CALL TO ORDER
Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:
Members Present: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson, and Dick Whitfield
Members Absent: Cliff Fox
Staff Present: Matthew Asselmeier, AICP, Senior Planner and Ruth Ann Sikes, Part Time Office Assistant, (Zoning)
Public: Margaret Sheehan, Mark Perle, Jim Williams, Linda Wilkinson, Greg Peterson, Boyd Ingemunson, Martin Cann, James Manning, Mike Hawkins, Wendy Martorano, Priscilla Gruber, Ed Gruber, Todd Milliron, Judy Bush, and Virginia Lake

MINUTES:
Member Clementi made a motion, seconded by Member LeCuyer, to approve the minutes of the January 28, 2019 meeting. With a voice vote of six (6) ayes, the motion was approved.

PUBLIC COMMENT
Chairman Mohr allowed a group to give a one (1) minute summary of the odor issues with the compost site north of Yorkville, Midwest Materials.

Wendy Martorano, Vice President of the Homeowners Association, of Bristol Bay, explained that the smell was causing a decline in property values. The smell is pervasive and started to get bad in 2018.

PETITIONS
Chairman Mohr swore in all of the members of the public that wished to speak on the petitions.

The Zoning Board of Appeals started their review of Petition 19-08 at 7:05 p.m.

Petition 19-08 – Daniel, Bruce, and Norma Van Deventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer)
Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural to R-1 One-Family Residential
PINS: 02-11-300-007
Location: The Northeast Side of T-Intersection Created by Galena Road and Kennedy Road in Bristol Township
Purpose: Proposal Rezones the Property to R-1 to Allow the Prospective Buyer to Construct One House on the Property

Mr. Asselmeier summarized the request.
Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size.

The Land Resource Management Plan calls for the property to be residential.

Trails are planned along Galena Road and along Blackberry Creek. Blackberry Creek runs through the property and development can occur only the south portion of the property is outside the floodplain. There is a freshwater emergent wetland on the northwest side of the property.

The zoning in the area is A-1 and R-3 with Yorkville and Montgomery having zoning within a half (1/2) mile of the property.

EcoCat was submitted and consultation was terminated.

The LESA Score was 129 indicating a low level of protection.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019.

Petition information was sent to the United City of Yorkville at the end of February. The subject property is across the street from Yorkville, but is in Montgomery’s planning jurisdiction. Yorkville will be reviewing the proposal during April 2019.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

ZPAC reviewed this petition at their meeting on March 5, 2019. The Kendall County Highway Department requested a site plan showing the location of the proposed driveway for the house. It was noted that a variance would be required to the Kendall County Highway Regulations, if the Petitioner desired more than a right-in, right-out point of ingress/egress. ZPAC unanimously recommended approval of the request.

The Kendall County Regional Planning Commission reviewed this petition at their meeting on March 27, 2019. A neighbor questioned why the property needed to be rezoned. Mr. Asselmeier explained Kendall County’s forty (40) acre rule and housing allocation rules in agricultural areas. The address of the property required clarification. The Kendall County Regional Planning unanimously recommended approval of the request.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. Staff has no concerns regarding the ability of Galena Road to support the proposed map amendment. A variance to the Kendall County Highway Access Regulation Ordinance will be required, if the Petitioner desired more than a right-in, right-out point of ingress/egress. At their
meeting on March 19, 2019, the County Board approved an ordinance granting access onto Galena Road at the subject property.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

The proposed Findings of Fact are as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are a mix of agricultural, single-family residential, and forest preserve uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties in the unincorporated area are zoned A-1, R-1, and R-3. Both the Village of Montgomery and the United City of Yorkville have residentially zoned properties within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. A single-family home cannot be constructed on the property because a residential housing allocation does not exist and because the property is less than forty (40) acres in size.

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. The trend of development in the area supports residential growth. A residential subdivision inside the Village of Montgomery is located within one half (1/2) mile of the subject property. No uses that would negatively impact residential development are located near the subject property.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential and Suburban Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.

Staff recommends approval of the proposed map amendment.
Chairman Mohr started the Public Hearing on Petition 19-08 at 7:12 p.m.

Boyd Ingemunson, Attorney for the Petitioner, stated that the Zimmerman’s are contract purchases of the property. The sale is contingent on the zoning of the property.

Chairman Mohr closed the Public Hearing on Petition 19-08 at 7:13 p.m.

Member Clementi made a motion, seconded by Member LeCuyer, to approve the Findings of Fact and the Map Amendment as proposed by Staff.

The votes were as follows:
Ayes (6): Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield
Nays (0): None
Absent (1): Fox

The motion passed. This proposal will go to the Planning, Building and Zoning Committee on May 13, 2019.

The Zoning Board of Appeals completed their review of Petition 19-08 at 7:15 p.m.

The Zoning Board of Appeals started their review of Petition 17-28 at 7:16 p.m.

Rehearing on Amended Petition 17-28 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendment to Sections 7.01.D.32 (Special Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not including Private Shooting in Your Own Yard)

Purpose: Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges

Mr. Asselmeier summarized the request.

Amendment to 7.01.D.32 (Special Uses in A-1)

Outdoor Commercial Sporting Activities including but not limited to 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 outdoor target practice (such exclusion extends to shooting ranges not located on property owned by the Kendall County Forest Preserve District as long its compliant with 70 ILCS 805/5 or the State of Illinois used for State parks), athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses. (This is a special use only in A-1; Proposal adds exemption to Forest Preserves and State Parks).

Amendment to 7.01.D.33 (Special Uses in A-1) and 10.03.B.4 (Special Uses in M-3)

Outdoor Target Practice or Shooting Ranges (not including private shooting on your own yard and shooting ranges located on property owned by the Kendall County Forest Preserve District as long its compliant with 70 ILCS 805/5 or the State of Illinois used for State parks) with the following conditions (The term “Range” is added after “Shooting”;

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exemption to Forest Preserves and State Parks is added).

a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. A copy of the NRA Range Source Book shall be available for public access in the Kendall County Planning, Building and Zoning Department

1. The above-referenced plans shall contain information as suggested by the National Rifle Association.
2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
3. The safety plan shall describe the duties and qualifications of the range supervisors.
4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirements of the National Rifle Association’s standards, the standards of the National Shooting Sports Foundations standards, or the United States Environmental Protection Agency’s best management practices standards.
5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
6. Any changes to the above-required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department. [All of this section is new with the exception of requiring a lead management plan and approval of a water and drainage plan by the Department].

b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1”=100’). [All of this section is new with the exception of the general requirement that range layout conforms to NRA standards].

c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.

1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
2. For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided. (Current regulations only require berming based on surrounding land use and type(s) of firearms to be used; berming must also meet the standards in NRA Source Book).

d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30') feet of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:
   1. Shotgun ranges – No berming required.
   2. Ranges for handguns and rifles
      a. Target placement not to exceed twenty feet (20') from the backstop.
      b. Lateral not closer than thirty feet (30') from the firing line.
   3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
   4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm.
   5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
      a. Shotgun ranges – one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.
      b. Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand feet (7,000').
      c. Ranges for rifles more powerful than a .22 long rifle – thirteen thousand five hundred feet (13,500').
      d. The downrange safety area requirement for handgun and rifle ranges shall be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association’s Source Book or appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm. (All of this section is new; see comments from letter c above).

e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease. (All of this section is new)

f. The firing line must be at least one thousand feet (1,000') from existing residential dwellings and property lines of schools, daycares, places of worship, and airstrips. (Clarifies the measuring point as the firing line; clarifies dwelling as “residential”).

g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required. (This section is the same as the existing regulation; slight alteration in verbiage).
h. At least one (1) designated range safety officer must be present at all times. A “range safety officer” means a person who is certified under the National Rifle Association’s Range Safety Officer Program or other equivalent state or nationally-recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules. (Defines the number of range safety officers; specifies the type of certification program; defines the duties of the range safety officer).

i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place. The flagpole shall be at least eighteen feet (18’) high and the flag shall be bright red forty inches (40”) long and twenty inches (20”) inches wide at the pole and six inches (6”) wide at the free end. Signs shall be at least ten inches by twelve inches (10”X12”) and placed at entrance to any areas where firing is taking place. (Allows cones to be used when firing is taking place; defines height and dimensions of flagpole and flag; defines dimensions of signs).

j. Everyone on the firing line is required to wear hearing protection and safety glasses. (Unlike g above and the current regulations; this section specifies that hearing protection and safety glasses must be worn on the firing line).

k. The range shall provide public bathroom facilities. (This section is new).

l. The range shall require a minimum parcel size of twenty (20) acres. (Raised from 5 acres).

m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. (This section is the same as existing regulations)

n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100’) intervals warning members of the public of the danger. Berming may substitute for fencing. (The existing regulations require access via a lockable gate; language regarding signage and berming substitution are new).

o. Must meet the existing setbacks of the zoning district. (This section is implied in the existing regulations).

p. No alcohol, marijuana, or other illicit drugs allowed. (The prohibition of marijuana and other illicit drugs was added).

q. No projectiles shall leave the boundaries of the site. (This section is the same as the existing regulations).

r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the
insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1st of each year. *(This section is new).*

d. All applicable Federal, State and County rules and regulations shall be adhered to. *(This section is the same as the existing regulations and merges the requirements that the gun range follows Health Department Regulations, signage regulations, lighting regulations, and not allowing discharge of lead shot into wetlands).*

t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings). *(This section is the same as existing regulations).*

u. Notwithstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:

1. **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 use which exceeds sixty (60) 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.

2. **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 use 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.

3. **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. *(This section is new).*

v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance *(insert date)* shall be exempt from this subsection of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits. *(This section is new).*

w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance *(insert date)* must comply with the above regulations or secure applicable variance(s). *(This section is new).*

x. The Zoning Board of Appeals may grant variances to this ordinance where doing so, would not impact the health, safety, or welfare of the residents of Kendall County. In
addition, when denying a variance request, the Zoning Board of Appeals shall show why the granting of the variance would harm the health, safety, or welfare of the residents of Kendall County. *(This section is implied in the Zoning Ordinance).*

Any completed application submitted prior to date of adoption of this ordinance shall follow the application procedures, requirements, and restrictions in effect on the date that the completed application was submitted. *(This section is new).*

Member Clementi asked what happens if the Board votes no. Mr. Asselmeier stated the Board would issue a recommendation, the townships have thirty (30) days to file an objection, and, if no formal objections are filed, the proposal will go to the County Board where it needs a simple majority to pass. The current regulations on the books would remain in place if this proposal is defeated. The proposal only applies to new special use permits applied for after this proposal is adopted.

Member Clementi asked if this version had been reviewed by the State’s Attorney Office. Mr. Asselmeier replied this proposal has not been reviewed by the State’s Attorney’s Office.

Chairman Mohr wanted to know if the National Rifle Association is the only source for information. Mr. Asselmeier stated the National Rifle Association was the only entity with the most detailed information on range design. The Department of Energy has guidelines for federal institutions. The County and Forest Preserve would be exempt if a gun range was placed on property used for forest preserves. The Zoning Ordinance would need amendment if the National Rifle Association releases an updated Source Book.

Member Thompson asked how the range length numbers were determined. Mr. Asselmeier stated that the numbers came from McHenry County’s regulations. Member Thompson felt that the numbers seemed large.

Chairman Mohr asked about operating hours. Mr. Asselmeier stated that the proposal is the same as the current regulations. Chairman Mohr expressed concerns about allowing night shooting. Lighting would be determined in the special use permit.

Chairman Mohr started the public hearing on Petition 17-28 at 7:36 p.m.

Benjamin Schroeder commented that he has two (2) gun ranges by his home and hears the noise from them and at times it sounds like a war. He questioned the need for inclusion of the exemption for the Forest Preserve District because state law supersedes County regulations. He would like a statement added stating the purpose of the regulations. He questioned the required downrange safety area; he felt this area was lengthy. He suggested that the range safety officer be present only when the range is open. He suggested bilingual signs. He questioned the type of public restrooms; whether or not restrooms facilities should be permanent. He asked if marijuana would be allowed if State law legalized marijuana. He believed that ranges should not open all of the time; some quiet and dark time should exist. He questioned the exemption to existing ranges; he felt that the existing ranges should comply with the regulations within a specific period of time. He felt that neighbors should be notified of night shooting. He discussed a warehouse where he worked that had a bullet hole in the roof.
Margaret Sheehan expressed her concerns about the noise around schools, hospitals, and similar uses. She expressed a special concern about around schools because the noise may scare the children because of the recent shootings at schools.

Mark Perle stated he was happy with the major changes that had been made since last July. He noted that gun ranges can do baffling to reduce distances. He also suggested publishing the National Rifle Association rules on the County website and in public libraries so that the public can have access to them without having to come into the office to read them. He expressed concerns about the requirement that Zoning Board of Appeals had to explain the reasons for denying a variance. Mr. Asselmeier explained the reasons why the Zoning Board of Appeals approve findings of fact before issuing a decision or recommendation. The State’s Attorney Office has not reviewed the proposal.

Greg Peterson expressed his concerns about the distance of the firing line from buildings. He would like to see the measurement come from the property line instead of the building. He believes the one thousand foot (1,000’) distance was inadequate. He suggested five thousand feet (5,000’). He explained the history of a shooting range operating next to his house. The noise negatively impacted their use of the property. Berms do not block noise. He would like to see greater enforcement of the regulations. He would like to see language regarding access for first responders and maintenance of roads.

James Manning asked that agricultural and residential zoning districts be excluded from special use for gun ranges. He argued that gun ranges should be special uses in industrial areas only. He requested that the record from the Delaney hearing be included in the record. Member Clementi noted that the Board is reviewing the proposal at hand. If this proposal is defeated, the existing regulations remain on the books. Mr. Asselmeier explained which entities can ask for text amendments to the Zoning Ordinance.

Linda Wilkinson stated that the proposal has vastly improved from previous version. She asked that the gun ranges be made safe. She requested that the Ordinance be worded carefully to avoid ambiguity. She believed that Department of Energy’s regulations are applicable. She would like measurements to be based on property lines. She recommended that fencing should not substitute for fencing. She also expressed opposition to the portion of proposal requiring the Zoning Board of Appeals to explain their reasons for denial of a variance request.

Priscilla Gruber expressed that the proposal has improved from last year. She requested that the buffer zone increase to three thousand feet (3,000’). She expressed concerns about noise. She felt that the firing line distance should be measured from property lines instead of from residential structures. She felt baffling should be required. She believed that fencing should be placed around berms. She does not like the burden to be placed on the County to defend its decisions on variances and that section should be removed.

Joe Phillips requested clarification about the downrange safety area. Mr. Asselmeier explained downrange safety area was the area away from the launching area towards the target site. Mr. Phillips expressed concerns about the area that the bullet could go after it was discharged from the gun. He felt that the downrange safety should be a greater area because of tactical shooting and accidental discharges.
Martin Cann discussed the LaSalle Factors and requested that the section regarding explaining the reasons for denying a variance be removed from the proposal.

Nate Howell, owner of Howell Shooting Range, did some research on the range length and some of the requirements seem too large for his range. He believed that the berm height requirement was unrealistic. He asked that the distances be looked into and changes made if need be. He was agreeable to the one thousand foot (1,000') distance requirement. He expressed concerns about requiring the range safety officer to be certified. Chairman Mohr suggested that the current range safety officer could get certified, if necessary.

Ed Gruber asked that Forest Preserve language should be deleted from the noise section. He also expressed concerns about noise from neighbors shooting on nearby property.

Todd Milliron stated that he believed that the distance from schools should be increased. He believed that ranges should have adequate access for public safety vehicles. He also believed that the Department of Energy regulations should be referenced. He argued that berms should be fenced. He expressed concerns about setting up downrange safety areas with tactical shooting. He believes that a bond should be attached to cover lead remediation.

Chairman Mohr closed the public hearing on Petition 17-28 at 8:42 p.m.

Member Whitfield made a motion, seconded by Member Clementi, to recommend approval of the text amendment with the following changes:

1. Bonds for site remediation should be required; specific amounts set by the County Board.
2. In Section b, the National Rifle Association Standards should be the 2012 standards.
3. In Section c, greater clarification of shooting angles in relation to downrange safety areas should be clarified.
4. In Section d.5.d, the downrange safety area requirement should be modified and not waived if baffling and berming is provided.
5. In Section f, the firing line should be one thousand five hundred feet (1,500') instead of one thousand feet (1,000') from residential dwellings and property lines of schools, daycares, places of worship and airstrips.
6. In Section h, the range safety officer should be present during operational hours instead of at all times.
7. Any required signs should be bilingual.
8. The hours of operation should be set by the County Board. However, gun ranges should not operational after thirty (30) minutes from sunset.
9. In Section n, the requirement that berming could be substituted for fencing was deleted.
10. Typos in Sections v and x should be corrected.
11. The consensus was that Section x was not needed.

The votes were as follows:

Ayes (6): Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield
Nays (0): None
Absent (1): Fox
The motion passed. The proposal will go to the Planning, Building and Zoning Committee on April 8, 2019.

The Zoning Board of Appeals completed their review of Petition 17-28 at 9:10 p.m.

The Zoning Board of Appeals started their review of Petition 19-01 at 9:11 p.m.

**Petition 19-01 – Kendall County Planning, Building, and Zoning Committee**

*Request:* Revocation of a Special Use Permit for a Day Nursery School Granted by Ordinance 1972-15

*PINFs:* 02-16-228-012, 02-16-276-020, and 02-16-276-022

*Location:* 43 West Street, Bristol Township

*Purpose:* Petitioners Would Like to Revoke the Subject Special Use Permit; Property is Zoned R-3

Mr. Asselmeier summarized the request.

On July 11, 1972, the Kendall County Board granted a special use permit for a Day Nursery School at 43 West Street in Bristol. Restriction 4 of the special use permit stated that the special use permit shall be subject to review every two (2) years.

Since 1972, the subject property was divided into three (3) parcels. The parcel addressed as 43 West Street has a parcel identification number of 02-16-228-012. This property is owned by Jude and Carrie Vickery; the Vickery’s submitted an email stating their support for the revocation of the special use permit.

The southwestern parcel, identified by parcel identification number 02-16-276-020 is owned by Bard, William, and Kay Phillips. This parcel was created in 2005. The Phillips family owns the land northwest of the subject property.

The southeastern parcel, identified by parcel identification number 02-16-276-022, is owned by Karen Klatt and her late husband Tom. This parcel was created in 2010 and the Klatts owned the property northeast of the subject property.

An aerial of the property was provided.

Based on the County’s databases, no structures exist on the parcel owned by the Phillipses or the Klatts and no demolition permits were issued by Kendall County in the last two years.

The Planning, Building and Zoning Department sent letters to each property owner on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed certified letters to each property owner. The green cards are on file in the Planning, Building and Zoning Department office. Neither the Klatts nor the Phillips responded to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on these properties. The property owners were invited to this meeting, but none of them attended.
The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the revocation of special use permits. They are listed below in italics. Staff has provided findings in **bold** below based on the recommendation:

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use.* Based on the information stated in Jude Vickery’s email of December 10, 2018, the fact that no structures exist on the two parcels created from the original parcel, and the fact that no demolition permits were issued on the subject properties in the last two (2) years, the special use has been discontinued for a continuous period of two (2) years.

Staff recommends approval of the proposed special use permit revocation.

Chairman Mohr started the public hearing on Petition 19-01 at 9:14 p.m.

No members of the public testified on this request.

Chairman Mohr closed the public hearing on Petition 19-01 at 9:14 p.m.

Member LeCuyer made a motion, seconded by Member Thompson, to approve the Findings of Fact and recommend approval of the revocation.

The votes were as follows:

- **Ayes (6):** Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield
- **Nays (0):** None
- **Absent (1):** Fox

The motion passed. This proposal will go the Planning, Building and Zoning Committee on April 23, 2019.

The Zoning Board of Appeals completed their review of Petition 19-01 at 9:15 p.m.

The Zoning Board of Appeals started their review of Petition 19-03 at 9:16 p.m.

**Petition 19-03 – Kendall County Planning, Building and Zoning Committee**

**Request:** Revocation of a Special Use Permit for a Truck Driver Training School Granted by Ordinance 1996-15 and Amended by Ordinance 1999-35

**PINs:** 04-22-300-006

**Location:** 14525 Route 71, Yorkville, Fox Township

**Purpose:** Petitioners Would Like to Revoke the Subject Special Use Permit; Property is Zoned A-1

Mr. Asselmeier summarized the request.

On October 15, 1996, the Kendall County Board granted a special use permit for a truck driver training school at 14525 Route 71, Yorkville. Restriction 12 of the special use permit stated that the special use
permit shall be subject to review every two (2) years. On November 16, 1999, the Kendall County Board granted an amendment to the special use permit to add a classroom and office building and a sign to the approved site plan.

The current property owners, Kerry and Susan Fierke, purchased the property in 2006. No advertisements or signage exists noting that the property has a truck driver training school. In addition, based on the aerial, the classroom and office building was not constructed. No building or demolition permits are on file in the Planning, Building and Zoning Department.

An aerial of the property was provided.

The Planning, Building and Zoning Department sent a letter to the property owners on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed a certified letter to the property owners. The green card is on file in the Planning, Building and Zoning Department office. No response was provided to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on this property. The property owners were invited to this meeting, but did not attend.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the revocation of special use permits. They are listed below in italics. Staff has provided findings in bold below based on the recommendation:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the lack of advertisement and the fact that the additional structure requested in 1999 was not built, the special use has been discontinued for a continuous period of two (2) years.

Staff recommends approval of the proposed special use permit revocation.

Chairman Mohr started the public hearing on Petition 19-03 at 9:17 p.m.

No members of the public testified on this request.

Chairman Mohr closed the public hearing on Petition 19-03 at 9:17 p.m.

Member Whitfield made a motion, seconded by Member Cherry, to approve the Findings of Fact and recommend approval of the revocation.

The votes were as follows:

Ayes (6): Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield
Nays (0): None
Absent (1): Fox

The motion passed. This proposal will go the Planning, Building and Zoning Committee on April 23, 2019.

The Zoning Board of Appeals completed their review of Petition 19-03 at 9:18 p.m.

The Zoning Board of Appeals started their review of Petition 19-07 at 9:19 p.m.

**Petition 19-07 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining To the Parking and Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes

Purpose: Proposal Allows for the Parking of Unoccupied Recreational Vehicles, Trailers and Mobile Homes in the Front and Corner Yard Setbacks in the R-4, R5, R6, and R7 Zoning Districts Provided that No Sidewalk, Trail, or Visibility of Motorists is Blocked; Removes The Requirement that Certain Recreational Vehicles be Registered, Removes the Seventy-Two (72) Hour Parking Provision

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

- **Part One:** Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

- **Part Two:** The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

- **Part Three:** Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

The proposal was sent to the townships on March 4, 2019. To date, no townships have provided written comments.

ZPAC reviewed this proposal at their meeting on March 5, 2019. ZPAC unanimously recommended approval.
The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. The Kendall County Regional Planning Commission unanimously recommended approval.

Chairman Mohr started the public hearing on Petition 19-07 at 9:20 p.m.

Judy Bush voiced concerns about vehicles being parked in front of houses. She questioned enforcement procedures. She provided information on the Village of Oswego’s regulations on this topic.

Virginia Lake stated that she works very hard on keeping her home clean and believes all of these vehicles being out in front makes Boulder Hills look bad. She requested that the proposal be denied.

Jim Williams stated he has been a resident of Boulder Hill for fifty (50) years and has seen no resolution to zoning issues in the neighborhood. He expressed concerns that people work the system and get away with breaking the rules.

Mr. Asselmeier stated that the Planning, Building and Zoning Department does not have the authority to write tickets or assess fines right now, but they are working on getting that authority.

Chairman Mohr closed the public hearing on Petition 19-07 at 9:44 p.m.

Member LeCuyer made a motion, seconded by Member Clementi, to recommend approval of the text amendment.

The votes were as follows:

Ayes (0): None
Nays (6): Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield
Absent (1): Fox

The motion failed. Members voted no because they felt that Boulder Hill would turn into a trailer park and housing values would be depressed because the neighborhood would look bad. Also, just because the Ordinance is difficult to enforce, does not mean that the Ordinance should be repealed.

This proposal will be sent to the townships for their review and will go to the Planning, Building and Zoning Committee on May 13, 2019.

The Zoning Board of Appeals completed their review of Petition 19-07 at 9:52 p.m.

The Zoning Board of Appeals started their review of Petition 19-09 at 9:53 p.m.

**Petition 19-09 – Kendall County Regional Planning Commission**

**Request:** Text Amendment to Section 7.01.C of Kendall County Zoning Ordinance by Adding Kendall County Sheriff’s Office Shooting Ranges to the List of Permitted Uses in the A-1 Agricultural District in Oswego Township (Ordinance to Expire December 31, 2024), Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition.

**Purpose:** Proposal Makes Kendall County Sheriff’s Office Shooting Ranges a Permitted Use on A-1 Zoned Property in Oswego Township; Ordinance Expires December 31, 2024
Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff’s Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff’s Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff’s Office shooting ranges. If this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

This proposal was mailed to the townships on March 4, 2019. To date, no township has provided written comments.

ZPAC reviewed this proposal on March 5, 2019 and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. Na-Au-Say Township Supervisor Brad Blocker expressed his concerns that gun ranges are not an agricultural use and should be a special use. Commissioners provided a history of the proposal and the reasons why the proposal was drafted in its current format. The Kendall County Regional Planning Commission unanimously recommended approval. The minutes of the Kendall County Regional Planning Commission are attached.

Chairman Mohr started the public hearing on Petition 19-09 at 9:54 p.m.

Todd Milliron questioned if the zoning was in place for the Sheriff’s range in Lisbon Township. Mr. Asselmeier stated that the Sheriff’s Office has the zoning place in Lisbon Township. The proposal would make Sheriff’s Office ranges permitted uses in Oswego Township until the end of 2024 and Sheriff’s Office ranges would be special uses in the other townships. Mr. Milliron stated that the Sheriff’s Office never got a permit to have a gun range in Oswego Township. He argued that the Sheriff’s Office should go through the same public review process as other special use permits.

Mr. Asselmeier noted that the Petitioner was the Kendall County Regional Planning Commission and not the Kendall County Sheriff’s Department.

Chairman Mohr closed the public hearing on Petition 19-09 at 10:08 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to recommend approval of the text amendment.
The votes were as follows:

Ayes (6): Mohr, Cherry, Clementi, LeCuyer, Thompson, and Whitfield
Nays (0): None
Absent (1): Fox

The motion passed.

This proposal will be sent to the townships for their review and will go to the Planning, Building and Zoning Committee on May 13, 2019.

The Zoning Board of Appeals completed their review of Petition 19-09 at 10:10 p.m.

NEW BUSINESS/OLD BUSINESS
None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD
Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

Mr. Asselmeier also reported that three (3) petitions would be on the agenda for the April 29th meeting.

PUBLIC COMMENT
None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS
Member Clementi made a motion, seconded by Member Cherry, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 10:15 p.m.

Respectfully submitted by,
Ruth Ann Sikes
Part-Time Office Assistant (Zoning)

Exhibits
4. Record of Decision for Previous Hearing on Petition 17-28 Dated August 27, 2018


In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>SIGNATURE</th>
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<tbody>
<tr>
<td>Margaret Sheehan</td>
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<td>Mark Perdue</td>
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<td>Jim Williams</td>
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<td>Linda M. Wilkinson</td>
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<td>Greg Peterson</td>
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<td>Boyd Ingemunson</td>
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<td>Frances Freake</td>
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<td>E. D. Dunbar</td>
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<td>John Mungo</td>
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<td>Joyce Bush</td>
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<tr>
<td>Virginia Lake</td>
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INTRODUCTION
Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

SITE INFORMATION
PETITIONERS: Daniel, Bruce, and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

ADDRESS: Between 7977 and 7823 Galena Road

LOCATION: Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road

TOWNSHIP: Bristol

PARCEL #: 02-11-300-007

LOT SIZE: 15.62 +/- Acres

EXISTING LAND USE: Agricultural
ZONING: A-1 Agricultural District

LRMP:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning</th>
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<tbody>
<tr>
<td>Future Land Use</td>
<td>Rural Residential (Max 0.65 DU/Acre) and Suburban Residential (Max 1.0 DU/Acre)</td>
</tr>
<tr>
<td>Roads</td>
<td>Galena Road is a County Maintained Major Collector Road.</td>
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<tr>
<td>Trails</td>
<td>Yorkville has a trail planned along Galena Road and Montgomery has a trail planned along Blackberry Creek.</td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>Blackberry Creek runs through the property and development can occur only the south portion of the property is outside the floodplain. There is a freshwater emergent wetland on the northwest side of the property.</td>
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REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>Land Resource Management Plan</th>
<th>Zoning within ½ Mile</th>
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<tbody>
<tr>
<td>North</td>
<td>Forest Preserve</td>
<td>A-1</td>
<td>Forest Preserve and Rural Residential</td>
<td>R-3 (County) R-2, R-3, and R-5B (Montgomery)</td>
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<tr>
<td>South</td>
<td>Agricultural and Single-Family Residential</td>
<td>R-1 (County) B-3 (Yorkville)</td>
<td>Urban Area</td>
<td>A-1, R-1, and R-3 (County) R-2, B-3, and OS-2 (Yorkville)</td>
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<tr>
<td>East</td>
<td>Single-Family Residential</td>
<td>A-1 and R-3</td>
<td>Suburban Residential</td>
<td>A-1 and R-3 (County) R-2 and M-2 (Yorkville)</td>
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<tr>
<td>West</td>
<td>Forest Preserve and Single-Family Residential</td>
<td>A-1 and R-1</td>
<td>Rural Residential</td>
<td>A-1 and R-1 (County) R-3 and R-5B (Montgomery)</td>
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</table>

The aerial of the property is included as Attachment 2. Pictures of the property are included as Attachments 3-7. The topographical site plan is included as Attachment 8. The general site plan is included as Attachment 9.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated, see Attachment 1 Pages 10 and 11.
NATURAL RESOURCES INVENTORY
The application for NRI was submitted on February 19, 2019, see Attachment 1, Page 9. The LESA Score was 129 indicating a low level of protection. The NRI Report is included as Attachment 12.

ACTION SUMMARY
BRISTOL TOWNSHIP
Petition information was sent to Bristol Township on February 25, 2019.

VILLAGE OF MONTGOMERY
Petition information was sent to the Village of Montgomery on February 25, 2019.

UNITIED CITY OF YORKVILLE
Petition information was sent to the United City of Yorkville at the end of February. The subject property is across the street from Yorkville, but is in Montgomery’s planning jurisdiction. Yorkville will be reviewing the proposal during April 2019.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT
Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

ZPAC
ZPAC reviewed this petition at their meeting on March 5, 2019. The Kendall County Highway Department requested a site plan showing the location of the proposed driveway for the house. It was noted that a variance would be required to the Kendall County Highway Regulations, if the Petitioner desired more than a right-in, right-out point of ingress/egress. ZPAC unanimously recommended approval of the request. The minutes of this meeting are included as Attachment 10.

