CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and One Vacancy (Big Grove Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Approval of Minutes from June 28, 2017 Meeting (Pages 2-4)

PETITION

1. 17-20- CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner)

   Request: Special Use Permit to Operate a Grain Storage Operation
   Location: 14676 Route 47, Newark (PIN: 08-16-400-007); Southeast Corner of Illinois Route 47 and U.S. 52 in Lisbon Township
   Purpose: Special Use Permit would Allow Prospective Lessee to Operate a Grain Storage Business at the Subject Property (Pages 5-33)

OLD BUSINESS

1. Letter to Kendall County State’s Attorney’s Office RE: Forest Preserve Compliance with the Kendall County Zoning Ordinance (Pages 34-36)

NEW BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

None

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT

Next regularly scheduled meeting on Wednesday, August 23, 2017

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.
Chairman Ashton called the meeting to order at 7:03 p.m.

ROLL CALL
Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Claire Wilson and Budd Wormley
Staff Present: Matthew H. Asselmeier, Senior Planner
Members Absent: Ruben Rodriguez, John Shaw and Angela Zubko
In the Audience: Robert Davidson and Stephen Knutson

APPROVAL OF AGENDA
Ms. Wilson made a motion, seconded by Mr. Casey to amend the agenda by adding “Discussion of Forest Preserve Operating Two Venues without a Special Use Permit” under Old Business. With a voice vote of all ayes, the motion carried. Ms. Wilson made a motion, seconded by Mr. Wormley, to approve the agenda as amended. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES
Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the May 24, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS
17-14 Kendall County Zoning Board of Appeals
Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.01.B.9 of the Kendall County Zoning Ordinance Amendment by set guidelines for the calling of meetings on items that require a public hearing and for the calling of meetings on items that do not require a public hearing as defined by State law. The proposal would give the Zoning Board of Appeals the ability to call meetings forty-eight (48) hours in advance instead of fifteen (15) days on items not requiring a public hearing.

Mr. Nelson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)
No – None
Absent – Rodriguez, Shaw and Zubko (3)
The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

17-15 Kendall County Zoning Board of Appeals
Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.01.B.11 of the Kendall County Zoning Ordinance Amendment by reducing the number of votes required for the Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by the ordinance to render decisions from four to three on boards consisting of five members and from five to four on boards consisting of seven
members. The proposal brings the Zoning Ordinance into agreement with State law and allows a quorum of the Zoning Board of Appeals to transact business. It was noted that four (4) votes and not a simple majority would be required to approve petitions.

Mr. Nelson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)
No – None
Absent – Rodriguez, Shaw and Zubko (3)
The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

17-16 Kendall County Zoning Board of Appeals
Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.06.D of the Kendall County Zoning Ordinance Amendment by reducing the number of votes required for the Zoning Board of Appeals to reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator from four to three on boards consisting of five members and from five to four on boards consisting of seven members. The proposal brings the Zoning Ordinance into agreement with State law and allows a quorum of the Zoning Board of Appeals to decide appeals of the Zoning Administrator.

Ms. Wilson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)
No – None
Absent – Rodriguez, Shaw and Zubko (3)
The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

OLD BUSINESS
Discussion of Forest Preserve Operating Two Venues without a Special Use Permit
Ms. Wilson asked Mr. Asselmeier if a response has been received from the Kendall County Forest Preserve District regarding the Kendall County Regional Planning Commission’s letter dated March 28, 2017. Mr. Asselmeier responded that the Kendall County Forest Preserve District verbally acknowledged receipt of the letter, but they were still evaluating a response. Staff has not heard anything on the subject since the May Kendall County Regional Planning Commission meeting. Mr. Davidson suggested getting an opinion from the State’s Attorney’s Office on the matter. Mr. Davidson will ask the State’s Attorney for an opinion. Discussion occurred regarding potential liability of the Kendall County Forest Preserve District because they do not have the necessary special use permits, impressions of favoritism because the Forest Preserve did not pursue special use permits and conflict of interest on the part of the State’s Attorney’s Office. The consensus of the Commission was to have Mr. Ashton draft a follow-up letter to the State’s Attorney’s Office.

