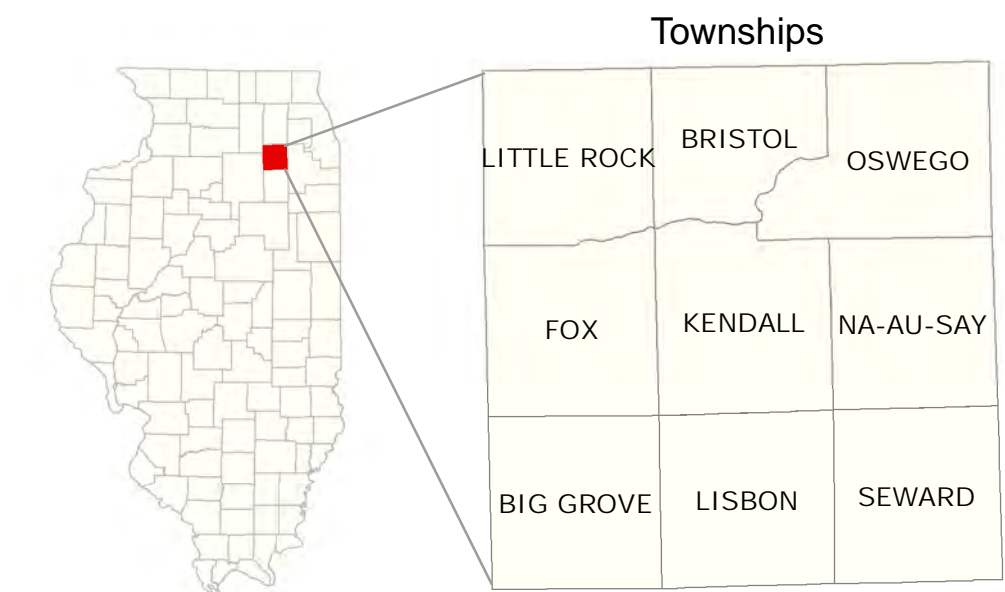
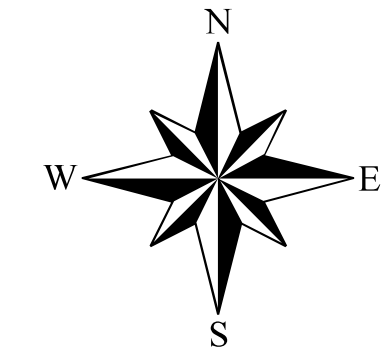


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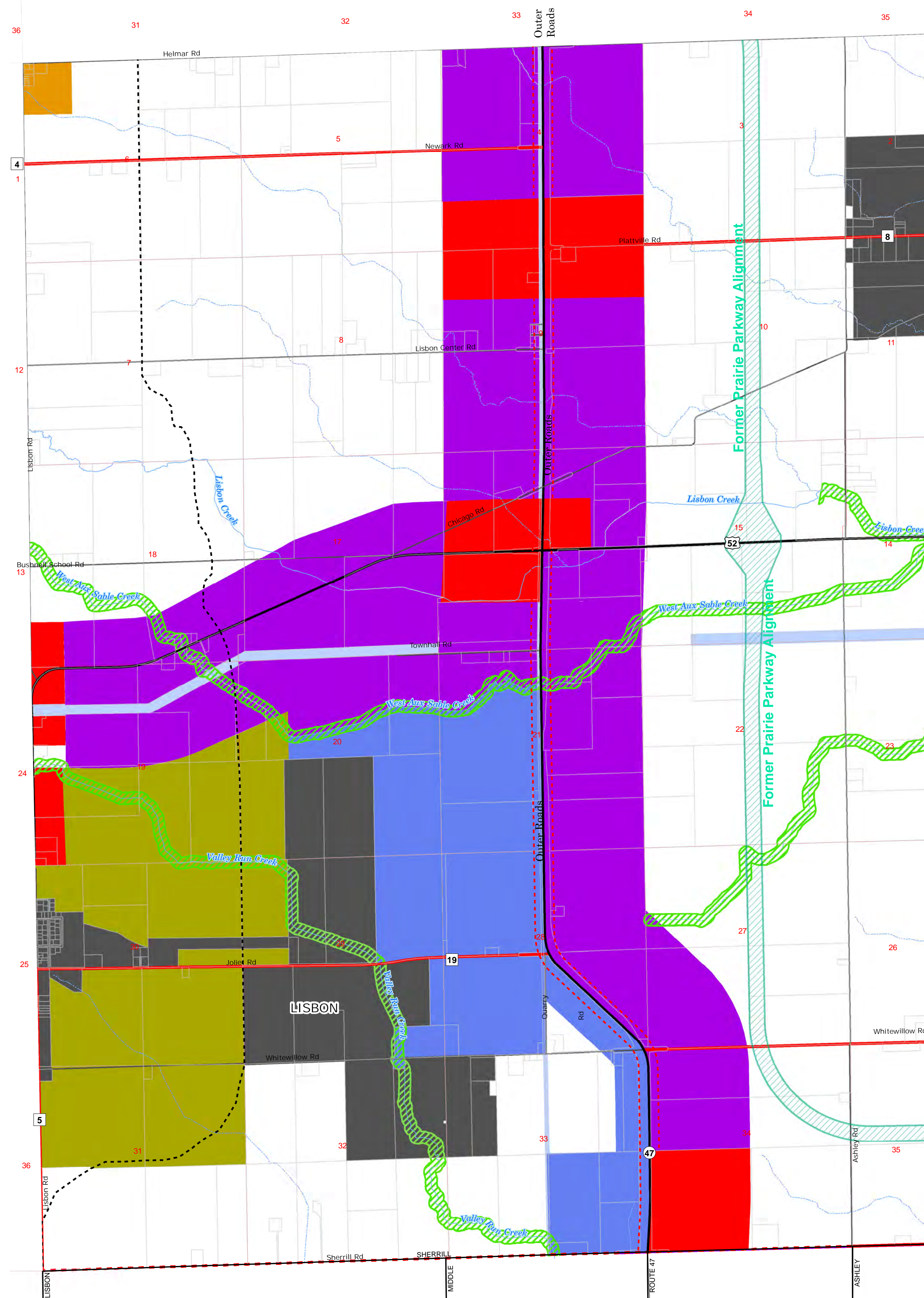
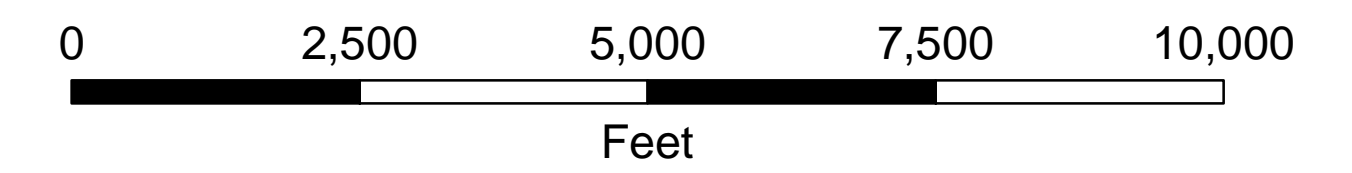
Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 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



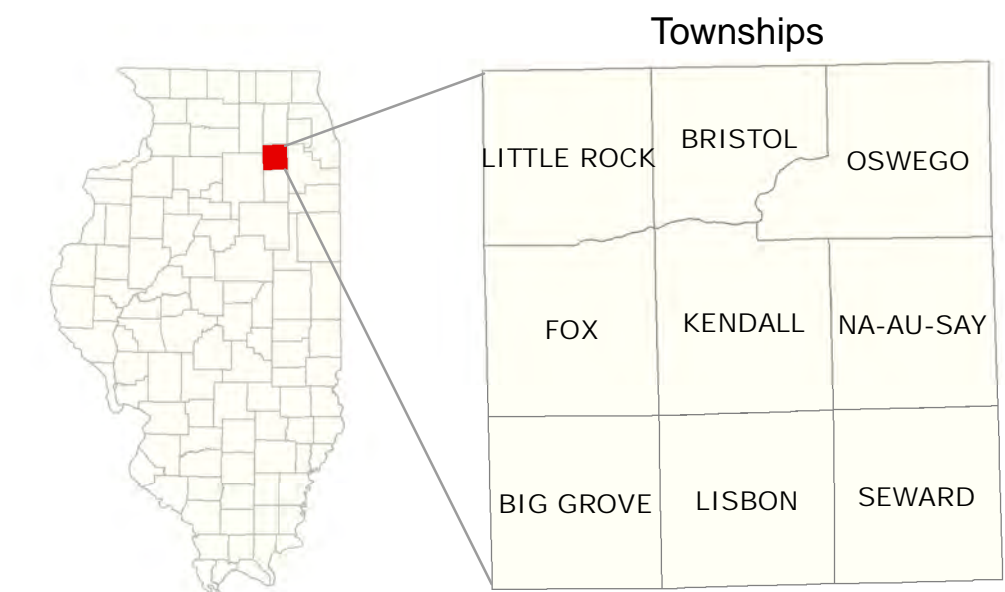
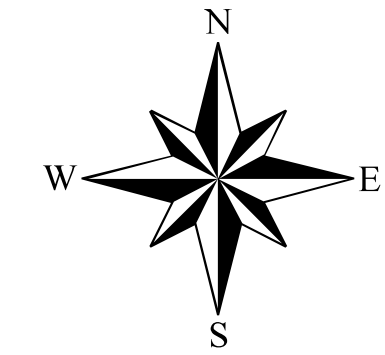
Kendall County GIS

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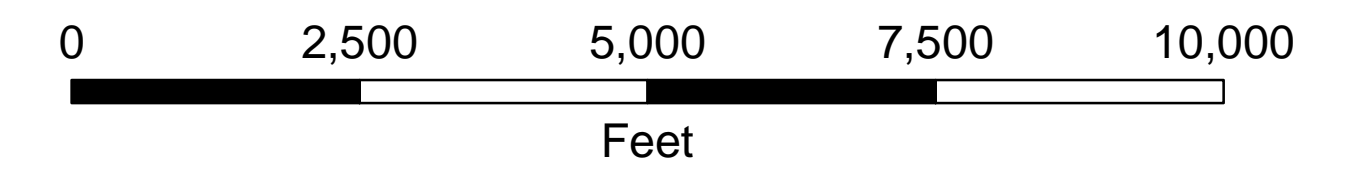
Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 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

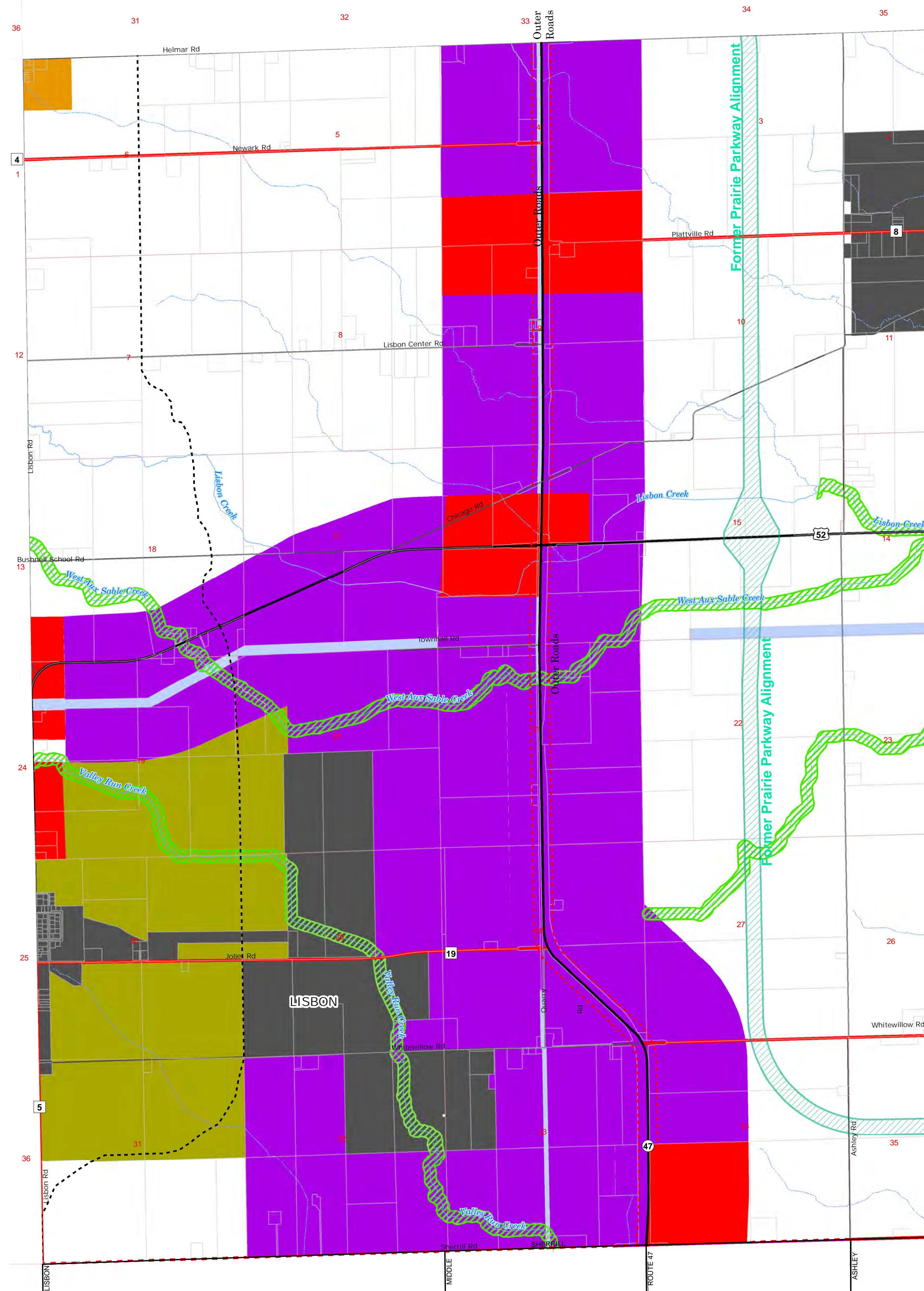
Public Institutional

Mining

Rural Settlements

Commercial

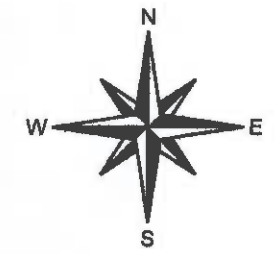
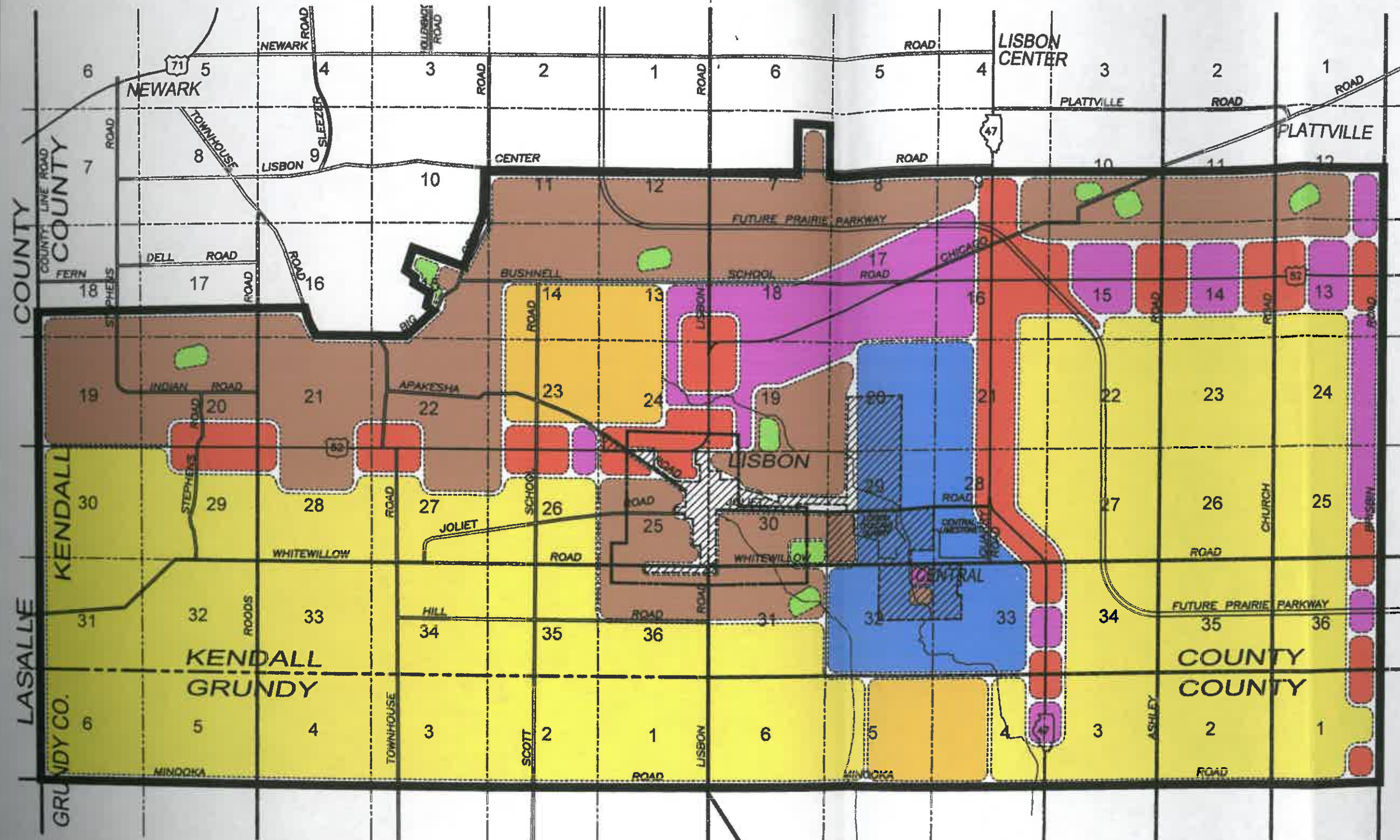
Continued Growth Suburban Residential





