

**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING**

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

April 29, 2019 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the April 1, 2019 Zoning Board of Appeals Hearing
(Pages 3-21)

PETITIONS:

1. **Continuation of Hearing 18 – 24 – Dorothy Flisk on Behalf of Skyfall Equestrian, LLC (Pages 22-80)**
Request: Major Amendment to a Special Use Permit to Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)
PINs: 01-01-200-020 and 02-06-102-009
Location: 17 Ashe Road, Little Rock and Bristol Townships
Purpose: Increase the Number of Horses Allowed Boarded at the Property from Twenty-Four (24) to Thirty-Six (36)

2. **19 – 11 – Mark Caldwell on Behalf of Dickson Valley Ministries (Page 82)**
Requests: 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

3. **19 – 12 – Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis (Page 83)**
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.

4. **19 – 13 – Kendall County Regional Planning Commission (Pages 84-108)**
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/ OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on May 28, 2019

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

**MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
April 1, 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); Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson, and Dick Whitfield

Members Absent: Cliff Fox

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

Public: Margaret Sheehan, Mark Perle, Jim Williams, Linda Wilkinson, Greg Peterson, Boyd Ingemunson, Martin Cann, James Manning, Mike Hawkins, Wendy Martorano, Priscilla Gruber, Ed Gruber, Todd Milliron, Judy Bush, and Virginia Lake

MINUTES:

Member Clementi made a motion, seconded by Member LeCuyer, to approve the minutes of the January 28, 2019 meeting. With a voice vote of six (6) ayes, the motion was approved.

PUBLIC COMMENT

Chairman Mohr allowed a group to give a one (1) minute summary of the odor issues with the compost site north of Yorkville, Midwest Materials.

Wendy Martorano, Vice President of the Homeowners Association, of Bristol Bay, explained that the smell was causing a decline in property values. The smell is pervasive and started to get bad in 2018.

PETITIONS

Chairman Mohr swore in all of the members of the public that wished to speak on the petitions.

The Zoning Board of Appeals started their review of Petition 19-08 at 7:05 p.m.

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)

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural to R-1 One-Family Residential

PINs: 02-11-300-007

Location: The Northeast Side of T-Intersection Created by Galena Road and Kennedy Road in Bristol Township

Purpose: Proposal Rezones the Property to R-1 to Allow the Prospective Buyer to Construct One House on the Property

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.

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

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

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 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.

The proposed Findings of Fact are as follows:

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

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

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

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

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

Staff recommends approval of the proposed map amendment.

Chairman Mohr started the Public Hearing on Petition 19-08 at 7:12 p.m.

Boyd Ingemunson, Attorney for the Petitioner, stated that the Zimmerman's are contract purchases of the property. The sale is contingent on the zoning of the property.

Chairman Mohr closed the Public Hearing on Petition 19-08 at 7:13 p.m.

Member Clementi made a motion, seconded by Member LeCuyer, to approve the Findings of Fact and the Map Amendment as proposed by Staff.

The votes were as follows:

Ayes (6): Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield

Nays (0): None

Absent (1): Fox

The motion passed. This proposal will go to the Planning, Building and Zoning Committee on May 13, 2019.

The Zoning Board of Appeals completed their review of Petition 19-08 at 7:15 p.m.

The Zoning Board of Appeals started their review of Petition 17-28 at 7:16 p.m.

Rehearing on Amended Petition 17-28 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendment to Sections 7.01.D.32 (Special Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not including Private Shooting in Your Own Yard)

Purpose: Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges

Mr. Asselmeier summarized the request.

Amendment to 7.01.D.32 (Special Uses in A-1)

Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice (such exclusion extends to shooting ranges not located on property owned by the Kendall County Forest Preserve District as long its compliant with 70 ILCS 805/5 or the State of Illinois used for State parks), athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses. **(This is a special use only in A-1; Proposal adds exemption to Forest Preserves and State Parks).**

Amendment to 7.01.D.33 (Special Uses in A-1) and 10.03.B.4 (Special Uses in M-3)

Outdoor Target Practice or Shooting Ranges (not including private shooting on your own yard and shooting ranges located on property owned by the Kendall County Forest Preserve District as long its compliant with 70 ILCS 805/5 or the State of Illinois used for State parks) with the following conditions **(The term "Range" is added after "Shooting");**

exemption to Forest Preserves and State Parks is added):

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. A copy of the NRA Range Source Book shall be available for public access in the Kendall County Planning, Building and Zoning Department
 1. The above-referenced plans shall contain information as suggested by the National Rifle Association.
 2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
 3. The safety plan shall describe the duties and qualifications of the range supervisors.
 4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirements of the National Rifle Association's standards, the standards of the National Shooting Sports Foundations standards, or the United States Environmental Protection Agency's best management practices standards.
 5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
 6. Any changes to the above-required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department. **(All of this section is new with the exception of requiring a lead management plan and approval of a water and drainage plan by the Department).**
- b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100'). **(All of this section is new with the exception of the general requirement that range layout conforms to NRA standards).**
- c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
 1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.

2. For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided. **(Current regulations only require berming based on surrounding land use and type(s) of firearms to be used; berming must also meet the standards in NRA Source Book).**

- d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20’) high and six feet (6’) thick at the top for ranges three hundred feet (300’) in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30’) feet of firing line distance over twenty feet (20’), the berm height shall increase by ten feet (10’) in height as an example Berms shall be located as follows:
 1. Shotgun ranges – No berming required.
 2. Ranges for handguns and rifles
 - a. Target placement not to exceed twenty feet (20’) from the backstop.
 - b. Lateral not closer than thirty feet (30’) from the firing line.
 3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
 4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm.
 5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
 - a. Shotgun ranges – one thousand five hundred feet (1500’), provided that shot size is limited to #4 or smaller.
 - b. Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand feet (7,000’).
 - c. Ranges for rifles more powerful than a .22 long rifle – thirteen thousand five hundred feet (13,500’).
 - d. The downrange safety area requirement for handgun and rifle ranges shall be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association’s Source Book or appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm. **(All of this section is new; see comments from letter c above).**

- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease. **(All of this section is new)**

- f. The firing line must be at least one thousand feet (1,000’) from existing residential dwellings and property lines of schools, daycares, places of worship, and airstrips. **(Clarifies the measuring point as the firing line; clarifies dwelling as “residential”).**

- g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required. **(This section is the same as the existing regulation; slight alteration in verbiage).**

- h. At least one (1) designated range safety officer must be present at all times. A “range safety officer” means a person who is certified under the National Rifle Association’s Range Safety Officer Program or other equivalent state or nationally-recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules. **(Defines the number of range safety officers; specifies the type of certification program; defines the duties of the range safety officer).**
- i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place. The flagpole shall be at least eighteen feet (18’) high and the flag shall be bright red forty inches (40”) long and twenty inches (20”) inches wide at the pole and six inches (6”) wide at the free end. Signs shall be at least ten inches by twelve inches (10”X12”) and placed at entrance to any areas where firing is taking place. **(Allows cones to be used when firing is taking place; defines height and dimensions of flagpole and flag; defines dimensions of signs).**
- j. Everyone on the firing line is required to wear hearing protection and safety glasses. **(Unlike g above and the current regulations; this section specifies that hearing protection and safety glasses must be worn on the firing line).**
- k. The range shall provide public bathroom facilities. **(This section is new).**
- l. The range shall require a minimum parcel size of twenty (20) acres. **(Raised from 5 acres).**
- m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. **(This section is the same as existing regulations)**
- n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100’) intervals warning members of the public of the danger. Berming may substitute for fencing. **(The existing regulations require access via a lockable gate; language regarding signage and berming substitution are new).**
- o. Must meet the existing setbacks of the zoning district. **(This section is implied in the existing regulations).**
- p. No alcohol, marijuana, or other illicit drugs allowed. **(The prohibition of marijuana and other illicit drugs was added).**
- q. No projectiles shall leave the boundaries of the site. **(This section is the same as the existing regulations).**
- r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the

insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1st of each year. **(This section is new).**

- s. All applicable Federal, State and County rules and regulations shall be adhered to. **(This section is the same as the existing regulations and merges the requirements that the gun range follows Health Department Regulations, signage regulations, lighting regulations, and not allowing discharge of lead shot into wetlands).**
- t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings). **(This section is the same as existing regulations).**
- u. Notwithstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:
 - 1. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential use which exceeds sixty (60) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.
 - 2. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential use which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.
 - 3. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. **(This section is new).**
- v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (**insert date**) shall be exempt from this subsection of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits. **(This section is new).**
- w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance (**insert date**) must comply with the above regulations or secure applicable variance(s). **(This section is new).**
- x. The Zoning Board of Appeals may grant variances to this ordinance where doing so, would not impact the health, safety, or welfare of the residents of Kendall County. In

addition, when denying a variance request, the Zoning Board of Appeals shall show why the granting of the variance would harm the health, safety, or welfare of the residents of Kendall County. **(This section is implied in the Zoning Ordinance).**

Any completed application submitted prior to date of adoption of this ordinance shall follow the application procedures, requirements, and restrictions in effect on the date that the completed application was submitted. **(This section is new).**

Member Clementi asked what happens if the Board votes no. Mr. Asselmeier stated the Board would issue a recommendation, the townships have thirty (30) days to file an objection, and, if no formal objections are filed, the proposal will go to the County Board where it needs a simple majority to pass. The current regulations on the books would remain in place if this proposal is defeated. The proposal only applies to new special use permits applied for after this proposal is adopted.

