CALL TO ORDER – ZONING BOARD OF APPEALS TO BE HELD JOINTLY WITH SPECIAL USE HEARING OFFICER

ROLL CALL for the Special Use Hearing Officer: Bill Ford

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Scott Cryder, Tom LeCuyer, Donna McKay, Dick Whitfield

MINUTES: Approval of minutes from the December 3, 2012 Zoning Board of Appeals meeting

PETITIONS:
1. 13-01 Kendall County Governmental Agency and other law enforcement Shooting Range
   Request Text Amendment
   Purpose Text Amendment to allow Kendall County Government Agency and other law enforcement shooting range as a special use in the M-2 and M-3 District

2. 13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range
   Request Rezone from M-2 to M-3 and request a special use for a Shooting Range
   Location 1/2 mile west of the intersection of Route 47 and Joliet Road
   Purpose Request a map amendment and a special use to operate a Kendall County Government shooting range.

3. 13-03 Other Plat Process (Vacation, Dedication, etc.)
   Request Text Amendment
   Purpose Text Amendment to the Subdivision Control Ordinance to include the process for other plats

4. 13-04 Micro-batch Distillery
   Request Text Amendment
   Purpose Text Amendment to allow Micro-batch distilleries as a special use in the A-1 and B-3 District and a permitted use in the M-1 & M-2 Districts

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD- None (1 variance at last meeting)

NEW BUSINESS- None

OLD BUSINESS
Review and approval of the REVISED 2013 meeting dates

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on April 1, 2013 Planner Zubko will be absent March 4th.
CALL TO ORDER
At 7:04 p.m., Chairman Bill Ford called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Bill Ford (Chairman), Scott Cherry, Scott Cryder, Karen Clementi, Donna McKay, Tom LeCuyer and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: None
In the audience: Doug Maple, Bob & Judy Heim

A quorum was present to conduct business.

MINUTES
Donna McKay motioned to approve the October 1, 2012 ZBA & Special use Hearing Officer meeting minutes. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

PETITIONS
#12-42 – Doug Maple – Variance
Planner Zubko stated the petitioner is requesting a variance Request for a variance to construct a pole barn in the 50’ building setback line to be located 11’ from the property line.

Typically an accessory building can be built a minimum of 5’ from the property line but in this case staff is of the opinion a 50’ building setback line for all buildings was in place to not obstruct views while driving down Dobson Lane. The Dobson lane bridge is no longer in use by vehicles and Dobson Lane is only used by two homeowners whose driveways are off Dobson, therefore staff recommends approval.

The petitioner, Doug Maple, Bob & Judy Heim, were present for questions. Karen Clementi asked why the building could not go anywhere else on the property. Mr. Maple stated due to a utility easement, shape of the lot, septic field location, pond and trees this is the best location. Mr. Maple stated there was paperwork drawn up to vacate the roadway but that was never recorded. Bob Heim stated putting the building where it’s currently located there would still be a view to the river.

With no further testimony, Chairman Ford closed the testimony and reviewed the Findings of Fact and were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Having a 50’ building setback on all sides of the property makes it difficult to have any type of accessory building and the shape of the lot is odd also making it more difficult.
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is the only property in the subdivision along Dobson Road which should eventually be a vacated road.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The placement of the pole barn is the decision of the owner but that location is the best location to put the pole barn.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Adding a pole barn will not impair any of the above items and the roadway will never be used by cars.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the variance. With a roll call vote all were in favor and the variance passes.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES-
12-32 Semper Fi Landscape Inc.- Approved by the County Board
12-36 Performing Arts Center- Approved by the County Board
12-35 Yorkville Performing Arts Center- Approved by the County Board
12-33 Places of Worship as a special use in the B-3 District- Approved by the County Board

NEW BUSINESS-
Review and approval of 2013 Zoning Board of Appeals and Special Use Hearing Officer dates- Planner Zubko stated that in the packet was the proposed 2013 schedule, they just need to be approved. Karen Clementi made a motion to approve the 2013 schedule as written, Donna McKay seconded the motion. All were in favor and the 2013 schedule was approved.

OLD BUSINESS- None

ADJOURNMENT
Donna McKay made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Chairman Bill Ford adjourned the Zoning Board of Appeals meeting at 7:19 p.m. The next meeting will be on January 7, 2013.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
To: ZBA

From: Angela L. Zubko, Senior Planner

Date: January 24, 2013

Re: Text Amendment – Temporary-Outdoor-Commercial-Sporting-Activities Kendall County Government Agency and other law enforcement shooting range as a Conditional Special use in the M-2 or M-3 District (Petition 13-01)

The Sheriff’s Office would like to put in an outdoor shooting range at Central Limestone. The petition first started off with using the same definition of an outdoor commercial sporting activity from the A-1 Agricultural district with conditions and now has morphed into a Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board. The reasoning is the Commission felt guns and ranges should be discussed more thoroughly at ad-hoc but this will keep the petition going for the Sheriff’s office. With those changes staff suggests putting the following language in the M-2 and M-3 district as a special use:

Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board.

Red are changes after ZPAC
Blue are changes after RPC

Attachments:
1. ZPAC meeting minutes on 1.7.13
2. RPC meeting minutes on 1.23.13
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
January 7, 2013 – Meeting Minutes

Angela Zubko called the meeting to order at 9:02 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Fran Klaas - County Highway Department
Aaron Rybski – Health Department
Amy Serby - Health Department (to help aid discussion for Three Angels Brewing LLC)
Angela Zubko – PBZ Senior Planner
Phil Smith – Sheriff’s Office
Robert Wollwert- Sheriff’s Office (In attendance to discuss petition 13-02)

Absent:
Greg Chismark – Wills Burke Kelsey
Jason Petitt - Forest Preserve
Scott Gryder – PBZ Chair

AGENDA

Planner Zubko requested keeping the agenda as written unless Boyd Ingemunson comes in and we will move those petitions up at that time. A motion was made by Phil Smith to approve the agenda, Aaron Rybski seconded the motion. All were in favor and the motion carried.

MINUTES

Fran Klaas made a motion, seconded by Phil Smith, to approve the November 5, 2012 meeting minutes. All were in favor and the motion carried.

PETITIONS

#13-01 Outdoor Commercial Sporting Activity & 13-02 Rezoning and Special use for a Shooting Range (Some combined information and see below for more information on Petition 13-02)

Planner Zubko stated this petition has to do with the Kendall County Sheriff’s Office. They are looking into putting a 25 year outdoor shooting range out at the Central Limestone Quarry. The property is currently zoned M-2 and staff is of the opinion we probably do not want an outdoor shooting range in the M-1 or M-2 districts even as a special use so staff is requesting the petitioner request rezoning the property to M-3 which is the proper zoning now for mining and have a conditional use for a temporary outdoor commercial sporting activity. Planner Zubko suggests using the existing classification of an outdoor commercial sporting activity from the A-1 district and make it a conditional use with conditions in the M-3 district.