NEW BUSINESS
None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
None
OTHER BUSINESS/ANNOUNCEMENTS
Mr. Davidson reported that Robert Velazquez withdrew his petition for a landscape waste composting facility at 1996 Cannonball Trail. Mr. Davidson also reported that petitions cannot be killed at the PBZ Committee.

Mr. Davidson requested that Mr. Asselmeier forward the draft outdoor shooting range amendment to the Kendall County Regional Planning Commission. Mr. Davidson further requested Commission members to submit their comments on the proposal and to explain their suggestions. The petition for an outdoor shooting range at 16502 Church Road was also withdrawn. Discussion occurred regarding noise coming from outdoor shooting.

Mr. Davidson expressed concerns regarding the new septic code and the placement of storm tile. Discussion occurred regarding the determination of a high water table.

CITIZENS TO BE HEARD/ PUBLIC COMMENT
None

ADJOURNMENT
Ms. Wilson made a motion, seconded by Mr. Casey to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 7:55 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner
INTRODUCTION
CHS, Inc., on behalf of property owner NGH Farms, LLC, submitted a petition for a special use permit to operate a grain storage and shipping business at 14676 Route 47. CHS, Inc. would like to lease the property from NGH Farms, LLC for three (3) years to operate the proposed business.

SITE INFORMATION
PETITIONER      CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner)

ADDRESS          14676 Route 47, Newark

LOCATION         Southeast Corner of the Intersection of Illinois Route 47 and U.S. 52
TOWNSHIP  Lisbon
PARCEL #  08-16-400-007
LOT SIZE  26.5 +/- acres
EXITING LAND USE  Agricultural
ZONING  A-1 Agricultural District

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>County: Agricultural Village of Lisbon: Commercial and Mixed Use Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Illinois Route 47 and U.S. 52 are Arterial Roads</td>
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</tr>
<tr>
<td>Trails</td>
<td>A Multi-Use Trail is Shown along Illinois Route 47</td>
<td></td>
</tr>
<tr>
<td>Floodplain/ Wetlands</td>
<td>Lisbon Creek Runs Through the Property</td>
<td></td>
</tr>
</tbody>
</table>

REQUESTED ACTION  A-1 Special Use to Operate a Grain Storage Business

APPLICABLE REGULATIONS  Section 7.01 D.21 – A-1 Special Uses – Permits Grain Storage Facilities as a Special Use
Section 13.08 – Special Use Procedures

<table>
<thead>
<tr>
<th>SURROUNDING LAND USE</th>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>Land Resource Management Plan</th>
<th>Zoning within 1/2 Mile</th>
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</thead>
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<tr>
<td>North</td>
<td>Agricultural/Farming</td>
<td>B-3 (Highway Business) and A-1 (Agricultural)</td>
<td>Agricultural and Prairie Parkway Overlay (County) Commercial (Lisbon)</td>
<td>B-3 and A-1 (County)</td>
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<td>South</td>
<td>Agricultural/Farming</td>
<td>A-1 (Agricultural)</td>
<td>Agricultural (County) Commercial and Agricultural (Lisbon)</td>
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<tr>
<td>East</td>
<td>Agricultural/Farming</td>
<td>A-1 (Agricultural)</td>
<td>Agricultural (County) Agricultural (Lisbon)</td>
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<tr>
<td>West</td>
<td>Agricultural/Farming</td>
<td>A-1 (Agricultural)</td>
<td>Agricultural and Commonwealth Edison ROW (County) Mixed Use Business and Mining (Lisbon)</td>
<td>A-1 (County)</td>
<td></td>
</tr>
</tbody>
</table>
PHYSICAL DATA

ENDANGERED SPECIES REPORT
EcoCAT Report submitted and consultation was terminated; see Attachment 3.

NATURAL RESOURCES INVENTORY
Application was submitted 6.28.17. To date, the application remains under review.

ACTION SUMMARY

LISBON TOWNSHIP
Petition information was sent to Lisbon Township on 6.30.17. Lisbon Township discussed this petition on 7.11.17, but did not submit any comments.

VILLAGE OF LISBON
Petition information was sent to the Village of Lisbon 6.30.17. To date, no comments received from the Village of Lisbon.

ZPAC
ZPAC reviewed this proposal at their meeting on 7.11.17. The minutes of this meeting are included as Attachment 10. ZPAC unanimously recommended approval of the proposal.