Member Clementi asked if this version had been reviewed by the State's Attorney Office. Mr. Asselmeier replied this proposal has not been reviewed by the State's Attorney's Office.

Chairman Mohr wanted to know if the National Rifle Association is the only source for information. Mr. Asselmeier stated the National Rifle Association was the only entity with the most detailed information on range design. The Department of Energy has guidelines for federal institutions. The County and Forest Preserve would be exempt if a gun range was placed on property used for forest preserves. The Zoning Ordinance would need amendment if the National Rifle Association releases an updated Source Book.

Member Thompson asked how the range length numbers were determined. Mr. Asselmeier stated that the numbers came from McHenry County's regulations. Member Thompson felt that the numbers seemed large.

Chairman Mohr asked about operating hours. Mr. Asselmeier stated that the proposal is the same as the current regulations. Chairman Mohr expressed concerns about allowing night shooting. Lighting would be determined in the special use permit.

Chairman Mohr started the public hearing on Petition 17-28 at 7:36 p.m.

Benjamin Schroeder commented that he has two (2) gun ranges by his home and hears the noise from them and at times it sounds like a war. He questioned the need for inclusion of the exemption for the Forest Preserve District because state law supersedes County regulations. He would like a statement added stating the purpose of the regulations. He questioned the required downrange safety area; he felt this area was lengthy. He suggested that the range safety officer be present only when the range is open. He suggested bilingual signs. He questioned the type of public restrooms; whether or not restrooms facilities should be permanent. He asked if marijuana would be allowed if State law legalized marijuana. He believed that ranges should not open all of the time; some quiet and dark time should exist. He questioned the exemption to existing ranges; he felt that the existing ranges should comply with the regulations within a specific period of time. He felt that neighbors should be notified of night shooting. He discussed a warehouse where he worked that had a bullet hole in the roof.

Margaret Sheehan expressed her concerns about the noise around schools, hospitals, and similar uses. She expressed a special concern about around schools because the noise may scare the children because of the recent shootings at schools.

Mark Perle stated he was happy with the major changes that had been made since last July. He noted that gun ranges can do baffling to reduce distances. He also suggested publishing the National Rifle Association rules on the County website and in public libraries so that the public can have access to them without having to come into the office to read them. He expressed concerns about the requirement that Zoning Board of Appeals had to explain the reasons for denying a variance. Mr. Asselmeier explained the reasons why the Zoning Board of Appeals approve findings of fact before issuing a decision or recommendation. The State's Attorney Office has not reviewed the proposal.

Greg Peterson expressed his concerns about the distance of the firing line from buildings. He would like to see the measurement come from the property line instead of the building. He believes the one thousand foot (1,000') distance was inadequate. He suggested five thousand feet (5,000'). He explained the history of a shooting range operating next to his house. The noise negatively impacted their use of the property. Berms do not block noise. He would like to see greater enforcement of the regulations. He would like to see language regarding access for first responders and maintenance of roads.

James Manning asked that agricultural and residential zoning districts be excluded from special use for gun ranges. He argued that gun ranges should be special uses in industrial areas only. He requested that the record from the Delaney hearing be included in the record. Member Clementi noted that the Board is reviewing the proposal at hand. If this proposal is defeated, the existing regulations remain on the books. Mr. Asselmeier explained which entities can ask for text amendments to the Zoning Ordinance.

Linda Wilkinson stated that the proposal has vastly improved from previous version. She asked that the gun ranges be made safe. She requested that the Ordinance be worded carefully to avoid ambiguity. She believed that Department of Energy's regulations are applicable. She would like measurements to be based on property lines. She recommended that fencing should not substitute for fencing. She also expressed opposition to the portion of proposal requiring the Zoning Board of Appeals to explain their reasons for denial of a variance request.

Priscilla Gruber expressed that the proposal has improved from last year. She requested that the buffer zone increase to three thousand feet (3,000'). She expressed concerns about noise. She felt that the firing line distance should be measured from property lines instead of from residential structures. She felt baffling should be required. She believed that fencing should be placed around berms. She does not like the burden to be placed on the County to defend its decisions on variances and that section should be removed.

Joe Phillips requested clarification about the downrange safety area. Mr. Asselmeier explained downrange safety area was the area away from the launching area towards the target site. Mr. Phillips expressed concerns about the area that the bullet could go after it was discharged from the gun. He felt that the downrange safety should be a greater area because of tactical shooting and accidental discharges.

Martin Cann discussed the LaSalle Factors and requested that the section regarding explaining the reasons for denying a variance be removed from the proposal.

Nate Howell, owner of Howell Shooting Range, did some research on the range length and some of the requirements seem too large for his range. He believed that the berm height requirement was unrealistic. He asked that the distances be looked into and changes made if need be. He was agreeable to the one thousand foot (1,000') distance requirement. He expressed concerns about requiring the range safety officer to be certified. Chairman Mohr suggested that the current range safety officer could get certified, if necessary.

Ed Gruber asked that Forest Preserve language should be deleted from the noise section. He also expressed concerns about noise from neighbors shooting on nearby property.

Todd Milliron stated that he believed that the distance from schools should be increased. He believed that ranges should have adequate access for public safety vehicles. He also believed that the Department of Energy regulations should be referenced. He argued that berms should be fenced. He expressed concerns about setting up downrange safety areas with tactical shooting. He believes that a bond should be attached to cover lead remediation.

Chairman Mohr closed the public hearing on Petition 17-28 at 8:42 p.m.

Member Whitfield made a motion, seconded by Member Clementi, to recommend approval of the text amendment with the following changes:

1. Bonds for site remediation should be required; specific amounts set by the County Board.
2. In Section b, the National Rifle Association Standards should be the 2012 standards.
3. In Section c, greater clarification of shooting angles in relation to downrange safety areas should be clarified.
4. In Section d.5.d, the downrange safety area requirement should be modified and not waived if baffling and berming is provided.
5. In Section f, the firing line should be one thousand five hundred feet (1,500') instead of one thousand feet (1,000') from residential dwellings and property lines of schools, daycares, places of worship and airstrips.
6. In Section h, the range safety officer should be present during operational hours instead of at all times.
7. Any required signs should be bilingual.
8. The hours of operation should be set by the County Board. However, gun ranges should not operational after thirty (30) minutes from sunset.
9. In Section n, the requirement that berming could be substituted for fencing was deleted.
10. Typos in Sections v and x should be corrected.
11. The consensus was that Section x was not needed.

The votes were as follows:

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

The motion passed. The proposal will go to the Planning, Building and Zoning Committee on April 8, 2019.

The Zoning Board of Appeals completed their review of Petition 17-28 at 9:10 p.m.

The Zoning Board of Appeals started their review of Petition 19-01 at 9:11 p.m.

Petition 19-01 – Kendall County Planning, Building, and Zoning Committee

Request: Revocation of a Special Use Permit for a Day Nursery School Granted by Ordinance 1972-15

PINs: 02-16-228-012, 02-16-276-020, and 02-16-276-022

Location: 43 West Street, Bristol Township

Purpose: Petitioners Would Like to Revoke the Subject Special Use Permit; Property is Zoned R-3

Mr. Asselmeier summarized the request.

On July 11, 1972, the Kendall County Board granted a special use permit for a Day Nursery School at 43 West Street in Bristol. Restriction 4 of the special use permit stated that the special use permit shall be subject to review every two (2) years.

Since 1972, the subject property was divided into three (3) parcels. The parcel addressed as 43 West Street has a parcel identification number of 02-16-228-012. This property is owned by Jude and Carrie Vickery; the Vickery's submitted an email stating their support for the revocation of the special use permit.

The southwestern parcel, identified by parcel identification number 02-16-276-020 is owned by Bard, William, and Kay Phillips. This parcel was created in 2005. The Phillips family owns the land northwest of the subject property.

The southeastern parcel, identified by parcel identification number 02-16-276-022, is owned by Karen Klatt and her late husband Tom. This parcel was created in 2010 and the Klatts owned the property northeast of the subject property.

An aerial of the property was provided.

Based on the County's databases, no structures exist on the parcel owned by the Phillipses or the Klatts and no demolition permits were issued by Kendall County in the last two years.

The Planning, Building and Zoning Department sent letters to each property owner on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed certified letters to each property owner. The green cards are on file in the Planning, Building and Zoning Department office. Neither the Klatts nor the Phillips responded to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on these properties. The property owners were invited to this meeting, but none of them attended.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the revocation of special use permits. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the information stated in Jude Vickery's email of December 10, 2018, the fact that no structures exist on the two parcels created from the original parcel, and the fact that no demolition permits were issued on the subject properties in the last two (2) years, the special use has been discontinued for a continuous period of two (2) years.

Staff recommends approval of the proposed special use permit revocation.

Chairman Mohr started the public hearing on Petition 19-01 at 9:14 p.m.

No members of the public testified on this request.