KCRPC
The Kendall County Regional Planning Commission reviewed this petition at their meeting on March 27, 2019. A neighbor questioned why the property needed to be rezoned. Mr. Asselmeier explained Kendall County’s forty (40) acre rule and housing allocation rules in agricultural areas. The address of the property required clarification. The Kendall County Regional Planning unanimously recommended approval of the request. The minutes of this meeting are included as Attachment 12.

GENERAL INFORMATION
The Petitioner desires the map amendment in order to construct one (1) single-family home on the property. If approved, the Zimmermans would like to run a carpentry business out of the property in accordance with Kendall County’s home occupation regulations.

BUILDING CODES
Any new homes or accessory structures would be required to meet applicable building codes.

ACCESS
The property fronts Galena Road. Staff has no concerns regarding the ability of Galena Road to support the proposed map amendment. A variance to the Kendall County Highway Access Regulation Ordinance will be required, if the Petitioner desired more than a right-in, right-out point of ingress/egress. At their meeting on March 19, 2019, the County Board approved an ordinance granting access onto Galena Road at the subject property. A copy of the ordinance is included as Attachment 11.

ODORS
No new odors are foreseen.

LIGHTING
Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

SCREENING
No fencing or buffer is presently planned for the property.
STORMWATER
Any new homes constructed in the floodplain would have to secure a stormwater permit.

UTILITIES
Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

FINDINGS OF FACT
Existing uses of property within the general area of the property in question. The surrounding properties are a mix of agricultural, single-family residential, and forest preserve uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties in the unincorporated area are zoned A-1, R-1, and R-3. Both the Village of Montgomery and the United City of Yorkville have residentially zoned properties within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. A single-family home cannot be constructed on the property because a residential housing allocation does not exist and because the property is less than forty (40) acres in size.

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. The trend of development in the area supports residential growth. A residential subdivision inside the Village of Montgomery is located within one half (1/2) mile of the subject property. No uses that would negatively impact residential development are located near the subject property.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential and Suburban Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.

RECOMMENDATION
Staff recommends approval of the proposed map amendment.

ATTACHMENTS
1. Application Materials (Including the Petitioner’s Findings of Fact, NRI Application, and EcoCat)
2. Aerial
3. Looking West
4. Looking East
5. Looking Northeast
6. Looking West from Eastern Neighbor
7. Intersection of Kennedy and Galena Roads
8. Topographical Site Plan
9. General Site Plan
10. March 5, 2019 ZPAC Minutes
11. Access Variance Ordinance
12. NRI Report
13. March 27, 2019 Kendall County Regional Planning Commission Minutes
**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560  
(630) 553-4141  Fax (630) 553-4179

**APPLICATION**

**PROJECT NAME:** Zimmerman Re-Zoning  
**FILE #:** 14-08

<table>
<thead>
<tr>
<th>NAME OF APPLICANT</th>
<th>Craig &amp; Diane Zimmerman</th>
</tr>
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<tbody>
<tr>
<td>CURRENT LANDOWNER/NAMENAME(s)</td>
<td>Wibek C. VanDenester Trust</td>
</tr>
</tbody>
</table>

| SITE INFORMATION | ACRES: 15.62  
SITE ADDRESS OR LOCATION: 8225 Galena Rd  
ASSESSOR'S ID NUMBER (PIN): 02-11-300-007 |
<table>
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<tbody>
<tr>
<td>EXISTING LAND USE</td>
<td>Ag</td>
</tr>
<tr>
<td>CURRENT ZONING</td>
<td>A-1</td>
</tr>
<tr>
<td>LAND CLASSIFICATION ON LRM:</td>
<td>Rural Residential</td>
</tr>
</tbody>
</table>

**REQUESTED ACTION** (Check All That Apply):

- [X] MAP AMENDMENT (Rezone to R-1)  
- [ ] SPECIAL USE  
- [ ] ADMINISTRATIVE VARIANCE  
- [ ] SITE PLAN REVIEW  
- [ ] TEXT AMENDMENT  
- [ ] RPD (Concept; Preliminary; Final)  
- [ ] ADMINISTRATIVE APPEAL  
- [ ] PRELIMINARY PLAT  
- [ ] OTHER PLAT (Vacation, Dedication, etc.)  
- [ ] FINAL PLAT

**AMENDMENT TO A SPECIAL USE** (Major:  
Minor: )

**PRIMARY CONTACT**

- **Boyd Ingemunson**  
- **759 John St.**  
- **boydingemunson@gmail.com**  
- **630 553-5622**  
- **630 553-7958**  
- **630 913-1950**

**PRIMARY CONTACT MAILING ADDRESS**

- **759 John St.**

**PRIMARY CONTACT EMAIL**

- boydingemunson@gmail.com

**PRIMARY CONTACT PHONE #**

- 630 553-5622

**PRIMARY CONTACT FAX #**

- 630 553-7958

**PRIMARY CONTACT OTHER # (Cell, etc.)**

- 630 913-1950

**ENGINEER CONTACT**

- **N/A**

**ENGINEER MAILING ADDRESS**

- **N/A**

**ENGINEER PHONE #**

- **N/A**

**ENGINEER FAX #**

- **N/A**

**ENGINEER OTHER # (Cell, etc.)**

- **N/A**

---

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDENCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.

**SIGNATURE OF APPLICANT**

[Signature]

**DATE**

2/15/19

**FEE PAID:**

CHECK #: 

---

1 Primary Contact will receive all correspondence from County

2 Engineering Contact will receive all correspondence from the County’s Engineering Consultants

Last Revised: 9.18.12  
Map Amendment  

Date Stamp Here If Checklist Is Complete
Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any map amendment request. They are as follows:

Existing uses of property within the general area of the property in question.

Residential / Agricultural

The Zoning classification of property within the general area of the property in question.

R-1 / R-3 / A-1

The suitability of the property in question for the uses permitted under the existing zoning classification.

Property is suitable

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.

Trend Development Trending to Residential Use

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

Consistent with LRMP
Justification for Re-Zoning

Petitioner’s are seeking to re-zone the property to R-1 to build a residence and an outbuilding. Upon re-zoning Petitioner’s would be seeking to utilize the property for a home occupation as permitted in the Kendall County Zoning Ordinance.
MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 658.20 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 511.59 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 00 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS. EXCEPT THAT PART LYING IN SECTION 10, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY. SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOS.

PERMANENT TAX NUMBER: 02-11-300-007
WARRANTY DEED
Statutory (ILLINOIS) (General)

THE GRANTOR (NAME AND ADDRESS OF GRANTOR):

WILBUR VAN DEVENTER and
JESSIE VAN DEVENTER, his wife,
8225 Galena Road
Bristol, Illinois 60512

of the of
Kendall County
for and in consideration of Ten and 00/100 DOLLARS, ($10.00),
in hand paid, CONVEY and WARRANT to
THE VILBUR C. VANDEVENTER DECLARATION OF TRUST DATED SEPTEMBER 15, 1997,
Wilbur C. VanDeventer, Trustee, 8225 Galena Road, Bristol, Illinois 60512

the following described Real Estate situated in the County of Kendall, in the State of Illinois, to wit:
(See reverse side for legal description.) hereby releasing and waiving all rights, duties and by virtue of the Homestead
Exemption Laws of the State of Illinois, SUBJECT TO: General taxes for 1997 and subsequent years and
covenants, conditions, restrictions and easements of record.

Permanent Index Number (PIN): 02-11-300-007
Address(es) of Real Estate: 8225 Galena Road, Bristol, Illinois 60512

Dated this 30th day of September 97

WILBUR VANDEVENTER
(SIGNATURE)

JESSIE VANDEVENTER
(REAL)

State of Illinois, County of Kendall

I, the undersigned, a Notary Public in and for

CAROL POLYA
Notary Public, State of Illinois

My Commission Expires 09/01/97

Given under my hand and official seal this 30th day of September 1997

Commission expires 09/01/99

1776 S. Naperville Road, Ste 104A, Woodstock, IL 60098 815-305-4566

SEE REVERSE SIDE
Legal Description
of premises commonly known as  8225 Galena Road, Bristol, Illinois 60512

This Transaction is exempt from the Real Estate Transfer Tax Act pursuant to 35 ILCS 200/1-15 (p).
Date: ___________ By: __________________________

John D. Gutierrez, Esquire
ROWECK & GUTIERREZ, P.C.
MAIL TO: 1776 S. Naperville Road, Ste 104A
          Naperville, IL 60563-3133
          (630) 355-8133 (fax)
OR RECORDER'S OFFICE BOX NO. ___________
SEND SUBSEQUENT TAX BILLS TO:
Mr. Wilbur C. VanDeventer
________________________________________
(Name)
________________________________________
(Street)
________________________________________
(City, State and Zip)
LEGAL DESCRIPTION

THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTH EAST 1/4, 666.52 FEET TO THE ORIGINAL CENTER LINE OF GALEMA ROAD (FORMERLY CALLED CANNONBALL TRAIL); THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 72.32 FEET TO A LINE DRAWN PARALLEL WITH AND 66.00 FEET, NORMALLY DISTANT, WESTERLY OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 309.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 459.40 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 51.62 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF LAND ON NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 27 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 15 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 43 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 63.13 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHWEST; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 234.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 86 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, ILLINOIS.

PERMANENT INDEX NUMBER: 02-11-300-007
KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant ____________________________________________
   Address ____________________________________________
   City ___________________________ State ______ Zip ______

2. Nature of Benefit Sought ________________________________

3. Nature of Applicant: (Please check one)
   __ Natural Person
   __ Corporation
   __ Land Trust/Trustee
   __ Trust/Trustee
   X Trust/Trustee
   __ Partnership
   __ Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:
   NAME __________________________ ADDRESS __________________________ INTEREST ______
   Daniel VanDeventer
   Bruce VanDeventer
   Deborah Hull
   Norma VanDeventer

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
   __________________________________________
   Daniel VanDeventer, Trustee of the Wilbur C. VanDeventer Declaration of Trust dtd 9/15/1997

I, __________________________________________, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this ______ day of ____________, A.D. ______

(seal) __________________________

"OFFICIAL SEAL"
AMY M. SCHAD
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 1/30/2022
NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Craig Dine Zimmerman
Contact Person: Boyd Degemerson
Address: 759 John St., Yorkville IL 60560
Phone Number: 630-558-5620
Email: boyddegemerson@gmail.com

Please select: How would you like to receive a copy of the NRI Report? □ Email □ Mail

Site Location & Proposed Use
Township Name: Bristol Township 37 N, Range 007 E, Section(s) 10
Parcel Index Number(s): 02-11-300-007
Project or Subdivision Name: Zimmerman Re-Zoning
Current Use of Site: Ag
Proposed Use: Residential
Proposed Number of Lots: 1
Proposed Number of Structures: 2
Proposed Water Supply: Well
Proposed type of Wastewater Treatment: Septic
Proposed type of Storm Water Management: n/a

Type of Request
☐ Change in Zoning from A-1 to R-1
☐ Variance (Please describe fully on separate page)
☐ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: _________________

In addition to this completed application form, please including the following to ensure proper processing:
☐ Plat of Survey/Site Plan - showing location, legal description and property measurements
☐ Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies
☐ NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:
Full Report: $375.00 for five acres and under, plus $18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: $300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under $375.00
Additional Acres at $18.00 each $198
Total NRI Fee $573

NOTE: Applications are due by the 1st of each month to be on that month’s SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

Petitioner: ___________________________ Date: 2/14/19

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# 1904 Date Initially rec’d 2/19/19 Date all rec’d Board Meeting March 11, 2019
Fee Due $573.00 Fee Paid $573.00 Check # _____ Over/Under Payment Refund Due
Applicant: Craig and Diane Zimmerman
Contact: Boyd INGEMUNSON
Address: 8225 Galena Road, Bristol

Project: Zimmerman Rezoning
Address: 8225 Galena Road, Bristol

Description: Rezoning property from A-1 to R-1 on the north side of Galena Road across from Kennedy Road.

Natural Resource Review Results
Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1675)

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:
37N, 7E, 10
37N, 7E, 11

IL Department of Natural Resources
Contact
Justin Dillard
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall County
Matthew Asselmeier
111 W. Fox Street
Yorkville, Illinois 60560 -1621

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...
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.
CONSENT FOR RE-ZONING APPLICATION

I, Daniel VanDeventer, Trustee of the Wilbur C. VanDeventer Declaration of Trust dated September 15, 1997, hereby consent to Craig and Diane Zimmerman proceeding with the application with Kendall County to re-zone property identified under parcel # 02-11-300-007 from A-1 to R-1. Said consent is contingent upon the applicants closing on the purchase of the property prior to the re-zoning.

Daniel VanDeventer, Trustee
Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:
Megan Andrews – Soil and Water Conservation District
Meagan Briganti – GIS
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Aaron Rybski – Health Department
Matt Asselmeier – PBZ Department

Absent:
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Deputy Commander Jason Langston – Sheriff’s Department
Matthew Prochaska – PBZ Committee Chair

Audience:
Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

AGENDA

Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

MINUTES

Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

PUBLIC COMMENT

Dan Huddleston, President of the Homeowners’ Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it uncomfortable for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners’ Association.

No notices of shows have been provided to the Homeowners’ Association. The Homeowners’ Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners’ Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners’ Association, discussed the cost increases on the Homeowners’ Association.

PETITIONS

Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships
Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an “arena” area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing “arena” area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners’ Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.

2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, “A maximum of thirty-six (36) horses are allowed to be housed in the stable.”

3. The site shall be developed substantially in accordance with the attached site plan.

4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.

7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski
Nays (0): None
Present (2): Guritz and Klaas
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11th.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County’s highway regulations.
Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes  
Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski  
Nays (0): None  
Present (0): None  
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition  
Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff's Office shooting ranges. If
this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski
Nays (0): None
Present (0): None
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

CORRESPONDENCE

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner
KENDALL COUNTY
Ordinance No. _______

An Ordinance Granting Variance to the Kendall County Highway Access Regulation Ordinance

WHEREAS, access to Kendall County Highways has been regulated by the Kendall County Board through the Kendall County Highway Access Regulation Ordinance, originally adopted by the Board on May 18, 1999 and notwithstanding subsequent revisions; and

WHEREAS, Galena Road (County Highway 9) has been classified as an Access 2 Highway in said Ordinance, requiring a spacing for private accesses of not less than 1,320 feet; and

WHEREAS, Diane and Craig Zimmerman have petitioned Kendall County for the installation of a private access on the north side of Galena Road approximately 500 feet east of the intersection of Galena Road and Kennedy Road as depicted on the attached Location Map; and

WHEREAS, in consideration of other private accesses in the immediate vicinity of said proposed access, the extremely low volume nature of the private access proposed, and the minimal conflict created by installation of said access.

THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a variance to the Kendall County Highway Access Regulation Ordinance, for the specified purpose, subject to the terms and conditions imposed herein.

1. The above listed recitals are incorporated herein as if fully set out herein.

2. That a variance is hereby authorized for Diane and Craig Zimmerman, for the installation of a single, full-access driveway on the north side of Galena Road approximately 500 feet east of the intersection of Galena Road and Kennedy Road. Said access shall conform in all ways to the construction requirements of the Kendall County Highway Department, and shall be constructed at no cost to the Department.

3. That said access shall serve a single family residence and shall be constructed for no other purpose.

4. Any exceptions, violations or noncompliance to the requirements contained herein, on behalf of the petitioner, will result in the immediate forfeiture of the variance.

Approved by the County Board of Kendall County, State of Illinois.

Scott Gryder – Kendall County Board Chairman

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of an ordinance adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the _______ day of __________________________, A.D., 2019

__________________________
Debbie Gillette – County Clerk
LOCATION MAP
Galena Road Variance Request
Diane & Craig Zimmerman
Between 7977 and 7823 Galena Road
Related to Zoning Petition 19-08

March 19, 2019
March 2019

Petitioner: Craig & Diane Zimmerman
Contact: Attorney Boyd Ingemunson

Prepared by:

Kendall County Soil & Water Conservation District
7775A Route 47 • Yorkville, Illinois 60560
Phone: (630)553-5821 x3 • Fax: (630)553-7442
www.kendallswcd.org
Petitioner: Craig & Diane Zimmerman
Contact Person: Attorney Boyd Ingemunson
County or Municipality the petition is filled with: Kendall County
Location of Parcel: W½ Section 11 E½ Section 10 T.37N.-R.7E. (Bristol Township), 3rd Principal Meridian in Kendall Co., IL
Project or Subdivision Name: Zimmerman Rezoning
Existing Zoning & Land Use: A-1; Agricultural, Row crop, Wooded, Creek
Proposed Zoning & Land Use: R-1; Residential (Proposed: 2 Structures, 1 Lot)
Proposed Water Source: Well
Proposed Type of Sewage Disposal System: Septic
Proposed Type of Storm Water Management: N/A
Size of Site: 15.62 acres
Land Evaluation Site Assessment Score: 129 (Land Evaluation: 86; Site Assessment: 43)

Natural Resource Concerns

SOIL INFORMATION:
Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; please refer to onsite soil test results for planning/engineering purposes):

Table 1:

<table>
<thead>
<tr>
<th>Map Unit</th>
<th>Soil Name</th>
<th>Drainage Class</th>
<th>Hydrologic Group</th>
<th>Hydric Designation</th>
<th>Farmland Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>149A</td>
<td>Brenton silt loam, 0-2% slopes</td>
<td>Somewhat poorly drained</td>
<td>B/D</td>
<td>Non-hydric Inclusions Likely</td>
<td>Prime Farmland</td>
</tr>
<tr>
<td>318D2</td>
<td>Lorenzo loam, 6-12% slopes, eroded</td>
<td>Well drained</td>
<td>B</td>
<td>Non-hydric</td>
<td>Farmland of Statewide Importance</td>
</tr>
</tbody>
</table>
### Hydrologic Soil Groups:
Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

### Hydric Soils:
A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, 3107A Sawmill silty clay loam, is classified as a hydric soil. Additionally, 149A Brenton silty clay loam, is denoted as having the potential for hydric inclusions.

### Prime Farmland:
Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, three are designated as prime farmland: 149A Brenton silt loam, 325B Dresden silt loam, 3107A Sawmill silty clay loam. One, 318D2 Lorenzo loam, is classified as farmland of statewide importance.

### Table 2:

<table>
<thead>
<tr>
<th>Map Unit</th>
<th>Surface Runoff</th>
<th>Water Table</th>
<th>Ponding</th>
<th>Flooding</th>
</tr>
</thead>
<tbody>
<tr>
<td>149A</td>
<td>Low</td>
<td>January - May Upper Limit: 1.0’-2.0’ Lower Limit: &gt;6.0’</td>
<td>January - May Surface Water Depth &amp; Duration: -- Frequency: None</td>
<td>January - May None</td>
</tr>
<tr>
<td>318D2</td>
<td>Medium</td>
<td>January - Dec Upper Limit: -- Lower Limit: --</td>
<td>January - Dec Surface Water Depth &amp; Duration: -- Frequency: None</td>
<td>January – Dec None</td>
</tr>
<tr>
<td>325B</td>
<td>Low</td>
<td>January - Dec Upper Limit: -- Lower Limit: --</td>
<td>January - Dec Surface Water Depth &amp; Duration: -- Frequency: None</td>
<td>January - Dec None</td>
</tr>
<tr>
<td>3107A</td>
<td>Negligible</td>
<td>January - May Upper Limit: 0.0’-1.0’ Lower Limit: &gt;6.0’</td>
<td>January - May Surface Water Depth &amp; Duration: 0.0’-0.5’, Brief (2-7 days) Frequency: Frequent</td>
<td>January - May Brief (2-7 days); Frequent</td>
</tr>
</tbody>
</table>

**Surface Runoff:** Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).
**Ponding:** Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

**Flooding:** Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration expressed as brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

**SOIL LIMITATIONS:**
According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design or installation; fair performance and moderate maintenance can be expected.
- **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

**Conventional Septic System Rating Criteria:**
The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. Soils that are deemed unsuitable for installation of an on-site sewage disposal system per the Kendall County Subdivision Control Ordinance may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact: Kendall County Health Department located at 811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026.

Limitations are listed below for dwellings with basements, dwellings without basements, lawns/landscaping, onsite conventional sewage disposal systems, shallow excavations and local roads & streets. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

**Table 3a: Building Limitations**

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Dwellings with Basements</th>
<th>Dwellings without Basements</th>
<th>Lawns &amp; Landscaping</th>
<th>Onsite Conventional Sewage Disposal System</th>
</tr>
</thead>
<tbody>
<tr>
<td>149A</td>
<td>Very Limited: Depth to saturated zone; Shrink-swell</td>
<td>Somewhat Limited: Depth to saturated zone; Shrink-swell</td>
<td>Somewhat Limited: Depth to saturated zone; Dusty</td>
<td>Suitable</td>
</tr>
<tr>
<td>318D2</td>
<td>Somewhat Limited: Slope</td>
<td>Somewhat Limited: Slope</td>
<td>Somewhat Limited: Droughty, Slope, Dusty</td>
<td>Unsuitable: Gravel</td>
</tr>
<tr>
<td>3107A</td>
<td>Very Limited: Ponding, Flooding, Depth to saturated zone, Shrink-swell</td>
<td>Very Limited: Ponding, Flooding, Depth to saturated zone, Shrink-swell</td>
<td>Very Limited: Ponding, Flooding, Depth to saturated zone, Dusty</td>
<td>Unsuitable: Frequently Flooded</td>
</tr>
</tbody>
</table>
Table 3b: Building Limitations

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Shallow Excavations</th>
<th>Local Roads &amp; Streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>149A</td>
<td><strong>Very Limited:</strong> Depth to saturated zone; Dusty, Unstable excavation walls</td>
<td><strong>Very Limited:</strong> Frost action; Low strength; Depth to saturated zone; Shrink-swell</td>
</tr>
<tr>
<td>318D2</td>
<td><strong>Very Limited:</strong> Unstable excavation walls, Slope, Dusty</td>
<td><strong>Somewhat Limited:</strong> Frost action, Slope</td>
</tr>
<tr>
<td>325B</td>
<td><strong>Somewhat Limited:</strong> Dusty, Unstable excavation walls</td>
<td><strong>Somewhat Limited:</strong> Frost action; Shrink-swell</td>
</tr>
<tr>
<td>3107A</td>
<td><strong>Very Limited:</strong> Ponding, Depth to saturated zone, Flooding, Dusty, Unstable excavation walls</td>
<td><strong>Very Limited:</strong> Ponding, Depth to saturated zone, Frost action, Flooding, Low strength</td>
</tr>
</tbody>
</table>

*Building Limitations Maps:*

Figure 2a: Dwellings With Basements
Figure 2b: Dwellings Without Basements

Figure 2c: Lawns & Landscaping
Figure 2d: Shallow Excavations

Figure 2e: Onsite Conventional Septic Systems
**Kendall County Land Evaluation and Site Assessment (LESA):**
Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Table 4a: Land Evaluation Computation**

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Value Group</th>
<th>Relative Value</th>
<th>Acres</th>
<th>Product (Relative Value x Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>149A</td>
<td>1</td>
<td>100</td>
<td>3.3</td>
<td>330.0</td>
</tr>
<tr>
<td>318D2</td>
<td>6</td>
<td>69</td>
<td>1.8</td>
<td>124.2</td>
</tr>
<tr>
<td>325B</td>
<td>4</td>
<td>79</td>
<td>3.1</td>
<td>244.9</td>
</tr>
<tr>
<td>3107A</td>
<td>3</td>
<td>87</td>
<td>7.4</td>
<td>643.8</td>
</tr>
</tbody>
</table>

**Totals**

- **LE Score**

| LE Score | LE = 1342.9/15.6 | LE = 86 |

The Land Evaluation score for this site is **86**, indicating that this site is predominately prime farmland well suited for agricultural production.

**Table 4b: Site Assessment Computation**

<table>
<thead>
<tr>
<th>A. Agricultural Land Uses</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)</td>
<td>0</td>
</tr>
<tr>
<td>2. Current use adjacent to site. (30-20-15-10-0)</td>
<td>10</td>
</tr>
<tr>
<td>3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)</td>
<td>10</td>
</tr>
<tr>
<td>4. Size of site. (30-15-10-0)</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Compatibility / Impact on Uses</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Distance from city or village limits. (20-10-0)</td>
<td>0</td>
</tr>
<tr>
<td>2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)</td>
<td>10</td>
</tr>
<tr>
<td>3. Compatibility of agricultural and non-agricultural uses. (15-7-0)</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Existence of Infrastructure</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Availability of public sewage system. (10-8-6-0)</td>
<td>0</td>
</tr>
<tr>
<td>2. Availability of public water system. (10-8-6-0)</td>
<td>0</td>
</tr>
<tr>
<td>3. Transportation systems. (15-7-0)</td>
<td>7</td>
</tr>
<tr>
<td>4. Distance from fire protection service. (10-8-6-2-0)</td>
<td>6</td>
</tr>
</tbody>
</table>

**Site Assessment Score:**

**Land Evaluation Value: 86 + Site Assessment Value: 43 = LESA Score: 129**

<table>
<thead>
<tr>
<th>LESA SCORE</th>
<th>LEVEL OF PROTECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-200</td>
<td>Low</td>
</tr>
<tr>
<td>201-225</td>
<td>Medium</td>
</tr>
<tr>
<td>226-250</td>
<td>High</td>
</tr>
<tr>
<td>251-300</td>
<td>Very High</td>
</tr>
</tbody>
</table>

The **LESA Score for this site is 129 which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.
**Wetlands:** The U.S. Fish & Wildlife Service’s National Wetland Inventory map does indicate the potential presence of a wetland on the project site. If a wetland is present and will be impacted by the project, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

**Floodplain:** A portion of the parcel is located within the floodplain.
**Sediment and Erosion Control:** Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* ([http://www.aiswcd.org/illinois-urban-manual/](http://www.aiswcd.org/illinois-urban-manual/)) for appropriate best management practices.

**LAND USE OPINION:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Craig and Diane Zimmerman at the request of their contact Attorney Boyd Ingemunson for the proposed rezoning from A-1 to R-1 petition project (Zimmerman Rezoning). This parcel is located in the west ½ of Section 11 and the east ½ of Section 10 of Bristol Township (T.37N.-R.7E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 86 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production when soils are in an undisturbed state. The LESA Score for this site is 129 which indicates a low level of protection for the proposed project site. Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production and is an important resource to Kendall County; of the four soil types identified onsite, three are designated as prime farmland and one is designated as farmland of statewide importance. A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile; one soil type found onsite, 3107A Sawmill silty clay loam is designated as a hydric soil and one soil type, 149A Brenton silt loam has the potential to have hydric inclusions.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 80.1% of the soils are very limited for shallow excavations, 78.8% are very limited for onsite conventional septic systems, 68.6% are very limited for dwellings with basement and local roads/streets and 47.4% are very limited for dwellings without basements and lawns/landscaping. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, since the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Blackberry Creek subwatershed. This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Complied Statutes, Ch. 70, Par 405/22.02a).
Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL
Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, Benjamin Schroeder, and John Shaw
Members Absent: Claire Wilson
Staff Present: Matthew H. Asselmeier, Senior Planner, and Ruth Ann Sikes, Part Time Office Assistant (Zoning)
In the Audience: Dan Kramer, Chet Sergo, Mary Kay Sergo, Dan Huddleston, Mark Bassong, Jean Cook, Celia Bulper, Dorothy Flisk, Craig Zimmerman, Craig Krause, Brittany Krause, and Brad Blocker

APPROVAL OF AGENDA
Member Nelson made a motion, seconded by Member Bledsoe to approve the agenda with the change of moving Petition 19-08 ahead of Petition 19-07. With a voice vote of eight (8) ayes, the motion carried unanimously.

APPROVAL OF MINUTES
Member Bledsoe made a motion, seconded by Member Casey to approve the minutes of the February 27, 2019, meeting with a correction of adding “range” to after “gun” in the second paragraph under Approval to Initiate a Text Amendment for the Kendall County Sheriff’s shooting range. With a voice vote of eight (8) ayes, the motion carried unanimously.

PETITIONS
18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC
Mr. Asselmeier summarized the request.

The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an “arena” area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10’-12’) in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing “arena” area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.
The Petitioner applied for an NRI in February 2019 and the LESA Score was 167 indicating a low level of protection.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

ZPAC recommended approval of the petition.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Staff recommended approval subject to the following conditions:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.
2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, “A maximum of thirty-six (36) horses are allowed to be housed in the stable.”
3. The site shall be developed substantially in accordance with the attached site plan.
4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.
7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Dan Kramer gave a summary of the way the property was originally setup and that Dorothy Flisk owns the barn and six (6) other lots in the subdivision.

Chairman Ashton asked if the manure plan met the State requirements. Mr. Kramer stated there really are no requirements on manure, but they believe they do meet the expectations.
Member Schroeder expressed concerns about the removal of the urine waste and proximity to the creek. He is concerned that with the increase in horses, an increase in the amount of waste will occur. Mr. Kramer said the Health Department had no concerns about the waste.

Dan Huddleston, President of the HOA, spoke about the concerns of the members/neighbors. They are concerned about increased traffic, light pollution, noise, and manure. They are also concerned about the decreased value in their homes due to the fact of having a business in their backyard. Mark Bassong, Vice President of the HOA, agreed with everything Mr. Huddleston said.

Member Rodriguez asked if there was any talk about putting in a separate road to her barn. Mr. Huddleston said there is no way to install a new road.

Mr. Kramer said that request had nothing to do with the covenants of the HOA.

Jean Cook, Arlene Vankamper, and Mary Kay Sergo who board their horses at the stable spoke about how well maintained it is and how it enhanced the area.

Dorothy Flisk owner of the property answered questions about the disposal of urine and manure. She discussed the value and what kind of horses they board. Discussion occurred regarding her business operations, the number of vehicles using the road, and the number of employees at the business.

Member Nelson asked if they had thought about putting in Arborvites. Inadequate space exists for planting Arborvitaes near the paddock area.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of Petition 18-24 with the conditions proposed by Staff.

Yes (6): Ashton, Bledsoe, Davis, Nelson, Rodriquez, and Shaw
No (2): Casey and Schroeder
Absent (1): Wilson

The motion carried.

Petition 18-24 will go to the Zoning Board of Appeals on April 29, 2019.

19-08 Daniel, Bruce, and Norma Van Deventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

Mr. Asselmeier summarized the request.

Craig Zimmerman, the prospective buyer, gave a summary that he wants to build a house/workshop on the property.

Craig and Brittany Krause expressed concerns of why did the property had to be rezoned from A1 to R1. Mr. Asselmeier stated it needs to be rezoned in order for them to build a house on it. Discussion also occurred regarding the address of the property.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of Petition 19-08.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson
The motion carried.

Petition 19-08 will go to the Zoning Board of Appeals on April 1, 2019.