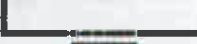







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RANGE 6 EAST RANGE 7 EAST



LEGEND

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

TOWNSHIP 34 NORTH
TOWNSHIP 33 NORTH

RANGE 6 EAST RANGE 7 EAST

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

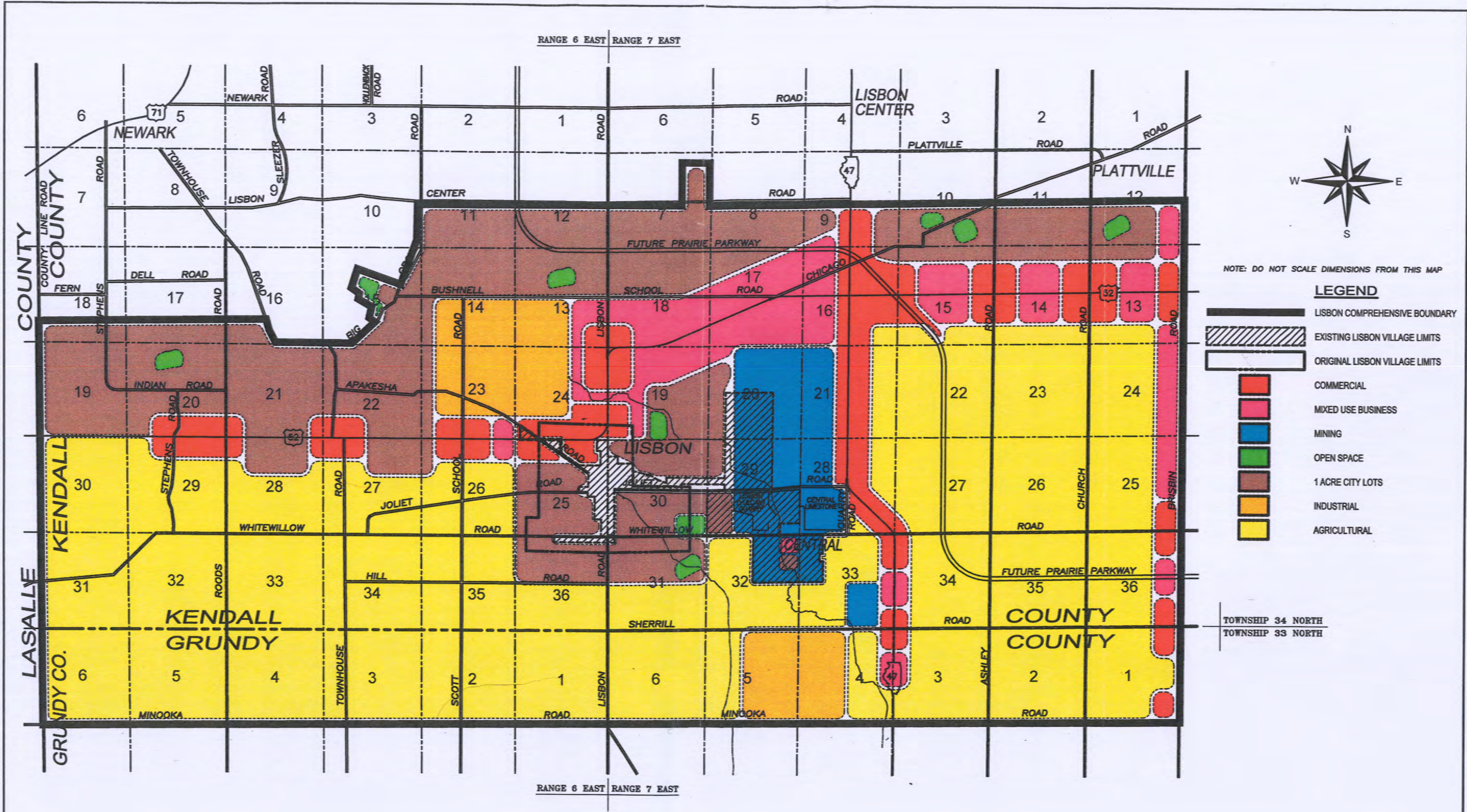
REVISIONS	
DATE	BY
10/26/06	MM
11/13/06	MM
11/20/06	MM

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
-  MINING
-  OPEN SPACE
-  1 ACRE CITY LOTS
-  INDUSTRIAL
-  AGRICULTURAL

TOWNSHIP 34 NORTH
TOWNSHIP 33 NORTH

DRAWN BY: MAB	DATE: 8/14/07	REVISIONS
CHECKED BY: GRC		
		DATE BY
		11/20/06 MAB
		2/5/08 MAB
		2/24/08 MAB

CHAMLIN ASSOCIATES
PERU MORRIS ILLINOIS

COMPREHENSIVE PLANNING MAP
VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

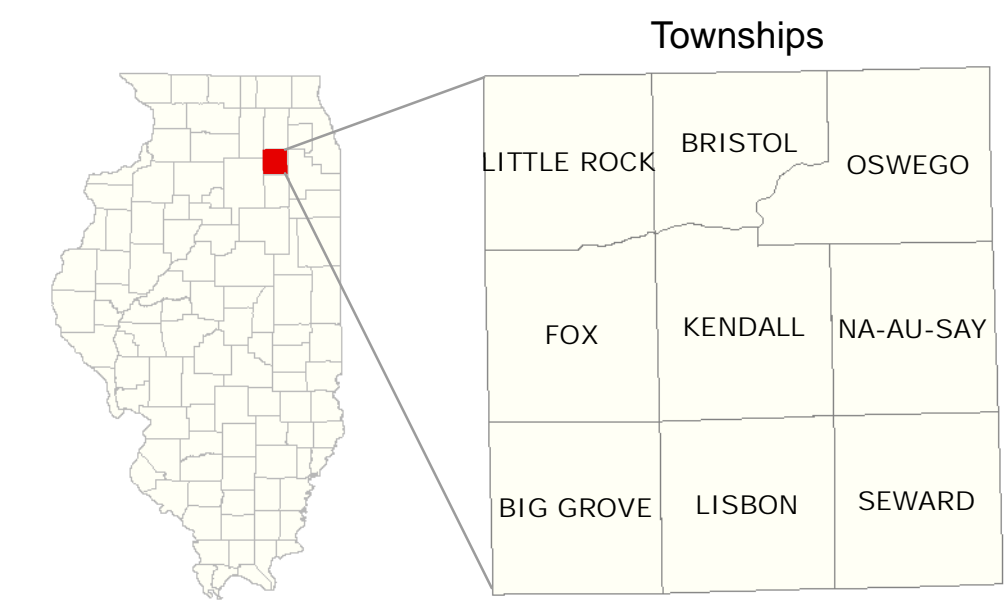
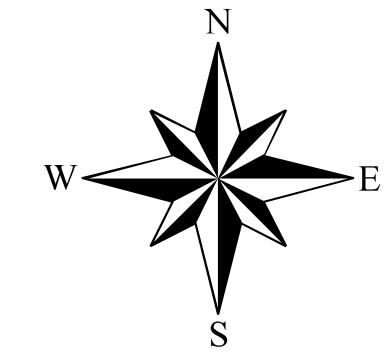
PLANNING AREAS

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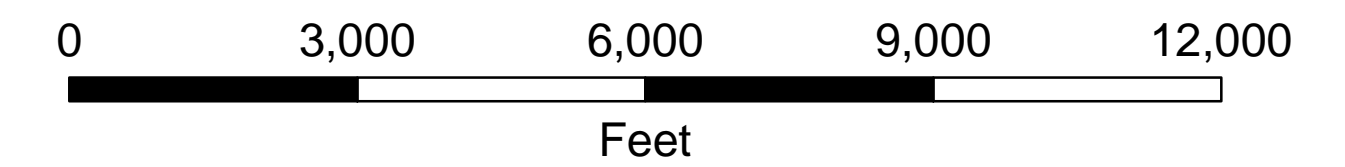
Future Land Use Lisbon Township KENDALL COUNTY

- 2017 -

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



Scale: 1 in = 2,000 feet

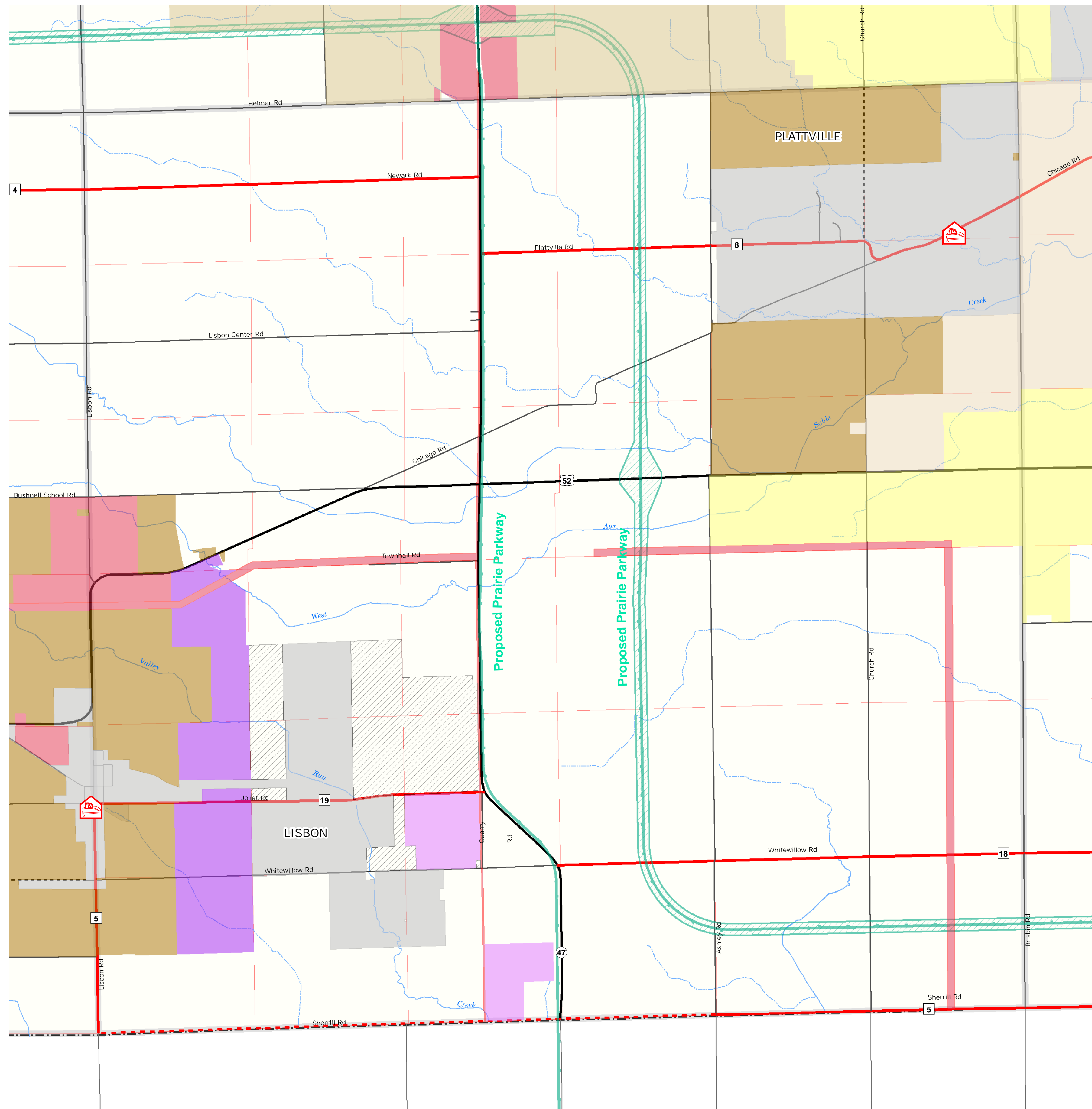


Legend

Future Land Use

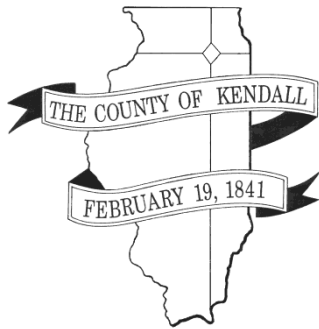
Land Use Type

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



Kendall County GIS

111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
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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 Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 30, 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 outside 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.

At their meeting on March 27, 2019, the Kendall County Regional Planning Commission voted to initiate the text amendment.

According to the Kendall County Zoning Ordinance, research and development is defined as follows:

RESEARCH AND DEVELOPMENT: A building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

At their meeting on April 2, 2019, ZPAC unanimously voted to forward the proposal to the Kendall County Regional Planning Commission. A copy of the minutes is attached.

On April 2, 2019, a copy of this proposal was mailed to each township. On April 11, 2019, Fox Township submitted comments against the proposal. Their comments are attached.

The Kendall Regional Planning Commission reviewed this proposal at their meeting on April 24, 2019 and unanimously recommend forwarding the proposal to the Zoning Board of Appeals. A copy of the minutes is attached.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on April 29, 2019. No members of the public testified in favor or in opposition to the request. The Kendall County Zoning Board of Appeals unanimously recommended approval of the proposal. A copy of the minutes the April 29th meeting pertaining to this proposal are attached.

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

Thanks,

MHA

ENC: Redlined Proposal
April 2, 2019 ZPAC Minutes
April 11, 2019 Fox Township Objection
April 24, 2019 KCRPC Minutes
April 29, 2019 ZBA Minutes (Petition 19-13 Information Only)

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.

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 2, 2019 – Unapproved Meeting Minutes

PBZ Committee Chairman Matthew Prochaska called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District (Arrived at 9:03 a.m.)
Matt Asselmeier – PBZ Department
Meagan Briganti – GIS
David Guritz – Forest Preserve (Arrived at 9:05 a.m.)
Deputy Commander Mitchell Hattan – Sheriff’s Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Aaron Rybski – Health Department
Matthew Prochaska – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Mark Caldwell, Adam Theis, and JoAnn Bright-Theis

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented. With a voice vote of all eyes, the motion carried unanimously.

MINUTES

Mr. Hattan made a motion, seconded by Mr. Klaas, to approve the March 5, 2019, meeting minutes. With a voice vote of all eyes, the motion carried unanimously.