Chairman Mohr closed the public hearing on Petition 19-01 at 9:14 p.m.

Member LeCuyer made a motion, seconded by Member Thompson, to approve the Findings of Fact and recommend approval of the revocation.

The votes were as follows:

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

The motion passed. This proposal will go the Planning, Building and Zoning Committee on April 23, 2019.

The Zoning Board of Appeals completed their review of Petition 19-01 at 9:15 p.m.

The Zoning Board of Appeals started their review of Petition 19-03 at 9:16 p.m.

Petition 19-03 – Kendall County Planning, Building and Zoning Committee

Request: Revocation of a Special Use Permit for a Truck Driver Training School Granted by Ordinance 1996-15 and Amended by Ordinance 1999-35

PINs: 04-22-300-006

Location: 14525 Route 71, Yorkville, Fox Township

Purpose: Petitioners Would Like to Revoke the Subject Special Use Permit; Property is Zoned A-1

Mr. Asselmeier summarized the request.

On October 15, 1996, the Kendall County Board granted a special use permit for a truck driver training school at 14525 Route 71, Yorkville. Restriction 12 of the special use permit stated that the special use

permit shall be subject to review every two (2) years. On November 16, 1999, the Kendall County Board granted an amendment to the special use permit to add a classroom and office building and a sign to the approved site plan.

The current property owners, Kerry and Susan Fierke, purchased the property in 2006. No advertisements or signage exists noting that the property has a truck driver training school. In addition, based on the aerial, the classroom and office building was not constructed. No building or demolition permits are on file in the Planning, Building and Zoning Department.

An aerial of the property was provided.

The Planning, Building and Zoning Department sent a letter to the property owners on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed a certified letter to the property owners. The green card is on file in the Planning, Building and Zoning Department office. No response was provided to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on this property. The property owners were invited to this meeting, but did not attend.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the revocation of special use permits. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. **Based on the lack of advertisement and the fact that the additional structure requested in 1999 was not built, the special use has been discontinued for a continuous period of two (2) years.***

Staff recommends approval of the proposed special use permit revocation.

Chairman Mohr started the public hearing on Petition 19-03 at 9:17 p.m.

No members of the public testified on this request.

Chairman Mohr closed the public hearing on Petition 19-03 at 9:17 p.m.

Member Whitfield made a motion, seconded by Member Cherry, to approve the Findings of Fact and recommend approval of the revocation.

The votes were as follows:

Ayes (6): Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield
Nays (0): None

Absent (1): Fox

The motion passed. This proposal will go the Planning, Building and Zoning Committee on April 23, 2019.

The Zoning Board of Appeals completed their review of Petition 19-03 at 9:18 p.m.

The Zoning Board of Appeals started their review of Petition 19-07 at 9:19 p.m.

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

Request: Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining To the Parking and Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes

Purpose: Proposal Allows for the Parking of Unoccupied Recreational Vehicles, Trailers and Mobile Homes in the Front and Corner Yard Setbacks in the R-4, R5, R6, and R7 Zoning Districts Provided that No Sidewalk, Trail, or Visibility of Motorists is Blocked; Removes The Requirement that Certain Recreational Vehicles be Registered, Removes the Seventy-Two (72) Hour Parking Provision

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.

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

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

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

Chairman Mohr started the public hearing on Petition 19-07 at 9:20 p.m.

Judy Bush voiced concerns about vehicles being parked in front of houses. She questioned enforcement procedures. She provided information on the Village of Oswego's regulations on this topic.

Virginia Lake stated that she works very hard on keeping her home clean and believes all of these vehicles being out in front makes Boulder Hills look bad. She requested that the proposal be denied.

Jim Williams stated he has been a resident of Boulder Hill for fifty (50) years and has seen no resolution to zoning issues in the neighborhood. He expressed concerns that people work the system and get away with breaking the rules.

Mr. Asselmeier stated that the Planning, Building and Zoning Department does not have the authority to write tickets or assess fines right now, but they are working on getting that authority.

Chairman Mohr closed the public hearing on Petition 19-07 at 9:44 p.m.

Member LeCuyer made a motion, seconded by Member Clementi, to recommend approval of the text amendment.

The votes were as follows:

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

The motion failed. 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 the Ordinance is difficult to enforce, does not mean that the Ordinance should be repealed.

This proposal will be sent to the townships for their review and will go to the Planning, Building and Zoning Committee on May 13, 2019.

The Zoning Board of Appeals completed their review of Petition 19-07 at 9:52 p.m.

The Zoning Board of Appeals started their review of Petition 19-09 at 9:53 p.m.

Petition 19-09 – Kendall County Regional Planning Commission

Request: Text Amendment to Section 7.01.C of Kendall County Zoning Ordinance by Adding Kendall County Sheriff's Office Shooting Ranges to the List of Permitted Uses in the A-1 Agricultural District in Oswego Township (Ordinance to Expire December 31, 2024), Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition.

Purpose: Proposal Makes Kendall County Sheriff's Office Shooting Ranges a Permitted Use on A-1 Zoned Property in Oswego Township; Ordinance Expires December 31, 2024

Mr. Asselmeier summarized the request.

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

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

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

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

ZPAC reviewed this proposal on March 5, 2019 and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. Na-Au-Say Township Supervisor Brad Blocker expressed his concerns that gun ranges are not an agricultural use and should be a special use. Commissioners provided a history of the proposal and the reasons why the proposal was drafted in its current format. The Kendall County Regional Planning Commission unanimously recommended approval. The minutes of the Kendall County Regional Planning Commission are attached.

Chairman Mohr started the public hearing on Petition 19-09 at 9:54 p.m.

Todd Milliron questioned if the zoning was in place for the Sheriff's range in Lisbon Township. Mr. Asselmeier stated that the Sheriff's Office has the zoning place in Lisbon Township. The proposal would make Sheriff's Office ranges permitted uses in Oswego Township until the end of 2024 and Sheriff's Office ranges would be special uses in the other townships. Mr. Milliron stated that the Sheriff's Office never got a permit to have a gun range in Oswego Township. He argued that the Sheriff's Office should go through the same public review process as other special use permits.

Mr. Asselmeier noted that the Petitioner was the Kendall County Regional Planning Commission and not the Kendall County Sheriff's Department.

Chairman Mohr closed the public hearing on Petition 19-09 at 10:08 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to recommend approval of the text amendment.

The votes were as follows:

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

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 May 13, 2019.

The Zoning Board of Appeals completed their review of Petition 19-09 at 10:10 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

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

Mr. Asselmeier also reported that three (3) petitions would be on the agenda for the April 29th meeting.

PUBLIC COMMENT

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

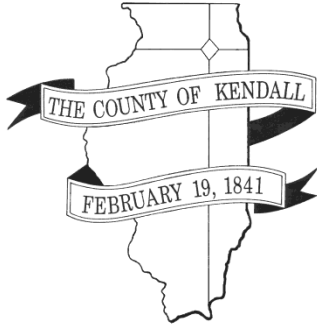
Member Clementi made a motion, seconded by Member Cherry, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 10:15 p.m.

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

Exhibits

1. Staff Report on Petition 19-08 Dated March 28, 2019.
2. Certificate of Publication and Mailings for Petition 19-08 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. Staff Report on Petition 17-28 Dated February 15, 2019.
4. Record of Decision for Previous Hearing on Petition 17-28 Dated August 27, 2018
5. Certificate of Publication for Petition 17-28 (Not Included with Report but on file in Planning, Building and Zoning Office).
6. Staff Report on Petition 19-01 Dated February 4, 2019.
7. Certificate of Publication and Mailings for Petition 19-01 (Not Included with Report but on file in Planning, Building and Zoning Office).
8. Staff Report on Petition 19-03 Dated February 4, 2019.
9. Certificate of Publication and Mailings for Petition 19-03 (Not Included with Report but on file in Planning, Building and Zoning Office).
10. Staff Report on Petition 19-07 Dated March 28, 2019.

11. Certificate of Publication and Mailings for Petition 19-07 (Not Included with Report but on file in Planning, Building and Zoning Office).
12. Village of Oswego RV Parking Regulations.
13. Staff Report on Petition 19-09 Dated March 28, 2019.
14. Certificate of Publication and Mailings for Petition 19-09 (Not Included with Report but on file in Planning, Building and Zoning Office).



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

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Petition 18-24

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

INTRODUCTION

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

When the Petitioner originally applied for a major amendment to their special use permit, they did not provide information regarding a new building or a revised manure management plan reflecting the addition of twelve (12) horses.

At their August 27, 2018 meeting, the Zoning Board of Appeals initiated a public hearing, but the public hearing was continued until all of the request material was submitted to the County.

SITE INFORMATION

PETITIONER: Skyfall Equestrian, LLC

ADDRESS: 17 Ashe Road

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



TOWNSHIPS: Little Rock and Bristol

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

LOT SIZE: 8.5 +/- Acres

EXISTING LAND USE: Existing Horse Barn and Horse Paddock Area

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

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

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

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

SURROUNDING LAND USE

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

PHYSICAL DATA

ENDANGERED SPECIES REPORT

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

NATURAL RESOURCES INVENTORY

The Petitioner applied for an NRI in February 2019; see Attachment 13. The LESA Score was 167 indicating a low level of protection. The report is included as Attachment 20.