19-07 Kendall County Planning, Building and Zoning Committee
Mr. Asselmeier summarized the request. He explained enforcement issues in Boulder Hill and this proposal was the suggest way of resolving those issues.

Member Davis made a motion, seconded by Member Bledsoe, to recommend approval of Petition 19-07.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-07 will go to the Zoning Board of Appeals on April 1, 2019.

19-09 Kendall County Regional Planning Commission
Mr. Asselmeier summarized the request.

Brad Blocker, Na-An-Say Township Supervisor, spoke about his issues which is the A1 outline reads to allow for the purposes best suited for agricultural purposes. He believes that taking it out of special use and turning it into a permitted use in this case it is pretty much a stretch to call that an Agricultural Use.

Members of the Commission gave Mr. Blocker a background on the proposal. No agricultural land is being taken out of use. It was noted that the proposal is for Oswego Township and the ordinance expires on December 31, 2024.

Member Nelson made a motion, seconded by Member Davis, to recommend approval of Petition 19-09.

Yes (9): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-09 will go to the Zoning Board of Appeals on April 1, 2019.

OLD BUSINESS
Update on Petition 18-04 Request from Kendall County Regional Planning Commission for Changes to the Future Land Use Map for Properties Near Route 47 in Lisbon Township
Mr. Asselmeier gave an Update. This proposal will go the Planning, Building and Zoning Committee in April.

CITIZENS TO BE HEARD/ PUBLIC COMMENT
None
NEW BUSINESS

Approval to Initiate a Text Amendment to Section 4.06 and 4.07 of the Kendall County Zoning
Ordinance by allowing Research and Development Related Home Occupations to be Conducted Outside
of a Dwelling or Permitted Accessory Structure and Adding the Phrase “Unless Otherwise Permitted by Law” to the End of Section 4.06.f and Section 4.07.g

Mr. Asselmeier summarized the request.

Mr. Nelson said this came out of a person wanting to do research on guns out of their home. Under current regulations he could not discharge a firearm outdoors as part of his business.

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve initiating the text amendment.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Schroeder
No (0): None
Absent (1): Wilson
Abstain (1): Shaw

The motion carried.

This petition will go to ZPAC on April 2, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier announced there were three (3) new petitions coming next month.

Member Schroeder talked about the sprinkler issue at the planned banquet facility on Schlapp Road.

ADJOURNMENT

Member Rodriguez made a motion, seconded by Member Nelson, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:10 p.m.

Respectfully submitted by,
Ruth Ann Sikes
Part-Time Office Assistant (Zoning)

Encs.
KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 27, 2019

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

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<th>NAME</th>
<th>ADDRESS (OPTIONAL)</th>
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<tr>
<td>Dan Kramer</td>
<td>1192 N. S. Bragg</td>
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<td>Chet Sergio</td>
<td>Yorkville IL 60560</td>
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<td>Mary Kay Sergio</td>
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<td>Carla Bulger</td>
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<td>Brittany Krause</td>
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MEMORANDUM

To: Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: February 15, 2019  
Re: Amended Petition 17-28 Proposed Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

In August 2018, the Kendall County Zoning Board of Appeals held a public hearing on proposed text amendments to outdoor shooting range regulations in the Kendall County Zoning Ordinance. After the public hearing, Na-Au-Say Township filed a formal objection to the proposed text amendment. The proposal went to the County Board and the County Board referred the proposal back to the Planning, Building and Zoning Committee. At their meetings in December, January, and February, the Planning, Building and Zoning Committee worked on changes to the proposal, seeking to address the concerns raised by residents and other interested parties. At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to send the proposal back to the Zoning Board of Appeals for a rehearing.

The updated proposal is attached to this memo. Changes from the current regulations and other notes are shown in red.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendment
Red Are Comments/Existing Regulations
Regular Text is Current Proposal

Amendment to 7.01.D.32 (Special Uses in A-1)

Outdoor Commercial Sporting Activities including but not limited to 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 outdoor target practice (such exclusion extends to shooting ranges not located on property owned by the Kendall County Forest Preserve District as long its compliant with 70 ILCS 805/5 or the State of Illinois used for State parks), athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses. (This is a special use only in A-1; Proposal adds exemption to Forest Preserves and State Parks).

Amendment to 7.01.D.33 (Special Uses in A-1) and 10.03.B.4 (Special Uses in M-3)

Outdoor Target Practice or Shooting Ranges (not including private shooting on your own yard and shooting ranges located on property owned by the Kendall County Forest Preserve District as long its compliant with 70 ILCS 805/5 or the State of Illinois used for State parks) with the following conditions (The term “Range” is added after “Shooting”; exemption to Forest Preserves and State Parks is added):

1. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. A copy of the NRA Range Source Book shall be available for public access in the Kendall County Planning, Building and Zoning Department.
2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
3. The safety plan shall describe the duties and qualifications of the range supervisors.
4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirements of the National Rifle Association’s standards, the standards of the National Shooting Sports Foundations standards, or the United States Environmental Protection Agency’s best management practices standards.
5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.

6. Any changes to the above-required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department. (All of this section is new with the exception of requiring a lead management plan and approval of a water and drainage plan by the Department).

b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1”=100’). (All of this section is new with the exception of the general requirement that range layout conforms to NRA standards).

c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
   1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
   2. For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided. (Current regulations only require berming based on surrounding land use and type(s) of firearms to be used; berming must also meet the standards in NRA Source Book).

d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20’) high and six feet (6’) thick at the top for ranges three hundred feet (300’) in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30’) feet of firing line distance over twenty feet (20’), the berm height shall increase by ten feet (10’) in height as an example. Berms shall be located as follows:
   1. Shotgun ranges – No berming required.
   2. Ranges for handguns and rifles
      a. Target placement not to exceed twenty feet (20’) from the backstop.
      b. Lateral not closer than thirty feet (30’) from the firing line.
3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.

4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm.

5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
   a. Shotgun ranges – one thousand five hundred feet (1500’), provided that shot size is limited to #4 or smaller.
   b. Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand feet (7,000’).
   c. Ranges for rifles more powerful than a .22 long rifle – thirteen thousand five hundred feet (13,500’).
   d. The downrange safety area requirement for handgun and rifle ranges shall be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association’s Source Book or appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm. (All of this section is new; see comments from letter c above).
   e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease. (All of this section is new)
   f. The firing line must be at least one thousand feet (1,000’) from existing residential dwellings and property lines of schools, daycares, places of worship, and airstrips. (Clarifies the measuring point as the firing line; clarifies dwelling as “residential”).
   g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required. (This section is the same as the existing regulation; slight alteration in verbiage).
   h. At least one (1) designated range safety officer must be present at all times. A “range safety officer” means a person who is certified under the National Rifle Association’s Range Safety Officer Program or other equivalent state or nationally-recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules. (Defines the number of range safety officers; specifies the type of certification program; defines the duties of the range safety officer).
i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place. The flagpole shall be at least eighteen feet (18’ high and the flag shall be bright red forty inches (40”) long and twenty inches (20”) inches wide at the pole and six inches (6”) wide at the free end. Signs shall be at least ten inches by twelve inches (10”X12”) and placed at entrance to any areas where firing is taking place. (Allows cones to be used when firing is taking place; defines height and dimensions of flagpole and flag; defines dimensions of signs).

j. Everyone on the firing line is required to wear hearing protection and safety glasses. (Unlike g above and the current regulations; this section specifies that hearing protection and safety glasses must be worn on the firing line).

k. The range shall provide public bathroom facilities. (This section is new).

l. The range shall require a minimum parcel size of twenty (20) acres. (Raised from 5 acres).

m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. (This section is the same as existing regulations)

n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signed posted at one hundred foot (100’) intervals warning members of the public of the danger. Berming may substitute for fencing. (The existing regulations require access via a lockable gate; language regarding signage and berming substitution are new).

o. Must meet the existing setbacks of the zoning district. (This section is implied in the existing regulations).

p. No alcohol, marijuana, or other illicit drugs allowed. (The prohibition of marijuana and other illicit drugs was added).

q. No projectiles shall leave the boundaries of the site. (This section is the same as the existing regulations).

r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy
meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1st of each year.  *(This section is new).*

s. All applicable Federal, State and County rules and regulations shall be adhered to.  *(This section is the same as the existing regulations and merges the requirements that the gun range follows Health Department Regulations, signage regulations, lighting regulations, and not allowing discharge of lead shot into wetlands).*

t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).  *(This section is the same as existing regulations).*

u. Not withstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:

1. **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 use which exceeds sixty (60) 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.

2. **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 use 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.

3. **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.  *(This section is new).*

v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance *(insert date)* shall be exempt from this sub-section of the Zoning Ordinance, but they shall the restrictions on their respective special use permits.  *(This section is new).*

w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance *(insert date)* must comply with the above regulations or secure applicable variance(s).  *(This section is new).*
x. The Zoning Board of Appeals may grant variances to this ordinance where doing so, would not impact the health, safety, or welfare of the residents of Kendall County. In addition, when denying a variance request, the Zoning Board of Appeals shall show why the granting of the variance would harm the health, safety, or welfare of the residents of Kendall County. (This section is implied in the Zoning Ordinance).

Any completed application submitted prior to date of adoption of this ordinance shall follow the application procedures, requirements, and restrictions in effect on the date that the completed application was submitted. (This section is new).
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From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: February 15, 2019  
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q. No projectiles shall leave the boundaries of the site. (This section is the same as the existing regulations).

r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy
meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County Planning, Building and Zoning Department annually on or before February 1st of each year. (This section is new).

s. All applicable Federal, State and County rules and regulations shall be adhered to. (This section is the same as the existing regulations and merges the requirements that the gun range follows Health Department Regulations, signage regulations, lighting regulations, and not allowing discharge of lead shot into wetlands).

t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings). (This section is the same as existing regulations).

u. Not withstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:

1. **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 use which exceeds sixty (60) 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.

2. **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 use 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.

3. **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. (This section is new).

v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (insert date) shall be exempt from this sub-section of the Zoning Ordinance, but they shall the restrictions on their respective special use permits. (This section is new).

w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance (insert date) must comply with the above regulations or secure applicable variance(s). (This section is new).
x. The Zoning Board of Appeals may grant variances to this ordinance where doing so, would not impact the health, safety, or welfare of the residents of Kendall County. In addition, when denying a variance request, the Zoning Board of Appeals shall show why the granting of the variance would harm the health, safety, or welfare of the residents of Kendall County. (This section is implied in the Zoning Ordinance).

Any completed application submitted prior to date of adoption of this ordinance shall follow the application procedures, requirements, and restrictions in effect on the date that the completed application was submitted. (This section is new).
Outdoor Target Practice or Shooting (not including private shooting in your own yard on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State Parks) 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 as berming shall generally be consistent with standards established in the NRA Source Book. (See requirements b, c, and d of the proposal)

b. Requires minimum parcel size of 5 acres, depending on the venue. Must meet setbacks of the zoning district. (See requirement k of the proposal)

c. Must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required. (See requirement f of the proposal)

d. State recognized, nationally recognized or NRA Certified range supervisor At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules. (See requirement g of the proposal)

e. At least one (1) Range flag flown, a sign, cone, or red light lit at all times that firing is taking place. (See requirement h of the proposal)

f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board. (Unchanged—see requirement i of the proposal)

g. Access must be controlled by a gated entrance lockable gate. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100’) intervals warning members of the public of the danger. Berming may substitute for fencing. (See requirement j of the proposal)

h. Hazardous waste plan addressing lead management required. (See requirement a of the proposal)

i. No discharge of lead shot into wetland. (See requirement o of the proposal).

j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips. Must meet setbacks of the zoning district. (See requirement k of the proposal)

k. No alcohol allowed. (Unchanged—see requirement l of the proposal)

l. No projectiles shall leave the boundaries of the site. (Unchanged—see requirement m of the proposal)

m. All applicable Federal, State and County local rules and regulations shall be adhered to. (See requirement o of the proposal)

n. Must meet all requirements of the Kendall County Health Department. (See requirement o of the proposal)
o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office. (See requirement a of the proposal)

p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance. (See requirement o of the proposal)

q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. (See requirement o of the proposal)

r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Unchanged-see requirement p of the proposal)

New regulations:

1. Safety area and range must be under the control of the operator of the range. (Requirement e)
2. Insurance requirement added. (Requirement n)
3. Noise requirement added; no distinction between day and night. (Requirement q)
4. New ordinance does not apply to existing ranges. (Requirements r and s)
5. New ranges open to the public are governed by this ordinance (Requirements r and s)
6. Easement provision contained in previous proposals was removed.
WHEREAS, 55 ILCS 5/5-12001 grants Kendall County the authority to regulate and restrict the location and use of structures and uses for the purpose of promoting the public health, safety, morals, comfort and general welfare throughout the unincorporated areas of the County; and

WHEREAS, gun clubs were a permitted use in the A-1 Agricultural District under the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, gun clubs were reclassified as a special use in the A-1 Agricultural District under the Kendall County Zoning Ordinances adopted in 1959 and July 9, 1974; and

WHEREAS, outdoor shooting ranges were classified as a similar use to gun clubs per the hearing of the Kendall County Zoning Board of Appeals on September 30, 1982 and were included as a special use in the A-1 Agricultural District by Ordinance 82-11 adopted November 9, 1982; and

WHEREAS, the restrictions governing target practice or shooting (not including private shooting in your own yard) in the A-1 Agricultural District and M-3 Earth Materials Extraction, Processing and Site Reclamation District were established through Ordinance 2013-14 adopted July 16, 2013; and

WHEREAS, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, on or about September 11, 2017, the Kendall Count Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, submitted a text amendment to the Kendall County Zoning Ordinance pertaining to outdoor target practice and shooting range zoning regulations; and

WHEREAS, on or about June 11, 2018, the Petitioner amended the proposed text amendment;
and

WHEREAS, following due and proper notice by publication in the Kendall County Record on August 9, 2018, the Kendall County Zoning Board of Appeals conducted a public hearing on August 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendment and four (4) members of the public testified in favor of the request and eleven (11) members of the public testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended denial of the text amendment on August 27, 2018; and

WHEREAS, 55 ILCS 5/5-12014 (c) grants certain townships the right to file formal objections to proposed text amendments; and

WHEREAS, the Township of Na-Au-Say did file a formal objection in a manner permissible by State law; and

WHEREAS, 55 ILCS 5/5-12014 (c) requires the approval of at least three-fourths of a County Board to approve a text amendment over the formal objection of certain townships; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board the requested text amendment; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance as provided:

I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

II. Amended Text: The existing language of Section 7.01.D.32 is hereby deleted and replaced with the following:

“7.01.D.32 Outdoor Commercial Sporting Activities including but not limited to 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 outdoor target practice (such exclusion extends to shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks), athletic fields with lights, paintball facilities and riding stables, including but not limited to polo clubs, and similar uses."

III. Amended Text: The existing language of Section 7.01.D.33 is hereby deleted and replaced with the following:

“7.01.D.33 Outdoor Target Practice or Shooting (but not including private shooting on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association’s Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.
1. The above referenced plans shall contain information as suggested by the National Rifle Association.
2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
3. The safety plan shall describe the duties and qualifications of range supervisor(s).
4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association’s standards, the National Shooting Sports Foundation’s standards, or the United States Environmental Protection Agency’s best management practices standards.
5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.

b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all
required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100’). A licensed engineer or land surveyor shall prepare the documents.

c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
   1. The safety area shall conform to National Rifle Association’s standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
   2. For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.

d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20’) high and six feet (6’) thick at the top for ranges three hundred feet (300’) in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30’) of firing line distance over twenty feet (20’), the berm height shall increase by ten feet (10’) in height as an example. Berms shall be located as follows:
   1. Shotgun ranges – No berming required.
   2. Ranges for handguns and rifles
      a. Target placement not to exceed twenty feet (20’) from the backstop.
      b. Lateral not closer than thirty feet (30’) from the firing line.
   3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
   4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm.

e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.

f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.

g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting
ranges. The qualified person shall be knowledgeable of the type of
shooting being supervised, shall be approved by the owner of the range,
and shall know and enforce all range rules.

h. At least one (1) range flag flown, a sign, cone, or red light lit at all times
that firing is taking place.

i. Hours and days of operation shall be specified in the special use permit
and determined by the County Board.

j. Access must be controlled by a gated entrance. The range proper shall be
gated and fenced in a manner so to prohibit entrance on the property by
members of the public and shall have signs posted at one hundred foot
(100’) intervals warning members of the public of the danger. Berming
may substitute for fencing.

k. Must meet existing setbacks of the zoning district.

l. No alcohol allowed.

m. No projectiles shall leave the boundaries of the site.

n. The outdoor target practice or shooting range allowed by this special use
permit shall provide the Kendall County Planning, Building and Zoning
Department proof of accident and liability insurance prior to the
commencement of operations; the insurance amount shall be at a level
standard and customary for an outdoor target practice or shooting range.
The insurance policy must be purchased from an A+ rated insurance
company. An insurance policy meeting the above requirements must be
maintained during the duration of the special use permit.

o. All applicable Federal, State and local rules and regulations shall be
adhered to.

p. Must adhere to the Performance standards of Section 10.01.F of the
Zoning Ordinance (Not more than sixty percent (60%) of the area of the
lot may be covered by buildings or structures, including accessory
buildings).

q. No person shall cause or allow the emission of sound 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 residential
property line of the complainant.

r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (November 27, 2018) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.

s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance (November 27, 2018) must comply with the above regulations or secure applicable variance(s).”

IV. Amended Text: The existing language of Section 10.03.B.4 is hereby deleted and replaced with the following:

“10.03.B.4 Outdoor Target Practice or Shooting (not including private shooting on your own property and shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association’s Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.

1. The above referenced plans shall contain information as suggested by the National Rifle Association.

2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.

3. The safety plan shall describe the duties and qualifications of range supervisor(s).

4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association’s standards, the National Shooting Sports Foundation’s standards, or the United States Environmental Protection Agency’s best management practices standards.

5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.

b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1”=100’). A licensed engineer or land surveyor shall prepare the documents.

c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
   1. The safety area shall conform to National Rifle Association’s standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
   2. For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.

d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20’) high and six feet (6’) thick at the top for ranges three hundred feet (300’) in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30’) of firing line distance over twenty feet (20’), the berm height shall increase by ten feet (10’) in height as an example. Berms shall be located as follows:
   1. Shotgun ranges – No berming required.
   2. Ranges for handguns and rifles
      a. Target placement not to exceed twenty feet (20’) from the backstop.
      b. Lateral not closer than thirty feet (30’) from the firing line.
   3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
   4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshothing the berm.
e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.

f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.

g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules.

h. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.

i. Hours and days of operation shall be specified in the special use permit and determined by the County Board.

j. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100’) intervals warning members of the public of the danger. Berming may substitute for fencing.

k. Must meet existing setbacks of the zoning district.

l. No alcohol allowed.

m. No projectiles shall leave the boundaries of the site.

n. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.

o. All applicable Federal, State and local rules and regulations shall be adhered to.
p. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).

q. No person shall cause or allow the emission of sound 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 residential property line of the complainant.

r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (November 27, 2018) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.

s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance (November 27, 2018) must comply with the above regulations or secure applicable variance(s).”

V. Any completed application submitted prior to the date of the adoption of this ordinance shall follow the application procedures, requirements and restrictions in effect on the date that the completed application was submitted.

IN WITNESS OF, this amendment to the Kendall County Zoning Ordinance has been enacted by a supermajority vote of the Kendall County Board this 27th day of November, 2018.

Attest:

___________________________________  __________________________________
Kendall County Clerk              Kendall County Board Chairman
Debbie Gillette                  Scott R. Gryder
Notices

This document is intended for the exclusive use of elements of the Department of Energy (DOE), to include the National Nuclear Security Administration, their contractors, and other government agencies/individuals authorized to use DOE facilities. DOE disclaims any and all liability for personal injury or property damage due to use of this document in any context by any organization, group, or individual, other than during official government activities.

Local DOE management is responsible for the proper execution of firearms-related programs for DOE entities. Implementation of this document’s provisions constitutes only one segment of a comprehensive firearms safety, training, and qualification program designed to ensure that armed DOE protective force personnel are able to discharge their duties safely, effectively, and professionally. Because firearms-related activities are inherently dangerous, proper use of any equipment, procedures, or techniques etc., identified herein can only reduce, not entirely eliminate, all risk. A complete safety analysis that accounts for all conditions associated with intended applications is required prior to the contents of this document being put into practice.
CERTIFICATION

This document contains the currently-approved firearms “Range Design Criteria” referred to in DOE O 473.3, Protection Program Operations.

Larry D. Wilcher
Director
Office of Security
Office of Health, Safety and Security

6/4/2012
Date
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ATTACHMENT 1 -- RANGE DESIGN FIGURES ........................................................................... Attachment 1-1
1. **PURPOSE.** This document contains design criteria for U.S. Department of Energy (DOE) live-fire ranges for use in planning new facilities and major rehabilitation of existing facilities. This document will be approved and maintained by the Office of Security, Office of Health, Safety and Security (HSS) as a stand-alone document on the HSS website: http://www.hss.doe.gov/SecPolicy/pfs.html.

2. **PLANNING FACTORS.** All applicable local, State, Federal, U.S. Environmental Protection Agency, Occupational Health and Safety Administration (OSHA), and National Environmental Policy Act requirements should be addressed and be reviewed annually (at least every 12 months) by the site to incorporate any requirements and/or changes that occur.

3. **PLANNING OVERVIEW.**
   a. **General Considerations.**
      (1) Live-fire range design should: (a) promote safe, efficient operation; (b) include provisions for ease of maintenance; and (c) be affordable to construct and maintain.
      (2) Live-fire ranges should be designed to prevent injury to personnel and to prevent property damage outside the range from misdirected or accidental firing and ricochets. They should also be designed to direct ricochets away from the firing line inside the range.
      (3) An open range may be established provided that enough distance and land area available to allow for surface danger zones (SDZs) appropriate for the weapons to be used. Lack of SDZs may require baffled ranges. Extreme weather conditions may necessitate indoor ranges.
   b. **Type of Range.**
      (1) Range requirements should be considered when determining the type and size of the range and the material to be used.
      (2) The range should be suitable for training and qualifications for all courses of fire used on the site as set forth in the HSS-approved Firearms Qualification Courses.
      (3) The range should be designed for shooting day and reduced-lighting DOE firearms courses, moving targets, multiple targets, and advanced shooting courses/activities (e.g., shooting at steel targets) that may be required by the site.
(4) When determining whether the facility will be an indoor, open outdoor, partially baffled, or fully baffled range, the decision-making process should include site weather conditions, available land, available funding, and environmental, safety, and health considerations. The following additional factors should be considered.

(a) How many shooters must be accommodated?

(b) Will emphasis be on training or competitive activities?

(c) What types of firearms and range of ammunition will be used? (See Table 1.)

(d) Will the facility be used exclusively by DOE or will it be open to other organizations?

(e) What special uses will be made of the facility; e.g., advanced training, special weapons, or explosives?

(f) What lighting will be required, and what lighting is desired?

(g) What administrative space will be needed?

(h) What types of target mechanisms will be used?

(i) Will spectator safety areas be needed?

(j) What types of acoustics will be needed?

(k) How will lead contamination be controlled?

(l) Where will bullet traps be needed?

(m) Where will firearms cleaning and maintenance be performed?

c. Site Selection Preparation. The site selected should accommodate the required facility. It should meet acceptable standards for safety and have sufficient space, access, and acceptable zoning and construction costs. Land acquisition costs, future land values, and possible restrictions should also be examined. To ensure the project is feasible the following data should be considered.

(1) Documents. Copies of specific site, environmental, and construction criteria; applicable mandated regulations from Federal, State, county, and local authorities; copies of ordinances, zoning regulations, soil conservation standards, health department requirements, and any other regulations that may pertain to the project should be obtained.
(2) **Alternate Sites.** Identify alternate sites, because one or more of the potential sites may be unsuitable or construction costs may be prohibitive.

(3) **Technical Data.** Gather technical data relevant to each site including zoning maps, aerial photographs, topographic maps, and onsite ground and aerial information.

d. **Considerations.** The criteria to be considered in this process are:

   (1) environmental restrictions; e.g., Endangered Species Act, Wilderness Act, and air and water pollution criteria;

   (2) access; e.g., is it adequate or should a roadway be constructed to the site;

   (3) construction cost; e.g., berms, baffles, barriers, earth moving;

   (4) other restrictive Federal or State statutes and local ordinances; and

   (5) community growth, especially in areas where urban growth is rapid. Escalating property values may make it unwise to construct in a particular area.

e. **Preliminary Design Stage.**

   (1) Prepare:

      (a) a preliminary layout sketch of each site;

      (b) a draft document, which should include specifications for applicable zoning, building codes, environmental, safety, and health considerations, and other pertinent restrictions;

      (c) alternative preliminary site plans showing different range layouts;

      (d) a planning cost estimate; and

      (e) a risk analysis report.

   (2) Submit all environmental, zoning and building permit applications for approval. Be prepared, via the draft document, to present and, if necessary, defend the proposal at public hearings before zoning boards, health officials, and other governmental bodies involved in issuing permits.

f. **Final Design Stage.**

   (1) The preliminary site plans include a layout of the proposed range with its accompanying safety fan in a cross section and top view.
(2) The range master/manager, training manager, safety manager, industrial hygienist, appropriate operating personnel and public works engineer should review and approve the design requirements during the planning phase, before the construction drawings are started, and during the construction phase.

4. OUTDOOR RANGE DESIGN.

a. Site Selection.

(1) Outdoor range sites should be remote from other activities but accessible by road. SDZs should not extend across traveled roads, navigable waterways, railroads, or other areas.

(2) To protect against unauthorized access, SDZs should be controlled while firearms are being discharged. To prevent future encroachment, SDZs should be recorded on site maps.

(3) If other methods to control access to SDZs are not effective, then the zones should be fenced in. Natural barriers around the site; e.g., rivers, hills or a large drainage channel may be used to prevent encroachment and will ensure privacy. The best site is one with a natural backstop for projectiles to reduce the cost of constructing earth impact berms and to provide natural sound abatement.

(4) Outdoor ranges should be oriented to eliminate firing into the sun. The range should be oriented to the north or slightly to the northeast. The ideal direction is between due north and 25º northeast.

b. Range Planning.

(1) Firing into upward sloping land and land with natural backstops of hills or mountains is recommended.

(2) Firing platforms, access roads, and targets should be elevated above the flood level.

(3) The line of fire in rough terrain should be perpendicular to high ground. The line of fire on flat terrain should be free of knolls, ridges, and trees that reduce visibility.

(4) Known distance ranges should be as flat or evenly graded as possible. If the grade between the firing points and target does not exceed 2 percent, then the firing points may be below the target.

(5) Roads used for setting and servicing targets in impact areas and for maintenance of earth berm may be graded pathways. Roads in areas not subject to disturbance; e.g., vehicle parking areas, and roadways behind
firing lines or out of range of weapons, should be designed for anticipated vehicle weight and usage.

(6) The ground between the targets and firing line should be free of any hardened surface (smooth-surfaced walkways excepted) such as rocks or other ricochet-producing material.

(7) The surface may be sodded or planted with low-growing ground cover.

(8) The surface should be smooth, firm, and graded to drain away from the targets. A slight side-to-side grade of 1 percent to 2 percent should be provided for storm water runoff. For baffled ranges, the lateral slope should not exceed 2 percent because of the geometry of the baffle system.

(9) The overall size will be governed by the range distance and number of firing positions.

(10) Range distances from the firing line to the target are determined by the approved DOE qualification courses of fire for all weapons available for use by Protective Force (PF) personnel and by site-specific training courses of fire. The distances from the firing line to the target should be accurate to +.01 percent. It is important that any inaccuracy in the firing line-to-target distance is a greater, rather than lesser, distance (e.g., 101 yards for a 100-yard range instead of 99 yards).

(11) Shooters should have secure footing.

c. Surface Danger Zones. SDZs should be established to contain all projectiles and debris caused by firing ammunition and explosives (see Table 1). SDZ dimensions are dictated by the types of ammunition, types of targets, and types of firing activities allowed on the range. A basic SDZ consists of three parts: impact area, ricochet area, and secondary danger area (Figure 1). Figures 2 through 6 illustrate the application of the basic parts in the design of SDZs for various kinds of range activities.

(1) The primary danger area established for the impact of all rounds extends 5º to either side of the left and right limits of fire and downrange to the maximum range of any ammunition to be used on the range.

(2) The ricochet area is 5º to either side of the impact area and extends downrange to the maximum range of any ammunition to be used on the range.

(3) The secondary danger area is that area paralleling, and 100 yards outside of, the outermost limits of the ricochet area and extending downrange to the maximum range of any ammunition to be used on the range.
(4) Boundaries of SDZs must be posted with permanent signs warning persons of the danger of the live-fire range and prohibiting trespassing. The signs must be posted in a way that will ensure a person cannot enter the SDZ without seeing at least one legible sign (i.e., usually 200 yards distant or less).

(5) Limit of fire markers, both external and internal, must be placed to denote right and left limits of fire. Where cross firing is to be conducted, internal limit markers must be emplaced to denote internal right or left limits of fire from specific firing positions.

(6) Ranges may be located parallel to one another if in compliance with Figure 19 for separation.

(7) When there is insufficient distance to lay out a new range with the required SDZ or utilize other ammunition with a maximum range that does not exceed the SDZ, engineered or administrative controls can be used to control firing on that range. Permission to deviate from established SDZ requirements must be granted by the DOE cognizant security authority and supported by a safety risk analysis.

(8) Administrative controls such as use of the low-ready position or engineered controls such as muzzle traverse/elevation limiters can be used to control the firearm. Natural terrain such as a mountain or a hill provides an excellent backstop for firing. The terrain should be high enough to capture rounds fired at up to a maximum 15º muzzle elevation.

(9) To change the size and shape of an SDZ, baffles may be installed. Partial and full baffle systems consist of the following components: overhead baffles, a canopy shield over firing points, bullet impact berm, and side berms, sidewalls, or side baffles. A fully baffled range must be constructed so all direct fire can be contained within the range (see Figures 7 and 8).

d. **Support Facilities.** Range planners should consider the site-specific need for the following range support facilities.

(1) Targets.

(2) Target storage.

(3) Bunkers, trenches, and protective barriers for personnel protection.

(4) Range control towers.

(5) Toilets.

(6) Range poles, banners, markers, and signs.
(7) Communication systems.
(8) Access and range roads.
(9) Parking areas.
(10) Potable water.
(11) Target maintenance.
(12) Ammunition storage.
(13) Power.
(14) Sewer.
(15) All other necessary utilities.

