CALL TO ORDER

ROLL CALL: Amy Cesich, Lynn Cullick, Scott Gryder (Chair), Judy Gilmour (Vice-Chair) and Jeff Wehrli

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the January 7, 2013 meeting.

EXPENDITURE REPORT- (handed out at meeting)

CITIZENS TO BE HEARD

OLD BUSINESS
Discussion on Resolution in support of a change in state legislation to grant counties the same ability as municipalities to adopt their own fire prevention codes

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. 13-06 Plat of Vacation
   Request Plat of Vacation
   Location Lots 11 and 12 of the Shadow Creek Subdivision
   Purpose Request for a plat of vacation to combine both lots into one and build a home in the middle of the two lots.

5. 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
6. **12-03 Land Cash Ordinance**
   Request: Text Amendment
   Purpose: Suggested changes to the land cash ordinance

**OLD BUSINESS**
City of Yorkville Building Inspection Agreement

**NEW BUSINESS**
Refund to Bob Schneider of Stor-Mor in the amount of $75 (Scope of permit inspections changed)
CMAP 2040 Plan
Request and approval of obtaining a credit card for PBZ
American Planning Association National Planning Conference in Chicago- April 13th - 17th

**PUBLIC COMMENT**

**UPDATE ON HISTORIC PRESERVATION**- Presentation at the COW Meeting on February 14th

**PROJECT STATUS REPORT**
**PERMIT REPORT**
**REVENUE REPORT**
**CORRESPONDENCE**
**EXECUTIVE SESSION**

**ADJOURNMENT**- Next meeting on March 11, 2013 (Planner Zubko will be absent)
KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of January 7, 2013

CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:30 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Vice-Chair Judy Gilmour, Amy Cesich, Lynn Cullick and Jeff Wehrli
Absent: None
Also present: Senior Planner Angela Zubko, Jeff Wilkins (Interim PBZ Director & Administrator) and Code Compliance Officer Brian Holdiman

APPROVAL OF AGENDA
Planner Zubko would like to add 3 things under New Business: discussion on ZPAC Meetings, the Annual Plan Commission Meeting and staff recommendations. Jeff Wehrli made a motion to approve the agenda as modified. Lynn Cullick seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Judy Gilmour made a motion to approve the minutes from October 9, 2012. Lynn Cullick seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT
Lynn Cullick made a motion to approve the bills. Jeff Wehrli seconded the motion. All agreed and the bills will be forwarded to the Budget and Finance Committee.

CITIZENS TO BE HEARD
There were no citizens to be heard at this time

OLD BUSINESS
Resolution in Support of a change in legislation to grant counties the same ability as municipalities to adopt their own fire prevention codes- Planner Zubko stated in the packet is the draft resolution that was discussed at the COW meeting last month and also a memo from Brian Holdiman. Also Planner Zubko handed out a letter she received from the Oswego Fire Protection District. She went on to say the Fire Protection District felt the County approached this change in legislation backwards and therefore felt it was a done deal and did not want to attend this meeting. The Chief felt they should have been talked to first before drafting up a resolution and knew this came from the PBZ Ad hoc Committee and asked what authority that group has. Planer Zubko tried to explain the process and how it typically goes to the PBZ Committee before being presented to the full County Board but due to the month the PBZ Committee was not formed so it was discussed before the Committee of the Whole who sent it back to the PBZ Committee for more information and requested the fire protection district attend to help aid in their questions. Ms. Gilmour asked if any other fire districts were invited and Planner Zubko stated that Oswego Fire Protection District is the only district that has these rules in place and Planner Zubko asked in her email inviting the Fire Protection District if anyone else should be invited and did not hear back with regards to that question. The Chief knew where this legislation
was coming from and felt bridges were already burned and felt their efforts to come talk would be a waste of time. Planner Zubko tried to explain it's a new County Board and that is why it was sent back to the Committee. There was discussion on how to mend this and it was decided Mr. Wehrli, Ms. Cesich and Planner Zubko will attend the trustee meeting January 14th to show Kendall County does care and plan to talk to the Chief after the meeting. There was some discussion on when legislation and bill need to be submitted by. The Committee decided to continue this topic to the February 11th meeting and hopefully we can get a couple fire districts to attend. In the meantime Planner Zubko will also email the other County director’s and see if their Fire Districts have these types of rules and if it has caused issues in their offices. Mr. Holdiman stated the sprinkler systems have been in place since 2006.

City of Yorkville Building Inspection Agreement- Ms. Zubko turned the discussion on over the Mr. Holdiman and said there is a memo in the packet with regards to the agreement. Due to the downturn in the economy the City of Yorkville is down to 1 inspector and our department has one building inspector. Currently if the City of Yorkville’s inspector is on vacation or absent the City has to hire a consultant to perform the inspections. In an effort to save money and work together the idea came up to possibly perform each other’s inspection when the others is absent or on vacation. This is a concept idea which Mr. Holdiman has written down some inspection agreement notes and before having the States Attorney’s Office (SAO) draft up an agreement wanted to get the PBZ Committee’s consensus that the group wanted to pursue this. Mr. Wehrli asked how different their codes are in relation to Kendall Counties. Mr. Holdiman stated the City of Yorkville currently follows the 2009 building codes and Kendall County follows the 2006 building codes and he did not feel there would be a burden to look at each other’s codes that are followed. Mr. Gryder stated Mr. Holdiman mentioned there would not be a change in compensation and his concerns would be if one person got too heavy how that would work. Mr. Holdiman stated there would have to be a process where they would evaluate each year and try to level it out. Mr. Wehrli asked where this would go next and Mr. Holdiman stated the SAO. Ms. Gilmour asked if this type of thing has ever been done before in the past. Mr. Holdiman stated that it has not been done in the past. There was discussion that most likely the teamsters would have to sign off on this concept but did not find this to be an issue. There was discussion on insurance while on the other’s inspections and Mr. Wilkins thought since it would be an intergovernmental agreement it shouldn’t be an issue but will leave that up to the SAO. Mr. Holdiman stated this idea would not include plumbing inspections as you need a special license to do that which we contract out John Schneider to perform our inspections. Mr. Wehrli made a motion to forward this onto the SAO for review to see if it is legal and draft up an agreement. Ms. Gilmour seconded the motion. All were in favor and this will be passed onto the SAO.

PETITIONS

#12-03 Land Cash Ordinance

Planner Zubko stated this was discussed at the last COW meeting and wanted to bring it to the PBZ Committee to establish a few numbers before presenting it to the school districts. Planner Zubko stated in the packet is the entire land cash ordinance but suggests the best way to handle this is to break it down into sections and once all the pieces are determined we will look at it as a whole and then decide if any other changes are needed. Planner Zubko’s goals for this meeting is to come up with a consensus on the Forest Preserve’s population ratio and also make a determination on the school districts population ratio with regards to the classification of schools and the design capacity and acreage to use. First Planner Zubko brought up the possible changes on page 3 with regards to age restricted housing and if we should possibly waive the school fees but keep the park/forest preserves fees. There was much discussion on children restricted subdivisions, age restricted subdivisions and what to do if the developer goes belly up or someone changes the covenants and restrictions without staff knowing and now allowing children. There was also discussion on how this would be enforced. The consensus was to re-write the language stating something to the extent that age
restricted or children restricted subdivisions can approach and ask the school district to support waiving the school district fees but it’s ultimately up to the County Board to make that determination and make sure that on the subdivision plat and deed it discusses age restricted or no children permitted to live in this subdivision. This way it will be on a case by case basis and not just give them the right to waive the fees.