ACTION SUMMARY

LITTLE ROCK TOWNSHIP

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

sent February 21, 2019.

BRISTOL TOWNSHIP

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

CITY OF PLANO

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

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

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

LITTLE ROCK-FOX FIRE PROTECTION DISTRICT

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

ZPAC

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

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

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. Chairman Ashton asked if the manure plan met the State requirements. Mr. Kramer stated there really are no requirements on manure, but they believe they do meet the expectations. Member Schroeder expressed concerns about the removal of the urine waste and proximity to the creek. He was concerned that, with the increase in horses, an increase in the amount of waste will occur. Mr. Kramer said the Health Department had no concerns about the waste. Dan Huddleston, President of the HOA, spoke about the concerns of the members/neighbors. They were concerned about increased traffic, light pollution, noise, and manure. They were also concerned about the decreased value in their homes due to the fact of having a business in their backyard. Mark Bassong, Vice President of the HOA, agreed with everything Mr. Huddleston said. Member Rodriguez asked if there was any talk about putting in a separate road to her barn. Mr. Huddleston said there is no way to install a new road. Three (3) members of the public that board horses at the facility spoke in favor of the request. Dorothy Flisk, owner of the property, answered questions about the disposal of urine and manure. She discussed the value and types of horses boarded at the property. Discussion occurred regarding her business operations, the number of vehicles using the road, and the number of employees at the business. Member Nelson asked if they had thought about putting in Arborvites. Inadequate space exists for planting Arborvites near the paddock area. The Kendall County Regional Planning Commission voted to recommend approval of the request with six (6) members in favor and two (2) members opposed. Member Schroeder voted no because of the neighbors' concerns. The minutes of the meeting are included as Attachment 21.

ZBA

The Kendall County Zoning Board of Appeals started a public hearing on this request on August 27, 2018. The proposal was laid over at that time due to incomplete information. The record for that portion of the hearing is included as Attachment 22.

GENERAL INFORMATION

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

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

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

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

RELATION TO EXISTING SPECIAL USE PERMIT

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

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

- 1. A maximum of twenty-four (24) horses are allowed to be housed in the stable. (Emphasis Added)**
2. Manure storage and disposal is to be according to a proposed manure storage and disposal plan approved by the Kendall County Department of Environmental Health.
3. The facility shall be exclusively used by the owners, trainers, boarders and their guests. In keeping with the private and quiet nature intended for the residential community, activities at the facility should never be so large or noisy or late that it would be disruptive to residents of the Subdivision. If the facility hosts an outdoor event exceeding fifty (50) guests, the owner, shall provide each of the property owners and Homeowners Association with at least thirty (30) days notice of the event. The Owner shall host no more than two (2) such outdoor events a year. The Owner has no intention of hosting any activity with the general public that would intentionally invite so much traffic that parking would spill off the stable property on to the private residential streets. Events at the stable will be consistent with the image of a small private equestrian club.
4. As a private equestrian facility, no school horses will be available for rent to the general public. Training is available to the owners, trainers, boarders and their guests, only.
5. A maximum of two (2) adults and their immediate family can live in each of the two stable manager housing units inside the stable.
6. Private Road Maintenance: The Owner will solely maintain that portion of the road that is on Lot 17, with that portion being shown on the Final Plat for Equestrian Estates at Legacy Farms Subdivision. The Homeowners Association or property owners will maintain the remaining roads within the Subdivision. The Owner will pay 29% of the cost of maintaining that portion of the roads running from Ashe Road to the turnabout, the turnabout road, and from the turnabout to that portion of the road that intersects with Lot 17. The Owner will notify all boarders that the residential roads are for private use only. With all things being equal with other service providers, including price and quality of service, the Homeowners Association and/or residents agrees to allow the Owner to provide landscaping and road maintenance services.

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

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

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

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

BUILDING CODES

Any new buildings would have to meet applicable building codes.

ACCESS

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

ODORS AND MANURE PLAN

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

LIGHTING

No new lighting is planned.

SCREENING

No additional fencing or buffering is planned.

STORMWATER

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

UTILITIES

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

FINDINGS OF FACT

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that the manure management plan is implemented as proposed, the amendment to the special use will not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **Provided that the manure management plan is implemented as proposed and that the property owner follows the remaining restrictions in Ordinance 2012-22, the amendment will not be substantially injurious to the use and enjoyment of other property in the area nor will the amendment impair property values.***

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

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **The proposed special use permit and site plan conform to all other applicable regulations of the RPD-1 Zoning District.***

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

RECOMMENDATION

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

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."

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

ATTACHMENTS

1. Application Materials
2. Aerial
3. Ordinance 2012-22
4. Ordinance 2006-29
5. Ordinance 2006-05
6. 7.30.18 Little Rock-Fox Fire Protection District Email
7. 7.30.18 City of Plano Email
8. Stable East Wing
9. Stable West Wing
10. Accessory Buildings
11. Manure Area
12. Site Plan
13. NRI Application
14. 2005 EcoCat
15. 2.25.19 City of Plano Email
16. 10.11.18 Letter from Christopher Fowler
17. 3.5.19 ZPAC Minutes
18. Manure Management Plan
19. 3.11.19 Letter from Kendall County Health Department Regarding Manure Management Plan
20. NRI Report
21. March 27, 2019 Kendall County Regional Planning Commission Minutes
22. August 27, 2018 Zoning Board of Appeals Record

LAW OFFICES
OF

Daniel J. Kramer

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

DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

June 27, 2018


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

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Matt:

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

Very truly yours,


Daniel J. Kramer
Attorney at Law

DJK/cth

Enclosures

LAW OFFICES
OF

Daniel J. Kramer

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

DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

June 27, 2018

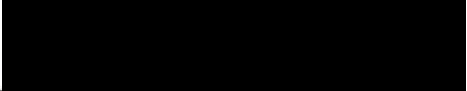
Matt Asselmeier
Senior Planner
Kendall County Building & Zoning
Via Email: Masselmeier@co.kendall.il.us

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Matt:

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

Very truly yours,

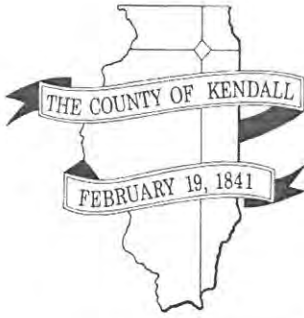

Daniel J. Kramer
Attorney at Law

DJK/cth
Enclosures

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

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

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



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

APPLICATION

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

NAME OF APPLICANT Skyfall Equestrian LLC		
CURRENT LANDOWNER/NAME(s) Skyfall Equestrian LLC		
SITE INFORMATION		
ACRES 8.5 acre	SITE ADDRESS OR LOCATION 17 Ashe Road, Sugar Grove, IL	ASSESSOR'S ID NUMBER (PIN) 02-06-102-009 & 01-01-200-020
EXISTING LAND USE Equestrian Facility	CURRENT ZONING RPD-2	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input checked="" type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT Attorney Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS 1107A S. Bridge Street, Yorkville, IL 60560	PRIMARY CONTACT EMAIL Dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE # 630-553-9500	PRIMARY CONTACT FAX # 630-553-5764	PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT 		DATE <u>June 26, 2018</u>

FEE PAID: \$ _____
 CHECK #: _____

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

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

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



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

201600017514

DEBBIE
GILLETTE
KENDALL COUNTY, IL

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

Return recorded document to.

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

WARRANTY DEED

THE GRANTOR,

SUCCESS IN THE SUBURBS, INC , an Illinois Corporation

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

SKYFALL EQUESTRIAN, LLC, an Illinois Limited Liability company,

GRANTEE.

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

See Exhibit A, attached

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

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

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

CONVEYED this 17 day of August, 2016

Chicago Title

1 of 3

3

16 SA 9415043 AM
04


SUCCESS IN THE SUBURBS, INC
an Illinois Corporation,

By [Redacted]
Denise E Burks, President

By [Redacted]
Russell D Burks, Secretary/Treasurer

State of _____ }
County of Charleston } ss

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$500.00

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

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

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

[Redacted]
Notary Public

State of _____ }
County of Charleston } ss

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

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

[Redacted]
Notary Public



Send subsequent tax bills to:

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

PARCEL ONE

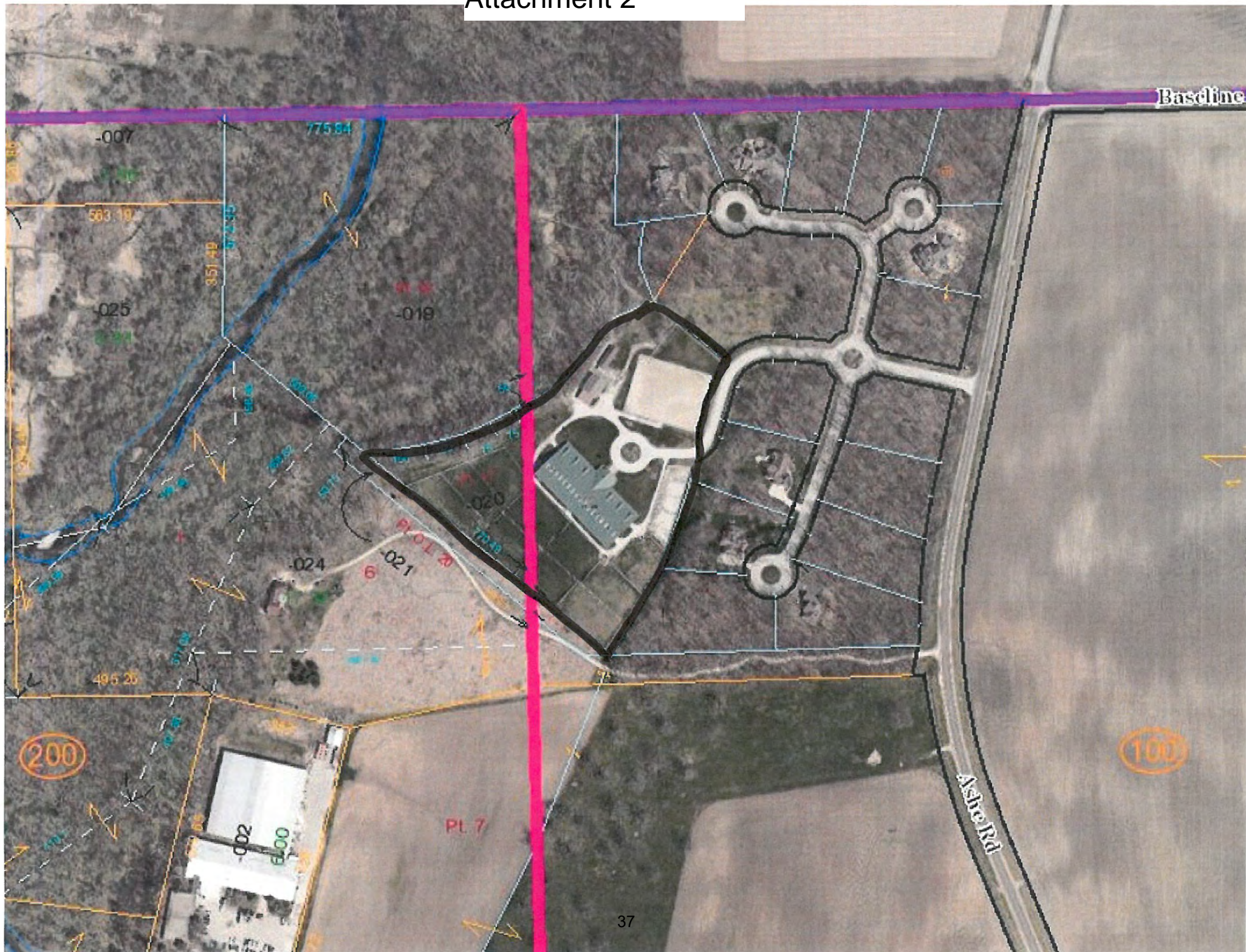
LOT 17, EQUESTRIAN ESTATES OF LEGACY FARMS SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 9, 2006, AS DOCUMENT NUMBER 200600017122, AND PER CORRECTION INSTRUMENTS RECORDED MARCH 27, 2007 AS DOCUMENT 200700010031 AND AS DOCUMENT 200700010032 IN LITTLE ROCK AND BRISTOL TOWNSHIPS, KENDALL COUNTY,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

PARCEL 2

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

Unofficial





State of Illinois
County of Kendall

Zoning Petition #12-29

ORDINANCE # 2012 - 22

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

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

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

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

WHEREAS, said property is legally described as:

PARCEL 1:

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

PARCEL 2:

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

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

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

State of Illinois
County of Kendall

Zoning Petition #12-29

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

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

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

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

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

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

State of Illinois
County of Kendall

Zoning Petition #12-29


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

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


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

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

Attest:



 Kendall County Clerk
 Debbie Gillette



 Kendall County Board Chairman
 John Purcell

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



State of Illinois
County of Kendall

Zoning Petition
05-41

ORDINANCE NUMBER 2006 - 29

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

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

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

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

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

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

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

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

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

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

State of Illinois
County of Kendall

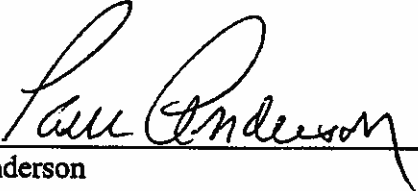
Zoning Petition
05-41

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


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

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

Attest:



Paul Anderson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

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



State of Illinois
County of Kendall

Zoning Petition
05-41

ORDINANCE NUMBER 2006 - 05

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

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

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

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

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

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

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

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

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

State of Illinois
County of Kendall

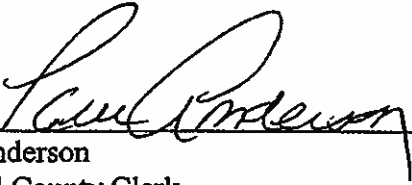
Zoning Petition
05-41

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

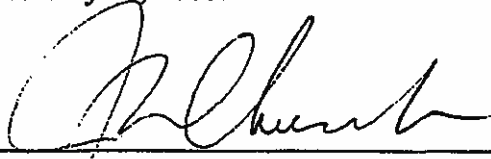
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

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

Attest:



Paul Anderson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

Attachment 6

Matt Asselmeier

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

LRF has no objections

Fire Chief Greg Witek

--- Forwarded message ---

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

Please see the attached memo regarding Petition 18-24.

If you have any questions, please let me know.

Thanks,

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

Attachment 7

Matt Asselmeier

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

Matt,

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

Tom

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

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

Please see the attached memo regarding Petition 18-24.

If you have any questions, please let me know.

Thanks,

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

Attachment 8 Stable East Wing



Attachment 9 Stable West Wing



Attachment 10 Accessory Buildings

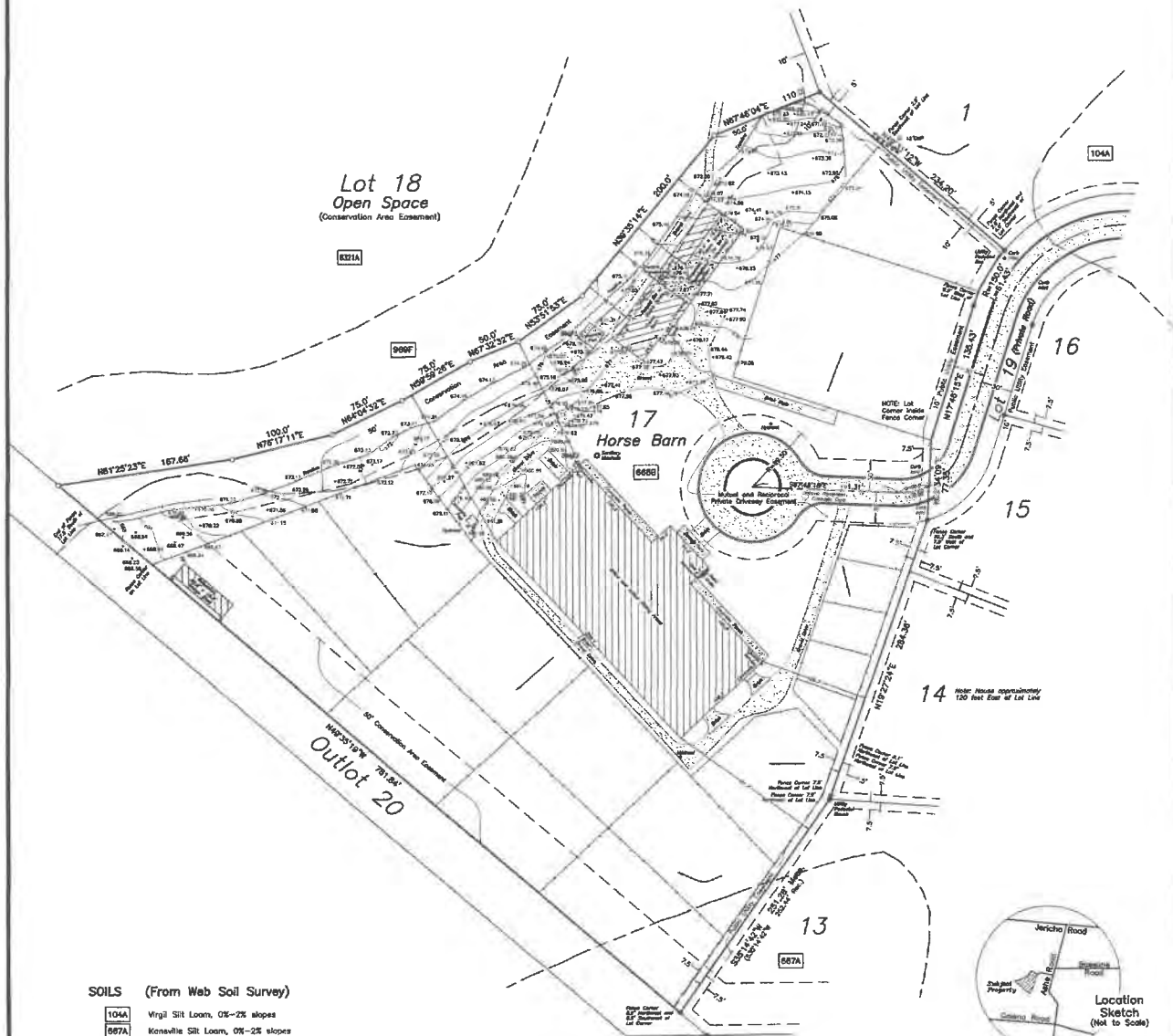


Attachment 11 Manure Area
(August 2018)