Aaron Rybski asked why staff suggested temporary. Planner Zubko stated because we would hope one day it would be mined but she is of the opinion deleting the word temporary would not affect the text amendment. Mr. Klaas just wanted to clarify that it's currently zoned M-2 because that was mining at one point and clarified what M-1 and M-2 zoning is now. Planner Zubko stated that was true and now mining is classified as M-3 and discussed what M-1 and M-2 is. There was also a discussion on indoor shooting ranges and Planner Zubko stated that is a different category that would stay as a special use. The consensus was to delete temporary. Planner Zubko asked if any other conditions should be put on this text amendment and stated something should be added about lighting while thinking about a motocross facility. Mr. Rybski asked what the plans were for water and sewage plans. Planner Zubko stated condition b was added for water but will come up with some condition with the Health Department with regards to septic and making sure to contact the Health Department. Planner Zubko stated with this specific request they are proposing port-o-potties if needed. Mr. Wollwert from the Sheriff’s office stated that port-o-potties would maybe be temporary solution but plan on leasing a building next door for a substation so the officers could use the facilities within 100 yards of the shooting range. Mr. Klaas asked...
who governs shooting ranges with regards to reclamation and design? Mr. Wollwert stated he’s done a lot of research and found the Illinois EPA does not control shooting ranges and does not get involved until the range is inactive and then the lead that remains in the backstop becomes hazardous waste that does have to be contended with. The IL EPA directed Mr. Wollwert to a specific region of the federal EPA because even nationwide the federal EPA does not have a specific set of guidelines but they did direct him to Regional 2 which has put together a best practices manual so that is being evaluated now with regards to the construction plans. The manual has specific recommendations for which type is best. For example what type of materials to use for the backstop so you can sift out the bullets when needed. Planner Zubko asked Mr. Wollwert who makes the regulations for how high the berms need to be built? Mr. Wollwert stated the State recommends a berm of at least 30’ tall for recruit training. The Sheriff’s Office does have recruits out shooting about 3 or 4 times a year now so the berms will be 30’ tall. The shooting ranges now are currently inspected yearly by the Law Enforcement Training and Standards Board and has never had a problem passing their inspections and would continue that process at the new site. Mr. Wollwert stated that the clean fill from Route 47 and Route 34 will be used and since there might be so much dirt to move they might end up with a 50’ tall backstop instead of the 30’ minimum.

Planner Zubko stated one thing she should mention with the text amendment is that currently indoor and outdoor target practice is a special use in the M-1 and M-2 District. I am not sure we meant to keep outdoor target practice in these districts. I suggest deleting outdoor and still allowing indoor target practice in these districts as a special use.

Megan Andrews wondered if it was a given that the petitioners know they need to follow different regulations with regards to state permitting or federal guidelines. Planner Zubko stated you would think they should know but will add a condition stating so just to make sure.

Mr. John Shaw, County Board Chair was in attendance and had a few questions pertaining to the Shooting Range. Mr. Shaw stated he owns property directly north across the street from the proposed range and wondered which direction the firing would take place. Mr. Wollwert stated the shooting would be shot in the south direction. Mr. Shaw also asked why is the Sheriff’s office leaving the current range? Mr. Wollwert stated that range is currently heavily used, maybe about 250 days out of the year, maybe even more. It does have some limitations like the width does not hold the amount of officers they would like shooting at one time, it also has some length limitations and has a 100 yard range but the proposed range would have a 200 yard range which would allow snipers and the SWAT team to practice at that length. Also that current range is not to far south of the Oswego city limits and current surrounding residents are concerned about noise and the location of how close houses might be built if the economy starts booming again. Mr. Shaw asked one last question and asked about the hours of operation? Mr. Wollwert stated they believe their hours of operation are limited to 8pm but there is a need for law enforcement officers to train at night since about 75% of police shootings happen at night. The intent for the new range is to limit it to only the sheriff’s office at least at the beginning stages. He also suggested that night practice shootings typically happen about 4-6 times a year but suggested they could notify the adjacent residents when that would take place so they are aware.

Mr. Klaas stated that condition would probably be good to add on the approving ordinance. At this time there was discussion on eliminating condition a & b from indoor target practice and moving those to the current special use and also using the language from c to the special use.

Aaron Rybski stated the increased number of people that would be on the site might meet the threshold of the EPA for a non-community well rules. Those rules have to do with how many samplings need to be taken in a year.

Planner Zubko stated it sounds like from all the conditions and questions this should be a special use and not a conditional use, all agreed due to the conditions that would want to be imposed on a case by case basis.

ZPAC Meeting Minutes 1.7.13
With no further suggestions or changes Fran Klaas made a motion, seconded by Phil Smith to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

#13-02 Rezoning and Special Use for an Outdoor Shooting Range
Planner Zubko stated this property is looking for a map amendment from M-2 to M-3 and requesting a special use for and Outdoor Commercial Sporting Activity, specifically an outdoor shooting range. As stated in the report staff was waiting to hear from the owner on what property he would like to rezone but has not heard from the owner to date so is going to rezone all of pin 08-29-400-002 which is about 15.39 acres and part of pin 08-28-300-002 which is about 1.6 acres and also where part of the shooting range will be located to be rezoned to M-3 and the special use on that property as well. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about ½ that parcel.

Megan Andrews went over the soil types on the site and stated there are 3 soil types on the site. Where they proposed the parking is actually brenton silt loam which is not a hydric soil so that should be more suitable for parking. The middle section of the site is 2 separate hydric soils which could get quite mucky in the January to May timeframe and could affect the lead deposits as well. Megan also brought up during the berming process to watch out for existing drainage tile as it could be close to the service and also discussed erosion control on the berms. Mr. Wollwert stated they are going to work with Forest Preserve on what type of plants might grow best on the berms and have already been working with the Counties Consulting engineering, WBK, with regards to stormwater and the NOI.

Mr. Shaw commented the he was there when the current berms were constructed and gave some background to that and also stated that everything drains to the south.

With no further discussion Fran Klaas made a motion, seconded by Megan Andrews to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

Since Boyd Ingemanston is in attendance we are going to move onto petitions 13-04 and 13-05 and go back to 13-03 after.

#13-04 Micro-batch Distillery
Planner Zubko stated this petition relates to Petition 13-05 for Three Angels Brewing LLC. They would like to amend their special use to also allow micro distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 and also allow it as a special use in the A-1, B-3, M-1 and M-2 Districts. Staff proposes a definition and the text with 5 conditions.