The next top is also on page 3 with regards to the Park/Forest Preserve Dedication population ratio. There was much discussion on the comparisons and the consensus was that everyone was good with leaving the ratio as is at the 10 acres per 1,000 population.

Mr. Wehrli stated that on page 4 under number 4 we need to add the words ‘or forest preserve district’ in the 2nd paragraph as it discusses park district and leaves out forest preserves.

Planner Zubko stated the next item to discuss is on page 5 with regards to design capacities and acreage. There was discussion on the comparisons but the group consensus was probably to use the highest numbers from Oswego so everyone would be meeting the minimum or more then typically requested. Ms. Cullick stated the numbers that are shown in the document are changing due to the increased size of the high schools. Ms. Zubko will contact Paul Nordstrom to get the up to date numbers being discussed and will bring those back next month.

Next month Planner Zubko would like to go over the proposed changes and start the discussion on Fair Market Values. Planner Zubko did state in the packet is some suggestions, history of how Kendall County has done it in the past and how some other Counties calculate it.

NEW BUSINESS

Petition Process- Planner Zubko stated in the packet is the flow chart for a special use and went through the process and explained what meetings each petition has to go through and when those committees meet. There were no questions at this time. Planner Zubko also stated all the applications are available on the website in fillable form and also all the meetings are on the website.

2013 Meeting Dates & Discussion on meeting time- In the packet is the proposed 2013 meeting schedule and would like to discuss if 6:30 works out or possibly change it to 7pm during the workshop. The consensus was that 6:30 was fine with most but 7 would work better for others. It will be brought up at the workshop.

ZPAC Meetings- Planner Zubko stated that the ZPAC meeting is the first meeting of the petitioners and consists of staff and typically the PBZ Chair. Planner Zubko stated she needs to check policy if it is written it needs to be the PBZ Chair but staff would value any PBZ member attend the meeting. The group asked why a member should attend and Planner Zubko stated they know the feeling of the board more and might have different input staff might not think of since sometimes we’re so focused on certain items. Mr. Gryder stated due to the timing he would be unable to attend so there was discussion on switching up each month which PBZ member attends. Planner Zubko will make sure no policies need to change and if they do she will work on that.

Annual Plan Commission Meeting- Planner Zubko stated that the Regional Plan Commission will hold their annual meeting on February 2nd at 9:30 in the County Board room and invitations will hopefully go out this week. The meeting is to get input on any changes to the LRMP (Land Resource Management Plan), update on the PBZ’s accomplishments of the year and future goals. Also we ask for other municipalities, park districts, school districts, pretty much anyone to attend the meeting and update what’s going on in their neck of the

PBZ Meeting Minutes
woods and we have also asked how these different jurisdictions are handling the downturn in the economy with regards to housing.

**Staff recommendations on reports**- Planner Zubko stated that typically staff recommendations are on the reports whether staff suggests approving or denying a petition. The question is if the new board wants to continue having recommendations on the reports or not have any recommendation. The reason for this would be because this could get Kendall County in trouble one day, it has not to date but the possibility is there if staff recommends approval and the County Board denies the petition, the petitioner could sue the County saying staff recommended approval. Mr. Gryder stated Oswego has staff recommendations on their reports. Ms. Cesich felt it was important to have staff’s opinion on the report. All agreed so staff will keep recommendations on their reports.

**Planning Consortium**- Chairman Gryder wanted to bring up the fact that the City of Yorkville and Kendall County used to have a Planning Consortium where different topics were discussed. Mr. Gryder gave the background of the group and stated he found this a valuable meeting and would like something added to the annual meeting agenda to discuss possibly starting this forum back up and brainstorm where to meet and possible topics.

**PUBLIC COMMENTS** – None

**UPDATE ON HISTORIC PRESERVATION**- Planner Zubko stated this has never been on a PBZ agenda before but thought this was the best committee to discuss what’s happening at the Historic Preservation Commission since it is a Commission from the PBZ Department. Planner Zubko is the staff liaison to the Commission and Mr. Wehrli is the Board liaison and member of the Commission. Mr. Gryder asked if an Ordinance was drafted and how restricted it is. Mr. Wehrli gave a brief history of the ordinance and stated we have one but it does not meet the standards to become a Certified Community and eligible for grants or tax benefits. Planner Zubko stated the Chairman, Whitney French, will be doing a presentation at a COW meeting to introduce the group and what we’re currently working on.

**PROJECT STATUS REPORT** – Planner Zubko went through the project status report. During that time she went over the active subdivisions, where they were located and what public improvements are left to do. Planner Zubko also stated in your packet is a memo from Brian Holdiman that is an end of year detail report dating back to 2007.

**PERMIT REPORT** - Reviewed
**REVENUE REPORT** - Reviewed
**CORRESPONDENCE** – None
**EXECUTIVE SESSION** - None

**ADJOURNMENT**- Next meeting will be on February 11, 2013
Lynn Cullick made a motion to adjourn the meeting. Jeff Wehrli seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 8:12 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner

PBZ Meeting Minutes
To: PBZ

From: Angela L. Zubko, Senior Planner

Date: February 5, 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 Plan 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:

Section 10.01.C and 10.02.C.- M-1 & M-2 Special uses

Kendall County Government Agency and other law enforcement shooting range 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
3. ZBA Meeting minutes on 1.28.13
4. Draft Ordinance
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 Petit- 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. Klaa
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 so 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 he believes their current 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 an 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
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Meeting Minutes of January 23, 2013
(Unofficial until Approved)

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
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 Government 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 ¼ 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
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
January 28, 2013 – 7:00 p.m.

CALL TO ORDER
At 7:04 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

This will be a joint meeting due to the nature of the petitions.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Scott Cryder, Karen Clementi, Tom LeCuyer and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: Donna McKay
In the audience: Commander Robert Wollwert and Sheriff Richard Randall

A quorum was present to conduct business.

CALL TO ORDER
At 7:05 p.m., Chairman Bill Ford called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Bill Ford

MINUTES
Scott Cryder motioned to approve the December 3, 2012 ZBA meeting minutes. Scott Cherry seconded the motion. All were in favor and minutes were approved.

Chairman Mohr swore in Senior Planner Zubko, Commander Robert Wollwert and Sheriff Richard Randall.

PETITIONS
#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 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 Plan 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 with conditions to be set and approved by the County Board. We will discuss some conditions staff and the Plan Commission suggested on the next petition.
Mr. Cryder asked why we never hear from the townships anymore. Planner Zubko stated she is not sure and has also reached out to the townships to introduce herself and also let them know about the petition process and to please contact staff.