BUSINESS OPERATION
The petitioner provided information of business operations; this document is Attachment 2. According to this information, CHS will deliver and receive corn and soybeans at the property via truck. CHS will send the corn and soybeans to market from the location via “grain hopper” trailer or “container” trailer. “Container” units are not intended to stay on the property for long periods of time. The petitioner indicated that containers and trucks will not be disconnected.

As part of their operations, CHS plans to construct a load out shelter at a cost of approximately Thirty Thousand Dollars ($30,000). The shelter is approximately eight hundred (800) square feet in size and might be removed after the lease expires.

CHS will lease the site for an initial period of three (3) years.

In the application materials, the petition stated that the anticipated hours of operation are Monday-Friday from 7:30 a.m. until 5:00 p.m. Saturdays and Sundays from 7:30 a.m. until Noon during harvest. At the ZPAC meeting, the petitioners indicated that no set hours of operation would exist during harvest. As a co-op, they would be open for business to meet the needs of their member farmers.

BUILDING CODES
The site currently has five (5) structures, a scale and scale house, three (3) grain bins, and one (1) dryer building. These structures were permitted for personal use only.

A proposed shelter approximately eight hundred (800) square feet in size is proposed. Any new structures constructed would be required to follow applicable building codes.

ACCESS
The property fronts Illinois Route 47. There will be a dedicated left turn lane on southbound Illinois Route 47 to access the property. A portion of the apron may be asphalted as part of the Illinois Route 47 widening project.

TRAILS
A multi-use trail is planned along Route 47. Staff believes that adequate right-of-way exists in this area for the proposed trail.

PARKING
CHS will provide parking to a maximum two (2) employees onsite.
ODORS
No new odors are foreseen.

LIGHTING AND SECURITY
Presently three (3) lights are located on the dryer building and six (6) lights are located on scale house. No additional lighting is planned.

Several security cameras are located on the scale house building.

SIGNAGE
No signage presently exists onsite. The petitioners are considering placing a sign on the premises. Per Chapter 12 of the Zoning Ordinance, the sign would be a maximum thirty-two (32) square feet in size and would not be illuminated. Directional signs located on the property are exempt from the signage calculations.

SCREENING
No fencing or buffer is planned for the property.

STORMWATER
Lisbon Creek runs through the property. The County’s stormwater engineer reviewed this proposal and the petitioner agreed to the request mentioned in the stormwater related correspondence; see Attachments 11-14.

UTILITIES
The proposed new shelter will have single phase electricity. No water facilities will be placed in the building.

The existing well is located to the northwest of the scale house. The existing septic field is under the pavement north of the scale house; there is a bathroom inside the scale house.

RELATION TO OTHER SPECIAL USE PERMITS
Two properties (9512 Helmar Road and 60 U.S. Route 52) have special use permits for some form of grain storage. Applicable restrictions from these special use permits to the subject property could include:

1. Permanent storage of containers shall be prohibited.
2. Containers shall not be stacked or racked.
3. Containers shall not be separated from chassis except for temporary repair or emergency.
4. No containers may be stored in the required setbacks.
5. No parking shall be permitted in the required setbacks.
6. A routing system that includes radio communication between trucks shall be developed that facilitates the movement of containers onto Illinois Route 47 and which prevents the stopping or idling of containers on the roadway (Not applicable due to turning lane).
7. The septic field shall be physically protected from the encroachment of vehicles (Not applicable because the septic field is already in place).
8. Direction signage placement (Not applicable due to turning lane on Route 47).
9. Photometric plan (Not applicable; no additional lighting is planned).
10. Building permits must be obtained for structures proposed to be built on the property (the property will not qualify for an agricultural exemption building permit).

FINDINGS OF FACT
That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed business allowed by the special use permit is an agricultural related operation using agricultural structures already onsite. Provided the new shelter is constructed to code, no threats to the public health and safety are anticipated. Traffic backups on south bound Illinois Route 47 could occur if the turn lane is not installed on a timely basis.

