CALL TO ORDER – ZONING BOARD OF APPEALS

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

Welcome Dick Thompson

MINUTES: Approval of minutes from the January 28, 2013 Zoning Board of Appeals meeting

PETITIONS:
1. 13-10 Grainco FS Inc.
   Request Variances
   Location 9512 Helmar Road
   Purpose Request 2 new variances and 3 variances to existing structures

2. 13-12 Muellner Construction, Inc.
   Request Variance
   Location 7109 Roberts Court
   Purpose Request a variance to allow a 5' fence in the front yard setback

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-
13-01 Kendall County Governmental Agency and other law enforcement Shooting Range
13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range
13-03 Other Plat Process (Vacation, Dedication, etc.)
13-04 Micro-batch Distillery

NEW BUSINESS- None

OLD BUSINESS- None

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on May 28, 2013
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**

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.

Zoning Board of Appeals & SUHO 1.28.13 Page 3
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.
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 is as a permitted use in the M-1 and M-2 Districts. Staff proposes a definition and the text with 6 following conditions:

a. 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**
Review and approval of the REVISED 2013 meeting dates- Planner Zubko stated some of the dates previously approved are not the week after the Plan Commission and therefore not in the correct sequence. Scott Cherry made a motion to approve the 2013 schedule as revised, Tom LeCuyer seconded the motion. All were in favor and the revised 2013 schedule was approved.

PUBLIC COMMENT-
There were no members in the audience to comment.

ADJOURNMENT
Karen Clementi made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 8:10 p.m. The next meeting will be on April 1st unless we need to hold a special meeting late in March as Planner Zubko will be absent March 4th.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
SITE INFORMATION

PETITIONER  GrainCo FS Inc.
ADDRESS  9512 Helmar Road
LOCATION  On the southwest corner of Route 47 and Helmar Road
TOWNSHIP  Lisbon
PARCEL #  08-04-100-002 & 08-04-100-003
LOT SIZE  10.12 acres

EXITING LAND USE  Commercial Grain Storage

ZONING  A-1 SU- Agricultural Special use for Commercial Grain Storage (Ordinance 2002-05) Existing variance for the office building (Petition 98-24)

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<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>County: Agricultural</th>
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<tbody>
<tr>
<td>Roads</td>
<td>Helmar Road is classified as a minor collector road and Route 47 is classified as an arterial roadway</td>
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<tr>
<td>Trails</td>
<td>Planned Regional Trail along west side of Route 47 (possibly in the Com Ed ROW)</td>
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</table>

REQUESTED ACTION  Request for 2 variances for a new grain bin and a new building and staff has requested to clean up the property to also ask for 2 other variances to existing structures on the property (2 grain bins) and clarify that the east property line is considered a side yard setback.

APPLICABLE REGULATIONS  §7.01.H.2 (Front & Side Yard Setbacks)  §13.04 (Variations)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<tr>
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<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
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</table>

REQUESTED ACTION

GENERAL  Request for 2 variances for a new grain bin and a new building and staff has requested to clean up the property to also ask for 2 other variances to existing structures on the property (2 grain bins) and clarify that the east property line is
considered a side yard setback.

Currently the office building located at the northeast corner of the property received a variance back in 1998 to be located 70' from the centerline of Helmar Road and 20' from the property line to the east (the ComEd ROW).

The property line on the east is actually ComEd ROW therefore the setbacks for accessory structures only need to be 10' from the lot line and not from Route 47. Also to note that Route 47 is planned to be moved further east. Also the setback from Helmar Route is 150' from the centerline.

Variances requested:
1. New Load out building to be located 101' from centerline of Helmar Road
2. A new grain bin to be located 115' from the centerline of Helmar Road
3. 2 existing grain bins to be located 60' to the centerline of Helmar Road

The public notice stated another variance for an existing storage shed along Route 47, since then staff has determined that would qualify for a side yard setback which is 10' from the property line, therefore a variance is not needed.

If the variances are granted you must obtain building permits prior to commencing work on the project.

FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. 2 of the bins are existing and the 2 new variances need to be in that location for the order of operation.
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This property has been in existence for at least 20 years and the setbacks have changed.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The placement of the new bin and load out building has to be in those locations to work in the order or operation.

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

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The adjacent property to the north is farmland or their own buildings so these variations will not impair an adequate supply of light and air or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values.

RECOMMENDATION  Staff would recommend approval of the following variances:

1. New Load out building to be located 101’ from centerline of Helmar Road
2. A new grain bin to be located 115’ from the centerline of Helmar Road
3. 2 existing grain bins to be located 60’ to the centerline of Helmar Road

ATTACHMENTS  
1. Drawing showing proposed variances
2. Hearing from 1998 and map showing previous variance for office building
Roll Call:  Hearing:  #781

Floyd Dierzen  present  File:  #9824
William Ford  present  Date:  September 29, 1998
James Friedrich  present  Time:  7:00 p.m.
Paul Scholtes  present  
Mary Ann Stees  present  
Wade Joyner  present  
Donna McKay  present  

RE: Grainco

Mr. Chairman and Members of the County Board of Kendall County, Illinois.

An application for a variance from Paragraph 7.00D.1 of the Kendall County Zoning Ordinance was submitted to the Kendall County Zoning Office.

After due notice as required by law, the Zoning Board of Appeals held a public hearing on Tuesday, September 29, 1998 at 7:00 p.m. in the Kendall County Board Room at 111 W. Fox Street in Yorkville, Illinois.

At the hearing, Planner Colin Duesing stated this petition was received from Grainco, Helmar Rd. & Rt. 47 (9512 Helmar Rd., Newark, IL) They are requesting to remove the existing office building to construct a larger one on the same location. Because this would be a demolition, there would need be a variance for the new structure. The map shows 70 ft. from the right-of-way on Helmar Road and 20ft. from the property line, the ComEd right-of-way, adjacent to Rt. 47 right-of-way. The total distance from the center line of Rt. 47 would be 100 ft. They are also asking for a variance for the grain bin setback to be 15 ft. It is approximately 45 ft. from the road right-of-way and 90 ft. from the shoulder. There would be 3 variances involved.

Brent Erickson, Grainco General Manager, was sworn in. He stated they are an agricultural cooperative serving farmers in the Kendall and Grundy areas. This company is a merger between Yorkville Farmer’s Elevator and Lisbon Center Supply Company in 1985. Currently, the main location is at Rt. 47 and Lisbon Center Rd. They would like to move the main location to the Kentland facility where there is 1.3 M bushel of storage. There is 400,000 bushels of storage at Lisbon Center. The existing office is 20 x 25 with 3 full time and a couple part time employees. He said they need a bigger office. They are proposing to tear down the existing structure and build a 2,000 sq. ft. office with a 15 x 25 meeting room on the second level. The existing structure is too close to the right-of-way and Helmar Rd. Mr. Erickson explained the layout of the property and the placement of the scales. The building will be approximately 10-15 ft. from the scale. The frame building will be torn down to the sub floor and if the flooring is still suitable, they will use that and the existing basement for the foundation.

James Smith, Kendall County Code Compliance Officer (previously sworn in) mentioned the BOCA requirement of a 30 ft. separation between the grain bin and any other structure because of the H2 use hazard rating associated with elevators, grain storage and combustible dust. He said this will have to go to an appeal to the Planning, Building & Zoning Committee. He also asked about adequate parking.
Mr. Erickson explained that currently they park on the north side of the building and do not have many customers at one time. He said there may be future expansion of their 9.96 acres at some time in the future but nothing is planned for now. They also own the property on the north side of Helmar Road.

After testimony the Zoning Board made the following findings of fact: (13.04.A.2)

A. Is there a physical condition on the property that would cause a hardship if the proposed development complied with all zoning standards? 
   YES

B. Is the hardship more than an inconvenience or loss of revenue? 
   YES, BOTH

C. Is the physical condition unique to this property? 
   YES

D. Was the physical condition caused by the current owner? 
   YES

E. Would the variation have a detrimental impact on any neighbors or the public health, safety, morals, comfort, and general welfare? 
   NO

F. Would the variation substantially diminish property values? 
   NO
   endear public safety? 
   NO
   increase the danger of fire? 
   NO
   unduly increase traffic congestion? 
   NO
   Impair the adequate supply of light and air? 
   NO

F. Would the variation still be in keeping with the intent and purpose of the Zoning Ordinance? YES

Member Stees motioned and Member Freidrich seconded to approve Petition #9824.