Mr. Randall talked about the new range with higher berms and a safer operation for their shooting range. They will be at this property for about 25 years.

The Zoning Board decided to also discuss the actual petition before recommending the text. See below for the vote for the text amendment.

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

Planer 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 suggested rezoning 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. The reason we are reasoning the whole pin number is because the petition is not sure exactly where the berms will be built and also this cleans up that whole parcel which will eventually be mined. There’s a lot of good information in the ZPAC meeting minutes from Commander Wollwert 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 dealt 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 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 backstop on the south 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 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

Zoning Board of Appeals & SUHO 1.28.13 Page 2
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.

Ms. Clementi asked if the neighbors had any concern. Commander Wollwert stated some members attended the Plan Commission meeting last week and any concerns they had were met in added conditions.

Mr. Ford asked about the gated entrance. Commander Wollwert stated there will be berms along the front entrance, no fence but will have the gate and appropriate signage. Mr. Wollwert stated they also have field officers looking for people on the roadways. Mr. Ford asked about lighting, Commander Wollwert stated if they had night shooting it would be temporary lights. There was some discussion about notifying the public that wanted to be notified 48 hours in advance of shooting. The Sheriff’s office would know about 95% of the days they plan to shoot in January of each year that they could get out to the public. There was discussion how often the range would be used.

Mr. Randall would like to amend condition number 12 to write something along the lines to exempt gun testing or shooting more than 2 hours they will be notified 48 hours in advance. The special use hearing officer was fine with the exemption of gun testing.

#13-01 Kendall County Government Agency and other law enforcement Shooting Range
Hearing no testimony, Chairman Mohr closed the testimony.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the PBZ meeting next week.

#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range
With no further testimony, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a map amendment as follows:

§ 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.
State of Illinois
County of Kendall

ORDINANCE # 2013-

AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
TO ALLOW A KENDALL COUNTY GOVERNMENT AGENCY AND OTHER LAW
ENFORCEMENT SHOOTING RANGE

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a public hearing held before the Kendall County Zoning Board of Appeals on January 28, 2013;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 10.01.C & 10.02.C “M-1 Limited Manufacturing District & M-2 Heavy Industrial District-Special Uses” of the Kendall County Zoning Ordinance as provided:

Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 19th day of February, 2013.

Attest:

Kendall County Clerk
Debbie Gillette
Kendall County Board Chairman
John Shaw
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.
Location of Rezoning:

EXISTING LAND USE  Mining/Quarry

ZONING  M-2 (Heavy Industrial)

LRMP

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<tr>
<th>Land Use</th>
<th>County: Mining and Potential Mining; City of Lisbon: Mining</th>
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</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Joliet Road is designated as an arterial road</td>
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<tr>
<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)
<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within 1/2 Mile</th>
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</tr>
<tr>
<td>West</td>
<td>Vulcan Mine</td>
<td>Lisbon</td>
<td>Agricultural</td>
<td>A-1; Lisbon</td>
</tr>
</tbody>
</table>

**PHYSICAL DATA**

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 and again on 1.29.13)

**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**

![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 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. This specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons.

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. Gun testing is exempt from notifying the neighbors as it will be on an as needed basis and for a short period of time.
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
3. ZBA/SUHO Meeting minutes on 1.28.13
4. Draft Ordinance
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 an 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 ¼ 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 muddy 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
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
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
Mr. Cryder asked why we never hear from the townships anymore. Planner Zubko stated she is not sure and has also reached out to the townships to introduce herself and also let them know about the petition process and to please contact staff.

Mr. Randall talked about the new range with higher berms and a safer operation for their shooting range. They will be at this property for about 25 years.

The Zoning Board decided to also discuss the actual petition before recommending the text. See below for the vote for the text amendment.

#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 suggested rezoning 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. The reason we are reasoning the whole pin number is because the petition is not sure exactly where the berms will be built and also this cleans up that whole parcel which will eventually be mined. There’s a lot of good information in the ZPAC meeting minutes from Commander Wollwert 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 dealt 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 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 backstop on the south 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 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.

Ms. Clementi asked if the neighbors had any concern. Commander Wollwert stated some members attended the Plan Commission meeting last week and any concerns they had were met in added conditions.

Mr. Ford asked about the gated entrance. Commander Wollwert stated there will be berms along the front entrance, no fence but will have the gate and appropriate signage. Mr. Wollwert stated they also have field officers looking for people on the roadways. Mr. Ford asked about lighting, Commander Wollwert stated if they had night shooting it would be temporary lights. There was some discussion about notifying the public that wanted to be notified 48 hours in advance of shooting. The Sheriff’s office would know about 95% of the days they plan to shoot in January of each year that they could get out to the public. There was discussion how often the range would be used.

Mr. Randall would like to amend condition number 12 to write something along the lines to exempt gun testing or shooting more than 2 hours they will be notified 48 hours in advance. The special use hearing officer was fine with the exemption of gun testing.

#13-01 Kendall County Government Agency and other law enforcement Shooting Range
Hearing no testimony, Chairman Mohr closed the testimony.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the PBZ meeting next week.

#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range
With no further testimony, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a map amendment as follows:

§ 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.

With no further suggestions or changes Karen Clementi made a motion, seconded by Tom LeCuyer to approve the map amendment with the above findings of fact. With a roll call vote all were in favor and the map amendment was approved and will be on the next PBZ Committee agenda.

Special Use Hearing Officer Ford reviewed the Findings of Fact for a special use as follows:

§ 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 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. This specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons.

Bill Ford made a favorable recommendation with the above staff’s findings of fact except for the last finding of fact be amended to add ‘this specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons’ and the 13 conditions on the special use.

ADJOURNMENT
Chairman Bill Ford adjourned the Special Use Hearing Officer meeting at 7:45 p.m.

#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. The reason this has come up is because people are looking to buy 2 lots in a subdivision and combine the lots into 1 to build a house in the middle and there typically are easements down the middle of the lots and building setback lines. As you can see we made an exemption for County and Township roadways as they have a different process to go through.