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. CHS is leasing the paved area only from the petitioners. The proposed use will not change the existing use of the property greatly; the use will be a more intense grain storage operation in an agricultural area. The proposed use fits in with other agricultural uses in the area.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities are onsite. If construction on Illinois Route 47 is delayed, traffic congestion could arise if the left turn lane on south bound Illinois Route 47 is not installed in a timely manner. After the installation of the turning lane, no access issues are foreseen. The petitioners agreed to a construction restriction regarding the placement of the proposed shelter building in relation to the waterway onsite.

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. True, the special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with agricultural uses outlined in the Land Resource Management Plan because of the nature of the proposed business and building allowed by the special use permit.

**RECOMMENDATION**

Staff recommends approval of the proposed special use as described in Attachment 1 subject to the following conditions:

1. A building permit shall be secured for the new shelter shown on Attachment 1. The building shall not qualify for agricultural exemption.
2. The new building shown on Attachment 1 shall be elevated to at least one foot (1’) above the calculated one hundred (100) year event water surface elevation.
3. Containers shall not remain outdoors on the property overnight except in the case of mechanical breakdown of trucks or trailers. In the event of mechanical breakdown of trucks or trailers, the owners of the business allowed by this special use permit shall remove the impacted containers within twenty-four (24) hours.
4. Containers shall not be stacked or racked.
5. Containers shall not be separated from chassis except for temporary repair or emergency and for no longer than twenty-four (24) hours.
6. No containers shall be stored within the required setbacks.
7. No parking of vehicles shall occur within the required setbacks.
8. Failure to comply with the above restrictions and conditions shall be interpreted as a violation of the Zoning Ordinance of Kendall County and could result in the revocation of the special use permit or other legal actions.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

**ATTACHMENTS**

1. Zoning Sketch and Site Plan
2. Site Operations
3. EcoCat
4. Applicant’s Findings of Fact
5. Aerial
6. Subject Property Picture
7. Ditch Looking South
8. Ditch Looking North
9. Driveway
10. ZPAC Minutes 7.11.17
11. Chismark Letter 7.10.17
12. Burroughs Email 7.11.17
13. Chismark Email 7.13.17
14. Chismark Email 7.14.17
June 27, 2017

14676 Route 47- Description of Proposed Use

CHS-Elburn will utilize the existing site and facilities as they are today – as a country grain elevator. CHS-Elburn and its customer/owners (area farmers) will deliver corn and soybeans to the grain elevator via truck. CHS-Elburn will then direct the grain out of the elevator to be delivered to a destination location – processor, export, etc. Delivery to a destination location will also be via truck – either via a “grain hopper” trailer or a cargo “container” trailer. CHS-Elburn expects the majority of the grain leaving the elevator to be loaded on to a “container” trailer bound for export due to the proximity to the Joliet rail yards. To load the “container” units, CHS-Elburn intends to utilize a portable torpedo type auger system. This will not be an attachment to property. CHS-Elburn also intends to improve the property to provide cover “load out shelter” for this function. Estimated cost for improvement “shelter” to be approx. $30,000 with potential to be removed after 3-year lease has expired or not renewed. CHS-Elburn does not anticipate any short or long term storage of “container” units. “Container” units will remain attached to trailer with full anticipation they will continue in transit to destination.

CHS-Elburn will lease the site.

Hours of operation:

- M-F: 7:30 to 5pm
- Saturday: 7:30 to Noon during Harvest (October/November)
- Sunday: 7:30 to Noon during Harvest (October/November)

Likely for only a few Sundays.

Parking:

We anticipate only 1 to 2 employees on site. Will utilize ample parking that exists. Will not deviate current site.
Applicant: Engineering Enterprises
Contact: Tyler Meyer
Address: 52 Wheeler Road
        Sugar Grove, IL 60554
Project: 14676 Route 47
Address: 14676 Route 47, Newark

Description: CHS-Elburn intends to improve the property by constructing a "load out shelter" to improve processing and exporting for the grain elevator. The load out shelter will be approximately 20' x 40'.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

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.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location
The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall
Township, Range, Section:
35N, 7E, 16

IL Department of Natural Resources
Contact
Keith Shank
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
IL Environmental Protection Agency
Amy Dragovich
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794 -9276

Disclaimer
The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.
Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.
Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a special use. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.