Planner Zubko asked Mr. Rybski if he wanted to talk now about possibly water and sewage system issues or add a condition to contact the Health Department? Mr. Rybski stated that would be fine for the text amendment.

With no further suggestions or changes Aaron Rybski made a motion, seconded by Megan Andrews to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

#13-05 Three Angels Brewing LLC & Angels Share Distilling LLC
Planner Zubko stated Three Angels Brewing is a nano brewery that is located at the northeast corner of Caton Farm Road and Ashley Road. The site is a total of 40 acres with about 1 acre being sued for the nano brewery and what will hopefully be the micro distillery. The petitions have already talked to the township about their concerns with having a micro distillery on the property and their main concerns are to not have special events on site and the hours of operation. Planner Zubko stated they will have to contact the Village of Platteville for their comments as well since they are within a mile and a half of the municipal boundaries. They will still operate the nano brewery and have a special use for Ag labor housing which is where the bee-keeper currently resides. The property does contain enough
Vice-Chairman Bill Ashton called the meeting to order at 7:04 pm.

ROLL CALL
Members Present: Vice-Chair Bill Ashton, Tom Casey, Bill Lavine, Larry Nelson, Tim Sidles, Walter Werderich, Claire Wilson, Budd Wormley and 1 vacancy
Others present: Senior Planner Angela Zubko
Members Absent: Tom Martin
In the Audience: Attorney Boyd Ingemunson and Jason Leslie (Pet. 13-05), Commander Robert Wollwert (Sheriff’s Office), Jim Friestad, John Shaw (County Board Chair & nearby property owner) and 3 others that did not speak but were there to listen about the shooting range.

Planner Zubko just wanted to inform everyone if they have not heard Randy Mohr has been moved to be ZBA Chair so we are looking to fill a vacancy on Plan Commission in Bristol Township.

APPROVAL OF AGENDA
Larry Nelson made a motion to approve the agenda as written. Walter Werderich seconded the motion. All were in favor and the agenda was approved.

APPROVAL OF BILLS- No Bills

APPROVAL OF MINUTES
Budd Wormley made a motion to approve the minutes from November 28, 2012 as amended. Tom Casey seconded the motion. All were in favor and the minutes were approved.

PETITIONS
#12-39 Maria Silvia Gonzales- A-1 Special Use for a private club
Planner Zubko stated this petition will be continued till the February 27th meeting as the petitioner still has some work to do and is also on the township agenda in February.

#13-01 Outdoor Commercial Sporting Activity
Planner Zubko stated this petition has to do with the Kendall County Sheriff’s Office. They are looking into putting an outdoor shooting range out at the Central Limestone Quarry. The property is currently zoned M-2 and staff is of the opinion we probably do
not want an outdoor shooting range in the M-1 or M-2 districts even as a special use so staff is requesting the petitioner request rezoning the property to M-3 which is the proper zoning now for mining and request a special use for an outdoor commercial sporting activity. Planner Zubko stated back in the 80's M-2 was the proper zoning for mining but since then we have changed it to the M-3 classification. Planner Zubko suggests using the existing classification of an outdoor commercial sporting activity from the A-1 district and make it a special use with conditions in the M-3 district.

Also on the back of the memo you will notice currently indoor and outdoor target practice is a special use in the M-1 and M-2 districts. Staff is of the opinion it was an oversight and outdoor should be taken out of those districts but indoor target practice would still be a special use in the M-1 and M-2 districts. As you can see the red are the changes after ZPAC and a lot was added.

There was discussion on the underline zoning and if the whole property will be rezoned. Planner Zubko stated the plan is to only rezone that corner as the mine owner never got back to Planner Zubko stating he wanted to rezone the whole property.

Mr. Nelson stated if this was not the Sheriff's office he would have some concern over the special use.

Budd Wormley had a concern about the fact there is a 25 year lease and that means the property cannot be mined for that long and being taken out of production. Planner Zubko stated that is not our concern and out of our scope.

There was some more discussion about why we would want to rezone the property to M-3.

With no further suggestions or changes Larry Nelson made a motion, seconded by Tim Sidles to forward the petition onto the Zoning Board of Appeals. It is still open for discussion.

Claire asked and suggested deleting the word commercial in the definition and special use as it sounds like the Sheriff's office might not fit the description since it's not a commercial entity. The Commission decided to delete the word commercial. Mr. Nelson asked about why staff suggested to not allow buildings on the property. The Commission decided to strike that condition (c) with regards to not allowing buildings on the property. There was discussion on who would shoot at this shooting range. Mr. Wollwert stated at this time only the Sheriff's office but possibly other law enforcements in the future and Mr. Wollwert was asked if they would need buildings and he said potentially.

Mr. Nelson stated the Sheriff's office is a governmental agency and why not just say the Kendall County Sheriff's department or government for training and shooting shall be a permitted use in M-2 zoning. Staff stated if we do it like that the County cannot put any conditions on them. Bill Ashton stated we are supposed to write this so anyone can do
it, not just one person. There was a brief discussion how far shooting ranges need to be from a structure and Mr. Wollwert stated there are limitations for hunting but not target shooting.

There was discussion on the text and not having enough conditions. Mr. Nelson suggested taking the discussion of guns and shooting ranges to ad-hoc and to keep this petition going but change it to allow the Kendall County Sheriff’s office.

Mr. Shaw (Owns property across the street) wanted to make sure they cannot shoot 24 hours a day.

Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board.

Mr. Nelson withdrew his motion and Mr. Sidles also withdrew his second. No motion is on the table at this time.

With no further discussion Larry Nelson made a motion, seconded by Tim Sidles to forward the petition onto the Zoning Board of Appeals with the change to change it to Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board. With a roll call vote there were 7 yes votes and 1 no vote. Claire Wilson voted against the project as she agrees with the staff’s opinion this is for a specific user in a specific district. She is not against the use but would rather have parameters set first before approving a text amendment.

The group scratched the discussion of indoor and outdoor target practice to be discussed further at another meeting and move it to ad-hoc to straighten is out.