Hearing no testimony, Chairman Mohr closed the testimony.
ORDINANCE NUMBER 2013 - _____

GRANTING A MAP AMENDMENT & SPECIAL USE FOR
THE KENDALL COUNTY SHERIFF’S OFFICE
Rezone from M-2 to M-3 Special Use

WHEREAS, the Kendall County Sheriff’s Office has filed a petition for a Map Amendment from M-2 to M-3 and a Special Use for a ‘Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board’ within the M-3- Aggregate Materials Extraction, Processing and Site Reclamation. The property is located on the southwest corner of Joliet Road and Quarry Road (PIN #08-29-400-002 & Part of PIN 08-28-300-002), in Lisbon Township, and;

WHEREAS, said petition is to allow the operation of a Kendall County Government Agency and other law enforcement shooting range; and

WHEREAS, petition #13-01 was approved the same day as a text amendment to allow such a use as a special use in the M-2 and M-3 Manufacturing districts; and

WHEREAS, said property was zoned M-3 Heavy Industrial District as Ordinance 1963-01 and is currently zoned M-2- Heavy Industrial District since the 1974 Countywide zoning change and currently vacant farm land; and

WHEREAS, the petitioner desires to rezone a 17.0 acre property to M-3 in order to acquire a special use permit for a shooting range and mine the property in the future; and

WHEREAS, the petitioner has indicated the shooting range will take place on about 6 acres on the north side of the property; and

WHEREAS, said property is legally described as:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWENTY-EIGHT (28) AND THE SOUTHEAST QUARTER (SE ¼) OF SECTION TWENTY-NINE (29), ALL IN TOWNSHIP THIRTY-FIVE (35) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, COUNTY OF KENDALL, AND STATE OF ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 89°50’28” EAST ALONG THE SOUTH LINE OF SAID SECTION 28 FOR A DISTANCE OF 353.66 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°50’30” EAST FOR A DISTANCE OF 825.00 FEET; THENCE NORTH 89°51’06” WEST FOR A DISTANCE OF 363.66 FEET TO A POINT WHICH FALLS ON THE WEST LINE OF SAID SECTION 28; THENCE SOUTH 89°51’54” WEST FOR A DISTANCE OF 373.56 FEET; THENCE NORTH 00°50’30” EAST FOR A DISTANCE OF 1791.21 FEET TO A POINT
WHICH FALLS ON THE CENTER LINE OF JOLIET ROAD; THENCE NORTH 89°46'02" EAST ALONG SAID CENTER LINE FOR A DISTANCE OF 373.56 FEET TO A POINT WHICH FALLS ON THE WEST LINE OF SAID SECTION 28; THENCE SOUTH 89°56'09" EAST CONTINUING ALONG SAID CENTER LINE FOR A DISTANCE OF 363.66 FEET; THENCE 00°50'30" EAST FOR A DISTANCE OF 4054 FEET TO A POINT WHICH FALLS ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 28; THENCE SOUTH 89°41'46" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 2220.34 FEET; THENCE SOUTH 00°51'18" WEST FOR A DISTANCE OF 2372.73 FEET; THENCE NORTH 89°50'28" WEST FOR A DISTANCE OF 136.00 FEET; THENCE SOUTH 00°51'18" WEST FOR A DISTANCE OF 280.00 FEET TO A POINT WHICH FALLS ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89°50'28" WEST ALONG SAID SOUTH LINE A DISTANCE OF 2083.78 FEET TO THE POINT OF BEGINNING.

AND ALSO INCLUDING THAT PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 35, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SECTION 28 AND THE CENTERLINE OF JOLIET ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH 89°56'09" EAST ALONG SAID CENTERLINE OF JOLIET ROAD A DISTANCE OF 150 FEET, THENCE SOUTH PARALLEL TO THE WEST SECTION LINE OF SECTION 28 A DISTANCE OF 400 FEET, THENCE SOUTHWESTERLY TO A POINT ON SAID WEST SECTION LINE OF SECTION 28 APPROXIMATELY 530 FEET SOUTH OF THE POINT OF BEGINNING, THENCE NORTH ALONG THE WEST SECTION LINE OF SECTION 28 530 FEET MORE OR LESS TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY ILLINOIS.

EXCEPT THAT PART LYING IN SECTION 28, TOWNSHIP 35, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COUNTY OF KENDALL, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.07.F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on January 28, 2013; and

WHEREAS, the findings of fact were approved 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.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on January 28, 2013; and

WHEREAS, the findings of fact were approved 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 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. This specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Zoning Board of Appeals and Special Use 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 as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a map amendment from M-2 to M-3 and also grants a special use zoning permit to operate a Kendall County Government Agency and other law enforcement shooting range subject to 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. Gun testing is exempt from notifying the neighbors as it will be on an as needed basis and for a short period of time.
13. Appropriate signage as determined by the Zoning Office be secured around the perimeter of the property.

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 19th day of
State of Illinois
County of Kendall
February, 2013.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Shaw

Zoning Petition
#13-02
To: PBZ  
From: Angela L. Zubko  
Date: February 5, 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
3. ZBA Meeting minutes on 1.28.13
4. Draft Ordinance
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 2nd 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.
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 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. This specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons.

Bill Ford made a favorable recommendation with the above staff’s findings of fact except for the last finding of fact be amended to add ‘this specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons’ and the 13 conditions on the special use.

ADJOURNMENT
Chairman Bill Ford adjourned the Special Use Hearing Officer meeting at 7:45 p.m.

#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. The reason this has come up is because people are looking to buy 2 lots in a subdivision and combine the lots into 1 to build a house in the middle and there typically are easements down the middle of the lots and building setback lines. As you can see we made an exemption for County and Township roadways as they have a different process to go through.

Hearing no testimony, Chairman Mohr closed the testimony.
With no further suggestions or changes Scott Cryder made a motion, seconded by Scott Cherry to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the next PBZ meeting.

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

Planner Zubko stated this petition relates to a Petition for Three Angels Brewing LLC. The petition will only be heard from the special use hearing officer at a later date. 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 of the Zoning Ordinance 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. 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 & meet all requirements of the Kendall County Health Department.

The proposed definition is: MICRO DISTILLERY or CRAFT DISTILLERY: A facility that produces alcoholic beverages in quantities not to exceed 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.

Hearing no testimony, Chairman Mohr closed the testimony.

There was some discussion about the operation and how it would run. There was discussion about waste management plan. The ZBA would like to add a condition that a waste management plan should be submitted to the Kendall County Health Department.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment as approved. With a roll call vote all Scott Cherry voted no and the other 5 were in favor. Mr. Cherry does not feel comfortable and feels there are too many unanswered questions. The text amendment will go to the PBZ meeting next week.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**
None (there was only 1 variance at the last meeting)

**NEW BUSINESS**
None

**OLD BUSINESS**
ORDINANCE # 2013-_____

AMENDMENT TO THE KENDALL COUNTY SUBDIVISION CONTROL ORDINANCE TO ADD A SECTION ON OTHER PLAT (VACATION, DEDICATION, ETC.) PROCEDURES

WHEREAS, Kendall County regulates development under authority of its Subdivision Control Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a public hearing held before the Kendall County Zoning Board of Appeals on January 28, 2013;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby adds Section 7.06 Other Plat (Vacation, Dedication, Etc.) Procedure to the Kendall County Subdivision Control Ordinance as provided:

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 petitioner is responsible for relocation, if necessary 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.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 19th day of February, 2013.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Shaw
To: PBZ  
From: Angela L. Zubko, Senior Planner  
Date: January 30, 2013  
Re: Plat of Vacation to vacate the drainage and utility easement and building setback lines (Petition 13-06)

The Planning, Building and Zoning Office has been receiving calls to ask if owners can purchase 2 lots in a subdivision and build a house in the middle of the two lots. This is possible as long as the lots are looked at to make sure it will not alter drainage, disturb an already existing utility or violate the planned unit development agreement.