The facility is an existing agricultural/grain storage operation. The proposed load out building is to modernize the facility and make it more efficient and it will not change the operation of the site and therefore, will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare of the public.

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

The proposed load out building is to modernize the facility and make it more efficient and it will not change the operation of the site. The area surrounding the facility will still be used for growing crops and therefore the special use will not be substantially injurious to the use and enjoyment of the other properties in the immediate vicinity nor diminish or impair property values within the neighborhood.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

The site has been used for several years as a grain storage facility and has adequate access to IL Route 47. The current access will not be changed and the load out building is an upgrade for the operation of the site so it will improve the efficiency of the grain storage operation.

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.

The grain storage facility has been in operation at this location for several years and conforms to the applicable regulations of the A-1 zoning district. The load out building is an upgrade for the operation of the site and will improve the efficiency of the grain storage operation.

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 growing of crops and a grain storage facility are acceptable uses in the A-1 Zoning District and are therefore consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County Plans and policies for this area.
This work is provided as is, without warranty of any kind, either expressed or implied. The information represented may contain proprietary and confidential property of Kendall County Illinois. Under United States Copyright protection laws you may not use, reproduce, or distribute any part of this document without prior written permission. To obtain written permission please contact Kendall County GIS at 111 W Fox St, Yorkville, IL 60560.
Senior Planner Matt Asselmeier called the meeting to order at 9:01 a.m.

Present:
Fran Klaas – Highway Department
Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff’s Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Megan Andrews – Soil & Water Conservation District
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience: Tom Knief and David Burroughs

AGENDA
Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES
Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the June 6, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITION
17-20 CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner) – Special Use Permit to Operate a Grain Storage Facility at 14676 Route 47, Newark (PIN: 08-16-400-007) Southeast Corner of Illinois Route 47 and U.S. 52 in Lisbon Township

Mr. Asselmeier provided a summary of this proposed special use permit. CHS desires to construct a shelter approximately eight hundred (800) square feet in size at a cost of approximately Thirty Thousand Dollars ($30,000) at the subject property for their operations. The shelter might be removed when the three (3) year lease expires.

Mr. Asselmeier said the petitioners will have to obtain a building permit and are not considered agriculturally exempt.

Mr. Klaas asked why the special use was necessary. Mr. Asselmeier stated the Zoning Ordinance required a special use when a grain storage business is more of an industrial scale and not for an onsite farming operation.

No concerns were expressed regarding the paving material. The apron may be paved as part of the IL 47 widening project.

Ms. Andrews asked if any other buildings were planned for the site. The petitioners responded that no other buildings besides the proposed shelter and existing buildings are planned for the site. The petitioners said they are only leasing the paved area.

The petitioners agreed to the restriction that all containers shall stay connected to chassis. The petitioners also agreed to no overnight storage of the containers.

Mr. Asselmeier read Mr. Chismark’s letter. The petitioners are working on obtaining the flow numbers from IDOT to address Mr. Chismark’s concerns.
Signage could be placed per the County’s Ordinances. A thirty-two square (32) foot sign would be allowed per the Zoning Ordinance. The sign cannot be illuminated.

Since this business operation is a co-op, the petitioners could not guarantee that they will not be working before or after the hours of operation listed in the proposal. Therefore, the consensus was that hours of operation not be included as a restriction because no residential uses are near the site.

Mr. Rybski expressed concerns about the septic system being located under the driveway area.

Deputy Commander Langston asked about additional traffic. No additional traffic is planned that could not be handled by the existing roads. Mr. Klaas encouraged the applicants to restrict their traffic to State highways and not drive on County highways when the containers are full due to weight restrictions.

Mr. Klaas made a motion, seconded by Ms. Andrews, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on July 26th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

UPDATES OF PETITIONS

Mr. Asselmeier reported that the Delaney Gun Range Case and the Semper Fi, Inc Case were withdrawn by the petitioners.

Mr. Asselmeier reported one (1) special use permit renewal application is being finalized.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:30 a.m., adjourned.
July 10, 2017

Mr. Matt Asselmeier  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60560-1498

Subject: CHS Inc and NGH Farms (Route 47 / Lisbon Creek)  
Kendall County (WBK Project No. 16-0100)

Dear Mr. Asselmeier:
Wills Burke Kelsey Associates, Ltd. (WBK) has reviewed the information submitted for the subject petition.  
WBK received the following information via e-mail:

- ZPAC Agenda and Special Use petition No. 17-20 including project narrative and site plans.