PETITIONS

Petition 19-11 Mark Caldwell on Behalf of Dickson Valley Ministries – Major Amendment to a Special Use Permit by Repealing and Replacing Their Approved Site Plan at 8250 Finnie Road in Fox Township

Mr. Asselmeier summarized the request.

The subject property is approximately one hundred sixty (160) acres in size and has a special use permit for a youth camp and retreat center. The use at the subject property was originally established in 1971. The subject property was zoned A-1 with a special use permit for a youth camp and retreat center following the 1974 Countywide rezoning.

Ms. Andrews arrived at this time (9:03 a.m.).

The existing zoning regulations on the property were established by Ordinance 2014-05. This ordinance repealed several pre-existing ordinances and combined the conditions and restrictions placed upon Dickson Valley Ministries into one (1) ordinance. The restrictions placed on the special use permit were:

1. The property can be utilized all year long.
2. At such time if the not-for-profit status is discontinued for any reason a new special use shall be applied for if the property is to be used for profit.
3. The number of over-night campers shall be limited to no more than 350 at any one time.
4. No more than 8 hook-ups for RV’s.
5. The sign shall be in conformance with the standards of sign illumination as set forth in the Kendall County Zoning Ordinance and can be externally lit.

Ordinance 2014-05 also included a site plan, which the Petitioner wishes to amend.

The Petitioner desires the update to their existing site plan in order to meet their needs. The long-range plan will take no less than ten (10) years and will occur as funding allows.

Mr. Guritz arrived at this time (9:05 a.m.)

The proposed changes are as follows:

1. Clarification on the conditional statement that total capacity is three hundred fifty (350) "overnight campers." This number is inclusive of as many as one hundred (100) day-only campers during the summer.
2. Clarification that the live-on-site staff needed in supporting the ministry is composed of as many as six (6) full-time, long-term families; currently this figure is five (5).
3. Clarification of staffing levels at twenty-four (24) single short-term, twelve (12) month program staff, and sixty-four (64) seasonal summer staff.
4. Development A, Day Camp Area, shall consist of a Multipurpose Field-house with no more than a total of twelve thousand square feet (12,000 sq. ft.) under roof. The capacity for meetings and activities for up to two hundred fifty (250) campers year-round with some sections for open air activities. The plan also calls for various freestanding decks for small groups or activities, two (2) open air camper pavilion areas with maximum capacity of fifty (50) people each at two thousand square feet (2,000 sq. ft.) in size. The area will also host day camp activities, including water activities (i.e. splash pad, or wading fountain). The fifty thousand square feet (50,000 sq. ft.) of combined septic field serving all new restrooms will also be located in this area. A picture of the Development A is included as Attachment 5.
5. Development B, Resident Camp Area, shall consist of four (4) year-round camper cabins of no more than two thousand five hundred square feet (2,500 sq. ft.) each for total house of twenty (20) persons per cabin. There will be one (1) additional summer staff cabin at two thousand square feet (2,000 sq. ft.). A picture of Development B is included as Attachment 6.
6. Development C, Activity Area shall consist of an outdoor high ropes course, by sky-tracks or similar, mini golf course, ice rink pavilion, free standing decks for small groups and one (1) summer staff cabin of no more than two thousand square feet (2,000 sq. ft.) A picture of Development C is included as Attachment 7.
7. Development D, Entrance Parking, shall consist of welcome pavilions for day camp, a chapel in the woods with seating up to three hundred fifty (350), camper check-in area, and volunteer RV hook-ups. The Petitioner is also considering placing a freestanding office structure in this area. A picture of Development D is included as Attachment 8.
8. Development E, Entrance Drive, shall consist of a gatehouse for a controlled entrance and a six (6) bay staff lodge garage near the Whitaker Lodge just outside the zone. Upgrades to the driveway and entrance will occur and the lighted sign will remain. Landscaping will be updated. A picture of Development E is included as Attachment 9.
9. Development F, Maintenance Area, shall consist of a new shop not to exceed eight thousand square feet (8,000 sq. ft.) and removal of the old shop or remodel the old shop into storage.
10. Development G, Acorn Lodge Area, shall consist of a separate activities pavilion and separate program/meeting building. A picture of Development G is included as Attachment 10.
11. Development H, North Activity Area, shall consist of primitive campsites, no permanent structures, a parking area off of Finnie Road, high climbing tower, zip lines, miscellaneous team activities and a pedestrian walkway over/under/across Finnie Road.
12. The Retreat Development Zone shall consist of a water filtration station, including possible new structures or addition to the existing well. A new building for recreation room, snack shop, and host offices are also planned for this zone.

13. Addition 1, Director's Lodge, shall consist of a fourteen foot by eighteen foot (14' x 18') dining room addition. The current structure is one hundred twenty-six feet (126') offset from the road and the addition may encroach no more than an additional three feet (3'). A picture of Addition 1 is included as Attachment 11.
14. Addition 2, Chrouser Lodge, shall consist of an addition for dining space to the north or west, which will increase seating from two hundred (200) to two hundred fifty (250). A lower level of addition could include offices or meeting space and the kitchen will be upgraded as needed. A picture of Addition 2 is included as Attachment 12.
15. Addition 3, Dickson Lodge, shall consist of additional meeting spaces to accommodate eighty to one hundred (80-100) people, an addition of two (2) separate "leaders" rooms with restrooms, and remodel and add-on to program office for camp store. A picture of Addition 3 is included as Attachment 13.
16. Addition 4, Oulund Chalet, shall consist of remodeling of the upper level to improve housing space and remodeling of restrooms. A picture of Addition 4 is included as Attachment 14.
17. Addition 5, Silver Fox Lodge, shall consist of an addition for new restrooms and an addition for four (4) separate "leaders" rooms with restrooms. A picture of Addition 5 is included as Attachment 15.
18. Addition 6, Sports Center, shall consist of a south addition for upgraded activities, remodels to restrooms, and development of an exterior high ropes courses or similar. A picture of Addition 6 is included as Attachment 16.
19. Addition 7, Acorn Lodge, shall consist of a remodel of the current lodge for updated plumbing and housing and Additions to lodge for possible staff housing and extra space. A picture of Addition 7 is included as Attachment 17.

As noted on the proposed site plan, the final locations, sizes, and designs will be approved at the time of permitting and with the approvals of local regulatory bodies.

The future land use map calls for this area to be agricultural, open space, and countryside residential. The adjacent zoning districts are A-1 and R-1. Zoning within one half (1/2) mile are A-1 and R-1.

Finnie Road is considered a scenic route and no trails are planned in the area.

There are floodplains and wetlands on the property. None of the proposed development is occurring in the floodplain or wetlands.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Dixon Valley Sedge Meadow INAI Site, Fox River INAI Site, Dickson Sedge Meadow Natural Heritage Landmark, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The Petitioner submitted an application for NRI.

Petition information was sent to Fox Township on March 26, 2019.

Petition information was sent to the Village of Millbrook on March 26, 2019.

Petition information was sent to the Sandwich Fire Protection District on March 26, 2019.

Any new buildings would have to meet applicable building codes.

As noted on the proposed site plan, lighting will be intentionally left low.

The subject property is heavily wooded. As noted on the proposed site plan, the Petitioner considers the natural landscape important to their operations.

Stormwater permits will be required as the proposal is implemented and will be reviewed on a project-by-project basis.

The Petitioner proposes to make adjustments to their wells and septic systems. These changes will be evaluated as the proposal is implemented. Electricity is already onsite.

Before issuing a recommendation, Staff would like consultation with ZPAC members, the Fox Township Highway Commissioner, and the Sandwich Fire Protection District regarding any concerns to the public health and safety they may possess.

Mr. Rybski asked if more employees will be added onsite. Mr. Caldwell stated the number of people onsite will not change from what was proposed in 2014. The projected increase in people onsite is forty percent (40%).

Mr. Caldwell stated that they (Dickson Valley Ministries) wanted to show everything on the site plan. The mission of the organization has not changed.

Mr. Klaas asked if any complaints had been filed regarding this property with Building and Zoning. Mr. Holdiman responded not to his knowledge.

Discussion occurred regarding a right-of-way dedication for Finnie Road. Mr. Caldwell requested clarification on how a dedication occurred. Mr. Klaas explained the process. Mr. Caldwell will take the request to his board at the end of April to discuss the dedication. The suggestion was made to have right-of-way dedication within ten (10) years. The sign would encroach into the setback if a dedication occurred.

If the plan was developed fully, the investment would be Four Point Five Million Dollars (\$4.5 Million).

Mr. Guritz discussed the EcoCat Report. Mr. Caldwell stated that the development will not occur near the protected areas.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the major amendment to the Kendall County Regional Planning Commission with the following conditions:

1. The conditions and restrictions of Ordinance 2014-05 shall remain in effect including the clarifications stated in the Site Plan attached to this Ordinance amending the existing special use permit.
2. The Site Plan attached as Exhibit A to Ordinance 2014-05 is hereby repealed and replaced with the proposed Site Plan. The site shall be developed substantially in conformance with the attached Site Plan.
3. The operators of the use allowed by this special use permit shall follow applicable Federal, State, and Local laws related to the operation of this type of use.
4. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2014-05 could result in the amendment or revocation of the special use permit.
5. If one or more of the above conditions or restrictions or any of the conditions or restrictions contained in Ordinance 2014-05 are declared invalid by a court of competent jurisdiction, the remaining conditions and restrictions shall remain valid.
6. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

Ayes (9): Andrews, Asselmeier, Briganti, Guritz, Hattan, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

Petition 19-12 Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis – Special Use Permit for a Banquet Center at 10978 Crimmin Road in Fox Township

Mr. Asselmeier summarized the request.

JoAnn Bright-Theis would like to establish the BrighterDaze Farm and Events banquet facility at the subject property which is currently owned in a trust represented by her father, Robert Bright.

No variances were requested and the Petitioner will operate the banquet center in compliance with the regulations currently stated in the Zoning Ordinance.

The business plan for the proposed operations, building elevations, landscaping plan, parking illumination plan, and interior plan were provided.

According to the information provided to the County, the proposed banquet facility will utilize the existing approximately eight thousand (8,000) square foot barn for weddings and similar events. The maximum capacity will be approximately two hundred eighty (280) people, with one (1) additional employee. While banquets will occur inside the existing barn, prospective clients could use the exterior grounds for pictures and outdoor ceremonies. The interior of the barn is converted arena with a concrete floor. The barn is approximately twenty-six feet (26') tall at its peak and ten feet (10') tall at the ends.

An existing pond is located east of the horse barn.

The hours of operation will be Monday through Thursday from 9:00 a.m. until 10:00 p.m. and Friday and Saturday from 9:00 a.m. until Midnight. The facility would be open on the eve and day of all federal holidays. Tours of the facility for prospective customers by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st.

The proposed business would use local sub-contractors for uses on the site, including linens, decorations, food services, beverage services, bathroom services, and cleanup services. Because Fox Township is a dry township, no cash bars are allowed.

The proposed business would use luxury trailer bathrooms for events with the intention to have permanent restroom facilities by 2021. Restroom facilities will be located north of the barn by the parking area.

The dumpster shall be located next to the parking lot by the barn.

If approved, the Petitioners hope to start operations as quickly as possible.

Ancillary items, such as Brighter Daze shirts and glasses, may be sold on the premises.

The subject property is approximately thirty-eight acres (38) acres in size.

Crimmin Road is a major collector and scenic route. No trails are planned along the road.

A riverine wetland is located along the southwest edge of the subject property.

The adjacent land uses are agricultural related, farmsteads, religious, or forest preserve. The adjacent zonings are A-1. Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Millington Fen INAI Site, Fox River INAI Site, Millington Railroad Fen Natural Landmark, Tucker-Millington Fen Natural Preserve, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The NRI application was submitted on March 14, 2019.

Fox Township was emailed information on March 27, 2019.

Newark Fire Protection District was emailed information on March 27, 2019.

The Village of Newark was emailed information on March 27, 2019.

An updated Occupancy Permit will be required reflecting the change of use from a horse barn to a banquet facility.

Portable bathrooms will be used for events.

The property fronts Crimmin Road.

According to the site plan, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces will be located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights are proposed for site. According to the parking illumination plan, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

One entrance and one exit sign will be installed on the property. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown the on proposed site plan, the site contains approximately one hundred sixty-six trees of varying heights encircling the venue.

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face east and the barn doors will remain closed after 7:00 p.m.

With the combination of distance and plantings, the Petitioners believe noise will not be an issue.

Before issuing a recommendation, Staff would like the following issues addressed/clarified:

1. Input from the Kendall County Sheriff's Department and the Newark Fire Protection District regarding any concerns regarding having a facility at this location.
2. Input from the Kendall County Health Department regarding the septic and well facilities.
3. Input from WBK regarding the need for a stormwater management permit.
4. Acknowledgement from the Petitioners that they are aware and will follow Kendall County's Right to Farm Clause.
5. Acknowledgement from the Petitioners that they agree to follow all applicable Federal, State, and Local laws governing this type business and the implications for not following such laws.

Mr. Rybski asked about food preparation. All events will be catered.

Mr. Rybski asked about the number of events. Mr. Theis responded that they anticipate ten-twenty (10-20) events with fifty percent (50%) growth after that time. Mr. Rybski explained the well testing requirements. A site survey will be completed to define the location of the existing septic system.

Deputy Commander Hattan asked about traffic control. Mr. Theis explained the internal traffic control system. The Petitioner will contract with a company to direct traffic on and off Finnie Road.

No new structures will be constructed onsite. New lighting will be installed onsite as shown on the site plan.

Mr. Guritz will forward the Forest Preserve regulations related to equestrian use to the Petitioner. Horses will not be involved with proposed business. The equestrian business will continue at the property as a separate business.

Outside company will supply alcohol; no alcohol will be sold onsite.

Ms. Andrews requested clarification on the acreage of the property. Mr. Theis will provide clarification on the size of the property.

Noise will be controlled by existing landscaping and trees; music will initiate indoors and face east inside the venue. Business will close at 10:00 p.m.

Mr. Klaas discussed the planned the realignment of Crimmin Road.

Mr. Klaas made a motion, seconded by Mr. Holdiman, to forward the special use permit request to the Kendall County Regional Planning Commission with the following conditions proposed by Staff.

Ayes (8): Andrews, Asselmeier, Briganti, Hattan, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Present (1): Guritz
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

Petition 19-13 Kendall County Planning, Building and Zoning Committee – 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

Mr. Asselmeier summarized the request.

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 outside the dwelling or accessory structure and to address noise, dust, fumes, and odor issues.

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.

At their meeting on March 27, 2019, the Kendall County Regional Planning Commission voted to initiate the text amendment.

Mr. Rybski asked about home occupations that could be impacted by this proposal. Mr. Asselmeier suggested that individuals wanted to construct firearms and test those firearms outdoors would be impacted. Mr. Asselmeier also suggested a business creating telescopes could be impacted.

Mr. Asselmeier read the definition of research and development from the Zoning Ordinance.

County regulations cannot supersede federal or state regulations.

Mr. Rybski made a motion, seconded by Ms. Andrews, to forward the text amendment to the Kendall County Regional Planning Commission.

Ayes (9): Andrews, Asselmeier, Briganti, Guritz, Hattan, Holdiman, Klaas, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (1): Chismark

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on April 24, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Hattan made a motion, seconded by Mr. Rybski to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:47 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
APRIL 2, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Mark Caldwell</i>		
<i>Ada B. Jurek</i>		
<i>CLIFF FOX</i>	<i>110 FLYING NEWARK IL 60541</i>	<i>ADMIN@NEWARK.IL.US</i>

Matt Asselmeier

From: Fox Township <foxtownshipsupervisor@gmail.com>
Sent: Thursday, April 11, 2019 3:37 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 19-13
Attachments: Letter to Townships 4-2-19.pdf

Matt,

Fox Township reviewed and discussed Petition 19-13 at our last board meeting on April 8th, 2019. After significant discussion a vote was taken and the Township Board objected to the proposed amendments to this petition. The objection was based on the following: The Board felt that the wording "Research and Development" was vague, open-ended, and seemed to allow for many uses which remain unnamed. Also, a definition of "Research and Development Use" should be included in the petition in order for the Board to fully understand what the PBZ is proposing. If you have any questions regarding this objection, please don't hesitate to contact me.