<table>
<thead>
<tr>
<th>Caliber</th>
<th>Maximum range of small arms ammunition (distance in meters/yards)</th>
</tr>
</thead>
<tbody>
<tr>
<td>.22 long rifle</td>
<td>1400/1531</td>
</tr>
<tr>
<td>.38 revolver</td>
<td></td>
</tr>
<tr>
<td>Ball, M41</td>
<td>1600/1749</td>
</tr>
<tr>
<td>Ball PGU-12/8</td>
<td>1900/2077</td>
</tr>
<tr>
<td>.40 pistol</td>
<td></td>
</tr>
<tr>
<td>Ball</td>
<td>1783/1950</td>
</tr>
<tr>
<td>JHP</td>
<td>1908/2086</td>
</tr>
<tr>
<td>Frangible</td>
<td>1000/1093</td>
</tr>
<tr>
<td>.45 pistol</td>
<td></td>
</tr>
<tr>
<td>.45 submachine gun</td>
<td>1600/1749</td>
</tr>
<tr>
<td>.357 magnum</td>
<td>2160/2362</td>
</tr>
<tr>
<td>9mm pistol</td>
<td>1740/1902</td>
</tr>
<tr>
<td>9mm submachine gun</td>
<td>1920/2099</td>
</tr>
<tr>
<td>.44 magnum</td>
<td>2290/2504</td>
</tr>
<tr>
<td>.50 machine gun</td>
<td></td>
</tr>
<tr>
<td>Ball, M33</td>
<td>6500/7108</td>
</tr>
<tr>
<td>AP, M26</td>
<td>6100/6671</td>
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<tr>
<td>12 gauge shotgun, riot 00 buckshot</td>
<td>600/656</td>
</tr>
<tr>
<td>.30 rifle and machine gun</td>
<td></td>
</tr>
<tr>
<td>Ball, M23</td>
<td>3100/3390</td>
</tr>
<tr>
<td>AP, M2</td>
<td>4400/4811</td>
</tr>
<tr>
<td>.30 carbine</td>
<td>2300/2515</td>
</tr>
<tr>
<td>5.56mm rifle</td>
<td></td>
</tr>
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<td>Ball, M193</td>
<td>3100/3390</td>
</tr>
<tr>
<td>7.62mm rifle and machine gun</td>
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</tr>
<tr>
<td>Ball, M80</td>
<td>4100/4483</td>
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<tr>
<td>Match, M118</td>
<td>4800/5249</td>
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<tr>
<td>40mm</td>
<td></td>
</tr>
<tr>
<td>M79</td>
<td>400/437</td>
</tr>
<tr>
<td>Mk-19 40mm</td>
<td>2200/2406</td>
</tr>
</tbody>
</table>
e. **Design Criteria.**

(1) **Firing Line Items.** Provide the following components:

(a) **Floor Surface.** The surface should be smooth, firm, and graded to drain away from the targets. A slight side-to-side grade of 1 percent to 2 percent should be provided for storm water runoff. Transverse firing line grading should match target line transverse grading. The distance between the firing line(s) must be sufficient to support the type of training conducted. Firing lanes must be clearly marked on the surface to match the targets. Depending on the number of personnel to be supported and the funds available, the following surfaces should be considered:

1. ground firmly compacted with mown grass;
2. sand or fine gravel;
3. wood decking of sufficient thickness and support to prevent movement; and
4. concrete topped with appropriate cushioning material.

(b) **Overhead Containment.** On partially and fully baffled ranges, a ballistic canopy (see Figure 9) should be provided over all locations where a weapon may be expected to be discharged (firing line, by definition). Figure 9 represents one construction approach, but the canopy must contain the direct fire effects of the most energetic round fired on the range. This canopy should begin at least 3 feet behind the firing line. General structural requirements may dictate more distance. The canopy should extend forward a minimum distance of 13 feet minimum, which will work geometrically with the first overhead baffle to prevent a weapon from firing directly out of the range (see Figures 16 and 17). The canopy should be constructed of ballistic material with sacrificial cladding as described below. Sound reduction ceiling waffles should be considered. Weather roofing is required above the ballistic material and it must slope sufficiently to drain.

(2) **Firing Point.** The depth of the firing point is determined by the shooting activity; e.g., rifle firing requires more depth than pistol firing.

(a) The minimum depth of the firing point is the area required for the shooter, shooter’s equipment, scorers, and range officers. For example, a pistol range might have a firing line approximately 6 to 10 feet deep, while a rifle range would have a firing line up to 20 feet deep. This variation is based on available space, type of
shooting, size of target frames and carriers, and the spacing of target frames or carriers.

(b) For rifle ranges, each firing point should be 9 feet wide (see Figure 10). Firing lanes for pistols and shotguns should be 5 feet center to center (see Figure 11).

(3) **Ballistic Material.** The purpose of this material is to absorb, deflect, or fragment projectiles. Material for baffles on partially and fully baffled ranges is shown in Figures 12 and 18. Wood that is used should be of middle grade exterior timber or plywood. Timber in contact with the ground must be pressure-treated for this purpose. Avoid exposed connectors if possible. Refer to Table 2, Thickness of Material for Positive Protection Against the Caliber of Ammunition Listed, for the thickness of various materials.

(4) **Sacrificial Cladding.** Provide ¾-inch thick plywood with a ¾-inch air gap on any surfaces (baffles, wing walls, metal connectors, etc.) that are within 11 yards of the firing line to prevent back splatter.

(5) **Firing Line Cover Material.** The firing line should be covered to protect the shooter and allow activities to be held regardless of the weather. On ranges with several firing lines, the cover is generally installed at the longest firing distance. The firing line covers described below are for shelter only and should not be confused with the ballistic firing line canopies required on baffled ranges. Material that can be used for firing line covers includes wood, concrete, steel, and plastic. Most covers are constructed from wood products and are a shed or gable roof design. In some cases, corrugated metal or fiberglass roofing material can actually increase sound levels at the firing line and in areas around the range. Therefore, to reduce noise, corrugated metal or fiberglass roofing material should not be used unless it is acoustically treated. The structure should be designed to include the following:

(a) The shed roof should have a 6-inch cavity filled with fiberglass insulation (or equivalent) and be enclosed on the bottom with ¾-inch plywood or insulation board. Although this will not provide a completely effective sound barrier, sound waves will strike and penetrate the inside layer of plywood, and the sound will be reduced;

(b) A plywood shed roof should have a 6-inch hollow core enclosed with a small grid mesh screen and a six-mil polymer barrier to retain the insulation. The intervening space should be filled with blown-in insulation to trap sound waves and reduce the drum effect of an open roof; and
A gable roof has a large hollow area above the joists; however, additional sound damping materials should be installed to reduce the drum effect and the sound pressure level as they are reflected onto the firing line area. The underside of the roof surface will require a minimum of 4 inches of insulation to fill in between the rafters and a minimum of 3 inches of insulation above the ceiling and between the joists. This will reduce the drum effect caused when sound waves strike surface material (e.g., corrugated metal) and will absorb a portion of the reflected sound waves.

(6) **Surface Material.** Positions should be hard-surfaced (e.g., concrete, gravel, wood, asphalt, or sod).

(a) For ranges where prone shooting is conducted, gravel or similar materials may cause difficulty for the shooter. When the surface material is concrete or asphalt, shooting mats or padding will be required when the kneeling or prone positions are used.

(b) For ranges with multiple firing lines, hard-surfaced firing lines located downrange of another firing line should be recessed or shielded from bullet impact to avoid ricochets off exposed edges.

(7) **Landscaping.** The site should be landscaped to provide for erosion control, noise abatement, maintenance, appearance, fire protection, and safety.

NOTE: Any landscaping will complicate the removal of lead in the berms, especially on impact surfaces, and will create higher maintenance costs.

(a) Berms should be planted with grass to prevent erosion. Ground cover is acceptable on existing berms that have been maintained and where erosion is not a problem.

(b) When grass is selected as a ground cover, it should be appropriate for the geographic area and should readily grow and provide good coverage. The degree of shading caused by overhead baffles will determine the type of grass for the range floor. Use grasses and cover for earth berms that will not be accessed by moving equipment so that natural growth heights will be acceptable. In areas where the soil is poor or extremely sandy, plants such as Bermuda grass, ice plant, or vine root can be used to control soil erosion.

(c) Heavy landscaping may be used to cut down on noise transmission. Plants and trees may be planted behind the firing position shelters to alleviate noise transmission problems.
Soundproofing the firing line structures should be considered in problem areas. Trees should be kept away from firing lines to allow range control officers to see all shooters.

(d) For windbreaks, trees may be planted along the length of the range with partial side berms or wing walls where strong prevailing crosswinds are problems to shooting accuracy.

(e) Densely planted rows of fast-growing, compact, and thorny shrubs may be planted below the trees at ranges with partial berms or wing walls to abate noise, prevent encroachment, and alleviate crosswind problems.

8) **Target Line and Mechanisms.** Components must be as follows:

(a) The target line should be a minimum of 30 feet from the toe of the impact berm. The distance between targets must be the same as the distance between firing positions.

(b) Target line bases must match grading with the firing line. Mechanical target support bases must be protected from the direct line of fire. They may be buried flush with the ground or placed behind a protective wall. Note that a small raised earth berm at this location generates significant ricochet. The complexity of the mechanism will dictate the protection requirement. See Figure 13 for wall or trench protection of high cost target line mechanisms.

(c) Target supports can be made of steel angles and channels, PVC pipe or wood. Do not use metal parts within 33 feet of the firing line where direct fire strikes are anticipated. Discharging weapons close to metal surfaces is extremely dangerous. Present the smallest surface area that is structurally sound to the line of fire to minimize ricochet. Design the target holders for easy and inexpensive replacement. Portable, self-supporting 2- by 4-inch wood frames or 2-inch by 2-inch wood plank placed into buried PVC pipe work well on simple ranges. The full face of the target must be visible to the shooter.

(d) Turning targets and the display time are at the discretion of the user. Commercially available, electrically motorized target carrier and electronic scoring systems should be considered where economically feasible.

(e) On open ranges, a single target line with multiple firing lines is preferred. On partially or fully baffled ranges, in most instances, a single firing line with multiple target lines will produce the most cost-effective range because of the firing line canopy. An
extremely advanced target mechanism may be significantly more expensive than multiple canopies.

(9) Impact Structures. The structure varies depending on the type of range. Natural terrain such as a mountain, cliff, or steep hill may be incorporated into impact structures provided the completed structure complies with the minimum design requirements. Acceptable structures by range type are listed below.

(a) For open ranges, the top elevation of the earth impact berm should be 26 feet above the range surface for ranges 100 yards long or longer and 16 feet above the range surface for ranges 50 yards long or less. The impact berm should extend 50 yards beyond where the target line ends for 100-yard-long ranges or until joining with the side containment, if provided for ranges 50 yards long or less.

(b) The suggested elevation may be met by designing a combination of earth berm and vertical baffle (see Figure 14). The earth berm portion should have a top elevation of 16 feet above the surface of the range. The vertical baffle should be constructed of ballistic material and designed to withstand local seismic and wind loads. This combination arrangement would reduce the footprint and the amount of material in the earth berm.

(c) The preferred slope of the impact berm face is 1 to 1 or steeper. The steeper the slope, the more likely the berm is to absorb projectiles. The top should be 10 feet wide. The impact slope should be constructed with a 3-foot layer of easily filtered soil (to reclaim the lead projectiles) free of boulders, trees, rocks, stones, or other material that will cause ricochet. The rear slope should be appropriate to the native soil and maintenance requirements.

(d) For partially and fully baffled ranges, the top elevation of the impact structure will vary depending on the overhead baffle and impact structure arrangement. The impact structure for a partially baffled range can be: standard impact berm, bullet trap, or hybrid. For fully baffled ranges, the impact structure must be a bullet trap. In all instances, the impact structure must connect to the side containment. The top of the berm should be at an elevation 5 feet above the point where the highest line of direct fire can strike the berm.

(e) Outdoor baffled bullet stops can be constructed by placing the last vertical overhead baffle over the last target line and placing a sloped baffle to connect from the top of the earth berm to the back of the last vertical baffle. The bottom of this lower-sloped overhead baffle should be 2 feet above the highest point on the
berm where direct fire might strike. See Figure 15 for material and construction details. Rainfall runoff from the sloped baffle onto the berm must be considered. (See “Use of Bullet Traps and Steel Targets” for Shoot House bullet trap information.)

(10) Side Containment. For partially and fully baffled ranges (Figures 7 and 8), the top elevation of the side containment must geometrically mate with the overhead baffles to be high enough to prevent any direct fire from exiting the range. Full-side height containment should extend 3 feet to the rear of the firing line. Locate the side containment at least 10 feet outside of the centerline of the outermost firing lane. Construction may be in the following forms.

(a) Earth Berm. Construct earth berms to an inside slope of 1 to 1.5. If native soil characteristics will not produce a stable slope at this angle, provide geotechnical fabric reinforcement in the fill. The top width of the berm should be at least 10 feet. No rocks are permitted in the top 3 feet of the inside surface. Generally, earth berms cannot be used on partially or fully baffled ranges; however, earth berms are permissible if the firing range is small and the overhead baffle and berm geometry intercept ricochets.

(b) Continuous Walls. Construct continuous walls of ballistic material to withstand local wind and seismic loads. Provide sacrificial cladding to 13 feet forward of the firing line and 3 feet behind the firing line. Continuous walls are preferred for fully baffled ranges.

(c) Wing Walls. Wing walls (side baffles) are discontinuous side protection set at 45º to the line of fire. Locate the wing walls so that they are overlapped by 6 inches based on any line of fire that may strike them. Construct the wing walls of ballistic material to

<table>
<thead>
<tr>
<th>Cover material</th>
<th>Caliber and thickness required to stop penetration</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>5.56 mm</td>
</tr>
<tr>
<td>Concrete (5,000 lbf/in²)</td>
<td>5 inches</td>
</tr>
<tr>
<td>Gravel-filled concrete masonry units</td>
<td>8 inches</td>
</tr>
<tr>
<td>Broken stone</td>
<td>14 inches</td>
</tr>
<tr>
<td>Dry sand</td>
<td>16 inches</td>
</tr>
<tr>
<td>Wet sand</td>
<td>25 inches</td>
</tr>
<tr>
<td>Oak logs (wired)</td>
<td>28 inches</td>
</tr>
<tr>
<td>Earth</td>
<td></td>
</tr>
<tr>
<td>Packed or tamped</td>
<td>32 inches</td>
</tr>
<tr>
<td>Undisturbed compact</td>
<td>35 inches</td>
</tr>
<tr>
<td>Freshly turned</td>
<td>38 inches</td>
</tr>
<tr>
<td>Plastic clay</td>
<td>44 inches</td>
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</tbody>
</table>

NOTE: Figures are based on new material. Degradation may occur over time.
withstand wind and seismic loads. Additionally, provide sacrificial cladding on wing walls closer than 30 feet to the firing line.

(d) **End Walls.** End walls may be constructed at the firing lane edge on the firing line in lieu of extending side containment 3 feet behind the firing line. Walls should be long enough to close off any line of sight between the end of the side containment and the rear 3 feet mark. The end walls should be constructed of ballistic material with sacrificial cladding extending from the canopy to the firing line surface.

(11) **Overhead Baffles.** Overhead baffles must be located so that no direct fire can exit the range from any firing position. The first overhead baffle must be geometrically coordinated with the firing line ballistic canopy (see Figure 9). The elevation of the top of each succeeding baffle should be 6 inches higher than a line of fire that just clears beneath each preceding baffle (see Figure 16). Overhead baffles should be the same height and spaced apart down range to achieve the required geometry (see Figure 17). The last baffle should be placed so the line of fire will strike the impact structure no higher than 5 feet below the top elevation of the structure. On a fully baffled range, the last overhead baffle must be over the last target line.

(a) On partially baffled ranges, overhead baffles must extend laterally to within 1 foot of the side containment. On fully baffled ranges, the overhead baffle must tie into the side containment.

(b) The vertical dimension of an overhead baffle when it is vertical varies with the number and spacing of the baffles. Normally, the height is between 5 and 8 feet when considering structural support size and costs.

(c) The baffles must be constructed of ballistic material. Baffles within 11 yards of the firing line should be covered with sacrificial cladding. See Figures 12 and 18 for possible configurations.

(d) Space the structural columns as far apart laterally as possible to open firing lanes. If possible, do not construct columns within the range. Design columns or beams to withstand local wind and seismic loads, and provide protective steel plate on the faces of the columns exposed to the firing line in accordance with Figures 12 and 18. Provide sacrificial cladding if the column is within 10 yards of the firing line. Overhead baffles may be placed on a flatter slope and overlapped to function as firing line canopies if multiple firing lines are to be used (see Figure 17). This arrangement is cost-effective for baffled combat lanes.
5. **INDOOR RANGE DESIGN.**

a. **Use of Indoor Ranges.**

   (1) Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Considerations should be made for cleaning of all surfaces and handling of hazardous wastes.

   (2) Lead exposure requirements must be reviewed for applicability.

b. **Site Selection.**

   (1) **Walls and Partitions.** Indoor ranges must incorporate walls and partitions capable of stopping all projectiles fired on the range by containing or redirecting bullets to the backstop.

   (2) **Existing Buildings.** If there are existing drawings of the facility, copies should be obtained from the original owner, architect, engineer, builder, or building permit. If original drawings of the building are not available, a sketch can be made of each floor of the building with a special emphasis on the load-bearing walls. The following considerations should be used when making the initial evaluation of an existing building.

      (a) **General Construction.** Buildings constructed of wood products should be avoided. Modifications to reinforce the structure to support metal backstops or to reduce fire hazards may not be cost-effective.

      (b) **Exterior Walls.** The type of exterior wall construction (e.g., masonry, wood, concrete, metal, combination, other) should be identified. Masonry buildings should be given primary consideration, especially those constructed on concrete slabs.

      (c) **Floors, Walls, and Ceilings.** Floors, walls, and ceilings must be able to contain the sound in addition to the bullet fired.

         1. The ideal wall is made of poured concrete a minimum of 6 inches thick.

         2. To aid in range cleaning, concrete floors should be finished so they have a nonporous surface.

         3. Ceilings should be 8 feet high and enclosed to reduce air turbulence created by ventilation systems.

         4. Evaluate the structural support designs of older buildings for their ability to withstand new loading. Original design
considerations usually do not allow for installing heavy backstops and other range equipment.

5 To decide if modifications are necessary, slab buildings must be analyzed carefully to determine the capacity for floor loading. If there are no floor drains and it is economically feasible, modifications should also include adding one or more floor drains.

6 Ceiling joists may require strengthening to support baffles and shielding material.

(d) **Electrical.** Electrical needs may require the installation of heavy-duty wiring both internally and externally to accommodate the added power needs of range ventilation, heating, lighting, and target-carrier mechanisms.

(e) **Plumbing.** Plumbing does not usually require major modifications; however, heavy metals may be prohibited from area wastewater treatment collection systems. Therefore, an approved filtration system may be necessary for disposal of hazardous waste material; e.g., lead.

3 **Precast Buildings.**

(a) Precast concrete companies can provide complete precast buildings (job site-delivered) if engineering specifications for steel placement are provided on a set of plans (drawings) for the proposed building.

(b) Precast assembly allows for installation of a roof design more suitable for an indoor range. Gabled or hip roof designs should not be used.

(c) Hollow, precast concrete panels provide an option to bar joists, eliminating bullet ricochet or splatter. A flat bar joist design is the recommended alternative to hollow, precast concrete panels.

(d) The flat roof design also provides support for heating, ventilating, and air conditioning (HVAC) equipment outside of the range, which saves space and reduces cost.

4 **New Construction.** New indoor construction projects require the same guidelines as existing buildings; however, they offer the advantage of building a structure specifically for use as an indoor shooting range.
c. **Range Planning.** Design work for ventilation, wall structures, floors, ceiling, acoustics, backstops, and lighting will depend on how the range will be used.

   (1) A determination for the type of building required includes the following considerations.

      (a) Can the range be built in an existing building or is a new one required?

      (b) How large should it be?

      (c) How many shooters will it be expected to serve?

      (d) Will it be used for competition?

      (e) Should space be allowed for classrooms?

      (f) How much will the facility cost?

(2) The planning process should include:

   (a) obtaining ordinances, zoning regulations, building codes, soil conservation regulations and other information pertaining to legal requirements;

   (b) for evaluation, identifying a site for a new building or several existing buildings that may have the suitable design characteristics; and

   (c) gathering other technical information relevant to the project. This information includes zoning requirements, onsite information, and range design criteria. Local zoning codes or health department regulations normally will provide answers or solutions on how the project is to be handled.

d. **Design Criteria.** Based on the site selected, type of shooting, number of users, and site layout, the next step is to design the facility by preparing detailed drawings showing specifications and necessary dimensions. The four main considerations for indoor ranges are shooter needs, type of shooting activity, number of firing points, and number of users. Special consideration should be given to ventilation, lighting, safety baffles, and backstop design. The following standard and optional features for indoor ranges should be considered.

   (1) **Backstops and Outdoor Baffled Bullet Stops.** See “Use of Bullet Traps and Steel Targets” for Shoot House bullet trap information.
(a) The design of a backstop or baffled bullet stop is a contributing factor to the service life of the unit. Steel should be installed according to the type of ammunition to be used and to proven angle configurations.

(b) The design criteria should be based on the planned use of the facility. Metal plates selected for use in a backstop or baffled bullet stops must resist repeated stress according to the degree of stress applied. Necessary characteristics are resistance to abrasion, resistance to penetration, surface hardness, thickness, and alloyed strength to resist metal fatigue.

(c) The main backstop is generally a fabricated steel plate or series of plates used to stop bullets fired on a range. Backstop configurations and plate thickness will change according to type of shooting activity.

(d) Steel backstops with sand or water pits are common; however, a few indoor ranges use earthen or sand backstops.  

CAUTION: Earthen or sand-filled backstops are not recommended because they can create health hazards for maintenance workers from silica and lead dust. They also cause excessive wear on ventilation fans.

(e) Backstops must extend from side to side and from ceiling to floor to protect the end of the range completely from penetration by direct bullet strike and prevent ricochets, back splatter, and splatter erosion of side walls.

(f) Four basic backstop designs are used for indoor ranges: Venetian blind, escalator, Lead-a-lator® , and the angled backstop (45°) back plate. Other backstop designs exist and should be researched for applicable use.

1 Venetian Blind Backstop. Requires less space, but without proper installation and regular maintenance it can cause back splatter problems from exposed edges of each main segment of the backstop. Keeping the exposed edges ground to original specifications is time-consuming, difficult, and requires skilled personnel.

To control back splatter, a curtain should be hung in front of the backstop. Tests have been conducted on materials including canvas, burlap, cardboard, insulation board, and synthetic rubber. Properly installed, these materials effectively stop back
splatter. Walls using insulation board or a synthetic rubber curtain are best.

b The main advantage of the venetian blind backstop is minimal space requirements. While an angled plate or an escalator will use 14 feet of space, the venetian blind uses only 5 feet.

2 Escalator Backstop. Sets up with flat steel plates laid out on a framework sloping away from the shooter. Between each series of plates, an offset allows a bullet sliding down the facing surface to drop into a hidden tray for easy cleanup. At the top or back of the backstop, a swirl chamber is provided to trap the bullets or bullet fragments as they exit the backstop surface. Once the bullet’s flight ends in a spin-out chamber, the bullet or pieces fall into a cleanup tray.

3 Lead-a-lator®. A variation of the escalator-type backstop that uses a curved instead of flat piece of steel. The surface is concave and operates so that a bullet will follow the contour of the surface into a dry lead spinout chamber where it is trapped.

4 Angled Backstop (or 45° Inclined Plates). Uses a sand or water trap and has been the traditional alternative for indoor ranges.

a The angle of the plate should never exceed 45° from the ground. The 45° plate and pit backstop is relatively inexpensive, but there are several disadvantages. Sand traps require frequent cleaning to remove bullet fragments. Cleaning operations require workers to wear high-efficiency particulate air (HEPA) filter masks if material is removed dry. It is best to dampen the sand trap material before and during cleaning operations to eliminate dust. To maintain a healthier internal environment, frequent removal, disposal, and replacement of lead-laden sand is required. The surface should be continually raked to keep the sand level and to guard against splatter as lead buildup occurs.

b The cleaning operations are easier when a water trap is used. However, a water trap requires chlorine and other chemicals to retard algae growth and antifreeze in colder months to prevent freezing.
Installing a water pit requires a different approach to foundations and footings, especially in areas affected by earthquakes or freezing.

(2) **General Range Cleaning.** Both dry and wet methods can be used to clean the range. The method selected depends on the frequency of use. The wet method is preferred when floor drains are available, and keeping materials wet during cleaning operations reduces or eliminates release of microscopic dust particles. When dry methods must be used, workers must use the appropriate personal protective equipment (PPE) that has been established by local industrial hygiene personnel. After cleaning operations are complete, workers must shower and have work clothing laundered.

(3) **Backstop Steel Plate Specifications.**

(a) Steel plates supported by concrete or masonry should be anchored by expansion bolts or toggle bolts, as suitable for construction, with flush countersunk heads not more that 12 inches on center of all edges of each plate. Joints and edge lines should be backed with continuous ½-inch thick plate no less than 4 inches wide. Bolts should pierce both the facing and back plates. Expansion bolts should penetrate concrete not less than 2 inches. Steel plates must have milled edges at all joints.

(b) Joints must be butted flush and smooth. After the plates are erected, they must not have any buckles or waves. Exposed edges must be beveled at 42º to a fillet approximately ½-inch thick. There must be no horizontal joints in any steel plate work.

(c) Welding must meet the American Welding Society code for welding in building construction. Steel plates joined at, and supported on, structural steel supports must be spot-welded to steel supports not more than 6 inches on center.

(4) **Baffles, Deflectors, and Shields.** Baffles on indoor ranges protect lighting fixtures, HVAC ducts, ceilings, and target carrier apparatus. Baffles are designed to protect against the occasional errant bullet but not for repeated bullet strikes.

(a) To cover or protect vulnerable ceiling areas or range fixtures, baffles must extend the entire width of the range and downward. Spacing of baffles on a 50 to 75 feet range depends on the ceiling design. Range distance (firing line to target line) and height are factors. Ceilings must be impenetrable.
(b) Baffles or deflector plates must be used when modifying an existing building, especially in a building constructed of wood. This will prevent bullets from escaping or penetrating. Baffles should be a minimum of 10-gauge steel covered with a minimum of 1 inch of soft wood to prevent back splatter. The wood traps the projectile, whereas bare steel redirects it downward into the range area. A wood surface must be applied to overhead baffles, because ranges with untreated baffles usually show significant damage to concrete floors and often complete penetration through wood floors.

(c) Baffles should be installed at a 25º angle as measured from the horizontal plane of the ceiling. The baffle size and placement depends on what surface areas require protection. For example, ceiling baffles are wider than side baffles.

(d) Unlike baffles, deflectors are installed vertically and horizontally to redirect wide-angle shots into the backstop area. Deflector shields protect pilasters, leading edges of sand traps, bottom edges of backstops, doorways, windows, ventilation registers along the wall, etc. Deflectors are not covered with wood generally, but may be. These devices are also installed at a 25º angle either to the wall surface or floor.

(e) To protect ceiling areas, special impenetrable shields are installed above the firing line, especially in wood frame buildings.

1 Shields should extend the entire width of the range and 12 feet forward of the firing line. Floor shields may be required on wood floors.

2 Shields must be constructed from metal sheets according to planned use. For example, 10-gauge steel covered with a minimum of 1 inch of soft wood is effective in stopping most pistol calibers.

(5) **Floors, Walls, and Ceilings.** Indoor range facility floors, walls, and ceilings must be impenetrable; therefore, an existing building must have a structural analysis to determine loading factors that may exceed original design specifications. Wooden buildings may require modifications to support the increased weight. Specifications for new construction call for either poured-in-place concrete, pre-cast concrete, or dense masonry block. Solid cinder block should be used in place of hollow-core block. Specifications for modifying existing buildings call for adding additional materials to prevent bullet escape, which can be done with wood and steel laminated shields. Laminated shields can be constructed onsite by placing sheet-steel or steel plates between two sheets of ¾-inch plywood. While
this method is more expensive than the extended booth design, it allows for an open firing line and better visibility for the range officer. Walls should be treated beginning 3 feet to the rear of, and extending forward of, the firing line until all vulnerable surfaces are protected. Acoustical material should be applied to the surfaces to aid in sound control.

(a) **Floors.** The range floor should be constructed by using a single pour and a fine, uniform-aggregate mix of concrete. Reinforcement should be No. 4 steel rods placed 12 inches on center along with 6- by 6-inch 8/8-gauge welded wire fabric. This may vary according to soil conditions. Very large floor areas may require two or more pours with expansion joints between each slab.

1. The floor should be designed to slope down toward the target line, beginning at the firing line, ¼-inch per foot.
2. The floor should be no less than 4 inches thick.
3. Floor size is governed by design. Larger size will result in higher costs for ventilation, lighting, heating, and overall building design. The decisions should be based on expected number of users versus overall cost.

(b) **Floor Guards.** Floor guards are provided to protect leading edges or protrusions; e.g., drains, traps or other protrusions from the floor area. Floor guards are designed to redirect errant bullets into the backstop area, which minimizes range damage.

1. Floor guards are constructed from 10-gauge steel and may be covered with wood.
2. Floor guards are installed horizontally along the floor surface parallel to the firing line.
3. Floor guards typically slope away from the firing line at a 25° angle to the horizontal.
4. Floor guards should extend only as high as necessary to protect exposed surfaces.

(c) **Floor Drains.** Floor drains should be constructed of cast iron soil pipe. The drain pipe should be attached to a lateral drain located 1 foot forward of the backstop floor guard. The drain pipe must lead to a filtration system approved by the cognizant environmental, safety, and health organization on the site.
(d) **Walls.** Poured concrete or masonry is preferred for wall construction, but wood may be used. Wall thickness must conform to acceptable engineering standards and comply with Federal, State, county and local zoning codes. Usually, no less than 3-inch thick, reinforced walls should be constructed to prevent the exit of any projectiles.

NOTE: This specification usually requires the use of steel or similar material where wooden walls are used. The size depends on building design, geological conditions, and climate. Size includes the height, thickness, and length of the running wall.

(e) **Ceiling.** Ceiling material should reduce sound, protect lighting devices, reflect light and be impenetrable. Typically, ceilings include 10-gauge steel baffles, 2- by 4-feet white acoustic panels, and clear-light panels.

1. The ceiling should be a minimum of 8 feet above the floor level and have an acoustically treated, smooth surface to allow for positive air movement downrange.

2. Baffles to protect adjoining areas should be above a false ceiling or designed into the roof/ceiling structure.

(6) **Shooting Booths.** Commercial or locally built shooting booths may be desirable on pistol ranges; however, they are not recommended for rifle ranges. Shooting booth panels can provide an impenetrable barrier between shooters, reduce sound levels, restrict the travel of brass, and act as a spray shield when revolvers are used.

(a) Shooting booths should be omitted for ranges that use only rifles.

(b) A shooting booth should never extend more than 18 inches behind the firing line because greater extension may obstruct the range control officer’s visibility.