**#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range**

Planner Zubko stated the petitioner would like to rezone a 17 acre property from M-2 to M-3 and also requests a special use for a Kendall County Governmental Agency and other law enforcement shooting range. Central Limestone has been at this site since the late 1800’s and the County Zoning regulations have changed so much that M-2 was for mining at one point. Staff suggests rezoning at least the portion of the property for the shooting range to M-3 so they can get a special use for the shooting range. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about ½ that parcel on the west. There’s a lot of good information in the ZPAC meeting minutes like the IL EPA does not control shooting ranges and does not get involved until the range is inactive and then the lead that remains in the backstop becomes hazardous waste that does have to be contended with. The IL EPA directed Mr. Wollwert to a specific region of the federal EPA because even nationwide the federal EPA does not have a specific set of guidelines but they did direct him to Region 2 which has put together a best practices manual so that is being evaluated now with
13-02
SHERIFF'S OFFICE
MAP AMENDMENT- M-2 TO M-3 & SPECIAL USE

SITE INFORMATION

PETITIONER  Kendall County Sheriff's Office
ADDRESS     16805 Quarry Road
LOCATION    Southwest corner of Joliet Road and Quarry Road

TOWNSHIP    Lisbon
PARCEL #     Whole PIN 08-29-400-002 (15.4 Acres) & Part of PIN 08-28-300-002 (1.6 Acres)
SIZE        The location of rezoning and special use will be about 17 Acres. The Shooting Range will be on about 6 Acres.
EXISTING LAND USE  Mining/Quarry

ZONING  M-2 (Heavy Industrial)

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<th>LRMP</th>
<th>Land Use</th>
<th>County: Mining and Potential Mining; City of Lisbon: Mining</th>
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<tbody>
<tr>
<td>Roads</td>
<td>Joliet Road is designated as an arterial road</td>
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<td>Trails</td>
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REQUESTED ACTION The petitioner would like to rezone a 17 acre property from M-2 to M-3 and also requests a special use for a shooting range. Central Limestone has been at this site since the late 1800's and the County Zoning regulations have changed so much that M-2 was for mining at one point. Staff suggests rezoning at least the portion of the property for the shooting range to M-3 so they can get a special use for the shooting range. (Petition 13-01).

APPLICABLE REGULATIONS § 10.03 of the Zoning Ordinance (Manufacturing District)
§ 13.07 of the Zoning Ordinance (Amendments)
§ 13.08 of the Zoning Ordinance (Special Uses)
SURROUNDING LAND USE

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<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
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PHYSICAL DATA

Endangered Species Report
The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:
Aux Sable Creek INAI Site

ACTION SUMMARY

Township (Lisbon) Have not heard from yet (mailed to James Horton on 1.3.13)
Municipal (Lisbon) Have not heard from yet (emailed to Iona Whitney on 1.3.13)

STAFF ANALYSIS

Proposed Use The requested zoning change to M-3 is consistent with the County’s Zoning Ordinance for Mining and the Land Resource management Plan.

CONCEPT SKETCH

Findings of Fact § 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. Staff has answered as follows:
Existing uses of property within the general area of the property in question. The property to the east and west of this property is already being mined and someday this property will be mined as well.

The Zoning classification of property within the general area of the property in question. The property to the north and south are shown on the LRMP as potential mining and to the east and west is already zoned for mining so the M-3 zoning is consistent with the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is currently zoned M-2 which was the zoning for mining back in the 70's. The land suitability is good for mining just the M-2 district is no longer the district for mining, the M-3 Zoning District is intended for mining.

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. This mine has been in existence since the late 1800's and the trends of development in the area are potential mining districts or are already mines.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This land fits more with the purpose and objectives in the M-3 District which is to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein. The M-2 intent no longer fits the future use of this property which ultimately is to be mined.

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:

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. An outdoor shooting range should not be any more dangerous than weekly mine blastings and eventually this property will also be mined.

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. An outdoor shooting range noises will be consistent with the noises of a mine. The petitioner is making adequate provisions for appropriate buffers and the shooting with take place towards the south. The berm will be a minimum of 20' tall and probably will be taller than that which will also help to block the noise.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A curb cut already exists to this

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Prepared by Angela L. Zubko, Senior Planner
Page 4 of 5
piece of property and there will be no utilities on this property. Proper drainage is already being designed for and there will be a berm around the special use which will hold the water on their own site.

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 Hearing Officer. Assuming the text amendment passes to allow this type of use in the M-3 district it will conform to all applicable regulations.

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 special use is consistent with the LRMP and municipal plans and policies as the ultimate goal is to eventually be a mine but in the meantime used for an outdoor shooting range.

**Recommendation**

Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval of the zoning change and special use for a Kendall County Government Agency and other law enforcement shooting range with the following conditions:

1. Minimum of a 30' backstop
2. Hours are limited from 7am to 8pm
3. Water and drainage plans must be approved by Kendall Counties Consulting engineer
4. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
5. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance
6. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance
7. All applicable State, Federal, County and EPA rules and regulations shall be adhered to.
8. No activity shall leave the boundaries of the site.
9. Shall contact and meet all requirements of the Kendall County Health Department.
10. The best practices manual provided from the Region 2 office of the EPA shall be used as a guide.
11. Gated entrance
12. The Sheriff's office must keep a list of persons that want to be notified 48 hours in advance of shooting or training and notify them.
13. Appropriate signage as determined by the Zoning Office be secured around the perimeter of the property.

**Attachments:**

1. ZPAC Meeting minutes on 1.7.13
2. RPC Meeting minutes on 1.23.13
With no further suggestions or changes Fran Klaas made a motion, seconded by Phil Smith to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

**#13-02 Rezoning and Special Use for an Outdoor Shooting Range**

Planner Zubko stated this property is looking for a map amendment from M-2 to M-3 and requesting a special use for and Outdoor Commercial Sporting Activity, specifically an outdoor shooting range. As stated in the report staff was waiting to hear from the owner on what property he would like to rezone but has not heard from the owner to date so is going to rezone all of pin 08-29-400-002 which is about 15.39 acres and part of pin 08-28-300-002 which is about 1.6 acres and also where part of the shooting range will be located to be rezoned to M-3 and the special use on that property as well. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about ½ that parcel.

Megan Andrews went over the soil types on the site and stated there are 3 soil types on the site. Where they proposed the parking is actually brenton silt loam which is not a hydric soil so that should be more suitable for parking. The middle section of the site is 2 separate hydric soils which could get quite mucky in the January to May timeframe and could affect the lead deposits as well. Megan also brought up during the berming process to watch out for existing drainage tile as it could be close to the service and also discussed erosion control on the berms. Mr. Wollwert stated they are going to work with Forest Preserve on what type of plants might grow best on the berms and have already been working with the Counties Consulting engineering, WBK, with regards to stormwater and the NOI.

Mr. Shaw commented he was there when the current berms were constructed and gave some background to that and also stated that everything drains to the south.

With no further discussion Fran Klaas made a motion, seconded by Megan Andrews to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

Since Boyd Ingemunson is in attendance we are going to move onto petitions 13-04 and 13-05 and go back to 13-03 after.

**#13-04 Micro-batch Distillery**

Planner Zubko stated this petition relates to Petition 13-05 for Three Angels Brewing LLC. They would like to amend their special use to also allow micro distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 and also allow it as a special use in the A-1, B-3, M-1 and M-2 Districts. Staff proposes a definition and the text with 5 conditions.