The first two lots to look at consolidating are lots 11 and 12 of Shadow Creek. This was already discussed at the ZPAC Committee meeting and the text amendment for the process is Petition #13-05 which was just discussed. The petitioner is looking to vacate the east side drainage and utility easement and building setback line and vacate the west side drainage and utility easement and building setback of lot 12. The plat shows the petitioner will leave a small section of the utility easement in the front building setback line as there is already an existing utility box and will remain all easements around the consolidate property. After the granting of the plat of vacation the ultimate goal is to combine the two lots to make one large lot and build a house in the middle of the lots.

Attachments:  
1. ZPAC meeting minutes on 1.7.13  
2. Draft Ordinance w/Plat of Survey as exhibit
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
ORDINANCE # 2013-_______

APPROVING A PLAT OF VACATION FOR LOTS 11 AND 12 IN THE SHADOW CREEK SUBDIVISION

WHEREAS, Doug & Heather Jubic has filed a petition for a plat of vacation for lots 11 and 12 in the Shadow Creek Subdivision. The property is located on the northeast side of Shadow Creek Lane (PIN’s #02-34-470-001 & 02-34-470-002), in Bristol Township, and;

WHEREAS, said petition is to vacate that portion of the 10’ wide public utility and drainage easement legally described as:


WHEREAS, said petition is to vacate that portion of the 30’ wide building setback line legally described as:


WHEREAS, the Preliminary & Final Plat for Shadow Creek was approved on January 15, 2002 as Ordinance number 02-02; and

WHEREAS, to effect the revised plat a Plat of Vacation as indicated on Exhibit “A” needs to be approved by the County Board; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby approves a Plat of Vacation for said tract of land graphically portrayed in Exhibit “A”, hereby attached; and

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 19th day of February, 2013.

Attest:

Kendall County Clerk  
Debbie Gillette

Kendall County Board Chairman  
John Shaw
LEGAL DESCRIPTION OF THAT PORTION OF 10' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT TO BE ABROGATED:

That part of the 5 foot Public Utility and Drainage Easement lying Northwesterly of the Southeast Line of Lot 12 and that part of the 5 foot Public Utility and Drainage Easement lying Southwesterly of the Northwesterly Line of Lot 11 lying 50 feet Northeasterly of Shadow Creek Lane and lying 85 feet Westerly of and Southerly of the East Line of Lot 11 and the North Line of Lot 12 in Shadow Creek Subdivision P.U.D., according to the Plat thereof recorded April 8, 2003 in Cabinet of Plats at Slota 940 and 941, in Kendall and Oswego Townships, Kendall County, Illinois.

LEGAL DESCRIPTION OF THAT PORTION OF 30' WIDE BUILDING SETBACK LINE TO BE ABROGATED:

That part of the 15 foot Building Setback Line lying Northwesterly of the Southeast Line of Lot 12 and that part of the 15 foot Building Setback Line lying Southwesterly of the Northwesterly Line of Lot 11 lying 50 feet Northeasterly of Shadow Creek Lane and lying 85 feet Westerly of and Southerly of the East Line of Lot 11 and the North Line of Lot 12 in Shadow Creek Subdivision P.U.D., according to the Plat thereof recorded April 8, 2003 in Cabinet of Plats at Slota 940 and 941, in Kendall and Oswego Townships, Kendall County, Illinois.

Plat Prepared December 10, 2012

Phillip D. Young and Associates, Inc.

11078 South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775
MEMORANDUM

To: PBZ
From: Angela L. Zubko, Senior Planner
Date: January 30, 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, Purple are changes after ZBA

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 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.

g. A waste management plan should be submitted to the Kendall County Health Department.

Attachments:
1. ZPAC Meeting minutes on 1.7.13
2. RPC Meeting minutes on 1.23.13
3. ZBA Meeting minutes on 1.28.13
4. Draft Ordinance
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 muddy 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 as a permitted use in the M-1 and M-2 Districts. Staff proposes a definition and the text with the 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
With no further suggestions or changes Scott Cryder made a motion, seconded by Scott Cherry to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the next PBZ meeting.

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

Planner Zubko stated this petition relates to a Petition for Three Angels Brewing LLC. The petition will only be heard from the special use hearing officer at a later date. 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 of the Zoning Ordinance 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. 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 & meet all requirements of the Kendall County Health Department.

The proposed definition is: MICRO DISTILLERY or CRAFT DISTILLERY: A facility that produces alcoholic beverages in quantities not to exceed 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.

Hearing no testimony, Chairman Mohr closed the testimony.

There was some discussion about the operation and how it would run. There was discussion about waste management plan. The ZBA would like to add a condition that a waste management plan should be submitted to the Kendall County Health Department.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment as approved. With a roll call vote all Scott Cherry voted no and the other 5 were in favor. Mr. Cherry does not feel comfortable and feels there are too many unanswered questions. The text amendment will go to the PBZ meeting next week.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**

None (there was only 1 variance at the last meeting)

**NEW BUSINESS**

None

**OLD BUSINESS**
ORDINANCE # 2013-_______

AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
TO ALLOW MICRO DISTILLERIES OR CRAFT DISTILLERIES

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a public hearing held before the Kendall County Zoning Board of Appeals on January 28, 2013;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 3.02 Rules & Definitions- “Definitions,” 7.01.C- A-1 Agricultural District- “Special Uses,” Section 9.04.C- B-3 Highway Business District- “Special Uses,” and Section 10.01.B & 10.02.B “M-1 Limited Manufacturing District & M-2 Heavy Industrial District- Permitted Uses” of the Kendall County Zoning Ordinance as provided:

SECTION 3.02 DEFINITIONS

MICRO DISTILLERY or CRAFT DISTILLERY: A facility that produces alcoholic beverages in quantities not to exceed 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

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.

g. A waste management plan should be submitted to the Kendall County Health Department

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 19th day of February, 2013.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
John Shaw
SECTION 1 – DEDICATION OF PARK, FOREST PRESERVE AND SCHOOL SITES OR PAYMENTS IN LIEU THEREOF:

As a condition of approval of a final plat of subdivision or planned unit development, each individual subdivider or planned unit developer will be required to dedicate land or cash in lieu of actual land or a combination of both based on the recommendation of the affected district which will be the recipient of the contribution, but subject to final determination of the County Board in accordance with the following criteria; (all single family detached dwellings are considered four bedrooms for ordinance computations unless proven otherwise by individual or developer). For age restricted Residential Units the provisions of this ordinance shall not apply to “age restricted housing” defined as any residential structure subject to a deed restriction requiring at least one occupant to be fifty-five (55) years of age or older. (Got this idea from Plano’s Land Cash Code) Ad hoc suggested maybe not waive park and forest preserve fees but maybe the school fees and maybe allow the County Board to make the decision.