(c) Bullets fired from any firearm used on the range must not be able to penetrate booth panels. The booth panel must be able to withstand the impact of a bullet fired at any angle to the surface and at point-blank range.

(d) Design criteria for the construction of booth panels are as follows:

1. Cover the 10-gauge steel plate with a nominal 2 inches of soft wood. In a series of tests using 10-gauge steel plate, firing all lead bullets at right angles, the plate covered with a nominal 2 inches of soft wood withstood direct hits from
all standard pistol calibers up to, and including, .44 caliber magnum;

2 Use special acoustical materials to ensure that panels reduce muzzle blast effects on all shooters and range personnel;

3 Ensure that panels do not restrict airflow;

4 Ensure that panels do not restrict the range officer’s visibility of the firing line; and

5 Construct panels so they extend from the floor to a minimum height of 6 feet. Panels should be ceiling height.

(7) **Target Carriers and Turning Mechanisms.** An indoor range can be operated more efficiently and safely by installing a target transport system. This system may be a simple, hand-made device or a completely automatic, electrically powered system. Either one will enhance safety by eliminating the need to walk downrange to replace targets. Target carrier systems speed up range operations. A turning target mechanism is available that faces the target parallel to the line of sight and then turns the target 90º to the line of sight to begin the stated time period. The target carriers should position the targets in the approximate center of the backstop.

(8) **Control Booth.** Range control booths must allow for maximum visibility and provide for easy access into and out of the range and ready area. The control booth should provide seclusion from and immediate access to the range environment. This design protects the range officer from frequent exposure to high sound levels and lead emissions.

(9) **Communications.** A communications system capable of relaying range commands distinct and separate from the sounds generated by shooting activities is required. Communications systems must account for shooters who wear two pairs of hearing protectors and persons who have substantial hearing loss.

(10) **Ventilation and Filtering Systems.** This section deals with the design or redesign of ventilation systems for indoor firing ranges. Administrative or engineering controls must be instituted to prevent shooters from being exposed to airborne lead levels exceeding acceptable limits. Administrative controls are used either when engineering controls fail to reduce exposure or when range use exceeds HVAC system specifications. Administrative controls are especially applicable to reducing risks on existing ranges.
(a) Administrative controls used to reduce exposure levels on an indoor range must be rigidly followed and enforced, and compliance must be recorded in a log book for purposes of analysis and reference.

(b) The following administrative controls are provided and must be used where individuals are frequently exposed to airborne lead.

1. Provide range maintenance personnel with appropriate PPE; e.g., safety glasses and respirators.

2. Provide proper HEPA filter cleaning equipment. The equipment must be able to remove accumulated lead dust from floors, walls, and ledges and must include attachments capable of removing lead-laden sand from the backstop area.

(c) A ventilation system must be installed that will provide clean air in the user’s breathing zone to reduce exposure to potentially dangerous materials to safe levels.

(d) Adopt administrative controls that monitor and control exposure time for a given user and/or assigned range personnel.

(11) Lighting.

(a) A visually safe facility should be free of excessive glare and major differences in light levels. Therefore, floors and ceilings should be designed to provide light reflection. In the event of a power outage, battery-powered emergency lighting must be provided for emergency exits.

(b) Rheostat-controlled lighting fixtures, which can reproduce near-daylight and low-light conditions, are best suited for indoor ranges. Range lighting involves three systems: general lighting, local lighting, and semi-direct lighting.

1. General lighting provides uniform light levels over the entire range area and adjoining areas and is usually installed in a symmetrical arrangement to blend with the architecture.

2. Local lighting supplements general lighting along the firing line to provide better visibility for those tasks associated with the loading and firing of firearms.

3. Semi-direct lighting distribution directs 60 to 90 percent of the lighting on the target with a small upward component to
reflect from the ceiling and walls to soften shadows and generally improve range brightness. When ceilings are white, lighting fixtures mounted too close together create excessive glare.

(c) Lamp specifications for general lighting must be adjustable to provide 0.2 to 50 foot-candles of luminance measured at a point 7 yards from the target line. Local lighting should produce 0.2 to 60 foot-candles of luminance on the firing line. Semi-direct lighting on the targets should achieve 0.2 to 100 foot-candles of luminance. Glare should be reduced or eliminated by incorporating pastel colors in the interior design.

(d) Lighting designs should also seek to balance the color of light emissions. For example, most fluorescent fixtures produce high levels of blue, which alone are not suitable for indoor ranges. If fluorescent fixtures are used, green tubes or other light sources should be installed to balance the colors.

(12) **Plumbing.** Plumbing requirements specify that there must be a fresh water supply for personal hygiene and for range cleaning chores. There must be a waste removal system for normal waste material and material removed from the range. An approved filtration system must be provided for range cleaning waste. Floor drains should be connected to the alternate waste system. Restrooms, showers, and sinks should be connected to a regular sewer system.

(13) **Sound Control.** Sound control on indoor ranges includes two distinct components: airborne and structure-borne sound. For airborne sound, all leaks into outer areas should be sealed, which includes airtight insulation around doors, windows, HVAC ducts, walls, and ceilings. Structure-borne sound reduction is necessary to protect adjoining, occupied rooms. Acoustical material should be applied to walls, HVAC ducts, floor, and ceiling areas.

(14) **Range Control.** Range control provides rules and supervision that encourage safe and proper use of a range. Safety devices control the physical use of an indoor range and may include warning lights, alarm bells, switch locations, etc. For example, an indoor range with a door in the downrange area should be equipped with an alarm. The door could also be secured by a mortise lock or barred from within but must remain a fire exit. Fire codes generally prohibit bars on doors that would delay escape from a building. Emergency personnel must be able to access the doors. Any door that can be accessed from the outside must be marked with warning devices to indicate when the range is in use. When installing doors on indoor ranges, refer to Life Safety Code National Fire Protection Association (NFPA) 101.
(15) **Target Carriers.** Target carriers are used for the convenience of shooters to allow them to continue shooting without delay when target changes are necessary. For health considerations, target carriers keep shooters out of the high lead concentration areas and safely behind the firing line.

(16) **Heaters.** Protected heating units should be installed behind and above the firing position to provide a comfort zone for shooters.

(17) **Gun Racks.** Gun racks should be mounted behind the firing positions as an additional safety feature to reduce gun handling and to keep the range areas orderly. Appropriate material should be used to construct the gun racks, and the design must correspond to the weapons being used.

6. **LIVE FIRE SHOOT HOUSE.**
   
a. **Introduction.**
   
   (1) A live fire shoot house (LFSH) is intended for use in advanced tactical training for Security Police Officers. Use of this facility includes individual tactics or Special Response Team force option training. All LFSHs must have an elevated observation control platform (EOCP). The following sections illustrate recognized construction methods for LFSHs. However, they do not eliminate the requirement for sound professional engineering design and validation.

   (2) Administrative controls not directly related to design and construction must be in place during facility use. The administrative controls and engineering design allow for a reduction in physical barriers that prevent rounds from escaping the facility. Designed barriers must prevent a round fired with a vertical upward error of 15° from escaping the facility.

b. **Site Selection.**
   
   (1) Site selection for an LFSH is similar to that for any range facility. Terrain features, noise, and availability of utilities and access roads must be considered, as already discussed in previous sections for indoor and outdoor ranges. The LFSH should be placed adjacent to other range facilities whenever possible so that it may utilize the same support facilities, access roads, etc.

   (2) Facility design, target and shooter placement, and other administrative controls minimize the possibility of rounds being fired over the top of the walls and leaving the structure and mitigate the need for an SDZ outside the confines of the LFSH proper.
c. Design and Layout.

(1) The interior layout of the facility is based on the mission and training requirements of the site. Facility design should incorporate a wide variety of room configurations. Some of the room configurations that should be considered are: multiple floors, an L-shaped room, stairwells, rooms within a room, hallways, and closets.

(2) The floor plan design should accommodate the movement of target systems, bullet traps, and other equipment into and out of the LFSH.

(3) Exposure to airborne contaminants for a fully enclosed LFSH must be controlled by adequate ventilation. The lighting requirements are similar to those for indoor ranges.

d. Wall Construction.

(1) Wall Height. Exterior walls of the LFSH must be designed to absorb the most energetic projectile identified for use within the facility. Wall height must be a minimum of 8 feet. The wall height should allow a maximum error angle of 15° from horizontal standing shooting distance from the target and still enable a projectile to be contained by the wall, which can be described by the following equation: Wall Height is equal to the muzzle height plus 0.27 (tangent 15°) times the target distance. The following table assumes a muzzle height of 5 feet.

<table>
<thead>
<tr>
<th>Distance from Muzzle to Ballistic Wall (Feet)</th>
<th>Wall Height (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11’ 1”</td>
<td>8’ 0”</td>
</tr>
<tr>
<td>13’ 3”</td>
<td>8’ 6”</td>
</tr>
<tr>
<td>14’ 10”</td>
<td>9’ 0”</td>
</tr>
<tr>
<td>17’ 0”</td>
<td>9’ 6”</td>
</tr>
<tr>
<td>18’ 6”</td>
<td>10’ 0”</td>
</tr>
<tr>
<td>20’ 9”</td>
<td>10’ 6”</td>
</tr>
<tr>
<td>22’ 2”</td>
<td>11’ 0”</td>
</tr>
<tr>
<td>24’ 5”</td>
<td>11’ 6”</td>
</tr>
<tr>
<td>25’ 11”</td>
<td>12’ 0”</td>
</tr>
</tbody>
</table>

If the distance from muzzle to ballistic wall exceeds the required wall height, other administrative, engineering or natural ballistic wall controls must be administered or considered such as shooter-to-instructor ratio, canopies, baffles, natural terrain, existing SDZ, standard operating procedures, and training.

(2) Ballistic Walls. Ballistic interior walls are the preferred method of construction. Where non-ballistic interior walls are used, additional administrative controls must be applied to target placement and team
choreography. Ballistic walls are required in all cases where containment of the round and protection of personnel is paramount.

(a) **Footings.** Footings must be designed using the engineering criteria that best ensures structural integrity and stability of wall construction.

(b) **Composite Walls.**

1. A combination of ¾-inch exterior grade plywood and steel is effective. Minimum thickness will be ¼-inch mild steel with an exterior-grade plywood separated by a minimum of ¾ inch with a maximum of 1½ inches from the steel surface.

2. Other combinations are possible. The main criterion is that the wall must stop any round fired and contain bullet fragments.

(3) **Non-Ballistic Walls.** These walls are constructed of materials that offer no protection to personnel or equipment in adjoining rooms. Material used for these walls must not contribute to or enhance ricochet or splatter. Additional administrative controls must be applied such as target placement and team choreography.

e. **Doors.** All doors must be constructed of wood with no glass. Additionally, at least a portion of the rooms must have working doors, some opening inward, some opening outward, and doors opening left and right.

NOTE: All devices in the LFSH, such as brackets and hangers, used to secure walls to floors or secure doors must be covered or protected to mitigate any tripping or ricochet hazards.

f. **Ceiling or Roofs.** Ceilings or roofs can be of value when the shoot house is required for year-round use in areas with severe weather conditions. Exposure to airborne contaminants must be controlled by adequate ventilation. The lighting requirements for fully enclosed shoot houses are similar to those for indoor ranges. When training exercises require target placement above the wall design, the ceiling or roof must be protected unless firing into an approved SDZ.

g. **Floors.**

1. Floor construction must be selected for its ability to absorb direct fire, minimize ricochets, and provide a walking surface free of slipping/tripping hazards. Floors should provide the same ricochet protection as walls. Options include:
(a) exterior-grade plywood floor constructed in accordance with American Plywood Association guidelines over smooth finished concrete;

(b) concrete with brushed surface that minimizes slip and tripping hazards;

(c) asphalt;

(d) exterior-grade plywood;

(e) shredded bias-ply tires; and

(f) earth, free of rocks and debris that could cause ricochet.

(2) Construction joints between walls and floors must be designed to contain projectiles within the LFSH.

h. Bullet Traps.

(1) General Information.

(a) Targets used in LFSHs must be placed so that fire is directed into a bullet trap designed to capture the rounds.

(b) Bullet traps must be constructed to contain the most energetic projectile to be fired into them without dimpling/pitting the steel and contain splatter and fragments in all directions. The size and shape of a bullet trap may be altered, but materials may not be substituted.

(2) Specifications for construction. See “Use of Bullet Traps and Steel Targets” for Shoot House bullet trap information.

i. Elevated Observation Control Platform (EOCP).

(1) EOCPs enhance the ability to observe and control LFSH operations. Administrative controls must be considered when constructing the EOCP. Platform construction and location is based on the training to be conducted. EOCPs must be constructed in accordance with all applicable regulations for elevated work platforms.

(2) EOCPs must be constructed to:

(a) maximize instructors’ observation and control of the entry team fire and movement;
(b) facilitate communication between instructors on the EOCP and the floor;

(c) position the lowest point of the horizontal walking surface higher than the 15° vertical error for any target engaged;

(d) provide ready access;

(e) integrate instructors’ movement with team flow;

(f) maximize instructors’ ability to see shooters clearly at all times; and

(g) have supporting structures placed so that they pose no additional hazards such as tripping, ricochet, splatter, etc.
ATTACHMENT 1 -- RANGE DESIGN FIGURES

Figure 1. Surface Danger Zone for Small Arms Firing at Fixed Ground Targets
Figure 2. SDZ for Small Arms Weapons Firing at Moving Ground Targets
Figure 3. SDZ for Small Arms Firing at Fixed Ground Targets with Rocky Soil or Targets Causing Ricochet
Figure 4. SDZ for Firing M79, M203, and M19 40mm Grenade Launchers
Figure 5. SDZ with Impact Berm for Small Arms Firing at Fixed Ground Targets
Figure 6. Open Range with Impact Berm and Side Protection SDZ for Small Arms Firing at Fixed Ground Targets
Figure 7. SDZ for Partially Baffled Range (Small Arms Firing at Fixed Ground Targets)
Figure 8. SDZ for Fully Baffled Range (Small Arms Firing at Fixed Ground Targets)
Figure 9. Ballistic Overhead Canopy
Figure 10. Outdoor Rifle Range Layout
Figure 11. Pistol Range Layout
Figure 12. Ballistic Material
Figure 13. Ballistic Protection of Target Mechanism
Figure 14. Impact Berm for Open and Partially Baffled Ranges
Figure 15. Outdoor Baffled Bullet Stop
Figure 16. Baffled Range Profile
Figure 17. Baffled System Geometry
Figure 18. Overhead Baffle Ballistic Designs
Figure 19. Parallel Ranges
Maximum range of the most powerful cartridge used (see Table 1)

**Impact Area**

- **Width of Range**
- **Ricochet Area**
- **100m**
- **Limit of Fire**

**Secondary Danger Area**

Defined as:
AREA PROVIDED TO CONTAIN FRAGMENTS FROM ITEMS EXPLODING OR RICOCHETING ON THE RIGHT OR LEFT OF THE IMPACT AREA

**Target Line**

**Firing Line**

**Range Width**

**Open Range**

**Figure 1**
Surface Danger Zone for Small Arms Firing at Fixed Ground Targets

100m (109 yds.)

200m (219 yards)
Maximum range of the most powerful cartridge used (see Table 1)
30º
100m
100m
5º
5º
5º
5º
MOVING TARGET AREA

THE CONTROLLING "CLOSE-IN" DOWNRANGE SIDE LIMITS ARE DETERMINED BY THE END-POSITION FIRING LANES

TARGET LINE
THE CONTROLLING "DISTANT" DOWNRANGE SIDE LIMITS ARE DETERMINED BY THE PROJECTION OF EXTREME FIRING POINTS THROUGH THE OPPOSITE EXTREME TARGET POINTS

LIMIT OF FIRE FROM RIGHT FIRING POINT
LIMIT OF FIRE FROM LEFT FIRING POINT

SECONDARY DANGER AREA
AREA PROVIDED TO CONTAIN FRAGMENTS FROM ITEMS EXPLODING OR RICOCHETING ON THE RIGHT OR LEFT OF THE IMPACT AREA

SECONDARY DANGER AREA DEFINED AS:

Figure 2
Surface Danger Zone for Small Arms Weapons
Firing at Moving Ground Targets
Figure 3
Surface Danger Zone for Small Arms Firing
At Fixed Ground Targets with Rocky Soil
Or Targets Causing Ricochet
Notes:
1. Prohibit cross-lane firing when using multiple firing positions.
2. **Maximum range (400 m/437 yd) may be reduced when positive elevation control devices are used to limit range to impact distance.**
3. For MK19, 40mm machine gun, maximum range is 2200m (2406 yd.) and will not be reduced.

**Figure 4**
Surface Danger Zone for Firing
M79, M203, and M19 40mm Grenade Launchers
Maximum range of the most powerful cartridge used (see Table 1)

**Impact Area**

- **Width of Range**
- **Ricochet Area**
- **Limit of Fire**
- **Impact Berm**

**Figure 5**
Surface Danger Zone with Impact Berm for Small Arms Firing at Fixed Ground Targets
Figure 6
Open Range with Impact Berm and Side Protection Surface Danger Zone for Small Arms Firing at Fixed Ground Targets
Figure 7
Surface Danger Zone for Partially Baffled Range
(Small Arms Firing at Fixed Ground Targets)
Figure 8
Surface Danger Zone for Fully Baffled Range
(Small Arms Firing at Fixed Ground Targets)
Figure 9
Ballistic Overhead Canopy
Figure 10
Outdoor Rifle Range Layout

NOTES:
1. TARGET/OR FIRING LINES AS REQUIRED BY ACTIVITY
2. FIRING LINE AND TARGET LINES ARE PARALLEL. FIRING LINE POSITIONS ALIGNED WITH TARGET POSITIONS
3. MINIMUM DISTANCE BETWEEN TOE OF IMPACT BERM AND TARGET PIT, WHERE PERSONNEL PULL TARGETS SHOULD BE 25 m, (27 yds)

DIRECTION OF FIRE
Figure 11
Pistol Range Layout
Figure 12
Ballistic Material

NOTE: SEE TABLE 2 FOR THICKNESS OF STEEL
Ballistic Protection of Target Mechanism

Figure 13

Free Standing Turning or Pop-up Mechanism
Figure 14
Impact Berm for Open and Partially Baffled Ranges

Notes:
1. Outline of impact berm if all earth berm is used in lieu of combination earth berm/baffle.
2. Back slope may be increased or decreased dependent upon soil stability, erosion potential, or maintenance equipment.
3. Provide adequate distance between berm and target line for maintenance of target and slope of berm [minimum 9 m (10 yd)].
4. Preferred slope of impact berm face is 1:1 or steeper. For shallower slopes a bullet catcher is required. Top baffle must be placed as shown if used in lieu of all earth berm. Bullet catcher is 0.95 cm (3/8 in.) steel plate positioned above point of bullet impact at 90° angle to face of berm slope. Plate protrudes at least 0.6 m (2 ft) from face of berm.
Figure 15
Outdoor Baffled Bullet Stop
Figure 16
Baffled Range Profile

NOTES:
1. PROFILE BASED ON A LEVEL RANGE
2. OVERHEAD BAFFLES 1.25 TO 2.0 m HIGH, BOTTOM SET 0.15 m ABOVE UPPER FIRING LIMIT.
3. HORIZONTAL SPACING AS REQUIRED TO BRING BULLET TO TOP OF BAFFLE FRONT FACE.

SEE DETAIL "A"

1.36 yd – 2 yd

0.15 m (typ.) (6 inches)

1 m

1.85 m (2 yd)

1.5 m (5 ft)

TARGET LINE

IMPACT BERM

IMPACT POINT: 1.5 m of minimum below top of berm, 0.5 m for fully baffled
Notes:
1. These are typical examples of a baffled range.
2. Baffles are spaced according to the downrange area.
   a. Where inhabitants are less than 0.4 km (0.25 mi), use design “A.”
   b. Where controlled areas extend beyond 0.4 km (0.25 mi), use design “B.”
3. Baffle installation may not be required where terrain features such as mountains exist.
4. When baffles may be required as encroachment occurs, plan a program of installation over a 5-year period.
5. See Figure 9 for firing line cover details.

Figure 17
Baffle System Geometry
Figure 18
Overhead Baffle Ballistic Designs

Wood Cap

Wood Cap

Wood Cap

Wood Cap

Steel Post

Steel Post

Support Post

Support Post

Support Post

Wood dimensions are nominal.
NOTE: SURFACE DANGER ZONES FOR PARALLEL UNBERMED RANGES MAY OVERLAP AS SHOWN, BUT NOT CLOSER THAN 45 m (50 yd) TO THE ENTRY POIN FOR THE TARGET LINES ON THE ADJACENT RANGE. WHEN THIS IS NOT POSSIBLE AND THE REQUIREMENT EXISTS FOR SIMULTANEOUS OPERATION OF ADJACENT RANGES, A SEPARATING WALL OR BERM WILL BE REQUIRED. THE LENGTH OF THE WALL OR EMBANKMENT SHALL BE FROM THE MOST DISTANT FIRING LINE TO THE TARGET LINE. THE WALL MAY BE 200 mm (8 in) THICK CONCRETE, 300 mm (12 in) THICK GROUT-FILLED CONCRETE MASONARY UNIT, OR EQUIVALENT.
WHEREAS,….  

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance as provided:

I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

II. Amended Text: The existing language of Section 7.01.D.32 is hereby deleted and replaced with the following:

7.01.D.33 Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting, noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities are activities including but not limited to polo clubs and similar uses, to exclude: outdoor target practice, athletic fields with lights, paintball facilities, and riding stables.

III. Deleted Text: The existing language of Section 7.01.D.33 is hereby deleted in full.

IV. Amended Text: The existing language of Section 10.03.B.4 is hereby deleted and replaced with the following:

10.03.B.4 Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting, noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities are activities including but not limited to polo clubs and similar uses, to exclude: outdoor target practice, athletic fields with lights, paintball facilities, and riding stables.

V. Amended Text: The existing language of Section 10.03.B.4 is hereby deleted and replaced with the following:

10.03.B.4 Outdoor Target Practice or Shooting, to include all shooting on commercial property (including all property inviting the retail sale of goods and/or services) and shooting ranges accommodating more than two people shooting at the same time but otherwise not including private shooting in your own yard, 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. Requires conformity with U.S. Government Range Design Criteria, as that in U.S. Department of Energy Range Design Criteria, including adherence to design standards, concern for community growth, care for Surface Danger Zones (SDZs) (which require considerable SDZs for target shooting or allow for baffle systems with canopy shields and berms to contain projectiles), and support facilities.
I. The filings should include:
   A. Appropriate plans for all facilities, drafted by engineers and/or architects as appropriate,
   B. A layout of the proposed range with a safety fan in a cross section and top view,
   C. A safety plan describing, at a minimum, the duties and qualifications range supervisors and measures planned to be taken to ensure safety of all participants, bystanders, persons and property in the environs, and to prevent projectiles from escaping the property, reviewed by a qualified range master,
   D. A noise plan,
   E. An environmental impact/stewardship plan,
   F. A narrative describing, in detail, the proposed use and nature of the range, stating, at a minimum, the type of range (i.e. public, private, not-for-profit, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation,
   G. As a separate plan or included in another plan, a hazardous waste plan addressing lead management conforming to all Kendall County regulations, State of Illinois laws, and United States Environmental Protection Agency’s best management practices standards and regulations, and
   H. A water and drainage plan to be approved by the Kendall County Planning, Building, and Zoning Office.
   I. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.

II. Safety Danger Zones (SDZs) should be established to contain all projectiles and debris caused by firing ammunition as dictated by U.S. Range Design Criteria. SDZ Dimensions are dictated by the types of ammunition, types of targets, and types of firing activities allowed on the range. A basic SDZ consists of three parts: impact area, ricochet area, and secondary danger area.
   A. The primary danger area established for the impact of all rounds extends 5° to either side of the left and right limits of fire and downrange to the maximum range of any ammunition to be used on the range.
   B. The ricochet area is 5° to either side of the impact area and extends downrange to the maximum range of any ammunition to be used on the range.
   C. The secondary danger area is that area paralleling, and 100 yards outside of, the outermost limits of the ricochet area and extending downrange to the maximum range of any ammunition to be used on the range. See Table 1: Maximum Range of Small Arms Ammunition.
   D. Boundaries of SDZs must be posted with permanent signs warning persons of the danger of the live-fire range and prohibiting trespassing. The signs must be posted in a way that will ensure a person cannot enter the SDZ without seeing at least one legible sign.
E. Limit of fire markers, both external and internal, must be used to denote right and left limits of fire. Where cross firing is to be conducted, internal limit markers must be emplaced to denote internal right or left limits of fire from specific firing positions.

F. To change the size and shape of an SDZ, baffles shall be installed Partial and full baffle systems consist of the following components: overhead baffles, a canopy shield over firing points, bullet impact berm, and side berms, sidewalls, or side baffles. A fully baffled range must be constructed so all direct fire can be contained within the range.

G. For further illustration of surface danger zones, ricochet areas, appropriate berms, baffles, canopies, and layouts, see illustrations in Attachments.

b. Requires minimum parcel size of $20$ acres, depending on the venue.

c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.

d. State recognized, nationally recognized or NRA certified range supervisor must be present at all times when firing is taking place.

e. A range flag must be flown, a sign prominently displayed, or a red light lit at all times that firing is taking place.

f. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range and must, at a minimum, include coverage for property damage, bodily injury or death, and personal injury protection. The insurance policy must be purchased from an A++ rated (or equivalent) insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.

g. Hours and days of operation shall be specified by the Special Use Permit as determined by the County Board. Hours and days of operation shall be specified by the Special Use Permit as determined by the County Board, not to exceed one hour after sunrise to one hour before sunset.

h. Access must be controlled by a lockable gate. Access must be controlled by a locked and gated entrance. The range proper shall be gated and fenced such in a manner so as to prohibit entrance on to the property by members of the public and shall have signs posted at one hundred foot (100’) intervals warning members of the public of the danger.

i. Law enforcement, fire and emergency personnel shall have security access in addition to and as required by all applicable state and federal laws.

j. Hazardous waste plan addressing lead management required.

k. No discharge of lead shot into wetland.

l. Must be at least $1,000$ feet from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
m. Proposals shall include site plans with safety plans, including a layout of the range with a safety fan in cross section and top view in accordance with U.S. Department of Energy criteria for Range Design.

n. No alcohol or other drugs are allowed on the premises. No person may be under the influence of such substances while on the range and range premises.

o. No projectiles shall leave the boundaries of the site.

p. All applicable Federal, State and County rules and regulations shall be adhered to.

q. Must meet all requirements of the Kendall County Health Department.

r. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.

s. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.

t. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.

u. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance. (Not more than sixty percent (60% of the area of the lot may be covered by buildings or structures, including accessory buildings).

v. The range shall abide by the following noise regulations (so as not to exceed allowable residential noise in accordance with Kendall County Illinois Ordinance No. 13-18):

   I. 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 (60) 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.

   II. 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.

w. Outdoor target practice and public or private shooting ranges operating under permit prior to the date of the adoption of this ordinance [DATE] shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.

x. Outdoor target practice and public or private shooting ranges established after the date of the adoption of this ordinance [DATE] must comply with the above regulations or secure applicable variances.
<table>
<thead>
<tr>
<th>Caliber</th>
<th>Maximum range of small arms ammunition (distance in meters/yards)</th>
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<tr>
<td>.22 long rifle</td>
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<td>.38 revolver</td>
<td></td>
</tr>
<tr>
<td>Ball, M41</td>
<td>1600/1749</td>
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<tr>
<td>Ball PGU-12/8</td>
<td>1900/2077</td>
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<tr>
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<tr>
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<td>1908/2086</td>
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<tr>
<td>Frangible</td>
<td>1000/1093</td>
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<td>.45 submachine gun</td>
<td>1500/1640</td>
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<td>.357 magnum</td>
<td>1600/1749</td>
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<td>600/656</td>
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<td>.30 rifle and machine gun</td>
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<td>Ball, M23</td>
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<td>40mm</td>
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<td>400/437</td>
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<tr>
<td>Mk-19 40mm</td>
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Figure 1
Surface Danger Zone for Small Arms
Firing at Fixed Ground Targets
Figure 2
Surface Danger Zone for Small Arms Weapons
Firing at Moving Ground Targets
Figure 3
Surface Danger Zone for Small Arms Firing
At Fixed Ground Targets with Rocky Soil
Or Targets Causing Ricochet
Figure 5
Surface Danger Zone with Impact Berm
for Small Arms Firing at Fixed Ground Targets
Figure 6

Open Range with Impact Berm and Side Protection Surface Danger Zone for Small Arms Firing at Fixed Ground Targets
Figure 7
Surface Danger Zone for Partially Baffled Range
(Small Arms Firing at Fixed Ground Targets)
Figure 8
Surface Danger Zone for Fully Baffled Range
(Small Arms Firing at Fixed Ground Targets)
NOTES:
1. TARGET/OR FIRING LINES AS REQUIRED BY ACTIVITY
2. FIRING LINE AND TARGET LINES ARE PARALLEL. FIRING LINE POSITIONS ALIGNED WITH TARGET POSITIONS
3. MINIMUM DISTANCE BETWEEN TOE OF IMPACT BERM AND TARGET PIT, WHERE PERSONNEL PULL TARGETS SHOULD BE 25 m. (27 yds)

Figure 10
Outdoor Rifle Range Layout
Figure 11
Pistol Range Layout
Figure 12
Ballistic Material

NOTE: SEE TABLE 2 FOR THICKNESS OF STEEL
Figure 13
Ballistic Protection of Target Mechanism
Notes:

1. Outline of impact berm if all earth berm is used in lieu of combination earth berm/baffle.

2. Back slope may be increased or decreased dependent upon soil stability, erosion potential, or maintenance equipment.

3. Provide adequate distance between berm and target line for maintenance of target and slope of berm [minimum 9 m (10 yd)].

4. Preferred slope of impact berm face is 1:1 or steeper. For shallower slopes a bullet catcher is required. Top baffle must be placed as shown if used in lieu of all earth berm. Bullet catcher is 0.95 cm (3/8 in.) steel plate positioned above point of bullet impact at 90° angle to face of berm slope. Plate protrudes at least 0.6 m (2 ft) from face of berm.

Figure 14
Impact Berm for Open and Partially Baffled Ranges
Figure 15
Outdoor Baffled Bullet Stop
Figure 16
Baffled Range Profile
Escape angle 90° or Greater

Design "A"

Firing Line Cover

15 m to 183 m
(50 ft to 200 yd)

45° Escape Angle

Design "B"

Notes:

1. These are typical examples of a baffled range.
2. Baffles are spaced according to the downrange area.
   a. Where inhabitants are less than 0.4 km (0.25 mi), use design "A."
   b. Where controlled areas extend beyond 0.4 km (0.25 mi), use design "B."
3. Baffle installation may not be required where terrain features such as mountains exist.
4. When baffles may be required as encroachment occurs, plan a program of installation over a 5-year period.
5. See Figure 9 for firing line cover details.