Planner Zubko asked Mr. Rybski if he wanted to talk now about possibly water and sewage system issues or add a condition to contact the Health Department? Mr. Rybski stated that would be fine for the text amendment.

With no further suggestions or changes Aaron Rybski made a motion, seconded by Megan Andrews to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

**#13-05 Three Angels Brewing LLC & Angels Share Distilling LLC**

Planner Zubko stated Three Angels Brewing is a nano brewery that is located at the northeast corner of Caton Farm Road and Ashley Road. The site is a totally of 40 acres with about 1 acre being sued for the nano brewery and what will hopefully be the micro distillery. The petitions have already talked to the township about their concerns with having a micro distillery on the property and their main concerns are to not have special events on site and the hours of operation. Planner Zubko stated they will have to contact the Village of Plattville for their comments as well since they are within a mile and a half of the municipal boundaries. They will still operate the nano brewery and have a special use for Ag labor housing which is where the bee-keeper currently resides. The property does contain enough

ZPAC Meeting Minutes 1.7.13
it, not just one person. There was a brief discussion how far shooting ranges need to be from a structure and Mr. Wollwert stated there are limitations for hunting but not target shooting.

There was discussion on the text and not having enough conditions. Mr. Nelson suggested taking the discussion of guns and shooting ranges to ad-hoc and to keep this petition going but change it to allow the Kendall County Sheriff’s office.

Mr. Shaw (Owns property across the street) wanted to make sure they cannot shoot 24 hours a day.

Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board.

Mr. Nelson withdrew his motion and Mr. Sidles also withdrew his second. No motion is on the table at this time.

With no further discussion Larry Nelson made a motion, seconded by Tim Sidles to forward the petition onto the Zoning Board of Appeals with the change to change it to Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board. With a roll call vote there were 7 yes votes and 1 no vote. Claire Wilson voted against the project as she agrees with the staffs opinion this is for a specific user in a specific district. She is not against the use but would rather have parameters set first before approving a text amendment.

The group scratched the discussion of indoor and outdoor target practice to be discussed further at another meeting and move it to ad-hoc to straighten is out.

#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range

Planner Zubko stated the petitioner would like to rezone a 17 acre property from M-2 to M-3 and also requests a special use for a Kendall County Governmental Agency and other law enforcement shooting range. Central Limestone has been at this site since the late 1800’s and the County Zoning regulations have changed so much that M-2 was for mining at one point. Staff suggests rezoning at least the portion of the property for the shooting range to M-3 so they can get a special use for the shooting range. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about ½ that parcel on the west. There’s a lot of good information in the ZPAC meeting minutes like the IL EPA does not control shooting ranges and does not get involved until the range is inactive and then the lead that remains in the backstop becomes hazardous waste that does have to be contended with. The IL EPA directed Mr. Wollwert to a specific region of the federal EPA because even nationwide the federal EPA does not have a specific set of guidelines but they did direct him to Region 2 which has put together a best practices manual so that is being evaluated now with
regards to the construction plans. The manual has specific recommendations for which type of material is best. For example what type of materials to use for the backstop so you can sift out the bullets when needed for clean-up. The state recommends a berm of at least 30’ tall for the backstop for recruit training so their berms will be a minimum of 30’ tall. The berms will be constructed out of clean fill from Route 47 and Route 34 widening project and the backstop might be 50’ tall instead of 30’. The shooting range they use now is currently inspected yearly by the Law Enforcement Training and Standards Board and has never had a problem passing their inspections and would continue that process at the new site. The intent for the new range is to limit it to only the sheriff’s office at least at the beginning stages. Mr. Wollwert is in attendance for any questions.

The request to rezone to M-3 is consistent with the County’s Zoning Ordinance for mining and the LRMP and since the text amendment was moved forward by the Plan Commission staff would recommend approval with the following condition at this time. We will need to add more conditions since the text amendment was modified.

1. If night shooting is to occur the adjacent land owners shall be notified 48 hours in advance.

Mr. Wollwert stated D Construction will be doing the construction and has been reading a lot of material about this matter. There was clarification that they consider night training from 5-8pm so therefore the other condition can be modified to limit the hours from 7am to 8pm. Also for clarification the Sheriff’s office will still use the other site. This new range will have a 200 yard rifle range which is not available at the current range which is 100 yards.

There was a discussion about fencing and Mr. Wollwert stated there is no fence proposed at this time, just a berm around the entire shooting range except for the one opening for vehicular traffic. There was some concern about curious kids or people wanting to crawl on the berm. At this time they added the condition about perimeter signage for no trespassing and the fire range safety officer is in charge of looking out for things like that. There was discussion on the north/south shooting with regards to sun, if there are coverings proposed and what happens if the public enters the property when they are shooting.

Mr. Wormley wanted to notify the group he’s the insurance agent for Central Limestone so will not be voting on this topic but brought up some potential insurance issue. Claire asked if there was night shooting if there would be lighting. Mr. Wollwert stated maybe some lighting that could be raised and lowered during that time when used. Ms. Wilson asked if they shoot on the weekends. Mr. Wollwert stated they do but rarely. There was some discussion about the amount of days a year the range will be used.

The following conditions were proposed to put on the special use:

1. Minimum of a 30’ backstop
2. Hours are limited from 7am to 8pm
3. Water and drainage plans must be approved by Kendall Counties Consulting engineer.
4. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
5. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.
6. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance.
7. All applicable State, Federal, County and EPA rules and regulations shall be adhered to.
8. No activity shall leave the boundaries of the site.
9. Shall contact and meet all requirements of the Kendall County Health Department.

These were added after more discussion:

10. The best practices manual provided from the Region 2 office of the EPA shall be used as a guide.
11. Gated entrance
12. The Sheriff’s office must keep a list of persons that want to be notified 48 hours in advance of shooting or training and notify them.
13. Appropriate signage as determined by the Zoning Office be secured around the perimeter of the property.

Ms. Wilson wanted to add a condition about the best practices shall be adhered to. The Commission decided on the above language. Budd Wormley asked if they would have security gates at the front entrance and Mr. Wollwert stated there will be a security gate, it was also added as a condition.

Mr. Shaw stated in 2007 there was a storm and suggested having a slight berm to go over at the access road entrance so additional water does not get into the site.

Bob Friestad who owns property nearby stated he is about a ½ mile away from the property. He will be farming right up to the berm and stated there currently is a lot of noise from the quarry and on Sunday morning it is quiet. That is a concern he had. Mr. Wollwert stated they very rarely shoot on Sunday’s. Mr. Wollwert would be fine with having a notification list for any area person that wants to be notified. A condition was added to address this.

As stated previously Budd Wormley has abstained from the vote.