VOTE: Dierzen YES McKay YES Scholtes YES
       Stees YES Joyner YES Friedrich YES
       Ford YES

MOTION CARRIED.

Recording Secretary

Chairman, Zoning Board of Appeals
WAREHOUSE DIAGRAM

NAME: GRAINCO INC.  MAIN LOCATION: RR NEWARK  SITE LOCATION: KENTLAND STATION
WH #: 1625  GD #: 4093  CCC #: 9-0321  TRAVEL #: 338

HELMAR ROAD

T13  T11  T12
  |   |   |
  |   |   |
  |   |   | LEG
  |   |   |
  |   |   |
  |   T10 |

DRYERS

T9  T8  T7
  |   |   |
  |   |   |

T6  T5  T4
  |   |   |
  |   |   |
  |   T3 |

OFFICE

70°

RT 47

OFFICE S.

180°

130°

Lumber Shed

T7, T10, T11, T12, T13 TOP OF SIDEWALL.

ZEROS: SEC. B T1, T2, T3, T4, T5, T6, T8 & T9 TOP OF MANHOLE RIM.

DATE of ORIGINAL  DATE of AMEND  EXAMINER
12/15/95  THOMAS M. TOURNEAR
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

13-12
ESCOBEDO
VARIANCE- 5′ fence in the front yard setback

SITE INFORMATION
PETITIONER穆ellner Construction on behalf of the Escobedo's
ADDRESS7109 Roberts Court
LOCATIONLots 22 and 23 of the Grove Estates Subdivision
TOWNSHIPNaAuSay
PARCEL #06-08-101-008 & 06-08-101-009
LOT SIZE1.7 acres
EXITING LAND USESingle Family Home
ZONINGRPD-2 Residential Planned Development for the Grove Estates Subdivision
(Ordinance 2006-37)

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<th>Land Use</th>
<th>County: Rural Residential</th>
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<td>Roberts Court is classified as a local street</td>
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<tr>
<td>Trails</td>
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REQUESTED ACTION
Request for a variance to build a fence that will be wrought iron in appearance 5′ (five feet) in height in the front yard.

APPLICABLE §4.14.A.2 (Fenses)
REGULATIONS §13.04 (Variations)

SURROUNDING LAND USE

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<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<td>RPD-2</td>
<td>Rural Residential</td>
<td>A-1 &amp; RPD-2</td>
</tr>
</tbody>
</table>

REQUESTED ACTION GENERAL
Section 4.14.A.2 of the Zoning Ordinances states you can only a decorative or open fences, which do not exceed four feet (4′) in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building). The petition is requesting a variance for a 5′ fence to enclose their 2 lots in the Grove Estates Subdivision. It will look just like the fence on lot 25.
FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have fenced in their whole lot and as long as the Homeowners Association is fine with the fence height there should not be an issue.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This might be a variation requested throughout the subdivision.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners do not have a hardship but would like a fence around their entire property.

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

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Adding a fence will not impair any of the above items and will not impact the roadway.

RECOMMENDATION

Staff would recommend approval of the variance to build a fence that will be wrought iron in appearance 5' (five feet) in height in the front yard.

ATTACHMENTS

1. Drawing
To: COW

From: Angela L. Zubko, Senior Planner

Date: February 13, 2013

Re: Text Amendment - Kendall County Government Agency and other law enforcement shooting range as a 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 10.02.C and 10.03.C.- M-2 & M-3 Special uses

Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
ORDINANCE NUMBER 2013 - DQ

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 363.66 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
State of Illinois
County of Kendall

Zoning Petition

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 February, 2013.
State of Illinois  
County of Kendall

Zoning Petition  
#13-02

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman

John Shaw