Figure 17
Baffle System Geometry
NOTE: SURFACE DANGER ZONES FOR PARALLEL UNBERMED RANGES MAY OVERLAP AS SHOWN, BUT NOT CLOSER THAN 45 m (50 yd) TO THE ENTRY POINT FOR THE TARGET LINES ON THE ADJACENT RANGE. WHEN THIS IS NOT POSSIBLE AND THE REQUIREMENT EXISTS FOR SIMULTANEOUS OPERATION OF ADJACENT RANGES, A SEPARATING WALL OR BERM WILL BE REQUIRED. THE LENGTH OF THE WALL OR EMBANKMENT SHALL BE FROM THE MOST DISTANT FIRING LINE TO THE TARGET LINE. THE WALL MAY BE 200 mm (8 in) THICK CONCRETE, 300 mm (12 in) THICK GROUT-FILLED CONCRETE MASONARY UNIT, OR EQUIVALENT.

Figure 19
Parallel Ranges
CALL TO ORDER
Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:
Members Present:  Randy Mohr (Chair); Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, and Dick Thompson
Members Absent:  Dick Whitfield
Staff Present:  Matthew Asselmeier, AICP, Senior Planner and Jasmine Brown Watkins, Office Assistant
Public:  Mark Perle, Priscilla Gruber, Margaret Sheehan, Linda Wilkinson, Martin Cann, Ed Gruber, Becky Peterson, Brian Barnwell, Lane Abrell, Tom Grant, Paul Kovacevich, Joe Phillips, Zach Barnwell, Jan Alexander, DJ Kramer, Boyd Ingemunson, John Whitehouse, Scott Wallin, Nate Howell, Deputy Commander Jason Langston, and Bob Davidson

PETITIONS
The Zoning Board of Appeals started their review of Amended Petition 17-28 at 7:06 p.m.

Amended Petition 17-28 – Kendall County Planning, Building and Zoning Committee
Request:  Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Purpose:  Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges

Mr. Asselmeier summarized the petition.

The Kendall County Planning, Building and Zoning Committee has been researching outdoor target practice and shooting range regulations for the last several months. Using the regulations of several neighboring and nearby counties, the Planning, Building and Zoning Committee drafted a proposed amendment to the Kendall County Zoning Ordinance and approved initiating a text amendment at their meeting on September 11, 2017.

ZPAC reviewed this proposal at their meeting on October 3rd. A large amount of discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate. ZPAC voted three (3) in favor (Langston, Rybski, and Guritz), one (1) in opposition (Klaas), three (3) abstain (Andrews, Clayton, and Asselmeier), and three (3) absent (Holdiman, Chismark, and Davidson).
The Kendall County Regional Planning Commission met on this proposal on October 25, 2017, and expressed the following concerns regarding the proposal:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500') from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.
6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see “license” be grouped with easement regarding access to public roads.

The Kendall County Planning, Building and Zoning Committee responded by spending the next several months refining the proposal. At their meeting on June 11, 2018, the Kendall County Planning, Building and Zoning Committee approved the proposal in its current format.

The Kendall County Regional Planning Commission reviewed the revised proposal at their meeting on June 27, 2018, and expressed the following concerns regarding the proposal. The Kendall County Planning, Building and Zoning Committee’s responses are bolded:

1. The exemption for the Forest Preserve District and lands owned by the State of Illinois and used for parks should be removed. The public health, safety, and welfare issues that the proposal seeks to address are the same for publicly owned lands and privately owned lands. **The activities of the Forest Preserve District are exempt from zoning if the activity is a permissible use as defined by the Downstate Forest Preserve Act.**
2. The Commission would like the proposal divided into three (3) parts: shotgun, rifle, and pistol. The Commission believes that this division would resolve issues related to minimum lot size and distance to neighboring structures. In talking with PBZ Chairman Davidson, Staff believes that the resulting division would simply cause petitioners to request three (3) special use permits. **The Planning, Building and Zoning Committee concurred with PBZ Chairman Davidson that prospective gun ranges would seek multiple special use permits. The County can evaluate proposals on a case-by-case basis and place appropriate restrictions on special use permits.**
3. Commissioners were concerned regarding the removal of the five (5) acre minimum lot size requirement; ranges would simply have to meet the setbacks of the zoning district. PBZ Chairman Davidson would like the setbacks to be determined on a case-by-case basis. **The**
The consensus of the Planning, Building and Zoning Committee was that a property would need to be of sufficient size to comply with the setback, berming, and noise requirements contained in the proposal.

4. Commissioners were concerned regarding the removal of the one thousand foot (1,000’) buffer between ranges and churches, schools, and neighboring houses. PBZ Chairman Davidson would like the distances to be determined on a case-by-case basis. The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.

5. Commissioners were concerned about the noise requirement. Unlike other noise regulations, the sixty-five (65) dBA requirement would be constant instead of lowering to fifty-five (55) dBA at 10:00 p.m. PBZ Chairman Davidson would like the noise regulations to be evaluated on a case-by-case basis. The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.

Accordingly, the Planning, Building and Zoning Committee made no changes to the proposal.

At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial of the proposal.

The following comments on the proposal were provided at the July 25th meeting:

Ms. Wilson looked into the downstate Downstate Forest Preserve Act and could not find exemptions that pertained to the special use permit applied to the Kendall County Forest Preserve. There are permits that can be granted to outside users. Ms. Wilson also questioned where the source of the proposal originated. Mr. Asselmeier noted the Planning, Building and Zoning Committee made the final call for what was put in the proposal. Ms. Wilson questioned what reason for the minimum of five (5) acre lot size. Mr. Asselmeier noted it was set at that requirement back in 2015. The Planning, Building and Zoning Committee wanted the dimensions to be based on the setbacks, berming requirements and type of firearm. All the other setbacks would have to be met, even if the five (5) acre requirement was not obtained.

Mr. Nelson stated that the decision of the County Board on this matter is not based on law. He questioned why the language should be put in if the Kendall County Forest Preserve is exempted. If the regulations are already in the law, there is no reason to put it in the ordinance. Mr. Nelson understood looking at petitions on a case-by-case basis, but did feel that greater direction was needed.

Mr. Shaw questioned the noise requirement and if shooting can last all night. Chairman Ashton responded that it depends on a case-by-case basis and that shooting could occur all night under the proposal. Chairman Ashton noted the Sheriff Department’s range was approved years ago and the proposal does not apply to that range.

Discussion occurred regarding the Sheriff Department’s range. Mr. Davidson responded that the special use allows lights. Chairman Ashton noted the special use permit did not allow lights. However,
the special use permit should include lights if someone wants to put up lights. Mr. Nelson noted, if someone has a special use permit with no restrictions on hours of operation, it is reasonable for the individual to put up lights. Mr. Asselmeier noted the time for the range was 7 a.m. to 8 p.m. and that lighting shall meet the standards of the Zoning Ordinance. Ms. Wilson agreed with Mr. Shaw. She stated she lives next to a shooting range and would not be okay with it going on after 10 p.m. She also advocated for a lower decibel level because noise can be disruptive and dangerous to the public.

Mark Perle, Old Ridge Road, expressed disappointment that none of the points were really discussed at the July 9th meeting. Mr. Perle would like to see commercial businesses to be subject to commercial gun range regulations. He would like to see a maximum number of shooters on private commercial property. Discussion occurred about shooting coming from one property and hitting nearby houses. There was no input taken from the citizens groups. He did not believe the general public will be receptive. The Planning, Building and Zoning Committee referred to David Lombardo as their expert. Mr. Nelson stated the Commission was an advisory board and provided all the information but the Planning, Building and Zoning Committee took a different approach.

Priscilla Gruber, Old Ridge Road, believed that the Planning, Building and Zoning Committee wanted to decide petitions on a case-by-case basis and she objected to that idea. She argued that the public has no guidelines and no one can plan or know what the neighborhood will be like. She argued that too much discretion lay with the people in office at that time, but County Board members change. She did not want to see the County adopt the policy. Mr. Nelson responded that Ms. Gruber should go to the County Board meeting. Ms. Wilson suggested that Ms. Gruber research the Downstate Forest Preserve Act.

Linda Wilkinson, Old Ridge Road, believed the County Board should take measures to enhance the quality of life for the residents. She argued that property values will decrease next to gun ranges. In her case, her property would be unsellable. She requested a negative recommendation.

These proposed changes do not apply to the Sheriff’s Office Range or any outdoor gun range or outdoor gun club currently lawfully operating. None of the existing outdoor gun clubs or outdoor gun ranges would meet the requirements of this proposal.

ZPAC has not reviewed the proposal in its current form.

The townships and all of the gun ranges/shooting clubs have been informed of this proposal. The last update letter to the townships and gun ranges/shooting clubs was mailed on August 1, 2018. To date, none of the townships have provided comments. The gun ranges/shooting clubs provided comments to the Kendall County Planning, Building and Zoning Committee and the proposal was changed to reflect their concerns.

Ms. Clementi sought clarification regarding, if Petition 17-28 did not pass, does the current rules and requirements stay the same. Mr. Asselmeier confirmed, if the proposal fails, the existing regulations will stay in place.

Chairman Mohr questioned Mr. Asselmeier what changes would go into effect compared to the current regulations. Mr. Asselmeier stated anyone who wishes to open an outdoor shooting range in the unincorporated areas zoned agriculture would be required to provide more documentation than what is currently required. The (5) five acre minimum would not be required; they would have to meet the
setback of one hundred fifty feet (150’) and fifty foot (50’) side and rear setbacks. The requirement to have a recognized National Rifle Association (NRA) instructor would not be required and the owner would have the discretion to hire whom they deem qualified. Also, access to the shooting range must have a controlled gate and berming may be substituted for fencing. Proposed gun ranges would not have to be a one thousand feet (1,000’) from schools, churches, and similar buildings. Mr. Asselmeier noted the proposed regulations would also change the noise requirement by setting the noise levels at sixty-five (65) DBA for twenty-four (24) hours.

Chairman Mohr restated the proposed changes for clarification.

Mr. Davidson stated the five (5) acre rule can now be more than five (5) acres and the focus was having a set of rules for prospective gun ranges. The goal was not to make the proposal too restrictive, but to allow flexibility.

Chairman Mohr asked what were the noise regulations for banquet facilities. Mr. Asselmeier responded sixty-five (65) DBA until 10 p.m. and fifty-five (55) DBA after 10 p.m.

Chairman Mohr opened the public hearing at 7:34 p.m.

Mr. Asselmeier provided emails from residents Sharon Ward and William Sales for the record. Without objection, these emails were read into the record.

Priscilla Gruber, Old Ridge Road, requested the current proposal be rejected. She did not believe it promotes the welfare of the citizens. Also, the current proposal removes any acreage requirement, allowing a gun rang to be on any size lot, and distance requirement to property lines is another negative. She did not believe gun ranges were desirable next to churches or schools. She continued to state the proposal removed the requirement to have a qualified designated person to run the range. She argued the issue of dealing with proposals on a case-by-case basis produces uncertainty and confusion.

Mark Perle, Old Ridge Road, stated his concerns were with the private shooting ranges that should be defined as commercial shooting ranges. He stated this issue needs to be addressed if the rules are going to be changing. He argued there are currently businesses commercially providing shooting ranges on their private property. He did not believe someone can be a private shooting range and commercial. He continued to say people were abusing their special use permit but did not have a problem with residents shooting on their property. He recommended the County implement liability insurance for the gun ranges. He did not agree with removal of the range master, setbacks, one thousand foot (1,000’) feet distance requirement, and five (5) acre rules. He referenced that commercial paint ball ranges are required to have a minimum of twenty (20) acres. Lastly, the National Rifle Association (NRA) is a private organization that can change their rules at any time. Kendall County should follow a federal agency’s regulations.

Chairman Mohr questioned if there were any good aspects of the proposal. Mr. Perle stated changing the verbiage for shooting in yards to shooting on property is beneficial. He did not agree with gun ranges next to schools and churches.
Linda Wilkinson, Old Ridge Road, stated that she did not agree with the proposed changes and requested the Zoning Board of Appeals to deny the changes. She stated the proposed changes did not promote safety and regulate the noise properly. She referenced the National Rifle Association (NRA) certification for range master and she argued property next to shooting ranges suffer from loss of value. The three (3) main reasons for the lower value are noise, safety, and environmental factors. She agreed with the Environmental Protection Agency (EPA) standards that were under consideration. However, these regulations are very difficult to enforce.

Mr. Thompson questioned Ms. Wilkinson regarding the sources she used for the decibels of firing from rifles. Ms. Wilkinson responded she used multiple sites along with having the police department recording the decibels while shooting occurred. Mr. Thompson stated that, compared to jet engines, the dBA of the shooting seemed inflated. Also, he stated he has been around the shooting of rifles and did not believe it be that loud.

Becky Peterson, Church Road, stated she has concerns regarding the proposed changes and have been dealing with the issue of unauthorized gun ranges for the last three (3) years. She stated residents should be able to enjoy their property without the fear of bullets. The issues of downgrading the property size, lowering the acreage size, and noise regulation were problems. She argued there needed to be a concrete set of rules for gun ranges and not be handled on a case-by-case basis. She argued property value and the quality of life for other residents will diminish. She stated she believed no gun ranges should be allowed in agriculture zoned areas. She did not believe the proposal was conducted on a bipartisan level and did not include the residents.

Ms. Peterson stated a potential gun range was proposed next to her property. She requested to provide video regarding that proposed range as evidence. Mr. Asselmeier questioned if the video was current. Ms. Peterson responded the video was recorded during the time when the neighboring property owner was attempting to obtain a special use permit. She stated there was still shooting on at the neighboring property. However, she cannot prove that shooting was occurring as part of a business.

Ms. Clementi stated she agreed with keeping agriculture in Kendall County. However, the Zoning Board of Appeals cannot tell someone what to do with their property. Ms. Peterson responded that the focus should be on safety and place gun ranges in commercial areas. She recommends no gun ranges in agriculturally zoned areas.

Lane Abrell, Superintendent for Plainfield School District 202, stated that he believes the proposal is a bad idea; specifically deleting the acre (5) acre requirement and the requirement that ranges be at least one thousand feet (1,000’) from a school. He stated residential growth within Kendall County will cause the school district to look for more properties in the future and gun ranges could be located next to these properties.

Margaret Sheehan, White Oak Drive, stated she that was concerned with the supervisor position because the proposed regulations make it unsafe for the participants at the range. She is an active shooter and believes it would be too dangerous. She was opposed to the idea that decisions could be made on a case-by-case basis.

Zack Barnwell, Thomas Court, stated that he is a member of the Barber Greene Hunting and Fishing Club and also an active shooter. Barber Greene has been a business in Kendall County since the 1960s...
and has not had a safety issue at their club. Also, there is another gun range located next to them. He stated the firing lines from the two gun ranges are over nine hundred feet (900’) apart. He recommended the Zoning Board of Appeals vote yes for the proposal. He stated that the National Rifle Association (NRA) courses for ranger supervisors were vigorous, but not law. He recommended, if other residents were concerned with the noise of a fire arm, they should contact their state or local representatives.

Mr. Fox questioned if Barber Greene had designated people over the shooting range. Mr. Barnwell stated the Barber Greene was self policed, but it would not hurt if more training was provided for some of the workers.

Mr. Davidson questioned, if a range officer was present at Barber Greene, would it be a safer range. Mr. Barnwell agreed that it could be a safer range with a range officer present.

Chairman Mohr questioned how far Mr. Barnwell’s home was from a shooting range. Mr. Barnwell stated over one (1) mile. Mr. Barnwell stated there is a home within one hundred feet (100’) of the range. Chairman Mohr clarified that the residents moved in after the range was already established. Mr. Barnwell agreed.

Mr. LeCuyer clarified that the new proposal would not apply to Barber Greene. Mr. Barnwell agreed. Mr. Asselmeier stated the Barber Greene does not have a special use permit. They are in operation under the 1940s zoning ordinance where outdoor shooting ranges were permitted under A-1.

Chairman Mohr questioned if Barber Greene was lighted and allowed night time shooting. Mr. Barnwell responded that no night shooting was allowed.

Scott Wallin, Ashley Road, stated he is the neighbor of a potential gun range site. He did not believe the County should be trying to police an issue such as outdoor gun ranges. He stated the idea that a gun range could be placed near his home does not appeal to him. Also, the rules of the proposal require policing from the County and he did not believe Kendall County had the personnel or finances for effective enforcement.

Ms. Clementi questioned if Mr. Wallin would favor gun ranges be prohibited in A-1 altogether. Mr. Wallin agreed that gun ranges should be prohibited in A-1.

David Lombardo, SAFER USA Consulting Firm, stated many aspects in the proposal he had a part in drafting. He agreed with many issues concerning the instructor, but claimed it was a wording issue. He stated there should be flexibility for people who are professionals in fire arm operations.

Ms. Sheehan questioned how many of the experts that Mr. Lombardo mention were actually from Kendall County. Mr. Lombardo stated none of the people that he had trained are from Kendall County. He stated that limiting people to National Rifle Association (NRA) standards was not beneficial for the people who were knowledgeable of shooting.

Ms. Sheehan reiterated that she is more worried about the fact that anyone could be the supervisor of a gun range under the new proposal.
Mr. Lombardo stated he understood the issue of setbacks, but did not believe ranges would be next to schools and churches. He argued enforcing the noise regulation was equivalent to setbacks.

Chairman Mohr questioned Mr. Barnwell if Boy Scouts were allowed to shoot at their facility. Mr. Barnwell responded no.

Martin Cann, Old Ridge Road, stated that the requirements for the shooting instructors for Boy Scouts were aligned with the National Rifle Association (NRA) standards. He was concerned that someone unskilled in firearms could teach his son. He requests the National Rifle Association (NRA) qualifications be included in the proposal.

Nate Howell, Church Road, stated he owns Howell Shooting Range. His problem lies with the one thousand foot (1,000’) rule because it’s a contradiction. He stated, under his family’s trust, if he put his property in his name, under the new proposal, he would be too close to his sister’s property to have his shooting range.

Chairman Mohr requested clarification that Mr. Howell was separating the property into four (4) separate lots. Mr. Howell responded yes and he would not be able to keep his shooting range because he would not meet the new standards. He would not be able to move one thousand five hundred feet (1,500’) from neighboring properties.

Chairman Mohr questioned if the one thousand five hundred feet (1,500’) was in regards to the direction of the shot and not from lot. Mr. Davidson stated the issue of the distance was the reason why the five (5) acre rule was removed; the proposal did not make sense with one thousand feet (1,000’). He stated the Kendall County Board would not allow for a gun range to be placed next to a school or church.

Joe Phillips, Whitewillow Road, stated he lives near the proposed gun range on Church Road that was proposed in 2017. He stated the value of his property would decrease by One Hundred Fifty Thousand Dollars ($150,000) due to gun range. Also, the proposal will negatively affect the community and property taxes. From his understand, prior to 2014 gun ranges were not allowed in the agriculture zoning. He suggested putting the gun ranges in the mining and industrial districts and not in the agriculture zoned areas.

Priscilla Gruber stated that she agreed with Mr. Phillips and believed that gun ranges should be removed from agricultural and placed in the mining areas.

Mr. Asselmeier clarified that gun ranges were permitted before the 1970s. However, when the zoning ordinances were updated in the 1970s, gun ranges became a special use. Ms. Gruber questioned if the special use provisions were stricter than the permitted uses. Mr. Asselmeier stated yes; more requirements exist under the special use provisions. Ms. Gruber believed gun ranges did not belong in agriculture.

Deputy Commander Jason Langston, Kendall County Sheriff’s Department, stated there are standards that the Sheriff’s Department follows.

Chairman Mohr questioned if the Kendall County Sheriff’s Department was missing out on training due to lack of sites. Deputy Commander Langston responded that the Department uses the Knollwood Shooting Range and works with the Naperville Police Department.
Chairman Mohr questioned if the afterhours shooting was done with pistols or long range shooting. Deputy Commander Langston responded they use both, however this type of shooting was done at the Naperville Police Department. Chairman Mohr asked if other shooters need lights for night shooting other than a police department.

Brian Barnwell, Fields Drive, stated he purchased his home in Kendall County because he is close to the shooting ranges that he attends. He stated that he is a board member of Barber Greene. He hears gun shots at night where the police officers normally shoot. He stated there was self policing within the gun ranges and it was important to keep the neighborhood safe. Furthermore, there are gun ranges set up behind homes near his property. He stated he does not feel threaten by the gunshots; however he wants to ensure people are doing it on their property and within the law.

Chairman Mohr adjourned the public hearing at 9:00 p.m.

Mr. Thompson stated, when the County received petitions for gun clubs, the County has a right to determine the location. He continued to state, if the range was near a church or school, the petition can be denied. Mr. Asselmeier responded that it depends on the provided documentation, but, with the new proposal, the various studies have to be provided at time of application. If the board does not feel the plans are sufficient, the petitioner can be required to provide more documentation.

Chairman Mohr stated the petitioner can apply for a variance of the special use if they are seeking to put a gun range near a school. Mr. Asselmeier agreed that this type of request could happen.

Chairman Mohr questioned if a berm replaced a fence. He continued to state there were no landscaping requirements, so nothing would discourage people from going onto the properties. Mr. Davidson stated there would be a dilemma with the type of fence required depending on the amount of acres. Also, it would be an expensive cost to put fencing around large ranges. Chairman Mohr responded there should be a landscaping plan provided. Mr. Davidson stated the proposal should not be too restrictive.

Mr. Asselmeier stated the fencing requirement could be restrictive; however, what is done in one situation would have to be done for all unless variances were secured.

Mr. LeCuyer questioned if the fencing could be around the shooting area only.

Ms. Clementi stated she would like to see a time restriction for shooting. Also, if there would be services for night operations, the petitioner could request a variance for those situations. Chairman Mohr stated the issue lies with having to notify neighbors and the frequency.

Mr. Davidson recommended handling each case individually because every case has unique situations.

Chairman Mohr questioned Mr. Barnwell of Barber Greene regarding the number of people that can be on the range shooting at once. Mr. Barnwell responded three hundred (300) individuals can be shooting at one time.
Ms. Clementi stated another issue for her is the range supervisor; she believes the wording needs to be changed. She referenced the ranges safety plan and, if someone was not qualified to oversee a shooting range, how is that information acceptable in the safety plan. Mr. Davidson stated it had to be covered in the safety plan because the safety plan specifies the required qualifications. Mr. LeCuyer recommended the safety plan section be referenced.

Ms. Clementi questioned if the safety plan addressed the concerns the raised by the public. Chairman Mohr stated it was not the Zoning Board of Appeals’ job to rewrite the proposal, but provide a recommendation.

Mr. Thompson made a motion, seconded by Ms. Clementi, to recommend approval of the proposed text amendment.

The votes were as follows:

Ayes (2): Clementi and Thompson
Nays (4): Cherry, Fox, LeCuyer, and Mohr
Absent (1): Whitfield

The motion failed.

Mr. LeCuyer stated the proposal needs to reference the qualifications for the range masters. Mr. Fox stated the overall issues with the proposal such as safety, qualifications for range master, and the hours of operation. Mr. Cherry stated the proposal has too many grey issues for him and the proposal needs to be reworked. Chairman Mohr stated his concerns are there should be a minimum standard and modified later with variances if needed. The range master qualifications needed to be fixed and minimum should be kept in the proposal.

Mr. Asselmeier stated the townships have thirty (30) days to file a formal objection and Amended Petition 17-28 will go onto to the Planning, Building and Zoning Committee on October 9, 2018.

The Zoning Board of Appeals concluded review of Amended Petition 17-28 at 9:20 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits
4. Letter from William Sales to the Kendall County Zoning Board of Appeals Dated August 3, 2018.
KENDALL COUNTY
ZONING BOARD OF APPEALS

August 27, 2018

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

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To: Kendall Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: August 13, 2018  
Re: 17-28 Proposed Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

The Kendall County Planning, Building and Zoning Committee has been researching outdoor target practice and shooting range regulations for the last several months. Using the regulations of several neighboring and nearby counties, the Planning, Building and Zoning Committee drafted a proposed amendment to the Kendall County Zoning Ordinance and approved initiating a text amendment at their meeting on September 11, 2017.

ZPAC reviewed this proposal at their meeting on October 3rd. A large amount of discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate. ZPAC voted three (3) in favor (Langston, Rybski, and Guritz), one (1) in opposition (Klaas), three (3) abstain (Andrews, Clayton, and Asselmeier), and three (3) absent (Holdiman, Chismar, and Davidson); the minutes of their meeting are attached.

The Kendall County Regional Planning Commission met on this proposal on October 25, 2017 and expressed the following concerns regarding the proposal:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500’) from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.
6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see “license” be grouped with easement regarding access to public roads.
The Kendall County Planning, Building and Zoning Committee responded by spending the next several months refining the proposal. At their meeting on June 11, 2018, the Kendall County Planning, Building and Zoning Committee approved the proposal in its current format.

The Kendall County Regional Planning Commission reviewed the revised proposal at their meeting on June 27th and expressed the following concerns regarding the proposal. The Kendall County Planning, Building and Zoning Committee’s responses are bolded:

1. The exemption for the Forest Preserve District and lands owned by the State of Illinois and used for parks should be removed. The public health, safety, and welfare issues that the proposal seeks to address are the same for publicly owned lands and privately owned lands. **The activities of the Forest Preserve District are exempt from zoning if the activity is a permissible use as defined by the Downstate Forest Preserve Act.**

2. The Commission would like the proposal divided into three (3) parts: shotgun, rifle, and pistol. The Commission believes that this division would resolve issues related to minimum lot size and distance to neighboring structures. In talking with PBZ Chairman Davidson, Staff believes that the resulting division would simply cause petitioners to request three (3) special use permits. **The Planning, Building and Zoning Committee concurred with PBZ Chairman Davidson that prospective gun ranges would seek multiple special use permits. The County can evaluate proposals on a case-by-case basis and place appropriate restrictions on special use permits.**

3. Commissioners were concerned regarding the removal of the five (5) acre minimum lot size requirement; ranges would simply have to meet the setbacks of the zoning district. PBZ Chairman Davidson would like the setbacks to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that a property would need to be of sufficient size to comply with the setback, berming, and noise requirements contained in the proposal.**

4. Commissioners were concerned regarding the removal of the one thousand foot (1,000’) buffer between ranges and churches, schools, and neighboring houses. PBZ Chairman Davidson would like the distances to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.**

5. Commissioners were concerned about the noise requirement. Unlike other noise regulations, the sixty-five (65) dBA requirement would be constant instead of lowering to fifty-five (55) dBA at 10:00 p.m. PBZ Chairman Davidson would like the noise regulations to be evaluated on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.**

Accordingly, the Planning, Building and Zoning Committee made no changes to the proposal.

At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial of the proposal.
Ms. Wilson looked into the downstate Downstate Forest Preserve Act and could not find exemptions that pertained to the special use permit applied to the Kendall County Forest Preserve. There are permits that can be granted to outside users. Ms. Wilson also questioned where the source of the proposal originated. Mr. Asselmeier noted the Planning, Building and Zoning Committee made the final call for what was put in the proposal. Ms. Wilson questioned what reason for the minimum of five (5) acre lot size. Mr. Asselmeier noted it was set at that requirement back in 2015. The Planning, Building and Zoning Committee wanted the dimensions to be based on the setbacks, berming requirements and type of firearm. All the other setbacks would have to be met, even if the five (5) acre requirement is not obtained.

Mr. Nelson stated that the decision of the County Board on this matter is not based on law. He questioned why the language should be put in if the Kendall County Forest Preserve is exempted. If the regulations are already in the law, there is no reason to put it in the ordinance. Mr. Nelson understood looking at petitions on a case-by-case basis, but did feel that greater direction was needed.

Mr. Shaw questioned the noise requirement and if shooting can last all night. Chairman Ashton responded that it depends on a case-by-case basis and that shooting could occur all night under the proposal. Chairman Ashton noted the Sheriff Department’s range was approved years ago and the proposal does not apply to that range.

Discussion occurred regarding the Sheriff Department’s range. Mr. Davidson responded that the special use allows lights. Chairman Ashton noted the special use permit did not allow lights. However, the special use permit should include lights if someone wants to put up lights. Mr. Nelson noted, if someone has a special use permit with no restrictions on hours of operation, it is reasonable for the individual to put up lights. Mr. Asselmeier noted the time for the range was 7 a.m. to 8 p.m. and that lighting shall meet the standards of the zoning order. Ms. Wilson agreed with Mr. Shaw. She stated she lives next to a shooting range and would not be okay with it going on after 10 p.m. She also advocated for a lower decimal level because noise can be disruptive and dangerous to the public.

Mark Perle, Old Ridge Road, expressed disappointment that none of the points were really discussed at the July 9th meeting. Mr. Perle would like to see commercial businesses to be subject to commercial gun range regulations. He would like to see a maximum number of shooters on private commercial property. Discussion occurred about shooting coming from one property and hitting nearby houses. There was no input taken from the citizens groups. He did not believe the general public will be receptive. The Planning, Building and Zoning Committee referred to David Lombardo as their expert. Mr. Nelson stated the Commission was an advisory board and provided all the information but the Planning, Building and Zoning Committee took a different approach.

Priscilla Gruber, Old Ridge Road, believed that the Planning, Building and Zoning Committee wanted to decide petitions on a case-by-case basis and she objected to that idea. She argued that the public has no guidelines and no one can plan or know what the neighborhood will be like. She argued that too much discretion lay with the people
in office at that time, but County Board members change. She did not want to see the county adopt the policy. Mr. Nelson responded that Ms. Gruber should go to the County Board meeting. Ms. Wilson suggested that Ms. Gruber research the Downstate Forest Preserve Act.

Linda Wilkinson, Old Ridge Road, believed the County Board should take measures to enhance the quality of the residents. She argued that property values will decrease next to gun ranges. In her case, her property would be unsellable. She requested a negative recommendation.

These proposed changes do not apply to the Sheriff’s Office Range or any outdoor gun range or outdoor gun club currently lawfully operating. None of the existing outdoor gun clubs or outdoor gun ranges would meet the requirements of this proposal.

ZPAC has not reviewed the proposal in its current form.