With no further suggestions or changes Larry Nelson made a motion, seconded by Tim Sidles to forward the petition onto the Zoning Board of Appeals and Special use Hearing Officer with the conditions stated above. With a roll call vote 6 yes votes, 1 no vote and 1 abstained himself. Claire Wilson wanted to clarify her no vote, not that she’s opposed.
to this it’s a procedural thing and feels we put the cart before the horse without having the text amendment worked out.

#13-04 Micro-batch Distillery
Planner Zubko stated this petition relates to Petition 13-05 for Three Angels Brewing LLC. They would like to amend their special use to also allow micro/craft distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 and also allow it as a special use in the A-1, and B-3 district and allow as a permitted use in the M-1 and M-2 Districts. Staff proposes a definition and the text with 6 following conditions:

a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.

b. Locally grown inputs shall be used to the greatest extent possible

c. The number of hours permitted to operate shall be on the approving ordinance.

d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.

e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.

f. Shall contact & meet all requirements of the Kendall County Health Department.

Claire asked why staff suggested having it have direct access to a road designated as a major collector on the County LRMP. There was some discussion and after further thought staff suggested adding that condition be for A-1 zoned properties. The Commission agreed.

There was discussion on noise and smells from this type of operation. Boyd Ingemunson stated it would be minimal.

With no further suggestions or changes Claire Wilson made a motion with the one change staff suggested, seconded by Larry Nelson to forward the petition onto the Zoning Board of Appeals. With a roll call vote all were in favor.

#13-05 Three Angels Brewing LLC & Angels Share Distilling LLC
Planner Zubko stated Three Angels Brewing is a nano brewery that is located at the northeast corner of Caton Farm Road and Ashley Road. The site is a total of 40 acres with about 1 acre being used for the nano brewery and petitioning to also have a micro/craft distillery with a tasting room and retail sales. The petitioners have already talked to the township about their concerns with having a micro distillery on the property and their main concerns are to not have special or large events on site and what the hours of operation. They will still operate the nano brewery and have a special use for Ag labor housing which is where the bee-keeper currently resides. The property does contain enough landscaping and parking. There is signage already on the property. They do have access from Ashley Road by a mechanical gate which will be closed during non hours. The petitioner will need to renovate the existing barn for the

KCRPC Meeting Minutes from 1.23.13
MEMORANDUM

To: ZBA
From: Angela L. Zubko
Date: January 24, 2013
Re: Subdivision Control Ordinance – Recommendation to add a process for Other Plats to go through the entitlement process—Petition 13-03

Back on January 18, 2011 County Board approved changes to the review process in the Zoning Ordinance and on March 15, 2011 County Board approved changes to the subdivision control ordinance including the preliminary and final plat process. During those changes a process for Other plats (Vacation, Dedication, etc.) was never created in the Subdivision Control Ordinance. Therefore staff would like to create a section for that process.

Red are changes after the ZPAC Meeting
Blue are the changes after the RPC Meeting

SECTION 7.06 OTHER PLAT (VACATION, DEDICATION, ETC.) PROCEDURE

A. The applicant shall prepare a plat, which shall include all of the property to be vacated or dedicate. County and Township roadways are exempt from this process as there is a separate process for those.

B. The applicant shall submit to the Plat Officer the Plat accompanied with a completed application for an Other Plat (Vacation, Dedication, Etc.) with the appropriate filing fees.

C. Plats must be prepared by a registered surveyor or engineer and must include all requirements below:

Title
Scale of Drawing
“North Arrow” showing north at top of the drawing
Location Map
Date of drawing (as well as dates of any and all revisions)
Names of Developer/Owner
Names of Designer/Surveyor
All existing structures on the property and all structures on adjacent properties within 100’ of property line

Utilities on the property and adjacent properties
Existing easements (location, width and purpose)
Existing streets and other rights-of-way
Topography at 1 or 2 foot contours
Wooded areas (if present)
Natural drainage to, from and on the property
Base Flood Elevation (if present on the property)
Wetlands (if present on the property)

D. If there are utilities already existing in the easement
(any type of easement: drainage, utility, etc.) the owner
petitioner is responsible for relocation, if necessary of
the utilities and must supply the Plat Officer with a
relocation plan.

E. Upon receiving the complete application and reviewed by the
PBZ (Planning, Building & Zoning) staff for compliance with
the regulations of this Ordinance and all other ordinances
of the County the item will be placed on the agenda for the
next regularly scheduled meeting of the Zoning, Platting
and Advisory Committee (ZPAC) for review and recommendation
to the Planning, Building & Zoning Committee (PBZC) of the
County Board. After the ZPAC meeting this item will be
placed on the agenda for the next regularly scheduled
meeting of the PBZ for review and recommendation to the
full County Board.

F. Upon completion of the review by the PBZC a recommendation
shall be made and the minutes of the ZPAC & PBZC meeting
containing such recommendation shall be submitted to the
full County Board.

G. The County Board shall review the plat within thirty (30)
days of the recommendation made by the PBZC. Action shall
be taken by the County Board within a reasonable time and
the applicant and the County Board may mutually agree to
extend the County Board’s consideration of said plat.

H. Upon approval of the plat by the County Board, the
application shall record the plat with the County Recorder
within six (6) months. If the plat has not been recorded
within this amount of time, the approval shall become null
& void unless an extension to the recording of the plat has
been granted by the County. Such a request shall be made
in writing and submitted to the Plat Officer who will then
forward the request to the PBZC for review and
recommendation to the full County Board.

Attachments:
1. ZPAC Meeting minutes on 1.7.13
2. RPC Meeting minutes on 1.23.13
landscaping and parking. There is signage already on the property. They do have access from Ashley Road by a mechanical gate which will be closed during non hours. The petitioner will need to renovate the existing barn for the operation since it will be open to the public. This renovation will require a building permit and will be subject to all applicable codes and regulations of the Bristol-Kendall Fire Protection District and Commercial Building Code.

Boyd stated the text amendment falls in line with that the new state law is with regards to micro-batch distilleries. Fran Klaas if the state law has the 5,000 gallon requirement? Mr. Ingemunson stated he believes it does but also will check as he heard there is a bill which might up the maximum gallon requirement to 7,500. Boy and Planner Zubko will check on that and possibly change the definition to allow changes depending on law changes. Planner Zubko wanted to note she’s done some research which is where the definition and conditions have come from but all the micro distilleries are located in industrial/manufacturing type of districts. She has talked to Evanston and Plainfield which have approved micro distilleries.