We have no objection to consideration of this special use conditioned on resolution of the following issue.
- The drainage way (Lisbon Creek) adjacent to the proposed building is of a concern relative to the proposed building.  It is recommended that the engineer establish a 100 year water surface elevation in the adjacent channel to ensure the building is elevated and protected.  Although the creek is not floodplain the tributary area the site is approximately 7.5 square miles.

Please do not hesitate to contact me directly with any questions or comments at (630) 443-7755.

Sincerely,

Greg Chismark, P.E.  
Municipal Practice Principal  
WBK Engineering, LLC.

[Map of Lisbon Creek area]
Matt, 

The attached report is in response to Greg Chismark’s comments from yesterday. I was able to recover the stormwater design from IDOT (see attached) and they had calculated a discharge from the culvert under IL Route 47 of 852 CFS for the 100 year storm event and 1,092 CFS for the 500 year storm. I then created a cross-section at the proposed building location and determined the high water level (HWL) from the 100 year and 500 year storm event at 917.41 and 917.43. The proposed elevation of the building is at 919.30 so almost 2’ higher than both storm events. Let me know if you have any further comments.

Thanks,

David R. Burroughs, P.E.
Senior Vice President

Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, IL 60554
Tel.
Dir.
Fax (630)
www.eeiweb.com

Supporting the Communities
We Work and Live In

From: Tyler Meyer
Sent: Tuesday, July 11, 2017 4:14 PM
To: David Burroughs <******@
Subject: Flood Elevation Report - P17021

Dave

Attached is the floodplain report for P17021

Tyler Meyer, E.I.
Project Engineer
<table>
<thead>
<tr>
<th>Label</th>
<th>Solve For</th>
<th>Friction Method</th>
<th>Roughness Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>100YR ELEV</td>
<td>Normal Depth</td>
<td>Manning Formula</td>
<td>0.036</td>
</tr>
<tr>
<td>500YR ELEV</td>
<td>Normal Depth</td>
<td>Manning Formula</td>
<td>0.036</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Channel Slope (ft/ft)</th>
<th>Water Surface Elevation (ft)</th>
<th>Elevation Range</th>
<th>Discharge (ft³/s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00500</td>
<td>617.41</td>
<td>612.00 to 620.62 ft</td>
<td>852.00</td>
</tr>
<tr>
<td>0.00500</td>
<td>617.53</td>
<td>612.00 to 620.62 ft</td>
<td>1092.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Flow Area (ft²)</th>
<th>Wetted Perimeter (ft)</th>
<th>Hydraulic Radius (ft)</th>
<th>Top Width (ft)</th>
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</thead>
<tbody>
<tr>
<td>368.80</td>
<td>527.09</td>
<td>0.70</td>
<td>519.00</td>
</tr>
<tr>
<td>434.21</td>
<td>547.06</td>
<td>0.79</td>
<td>538.98</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Normal Depth (ft)</th>
<th>Critical Depth (ft)</th>
<th>Critical Slope (ft/ft)</th>
<th>Velocity (ft/s)</th>
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</thead>
<tbody>
<tr>
<td>5.41</td>
<td>2.97</td>
<td>0.01590</td>
<td>2.31</td>
</tr>
<tr>
<td>5.53</td>
<td>5.19</td>
<td>0.02346</td>
<td>2.51</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Velocity Head (ft)</th>
<th>Specific Energy (ft)</th>
<th>Froude Number</th>
<th>Flow Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.08</td>
<td>5.49</td>
<td>0.48</td>
<td>Subcritical</td>
</tr>
<tr>
<td>0.10</td>
<td>5.63</td>
<td>0.49</td>
<td>Subcritical</td>
</tr>
</tbody>
</table>
FLOODPLAIN ELEVATION
CROSS SECTION
## Cross Section for 100YR ELEV