An applicant may request a full or partial waiver of school impact fees for those residential units that are lawfully restricted to occupancy by age-restricted adult or senior citizen housing. All such housing shall contain a deed restriction recorded against the property, in form satisfactory to the States Attorney Office, which deed restriction shall provided that:

a. No student enrolled in the public/private school system of Kendall County shall reside at the premises; and
b. No person under the age of 19 years shall reside within any such housing unit; and

The deed restriction shall provide that in the event that the above restrictions are ever modified or violated, the owner of the property at the time the restrictions are modified or violated shall pay to the county the then-current school impact fee.

The County Board may adopt such administrative regulations and guidelines and provisions for enforcement as it deems appropriate to implement this section and ensure that any housing exempted from payment of the school impact fee under this section contains adequate age and occupancy restriction.

A. CRITERIA FOR REQUIRING PARK/FOREST PRESERVE DEDICATION

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

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

Decided to keep as is

The National Recreation and Park Association recommend that 10 acres of land is donated per 1,000 residents

Oswego, Yorkville & Plano match ours with 10 acres per 1,000 people
Naperville is 8.6 acres per 1,000 people
Joliet is 7.5 acres per 333 units/homes
Will County is 5.5 acres per 1,000 people
DuPage County is 5.5 acres per 1,000 people
DeKalb County also is 10 acres per 1,000 but shall be reduced to 5 acres per 1,000 for subdivisions composed entirely of single family detached houses have a gross buildable density equal to less than 0.8 dwelling units per acre

3. Donation Requirement Calculation Examples:
Development “A” containing 200 single family homesites (units) x (population factor) x the required acreage = Total Acres per 1000 population
200 units x 3.764 x 10 acres = 7.53 acres
1,000

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

For dedications to a park district or forest preserve district, the first five (5) acres must be contiguous and in one location. Credit shall only be granted for parcels that consist of “buildable acreage”. For the purposes of this ordinance “buildable acreage” shall be considered those tracts or areas of land which are not encumbered with any of the following conditions:

a. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.),

b. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps,

c. Land within the right-of-way or easement of an existing roadway,

d. Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
already serve or will serve such need. Distribution of cash contributions shall be made on a quarterly basis to appropriate districts.

c) Unless otherwise approved by the affected school, park or forest preserve district, the total cash contribution required shall be determined prior to the approval of the final plat and shall be based upon the generation tables and fair market values in effect at the time of recording. If a subdivision contains more than three lots, the Owner/subdivider/developer may choose to pay the cash-in-lieu contribution at the time of issuance of a building permit for each individual lot or as a lump sum payment prior to the recording of the final subdivision plat.

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

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

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

3. **Refund**

If any portion of a cash contribution in lieu of park, preserve, recreation or school sites is not expended for the purposes set forth herein within ten years from the date of receipt, it shall be refunded with accrued interest to the lot owner or owners of those lots for which the contribution was made which owner or owners are determined at the time the date of refund is established.

We have never done a refund as we distribute the money quarterly; no clue how we would even track this.

4. **Criteria for Requiring Land Dedication and a Fee**

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

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

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

5. **Fair Market Value**

The cash contributions in lieu of land shall be based on the “Fair Market Value” of the acres of land in the area improved that otherwise would have been dedicated as park, preserve, recreation or school sites. An “Improved Acre” is defined as a tract of land improved with streets, curbs, water, storm sewer, sanitary sewer, electrical, natural gas and telephone service. Fair Market Value for land not part of a subdivision or a planned unit development shall also be calculated on the Fair Market Value of an improved acre. As of June 21, 2005, the Fair Market Value of an improved acre is determined to be $98,000. The Fair Market Value shall be adjusted annually by applying the year ending 12 month percent change in the Employment Cost Index for state and local government compensation costs as published by the Bureau of Labor Statistics in January of each year. Because of the diversity of lands within the County, a single determination of “fair market value: is not possible. The “fair market value” for any particular parcel shall be recommended by the Supervisor of Assessments Officer of Kendall County. This valuation recommended by the Supervisor of Assessments shall be used unless any subdivider, developer, or public body files a written objection thereto. (The Supervisor of Assessments does not like this idea)

Alternative 1:
As of April 21, 2009, the Fair Market Value of an improved acre was determined to be $113,861.71. The Fair Market Value shall be adjusted annually by the County Board at no more than 2% (two percent) each year.

Alternative 2:
Based upon the value per acre of improved land in the municipality where the present school is located.

Alternative 3:
Shall submit a fair market value appraisal, prepared by an M.A.I. appraiser or other qualified land appraiser, of such improved land in the area of the proposed subdivision. If the Supervisor of Assessments not agree with said appraisal, he/she shall, within 15 days from receipt of such appraisal so notify the subdivision of such disagreement in writing. Within 30 days from such notification, the County shall have a fair market value appraisal prepared by an M.A.I. appraiser or other qualified land appraiser of such improved land in the area of the proposed subdivision. The final determination of
the fair market value per acre of such improved lands shall be made by the County Board at a meeting between the affected parties and being based upon the information submitted to the Planning, Building & Zoning Office by the affected parties. The cost of all such appraisals shall be paid for by the parties submitting same.

**Ad-hoc suggestion:**
The Ad-hoc committee suggested to have the township assessor come up with a fair market value number every year to make it "fair" and add the cost of construction and that would be the fair market value.

**Then there was discussion to re-evaluate every 3 years instead of every year.**

Below are the different ways over the years it has been done in Kendall County:

1. Determined by the Supervisor of Assessment Office; final determination is by County Board.
2. Based upon the value per acre of improved land in the municipality where the present school is located. In the event the municipality has made a determination of fair market value that value shall be applicable, if not the Supervisor of Assessments shall make the determination.
3. Improved acre = $45,000, unimproved acre not part of a PUD is $20,000. Fair Market Value shall be reviewed by the CB every 2 years. Value of an unimproved acre shall be estimated with those improvements necessary to make the land habitable. Improvements shall include as a min. septic, water, electricity, well and roads.
4. Acre = $98,000, including $58,000 an acre as a base for unimproved land and adding a factor of $40,000 an acre in improvements for streets and utility services to come up with the figure of $98,000. The $40,000 was based on the estimate developed by Strand using the information on improvement costs associated with SF Development. Also include an automatic annual inflationary adjustment. Fair Market Value shall be reviewed by the CB every 2 years. Value of an unimproved acre shall be estimated with those improvements necessary to make the land habitable. Improvements shall include as a min. septic, water, electricity, well and roads. Automatic annual inflationary adjustment.