Thank you,

Jeff Spang, Supervisor
Fox Township

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This email was Malware checked by UTM 9. <http://www.sophos.com>

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of April 24, 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, and Claire Wilson

Members Absent: John Shaw

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

In the Audience: Mark Caldwell, Todd Milliron, Ron Mund, and Chris Paluch

APPROVAL OF AGENDA

Member Wilson made a motion, seconded by Member Bledsoe to approve the agenda as amended with Petition 19-12 removed because neighboring property owners were not notified properly. With a voice vote of eight (8) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Casey, to approve the minutes of the March 27, 2019, meeting. With a voice vote of eight (8) ayes, the motion carried unanimously.

PETITIONS

19-11 Mark Caldwell on Behalf of Dickson Valley Ministries

Mark Caldwell, on behalf of Dickson Valley Ministries, is requesting a major amendment to their special use permit to repeal the site plan adopted by Ordinance 2014-05 and replace the site plan with the proposed site plan. The Petitioner desires the amendment in order to have a long-range plan for their facilities.

The subject property is approximately one hundred sixty (160) acres in size and has a special use permit for a youth camp and retreat center. The use at the subject property was originally established in 1971. The subject property was zoned A-1 with a special use permit for a youth camp and retreat center following the 1974 Countywide rezoning.

The future land use map calls for this area to be agricultural, open space, and countryside residential. The adjacent zoning districts are A-1 and R-1. Zoning within one half (1/2) mile are A-1 and R-1.

Finnie Road is considered a scenic route and no trails are planned in the area.

There are floodplains and wetlands on the property. None of the proposed development is occurring in the floodplain or wetlands.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Dixon Valley Sedge Meadow INAI Site, Fox River INAI Site, Dickson Sedge Meadow Natural

Heritage Landmark, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The Petitioner submitted an application for NRI. The LESA Score was 173 indicating a low level of protection.

Petition information was sent to Fox Township on March 26, 2019. Fox Township submitted comments on April 16, 2019. The Township requested the following:

1. Any encroachment onto the Finnie Road right-of-way close than one hundred and twenty-six feet (126') be required to obtain a traditional variance.
2. Any permits required for storm water management must be procured prior to the issuance of any building permit.
3. Fox Township Board and the Fox Township Highway Department reserve the right to approve or disapprove any overhead walkway on Finnie Road.

The Petitioner agreed with Fox Township's requests. The Petitioner submitted a revised site plan deleting the three (3') foot encroachment in Addition 1.

Petition information was sent to the Village of Millbrook on March 26, 2019. No comments were received.

Petition information was sent to the Sandwich Fire Protection District on March 26, 2019. No comments were received.

ZPAC met on this proposal on April 2, 2019. The Petitioner stated that the project number of people onsite will not change from the 2014 projection which was an increase of forty percent (40%). Discussion occurred regarding a right-of-way dedication for Finnie Road. The suggestion was made to have right-of-way dedication within ten (10) years. The sign would encroach into the setback if a dedication occurred. If the plan was developed fully, the investment would be Four Point Five Million Dollars (\$4.5 Million). Development will not occur onsite near any protected area as identified in the EcoCat Report. ZPAC unanimously recommended approval of the proposal.

The existing zoning regulations on the property were established by Ordinance 2014-05. This ordinance repealed several pre-existing ordinances and combined the conditions and restrictions placed upon Dickson Valley Ministries into one (1) ordinance. The restrictions placed on the special use permit were:

1. The property can be utilized all year long.
2. At such time if the not-for-profit status is discontinued for any reason a new special use shall be applied for if the property is to be used for profit.
3. The number of over-night campers shall be limited to no more than 350 at any one time.
4. No more than 8 hook-ups for RV's.
5. The sign shall be in conformance with the standards of sign illumination as set forth in the Kendall County Zoning Ordinance and can be externally lit.

Ordinance 2014-05 also included a site plan, which the Petitioner wishes to amend.

The Petitioner desires the update to their existing site plan in order to meet their needs. The long-range plan will take no less than ten (10) years and will occur as funding allows.

The proposed changes are as follows:

1. Clarification on the conditional statement that total capacity is three hundred fifty (350) "overnight campers." This number is inclusive of as many as one hundred (100) day-only campers during the summer.
2. Clarification that the live-on-site staff needed in supporting the ministry is composed of as many as six (6) full-time, long-term families; currently this figure is five (5).
3. Clarification of staffing levels at twenty-four (24) single short-term, twelve (12) month program staff, and sixty-four (64) seasonal summer staff.
4. Development A, Day Camp Area, shall consist of a Multipurpose Field-house with no more than a total of twelve thousand square feet (12,000 sq. ft.) under roof. The capacity for meetings and activities for up to two hundred fifty (250) campers year-round with some sections for open air activities. The plan also calls for various freestanding decks for small groups or activities, two (2) open air camper pavilion areas with maximum capacity of fifty (50) people each at two thousand square feet (2,000 sq. ft.) in size. The area will also host day camp activities, including water activities (i.e. splash pad, or wading fountain). The fifty thousand square feet (50,000 sq. ft.) of combined septic field serving all new restrooms will also be located in this area.
5. Development B, Resident Camp Area, shall consist of four (4) year-round camper cabins of no more than two thousand five hundred square feet (2,500 sq. ft.) each for total housing of twenty (20) persons per cabin. There will be one (1) additional summer staff cabin at two thousand square feet (2,000 sq. ft.).
6. Development C, Activity Area shall consist of an outdoor high ropes course, by sky-tracks or similar, mini golf course, ice rink pavilion, free standing decks for small groups and one (1) summer staff cabin of no more than two thousand square feet (2,000 sq. ft.).
7. Development D, Entrance Parking, shall consist of welcome pavilions for day camp, a chapel in the woods with seating up to three hundred fifty (350), camper check-in area, and volunteer RV hook-ups. The Petitioner is also considering placing a freestanding office structure in this area.
8. Development E, Entrance Drive, shall consist of a gatehouse for a controlled entrance and a six (6) bay staff lodge garage near the Whitaker Lodge just outside the zone. Upgrades to the driveway and entrance will occur and the lighted sign will remain. Landscaping will be updated.
9. Development F, Maintenance Area, shall consist of a new shop not to exceed eight thousand square feet (8,000 sq. ft.) and removal of the old shop or remodel the old shop into storage.
10. Development G, Acorn Lodge Area, shall consist of a separate activities pavilion and separate program/meeting building.
11. Development H, North Activity Area, shall consist of primitive campsites, no permanent structures, a parking area off of Finnie Road, high climbing tower, zip lines, miscellaneous team activities and a pedestrian walkway over/under/across Finnie Road.

12. The Retreat Development Zone shall consist of a water filtration station, including possible new structures or addition to the existing well. A new building for recreation room, snack shop, and host offices are also planned for this zone.
13. Addition 1, Director's Lodge, shall consist of a fourteen foot by eighteen foot (14' x 18') dining room addition. The current structure is one hundred twenty-six feet (126') offset from the road. The site plan shall be amended to delete the additional three foot (3') encroachment.
14. Addition 2, Chrouser Lodge, shall consist of an addition for dining space to the north or west, which will increase seating from two hundred (200) to two hundred fifty (250). A lower level of addition could include offices or meeting space and the kitchen will be upgraded as needed.
15. Addition 3, Dickson Lodge, shall consist of additional meeting spaces to accommodate eighty to one hundred (80-100) people, an addition of two (2) separate "leaders" rooms with restrooms, and remodel and add-on to program office for camp store.
16. Addition 4, Oulund Chalet, shall consist of remodeling of the upper level to improve housing space and remodeling of restrooms.
17. Addition 5, Silver Fox Lodge, shall consist of an addition for new restrooms and an addition for four (4) separate "leaders" rooms with restrooms.
18. Addition 6, Sports Center, shall consist of a south addition for upgraded activities, remodels to restrooms, and development of an exterior high ropes courses or similar.
19. Addition 7, Acorn Lodge, shall consist of a remodel of the current lodge for updated plumbing and housing and Additions to lodge for possible staff housing and extra space.

As noted on the proposed site plan, the final locations, sizes, and designs will be approved at the time of permitting and with the approvals of local regulatory bodies.

Any new buildings would have to meet applicable building codes.

As noted on the proposed site plan, lighting will be intentionally left low.

The subject property is heavily wooded. As noted on the proposed site plan, the Petitioner considers the natural landscape important to their operations.

Stormwater permits will be required as the proposal is implemented and will be reviewed on a project-by-project basis.

The Petitioner proposes to make adjustments to their wells and septic systems. These changes will be evaluated as the proposal is implemented. Electricity is already onsite.

The proposed Findings of Fact were:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The existing special use has been in existence since the 1970s with no known complaints to the Planning, Building and Zoning Department. Provided the site is developed as proposed, the proposed use of the site 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. The proposed use has been in existence at the subject property since the 1970s and no known issues exist which might cause injury to neighboring property owners or diminished 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. Adequate utilities, access roads, points of ingress and egress, drainage, and other necessary facilities either exist on the site or are planned for in the proposed site plan.

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 amendment conforms to the applicable regulations of the A-1 Agricultural 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. This statement is true.

Staff recommends approval of the proposed major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The conditions and restrictions of Ordinance 2014-05 shall remain in effect including the clarifications stated in the Site Plan attached to this Ordinance amending the existing special use permit.
2. The Site Plan attached as Exhibit A to Ordinance 2014-05 is hereby repealed and replaced with the attached Site Plan. The site shall be developed substantially in conformance with the attached Site Plan. In the event that a revised site plan is not submitted, the additional three foot (3') encroachment mentioned in Addition 1 shall be removed from the approved Site Plan. (Added per Fox Township).
3. When requested by either Fox Township or the Kendall County Highway Department, the Petitioner shall dedicate thirty-five feet (35') of right-of-way as measured from the centerline of Finnie Road for Finnie Road right-of-way. The sign shown on the attached Site Plan may remain at its current locations if the right-of-way dedication occurs.
4. Any crossings over, on, or below the Finnie Road right-of-way shall be approved by Fox Township (Added per Fox Township)
5. The operators of the use allowed by this special use permit shall follow applicable Federal, State, and Local laws related to the operation of this type of use. (Though not mentioned specifically, the Kendall County Stormwater Management Ordinance is one (1) of the local laws that must be followed; this should address Fox Township's concerns about stormwater regulations.)
6. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2014-05 could result in the amendment or revocation of the

special use permit.

7. If one or more of the above conditions or restrictions or any of the conditions or restrictions contained in Ordinance 2014-05 are declared invalid by a court of competent jurisdiction, the remaining conditions and restrictions shall remain valid.
8. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

Member Wilson asked about housing for the additional employees and about adding more RV hookups. Mark Caldwell, Executive Director, answered that housing is already onsite and they have no desire to add more hookups.

Member Schroeder asked where is everyone placed at night. Mr. Caldwell answered there are new cabins and additions to the lodges. Member Schroeder asked if the buildings were sprinkled. Mr. Caldwell said no, but they have an alarm system that goes directly to KenCom and it takes the Sandwich Fire Department about ten (10) minutes to get to the site.

Member Rodriguez asked how long the campers stay at the property. Mr. Caldwell answered it was random, with churches from two (2) to six (6) nights. Resident camps are six (6) nights long and then the day camps come at 9:00 a.m. and leave at 4:00 p.m.

Member Wilson questioned the specific changes to the site plan. Mr. Caldwell said they don't want to have to deal with a zoning issue every time they want to add a building, so they want to amend the site plan now with everything that could possibly happen. Discussion occurred about the level of detail of the site plan.

Mr. Caldwell expressed concerns about the right of way dedication. Member Wilson expressed concerns about needing Fox Townships approval to cross the street.

Member Wilson made a motion, seconded by Member Nelson, that, per the Petitioner's request, this proposal be laid over until a revised site plan is submitted.

Ayes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Wilson
Nays (0): None
Absent (1): Shaw

The motion carried. This proposal will go to the Kendall County Zoning Board of Appeals on April 29th with a request to continue the hearing. The proposal will return to Kendall County Regional Planning Commission after a revised site plan is submitted.

19-13 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

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 outside the dwelling or accessory structure and to address noise, dust, fumes, and odor issues.

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".

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.

At their meeting on March 27, 2019, the Kendall County Regional Planning Commission voted to initiate the text amendment.

According to the Kendall County Zoning Ordinance, research and development is defined as follows:

RESEARCH AND DEVELOPMENT: A building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

At their meeting on April 2, 2019, ZPAC unanimously voted to forward the proposal to the Kendall County Regional Planning Commission.

On April 2, 2019, a copy of this proposal was mailed to each township. On April 11, 2019, Fox Township submitted comments against the proposal. Fox Township felt the wording research and development was vague and open ended. It seemed to allow for many uses. Mr. Asselmeier stated that the definition of research and development was sent to Fox Township after they submitted comments and the Township has not responded.

Discussion occurred regarding the reasons why this proposal was created. Somebody applied for a gun manufacturer license and they wanted to test their gun outside on their property. Under the strict letter of the law, someone cannot do a research and development related business outdoors.

Todd Milliron, Yorkville, was at the Fox Township meeting and there was concern about the proposal being too broad and vague. Fox Township was concerned that research and development was occurring in an area it shouldn't occur.

Member Wilson wanted to know if this wording would allow someone to test other products in their yard for effectiveness. Member Nelson said outdoor testing is illegal currently, but this proposal would allow people to test products outdoors.

Ronald Mund questioned if he could do research and development in his house and go to a neighbor's house for testing. Chairman Ashton said no; someone cannot be outside the building and conduct testing.

Member Nelson made a motion, seconded by Member Davis, to move this proposal on to the Zoning Board of Appeals for a hearing.

Ayes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Wilson
Nays (0): None
Absent (1): Shaw

The motion passed. This proposal will go to the Zoning Board of Appeals on April 29th.

OLD BUSINESS

None

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Ronald Munz expressed concerns about Petition 19-11. The first concern was traffic. The other concern was aesthetics.

NEW BUSINESS

Consideration and Action to Amend or Withdraw Petition 19-09 Regarding a Request from Kendall County Regional Planning Commission Pertaining to a Text Amendment Making Sheriff's Office Shooting Ranges a Permitted Use in Oswego township.

Member Nelson made a motion, seconded by Member Casey, to withdraw Petition 19-09.

Member Nelson said that the States Attorney of Kendall County took the matter under advisement and rendered a decision that the site that was subject of initiating the text amendment was exempt from zoning because of federal pre-emptions.

Chris Paluch stated that the site on Route 71 was deemed to be a temporary site when it was opened in 1992. He favored opening the range in Lisbon Township.

Chairman Ashton gave an explanation of the proposal. The current Sheriff is working to get the range in Lisbon Township open in the near future.

Todd Milliron stated that the Route 71 Kendall County Sheriff's Department gun range was not zoned correctly and is not a permitted gun range. He believed the Sheriff's department is no different than anybody else and they needed to go through the normal permitting process. The Kendall County Sheriff's office wants two (2) gun ranges, one on Route 71 and one (1) in Lisbon Township. He would like to see the Kendall County Board make a decision and pass judgment on the Route 71 site. He did not believe the State's Attorney's opinion had been tested. He advocated that the County Board should vote no on this petition.

Ayes (7): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Schroeder
Nays (1): Wilson
Absent (1): Shaw

The motion carried. The proposal is withdrawn.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

The next meeting will be May 22nd with Petitions 19-11 and 19-12 probably on the agenda.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Davis, to adjourn. With a voice vote of eight (8) 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)

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
APRIL 24, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Mark Caldwell		
Todd Milliron		
Ron Mund		
Chris Paluch		

**MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
April 29, 2019 – 7:00 p.m.**

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair), Karen Clementi, Cliff Fox, Tom LeCuyer, and Dick Thompson

Members Absent: Scott Cherry and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner, Ruth Ann Sikes, Part Time Office Assistant, (Zoning), and Mark Caldwell

PETITIONS

The Zoning Board of Appeals started their review of Petition 19-13 at 7:08 p.m.