### Project Description
- **Friction Method**: Manning Formula
- **Solve For**: Normal Depth

### Input Data

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Channel Slope</td>
<td>0.00500 ft/ft</td>
</tr>
<tr>
<td>Normal Depth</td>
<td>5.41 ft</td>
</tr>
<tr>
<td>Discharge</td>
<td>852.00 ft³/s</td>
</tr>
</tbody>
</table>

### Cross Section Image

![Cross Section Image](image_url)

- **T/F = 619.30**
- **HWL = 617.41**
Cross Section for 500YR ELEV

Project Description

Friction Method: Manning Formula
Solve For: Normal Depth

Input Data

Channel Slope: 0.00500 ft/ft
Normal Depth: 5.53 ft
Discharge: 1092.00 ft³/s

Cross Section Image
From: Greg Chismark [mailto:greg.chismark@...]
Sent: Thursday, July 13, 2017 7:57 AM
To: David Burroughs; Matt Asselmeier
Cc: CO-Elburn, Thomas Knief
Subject: RE: Flood Elevation Report - P17021

Dave,
Thanks. This report and the detail are perfect. I appreciate your quick response. The only comment I have is the basis for the channel slope at 0.5%. The culvert under IL 47 is at 0.2% and the Streamstats data indicates a slightly flatter slope. If you have information to verify the 0.5% then just note that. If not, quickly run the channel at 0.2% and see what that does to the water surface elevation. I suspect it will work fine but that may be a better representation of freeboard.
Thanks,
Greg

---

Greg Chismark P.E.
Municipal Practice Principal

WBK Engineering, LLC
116 West Main Street, Suite 201, St. Charles, Illinois 60174
P: 630.236.6123 | D: 630.236.6124
www.wbkengineering.com | Mediating the Built & Natural Environments | Part of the Mno-Bmdanssen Family

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From: David Burroughs [mailto:david.burroughs@...]
Sent: Tuesday, July 11, 2017 4:23 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Greg Chismark <gchismark@...>, CO-Elburn, Thomas Knief <thomas.knief@...>
Subject: FW: Flood Elevation Report - P17021

Matt,

The attached report is in response to Greg Chismark’s comments from yesterday. I was able to recover the stormwater design from IDOT (see attached) and they had calculated a discharge from the culvert under IL Route 47 of 852 CFS for the 100 year storm event and 1,092 CFS for the 500 year storm. I then created a cross-section at the proposed building location and determined the high water level (HWL) from the 100 year and 500 year storm event at 917.41 and 917.43. The proposed elevation of the building is at 919.30 so almost 2’ higher than both storm events. Let me know if you have any further comments.

Thanks,

David R. Burroughs, P.E.
Senior Vice President

Engineering Enterprises, Inc.
Matt Asselmeier

From: Greg Chismark
Sent: Friday, July 14, 2017 7:19 AM
To: David Burroughs
Cc: Matt Asselmeier
Subject: RE: 14676 Route 47 Newark - Flood Elevation Report

Thank you Dave. All looks good on this.
Greg

Greg Chismark P.E.
Municipal Practice Principal

WBK Engineering, LLC
116 West Main Street, Suite 201, St. Charles, Illinois 60174
P: 630.443.7755  D: 630.338.8527
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From: David Burroughs
Sent: Thursday, July 13, 2017 10:21 AM
To: Greg Chismark
Subject: FW: 14676 Route 47 Newark - Flood Elevation Report

Greg,

Here is the calculation for a 0.2% slope. The slope of 0.50% was calculated using the average distance between the bounding contours shown on the topo. But either way we are well above the 100 year flood elevation.

David R. Burroughs, P.E.
Senior Vice President

Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, IL 60554
Tel.
Dir.
Fax
www.eeiweb.com
July 5, 2017

Kendall County State’s Attorney Eric Weis
Kendall County State’s Attorney’s Office
807 W. John Street
Yorkville, IL 60560

RE: Forest Preserve Compliance with the Kendall County Zoning Ordinance

Dear Kendall County State’s Attorney Eric Weis:

It has come to the attention of the Kendall County Regional Planning that the Kendall County Forest Preserve District is operating a banquet facility at the Ellis House and Equestrian Center located within the Baker Woods Forest Preserve and a preschool at the Hoover Forest Preserve. It is our understanding that both of these uses require special use permits per the Kendall County Zoning Ordinance.