**DuPage County:**
At the time of the final plat is submitted to the Plat Committee for review the subdivision shall submit a fair market value appraisal, prepared by an M.A.I. appraiser or other qualified land appraiser, of such improved land in the area of the proposed subdivision. If the Plat Officer does not agree with said appraisal, he/she shall, within 15 days from receipt of such appraisal so notify the subdivision of such disagreement in writing. Within 30 days from such notification, the appropriate public agency shall have a fair market value appraisal prepared by an M.A.I. appraiser or other qualified land appraiser of such improved land in the area of the proposed subdivision. The final determination of the fair market value per acre of such improved lands shall be made by the Plat Officer at a meeting between the
To: PBZ Committee

From: Brian Holdiman, Code Official

Date: January 18, 2013

Re: Stor Mor Refund

On October 2, 2012 I approved a permit for Stor-Mor Mini Storage on Rt. 31. I based my permit fee on a plan review, zoning certificate and 6 inspections. Based upon the concrete contractors design, I only was required to perform 5 inspections. Therefore the owner is requesting a $75 refund.
KENDALL COUNTY BUILDING CODE 19 SECTION 6: Waivers and Refunds
No waiver and no refund shall be made for any fee paid pursuant to this Ordinance without the approval of the Planning Building and Zoning Committee of the County Board, EXCEPT all fees for actions or activities by Kendall County or the Kendall County Forest Preserve District are hereby waived and all fees for non-profit organizations shall be charged half of the normal fees for permits; provided they show proof of non-profit status and that the permit be used only by the organizations itself. Ordinance 99-31 10-4-99 and Ordinance 01-38 12/18/2001
Hi Brian,

I am following up with our conversation pursuant to the overpayment of permit fees that we paid for the building permit issued for Stor-Mor Mini Storage on Rt. 31. As per our conversation, I am requesting that the $75.00 which was overpaid, be refunded to us. Please mail a check payable to Stor-Mor Mini Storage, at 1317 Rt. 31, Oswego, IL 60543.

Thank you,

Bob Schneider (president)
Stor-Mor Inc.
MEMORANDUM

To: Transportation Committee
From: CMAP Staff
Date: January 11, 2013
Re: Proposed Amendment to GO TO 2040

The Illinois Department of Transportation (IDOT) has requested that CMAP amend GO TO 2040 to include the proposed Circle Interchange improvements as a fiscally constrained major capital project. The project is described in more detail in the attached project write-up. While the Circle Interchange improvement includes major reconstruction elements, it also adds highway capacity, and must be included in GO TO 2040 as a major capital project to move forward under federal law. Consistent with how other major capital projects were analyzed prior to GO TO 2040’s approval, CMAP is currently evaluating this project against a set of various performance criteria, including consistency with GO TO 2040 adopted policies. CMAP will present the results of this evaluation and a staff recommendation to the CMAP Board and MPO Policy Committee in March of 2013, and at that point those committees will make a decision about whether or not to amend the region’s plan to add this project.

In addition, a technical change to the Prairie Parkway description in GO TO 2040 is requested. This change is in response to the region’s decision to use the Prairie Parkway earmark funds to improve IL 47 from Caton Farm Road to I-80. With this decision, the earmark funds are no longer available for the bridge over the Fox River.

We will be seeking public comment on the proposed capital plan amendments. The Transportation Committee is asked to release the language below for a 30-day public comment period from January 18, 2013 to Monday, February 18, 2013.

The proposed language recommended for incorporation in the plan for the Circle Interchange and the recommended change to the language for the Prairie Parkway is the following:

Circle Interchange
The Circle Interchange project – I-90/94 at I-290/Congress Parkway in downtown Chicago – will rehabilitate, improve safety and mobility, and address operational and facility deficiencies of the mainline and interchanges. IDOT proposes making several improvements to this interchange, which has not had a major rehabilitation since its initial design in the late 1950s.
IDOT proposes adding one lane each to two ramps – Northbound I-90/94 to westbound I-290 and eastbound I-290 to northbound I-90/94. IDOT will also seek to add one to two lanes to both the northbound and the southbound mainline I-90/94.

**Prairie Parkway**

This project would create a new expressway between I-88 and I-80 in Kane and Kendall Counties. Phase I engineering for this project has been completed, and federal earmarks to cover a portion of project costs have been received, but funding is insufficient to construct the entire project. However, one element of this project, involving a bridge over the Fox River in Yorkville to connect US 34 and IL 71, has independent utility and can be completed with the earmarks received. This project element may be pursued at any time. For the remainder of the project, corridor preservation activities should be continued in order to preserve a transportation corridor in this area for future use.

In addition to changing the language in the plan document, a conformity analysis is required to ensure that the plan meets the requirements of the Clean Air Act. This analysis was conducted as part of the TIP Amendment that is being requested for release for public comment on January 18, 2013 with consideration by the CMAP Board and MPO Policy Committee in March.

**ACTION REQUESTED:** Release of the proposed plan amendment for public comment

###
Circle Interchange (I-90/94 at I-290/Congress Parkway)

Project Description

The Circle Interchange – I-90/94 at I-290/Congress Parkway in downtown Chicago – serves as a hub for local, regional, and national freight traffic, connecting the Dan Ryan to the south, the Kennedy Expressway to the north, the Eisenhower Expressway to the west and the Congress Parkway to the east. The purpose of the project is to rehabilitate, improve safety and mobility, and address operational and facility deficiencies of the mainline and interchanges.

Project Map

This map shows the proposed capital project and the subzones surrounding it that are likely to experience increased development pressure, and where the project will increase trip numbers. Sensitive land is environmentally sensitive land that is not otherwise protected by federal, state, county, or local government.
Project Details and Evaluation Outcomes

The Circle interchange currently performs poorly in terms of Level of Service (LOS), annual hours of delay, congested hours of travel and travel time index. To facilitate improved freight movement and to reduce travel delay and improve reliability, IDOT proposes making several improvements to this interchange, which has not had a major rehabilitation since its initial design in the late 1950s. IDOT proposes adding one lane each to two ramps – Northbound I-90/94 to westbound I-290 and eastbound I-290 to northbound I-90/94. IDOT will also seek to add one to two lanes to both the northbound and the southbound mainline I-90/94.

<table>
<thead>
<tr>
<th>Evaluation measure</th>
<th>Specific Indicator</th>
<th>GO TO 2040 without the Circle Interchange Project</th>
<th>Outcome (change from GO TO 2040 without the Circle Interchange)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long-term economic development</td>
<td>Jobs in region</td>
<td>3,924,000</td>
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<tr>
<td></td>
<td>Total income in region</td>
<td>$412,724,000,000,000</td>
<td>$295,000</td>
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<td>Gross Regional Product</td>
<td>$626,828,003,000,000</td>
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<td>Congestion</td>
<td>Hours of peak-hour delay (on facility)</td>
<td>3,900</td>
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<td></td>
<td>Hours of congestion systemwide</td>
<td>1,482,000</td>
<td>-1,000</td>
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<tr>
<td>Work Trip Commute Time</td>
<td>Average travel time in minutes, auto</td>
<td>35.06</td>
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<td></td>
<td>Average travel time in minutes, transit</td>
<td>45.21</td>
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<tr>
<td>Mode Share</td>
<td>Total trips, auto</td>
<td>21,805,000</td>
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<td></td>
<td>Total trips, transit</td>
<td>1,552,000</td>
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<td>Jobs-housing access</td>
<td>Average number of jobs accessible within 45 minutes by auto</td>
<td>918,000</td>
<td>2,000</td>
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<td></td>
<td>Average number of jobs accessible within 75 minutes by transit</td>
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<td>Air Quality</td>
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<td>Daily emissions of NOx, tons</td>
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<td>Annual emissions of direct PM, tons</td>
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<td>Annual emissions of NOx, tons</td>
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<td>Energy use</td>
<td>Annual emissions of CO2 equivalents, metric tons</td>
<td>34,148,000</td>
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<td>Natural resource preservation</td>
<td>Number of impacted subzones in unprotected natural areas (for facility)</td>
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<td>3</td>
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<td></td>
<td>....as % of total impacted subzones</td>
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<td>0.1%</td>
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<tr>
<td>Infill and reinvestment</td>
<td>Number of impacted subzones within municipal boundaries (for facility)</td>
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<td>2.195</td>
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<td>....as % of total impacted subzones</td>
<td>n/a</td>
<td>97%</td>
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<td>Peak period utilization</td>
<td>One-Way Traffic Volumes (on facility)</td>
<td>13,200</td>
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<td>Peak Period One-Way Capacity (on facility)</td>
<td>11,400</td>
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<td>Facility condition</td>
<td>CRS score (on facility)</td>
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</table>