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



SOILS (From Web Soil Survey)

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

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

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

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

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

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

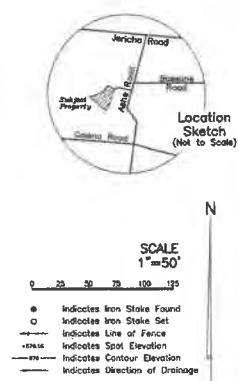
AREA OF SUBJECT PROPERTY:
 370,269 Sq.Ft. = 8.5002 Acres

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

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

SUBJECT PROPERTY ADDRESS:
 17 Ash Road, Lot J

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



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

December 21st, 2018

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

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

DANIEL J. KRAMER

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

KELLY A. HELLAND
D.J. KRAMER

February 12, 2019

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

Re: Skyfall Equestrian LLC Special Use Amendment

Dear Megan:

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

Very truly yours,

Daniel J. Kramer
Attorney at Law

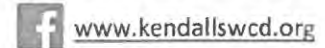
DJK/cth

Enclosures



Kendall County Soil & Water Conservation District

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



NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

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

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

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

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

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

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

The NRI fees, as of July 1, 2010, are as follows:
Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ 375.00
_____ Additional Acres at \$18.00 each	\$ _____
Total NRI Fee	\$ 75.00

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

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

 Petitioner or Authorized Agent Date

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

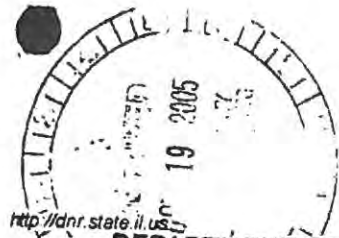
FOR OFFICE USE ONLY
 NRI# _____ Date initially rec'd _____ Date all rec'd _____ Board Meeting _____
 Fee Due \$ _____ Fee Paid \$ _____ Check # _____ Over/Under Payment _____ Refund Due _____



Illinois
Department of
Natural Resources

One Natural Resources Way, Springfield, IL 62702-1271

Rod R. Blagojevich, Governor



http://dnr.state.il.us

DEPARTMENT OF
NATURAL RESOURCES

SEP 01 2005

CONSULTATION AGENCY ACTION REPORT

(Illinois Administrative Code Title 17 Part 1075)

Division of Resource Review and Coordination

Stephen K. Davis, Chief

OREP

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

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

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

Phone: _____
Fax: _____
E-mail: _____

LOCATION OF PROPOSED ACTION

A MAP SHOWING LOCATION OF PROPOSED ACTION IS REQUIRED

Project Name: Equestrian Estates at Legacy Fams County: Kendall

Project Address (if available): 17 Ashe Road

City, State, Zip: Kendall County, IL

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

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

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

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

Local/State Agency with Project Jurisdiction: Kendall County

Contact: Jerry Dundgeon
Address: 111 W. Fox Street
Yorkville, IL 60560

Phone: 630-553-4141
Fax: 630-553-4179
E-mail: _____

FOR DEPARTMENT USE ONLY

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

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

Is consultation terminated? [YES / NO]

Comments: _____

Evaluated by: _____

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

Date: 10-9-05

Matt Asselmeier

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

Matt,

The City of Plano has no objection.

Tom

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

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

To All:

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

The Staff Report on this proposal is attached.

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

If you have any questions, please let me know.

Thanks,

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



Law Office //

MICHAEL T. HUGUELET, P.C.

Attorneys // Law

Michael T. Huguelet *
Christopher S. Fowler**

*Also admitted in Florida
**Also admitted in Nebraska

Of Counsel
Margaret A. O'Sullivan

October 11, 2018

writer's email:
cfowler@hugueletlaw.com

Via Certified Mail

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

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

Dear Mr. Asselmeier:

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

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



October 11, 2018
Matthew Asselmeier
Page 2

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

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

Very Truly Yours,

MICHAEL T. HUGUELET, P.C.



Christopher S. Fowler

CSF/cje

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

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

Present:

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

Absent:

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

Audience:

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

AGENDA

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

MINUTES

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

PUBLIC COMMENT

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

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

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

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

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

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

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

PETITIONS

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

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

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

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

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

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

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

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

The City of Plano had no objections to the proposal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EcoCAT Report submitted and consultation was terminated.

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

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

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

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

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

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

No new odors are foreseen.

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

No fencing or buffer is presently planned for the property.

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

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

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

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

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

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

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

Mr. Asselmeier summarized the request.

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

The proposal is divided into three (3) parts:

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

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

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

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

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

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

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

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

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

Mr. Asselmeier summarized the request.

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

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

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

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

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

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

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

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

OLD BUSINESS/NEW BUSINESS

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

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

CORRESPONDENCE

None

ADJOURNMENT

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

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Attachment 18

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

March 7, 2019

Dear Mr. Rybski,

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

Best,

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



KENDALL COUNTY HEALTH DEPARTMENT

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



Public Health
Prevent. Promote. Protect.

March 11, 2019

Matthew Asselmeier
Senior Planner
Kendall County Planning, Building and Zoning

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

PIN: 02-06-102-009

Mr. Asselmeier,

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

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

Sincerely,

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

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

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

Helping People Change Lives.

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



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



March 22, 2019

Attorney Daniel J. Kramer
1107A S. Bridge Street
Yorkville, IL 60560

Dear Attorney Kramer,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) Application for the proposed Equestrian Estates at Legacy Farm special use permit petition as filed with Kendall County. The proposed project is located in the NW ¼ of Section 6 in Bristol Township (T.37N.-R.7E.) and NE ¼ of Section 1 in Little Rock Township (T.37N.-R.6E.) in Kendall County, Illinois (parcel index numbers 02-06-102-009 and 01-01-200-020). The application was submitted at your request on behalf of Skyfall Equestrian LLC. After reviewing the application, it was determined that a *full NRI Report is not necessary at this time* for the proposed project. During the initial development of the Equestrian Estates at Legacy Farm, for the approximately 51 acre parcel, an NRI Report was prepared in 2005 based on site conditions at that time; a copy of this report is included with the letter.

For the purpose of the proposed special use permit request, the Kendall County SWCD has reviewed the project site and would like to note the following in regard to natural resource considerations for the proposed special use permit request on 8.5 acres for proposed improvements related to the horse barn and paddock area:

- The approximate 8.5 acre site has been previously altered by land development to include the horse barn and paddock area.
- Soils Related Information:
 - Since the original NRI Report was prepared in February 2005, copy included, the soils information for Kendall County have been updated by the United States Department of Agriculture (USDA) in 2008. The soil types for the proposed petition now include the following soil types:

Soil Type
667A Kaneville silt loam, 0-2% slopes
668B Somonauk silt loam, 2-5% slopes
969F Casco-Rodman complex, 20-30% slopes

- The petition area is predominately 668B Somonauk silt loam with a small amount of 667A Kaneville silt loam located along the southern petition area and a small amount of 969F Casco-Rodman complex located along the northern petition area. Additional information related to the soils found onsite is noted below by soil type:
 - 667A Kaneville silt loam, 0-2%, has a low potential for surface runoff; is denoted as a C hydrologic group indicating that the soils have a slow infiltration rate and rate of water transmission when wet; has a seasonal high water table from February to April with the upper limit of 2.0'-3.5' and a lower limit of >6.0'; are a moderately well drained soil; are not classified as a hydric soil or as having hydric inclusions; denoted as prime farmland; and have somewhat limited building related limitations for small commercial building, lawns/landscaping, paths/trails and are denoted as suitable per the Kendall County Subdivision Control Ordinance for onsite conventional septic systems.
 - 668B Somonauk silt loam, 2-5% slopes, has a low potential for surface runoff; is denoted as a C hydrologic group indicating that the soils have a slow infiltration rate and rate of water transmission when wet; has a seasonal high water table from February to April with the upper limit of 2.0'-3.5' and a lower limit of >6.0'; are a moderately well drained soil; are not classified as a hydric soil or as having hydric inclusions; denoted as prime farmland; and have somewhat limited building related limitations for small commercial building, lawns/landscaping, paths/trails. and are denoted as suitable per the Kendall County Subdivision Control Ordinance for onsite conventional septic systems.