The townships and all of the gun ranges/shooting clubs have been informed of this proposal. The last update letter to the townships and gun ranges/shooting clubs was mailed on August 1, 2018. To date, none of the townships have provided comments. The gun ranges/shooting clubs provided comments to the Kendall County Planning, Building and Zoning Committee and the proposal was changed to reflect their concerns.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendment
  10.3.17 ZPAC Minutes
  10.25.17 RPC Minutes
  7.25.18 RPC Minutes
Outdoor Target Practice or Shooting (not including private shooting in your own yard on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State Parks) 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 as berming shall generally be consistent with standards established in the NRA Source Book. (See requirements b, c, and d of the proposal)

b. Requires minimum parcel size of 5 acres, depending on the venue. Must meet setbacks of the zoning district. (See requirement k of the proposal)

c. Must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required. (See requirement f of the proposal)

d. State recognized, nationally recognized or NRA Certified range supervisor At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules. (See requirement g of the proposal)

e. At least one (1) Range flag flown, a sign, cone, or red light lit at all times that firing is taking place. (See requirement h of the proposal)

f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board. (Unchanged-see requirement i of the proposal)

g. Access must be controlled by a gated entrance lockable gate. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing. (See requirement j of the proposal)

h. Hazardous waste plan addressing lead management required. (See requirement a of the proposal)

i. No discharge of lead shot into wetland. (See requirement o of the proposal).

j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips. Must meet setbacks of the zoning district. (See requirement k of the proposal)

k. No alcohol allowed. (Unchanged-see requirement l of the proposal)

l. No projectiles shall leave the boundaries of the site. (Unchanged-see requirement m of the proposal)

m. All applicable Federal, State and County local rules and regulations shall be adhered to. (See requirement o of the proposal)

n. Must meet all requirements of the Kendall County Health Department. (See requirement o of the proposal)
o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office. (See requirement o of the proposal)

p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance. (See requirement o of the proposal)

q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. (See requirement o of the proposal)

r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Unchanged-see requirement p of the proposal)

New regulations:

1. Safety area and range must be under the control of the operator of the range. (Requirement e)
2. Insurance requirement added. (Requirement n)
3. Noise requirement added; no distinction between day and night. (Requirement q)
4. New ordinance does not apply to existing ranges. (Requirements r and s)
5. New ranges open to the public are governed by this ordinance (Requirements r and s)
6. Easement provision contained in previous proposals was removed.
ORDINANCE # 2018-

TEXT AMENDMENT TO SECTIONS 7.01.D.32, 7.01.D.33 AND 10.03.B.4 OF THE KENDALL COUNTY ZONING ORDINANCE PERTAINING REGULATIONS OF OUTDOOR COMMERCIAL SPORTING ACTIVITIES AND OUTDOOR TARGET PRACTICE OR SHOOTING RANGES (NOT INCLUDING PRIVATE SHOOTING IN YOUR OWN YARD)

WHEREAS, the Kendall County Planning Building and Zoning Committee requested a text amendment to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance related to regulations of outdoor commercial sporting activities and outdoor target practice or shooting ranges (not including private shooting in your own yard) in the A-1 Agricultural District and M-3 Earth Materials Extraction, Processing and Site Reclamation District; and

WHEREAS, 55 ILCS 5/5-12001 grants Kendall County the authority to regulate and restrict the location and use of structures and uses for the purpose of promoting the public health, safety, morals, comfort and general welfare throughout the unincorporated areas of the County; and

WHEREAS, gun clubs were a permitted use in the A-1 Agricultural District under the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, gun clubs were reclassified as a special use in the A-1 Agricultural District under the Kendall County Zoning Ordinances adopted in 1959 and July 9, 1974; and

WHEREAS, outdoor shooting ranges were classified as a similar use to gun clubs per the hearing of the Kendall County Zoning Board of Appeals on September 30, 1982 and were included as a special use in the A-1 Agricultural District by Ordinance 82-11 adopted November 9, 1982; and

WHEREAS, the restrictions governing target practice or shooting (not including private shooting in your own yard) in the A-1 Agricultural District and M-3 Earth Materials Extraction, Processing and Site Reclamation District were established through Ordinance 2013-14 adopted July 16, 2013; and

WHEREAS, the Kendall County Board amends this ordinance from time to time in the public interest; and
WHEREAS, all administrative procedures required prior to passing text amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on Month Day, 2018; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance as provided:

I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

II. Amended Text: The existing language of Section 7.01.D.32 is hereby deleted and replaced with the following:

“7.01.D.32 Outdoor Commercial Sporting Activities including but not limited to 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 outdoor target practice (such exclusion extends to shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks), athletic fields with lights, paintball facilities and riding stables, including but not limited to polo clubs, and similar uses.”

III. Amended Text: The existing language of Section 7.01.D.33 is hereby deleted and replaced with the following:

“7.01.D.33 Outdoor Target Practice or Shooting (but not including private shooting on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association’s Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.

1. The above referenced plans shall contain information as suggested by the National Rifle Association.

2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.

3. The safety plan shall describe the duties and qualifications of range supervisor(s).
4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association’s standards, the National Shooting Sports Foundation’s standards, or the United States Environmental Protection Agency’s best management practices standards.

5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.

6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.

b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100’). A licensed engineer or land surveyor shall prepare the documents.

c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.

1. The safety area shall conform to National Rifle Association’s standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.

2. For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.

d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20’) high and six feet (6’) thick at the top for ranges three hundred feet (300’) in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30’) of firing line distance over twenty feet (20’), the berm height shall increase by ten feet (10’) in height as an example. Berms shall be located as follows:

1. Shotgun ranges – No berming required.

2. Ranges for handguns and rifles
   a. Target placement not to exceed twenty feet (20’) from the backstop.
b. Lateral not closer than thirty feet (30’) from the firing line.

3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.

4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm.

e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.

f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.

g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules.

h. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.

i. Hours and days of operation shall be specified in the special use permit and determined by the County Board.

j. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100’) intervals warning members of the public of the danger. Berming may substitute for fencing.

k. Must meet existing setbacks of the zoning district.

l. No alcohol allowed.

m. No projectiles shall leave the boundaries of the site.

n. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level
standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.

o. All applicable Federal, State and local rules and regulations shall be adhered to.

p. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).

q. No person shall cause or allow the emission of sound 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 residential property line of the complainant.

r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (insert date) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.

s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance (insert date) must comply with the above regulations or secure applicable variance(s).”

IV. Amended Text: The existing language of Section 10.03.B.4 is hereby deleted and replaced with the following:

“10.03.B.4 Outdoor Target Practice or Shooting (not including private shooting on your own property and shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association’s Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.

1. The above referenced plans shall contain information as suggested by the National Rifle Association.
2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.

3. The safety plan shall describe the duties and qualifications of range supervisor(s).

4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association’s standards, the National Shooting Sports Foundation’s standards, or the United States Environmental Protection Agency’s best management practices standards.

5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.

6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.

b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1”=100’). A licensed engineer or land surveyor shall prepare the documents.

c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
   1. The safety area shall conform to National Rifle Association’s standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
   2. For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.

d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20’) high and six feet (6’) thick at the top for ranges three hundred feet (300’) in length, made of soft earth or other material that is
unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30') of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:

1. Shotgun ranges – No berming required.
2. Ranges for handguns and rifles
   a. Target placement not to exceed twenty feet (20') from the backstop.
   b. Lateral not closer than thirty feet (30') from the firing line.
3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshotting the berm.

e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.

f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.

g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules.

h. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.

i. Hours and days of operation shall be specified in the special use permit and determined by the County Board.

j. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berms may substitute for fencing.

k. Must meet existing setbacks of the zoning district.

l. No alcohol allowed.
m. No projectiles shall leave the boundaries of the site.

n. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.

o. All applicable Federal, State and local rules and regulations shall be adhered to.

p. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).

q. No person shall cause or allow the emission of sound 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 residential property line of the complainant.

r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (insert date) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.

s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance (insert date) must comply with the above regulations or secure applicable variance(s).”

V. Any completed application submitted prior to the date of the adoption of this ordinance shall follow the application procedures, requirements and restrictions in effect on the date that the completed application was submitted.

IN WITNESS OF, this amendment to the Kendall County Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of Month, 2018.

Attest:
Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder
Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:
Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Don Clayton – GIS (Arrived at 9:01 a.m.)
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

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

Audience:
None

AGENDA

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

Mr. Clayton arrived at this time (9:01 a.m.).

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 1, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier provided a summary of this proposed text amendment. Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment. The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Mr. Guritz asked about the handling of lead management plan documents. Mr. Asselmeier stated that he was unsure how lead management plan documents were handled previously. The existing ranges were governed by their special use permit. If a Federal or State law existed that superseded the local law, then the gun range would have to follow those requirements.

Mr. Klaas asked how many outdoor gun ranges existed in Kendall County. The answer was five (5) not counting the State park.
Discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate.

Indoor shooting range regulations already exist in the Zoning Ordinance.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. The amendment would increase the notification requirement from five hundred feet (500’) to two thousand six hundred feet (2,600’) for applications for special use permits on properties zoned A-1 and clarifying that only adjoining properties must be notified on special use permit applications for properties not zoned A-1.

Mr. Clayton presented two (2) scenarios. One (1) property near Aurora would have to mail three hundred ninety-two (392) notices under the current rules and would have to mail notices to one thousand nine hundred one (1,901) parcels if the text amendment was approved. In the case of Hideaway Lakes, sixty-three (63) parcels would have to be notified presently. If the proposal was approved, five hundred thirty-seven (537) parcels would need to be notified.

The cost for return receipt is Two Dollars and Seventy-Five Cents ($2.75). This cost is paid by the petitioner.

Will, LaSalle and Kane Counties notify adjacent property owners only. Grundy County notifies up to five hundred feet (500’). DeKalb County notifies up to two hundred fifty feet (250’). DuPage County notifies up to three hundred feet (300’).

Neighbors beyond five hundred feet (500’) express concerns that they were not notified when odor or noise impacts their property.

Several Committee members felt that the two thousand six hundred foot (2,600’) requirement was arbitrary.

Mr. Asselmeier explained the application process. When someone submits an application for a special use permit on A-1 zoned property, the GIS Department prepares a list of addresses that need to be notified. Any applicable municipality and township are added to the list. Staff then checks off the address list when the applicant presents green cards.

Discussion occurred about having different distance requirements for different special uses. Mr. Asselmeier stated that Staff does not know when an application is submitted if that application will be controversial. The more specificity in the Ordinance, the less likely the decision of who received notification and who did not receive notification could be viewed as arbitrary.

Mr. Guritz made a motion, seconded by Mr. Langston, to request that the Planning, Building and Zoning Committee leave the notification requirement at five hundred feet (500’).

Ayes: Langston, Rybski and Guritz (3)
Nays: Klaas (1)
Abstain: Andrews, Clayton and Asselmeier (3)
Absent: Chismark, Holdiman and Davidson (3)

The reasons members voted yes were because of the added expense to the petitioner, the added time for the applicant to mail the notices, added review time for Staff to process the green cards, the proposed regulations were
larger than the notification requirements of other Counties and regardless of the distance requirement no method exists to notify everyone that thinks they should be notified. Mr. Klaas stated that he would like the notification requirement to be set at one thousand feet (1,000’) maximum. Several Committee members concurred with Mr. Klaas, but felt that one thousand feet (1,000’) was arbitrary.

Mr. Asselmeier will inform the Planning, Building and Zoning Committee of ZPAC’s request.

17-30 Kendall County Planning, Building and Zoning Committee – Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County’s Medical Cannabis Related Regulations

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

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

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State’s Attorney’s Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Mr. Asselmeier presented the fiscal year 2017-2018 meeting calendar.

Mr. Guritz made a motion, seconded by Mr. Clayton, to approve the meeting calendar. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner
Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL
Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley and Angela Zubko
Members Absent: None
Staff Present: Matthew H. Asselmeier, Senior Planner
In the Audience: Robert Davidson, Allison Hartman and Bob (?) Shooter at Knollwood Gun Club

APPROVAL OF AGENDA
Ms. Zubko made a motion, seconded by Mr. Shaw, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES
Mr. Shaw made a motion, seconded by Ms. Wilson, to approve the August 23, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS
17-28 Kendall County Planning, Building and Zoning Committee
Mr. Asselmeier summarized the request. The proposed regulations addressed berthing, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. To date, no township or existing gun range has submitted comments. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment.

ZPAC unanimously recommended approval of this proposed text amendment.

The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks.

Ms. Zubko asked if the berthing regulations were the same as the National Rifle Association’s standards. Mr. Asselmeier responded that the berthing requirements were copied from McHenry County’s regulations. Mr. Nelson asked how the Planning, Building and Zoning Committee knew that these standards were appropriate. Mr. Asselmeier stated that he did not know how McHenry County calculated their regulations.
Discussion occurred regarding the exclusion of property owned by the Kendall County Forest Preserve. The consensus of the Commission was that, if the Forest Preserve was required to follow local zoning regulations, the Forest Preserve should not receive special treatment.

The proposed regulations shall not apply to private property owners’ shooting on their own property and not operating a gun range as a business.

Regarding letter a, the word “with” shall be added between the words “capacity” and “a”. This was a typographical error.

Discussion occurred regarding the requirements that properties be a minimum forty (40) acres in size and that the firing line must be at least one thousand five hundred feet (1,500’) from property lines. The Commission believed that very few properties would meet this requirement and that the proposed language would effectively prevent any outdoor gun range from opening in the unincorporated areas.

Ms. Zubko asked why the amendment was proposed. Mr. Asselmeier responded that the Planning, Building and Zoning Committee wanted to tighten outdoor gun range restrictions.

The Commission expressed concerns that the proposal contradicted the National Rifle Association Handbook.

Mr. Wormley expressed objections to the insurance requirement of Ten Million Dollars ($10,000,000).

Discussion occurred regarding the downrange safety area. The Commission felt that finding an area that met that requirement would be difficult. The Commission also expressed concerns that new houses could be constructed in the safety area after a special use permit was issued.

Ms. Zubko agreed gun ranges should have direct access to a public road.

Allison Hartman, Chicago, asked that the regulations exempt existing ranges. The Commission said that the proposal shall not apply to existing gun ranges.

Bob (?), shooter at Knollwood Gun Club, asked that the Commission adopt the National Rifle Association Standards. The County’s regulations already incorporate the National Rifle Association Standards.

Mr. Davidson said that the intention of the proposal was to address noise and safety issues.

Ms. Zubko made a motion to ask that the Kendall County Planning, Building and Zoning Committee reconsider these proposed text amendments with the following concerns:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500’) from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.
6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see “license” be grouped with easement regarding access to public roads.

Commissioners also expressed a desire to have a joint meeting with the Planning, Building and Zoning Committee to resolve these concerns.

The motion was seconded by Mr. Shaw.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)
No – None (0)
Absent – None (0)

The motion passed. This proposal will go to the Planning, Building and Zoning Committee on November 13, 2017 at 6:30 p.m.

17-30 Kendall County Planning, Building and Zoning
Mr. Asselmeier summarized the request. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

This proposal was mailed to each township on September 25th. To date, no response or comments have been received.

ZPAC unanimously recommended approval of the request.

Mr. Nelson asked, if the County did not have these regulations, could the medical cannabis facilities go anywhere. Mr. Asselmeier stated that Mr. Nelson was correct.

There have been no requests for these types of uses in the County.

Ms. Zubko made a motion to recommend approval of the text amendment as proposed, seconded by Mr. Nelson.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)
No – None (0)
Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on October 30, 2017 at 7:00 p.m.

OLD BUSINESS
Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships
Mr. Asselmeier read his memo on the subject, presented the draft maps discussed the timeline for the amendment and presented a draft agenda for a meeting in Lisbon Township.

Discussion occurred about studying the entire Route 47 corridor from Yorkville to the Grundy County Line.
Mr. Nelson would like greater examination of specific intersections along the corridor.

Chairman Ashton suggested showing mixed use business along Route 52 for half (1/2) mile east of the intersection of Route 47.

Discussion occurred regarding improvements to Sherrill and Brisbin Roads.

Commissioners requested data from the Illinois Department of Transportation, the Kendall County Highway Department, Economic Development Committee, Grundy County and Morris.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

**NEW BUSINESS**

**Approval to Initiate Text Amendments to Section 3.02 and Section 13.09 of the Kendall County Zoning Ordinance Pertaining to Code Hearing Unit Regulations**

Mr. Asselmeier read his memo on the subject. He explained that the Planning, Building and Zoning Committee was considering whether or not this proposal should be included in the Zoning Ordinance.

Discussion occurred about the number of cases sent to the State’s Attorney’s Office. Mr. Asselmeier will research that information and provide it to the Commission at the November meeting.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

**Correspondence-August 16, 2017 Letter from Anna R. Kuperstein to Matthew Asselmeier RE: Sandwich Compressor (ANR Pipeline and Special Use Permit at 6650 Sandy Bluff Road (Ordinance 2002-06))**

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State’s Attorney’s Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

**Approval of Fiscal Year 2017-2018 Meeting Calendar**

Mr. Asselmeier presented the meeting calendar. The November meeting date is the Wednesday after Thanksgiving.

Mr. Wormley made a motion to approve the fiscal year 2017-2018 meeting calendar, seconded by Ms. Zubko. With a voice vote of all ayes the motion carried.

**Recommendation of Ad-Hoc Zoning Ordinance Committee Members**

Mr. Asselmeier explained that Chairman Gryder would like input from the Commission on members for the Ad-Hoc Zoning Ordinance Committee.

Mr. Nelson provided a history of the Committee. The Committee was created to update and implement the Land Resource Management Plan and to conduct zoning regulation related research. Membership included representatives from the Planning Commission, Zoning Board of Appeals, Soil and Water Conservation District, County Board, Planning, Building and Zoning Committee and past County Board Chairman, among
other people.

The consensus of the Commission was that Chairman Gryder should choose which Planning Commission members should serve on the Ad-Hoc Zoning Ordinance Committee.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**
Mr. Asselmeier reported that Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

**OTHER BUSINESS/ANNOUNCEMENTS**
Ms. Wilson expressed concerns regarding the Forest Preserve Business awarding agricultural related work without a bid. The consensus was that Ms. Wilson should investigate this matter as a concerned citizen.

Discussion occurred regarding a bridge over Aux Sable Creek owned by Mark Antos. Ms. Zubko suggested that Mr. Asselmeier should check his files for a history of this project.

Discussion occurred regarding another stormwater violation on Wildy Road; the address was not given. Mr. Asselmeier will investigate the matter.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**
None

**ADJOURNMENT**
Ms. Wilson made a motion, seconded by Ms. Zubko, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 9:16 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner
Chairman Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

*Members Present:* Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:02 p.m.), Budd Wormley, and Angela Zubko  
*Members Absent:* Angela Zubko  
*Staff Present:* Matthew H. Asselmeier, Senior Planner, Jasmine Brown Watkins, Office Assistant  
*In the Audience:* June Alice, Bob Alice, Mark Perle, Priscilla Gruber, Linda Wilkinson, David Koukol, Peter Pasteris, Megan Jensen, Pete Bielby, and Jerry Callahan

**APPROVAL OF AGENDA**

Mr. Bledsoe made a motion, seconded by Mr. Casey, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Shaw made a motion, seconded by Mr. Nelson, to approve the June 27, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice of all ayes, the motion carried.

**PETITIONS**

*Amended Petition 17-28- Kendall County Planning, Building and Zoning Committee*

Mr. Asselmeier summarized the request.

At their meeting on July 9, 2018, the Kendall County Planning, Building and Zoning Committee reviewed the concerns expressed by the Kendall County Regional Planning Commission at their June meeting. The Planning, Building and Zoning Committee’s responses are listed in bold after each concern.

1. The exemption for the Forest Preserve District and lands owned by the State of Illinois and used for parks should be removed. The public health, safety, and welfare issues that the proposal seeks to address are the same for publicly owned lands and privately owned lands. The activities of the Forest Preserve District are exempt from zoning if the activity is a permissible use as defined by the Downstate Forest Preserve Act.

2. The Commission would like the proposal divided into three (3) parts: shotgun, rifle, and pistol. The Commission believes that this division would resolve issues related to minimum lot size and distance to neighboring structures. In talking with PBZ Chairman Davidson, Staff believes that the resulting division would simply cause petitioners to request three (3) special use permits. The Planning, Building and Zoning Committee concurred with PBZ Chairman Davidson that prospective gun ranges would seek multiple special use permits. The County can evaluate proposals on a case-by-case basis and place appropriate restrictions on special use permits.

3. Commissioners were concerned regarding the removal of the five (5) acre minimum lot size
requirement; ranges would simply have to meet the setbacks of the zoning district. PBZ Chairman Davidson would like the setbacks to be determined on a case-by-case basis. The consensus of the Planning, Building and Zoning Committee was that a property would need to be of sufficient size to comply with the setback, berming, and noise requirements contained in the proposal.

4. Commissioners were concerned regarding the removal of the one thousand foot (1,000’) buffer between ranges and churches, schools, and neighboring houses. PBZ Chairman Davidson would like the distances to be determined on a case-by-case basis. The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.

5. Commissioners were concerned about the noise requirement. Unlike other noise regulations, the sixty-five (65) dBA requirement would be constant instead of lowering to fifty-five (55) dBA at 10:00 p.m. PBZ Chairman Davidson would like the noise regulations to be evaluated on a case-by-case basis. The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.

There were no changes to the proposal.

Ms. Wilson looked into the downstate Downstate Forest Preserve Act and could not find exemptions that pertained to the special use permit applied to the Kendall County Forest Preserve. There are permits that can be granted to outside users.

Mr. Nelson stated that the decision of the County Board on this matter is not based on law. He questioned why the language should be put in if the Kendall County Forest Preserve is exempted. If the regulations are already in the law, there is no reason to put it in the ordinance.

Ms. Wilson questioned where the source of the proposal originated. Mr. Asselmeier noted the Planning, Building and Zoning Committee made the final call for what was put in the proposal.

Mr. Nelson understood looking at petitions on a case-by-case basis, but did felt that greater direction was needed.

Ms. Wilson questioned what reason for the minimum of five (5) acre lot size. Mr. Asselmeier noted it was set at that requirement back in 2015. The Planning, Building and Zoning Committee wanted the dimensions to be based on the setbacks, berming requirements and type of firearm. All the other setbacks would have to be met, even if the five (5) acre requirement is not obtained.

Mr. Shaw questioned the noise requirement and if shooting can last all night. Chairman Ashton responded that is depends on a case-by-case basis and that shooting could occur all night under the proposal. Chairman Ashton noted the Sheriff Department’s range was approved years ago and the proposal does not apply to that range.

Discussion occurred regarding the Sheriff Department’s range. Mr. Davidson responds that the special use allows lights. Chairman Ashton noted the special use permit did not allow lights. However, the special use permit should include lights if someone wants to put up lights. Mr. Nelson noted, if someone has a special use permit with no restrictions on hours of operation, it is reasonable for the individual to put up lights. Mr. Asselmeier noted the time for the range was 7 a.m. to 8 p.m. and that lighting shall meet the standards of the zoning order. Ms. Wilson agreed with Mr. Shaw. She stated she lives next to a shooting range and would not be okay with it going on after 10 p.m. She also advocated for a lower decimal level because noise can be disruptive and dangerous to the public.

KCRPC Meeting Minutes 7.25.18
Chairman Ashton stated the Board has already sent the proposal back in without their recommendation.

Mark Perle, Old Ridge Road, expressed disappointment that none of the points were really discussed at the July 9th meeting. There was no input taken from the citizens groups. He did not believe the general public will be receptive. The Planning, Building and Zoning Committee referred to David Lombardo as their expert. Mr. Nelson stated the Commission was an advisory board and provided all the information but the Planning, Building and Zoning Committee took a different approach.

Priscilla Gruber, Old Ridge Road, believed that the Planning, Building and Zoning Committee wanted to decide petitions on a case-by-case basis and she objected to that idea. She argued that the public has no guidelines and no one can plan or know what the neighborhood will be like. She argued that too much discretion lay with the people in office at that time, but County Board members change. She did not want to see the county adopt the policy. Mr. Nelson responded that Ms. Gruber should go to the County Board meeting. Ms. Wilson suggested that Ms. Gruber research the Downstate Forest Preserve Act.

Linda Wilkinson, Old Ridge Road, believed the County Board should take measures to enhance the quality of the residents. She argued that property values will decrease next to gun ranges. In her case, her property would be unsellable. She requested a negative recommendation.

Mr. Nelson made a motion to pass the proposal with no recommendation to the Zoning Board of Appeals. Ms. Wilson requested to amend Mr. Nelson’s motion to stand by their original recommendation but does not second the motion. Mr. Bledsoe called to amend the motion to remove the case-by-case basis statement because of public opposition. Mr. Nelson did not amend his original motion and nobody seconded the motion. The motion died for lack of a second.

Ms. Wilson, second by Mr. Wormley made a motion to recommend approval of the proposal as presented.

Yes- (0)
No- Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)
Absent- Zubko (1)

The motion failed and will be recorded as a negative recommendation. This proposal will go to the Zoning Board of Appeals on August 27, 2018. Mr. Nelson asked why the proposal was not going to the July 30, 2018, Zoning Board of Appeals meeting. Mr. Asselmeier responded that, due to newspaper deadlines and uncertainty of the Planning, Building and Zoning Committee’s response to the Commission’s concerns, the proposal did not appear on the July Zoning Board of Appeals agenda.

Ms. Wilson referenced Priscilla Gruber’s concerns as her reason for voting against the proposal. She believed that the proposal does not provide enough substance for making recommendations. Chairman Ashton did not believe that the issue of shooting sports was addressed. Also, if petitions will be looked at on a case-by-case basis, the Regional Planning Commission does not have any guidance to provide recommendations. Mr. Nelson believed the proposal will create unclear guidelines for the landowner and person applying for use.

**Amended Petition-18-07 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

Based on the comments received at the May and June Planning, Building and Zoning Committee meeting, Staff revised the proposal for renewing, amending, and revoking special use permits. At the June meeting of the
Planning, Building and Zoning Committee, the Committee voted to send the proposal back to the Kendall County Regional Planning Commission.

In the proposal, Staff removed the distinction between special use permit holders in violation of the conditions of their special use permit and special use permit holders not in violation of the conditions of their special use permit. Any special use permit requiring renewal would be required to follow the same procedure of renewal, amendment, or revocation. In the proposal, the County Board could initiate amendments to or revocations of special use permits requiring renewal by majority vote of the County Board and for any reason.

For clarification purposes, Staff also proposed changes to Section 13.08.F to address revocation of special use permits that do not have renewal or review procedures stated in their adoption ordinance. Staff proposed removing the establishment and use time requirements currently in the ordinance and allow the County Board to revoke a special use permit by a majority vote of the County Board for any reason.

Also for clarification purposes, Staff proposed changes to Section 13.08.M to address amendments to special use permits that do not have renewal or review procedures stated in their adoption ordinance. Under the proposal, the County Board could initiate amendments by a majority vote for any reason. The amendment procedure followed the same procedure as amendments to special use permits that possess renewal or review provisions.

Staff informed the Planning, Building and Zoning Committee, at both the May and June meetings, of the concerns of the Kendall County Regional Planning Commission. In particular, Staff noted that the Kendall County Regional Planning Commission believed that amendments and revocations should only occur after a special use permit holder had been found guilty in court and such revocations and amendments should occur by super-majority votes of the County Board. The Kendall County Regional Planning Commission also expressed concerns about the investments that special use permit holders made in their property and business that could be lost if a special use permit was revoked. The Planning, Building and Zoning Committee was also informed of the Kendall County Regional Planning Commission’s concerns about holding property and special use permit holders accountable for violations of previous property and/or special use permit holders. The Planning, Building and Zoning Committee did not share the concerns of the Kendall Regional Planning Commission on these matters and they (the Planning, Building and Zoning Committee) believe the County Board should have the ability to amend and/or revoke special use permits as outlined in the proposal.

Mr. Bledsoe requested elaboration on Section 13.08R. Mr. Asselmeier responded that all existing special uses will be grandfathered. Any owner who wants to waive their grandfather rights may waive their rights using the provision contained in the proposal.

Mr. Nelson did not believe anyone who has a special use permit will be able to obtain any financial assistance from banks because the special use permit can be revoked at any point in time. The only recourse would be that people would go to court.

Ms. Wilson could not understand why the County Board would pass the ordinance. Mr. Nelson responded that the County would loss and it will negatively affect applicants by taking matters to court.

Ms. Wilson questioned County’s motivation behind the special use revoking powers. She believed the County was trying to bankrupt people. Chairman Ashton believed the proposal is about power. Ms. Wilson stated the County has become unfriendly and Mr. Nelson believed the county is putting the new people at a disadvantage. Chairman Ashton did not understand the justification behind the special use permit revoke because most owners
were not abusing their permits. Mr. Asselmeier stated that there are approximately two hundred seventeen (217) special uses permits and only one (1) or two (2) caused problems.

Mr. Bledsoe questioned the use of the provision and believed the proposal will turn businesses away from the County.

Mr. Nelson hoped the United City of Yorkville will adopt the same ordinance regarding special use permits for solar fields. Mr. Asselmeier responded that the Yorkville solar panel ordinance requires renewal every two (2) years.

Mr. Davidson responded that the biggest concern is the campground on Van Emmon. Chairman Ashton questioned what the proposal will do for that campground. Mr. Davidson acknowledged that nothing will be done. Mr. Davidson did not approve of a simple majority vote. He agreed with Mr. Nelson that the court system will get involved and side with the owners. Mr. Nelson stated that the proposal is an example of bad governance because four (4) people can take away someone’s zoning.

Dan Koukol, Oswego Township, argued that over sixty (60) people were employed via the special use permit within the County. He agreed with Mr. Nelson that the owners and users of the permits are builders of the County and patronize the local businesses. There are more positive versus negatives. The County has a solid waste plan that is updated every five (5) years and a Comprehensive Plan that is updated periodically. Special uses have been held by many families and businesses have grown up around the special use permits. The letter sent out was scary. He questioned when the last time the County Board had ten (10) members at the meeting. He believed it would easy for the county to revoke a special use if someone has a disagreement with someone on the County Board. Banks will not want to work with owners with the new special use permits because special use permits could be easily revoked. Ms. Wilson responded that the proposal will not apply to the grandfathered in special use permits. Chairman Ashton acknowledged that, after the permit is renewed, the proposal will apply.

Jerry Callahan, attorney for Green Organics, stated that he does not believe the grandfathering provisions are explicit. He discussed the Doctrine of Vested Rights and regulatory takings. He believed that the proposal was creating a problem with no standards regarding special use permit revocation. Mr. Asselmeier acknowledged that Green Organics is one (1) of the few special use permits that requires periodic renewal.

Pete Pasteris, Johnson Road, decided to use property for weddings venues as a way to save his farm. He acknowledged that he has followed the regulations in his special use permit. He has employed people on his farm and worked with local businesses. If the proposal is adopted, more people will leave the county. He expressed concerns that minor changes to his operations will cause a waiver of grandfathering. Mr. Nelson suggests Mr. Pasteris should attend the meeting on Monday, July 30, 2018.

Megan Jensen, Caton Farm Road said that she obtained her special use permit almost two (2) years ago. She understood the proposal does not affect them right now, but any changes they make to their property could cause them to lose grandfathering. She did not agree that a person’s zoning should be revoked and they are trying to adhere to the law.

Mr. Davidson acknowledged Ms. Jensen’s concerns and invited the audience to attend the County Board meeting. Advance signup for the County Board meeting is not necessary.

