KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

May 6, 2013 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: County Board: Member from PBZ Committee; County Highway: Fran Klaas; Engineering Consultant: Greg Chismark; County Health: Aaron Rybski; Forest Preserve: Jason Pettit; SWCD: Megan Andrews; Sheriff: Phil Smith; PBZ: Angela Zubko

APPROVAL OF AGENDA

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

PETITIONS:

1. 13-13 Steven & Lori Seeler
   Request Rezoning
   Purpose Rezone 3 acres of property from A-1 to R-1 to build a house
   Location Near Southeast corner of Schlapp and Cherry Road

2. 13-08 ZPAC Definition
   Request Text Amendment
   Purpose Text Amendment to modify the definition of Zoning, Platting & Advisory Committee (ZPAC) in Section 3.02 of the Zoning Ordinance

3. 13-11 Any text related to guns or target practice
   Request Text Amendment
   Purpose Text Amendment to modify language in the Zoning Ordinance with relation to guns or target practice

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

PUBLIC COMMENT

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT- Next meeting on June 3, 2013
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. Klaas asked
who governs shooting ranges with regards to reclamation and design? Mr. Wollwert stated he's done a lot of research and found the Illinois EPA does not control shooting ranges and does not get involved until the range is inactive and then the lead that remains in the backstop becomes hazardous waste that does have to be contended with. The IL EPA directed Mr. Wollwert to a specific region of the federal EPA because even nationwide the federal EPA does not have a specific set of guidelines but they did direct him to Regional 2 which has put together a best practices manual so that is being evaluated now with regards to the construction plans. The manual has specific recommendations for which type is best. For example what type of materials to use for the backstop so you can sift out the bullets when needed. Planner Zubko asked Mr. Wollwert who makes the regulations for how high the berms need to be built? Mr. Wollwert stated the State recommends a berm of at least 30' tall for recruit training. The Sheriff's Office does have recruits out shooting about 3 or 4 times a year now so the berms will be 30' tall. The shooting ranges now are currently inspected yearly by the Law Enforcement Training and Standards Board and has never had a problem passing their inspections and would continue that process at the new site. Mr. Wollwert stated that the clean fill from Route 47 and Route 34 will be used and since there might be so much dirt to move they might end up with a 50' tall backstop instead of the 30' minimum.

Planner Zubko stated one thing she should mention with the text amendment is that currently indoor and outdoor target practice is a special use in the M-1 and M-2 District. I am not 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 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 and Outdoor Commercial Sporting Activity, specifically an outdoor shooting range. As stated in the report staff was waiting to hear from the owner on what property he would like to rezone but has not heard from the owner to date so is going to rezone all of pin 08-29-400-002 which is about 15.39 acres and part of pin 08-28-300-002 which is about 1.6 acres and also where part of the shooting range will be located to be rezoned to M-3 and the special use on that property as well. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about ½ that parcel.

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

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

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

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

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

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

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

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

STEVEN & LORI SEEGER
MAP AMENDMENT- A-1 TO R-1

SITE INFORMATION

PETITIONER       Steven & Lori Seeler

LOCATION         At the southeast corner of Cherry Road and Schlapp Road.
                  About 0.15 miles east of Schlapp Road

TOWNSHIP         NaAuSay

PARCEL #         06-03-300-007 & 06-03-300-010 (11.6 Acres)

SIZE             The location of rezoning will be 3 acres of the 11.6 acre property.

EXISTING LAND USE   Farmland/Trees

ZONING           A-1 Agricultural

LRMP             Land  County: Rural Residential (Max. Density: 0.65)
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<tr>
<th>Use</th>
<th>du/acre; Village of Oswego: Residential</th>
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<tr>
<td>Roads</td>
<td>Cherry Road is designated as a major collector roadway</td>
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<td>Trails</td>
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**FUTURE LAND USE PLANS**
The requested zoning change to R-1 is consistent with the County's Land Resource Management Plan and the Village of Oswego's Future Land Use Plan.

**REQUESTED ACTION**
The Petitioner is requesting approval of a Map Amendment to rezone 3 acres of an 11.6 acre parcel from A-1 (Agricultural) to R-1 (One-Family Residence District) to build a home on their property.

**APPLICABLE REGULATIONS**
§ 8.02 of the Zoning Ordinance (Residential District)
§ 13.07 of the Zoning Ordinance (Amendments)

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<th>SURROUNDING LAND USE</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within 1/2 Mile</th>
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<td>Rural Res.</td>
<td>A-1</td>
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**PHYSICAL DATA**
- **Endangered Species Report**
  The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.
- **Natural Resources Inventory**
  The NRI Application was received and the NRI report is being worked on.
  - Land Evaluation: 98
  - Site Assessment: NA
  - TOTAL: NA
  - Level of Protection: NA

**ACTION SUMMARY**
- **Township (NaAuSay)**
  They received a unanimous approval at the April 29th Plan Commission Meeting and are scheduled for the May 20th Board Meeting.
- **Municipal (Oswego)**
  Have not heard from yet (e-mailed to Rod Zenner on 4.12.13)

**STAFF ANALYSIS**
- **Proposed Use**
  The petitioner has indicated they intend to construct a single-family dwelling unit on the 3 acre parcel if the map amendment request is approved.
Lot Size  The County’s Zoning Ordinance states that the R-1 District may be appropriate in any area suggested for residential use on the County’s LRMP with a minimum square footage of 130,000 square feet (2.995 Acres). The requested 3 acres to be rezoned meets the minimum requirements of the Zoning Ordinance.