- 969F Casco-Rodman complex, 20-30% slopes, has a medium-high potential for surface runoff; is denoted for the Casco soil component as having an B hydrologic group (moderate infiltration rate and rate of water transmission when wet) and for the Rodman soil component an A hydrologic group (high infiltration and rate of water transmission when wet); the presence of a seasonably high water table is not shown to be present; the Casco soil component is somewhat excessively drained while the Rodman soil component is excessively drained; the complex is not classified as a hydric soil and is not denoted as prime farmland; and have Very limited building related limitations for small commercial building, lawns/landscaping, paths/trails primarily due to slope and are denoted as unsuitable due to gravel per the Kendall County Subdivision Control Ordinance for onsite conventional septic systems.
- It is important to note that the original soil profile, as mapped by USDA, has been modified by site development of the horse barn facility. To ensure proper consideration of the current site conditions for suitable development including excavation, structures, landscaping, we recommend site specific soil testing to ensure any limitations associated with the current soil material onsite will support associated uses.
 - Additionally, the original topography of the site has been altered allowing for drainage patterns to be reconfigured for the larger Ogden Hill project that included approximately 170 acres of commercial and residential use. As part of the preparation of the site for the overall project, stormwater management has been reconfigured to address onsite drainage. Stormwater is managed onsite through storm sewers that discharge stormwater to existing basins, west and north of the proposed project site. Discharge from these stormwater basins continues to the north and west into Waubensee Creek.
- The site is located on slopes of approximately 0-30% and is approximately 650' to 680' above sea level draining to the west directly to Big Rock Creek. The original topography of the site may have been previously altered allowing for drainage patterns to be slightly reconfigured as part of the overall Equestrian Estates at Legacy Farm facility.
- The site lies within the Fox River watershed and Big Rock Creek subwatershed.
- Based on in office review of existing FEMA Flood Insurance Rate Map, it does not appear that this parcel is located within the 100-year floodplain but maybe directly adjacent to the floodplain. Additionally, based upon review of the National Wetland Inventory Map, wetlands do not appear to be identified on the project site.
- As part of project construction, a soil erosion and sediment control plan should be prepared and implemented onsite in accordance with both Kendall County and Illinois EPA requirements. The Illinois Urban Manual can be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.
 - If the project will disturb greater than 1 acre, the site will need to obtain permit coverage under Illinois EPA's National Pollutant Discharge Elimination System (NPDES) ILR10 Permit for Construction Site Activities. In accordance with permit requirements, a Storm Water Pollution Prevention Plan (SWPPP) will need to be prepared in advance of construction and implemented onsite during construction.
- The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based upon local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes: Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The overall score is based on 300 points; selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

- The Land Evaluation score for this site is 77, indicating that this site is not predominately prime farmland well suited for agricultural production.
- The Site Assessment score for this site is 90.
- The overall LESA Score is 167 indicating a low level of protection for the proposed petition site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

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

Sincerely,

A handwritten signature in cursive script that reads "Megan Andrews".

Megan Andrews, Resource Conservationist

Enclosure

Attachment 21, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

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

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

ROLL CALL

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

Members Absent: Claire Wilson

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

In the Audience: Dan Kramer, Chet Sergo, Mary Kay Sergo, Dan Huddleston, Mark Bassong, Jean Cook, Celia Bulper, Dorothy Flisk, Craig Zimmerman, Craig Krause, Brittany Krause, and Brad Blocker

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member Bledsoe to approve the agenda with the change of moving Petition 19-08 ahead of Petition 19-07. With a voice vote of eight (8) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Bledsoe made a motion, seconded by Member Casey to approve the minutes of the February 27, 2019, meeting with a correction of adding “range” to after “gun” in the second paragraph under Approval to Initiate a Text Amendment for the Kendall County Sheriff’s shooting range. With a voice vote of eight (8) ayes, the motion carried unanimously.

PETITIONS

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

Mr. Asselmeier summarized the request.

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

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

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

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

The Petitioner applied for an NRI in February 2019 and the LESA Score was 167 indicating a low level of protection.

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

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

The City of Plano had no objections to the proposal.

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

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

ZPAC recommended approval of the petition.

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

Staff recommended approval subject to the following conditions:

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

Dan Kramer gave a summary of the way the property was originally setup and that Dorothy Flisk owns the barn and six (6) other lots in the subdivision.

Chairman Ashton asked if the manure plan met the State requirements. Mr. Kramer stated there really are no requirements on manure, but they believe they do meet the expectations.

Member Schroeder expressed concerns about the removal of the urine waste and proximity to the creek. He is concerned that with the increase in horses, an increase in the amount of waste will occur. Mr. Kramer said the Health Department had no concerns about the waste.

Dan Huddleston, President of the HOA, spoke about the concerns of the members/neighbors. They are concerned about increased traffic, light pollution, noise, and manure. They are also concerned about the decreased value in their homes due to the fact of having a business in their backyard. Mark Bassong, Vice President of the HOA, agreed with everything Mr. Huddleston said.

Member Rodriguez asked if there was any talk about putting in a separate road to her barn. Mr. Huddleston said there is no way to install a new road.

Mr. Kramer said that request had nothing to do with the covenants of the HOA.

Jean Cook, Arlene Vankamper, and Mary Kay Sergo who board their horses at the stable spoke about how well maintained it is and how it enhanced the area.

Dorothy Flisk owner of the property answered questions about the disposal of urine and manure. She discussed the value and what kind of horses they board. Discussion occurred regarding her business operations, the number of vehicles using the road, and the number of employees at the business.

Member Nelson asked if they had thought about putting in Arborvites. Inadequate space exists for planting Arborvites near the paddock area.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of Petition 18-24 with the conditions proposed by Staff.

Yes (6): Ashton, Bledsoe, Davis, Nelson, Rodriguez, and Shaw
No (2): Casey and Schroeder
Absent (1): Wilson

The motion carried.

Petition 18-24 will go to the Zoning Board of Appeals on April 29, 2019.

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.

Craig Zimmerman, the prospective buyer, gave a summary that he wants to build a house/workshop on the property.

Craig and Brittany Krause expressed concerns of why did the property had to be rezoned from A1 to R1. Mr. Asselmeier stated it needs to be rezoned in order for them to build a house on it. Discussion also occurred regarding the address of the property.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of Petition 19-08.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-08 will go to the Zoning Board of Appeals on April 1, 2019.

19-07 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. He explained enforcement issues in Boulder Hill and this proposal was the suggest way of resolving those issues.

Member Davis made a motion, seconded by Member Bledsoe, to recommend approval of Petition 19-07.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-07 will go to the Zoning Board of Appeals on April 1, 2019.

19-09 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Brad Blocker, Na-An-Say Township Supervisor, spoke about his issues which is the A1 outline reads to allow for the purposes best suited for agricultural purposes. He believes that taking it out of special use and turning it into a permitted use in this case it is pretty much a stretch to call that an Agricultural Use.

Members of the Commission gave Mr. Blocker a background on the proposal. No agricultural land is being taken out of use. It was noted that the proposal is for Oswego Township and the ordinance expires on December 31, 2024.

Member Nelson made a motion, seconded by Member Davis, to recommend approval of Petition 19-09.

Yes (9): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-09 will go to the Zoning Board of Appeals on April 1, 2019.

OLD BUSINESS

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

Mr. Asselmeier gave an Update. This proposal will go the Planning, Building and Zoning Committee in April.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Approval to Initiate a Text Amendment to Section 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.

Mr. Nelson said this came out of a person wanting to do research on guns out of their home. Under current regulations he could not discharge a firearm outdoors as part of his business.

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve initiating the text amendment.

- Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Schroeder
- No (0): None
- Absent (1): Wilson
- Abstain (1): Shaw

The motion carried.

This petition will go to ZPAC on April 2, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier announced there were three (3) new petitions coming next month.

Member Schroeder talked about the sprinkler issue at the planned banquet facility on Schlapp Road.

ADJOURNMENT

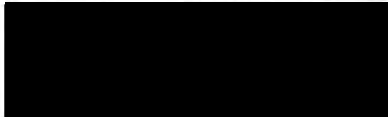

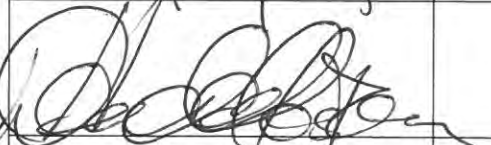
Member Rodriguez made a motion, seconded by Member Nelson, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:10 p.m.

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

Encs.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 27, 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)
Dan Kramer	1107 W. S. Bridge II Yorkville, IL 62380	
CHET SERGO		
Mary Kay Sergio		
		
Mark Bassong		
Janice		
Celia Bulger		
Dorothy Flish		

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 27, 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)
Craig Zimmerman		
Brittany Krause		
BRAD Blocker		

MINUTES
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
August 27, 2018 – 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); Scott Cherry, Karen Clementi, Cliff Fox Tom LeCuyer, and Dick Thompson

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner and Jasmine Brown Watkins, Office Assistant

Public: Mark Perle, Priscilla Gruber, Margaret Sheehan, Linda Wilkinson, Martin Cann, Ed Gruber, Becky Peterson, Brian Barnwell, Lane Abrell, Tom Grant, Paul Kovacevich, Joe Phillips, Zach Barnwell, Jan Alexander, DJ Kramer, Boyd Ingemunson, John Whitehouse, Scott Wallin, Nate Howell, Deputy Commander Jason Langston, and Bob Davidson

PETITIONS

Chairman Mohr swore in all of the members of the audience that wished to speak on this evening's petitions.

The Zoning Board of Appeals started their review of Petition 18-24 at 9:20 p.m.

