

MINUTES
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

MINUTES:

Member Clementi made a motion, seconded by Member LeCuyer to approve the minutes of the April 1, 2019 meeting. With a voice vote of five (5) ayes, the motion was approved.

Member Clementi thanked Ruth Ann Sikes for a really nice job on the minutes. The minutes were just fantastic. All members agreed. Ms. Sikes thanked the Board and said that Mr. Asselmeier helped her with the minutes.

PETITIONS

The Zoning Board of Appeals started their review of Petition 18-24 at 7:02 p.m.

Continuation of Hearing on Petition - 18-24 - Dorothy Flisk on Behalf of Skyfall Equestrian, LLC

Request: Major Amendment to a Special Use Permit to Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)
PINs: 01-01-200-020 and 02-06-102-009
Location: 17 Ashe Road, Little Rock and Bristol Townships
Purpose: Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)

Mr. Asselmeier read a letter from Attorney Dan Kramer, dated April 26, 2019, requesting a continuation of the public hearing until June. Mr. Asselmeier stated that hearing would be July 1st.

Member Clementi made a motion, seconded by Member Thompson, to continue the public hearing on Petition 18-24 until July 1, 2019.

The votes were as follows:

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

Nays (0): None

Absent (2): Cherry and Whitfield

The motion passed.

The hearing will be continued until July 1, 2019.

The Zoning Board of Appeals completed their review of Petition 18-24 at 7:05 p.m.

The Zoning Board of Appeals started their review of Petition 19-11 at 7:05 p.m.

Petition 19-11 – Mark Caldwell on Behalf of Dickson Valley Ministries

Request: Major Amendment to a Special Use Permit Granted by Ordinance 2014-05 Permitting a Youth Camp and Retreat Center at Subject Property by Amending the Approved Site Plan
PINs: 04-17-100-002, 04-17-300-002, and 04-17-300-007
Location: 8250 Finnie Road, Fox Township
Purpose: Petitioner Desire to Amend the Approved Site Plan; Property is Zoned A-1

Mr. Asselmeier stated the following:

On the April 29, 2019, Kendall County Zoning Board of Appeals agenda, there is a petition requesting a major amendment to a special use permit for Dickson Valley Ministries at 8250 Finnie Road.

At their meeting on April 24, 2019, several members of the Kendall County Regional Planning Commission expressed concerns that the proposed site plan was too specific and the Petitioner might be locking themselves into a site plan that could require amendments in the future because of specificity. Commissioners also expressed concerns about a possible right-of-way dedication for Finnie Road. The Petitioner requested that the proposal be laid over until a revised site plan is prepared.

Because the Petitioner properly notified neighbors and correctly published notice in the newspaper, the Petitioner is requested that the hearing be started and then continued until a revised site plan is submitted. If the hearing is continued, the Petitioner would not need to republish notice or resend notice to neighbors.

Chairman Mohr opened the public hearing at 7:06 p.m.

Member Clementi made a motion, second by Member LeCuyer, to continue the public hearing until a revised site plan is submitted.

The votes were as follows:

Ayes (5): Mohr, Clementi, Fox, LeCuyer, and Thompson
Nays (0): None
Absent (2): Cherry and Whitfield

The motion passed.

The hearing will be continued until a revised site plan is submitted.

The Zoning Board of Appeals completed their review of Petition 19-11 at 7:07 p.m.

The Zoning Board of Appeals started their review of Petition 19-12 at 7:07 p.m.

Petition 19 – 12 – Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis

Request: Request for a Special Use Permit for a Banquet Center
PIN: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008
Location: 10978 Crimmin Road (Approximately 0.54 Miles South of the Intersection of Fox River Drive and Crimmin Road on the East Side of Crimmin Road), Fox Township
Purpose: Petitioners Wish to Operate a Banquet Center at the Subject Property. Property is Zoned A-1

Mr. Asselmeier stated that the Petitioners did not provide proper notice to neighbors so a public hearing cannot occur.

The Zoning Board of Appeals completed their review of Petition 19-12 at 7:07 p.m.

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.

NEW BUSINESS/OLD BUSINESS

Mr. Asselmeier noted that Petition 19-09 was withdrawn by the Planning Commission. The State's Attorney issued an opinion that railroad uses were exempt from local zoning regulations.

Mr. Asselmeier announced he had been elected Second Vice President of the Illinois Association of County Zoning Officials.

Mr. Asselmeier noted that the next hearing/meeting will be the Tuesday after Memorial Day.

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. April 26, 2019 Letter from Dan Kramer to Matthew Asselmeier Re: Legacy Farms Special Use Zoning Board of Appeals hearing April 29, 2019
2. Certificate of Publication and Mailings for Petition 19-11 (Not Included with Report but on file in

Planning, Building and Zoning Office).

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

LAW OFFICES
OF

Daniel J. Kramer

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

DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

April 26, 2019

Matt Asselmeier
Senior Planner
Kendall County Building & Zoning

Re: Legacy Farms Special Use Zoning Board of Appeals hearing April 29, 2019

Dear Matt:

Please be advised that I met with Patrick Kinnally, the Attorney for one of the Homeowners, John Bryant. He is meeting with the Homeowners Attorney, Chris Fowler this afternoon.

After a lengthily meeting today it appears there is at least a willingness between the parties to discuss resolution of the concerns of at least Mr. Bryant and possibly other homeowners, although we do not know as of yet.

Toward that end we agreed with Attorney Kinnally that we would table our hearing for Monday night April 29, 2019 and request that you continue us to the June, 2019 Agenda. We thought that best given with the holiday weekend in May it is very difficult to get people together.

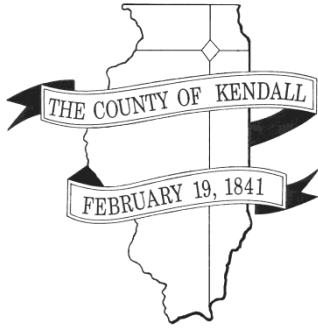
Let me know if you are agreeable to continuing the meeting and we will notify Attorney Fowler so he can let the HOA Association know.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK/rg



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 Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 25, 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 objection is 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.

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

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>Edna B. Jui</i>		
<i>CLIFF FOX</i>	<i>110 FLEMINGS 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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**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 K Caldwell		
Todd Milliron		
Ron Mund		
Chris Patuch		