Recommendation  Staff would recommend approval of the requested Map Amendment to rezone 3 acres of an 11.6 acre parcel from A-1 (Agricultural) to R-1 (One-Family Residence District) to build a home on their property.

Attachments:
1. Plat of Survey
To: ZPAC  
From: Angela L. Zubko, Senior Planner  
Date: April 29, 2013  
Re: Text Amendment – Modify the definition of the ZPAC Committee (Petition 13-11)

The proposed changes are to allow anyone from the Planning, Building and Zoning Committee (PBZ) to attend the ZPAC meeting and not just the PBZ Chair.

Section 3.02:

ZONING, PLATING & ADVISORY COMMITTEE (ZPAC). An informal, strictly advisory committee and not a County Board committee comprised primarily of County staff and advisors. Membership includes, but is not limited to, representatives from the County Planning, Building and Zoning Department, the Highway Department, the Health Department, the Sheriff’s Department, Forest Preserve District, Soil and Water Conservation District, and the County Engineer or consultants. The PBZ Chair A member of the Planning, Building and Zoning (PBZ) Committee of the County Board shall also serve on ZPAC.
To: ZPAC  
From: Angela L. Zubko, Senior Planner  
Date: April 29, 2013  
Re: Anything related to guns or shooting Petition #13-11

As a special use in the B-2, B-3, B-4, B-5, B-6, M-1 & M-2 Districts:

**Indoor Target Practice** with the following conditions:
  a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.  
  b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.  
  c. Hours of operation from 7am to 10pm  
  d. Bathroom facilities are required.  
  e. No alcohol allowed.  
  f. Must meet all requirements of the Kendall County Health Department.

As a special use in the A-1 District

**Outdoor target practice or shooting range limited to skeet, shotgun sports, bow and arrow/archery (no rifles) with the following conditions:**
  a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such berming shall generally be consistent with standards established in the NRA Source Book.  
  b. Requires minimum parcel size of 5 acres, depending on the venue.  
  c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.  
  d. NRA-certified range supervisor must be present  
  e. Range flag flown at all times that firing is taking place.  
  f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.  
  g. Access must be controlled by a lockable gate.  
  h. Hazardous waste plan addressing lead management required.  
  i. No discharge of lead shot into wetland.  
  j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.  
  k. No alcohol allowed.  
  l. No activity shall leave the boundaries of the site.  
  m. All applicable Federal, State and County rules and regulations shall be adhered to.
n. Bathroom facilities are required.
o. Must meet all requirements of the Kendall County Health Department

As a special use in the M-3 District:
Outdoor target practice or shooting range with the following conditions:
  a. Requires conformity with NRA standards; provide appropriate berming based on
     surrounding land use and type(s) of firearms to be used. Such berming shall
     generally be consistent with standards established in the NRA Source Book.
  b. Requires minimum parcel size of 5 acres, depending on the venue.
  c. Must have a sign that lists allowed firearm types, rules of operation; hearing and
     vision protection required.
  d. NRA-certified range supervisor must be present
  e. Range flag flown at all times that firing is taking place.
  f. Hours and days of operation as specified in the Special Use Permit to be
     determined by the County Board.
  g. Access must be controlled by a lockable gate.
  h. Hazardous waste plan addressing lead management required.
  i. No discharge of lead shot into wetland.
  j. Must be at least 1,000' from existing dwellings and property lines of schools,
     daycares, places of worship and airstrips.
  k. No alcohol allowed.
  l. No activity shall leave the boundaries of the site.
  m. All applicable Federal, State and County rules and regulations shall be adhered to.
  n. Bathroom facilities are required.
o. Must meet all requirements of the Kendall County Health Department.

As a special use in the A-1 District:
Outdoor Commercial Sporting Activities including but not limited to sports shooting,
swimming facilities and motocross sports. Appropriate regulations for lighting noise and
hours of operation shall be included in the conditions. Outdoor commercial sporting
activities shall exclude athletic fields with lights, paintball facilities and riding stables
including but not limited to polo clubs, and similar uses (excluding shooting facilities or
target practice)

Delete from Sections 10.01.C.7- M-1 Special use which automatically deletes it from
10.02.C- M-2 District Special Use
Indoor & Outdoor Target Practice, provided that outdoor target practice meets the
following conditions:
  a. Hours and days of operation as specified in the Special Use Permit to be
     determined by the County Board.
  b. No activity shall leave the boundaries of the site.
  c. All applicable State and County rules and regulations shall be adhered to.

Delete from section 10.02.C- M-2 Special Use
Kendall County Government (Agency and other law enforcement) shooting range with
conditions to be set and approved by the County Board.

Reword in Section 10.03.B.3- M-3 District Special Use:
Kendall County Sheriff's Office Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.

Re-word in Section 7.01.D.31
Private clubs or lodges not including indoor or outdoor gun clubs & not including uses regulated in Section 4.16 (Adult Book Store, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Entertainment Facilities, Adult Use, Adult Massage Parlors or Spas, Tattoo Parlors and Permanent Body Art Establishments, Striptease Club or Gentlemen's Club and Adult Video Store.)