18 – 24 – Dorothy Flisk on Behalf of Skyfall Equestrian, LLC-Petitioner Requests a Layover

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) and to Allow Non-Residents of the Equestrian Estates at Legacy Farm Subdivision to Board Horses at the Property

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) and to Allow Non-Residents of the Equestrian Estates at Legacy Farm Subdivision to Board Horses at the Property

Mr. Asselmeier summarized the petition.

Dorothy Flisk, on behalf of Skyfall Equestrian, LLC, submitted a petition requesting a major amendment to her special use permit to increase the number of horses allowed to be boarded at her property at 17 Ashe Road from twenty-four (24) to thirty-six (36).

Upon further discussions with the Petitioner, Ms. Flisk would like to demolish two (2) barns on the property and construct an additional barn to store hay, straw, and boarding space for twelve (12) horses. The Petitioner currently has twenty-six (26) horse stalls. The Petitioner did not submit a site

plan, EcoCat application, or NRI application because the construction of buildings was not mentioned in her original application.

Accordingly, at the August 7, 2018 ZPAC meeting, ZPAC laid over the request until the Petitioner provided an updated site plan, a more detailed manure management plan, proof of application for EcoCat, and proof of application for a NRI.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the requested site plan, manure management plan, EcoCat application, and NRI application are submitted.

Chairman Mohr opened the public hearing at 9:21 p.m. and, without objection, recessed the public hearing until after the Petitioner supplied an updated site plan to the Planning, Building and Zoning Department.

The Zoning Board of Appeals concluded their review of Petition 18-24 at 9:21 p.m.

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

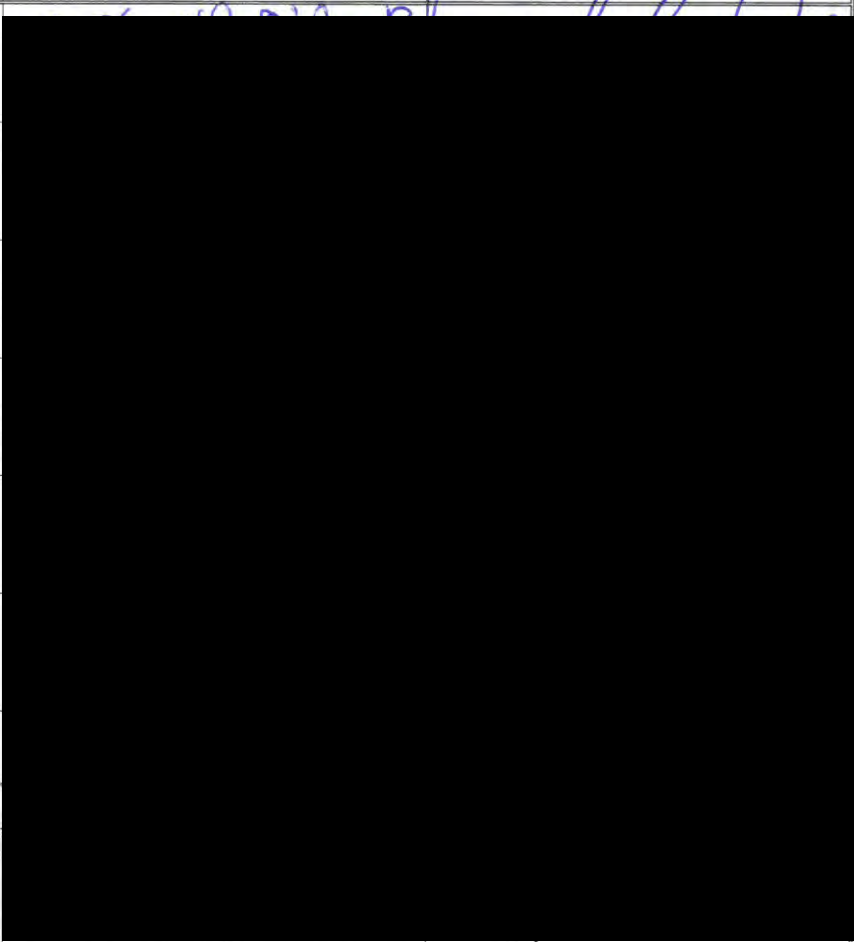
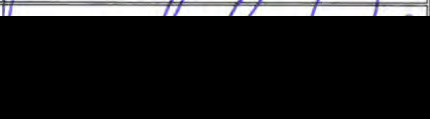

Exhibits

1. Staff Report on Petition 18-24 Dated August 10, 2018
2. Certificate of Publication and Mailings for Petition 18-24 (Not Included with Report but on file in Planning, Building and Zoning Office).

**KENDALL COUNTY
ZONING BOARD OF APPEALS**

August 27, 2018

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

NAME	ADDRESS	SIGNATURE
Mark Perle		
Priseille Gruber		
Margaret Sheehan		
Linda M. Wilkinson		
Martin Cann		
Ed Louler		
		
BRIAN BARRELL		
Lane Abrell		Plainfield Schools 15732 Howard St Plainfield IL 60544

**KENDALL COUNTY
ZONING BOARD OF APPEALS**

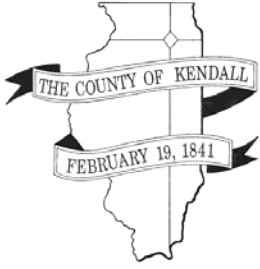
August 27, 2018

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

NAME	ADDRESS	SIGNATURE
Tom Grant	[REDACTED]	[REDACTED]
Paul Kovacevich	[REDACTED]	[REDACTED]
JOE PHILLIPS	[REDACTED]	[REDACTED]
ZACH BARNWELL	[REDACTED]	[REDACTED]
JAN Alexander	[REDACTED]	[REDACTED]
As Kramer	[REDACTED]	[REDACTED]
Boyd Ingemanson	[REDACTED]	[REDACTED]
John Whitehouse	[REDACTED]	[REDACTED]
Soy Hall	[REDACTED]	[REDACTED]

NATE HOWELL





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 Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: August 10, 2018
Re: Petition 18-24 Proposed Major Amendment to a Special Use Permit to Increase the Number of Horses Allowed Boarded at 17 Ashe Road from Twenty-Four to Thirty-Six – Petitioner Requests a Layover

Dorothy Flisk, on behalf of Skyfall Equestrian, LLC, submitted a petition requesting a major amendment to her special use permit to increase the number of horses allowed to be boarded at her property at 17 Ashe Road from twenty-four (24) to thirty-six (36).

Upon further discussions with the Petitioner, Ms. Flisk would like to demolish two (2) barns on the property and construct an additional barn to store hay, straw, and boarding space for twelve (12) horses. The Petitioner currently has twenty-six (26) horse stalls. The Petitioner did not submit a site plan, EcoCat application, or NRI application because the construction of buildings was not mentioned in her original application.

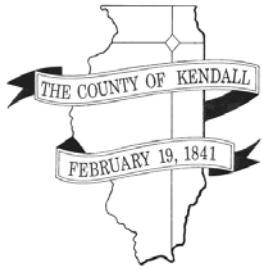
Accordingly, at the August 7, 2018 ZPAC meeting, ZPAC laid over the request until the Petitioner provided an updated site plan, a more detailed manure management plan, proof of application for EcoCat, and proof of application for a NRI.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the requested site plan, manure management plan, EcoCat application, and NRI application are submitted.

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

Thanks,

MHA



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MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: April 25, 2019

Re: Petition 19-11 Request for a Major Amendment to an Existing Special Use Permit for Dickson Valley Ministries

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.

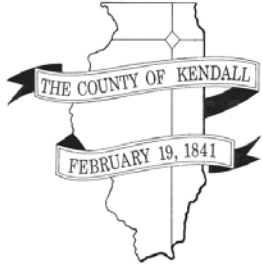
At their meeting on April 24, 2019, several members of the Kendall County Regional Planning Commission expressed concerns that the proposed site plan was too specific and the Petitioner might be locking themselves into a site plan that could require amendments in the future because of specificity. Commissioners 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.

If you have any questions, please let me know.

Thanks,

MHA



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MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: April 17, 2019

Re: Petition 19-12 Request for a Special Use Permit for a Banquet Center at 10978 Crimmin Road

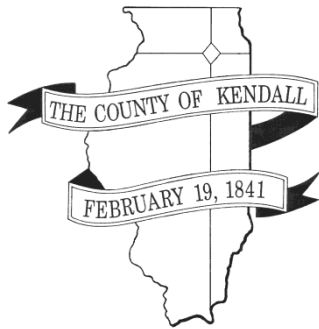
On the April 29, 2019, Kendall County Zoning Board of Appeals agenda, there is a petition requesting a special use permit for a banquet center at 10978 Crimmin Road.

The adjoining property owners, township, and municipality within one point five (1.5) miles were not notified in the manner required by State law and the Kendall County Zoning Ordinance. Accordingly, Petition 19-12 shall be laid over until the May hearing/meeting.

If you have any questions, please let me know.

Thanks,

MHA



DEPARTMENT OF PLANNING, BUILDING & ZONING

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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>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 K Caldwell		
Todd Milliron		
Ron Mund		
Chris Paluch		