Note: These measures were developed to estimate the impact of major expansion projects in GO TO 2040. The Circle Interchange project has a large reconstruction component, so they are less applicable here.

Cost: The project cost is currently estimated at $410 million. IDOT has provided data showing that lower than expected actual costs for the I-80 Add Lanes (US 30 to US 45) and the I-94 Add Lanes North projects, plus a lowered estimated cost for the I-55 Managed Lanes project free up enough funds to achieve fiscal constraint for the plan.

Connectivity: The project addresses a significant bottleneck in the region’s highway system. According to the American Transportation Research Institute and Federal Highway Administration, the Circle Interchange is the slowest and most heavily congested highway
freight bottleneck in the nation. More than 300,000 vehicles per day travel through the Circle Interchange.

Safety and security: Approximately 1,000 crashes occur within the project study area each year. The crash data show that the predominant crash types are rear end and sideswipe crashes. These are consistent with congested traffic conditions and substandard facility geometrics. The project will address these deficiencies through improvements to merges and weaves, longer distances between decision points, and additional capacity. However, no specific analysis has been conducted to estimate the reduction in crashes as a result of the project.

Interstate 90/94 and Interstate 290 are also part of the National Highway System and the Strategic Highway Network (STRAHNET), which is a network of Interstate and other major routes. The STRAHNET designation is given to roads that provide “defense access, continuity, and emergency capabilities for movements of personnel and equipment in both peace and war.” (DOD Web page at https://www.tea.army.mil/pubs/res/dod/pmd/STRAHNET.htm)

Bicycle and pedestrian accommodation: The local and arterial streets adjacent to and crossing the project site will likely require reconstruction, particularly their bridges. IDOT is currently developing concept geometry for the replacement structures which will consider the City’s bicycle and pedestrian programs. IDOT met with CDOT on November 14, 2012 to review these issues.

Consistency with subregional plans: The project is not currently either a constrained or unconstrained major capital project in GO TO 2040. IDOT staff has stated that design of the facility will be forward-looking and consider strategies adopted in GO TO 2040, such as congestion pricing, as well as major capital projects that are part of the constrained projects in GO TO 2040, such as the I-290 Multi-Modal Corridor and West Loop Transportation Center. Planning (Phase I) and Design (Phase II) phases are funded in the IDOT 2013-2018 Multi-Modal Transportation Improvement Program.

Project Status

Phase I engineering is underway; design approval will be sought in the spring of 2013. The two-year planning and design process will identify the final scope of improvements. Since the Circle Interchange is not currently a constrained project in GO TO 2040, its incorporation into the Plan will be required before design approval can be given. IDOT requested that the project be amended into the Plan in a letter to CMAP on October 16, 2012.
**PBZ Projects and Activities- 2.5.13**

**Active Zoning Petitions (not including petitions on hold)**
- 12-03 Land Cash Revisions
- 12-05 Obrien/Bell Road Variance- working on getting a legal
- 12-19 LRMP Update- Trails
- 12-34 YARN Foundation, Inc.- Minor Amendment to allow a church to use the building on Sundays
- 12-39 Maria Silvia- A-1 Special Use
- 13-01 Outdoor Commercial- Text Amendment
- 13-02 Shooting Range at Mine- Map Amendment and Conditional Use
- 13-03 Subdivision Ordinance Revisions-Plat Process- Text Amendment
- 13-04 Micro Distillery- Text Amendment
- 13-05 Three Angels Brewing- Micro Distillery
- 13-06 Doug & Heather Jubic- Plat of Vacation
- 13-07 ZPAC Definition- Text Amendment

Stormwater Ordinance- Approved, now have to get all new forms set up for municipalities

**Future Text Amendments**
- Transitional Areas possibly added to LRMP
- Agricultural Allocations- revisions to 40 Acre Rule
- Setbacks off a private roadway
- Possible Noise Ordinance?

**Active Site Development Permits- 17 active**

**Subdivisions**
- Tanglewood Trails-Someone is interested in buying this subdivision to farm
  - Subdivisions that need to get closed out soon:
    - Fields of Farm Colony- Working on bid documents
  - Subdivisions still open:
    - Highpoint Meadows- nothing new
    - Schaefer Glen- For Sale
    - Light Road Industrial park- nothing is going on with currently
    - High Grove- Sold some property to the Park District, looks like it will be coming back through for approval soon.

**Projects outside the office**
- NWPA Planning Committee
- Drainage District meetings through the Farm Bureau
- Kane/Kendall Bike & Pedestrian Plan
STAR Line Task Force Committee
EJ&E/Route 34 Grade Separation Group
IL Route 47 Community Advisory Group
Route 30 Local Agency Coordination Meetings
County Director Meetings

Other Projects in the office
Meetings regarding future projects
Investigate floodplain/zoning issues
Stormwater mapping in the field- completed 5 subdivisions so far
Working on the windshield Survey for Historic Preservation
Continue improving the GIS website with regards to information on zoning, permits, etc.
Work with mapping to convert hard copy allocation maps into an Ag Allocation layer in GIS
Convert information from pre 1993 permit cards into an excel database to create searchable system of old permit records by PIN or permit number.
Mobile Home Permits- 5 active
Cleaning up office with regards to getting old files scanned- Need to scan 2001-2007 in petitions and up to 2005 in building permits
Working on Trails map and collecting data from all municipalities and then will update the LRMP
FOIA’s
Keep track of escrow accounts
Update website- minutes, applications and ordinances
Posted my agendas on the website and around the building
Normal day-to-day things- phone calls, people with questions, organizing, scheduling, posting, etc.
Need to make sure by December 31, 2012 that all committee members have taken then Open Meetings Act training
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<th>Permit Category</th>
<th>Count</th>
<th>Estimated Cost</th>
<th>Permit Fees</th>
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<td>Barns/Farm Buildings</td>
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<td>Permit Category</td>
<td>Total</td>
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<td>Mar</td>
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