Petition - 19-13 - Kendall County Regional Planning Commission

Request: Text Amendment to Sections 4.06 and 4.07 of the Kendall County Zoning Ordinance by
Allowing Research and Development Related Occupation 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 4.07.g

Purpose: Proposal Allows Research and Development Home Occupations to Occur Outside of Dwelling and Permitted Accessory Structures.

Mr. Asselmeier summarized the Petition.

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 outside the dwelling or accessory structure and to address noise, dust, fumes, and odor issues.

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.

At their meeting on March 27, 2019, the Kendall County Regional Planning Commission voted to initiate the text amendment.

According to the Kendall County Zoning Ordinance, research and development is defined as follows:

RESEARCH AND DEVELOPMENT: A building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

At their meeting on April 2, 2019, ZPAC unanimously voted to forward the proposal to the Kendall County Regional Planning Commission.

On April 2, 2019, a copy of this proposal was mailed to each township. On April 11, 2019, Fox Township submitted comments against the proposal. Their objection was as follows:

Fox Township reviewed and discussed Petition 19-13 at our last board meeting on April 8th, 2019. After significant discussion a vote was taken and the Township Board objected to the proposed amendments to this petition. The objection was based on the following: The Board felt that the wording "Research and Development" was vague, open-ended, and seemed to allow for many uses which remain unnamed. Also, a definition of "Research and Development Use" should be included in the petition in order for the Board to fully understand what the PBZ is proposing. If you have any questions regarding this objection, please don't hesitate to contact me. Thank you, Jeff Spang, Supervisor, Fox Township

The Kendall Regional Planning Commission reviewed this proposal at their meeting on April 24, 2019 and unanimously recommend forwarding the proposal to the Zoning Board of Appeals.

The reason this issue arose was someone in Seward Township wanted to do testing on a gun. They wanted to build their own gun and sell the patent for that gun and they did not want to do the testing of their firearm inside a building; they wanted it to be outside. When the ATF called the Planning, Building and Zoning Department, they (the ATF) started asking various zoning questions. By the letter of the law, shooting would occur outside as part of his business and outdoor use of a home occupation is not allowed. In this particular case, the ATF requested that person to submit a business plan to them which would be shared with the County to make sure everyone was on the same page. At that point, the petitioner withdrew their application. However, the Comprehensive Land Plan and Ordinance Committee heard about this case.

There were other uses that could occur where testing happened outdoors. Such uses included testing a wi-fi system, developing a new telescope, and developing new engineers for automobiles.

Member Clementi asked if obtaining a special use permit was possible for this type of use. Mr. Asselmeier said no.

Chairman Mohr noted that home occupations had to follow the noise regulations.

Chairman Mohr opened the public hearing at 7:20 p.m.

Chairman Mohr closed the public hearing at 7:20 p.m.

Member LeCuyer made a motion, seconded by Member Thompson, to recommend approval of Petition 19-13.

The votes were as follows:

Ayes (5): Mohr, Clementi, Fox, LeCuyer, and Thompson

Nays (0): None

Absent (2): Cherry and Whitfield

The motion passed.

This proposal will be sent to the townships for their review and will go to the Planning, Building and Zoning Committee on June 10, 2019.

The Zoning Board of Appeals completed their review of Petition 19-13 at 7:23 p.m.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

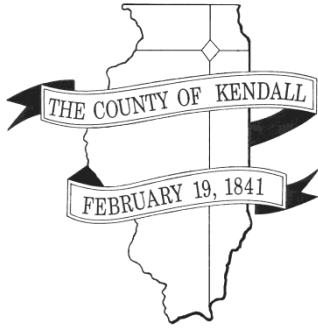
Member Fox made a motion, seconded by Member Thompson, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:30 p.m.

The next meeting will be on May 28, 2019.

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

Exhibits

1. Staff Report on Petition 19-13 Dated April 25, 2019.
2. Certificate of Publication for Petition 19-13 (Not Included with Report but on file in Planning, Building and Zoning Office).



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 22, 2019
Re: Proposed Rental Fee and Rental Term for 2012 National Rifle Association Range Source Book

On May 7, 2019, the County Board approved Ordinance 2019-09 amending the outdoor shooting range shooting range regulations in the Kendall County Zoning Ordinance. In two (2) locations in Ordinance 2019-09, the Ordinance stated the Planning, Building and Zoning Department shall maintain two (2) copies of the 2012 National Rifle Association's Range Source Book. One (1) of these copies shall remain in the Department's office and the other copy shall be available to the public for rent. The rental fee and terms of rental were not established in Ordinance 2019-09.

Based on current costs and the length of the document, the cost to the Department to replace the 2012 National Rifle Association Range Source Book is between Fifty-Five Dollars and Fifty-Six Dollars (\$55-\$56) depending on whether the documents is printed two (2)-sided.

A proposed rental fee and rental term ordinance is attached to this memo. The deposit fee and rental time frame remain undetermined.

If you have any questions, please let me know.

MHA

ENCs.: Proposed Ordinance

State of Illinois
County of Kendall

ORDINANCE # 2019-_____
ORDINANCE ESTABLISHING A RENTAL FEE AND RENTAL TERM FOR
2012 NATIONAL RIFLE ASSOCIATION RANGE SOURCE BOOK

WHEREAS, the County of Kendall on May 7, 2019, by Ordinance 2019-09 amended the zoning regulations for outdoor target practice and shooting ranges in unincorporated Kendall County; and

WHEREAS, Ordinance 2019-09 requires the Kendall County Planning, Building and Zoning Department to make available one copy of the 2012 National Rifle Association Range Source Book, hereinafter referred to as “the Document”, available for rent to members of the public; and

WHEREAS, the Kendall County Board desires to establish a rental fee and term of rental for persons desiring to rent the Document from the Kendall County Planning, Building and Zoning Department; and

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

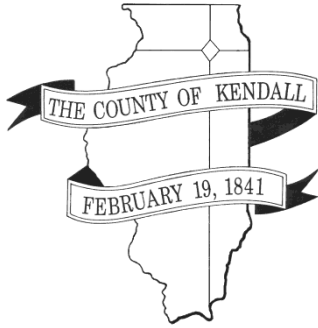
1. The fee schedule of the Kendall County Planning, Building and Zoning Department is amended to set a fee of **\$XX** to rent the Document.
2. The party renting the Document shall return the Document to the Kendall County Planning, Building and Zoning Department within **XX days** of acquiring the Document from the Planning, Building and Zoning Department.
3. The rental period may be extended in writing by the Kendall County Planning, Building and Zoning Department for an additional **XX day** period following payment of an additional fee of **\$XX**.
4. If the Document is returned in the same condition as when it was originally rented and within the timeframe of the rental agreement, the Planning, Building and Zoning Department shall refund **\$XX** to the person that rented the Document.
5. If the Document is not returned in the same condition as when it was originally rented or if the Document is not returned before the end of the rental period, the party renting the Document shall not be eligible for a refund and the County of Kendall may pursue appropriate legal actions against the party renting the Document.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this **XXth** day of **Month**, 2019.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

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MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 3, 2019
Re: Proposed Dumpster Regulations

In March 2016, the Kendall County Planning, Building and Zoning Committee initiated a text amendment adding regulations for dumpsters on private property to the Kendall County Zoning Ordinance. This proposal reached the Kendall County Regional Planning Commission in May 2016 and was laid over at their May, June, and July meetings. The proposal was not on any subsequent agendas.

A copy of the last memo on the subject is attached to this memo.

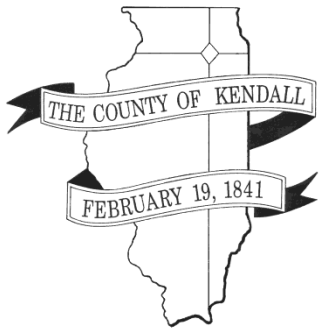
The dumpster that precipitated this proposal was removed several ago.

Staff requests guidance on how to proceed.

If you have any questions, please let me know.

MHA

ENCs.: 5-31-16 Sterrett Memo



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Yorkville, IL • 60560

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MEMORANDUM

To: Zoning Board of Appeals
From: John H. Sterrett
Date: May 31, 2016
Re: Proposed Dumpster Regulations

The Planning, Building, and Zoning Committee recently discussed potential requirements and restrictions regarding dumpsters in residential zoning districts to prevent the permanent placement of unscreened dumpsters on residential zoned properties. This topic was brought forward to the Committee after receiving complaints from residents about a dumpster on a property in an R-2 zoned subdivision. After discussion on the matter, the Committee felt that only dumpsters that are of a temporary nature for a specific timeframe and only for personal uses should be permitted to be located on residentially zoned properties. The Committee directed staff to draft provisions that deal with reasons and timeframes for what can be considered a temporary dumpster and for scenarios of when a property owner may have a dumpster on his or her property. The following are these scenarios as well as proposed provisions to be included in a potential text amendment to the Zoning Ordinance addressing dumpsters.

SCENARIOS

Two scenarios exist when a dumpster may be permitted in all residentially zoned properties on a temporary basis:

- 1) It is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. This does not include waste generated off-site.
- 2) It is for temporary use by property owners. Such uses are those that will generate waste on the property requiring a dumpster. This does not include waste generated off-site.

Section 3 of the Zoning Ordinance should be amended to include the following definitions:

Temporary Dumpster – Any refuse container 2 cubic yards or larger that is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. Temporary Dumpsters shall also include refuse containers 2 cubic yards or larger that are not associated with an approved building permit but are used by the property owners when it is located on a property not more than 30 days in a 90 day period and not more than 60 days within a 12 month period. Temporary Dumpsters shall not be used for waste generated off-site. This definition shall only apply to residentially zoned properties.

Permanent Dumpster – Any refuse container 2 cubic yards or larger that is not associated with an approved building permit or is located on a property for more than 30 days in a 90 day period or more than 60 days within a 12 month period. Permanent Dumpsters shall be prohibited in all residential districts. Permanent Dumpsters kept within an enclosed building are permitted in any zoning district.

DRAFT PROVISIONS

Section 4.19 (Temporary Uses Permitted) should be amended to outline the provisions below for Temporary Dumpsters in residential districts and specifically prohibit the use of permanent dumpsters.

Screening

Temporary Dumpsters are not required to be screened.

Setbacks

Temporary Dumpsters may encroach into a required yard setback and placed no closer than ten (10) feet from a property line. Temporary Dumpsters shall not encroach onto adjacent properties nor shall they encroach into a public right-of-way.

Pad Surface

Temporary Dumpsters shall be located in areas designed to allow adequate accessibility to service vehicles.

Duration

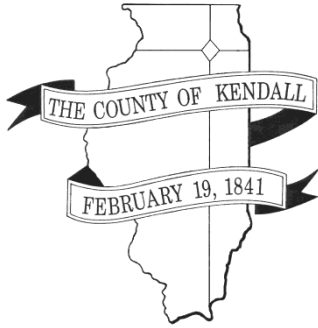
Temporary Dumpsters shall not be kept on any residential property for more than 30 days within a 90 day period and no more than 60 days within a 12 month period unless the dumpster is associated with a building permit for construction or remodeling of either a principal or accessory structure on a property. In cases when a Temporary Dumpster is associated with an open and approved building permit, the Temporary Dumpster shall be permitted to be located on the property for the duration of the building permit provided that it is removed from the property once the permit has received a final inspection approval, or the building permit has expired, whichever occurs first.

Penalties

Any residentially zoned property found to be in violation of these provisions shall be subject to violation proceedings of the Planning, Building, and Zoning Department. This shall include written notification to the property from the PBZ Department providing 14 days to correct the violation. If the violation persists after 14 days of the notice, the PBZ Department shall issue a second notice providing 10 days to correct the violation. If the violation persists after 10 days of the second notice, the matter shall be forwarded to the Office of the Kendall County State's Attorney to initiate legal proceedings.

The Zoning and Platting Advisory Committee recommended that the setback of ten (10) feet from a property line should be revised to five (5) feet. Please review these points for discussion at the Zoning Board of Appeals hearing on May 31st.

JHS



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

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MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: May 22, 2019

Re: Proposed Intergovernmental Agreement Between Kendall County and the Village of Plattville

The Village Board of Plattville met on May 20, 2019. They requested that Section 2 of the proposed Intergovernmental Agreement be amended by deleting the reference to the Kendall County Comprehensive Plan contained in the Section because the Village adopted a Comprehensive Plan in 2009. If this deletion is approved, Staff has concerns regarding which Comprehensive Plan (the County's or Plattville's) should be used in making recommendations.

The Village also requested clarification of the applicable costs mentioned in Section 4 of the proposal.

A redlined version of the body of the proposal is attached.

The intergovernmental agreement between Kendall County and the Village of Plattville expires in June.

If you have any questions, please let me know.

Thanks,

MHA

ENC: Redlined Agreement (Exhibit A Excluded)

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF
PLATTVILLE AND THE COUNTY OF KENDALL**

THIS AGREEMENT, made this day ____ of June, 2019 by and between the VILLAGE OF PLATTVILLE, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic; WITNESSETH:

WHEREAS, the Village of Plattville was incorporated by act of the voters on March 21st, 2006; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves; and

WHEREAS, the Village of Plattville and County of Kendall are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement; and

WHEREAS; the Village of Plattville adopted a Comprehensive Plan on July 27, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Plattville have been heretofore subject to the building and zoning codes of the County of Kendall, and to the Countywide Stormwater Management Ordinances; and

WHEREAS, the parties desire to continue that relationship.

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Plattville has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, ~~the Comprehensive Plan of the County of Kendall~~, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text

amendments to said ordinances and plans, as may be adopted by Kendall County from time to time, shall be adopted and incorporated by the Village of Plattville as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Plattville as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Plattville, and apply them to all properties located within the municipal boundaries of the Village of Plattville.

4) In addition to the consideration addressed in Paragraph 3 above, the Village of Plattville shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Ordinance for cases within the boundaries of the Village of Plattville. At the written request of the Village of Plattville, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Plattville, Kendall County will conduct the necessary investigation and bill the Village of Plattville accordingly. The Village of Plattville shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Plattville as provided herein.

5) The Village of Plattville shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, expenses, and costs relating thereto, including, but not limited to, attorney's fees and other legal expenses, which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Plattville shall secure, pay for, and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Plattville each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit.

13) This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

14) Nothing contained in this Agreement, nor any act of Kendall County or the Village pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the Village. Further, nothing in this agreement should be interpreted to give Kendall County or the Village any control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

15) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Plattville
P.O. Box 1173
Yorkville, Illinois 60560

16) Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the Village or Kendall County in any respect beyond the matters agreed upon in this agreement, including, but not limited to their powers and duties.

VILLAGE OF PLATTVILLE

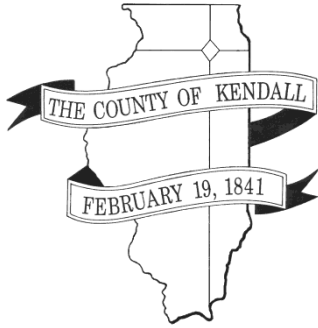
COUNTY OF KENDALL

BY: _____
Village President

BY: _____
Chairman of Kendall County Board

ATTEST: _____
Village Clerk

ATTEST: _____
Kendall County Clerk



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: May 16, 2019
Re: Land Cash Ordinance

Following the May 13th, Planning, Building and Zoning Committee meeting, Staff prepared a redlined version of the Land Cash Ordinance to reflect the fair market value calculations and other changes to the Land Cash Ordinance. The changes are as follows:

1. The calculation for acreage donation for school sites contained in Section 1.B was updated to reflect enrollment figures in Table 2.
2. The enrollment figures in Table 2 were updated from 2011-2012 enrollment data to 2018-2019 enrollment data.
3. The definition and references to “improved acre” contained in Section 1.C.4 were deleted.
4. The fair market value in Section 1.C.4 was set at \$47,121.
5. The calculation of the fair market value in Section 1.C.4 was set as the Kendall County Assessor’s Office shall provide the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3 year period.
6. The chart of fair market value calculations was deleted.
7. The land cash donation calculation sheets were updated to reflect the new data.

Based on the new data and calculations, a two-bedroom home would pay \$1,166.38 instead of \$1,814.10. A three-bedroom home would pay \$2,196.18 instead of \$3,441.25. A four-bedroom home would pay \$3,228.91 instead of \$4,969.27. A five-bedroom home would pay \$2,954.22 instead of \$4,444.03.