Boyd Ingemunson gave some background to the operation and that only 2 people run this site currently and a part time job for them. It’s fun for them and want to teach others how the process is. There was discussion if they grow it will probably be in a municipality. A limit on the number of people or cars will be discussed with staff before the Plan Commission meeting. Also the limit of hours or timeframes will be discussed before the Plan Commission meeting. Mr. Ingemunson talked about what they grow on site and where they are getting some ingredients currently in the County and use as much organic ingredients as possible.

Mr. Klaas asked if we wanted to maybe make it as a permitted use in the manufacturing districts instead of a special use. Planner Zubko will change some wording about locally grown ingredients so if they are in an industrial district it would still apply.

Megan Andrews just wanted to let them know with their organic initiative there are some farm bill programs through the USDA.

Planner Zubko stated she is aware that Mr. Ingemunson has talked to Mr. Shaw about adding a new class of liquor license. That will not affect the special use approval.

Phil Smith stated he has been out to the site a couple time and suggested some safety lighting which has been completed.

Aaron Rybski stated to look into sewage ASAP as that could affect where they’re currently farming and you want to have virgin soil if you need an expansion. There was discussion on the non-community water system currently in place. He stated the next step is now that they’re selling retail they fall under the Kendall County regulations and not just the State anymore. Amy Serby is in attendance and has a packet of information to give him now that they will be serving the public. Planner Zubko asked if they would be serving food on site and Mr. Ingemunson stated possibly and will talk to the Health Department about this at the same time.

With no further discussion Aaron Rybski made a motion, seconded by Phil Smith to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

#13-03 Other Plat Process (Vacation, Dedication, Etc.)
Planner Zubko stated that back on January 18, 2011 County Board approved changes to the review process in the Zoning Ordinance and on March 15, 2011 County Board approved changes to the subdivision control ordinance including the preliminary and final plat process. During those changes a process for Other plats (Vacation, Dedication, etc.) was never created in the Subdivision Control Ordinance. Therefore staff would like to create a section for that process. Fran Klaas stated we should
include some exception to County and township roadway vacations as they have a different process it
goes through.

With no further suggestions or changes Phil Smith made a motion, seconded by Megan Andrews to
forward the petition onto the Plan Commission with staff's recommendations. All were in favor.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**
The items discussed last month have not gone to County Board yet.

**PUBLIC COMMENT:** There were no audience members to comment.

**OLD BUSINESS:** None

**NEW BUSINESS**
Planner Zubko wanted to discuss a plat of vacation in Shadow Creek to discuss any issues as it will go to
PBZ in February. There was discussion about adding something into the text amendment that it's the
owner's responsibility to relocate any utilities that exist in the easement and to show a plat of relocation at
the same time.

Planner Zubko stated after these comments she will add that these should come to ZPAC before PBZ in
the text amendment.

**AJOURNMENT:** Next meeting on February 4, 2013
With no further business to discuss Phil Smith made a motion, seconded by Fran Klaas to adjourn the
meeting at 10:09 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Senior Planner
operation since it will be open to the public. This renovation will require a building permit and will be subject to all applicable codes and regulations of the Bristol-Kendall Fire Protection District and Commercial Building Code. The petitioners are also already working with the Health Department and working on a liquor license.

Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval of the proposed micro distillery/ craft distillery and also allow retail sales with the following conditions:

1. Must meet all the conditions of the text amendment:
   a. If zoned A-1 Agricultural, the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
   b. Locally grown inputs shall be used to the greatest extent possible.
   c. The number of hours permitted to operate shall be on the approving ordinance.
   d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
   e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
   f. Shall contact and meet all requirements of the Kendall County Health Department.

2. Hours for the public must be closed by 9pm.

3. Maximum of 20 cars to be parked on site at one time

There was discussion about the 20 cars, the Commission decided to up it to 50 vehicles. There was discussion about food to be served or sold and the petitioner stated they are working with the Health Department with regards to food.

With no further suggestions or changes Larry Nelson made a motion with the changes to 50 vehicles, seconded by Tom Casey to forward the petition onto the Special use hearing officer with staff’s recommendations. With a roll call all were in favor.

**#13-03 Other Plat Process (Vacation, Dedication, Etc.)**

Planner Zubko stated that back on January 18, 2011 County Board approved changes to the review process in the Zoning Ordinance and on March 15, 2011 County Board approved changes to the subdivision control ordinance including the preliminary and final plat process. During those changes a process for Other plats (Vacation, Dedication, etc.) was never created in the Subdivision Control Ordinance. Therefore staff would like to create a section for that process. As you can see we made an exemption for County and Township roadways as they have a different process to go through.
Mr. Nelson had a question under D to change the word owner to petitioner and add the word utility and drainage before easement. Claire would like the wording to say the petitioner shall be responsible for relocation if necessary and must supply the Plat Officer with a relocation plan.

With no further suggestions or changes Larry Nelson made a motion, seconded by Bill Lavine to forward the petition onto the Zoning Board of Appeals with the recommended changes. With a roll call all were in favor.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**
Nothing has gone to the Board since November

**CITIZENS TO BE HEARD**- No audience members left to speak

**NEW BUSINESS**
Discussion on Annual Meeting- February 2\textsuperscript{nd} at 9:30am- Planner Zubko stated that in the packet was the list of the 141 people invited to the meeting and went over the agenda.

Elections of Officers- Planner Zubko stated it’s that time of the year again to elect officers. Larry Nelson made a motion to nominate Bill Ashton as chairman. Claire Wilson seconded the motion. All were in favor and Bill Ashton is now the chairman. Claire Wilson nominated Budd Wormley as vice-chair, seconded by Tom Casey. Bill Ashton nominated Tim Sidles to be Vice-Chairman, Budd Wormley seconded the motion. There was some discussion. Bill withdrew the motion for Tim Sidles so only one motion is left on the table. All were in favor and Budd was voted as Vice-Chair. Claire moved to re-elect the incumbents for the secretary, treasurer and recording secretary. All were in favor. For clarification Larry Nelson was re-elected for Secretary and treasurer and Planner Zubko as the recording secretary. All were in favor.

**OLD BUSINESS**
Vote on Amended by-laws- Planner Zubko stated that last month the Commission was in favor and a motion was made to amend by-laws. but we need to vote on the changes at a separate meeting according to the rules. Larry Nelson made a motion seconded by Tom Casey to approve the amended by-laws. With a roll call vote all present were in favor.

Bill Ashton had two items to bring up. The first is the sign on Route 47; how it’s too bright and also advertising for realtors. Planner Zubko stated Inspector Brian Holdiman went out there and the realtor is advertising the space in that property.