The Kendall County Regional Planning Commission sent the attached letter to Kendall County Forest Preserve District President Judy Gilmour and Kendall County Forest Preserve Director David Guritz on March 28, 2017. To date, we received verbal confirmation that they received the letter, but we have not received any correspondence regarding our request that the Kendall County Forest Preserve District complete applications for the applicable special use permits.

In previous discussions, a representative of the Kendall County Forest Preserve indicated that forest preserves are exempt from local zoning regulations. If this statement is true, we request your assistance by providing us a copy of the relevant State law granting the exemption. If this statement is not true, we believe that the Kendall County Forest Preserve District should complete applications for special use permits for the uses listed in the first paragraph of this letter.

As noted in our March 28, 2017, letter to the Kendall County Forest Preserve District, the Kendall County Regional Planning Commission frequently interacts with residents and businesses that desire to follow the rules and some of these entities alter their plans for their property and/or business in order to follow the rules. When a unit of government operates outside of the established rules, this creates the impression, rightly or wrongly, of favoritism. Accordingly, we request your assistance in resolving this matter.

Sincerely,

[Signature]

William Ashton, Chairman
Kendall County Regional Planning Commission
March 28, 2017

Kendall County Forest Preserve District President Judy Gilmour
Kendall County Forest Preserve Director David Guritz
Historic Kendall County Courthouse
110 West Madison Street
Yorkville, IL 60560

RE: Forest Preserve Compliance with the Kendall County Zoning Ordinance

Dear Kendall County Forest Preserve District President Judy Gilmour and Kendall County Forest Preserve Director David Guritz:

The members of the Kendall County Regional Planning Commission would like to express our desire to bring the facilities of the Kendall County Forest Preserve District into Compliance with the Zoning Ordinance of Kendall County.

The Ellis House and Equestrian Center, located within the Baker Woods Forest Preserve, currently rents space for weddings, concerts, birthday parties, retirement parties, showers, and other social events. These types of events are typically held at banquet halls. Per the Kendall County Zoning Ordinance and Map, the Baker Woods Forest Preserve is zoned A-1 Agricultural and banquet halls are a special use within the A-1 Agricultural Zoning District. In addition, banquet halls must meet the following criteria:

a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
b. The subject parcel must be a minimum of 5 acres.
c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.
d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
g. Noise During Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.
h. Noise During Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.
i. Noise Exemption: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

In addition to the concerns at the Baker Woods Forest Preserve, a preschool is currently operating at the Hoover Forest Preserve. The Hoover Forest Preserve is zoned A-1 Agricultural, but it also has a special use permit for a boy scout camp. Preschools are a special use within the A-1 Agricultural Zoning District.

The Kendall County Regional Planning Commission frequently interacts with residents and businesses that desire to follow the rules and some of these entities alter their plans for their property and/or business in order to follow the rules. When a unit of government operates outside of the established rules, this creates the impression, rightly or wrongly, of favoritism. We desire to work with you to ensure that everyone operates under the same rules. Accordingly, we request that you submit applications for special use permits for the operation of a banquet center at the Baker Woods Forest Preserve and for the operation of a preschool at the Hoover Forest Preserve.

Sincerely,

William Ashton, Chairman
Kendall County Regional Planning Commission

CC: Members of the Kendall County Forest Preserve District Board
Matt Asselmeier

From: Brian Holdiman
Sent: Wednesday, July 05, 2017 6:54 AM
To: Matt Asselmeier
Cc: Scott Koeppel
Subject: RE: Requests from RPC

Matt,

1. We will be receiving a spot survey on this project soon which will show the distance. I did footing, backfill, and foundation wall inspections and the house seems fine to me, but survey will say for sure.
2. This is a violation and being pursued at this time.

Respectfully,

Brian Holdiman
Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179

From: Matt Asselmeier
Sent: Friday, June 30, 2017 8:49 AM
To: Brian Holdiman
Cc: Scott Koeppel
Subject: Requests from RPC

Brian:

Could you investigate the following concerns of the RPC:

1. Nancy Austin’s house on Ashley Road south of Plattville-Is it constructed in the ROW?
2. On the east side of Grove Road north of Chicago Road, there is an in-ground swimming pool without a fence. Is this legal?

Thanks,

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