The redlined version of the proposal is attached to this memo.

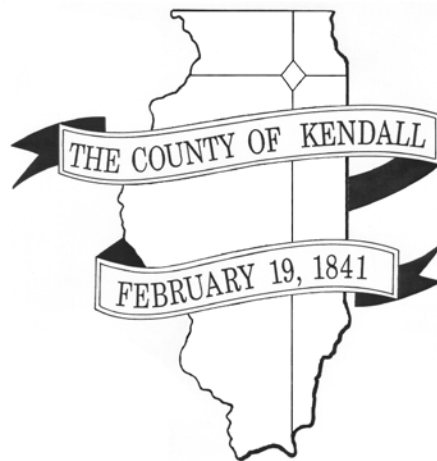
If you have any questions, please let me know.

Thanks,

MHA

ENC: Redlined Proposal

KENDALL COUNTY LAND CASH ORDINANCE



Last Revised ~~April 15, 2014~~ Month Day,
2019

(Ordinance ~~2014-09~~ 2019-XX)

Prior Updates:

(Amended April 15, 2014 – Ord. 2014-09)

(Amended July 15, 2013- Ord. 2013-16, complete overhaul)

(Amended May 19, 2009- Ord. 2009-16)

(Amended March 17, 2009 – Ord. 2009-08)

(Amended March 22, 2006 – Ord. 2006-17)

(Amended June 21, 2006- Ord. 2005-41)

(Amended January 16, 2001- Ordinance 2001-01)

(Amended March 18, 1999 - Ord. 1999-15)

(Amended November 13, 1995)

(Amended April 14, 1992)

(Amended August 8, 1989)

(Amended March 13, 1979)

(Adopted May 9, 1978)
(Resolution on March 13, 1973 recommending a Land Cash Ordinance be adopted)

KENDALL COUNTY LAND CASH ORDINANCE

Last Revised ~~April 15, 2014~~ Month Day, 2019 (Ordinance # ~~2014-09~~ 2019-XX)

TABLE OF CONTENTS

TITLE	PAGE
Kendall County Land Cash Ordinance Text	2-9
Table 1 – Estimated Ultimate Population per Dwelling Unit	10
Table 2 – Kendall County School Demographics By School Type	11
Table 3 – Design Capacity for Existing Schools By School Type	12
Table 4 – Chart of fair market value calculation	13
Table 5 4 – Sample Calculation Sheets	14-17

KENDALL COUNTY LAND CASH ORDINANCE

The County is dedicated to the concept that healthful, productive community life depends in part on the availability of recreational and park space and adequate school facilities. It has been found and determined that the location of park, forest preserve, recreation and school sites to serve the immediate and future needs of adults and children of each new subdivision or planned unit development is just as essential to proper land development as are street, water, sewers and sidewalks. To this end, Kendall County has determined that the dedication of land for parks, forest preserve, recreation and school sites or cash contributions in lieu of actual dedication or a combination of both, shall prevail upon all new final plats of residential subdivisions and planned unit developments. The impact upon schools and parks is likewise equally affected by construction of new dwellings that are not part of a platted subdivision and accordingly, cash contributions should be made with regard to such construction as well.

Therefore, in the public interest, convenience, health welfare and safety, the establishment of parks, recreation and school sites and facilities are required for each final plat of a residential subdivision.

SECTION 1 – DEDICATION OF PARK, FOREST PRESERVE AND SCHOOL SITES OR
PAYMENTS IN LIEU THEREOF:

As a condition of approval of a final plat of subdivision or planned unit development, each individual subdivider or planned unit developer will be required to dedicate land or cash in lieu of actual land or a combination of both based on the recommendation of the affected district which will be the recipient of the contribution, but subject to final determination of the County Board in accordance with the following criteria; (all single family detached dwellings are considered four bedrooms for ordinance computations unless proven otherwise by individual or developer).

A. CRITERIA FOR REQUIRING PARK/FOREST PRESERVE DEDICATION

1. Location

Plans of the park district or forest preserve district or appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. Requirement and Population Ratio

The ultimate population density to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for park and recreation sites. The acreage of land dedication requirement shall be determined by obtaining the total population of the development times 10 acres per 1,000 population. Total population is determined by applying the estimated ultimate population per dwelling unit table, as per the Ultimate Yield Table published by the Associated Municipal Consultants, to the number or respective units in the development. For purposes of the following example, it is presumed that each single family home will have 4 bedrooms. For other dwelling units such as townhouses and apartments, it is presumed that each unit will have 2 bedrooms.

3. Donation Requirement Calculation Examples:

Development “A” containing 200 single family homesites

$$\text{(units)} \times \text{(population factor)} \times \frac{\text{the required acreage}}{\text{per 1000 population}} = \text{Total Acres}$$

(from table 1)

$$200 \text{ units} \times 3.764 \times \frac{10 \text{ acres}}{1,000} = 7.53 \text{ acres}$$

4. Credit for Land Development

When land dedication is required by this ordinance, credit to developers for said dedication will be given according to the following criteria:

For dedications to a park district or forest preserve district, the first five (5) acres must be contiguous and in one location. Credit shall only be granted for parcels that consist of “buildable acreage”. For the purposes of this ordinance “buildable

acreage” shall be considered those tracts or areas of land which are not encumbered with any of the following conditions:

- a. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.),
- b. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps,
- c. Land within the right-of-way or easement of an existing roadway,
- d. Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
- e. Soils subject to slumping.
- f. Land with severe slopes (in excess of 25%).

Land in excess of the above mentioned five acres, and land to be dedicated to the forest preserve district shall be credited as follows:

If the benefiting Park or Forest Preserve District determines it is in the best interest of the public at large to take ownership and maintenance of an existing or proposed wetland, it may choose to accept such a property however, no credit will be given. Furthermore the benefiting district may require the developer to provide three (3) years of maintenance after the initial planting of any new or supplemental plantings associated with such wetlands.

Partial credit may be granted at the discretion of such benefiting park or forest preserve district for “unbuildable land” as described above provided such land has been identified by a park or forest preserve district as potential or future linear parks, or such properties have been identified as potential greenway or trail linkages on an officially approved and adopted land use or open space plan.

The benefiting park district or forest preserve district may choose to recommend partial credit for manmade lakes or ponds that are judged to be of recreational or environmental benefit.

The total amount of credit granted for all land donated in any new subdivision shall be noted in any and all required development, PUD or donation agreements.

B) CRITERIA FOR REQUIRING SCHOOL SITE DEDICATION

1. Location

Plans of the affected school district or the appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. **Requirement and Population Ratio**

The ultimate number of students to be generated by a subdivision, planned unit development and/or special use permit shall bear directly upon the amount of land

required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of;

- a) estimated children to be served in each school classification (this number is determined by applying the estimated ultimate population per dwelling unit table (Table 1) to the number of respective units in the development) over the;
- b) actual average number of students to be served in each such school classification as stated herein, and then applying such ratio to the;
- c) said actual average number of acres for a school site of each such classification as stated herein.

The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. For purposes of this computation it is presumed that each single family home will have 4 bedrooms. For other dwelling units, such as townhouses and apartments, it is presumed that each unit will have two (2) bedrooms.

Classification by Grades	Design Capacity per school classification	Minimum Acreage per school classification =	Acres Per Student Required
Elementary	850 students	15-20 acres	= 0.021
	671 students	13.85 acres	0.021
Middle	1125 students	30 acres	= 0.027
	881 students	17.86 acres	0.020
High School	3200 students	110 acres	= 0.034
	1643 students	62.05 acres	0.038
Number of Residential lots in Subdivision	x Estimated school children by school classification	x Acres Per Student Required	= Acreage Per School Classification

Example: Development “A” is composed of 100 single family “4 bedroom” units:

Elementary
~~100 x 0.644 x (17.5/850) = 1.326 acres~~
100 x 0.644 x (13.85/671) = 1.327 acres

Middle
~~100 x 0.184 x (30/1125) = 0.490 acres~~
100 x 0.184 x (17.86/881) = 0.374 acres

High School
~~100 x 0.36 x (110/3200) = 1.238 acres~~
100 x 0.36 x (62.05/1643) = 1.361 acres
 Total Acreage = **3.054 acres**
 = **3.062 acres**

C) CRITERIA FOR REQUIRING A CASH CONTRIBUTION IN LIEU OF LAND FOR PARK, PRESERVE, RECREATIONAL OR SCHOOL SITES.

1. Determination Of Cash-in-lieu of Land Donations:

When available land is inappropriate for park, forest preserve or school sites, as determined by local agency officials, the County shall require a cash contribution in lieu of land dedication by the subdivider or unit developer. The county shall furthermore require a cash contribution for all residential dwellings constructed that are not part of a platted subdivision.

2. Collection of Fees:

- a) The cash contribution in lieu of park and recreation land dedication shall be held in an interest bearing account by the Treasurer of the County, or other public body designated by the County, solely for the acquisition of park or recreational land as herein classified, which will be available to serve the immediate and future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation lands which already serve such needs. Distribution of cash contributions shall be made on a quarterly basis to appropriate park/forest preserve/recreation land agents.
- b) The cash contribution in lieu of school sites shall be held in an interest bearing account by the Treasurer of the County or other public body designated by the County. Said funds shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the construction of a new school or improvement to any existing school site or buildings which already serve or will serve such need. Distribution of cash contributions shall be made on a quarterly basis to appropriate districts.
- c) Unless otherwise approved by the affected school, park or forest preserve district, the total cash contribution required shall be determined prior to the approval of the final plat and shall be based upon the generation tables and fair market values in effect at the time of recording. If a subdivision contains more than three lots, the Owner/subdivider/developer may choose to pay the cash-in-lieu contribution at the time of issuance of a building permit for each individual lot or as a lump sum payment prior to the recoding of the final subdivision plat.

The cash contribution required for a residential unit not part of a platted subdivision shall be determined in the same manner as for other residential developments and shall be determined and collected prior to the issuance of a building permit by using the generation tables and Fair market Values in effect at time of issuance of the permit. This ordinance does not apply to reconstruction.

- d) Up-front payments made at the time of recording of a final plat shall be computed on the basis of all lots having four bedrooms homes. In those instances in which payment is to be collected at the time of issuance of an individual building permit, the fee to be collected will be based on the actual

number of bedrooms as determined by the County based upon the architectural plans submitted.

The payment procedures agreed upon as well as the generation tables and fair market values in effect at the time of recording shall be noted in any and all development agreements and shall be disclosed to all prospective lot purchasers prior to execution of a sales contract for any lot in the development. A note disclosing this obligation shall also appear on all plats submitted for recording.

3. Criteria for Requiring Land Dedication and a Fee

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary; these occasions will arise when:

a) Only a portion of the land to be developed is proposed as the location for a park, preserve, recreation or school site. That portion of the land within the subdivision falling within the school, park or forest preserve location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

b) A major part of the park, preserve, recreation or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu thereof shall be required.

4. Fair Market Value

The cash contributions in lieu of land shall be based on the "Fair Market Value" of the acres of land in the area improved that otherwise would have been dedicated as park, preserve, recreation or school sites. ~~An "Improved Acre" is defined as a tract of land improved with streets, curbs, water, storm sewer, sanitary sewer, electrical, natural gas and telephone service.~~ Fair Market Value for land not part of a subdivision or a planned unit development shall also be calculated on the Fair Market Value ~~of an improved acre~~. The Fair Market Value may be adjusted anytime by official action of the County Board. As of ~~April 15, 2014~~ **Month Day, 2019**, the Fair Market Value ~~of an improved acre~~ is determined to be ~~\$72,680~~ **\$47,121**. The Fair Market Value ~~of an improved acre~~ is calculated as follows:

- ~~(1) Determine "numerator" consisting of the summation of assessed values for the most recent three consecutive years of Improved lots (R/40), Improvements (R/40) and Farm Homesites (F1/11) as shown in the final abstracts of assessed property values on Form PTAX-260-A, provided by the County Chief Assessor,~~
- ~~(2) Determine "denominator" consisting of the summation of the number of improved acres of Improved lots (R/40), Improvements (R/40) and Farm Homesites (F1/11) within the County for the most recent three consecutive years,~~
- ~~(3) Divide "numerator" by "denominator" and multiply by three to convert to Fair Market Value of an improved acre.~~

~~*The total number of acres was provided by the GIS Department in April*~~

The Kendall County Assessor's Office shall provide the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3 year period.

In the event a subdivider or developer files a written objection to the Fair Market Value as specified herein, said subdivider or developer shall submit their own study of the Fair Market Value of land showing the comparable cost of land within the affected district. In that event, final determination of the Fair Market Value to be used in such calculations shall be made by the County Board, based upon such cost information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others.

Dual districts will be treated as they are affected by the impact of the subdivision or development within their territories: elementary and middle school contributions shall go to the elementary district and high school contributions shall go to the high school district.

5. Conveyance of Land

The subdivider or developer shall convey to the respective school district, park or forest preserve the land required under this agreement within 90 days after request by the district.

6. Density Formula

The attached table, marked as Table 1 being the same as Estimated Ultimate Population per Dwelling Unit, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population Per Dwelling Unit, attached hereto, said subdivider or developer shall submit their own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and in that event final determination of the density formula to be used in such calculations shall be made by the County Board, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula components for the dedication of land, or the payment of fees in lieu thereof, as stated herein is subject to periodic review and amendment upon verification of current data by the Kendall County Board or its designee.

7. Reservation of Additional Land

Where the park district, forest preserve district or school district's plan or standards of the County Plan call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchases by the County or other public body designated by the County, provided that the designated public body/governing agency and developer approve a contract for the sale of land from the developer to the designated public body, in the form of a land purchase

agreement, right of first refusal or option to purchase before final plat approval. However, the designated public body/governing agency and developer may jointly request in writing that the County, upon approval by the County Board, allow an extension of a specified time to finalize the future sale of land from the developer to the designated public body, in the form of a land purchase agreement, right of first refusal or option to purchase.

8. Site Condition

The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading and seeding as well as the installation of drainage and other required improvements on sites to be dedicated for park, preserve or school uses will be performed by the developer according to the plans, specifications and design criteria provided by the benefiting park, preserve or school district.

9. Improved Sites

At the time of dedication and conveyance to the benefiting district, all sites shall be in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore. Such sites and the required improvements shall conform to all standards, specifications, plans and design criteria as provided by the benefiting park, forest preserve or school district.

10. Agreements

The details regarding the type and amount of any land or cash donations or credits to be supplied in fulfillment of this ordinance, and any terms or conditions attendant thereto, shall be included and specified in the corresponding PUD or development agreement required to be supplied and executed in conjunction with any new residential subdivisions approved by the County and such other agreements as may be required by the benefiting school, park or forest preserve district.

ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT
CHILDREN PER UNIT

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-6 5-11 Years	Junior High Grades 7-8 12-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years +	Total Per Dwelling Unit
Detached Single Family							
2 Bedroom	0.113	0.143	0.041	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.422	0.120	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.644	0.184	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.461	0.132	0.593	0.300	2.594	3.770
Attached Single Family							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.106	0.030	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.227	0.065	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.370	0.106	0.476	0.173	2.173	3.145
Apartments							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.100	0.028	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.278	0.079	0.357	0.118	2.526	3.053

Note:

There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single family dwelling units, only one category is provided. The same is true with apartments; thus, only one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

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TABLE 1

DEMOGRAPHICS

Existing Kendall County Public School Sites

Schools Grouped by Type		Enrollment 18-19	Average # Students	Acres Per Site	Average Acreage/Site	Acres Per Student
Existing High School Sites						
Plainfield #202	Plainfield South H.S.	2,521		80.00		
Yorkville #115	Yorkville H.S.	1,917		67.00		
Yorkville #115	Yorkville High School Academy	487		21.10		
Plano #88	Plano H.S.	729		40.00		
Oswego #308	Oswego H.S.	2,774		116.70		
Oswego #308	Oswego East H.S.	2,708		100.75		
Newark H. S. #18	Newark H.S.	167		8.79		
		<u>11,303</u>	1,883.83	<u>434.34</u>	62.05	0.0329
Existing Jr. High Sites						
Oswego #308	Thompson Jr. H.S.	823		19.68		
Oswego #308	Traugber Jr. H.S.	1,136		21.84		
Oswego #308	Karl Plank Jr. H.S.	825		14.48		
Plainfield	Aux Sable M.S.	994		26.50		
Plano #88	Plano M.S.	369		12.41		
Yorkville #115	Yorkville M.S.	991		21.60		
Newark #66	Millbrook Jr. H.S.	94		8.49		
		<u>5,232</u>	747.43	<u>125.00</u>	17.86	0.0239
Existing Elementary School Sites						
Oswego #308	East View G.S.	125		18.25		
Oswego #308	Hunt Club Elementary	694		14.35		
Oswego #308	Boulder Hill G.S.	616		12.00		
Oswego #308	Old Post G.S.	458		17.60		
Oswego #308	Long Beach Elementary	470		9.20		
Oswego #308	Lakewood Creek Elem. School	752		18.00		
Oswego #308	Prairie Point Elem.	449		15.80		
Oswego #308	Churchill Elementary	544		23.81		
Oswego #308	Brokaw Early Learning Center (ag	359				
Oswego #308	Grande Park Elementary	565		36.95		
Oswego #308	Southbury Elementary	568		21.25		
Oswego #308	Fox Chase G.S.	538		12.00		
Lisbon G.S. #90	Lisbon Grade School	108		5.31		
Newark #66	Newark Grade School	144		5.00		
Minooka #201	Jones Elementary School	619		15.00		
Plainfield	Thomas Jefferson Elem.	629		11.78		
Plainfield	Charles Reed Elementary	564		14.47		
Plano #88	PH Miller	342		10.51		
Plano #88	Centennial	311		6.33		
Plano #88	Emily G Johns School Elem.	537		15.05		
Yorkville #115	Yorkville Intermediate	639		10.00		
Yorkville #115	Yorkville G.S.	186		4.00		
Yorkville #115	Circle Center Grade School	467		16.40		
Yorkville #115	Bristol Grade School	219		4.36		
Yorkville #115	Autumn Creek Elementary	666		16.00		
Yorkville #115	Bristol Bay Elementary	573		14.75		
Yorkville #115	Grande Reserve Elementary	548		12.00		
		<u>12,690</u>	488.08	<u>360.17</u>	13.34	0.0273

TABLE 2

Kendall County Public Schools
Existing School Site Acreage and Design Capacity Statistics

Grouped By School Type		Design Capacity	Average Ave. Capacity	Acres Per Site	Average Acreage/Site	Acres Per Student
High School						
Plainfield #202	Plainfield South H.S.	2400.00		80.00		
Yorkville #115	Yorkville H.S.	1500.00		67.00		
Yorkville #115	Yorkville H.S. Academy	600.00		21.10		
Plano #88	Plano H.S.	1000.00		40.00		
Oswego #308	Oswego H.S.	2400.00		116.70		
Oswego #308	Oswego East H.S.	3200.00		100.75		
Newark H. S. #18	Newark H.S.	400.00		8.79		
		<u>11500.00</u>	1642.86	<u>434.34</u>	62.05	0.0378
Middle School						
Oswego #308	Karl Plank Jr. H.S.	1000.00		14.48		
Oswego #308	Thompson Jr. H.S.	1125.00		19.68		
Oswego #308	Traughber Jr. H.S.	1200.00		21.84		
Plainfield	Aux Sable M.S.	900.00		26.50		
Plano #88	Plano M.S.	500.00		12.41		
Yorkville #115	Yorkville M.S.	1200.00		21.60		
Newark #66	Millbrook Jr. H.S.	240.00		8.49		
		<u>6165.00</u>	880.71	<u>125.00</u>	17.86	0.0203
Elementary School						
Oswego #308	East View G.S.	750.00		18.25		
Oswego #308	Hunt Club Elementary	900.00		14.35		
Oswego #308	Boulder Hill G.S.	750.00		12.00		
Oswego #308	Old Post G.S.	600.00		17.60		
Oswego #308	Long Beach Elementary	750.00		9.20		
Oswego #308	Lakewood Creek School	900.00		18.00		
Oswego #308	Prairie Point Elem.	750.00		15.80		
Oswego #308	Fox Chase G.S.	900.00		12.00		
Oswego #308	Churchill Elementary	750.00		23.81		
Oswego #308	Brokaw Early Learning	500.00				
Oswego #308	Grande Park Elementary	725.00		36.95		
Oswego #308	Southbury Elementary	900.00		21.25		
Lisbon G.S. #90	Lisbon Grade School	245.00		5.31		
Minooka #201	Jones Elementary School	750.00		15.00		
Newark #66	Newark Grade School	275.00		5.00		
Plainfield	Thomas Jefferson Elem.	850.00		11.78		
Plainfield	Charles Reed Elementary	850.00		14.47		
Plano #88	PH Miller	650.00		10.51		
Plano #88	Centennial	600.00		6.33		
Plano #88	Emily G Johns School Elem.	600.00		15.05		
Yorkville #115	Yorkville Circle Center	600.00		16.40		
Yorkville #115	Yorkville Intermediate	750.00		10.00		
Yorkville #115	Autumn Creek Elementary	750.00		16.00		
Yorkville #115	Bristol Bay Elementary	650.00		14.75		
Yorkville #115	Yorkville G.S.	300.00		4.00		
Yorkville #115	Grand Reserve	650.00		12.00		
Yorkville #115	Bristol G.S.	425.00		4.36		
		<u>18120.00</u>	671.11	<u>360.17</u>	13.85	0.0206

Land Cash Donation Calculation Sheet - (2014)(2019)

Unit Type: Two-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\begin{array}{r}
 \text{(#Dwelling Units) x (Total Population per Unit) x } \frac{10.0 \text{ acres}}{1,000 \text{ population}} \text{ x } (\$72,680) = \text{Contribution per Unit} \\
 (1 \text{ unit}) \text{ x } (2.017) \text{ x } (0.010) \text{ x } (\$72,680) = \mathbf{\$1,465.96} \\
 \mathbf{(1 \text{ unit}) \text{ x } (2.017) \text{ x } (0.010) \text{ x } (\$47,121) = \$950.43}
 \end{array}$$

School Donation:

$$\begin{array}{r}
 \text{(#Dwelling Units) x (Students per Unit by Grade) x } \frac{\text{\# acres per school type}}{\text{school capacity by school type}} \text{ x Fair Market Value} \\
 \text{per Unit} \\
 (\text{#Dwelling Units}) \text{ x } (\text{ Students per Unit by Grade}) \text{ x } (\text{school capacity by school type}) \text{ x } (\$72,680) \mathbf{(\$47,121)} = \text{Contribution}
 \end{array}$$

Elementary

$$\begin{array}{r}
 (1 \text{ unit}) \text{ x } (0.143) \text{ x } (0.021) \text{ x } (\$72,680) = \$ \mathbf{218.26} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.143) \text{ x } (0.021) \text{ x } (\$47,121) = \$ \mathbf{141.50}}
 \end{array}$$

Middle School

$$\begin{array}{r}
 (1 \text{ unit}) \text{ x } (0.041) \text{ x } (0.027) \text{ x } (\$72,680) = \$ \mathbf{80.46} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.041) \text{ x } (0.020) \text{ x } (\$47,121) = \$ \mathbf{38.64}}
 \end{array}$$

High School

$$\begin{array}{r}
 (1 \text{ unit}) \text{ x } (0.020) \text{ x } (0.034) \text{ x } (\$72,680) = \$ \mathbf{49.42} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.020) \text{ x } (0.038) \text{ x } (\$47,121) = \$ \mathbf{35.81}}
 \end{array}$$

Total School Contribution

$$\begin{array}{r}
 \text{-----} \\
 = \$ \mathbf{348.14} \\
 = \$ \mathbf{215.95}
 \end{array}$$

Forest Preserve Contribution

$$= \$ \mathbf{1,465.96} \mathbf{(\$950.43)}$$

+ Total School Contribution

$$+ \$ \mathbf{348.14} \mathbf{(\$215.95)}$$

Total Contribution per 2- Bedroom Unit

$$= \$ \mathbf{1,814.10} \mathbf{(\$1,166.38)}$$

TABLE 4 (Page 1 of 4)

Land Cash Donation Calculation Sheet - (2014)(2019)

Unit Type: Three-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\begin{array}{r}
 \text{(#Dwelling Units) x (Total Population per Unit) x } \frac{10.0 \text{ acres}}{1,000 \text{ population}} \text{ x } (\$72,680) = \text{Contribution per Unit} \\
 (1 \text{ unit}) \text{ x } (2.899) \text{ x } (0.010) \text{ x } (\$72,680) = \mathbf{\$ 2,106.99} \\
 \mathbf{(1 \text{ unit}) \text{ x } (2.899) \text{ x } (0.010) \text{ x } (\$47,121) = \$1,366.04}
 \end{array}$$

School Donation:

$$\text{(#Dwelling Units) x (Students per Unit by Grade) x } \frac{\text{\# acres per school type}}{\text{school capacity by school type}} \text{ x Fair Market Value } (\$47,121) = \text{Contribution per Unit}$$

Elementary

$$\begin{array}{r}
 (1 \text{ unit}) \text{ x } (0.422) \text{ x } (0.021) \text{ x } (\$72,680) = \mathbf{\$ 644.09} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.422) \text{ x } (0.021) \text{ x } (\$47,121) = \$ 417.58}
 \end{array}$$

Middle School

$$\begin{array}{r}
 (1 \text{ unit}) \text{ x } (0.120) \text{ x } (0.027) \text{ x } (\$72,680) = \mathbf{\$ 235.48} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.120) \text{ x } (0.020) \text{ x } (\$47,121) = \$ 113.09}
 \end{array}$$

High School

$$\begin{array}{r}
 (1 \text{ unit}) \text{ x } (0.184) \text{ x } (0.034) \text{ x } (\$72,680) = \mathbf{\$ 454.69} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.184) \text{ x } (0.038) \text{ x } (\$47,121) = \$ 329.47}
 \end{array}$$

Total School Contribution	-----	= \$ 1,334.26
		\$ 860.14
Forest Preserve Contribution		\$ 2,106.99 \$1,366.04
+ Total School Contribution		+ \$ 1,334.26 \$860.14
Total Contribution per 3 - Bedroom Unit		\$ 3,441.25 \$2,196.18

TABLE 4 (Page 2 of 4)

Land Cash Donation Calculation Sheet - (2014)~~(2019)~~(\$47,121)

Unit Type: Four-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\begin{array}{l}
 \text{(#Dwelling Units) x (Total Population per Unit) x } \frac{10.0 \text{ acres}}{1,000 \text{ population}} \text{ x } (\$72,680) = \text{Contribution per Unit} \\
 (1 \text{ unit}) \text{ x } (3.764) \text{ x } (0.010) \text{ x } (\$72,680) = \$ 2,735.68 \\
 \text{(1 unit) x (3.764) x (0.010) x } (\$47,121) = \$ 1,773.63
 \end{array}$$

School Donation:

$$\begin{array}{l}
 \text{(#Dwelling Units) x (Students per Unit by Grade) x } \frac{\text{\# acres per school type}}{\text{school capacity by school type}} \text{ x Fair Market Value} \\
 \text{Unit x } (\$72,680) \text{ } (\$47,121) = \text{Contribution per Unit}
 \end{array}$$

Elementary

$$\begin{array}{l}
 (1 \text{ unit}) \text{ x } (0.644) \text{ x } (0.021) \text{ x } (\$72,680) = \$ 982.92 \\
 \text{(1 unit) x (0.644) x (0.021) x } (\$47,121) = \$ 637.26
 \end{array}$$

Middle School

$$\begin{array}{l}
 (1 \text{ unit}) \text{ x } (0.184) \text{ x } (0.027) \text{ x } (\$72,680) = \$ 361.07 \\
 \text{(1 unit) x (0.184) x (0.020) x } (\$47,121) = \$ 173.40
 \end{array}$$

High School

$$\begin{array}{l}
 (1 \text{ unit}) \text{ x } (0.360) \text{ x } (0.034) \text{ x } (\$72,680) = \$ 889.60 \\
 \text{(1 unit) x (0.360) x (0.038) x } (\$47,121) = \$ 644.62
 \end{array}$$

$$\text{Total School Contribution} \text{ -----} = \$ 2,233.59$$

\$ 1,455.28

Forest Preserve Contribution

\$ 2,735.68 \$1,773.63

+ Total School Contribution

+ \$ 2,233.59 \$1,455.28

Total Contribution per 4- Bedroom Unit

\$ 4,969.27 \$3,228.91

TABLE 4 (Page 3 of 4)

Land Cash Donation Calculation Sheet- (2014)(2019)

Unit Type: Five-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\begin{array}{l}
 \text{(#Dwelling Units) x (Total Population per Unit) x } \frac{10.0 \text{ acres}}{1,000 \text{ population}} \text{ x } (\$72,680) = \text{Contribution per Unit} \\
 (1 \text{ unit}) \text{ x } (3.770) \text{ x } (0.010) \text{ x } (\$72,680) = \mathbf{\$ 2,740.04} \\
 \mathbf{(1 \text{ unit}) \text{ x } (3.770) \text{ x } (0.010) \text{ x } (\$47,121) = \$ 1,776.46}
 \end{array}$$

School Donation:

$$\begin{array}{l}
 \text{(#Dwelling Units) x (Students per Unit by Grade) x } \frac{\text{\# acres per school type}}{\text{school capacity by school type}} \text{ x Fair Market Value} \\
 \text{Unit x } (\$72,680) \mathbf{(\$47,121)} = \text{Contribution per Unit}
 \end{array}$$

Elementary

$$\begin{array}{l}
 (1 \text{ unit}) \text{ x } (0.461) \text{ x } (0.021) \text{ x } (\$72,680) = \mathbf{\$ 703.62} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.461) \text{ x } (0.021) \text{ x } (\$47,121) = \$ 456.18}
 \end{array}$$

Middle School

$$\begin{array}{l}
 (1 \text{ unit}) \text{ x } (0.132) \text{ x } (0.027) \text{ x } (\$72,680) = \mathbf{\$ 259.03} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.132) \text{ x } (0.020) \text{ x } (\$47,121) = \$ 124.40}
 \end{array}$$

High School

$$\begin{array}{l}
 (1 \text{ unit}) \text{ x } (0.300) \text{ x } (0.034) \text{ x } (\$72,680) = \mathbf{\$ 741.34} \\
 \mathbf{(1 \text{ unit}) \text{ x } (0.300) \text{ x } (0.038) \text{ x } (\$47,121) = \$ 537.18}
 \end{array}$$

Total School Contribution

= \$1,703.99

\$2,611.94

Forest Preserve Contribution

\$ 2,740.04 \$1,776.46

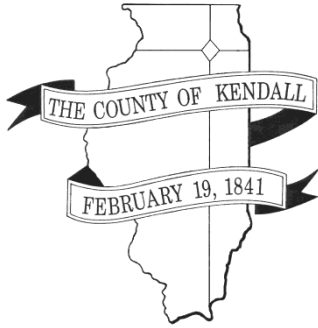
+ Total School Contribution

+ \$ 1,703.99 \$1,117.76

Total Contribution per 5- Bedroom Unit

\$ 4,444.03 \$2,954.22

TABLE 4 (Page 4 of 4)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 6, 2019
Re: Flooding at the End of Viking Blvd

At the April 8, 2019, Planning, Building and Zoning Committee meeting, an email from Brian Holdiman was read regarding flooding at the end of Viking Blvd, among other topics of concerns regarding Anderson Tree Farm. In particular, a neighbor alleged that the owners of Anderson Tree Farm dumped dirt illegal on the property and diverted water flow. A copy of this email is attached. A copy of the plat of survey for the neighboring subdivision is also attached.

On June 6, 2019, Brian Holdiman and I met with the owners of Anderson Tree Farm at the property to discuss the possibility of Anderson Tree Farm cutting a swale near the stormwater inlet to improve drainage. Within five (5) minutes of the discussion, the owners of Anderson Tree Farm were cutting the swale.

If you have any questions, please let me know.