The second thing Bill wanted to discuss is Tom Martin. Mr. Nelson talked to Tom Martin about coming and he said he would attend meetings and he still has not come since last February. Mr. Ashton suggested writing him a letter stating the provisions in the by-laws except some instances or if he’d wish to resign.
To: ZBA  
From: Angela L. Zubko, Senior Planner  
Date: January 24, 2013  
Re: Text Amendment – Micro Distillery (Petition 13-04)

This petition relates to Petition 13.05 for Three Angels Brewing LLC. They would like to amend their special use to also allow micro distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 and also allow it as a special use in the A-1 & B-3 District and have it as a permitted use in the M-1 and M-2 Districts.

Red are changes after ZPAC  
Blue are changes after RPC

SECTION 3.02 DEFINITIONS

MICRO DISTILLERY or CRAFT DISTILLERY: A facility that produces alcoholic beverages in quantities not to exceed five fifteen thousand (15,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. If state law changes the quantities the definition should reflect those changes.

SECTION 7.01.C - A-1 Agricultural District Special Uses, SECTION 9.04.C - B-3 Highway Business District Special uses, SECTION 10.01.B M-1 Limited Manufacturing Districts Permitted Uses & SECTION 10.02.B M-2 Heavy Industrial District Permitted Uses

Micro Distillery subject to the following conditions:

a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.

b. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.

c. The number of hours permitted to operate shall be on the approving ordinance.

d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.

e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.

f. Shall contact & meet all requirements of the Kendall County Health Department.

Attachments:

1. ZPAC Meeting minutes on 1.7.13
2. RPC Meeting minutes on 1.23.13
With no further suggestions or changes Fran Klaas made a motion, seconded by Phil Smith to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

**#13-02 Rezoning and Special Use for an Outdoor Shooting Range**

Planner Zubko stated this property is looking for a map amendment from M-2 to M-3 and requesting a special use for and Outdoor Commercial Sporting Activity, specifically an outdoor shooting range. As stated in the report staff was waiting to hear from the owner on what property he would like to rezone but has not heard from the owner to date so is going to rezone all of pin 08-29-400-002 which is about 15.39 acres and part of pin 08-28-300-002 which is about 1.6 acres and also where part of the shooting range will be located to be rezoned to M-3 and the special use on that property as well. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about ½ that parcel.

Megan Andrews went over the soil types on the site and stated there are 3 soil types on the site. Where they proposed the parking is actually brenton silt loam which is not a hydric soil so that should be more suitable for parking. The middle section of the site is 2 separate hydric soils which could get quite mucky in the January to May timeframe and could affect the lead deposits as well. Megan also brought up during the berming process to watch out for existing drainage tile as it could be close to the service and also discussed erosion control on the berms. Mr. Wollwert stated they are going to work with Forest Preserve on what type of plants might grow best on the berms and have already been working with the Counties Consulting engineering, WBK, with regards to stormwater and the NOI.

Mr. Shaw commented the he was there when the current berms were constructed and gave some background to that and also stated that everything drains to the south.

With no further discussion Fran Klaas made a motion, seconded by Megan Andrews to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

Since Boyd Ingemunson is in attendance we are going to move onto petitions 13-04 and 13-05 and go back to 13-03 after.

**#13-04 Micro-batch Distillery**

Planner Zubko stated this petition relates to Petition 13-05 for Three Angels Brewing LLC. They would like to amend their special use to also allow micro distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 and also allow it as a special use in the A-1, B-3, M-1 and M-2 Districts. Staff proposes a definition and the text with 5 conditions.

Planner Zubko asked Mr. Rybski if he wanted to talk now about possibly water and sewage system issues or add a condition to contact the Health Department? Mr. Rybski stated that would be fine for the text amendment.

With no further suggestions or changes Aaron Rybski made a motion, seconded by Megan Andrews to forward the petition onto the Plan Commission with staff’s recommendations. All were in favor.

**#13-05 Three Angels Brewing LLC & Angels Share Distilling LLC**

Planner Zubko stated Three Angels Brewing is a nano brewery that is located at the northeast corner of Caton Farm Road and Ashley Road. The site is a totally of 40 acres with about 1 acre being sued for the nano brewery and what will hopefully be the micro distillery. The petitions have already talked to the township about their concerns with having a micro distillery on the property and their main concerns are to not have special events on site and the hours of operation. Planner Zubko stated they will have to contact the Village of Plattville for their comments as well since they are within a mile and a half of the municipal boundaries. They will still operate the nano brewery and have a special use for Ag labor housing which is where the bee-keeper currently resides. The property does contain enough

ZPAC Meeting Minutes 1.7.13
to this it’s a procedural thing and feels we put the cart before the horse without having the text amendment worked out.

**#13-04 Micro-batch Distillery**
Planner Zubko stated this petition relates to Petition 13-05 for Three Angels Brewing LLC. They would like to amend their special use to also allow micro/craft distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 and also allow it as a special use in the A-1, and B-3 district and allow is as a permitted use in the M-1 and M-2 Districts. Staff proposes a definition and the text with 6 following conditions:

a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
b. Locally grown inputs shall be used to the greatest extent possible
c. The number of hours permitted to operate shall be on the approving ordinance.
d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
f. Shall contact & meet all requirements of the Kendall County Health Department.

Claire asked why staff suggested having it have direct access to a road designated as a major collector on the County LRMP. There was some discussion and after further thought staff suggested adding that condition be for A-1 zoned properties. The Commission agreed.

There was discussion on noise and smells from this type of operation. Boyd Ingemunson stated it would be minimal.

With no further suggestions or changes Claire Wilson made a motion with the one change staff suggested, seconded by Larry Nelson to forward the petition onto the Zoning Board of Appeals. With a roll call vote all were in favor.

**#13-05 Three Angels Brewing LLC & Angels Share Distilling LLC**
Planner Zubko stated Three Angels Brewing is a nano brewery that is located at the northeast corner of Caton Farm Road and Ashley Road. The site is a total of 40 acres with about 1 acre being used for the nano brewery and petitioning to also have a micro/craft distillery with a tasting room and retail sales. The petitioners have already talked to the township about their concerns with having a micro distillery on the property and their main concerns are to not have special or large events on site and what the hours of operation. They will still operate the nano brewery and have a special use for Ag labor housing which is where the bee-keeper currently resides. The property does contain enough landscaping and parking. There is signage already on the property. They do have access from Ashley Road by a mechanical gate which will be closed during non hours. The petitioner will need to renovate the existing barn for the

KCRPC Meeting Minutes from 1.23.13
Listing of ZBA/SU-HO Dates for 2013

7:00PM

January 7, 2013
January 28, 2013
February (No Meeting)
March 4, 2013
April 1, 2013
April 29, 2013
May 28, 2013 (Tuesday)
June (No Meeting)
July 1, 2013
July 29, 2013
August (No Meeting)
September 3, 2013 (Tuesday) (Possible different location, CB at 6pm)
September 30, 2013
October 28, 2013
November (No Meeting)
December 9, 2013