Thanks,

MHA

ENCs: March 25, 2019 Email from Brian Holdiman
Plat of Evergreen Grove

Matt Asselmeier

From: Brian Holdiman
Sent: Monday, March 25, 2019 3:24 PM
To: Matt Asselmeier
Cc: Scott Koepfel; Matthew G. Prochaska
Subject: Anderson Tree Farm Inspection
Attachments: SPBZkonica19032515460.pdf

Good Afternoon –

On Wednesday March 20, 2019 I performed a site inspection and had a meeting with Karen Anderson at the Anderson Tree Farm at 508 Route 126 Plainfield.

Items discussed –

1. Seasonal Festival Letter dated August 28, 2013 approving a conditional use on the property. Mrs. Anderson indicated she tried this in 2013 and it was unsuccessful. They have not attempted a seasonal festival again. I did not see a season festival set up on site but should follow up in the fall to confirm.
2. Gun Range. Mrs. Anderson held a conceal carry class on site in May of 2018. They were notified that they could not hold classes there or allow any public shooting for compensation. She claims the last time anyone fired a gun on site was May 19, 2018. I did not see any gun range set up on site.
3. Landscape Business. Mrs. Anderson explained they sell trees on site and in conjunction with that permitted use they do deliver the trees and mulch to a site and provide the installation. She claims they only sell product grown on site. I did not witness any bulk product for sale.
4. Truck storage lot. I noticed a gravel parking area on site with several vehicles that appeared to be parked without being occupied. I speculated that they may be using the area as a truck stop or rest area with overnight parking. When I questioned Mrs. Anderson she said that that has happened on occasion but she would cease that operation completely as it is not part of their primary business.
5. Banquet Facility. When I met with Mrs. Anderson our meeting was held in a large post frame building that had a kitchen area. The building was permitted under the Ag Exemption a few years ago. Mrs. Anderson explained that they do hold one public charity event annually in the space along with a few family or friend type events throughout the year. They do have a food handling permit from the Kendall County Health Department.
6. Viking Blvd Storm Water Issue. On August 20, 2018 there was a water back up at the dead end of Viking Blvd where it enters the Anderson property. Mrs. Anderson indicated that they have not performed any work in that area other than top off an existing private road with some asphalt shavings. There is a picture attached of this flooding. I am not qualified to determine if this is a violation of the stormwater ordinance. Joe Clark who is the neighbor being impacted by the water is willing to attend a meeting to explain his observations. He has also been in contact with Na-Au-Say Township Highway Commissioner Ken Hostert who has also inspected the site and may be able to provide additional information.

In summary much of the information provided at the meeting is in contradiction to this website:

<https://www.visitandersonreefarm.com/>

I have attached a few photos and supporting information. In my opinion if PBZ wants to move forward citing the Anderson's with an ordinance violation we should request the States Attorney's Office provide direction of what evidence needs to be gathered.

Respectfully,

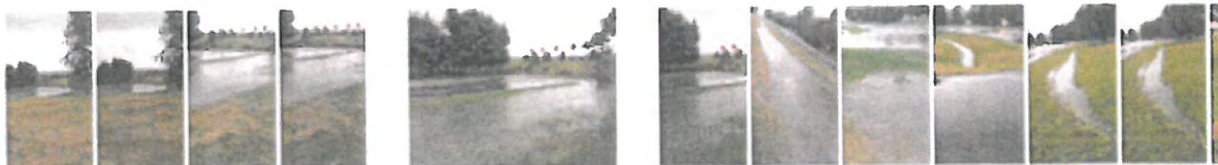
Brian Holdiman

Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179



August 20, 2018

6:37 PM





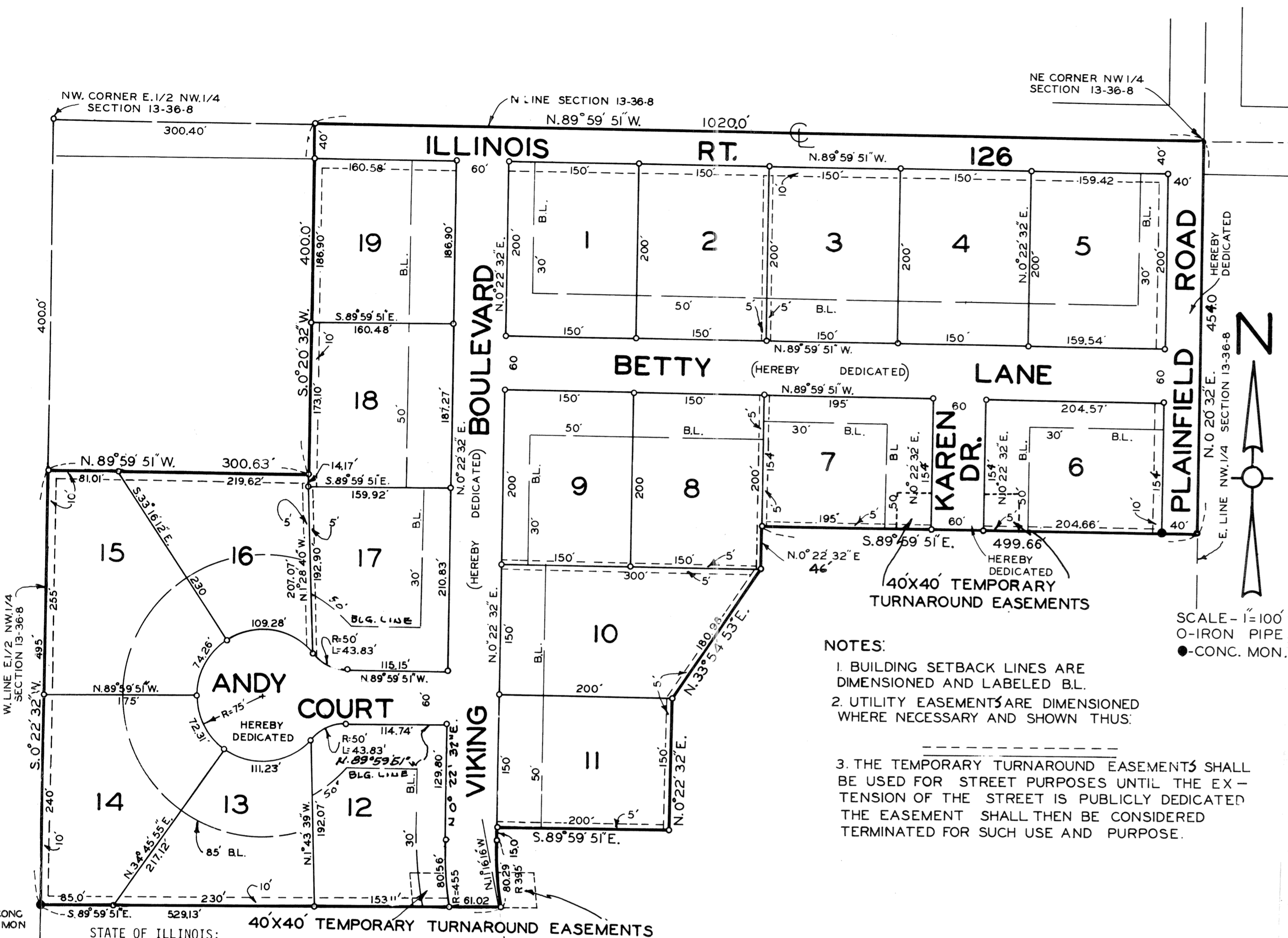
August 20, 2018
6:42 PM



UNIT 1, EVERGREEN GROVE

A SUBDIVISION OF PART OF THE E. 1/2 OF THE NW. 1/4 OF SECTION 13-36-8
 NA-AU-SAY TWP, KENDALL COUNTY, ILLINOIS

For restrictions
 see doc 72-4176



- NOTES:**
1. BUILDING SETBACK LINES ARE DIMENSIONED AND LABELED B.L.
 2. UTILITY EASEMENTS ARE DIMENSIONED WHERE NECESSARY AND SHOWN THUS.
 3. THE TEMPORARY TURNAROUND EASEMENTS SHALL BE USED FOR STREET PURPOSES UNTIL THE EXTENSION OF THE STREET IS PUBLICLY DEDICATED. THE EASEMENT SHALL THEN BE CONSIDERED TERMINATED FOR SUCH USE AND PURPOSE.

STATE OF ILLINOIS: SS
 COUNTY OF K A N E: SS

THIS IS TO CERTIFY THAT I, CHARLES L. SCHUFF, AN ILLINOIS REGISTERED LAND SURVEYOR, HAVE SURVEYED, SUBDIVIDED AND PLATTED THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 89°59'51" WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, 1020.0 FEET; THENCE SOUTH 0°20'32" WEST, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, 400.0 FEET; THENCE NORTH 89°59'51" WEST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, 39°59'51" EAST 529.13 FEET; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 395.0 FEET AND A TANGENT VARYING FROM NORTH 11°16'16" WEST TO NORTH 0°22'32" EAST, A DISTANCE OF 80.29 FEET; THENCE NORTH 0°22'32" EAST 15.0 FEET; THENCE SOUTH 89°59'51" EAST 200.0 FEET; THENCE NORTH 0°22'32" EAST 150.0 FEET; THENCE NORTH 33°54'53" EAST 180.98 FEET; THENCE NORTH 0°22'32" EAST 46.0 FEET; THENCE SOUTH 89°59'51" EAST 499.66 FEET TO THE EAST LINE OF SAID QUARTER SECTION; THENCE NORTH 0°20'32" EAST, ALONG SAID EAST LINE, 454.0 FEET TO THE POINT OF BEGINNING; CONTAINING 18.15 ACRES; IN NA-AU-SAY TOWNSHIP, KENDALL COUNTY, ILLINOIS, AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES AND IS NOT WITHIN ONE AND ONE-HALF MILES OF THE CORPORATE LIMITS OF ANY CITY, TOWN OR VILLAGE WHICH HAS ADOPTED AN OFFICIAL PLAN. I FURTHER CERTIFY THAT THE ABOVE DESCRIBED LAND IS NOT WITHIN 500 FEET OF ANY SURFACE DRAIN OR WATER COURSE SERVING A TRIBUTARY AREA OF 640 ACRES OR MORE. I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE BOARD OF SUPERVISORS RELATIVE TO PLATS AND SUBDIVISIONS HAVE BEEN COMPLIED WITHIN THE PREPARATION OF THIS PLAT. DATED AT SUGAR GROVE, ILLINOIS, THIS ELEVENTH DAY OF APRIL, 1972.

Charles L. Schuff
 ILLINOIS REGISTERED LAND SURVEYOR NO. 35-2023

STATE OF ILLINOIS: SS
 COUNTY OF K A N E: SS

THIS IS TO CERTIFY THAT WE, ERVIE M. ANDERSON AND BETTY LOU ANDERSON, HUSBAND AND WIFE, ARE THE OWNERS OF THE LAND DESCRIBED IN THE ABOVE SURVEYOR'S CERTIFICATE AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN BY THE ANNEXED PLAT FOR THE USES AND PURPOSES THEREIN SET FORTH, AS ALLOWED AND PROVIDED BY STATUTE, THE SUBDIVISION TO BE KNOWN AS "UNIT 1, EVERGREEN GROVE," AND WE HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID. DATED THIS 13th DAY OF April, 1972.

Ervie M. Anderson OWNER
Betty Lou Anderson OWNER

STATE OF ILLINOIS: SS
 COUNTY OF K A N E: SS

APPROVED THIS 13th DAY OF April, 1972 BY THE AURORA SAVINGS AND LOAN ASSOCIATION AS MORTGAGEE UNDER DOCUMENT NO. 71-907 AND DOCUMENT NO. 72-1665.

THE AURORA SAVINGS AND LOAN ASSOCIATION
 BY: *[Signature]*
 PRESIDENT

STATE OF ILLINOIS: SS
 COUNTY OF K A N E: SS

I, *Anne Pfeiffer*, A NOTARY PUBLIC IN AND FOR THE STATE AND COUNTY AFORESAID, DO HEREBY CERTIFY THAT ERVIE M. ANDERSON AND BETTY LOU ANDERSON, HUSBAND AND WIFE, WHO ARE PERSONALLY KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENT FOR THE USES AND PURPOSES THEREIN SET FORTH AS THEIR FREE AND VOLUNTARY ACT. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 13th DAY OF April, 1972.

Anne Pfeiffer NOTARY PUBLIC

STATE OF ILLINOIS: SS
 COUNTY OF KENDALL: SS

I, *David H. Sherk*, COUNTY SUPERINTENDENT OF HIGHWAYS OF SAID COUNTY, DO HEREBY CERTIFY THAT THE ANNEXED PLAT HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE HIGHWAY REQUIREMENTS AS SET FORTH IN THE REGULATIONS GOVERNING PLATS AND SUBDIVIDED LAND ADOPTED BY THE BOARD OF SUPERVISORS OF KENDALL COUNTY, ILLINOIS. DATED AT YORKVILLE, ILLINOIS, THIS 25 DAY OF April, 1972.

David H. Sherk
 KENDALL COUNTY HIGHWAY SUPERINTENDENT

STATE OF ILLINOIS: SS
 COUNTY OF KENDALL: SS

I, *Leon M. Bundy*, DO HEREBY CERTIFY THAT ALL MATTERS PERTAINING TO THE HIGHWAY REQUIREMENTS AS DESCRIBED IN THE REGULATIONS GOVERNING PLATS ADOPTED BY THE BOARD OF SUPERVISORS OF KENDALL COUNTY, INsofar AS THEY PERTAIN TO THE ANNEXED PLAT, HAVE BEEN COMPLIED WITH. DATED AT OSWEGO, ILLINOIS, THIS 25 DAY OF April, 1972.

Leon M. Bundy
 NA-AU-SAY TOWNSHIP HIGHWAY COMMISSIONER

STATE OF ILLINOIS: SS
 COUNTY OF KENDALL: SS

APPROVED BY THE PLAT AND ZONING COMMITTEE, THIS 8th DAY OF June, 1972.

Howard Stiegel
 CHAIRMAN

STATE OF ILLINOIS: SS
 COUNTY OF KENDALL: SS

APPROVED THIS 12 DAY OF June, 1972.

George O'Bell
 KENDALL COUNTY PLAT OFFICER

STATE OF ILLINOIS: SS
 COUNTY OF KENDALL: SS

THIS IS TO CERTIFY THAT I, *Jean P. Brady*, COUNTY CLERK FOR THE COUNTY AFORESAID, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITURE TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE REAL ESTATE DESCRIBED IN THE FOREGOING CERTIFICATES. DATED AT YORKVILLE, ILLINOIS, THIS 12 DAY OF June, 1972.

Jean P. Brady
 COUNTY CLERK OF KENDALL COUNTY

STATE OF ILLINOIS: SS
 COUNTY OF KENDALL: SS

THIS INSTRUMENT NO. 72-3204 WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KENDALL COUNTY AFORESAID ON THE 12th DAY OF July, 1972, AT 2:40 O'CLOCK P.M. IN BOOK 14 OF PLATS AT PAGE 38.

Jean P. Brady
 KENDALL COUNTY RECORDER

STATE OF ILLINOIS: SS
 COUNTY OF KENDALL: SS

APPROVED BY THE BOARD OF SUPERVISORS OF KENDALL COUNTY, ILLINOIS, THIS 12 DAY OF June, 1972.

An easement is hereby reserved for and granted to
Northern Illinois Gas Company

ATTEST: *Jean P. Brady* COUNTY CLERK BY: *James C. Mann* CHAIRMAN OF THE BOARD OF SUPERVISORS

EASEMENT PROVISIONS

Its successors and assigns, in all platted "easement" areas, streets, alleys, other public ways and places shown on this plat, said easement to be for the installation, maintenance, relocation, renewal and removal of gas mains and appurtenances.

Commonwealth Edison Company
 and
Illinois Bell Telephone Company, Grantees,
 their respective successors and assigns, jointly and severally, to install, operate, maintain and remove, from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and sounds and signals in, over, under, across, along and upon the surface of the property shown within the dotted lines on the plat and marked "Easement", and the property designated on the plat for streets and alleys, together with the right to install required service connections over or under the surface of each lot to serve improvements thereon, the right to overhang all lots with aerial service wires to serve adjacent lots, the right to cut, trim or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over grantees' facilities or in, upon or over the property within the dotted lines marked "Easement" without the prior written consent of grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

Slot 40B