Mr. Nelson acknowledged that the proposal will go to the Zoning Board of Appeals on July 30th. Mr. Asselmeier agreed with Mr. Nelson and added that the proposal also has to be reviewed by townships and the townships are given thirty (30) days to file any objections. The proposal will go back to the Planning, Building
and Zoning Committee on September 10, 2018. If a township with a planning commission files a formal objection, eight (8) votes instead of six (6) votes are required for adoption at the County Board.

Pete Bielby, Fox River Drive stated that he recently was approved for a special use permit. He stated that the process for him went smoothly. He acknowledged that his special use permit follows his ownership and not his property. If Mr. Bielby applied before the ordinance is adopted, then he would follow the regulations in place at the time of application.

Mr. Nelson asked the audience if anyone at the meeting favored the ordinance. No one acknowledged.

Ms. Wilson, seconded by Mr. Bledsoe, made a motions to approve petition the petition as presented.

Yes- (0)
No- Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)
Absent- Zubko (1)

The motion failed and will be recorded as a negative recommendation. This proposal will go to the Zoning Board of Appeals on July 30, 2018.

CITIZENS TO BE HEARD/ PUBLIC COMMENT
None

NEW BUSINESS
None

OLD BUSINESS
None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
Mr. Asselmeier stated that Petition 18-14 regarding the Saar Map Amendment on Route 71 passed at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS
Mr. Asselmeier announced three (3) petitions will be on the agenda in August:
1. Amendment to special use permit on Ashe Road; the petitioner requests to increase the amount of horses from twenty-four (24) to thirty-six (36).
2. Request for a special use permit for a banquet facility on Hughes Road and related variances.
3. Request for map amendment to rezone the Kovacevich property on U.S. 52 from A-1 to R-1 for a subdivision.

The next meeting of the Kendall County Regional Planning Commission is August 22, 2018.

ADJOURNMENT
Mr. Shaw made a motion, seconded by Mr. Casey, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:14 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Enc.
KCRPC Meeting Minutes 7.25.18
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<td>Jerry Callahan</td>
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Matt Asselmeier

From: Judy Gilmour
Sent: Monday, August 27, 2018 5:39 PM
To: Matt Asselmeier
Subject: Fw: Safe gun ranges in Kendall County

Matt,

Please take a look at these emails and see if there is anything we can do.

Thank you,
Judy

Judy Gilmour
Kendall County Board Member
President, Kendall County Forest Preserve District

From: sharon ward <sharon.ward@co.kendall.il.us>
Sent: Monday, August 27, 2018 4:28 PM
To: Judy Gilmour
Subject: Re: Safe gun ranges in Kendall County

Hi Judy
I live on route 126 between the 2 ridge roads. I didn’t mean they are official gun ranges. I just know that in my area there are people shooting guns. As I said before I can’t see them but I can hear them and that makes it even more scary. Especially when the children are outside.

Thank you for your quick response
Sharon

Sent from my iPhone

> On Aug 27, 2018, at 6:42 AM, Judy Gilmour <jgilmour@co.kendall.il.us> wrote:
> 
> Sharon,
> Can you tell me where you live? You mention there is a gun range behind your home. I would need to know the location so we can investigate this matter.
> 
> Thank you,
> 
> 
> Judy Gilmour
> Kendall County Board Member
> President, Kendall County Forest Preserve District
> 
> 
> 
> From: sharon ward <sharon.ward@co.kendall.il.us>
> Sent: Saturday, August 25, 2018 2:49 PM
> To: KC Board
> Subject: Safe gun ranges in Kendall County
To whom it may concern,

As a resident of Kendall County I am interested in hearing your reasoning behind unsafe gun ranges in the county.

I have two three-year-old grandsons that play outside and have to be often brought in the house because of gun shots in our area. I fear that when gun ranges are in someone's backyard, guns are in the hands of untrained individuals that may not often hit their target. In the morning I can hear the shots in the Southeast and at night in the Northwest a short distance from my home. The problem is not only the shooting but where are these individuals because they can't be seen and do they even own a firearm card. I am not against gun ranges, however I am against unsafe gun ranges where there are no restrictions.

I am sending you this as a plea to make our county safe where children can play and residents can feel safe walking outside their front door. A parent or in this case grandparents' worst nightmare is having grandchildren hit by a stray bullet because some feel that they have the right to shoot wherever they choose in the county if Kendall.

I would appreciate a response in regards to your stance on this issue.

Thank you for your time.

Sharon Ward

Sent from my iPhone
Mr. Asselmeier,

Here is the letter we briefly spoke about over the phone on 8/9/18. As per your instructions it can be added to the folder for the Zoning Board of Appeals meeting on 8/27/18.

I please request that it be added due to my absence on 8/27/18.

Thank you

William A. Allen
To the Zoning Board of appeals of Kendall County Illinois.

Members,

It is a fact that in any activity, or endeavor that people participate in, invariably, accidents happen. With the participants safety in mind, this is one of the reasons we impose rules governing these activities. I would call your attention to safety rules in the workplace, driving, or even rules we set in our homes for the safety of our families. The idea of eliminating or reducing the safety rules in the few areas mentioned would create a situation where accidents happen more often. I cannot imagine that reducing the rules for driving alone, would mean less accidents, it would mean more.

That being said, I would also say that an accident with a bullet is one of the most devastating, and not just for the family where life was taken, but also for the shooter where the accident of a stray bullet originated. The loss of an innocent child doing their homework at the kitchen table is incomprehensible to anyone who has not experienced this, and it happens.

From the shooters side, I cannot imagine how it would feel to that person knowing that they took an innocent life. For the shooters family, they now have to live with the fact that one of their members is in jail, for a prescribed amount of years, due to an “accident”. Or all the legal wrangling this family will incur now
with all the lawsuits that will happen.

I call this board’s attention to these facts because in November of 2016 my house, my living space, was the recipient of one of these “accidents”. A bullet came through my rear thermopane window, crossed my family room, then went through the opposite wall, and landed on my living room floor. Fortunately, for all of us, we were not home at the time, but that bullet had enough energy to kill. Where the bullet originated from, I do not know. I do know that there is “ungoverned” outdoor practice shooting in my immediate area. I have included a copy of the Police report that was made at the time of the shooting.

In front of this board now is a proposal to reduce the safety rules governing the use of outdoor shooting ranges. As a resident of Kendall County, and the recipient of the accident stated above, I ask that this board please not change the rules now in place designed to protect your community. A reduction or removal of these safety rules would create a more dangerous situation as opposed to a safer one. I humbly ask that this Committee follow the recommendation of the Planning Commission that voted 8 to 0 to keep the rules as they stand. This is better for your county, community, and its residents.

Thank you.

William Sales
Kendall County Sheriff’s Office
Detail

Print Date/Time: 11/09/2016 10:33
Login ID: dfaren
Case Number: 2016-00003558

Case Details:
Case Number: 2016-00003558
Location: 8475 OLD RIDGE RD
PLAINFIELD, IL 60544
Reporting Officer ID: TJGDC14- JOHNSON
Status:
Incident Type: 0470 - RECKLESS CONDUCT
Occurred From: 11/04/2016 18:00
Occurred Thru: 11/08/2016 18:00
Reported Date: 11/08/2016 18:55 Tuesday
Status Date: 11/09/2016

Offenses

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Offense # 1

Group/ORI: State
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Counts: 1
Attempt/ Commit Code: COMMITTED

Description: RECKLESS CONDUCT
NCIC Code: 0470 - RECKLESS CONDUCT
Scene Code: 20 - RESIDENCE HOME
Offense Date: 11/08/2016

Subjects

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### Kendall County Sheriff's Office Detail

**Print Date/Time:** 11/09/2016 10:33  
**Login ID:** dfaren  
**Case Number:** 2016-00003556

**Subject # 1:** SUSPECT
- **Primary:** No
- **Name:** UNKNOWN, USED FOR ALL CASES

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**Subject # 2:** VICTIM
- **Primary:** No
- **Name:** SALES, MARIA ISABEL
- **Address:**
- **Primary Phone:** [Redacted]
- **Resident Status:** RESIDENT

**Related Offenses**
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**Subject # 3:** VICTIM
- **Primary:** No
- **Name:** SALES, WILLIAM ALAN
- **Address:**
- **Primary Phone:** [Redacted]
- **Resident Status:** RESIDENT

**Related Offenses**
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**description**: approximate 4' tall glass double pane window

### associated subjects

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<th>address</th>
<th>phone</th>
<th>notified how</th>
<th>date</th>
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</thead>
<tbody>
<tr>
<td>owner</td>
<td>allen william</td>
<td></td>
<td></td>
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### chain of custody

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**description**: evidence brought in by officer

### vehicles

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<th>make</th>
<th>model</th>
<th>color</th>
<th>license plate</th>
<th>state</th>
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</thead>
</table>
On 11/08/16 at approximately 1856 hours L, DEPUTY JOHNSON #109 and DEPUTY DECAMP #76 were dispatched to 8478 Old Ridge Road, Plainfield IL 60544, as the caller called to report that when they returned home from a short vacation over the weekend they discovered a bullet hole in their glass window in their living room and then went into the wall of the living room.

Upon our arrival we met with WILLIAM ALAN SALES, DOB [redacted] and his wife MARIA ISABEL SALES, DOB [redacted] WILLIAM and MARIA stated that they left to go to Wisconsin to visit their son on Friday, 11/04/16 at approximately 1800 hours and were gone until they returned home this evening at approximately 1800 hours. WILLIAM stated that at first he did not notice the hole in the window, however, he started to discover pieces of glass on the carpet and near the couch. WILLIAM said that once he started locating glass he then took a look around and then discovered the hole in the upper portion of the living room window which faces to the east. WILLIAM then stated MARIA began to look around as well and then located a small hole in the wall of the living room in the drywall. I asked WILLIAM if there are neighbors of his that shoot in the backyards and he stated that none of his immediate neighbors do, however he will hear what sounded like gunshot off in the far distance to the east and also to the west.

DEPUTY DECAMP then began to take photos of the window and the wall while I attempted to make contact with the neighbor to the north of WILLIAM and MARIA, however no one was home at this time or answered the door. While taking the photos DEPUTY DECAMP found the actual projectile that had come through the walls into the other room and came to rest behind a china hutch and eventually came to rest on the floor. DEPUTY DECAMP also recovered the projectile which was later placed into evidence. See DEPUTY DECAMP's supplement report for details on the photographs and processing of the evidence.

I then explained to WILLIAM that he might want to take a walk around his house in the morning, during the daylight, where visibility would be better to see if there was any other possible damage that was caused to his house. I explained to WILLIAM that it appears this was a random isolated incident and that there is no further evidence suggesting that his house was being targeted for any reason. To the east of WILLIAM's house is Ridge Road at the intersection of Route 126. From my past experience I have known that occasionally people traveling down Route 126 have discharged firearms while driving along the road and it appears that this may be a unaccounted for projectile that someone may have been firing from a moving vehicle.

I then gave WILLIAM a Kendall County Sheriff's Office business card with the report number and suggested to him that if he finds any other damage or similar possible bullet holes in his home. To contact the non-emergency line and report the other damage that he found.
Nothing further at this time.
Kendall County Sheriff's Office
Summary

Case

Case Number: 2016-00003558
Location: 8478 OLD RIDGE RD
PLAINFIELD, IL 60544
Reporting Officer ID: TJ010214 - JOHNSON

Incident Type: 9470 - RECKLESS CONDUCT
Occurred From: 11/04/2016 18:00
Occurred Thru: 11/05/2016 18:00
Disposition: 
Disposition Date: 
Reported Date: 11/08/2016 18:55 Tuesday

Offenses

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<td>VICTIM</td>
<td>2</td>
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<td>11/06/2016</td>
<td>DESTROYED/UA</td>
<td>HOUSEHOLD GED/VANDALIZED GOODS AMMUNITION</td>
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<td></td>
<td>APPROXIMATELY 4 TALL GLASS DOUBLE PANE WINDOW DEFORMED COPPER JACKETED BULLET</td>
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Chain of Custody

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Vehicles

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Remarks:
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<th>Model</th>
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KENDALL COUNTY SHERIFF'S OFFICE

ORI Number: IL0470000

Print Date/Time: 11/09/2016 10:34
Login ID: dcran
Kendall County Sheriff's Office Narrative
Case #2016-3558A
DEPUTY T. DECAMP
11/08/2016

On 11/08/16 at approximately 1900 hours, I, DEPUTY DECAMP #76 responded to 8478 Old Ridge Road, Plainfield to assist DEPUTY JOHNSON #109 for report of a possible criminal damage to property where the complainant was relating that upon his return from his vacation he had noticed a broken bay window and what appeared to be a stray bullet hole in the wall inside of his residence.

Upon arrival DEPUTY JOHNSON and I met with the homeowner and victim, later identified as WILLIAM A. SALE, DOB [redacted] who related that upon return from being in Wisconsin with his wife, he had noticed some small shards of broken glass on his couch and upon inspection of his living room, observed what appeared to be a baseball size hole in the top of one of his bay windows on the east side of the house and a short time later directly behind the couch on the west wall in the same path of the broken window he noticed a small hole that he believed to be a bullet hole in his drywall. Upon inspection of the exterior of the residence, we could observe a large baseball size circular hole in the top part of the 6 foot tall bay window and upon further inspection of the interior of the residence in the living room, just above the couch resting against the west wall what appeared to be a small half in wide by quarter inch tall circular nature hole. We then went to the sitting room on the other side of the living room wall where we located an exit hole directly behind a corner curio cabinet location which appeared to have burst out drywall and what appeared to be a small impact point on the back of the fiber board of the curio cabinet. WILLIAM said he could not locate the projectile but still believed it to be a bullet.

Upon inspection around to the south side of the curio cabinet, between the cabinet and the wall in a three inch gap, I was able to locate a small copper in color projectile resting approximately two feet away from the leg that supported the curio cabinet in between the cabinet and the south wall.

I assisted DEPUTY JOHNSON #109 in performing evidence technician duties photographing the exterior of the residence, window, shards of glass left by the broken window, both on the exterior of the residence on the bottom of the window pane and bushes outside, as well as broken glass on the blinds from the top of the hole that was located down to the base of the window sill on the interior of the residence. I photographed the location of the hole in the wall left by the projectile which appeared to be at head level if one was to be seated on the couch. I photographed the damage done by the exit of the projectile in the opposite room, opposite the entry hole in the living room and the location of the projectile as well. All photographs were taken with and without scale. I was then able to retrieve the small copper in color projectile, and in this deputy's opinion it appeared to be a pistol caliber, possibly a 9mm or 40 caliber. Upon close inspection of the projectile, it appeared to be a full copper jacketed ball ammo round with no evidence of a hollow point in it and it appeared it was deformed as if it had ricocheted or bounced off a hard surface, possibly prior to entering the residence window and residence of 8478 Old Ridge Road.
The projectile was recovered and upon my return to the Public Safety Center, I put it into evidence as recovered property and possible evidence.

I downloaded all digital images taken with my camera to a verbatim CD-R disc which was released to Records for safekeeping.

Nothing further.
Cor: 11/14/16 dwt
<table>
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<th>Item #</th>
<th>Description</th>
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<td>SEALED WHITE ENVELOPE CONTAINING</td>
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<tr>
<td>1A</td>
<td>DEFORMED COPPER JACKETED BULLET</td>
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Special Instructions: Section Marked ** Only need to complete this section when firearm(s) submitted HOLID

I certify that I have received the items listed below from this inventory:

<table>
<thead>
<tr>
<th>Item #</th>
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<th>Property Released By</th>
<th>Reason For Change</th>
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<td>1</td>
<td>11/08/16</td>
<td>T. DECAMP #76</td>
<td>TEMP EVIDENCE</td>
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T. DECAMP #76

Reporting Officer (Print Name & Badge #)

Signature 10 of 10
INTRODUCTION AND BACKGROUND
On July 11, 1972, the Kendall County Board granted a special use permit for a Day Nursery School at 43 West Street in Bristol. Restriction 4 of the special use permit stated that the special use permit shall be subject to review every two (2) years. Ordinance 72-15, which granted the special use permit is included as Attachment 1.

Since 1972, the subject property was divided into three (3) parcels. The parcel addressed as 43 West Street has a parcel identification number of 02-16-228-012. This property is owned by Jude and Carrie Vickery; the Vickery’s submitted an email stating their support for the revocation of the special use permit. This email is included as Attachment 2.

The southwestern parcel, identified by parcel identification number 02-16-276-020 is owned by Bard, William, and Kay Phillips. This parcel was created in 2005. The Phillips family owns the land northwest of the subject property.

The southeastern parcel, identified by parcel identification number 02-16-276-022, is owned by Karen Klatt and her late husband Tom. This parcel was created in 2010 and the Klatts owned the property northeast of the subject property.

An aerial of the property is included as Attachment 3.

Based on the County’s databases, no structures exist on the parcel owned by the Phillipses or the Klatts and no demolition permits were issued by Kendall County in the last two years.

The Planning, Building and Zoning Department sent letters to each property owner on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed certified letters to each property owner. The green cards are on file in the Planning, Building and Zoning Department office. Neither the Klatts nor the Phillips responded to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on these properties. The property owners were invited to this meeting, but none of them attended.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

FINDINGS OF FACT
§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the revocation of special use permits. They are listed below in italics. Staff has provided findings in bold below based on the recommendation:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the information stated in Jude Vickery’s email of December 10, 2018, the fact that no structures exist on the two parcels created from the original parcel, and the fact that no demolition permits were issued on the subject properties in the last two (2) years, the special use has been discontinued for a continuous period of two (2) years.
RECOMMENDATION
Staff recommends approval of the proposed special use permit revocation.

ATTACHMENTS
1. Ordinance 72-15
2. 12-10-18 Vickery Email
3. Aerial
WHEREAS, Edwin F. Jago and Diane G. Jago did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960 and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 7th day of July, A.D. 1972 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the Zoning Maps and Ordinance be amended in the manner required by law; and

WHEREAS, Board member Ernie Zeiter did move that the findings of the Zoning Board of Appeals be accepted and that the property described in said petition be granted a change in classification from "R-3" to "R-3 Special Use" and upon second by Howard Shoger roll call was taken as follows:

The following voted Aye: Jannette Nesson
Howard Shoger
Charles W. Sleezer
Floyd Sleezer
Myron Wormley
Ernest Zeiter
Robert Cherry
Robert Hacker
James Mann

The following voted Naye: None Ellis Jones was absent.

NOW, therefore, be it ordained by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from "R-3" to "R-3 Special Use" for Day Nursery School and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification.
That part of the Northeast quarter of Section 16, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of Lot 2 in Block 1 of Bristol Station; thence West along the North line extended 66 feet to the West line of a road; thence North along said West line 247 feet; thence West at right angles with said road 200 feet for the point of beginning; thence continuing Westerly on same course 150 feet; thence North at right angles to the last described course 123.5 feet; thence Easterly at right angles to the last described course 150 feet; thence Southerly 123.5 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois.

AND

That part of the Northeast quarter of Section 16, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows:

Commencing at the point of intersection of the center line of West Street with the South line of Hunter Lane as established in Unit No. 1, Heatherfield Subdivision; thence South 7° 08' 19" West along said center line 150.0 feet; thence North 82° 51' 41" West 433.0 feet for the point of beginning; thence South 82° 51' 41" East 433.0 feet to the center line of West Street; thence South 7° 08' 19" West along said center line 81.0 feet; thence North 82° 51' 41" West 233.9 feet; thence South 7° 08' 19" West 78.0 feet; thence North 82° 41' 41" West 150.0 feet; thence South 7° 08' 19" West 370.5 feet; thence South 82° 51' 41" East 222.0 feet; thence South 7° 08' 19" West 649.24 feet to the Northerly right of way line of the Chicago, Burlington and Quincy Railroad Company; thence South 74° 29' 40" West along
said Northerly line 294.72 feet to a point South
7° 08' 19" West from the point of beginning; thence
North 7° 08' 19" East 1292.22 feet to the point of
beginning, in the Township of Bristol, Kendall County,
Illinois.

BE IT FURTHER ORDAINED that the above "Special Use" classification shall
be expressly made subject to the following conditions:

1. That the foregoing "Special Use" shall be subject to further review
   of the Zoning Board of Appeals and the County Board upon notice
   directed to the owner of the premises herein described and a
   proper publication as required by law not less than fifteen days
   prior to date of hearing.

2. That all work must be completed as testified before school opens.

3. That an inspection by the County Health and Zoning Officers
   be made at the time the facilities are completed.

4. That the "Special Use Permit be subject to review every two years.

Passed: July 11, 1972

[Signature]
Chairman, County Board of
Kendall County, Illinois

[Signature]
County Clerk
Mr. Asselmeier,

Carrie and I have received the multiple letters sent to inform us of the proceedings regarding removal of the special use permit granted to the original home owners at 43 West St. We are writing to you today to let you know that we have no intention of interfering with this process and agree that this special use permit should be revoked.

If our permission is all that is required for you to expedite the process on your end, then consider it granted.

Please proceed with any necessary procedures and finalize the process as efficiently as possible to close the permit.

Kindly,

---Jude Vickery
INTRODUCTION AND BACKGROUND
On October 15, 1996, the Kendall County Board granted a special use permit for a truck driver training school at 14525 Route 71, Yorkville. Restriction 12 of the special use permit stated that the special use permit shall be subject to review every two (2) years. Ordinance 96-15, which granted the special use permit, is included as Attachment 1. On November 16, 1999, the Kendall County Board granted an amendment to the special use permit to add a classroom and office building and a sign to the approved site plan. Ordinance 99-35 is included as Attachment 2.

The current property owners, Kerry and Susan Fierke, purchased the property in 2006. No advertisements or signage exists noting that the property has a truck driver training school. In addition, based on the aerial, the classroom and office building was not constructed. No building or demolition permits are on file in the Planning, Building and Zoning Department.

An aerial of the property is included as Attachment 3.

The Planning, Building and Zoning Department sent a letter to the property owners on August 22, 2018, asking if the property owners desired to keep the special use permit. No response was provided. On November 19, 2018, the Department mailed a certified letter to the property owners. The green card is on file in the Planning, Building and Zoning Department office. No response was provided to the follow-up letter.

At their meeting on December 10, 2018, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit on this property. The property owners were invited to this meeting, but did not attend.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

FINDINGS OF FACT
§ 13.08.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the revocation of special use permits. They are listed below in italics. Staff has provided findings in bold below based on the recommendation:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the lack of advertisement and the fact that the additional structure requested in 1999 was not built, the special use has been discontinued for a continuous period of two (2) years.

RECOMMENDATION
Staff recommends approval of the proposed special use permit revocation.

ATTACHMENTS
1. Ordinance 96-15
2. Ordinance 99-35
3. Aerial
STATE OF ILLINOIS
COUNTY OF KENDALL

AN ORDINANCE GRANTING REZONING OF JOHN BRJT
REAL PROPERTY FROM A-1 COUNTY AGRICULTURAL TO
A-1 SPECIAL USE TO PERMIT A TRUCK DRIVER TRAINING SCHOOL

WHEREAS, the County Board, Zoning Board of Appeals, Plan Commission and County Zoning and Platting Advisory Committee have held all necessary Public Hearings and considered the application of JOHN BRJT requesting that the County rezone certain real property; For a Truck Driver Training School as an A-1 Special Use Permit and

WHEREAS, publication was duly had in the Kendall county Record, a newspaper of general circulation, and the hearing held as to the request of Petitioner seeking an A-1 Special Use Permit for purposes of allowing a Truck Driver Training School to be operated on the real property described in the attached Exhibit "A"; and

WHEREAS, positive recommendations have been made by each Advisory Body to the Kendall County Board for purposes of allowing a Truck Driver Training School to be operated on the subject real property in compliance with the conditions set out in this Special Use Permit;

NOW THEREFORE, upon Motion duly made, Seconded, and Approved by a majority of those members of the County Board hereby voting do approve a change in zoning from A-1 to A-1 Special Use for the purpose of operating a Truck Driver Training School in order to allow Petitioner and his successors, heirs, and assigns to operate said school on the subject real property described in the attached Exhibit "A", and the Special Use Permit hereby issued shall include the following terms and conditions:
1. That a Site Drawing of James M. Olson & Associates date August 20, 1996 is hereby approved and incorporated herein as part of this Special Use Permit and made a part hereof as Exhibit "B".

2. That said Truck Driving Training School shall comply with the rules and regulations adopted by the Offices of the Illinois Secretary of State for operation of a Truck Driving Training School, not exceeding twenty-four (24) students in any one session, as per the attached Exhibit "C" incorporated herein by reference.

3. That said facility shall maintain only one driveway cut, which shall be in conformance with the Illinois Department of Transportation Permit previously issued to John Britt, which is attached hereto and maintained during the continuation of said Truck Driver Training School incorporated herein as Exhibit "D." That all students car parking shall be immediately to the front of the building being used to operate and store semi-tractors used in the operation of said school. Petitioner shall file with the Kendall County Zoning Officer, a letter from the Illinois Department of Transportation indicating that the existing driveway is satisfactory for the operation of the subject Special Use.

Parking for all semi-trailers shall be located on the gravel area between the Special Use Building and the House located North and adjacent thereto so that said Trailers will be parked at all times when no in use for school purposes being the front line of said residence.

All semi-tractors shall be parked inside the Special Use Building when not in use for School purposes. It is further agreed that a "No Parking" strip notation shall be placed on the Special Use Site Plan showing that "No Parking" shall be permitted in an area 95’ perpendicular
to the West Right-of-Way line of Rt. 47 and the West Right-of-Way line of Rt. 71.

4. That said School shall maintain a Certificate of Liability Insurance in a minimum of at least Five Hundred Thousand Dollars ($500,000), and a copy of said Certificate of Insurance shall be tendered to the Kendall County Zoning Office for retention in its file.

5. That in the event any outdoor signage is desired, the applicant shall comply with the Kendall County Sign Ordinance, limited to signage is permitted in A-1 Agricultural Districts.

6. That the hours of operation of said school shall be limited to 7:00 a.m. through 6:00 p.m. Monday through Friday.

7. That the School shall be limited to a maximum of 24 students at any one session.

8. That Petitioner shall be allowed a maximum of four semi-tractors and four semi-trailers on the subject premises.

9. That classes may be permitted in the premises only if bathroom, septic, and well facilities are installed in conformance with Illinois Public Health Code and Kendall County Ordinances as are subject to permit by the Kendall County Health Department and the Kendall County Zoning Office.

10. Petitioner shall comply with any drainage recommendation made by Morris Engineering, the Kendall County Drainage Engineer.

11. The Special Use Permit issued herein is being issued subject to Petitioner's acknowledgement of the receipt and understanding of the Kendall County Right To Farm Easement Language as to his adjoining neighbors, which shall be typed in full in Special Use Site Plan.

12. That said Special Use Permit shall be subject to review at intervals of 2 years; and
that at such time Illinois Department of Transportation warrants may require a turn lane it will be constructed at Petitioner's expense in conformance with Illinois Department of Transportation regulations.

13. That no expansion of the Special Use shall take place without further review of the County Zoning Staff, and if the County Zoning Staff deems it necessary without further public hearing.

14. That the Special Use Permit is a covenant running with the land, for the limited purposes of a Truck Driver Training School at the subject site.

IN WITNESS WHEREOF, this Ordinance has been enacted this 15 day of October, 1996.

[Signature]
COUNTY BOARD CHAIRMAN

[Signature]
ATTEST:

[Signature]
COUNTY CLERK

LAW OFFICES OF DANIEL J. KRAMER
1107A S. Bridge St.
Yorkville, IL 60560
(630) 553-9500
part of the Southwest Quarter of Section 22, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast corner of said Southwest Quarter; thence northerly along the East Line of said Southeast Quarter, 1650.0 feet to the original centerline of the Chicago to Ottawa Road (now known as Illinois State Route No. 71) for a point of beginning; thence northerly along said East Line, 434.94 feet; thence southwesterly along a line which forms an angle of 48°30'21" with the last described course, measured clockwise therefrom, 380.16 feet; thence southerly along a line which forms an angle of 131°14'08" with the last described course, measured clockwise therefrom, 379.50 feet to said original centerline; thence northeasterly along said original centerline, 344.52 feet to the point of beginning (being that tract previously known as the Hollenbeck School Lot) and containing 2.658 acres in Fox Township, Kendall County, Illinois
Highway Permit

District Serial No. 3-3329-9

I (We) ________
(Name of Applicant)

John Britt

P.O. Box 194

Yorkville IL 60560

(Mailing Address)

(City)__________ (State)

request permission and authority to do certain work herein described on the right-of-way of the State highway known

as IL Route 71, Section __________, from Station *_________ to Station _________, Kendall County. The work is described in detail on the attached sketch and/or as follows:

*Located ± 250' S/O Hollandback Road

Upon approval this permit authorizes the applicant to locate, construct, operate and maintain at the above mentioned location, a maximum thirty (30) foot in width widened field entrance by means of extending the existing 18 inch diameter culvert twenty (20) foot by approved connecting methods and placing eight (8) inches of aggregate surface as shown on the attached plans which become a part hereof.

The applicant shall notify Tom Schaefer, Field Engineer, Phone: (815) 942-0351 or the District Permit Section, Phone: 815-434-6131 (Ext. 290) twenty-four hours in advance of starting any work covered by this permit.

Aggregate material shall be obtained from a State approved stock pile and shall be:

AGGREGATE SURFACE COURSE TYPE A (CA-6 Gradation).

SPECIAL PROVISIONS CONTINUED ON NEXT PAGE

180

It is understood that the work authorized by this permit shall be completed within __________ after the date this permit is approved, otherwise the permit becomes null and void.

This permit is subject to the conditions and restrictions printed on the reverse side of this sheet.

This permit is hereby accepted and its provisions agreed to this ______ day of ________ 19__.

Witness

Signed

John Britt

P.O. Box 194

Yorkville IL 60560

Mailing Address

City

State

700 East Norris Drive, Ottawa

____________________

District Engineer

Approved this ______ day of ______ 19__.

Applicant (2)

Field Engineer

Final Inspection

PMT137S

L-3339

BT 1045 (Rev. 1/292)

IL 494-0135

DEPARTMENT OF TRANSPORTATION

BY:

District Engineer
STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

DETAILED SKETCH FOR HIGHWAY ACCESS PERMIT

ROUTE (Const) ROUTE (Marked) SECTION STATION COUNTY
--- 1L-71 256 3 6 Holland Back Rd. Kendall

APPLICANT (Owner) John Briff

ADDRESS P.O. Box 194 Yorkville, IL 60560

Right-of-Way Line
Edge of Pavement
Center Line

TYPICAL SECTION A - A
FINISHED GRADE LINE OF ENTRANCE

Right-Of-Way Line
ORIGINAL GROUND CULVERT

SLOPE ½" PER FOOT OR MATCH EXISTING 8" MINIMUM THICKNESS

Center Line Of Pavement

Remove sod from ditch and prepare a smooth bed to support pipe culvert.

TYPICAL SECTION B - B
PROPOSED 30' MAX. 8" MINIMUM THICKNESS
ORDINANCE NUMBER 99-35

AMENDING SPECIAL USE ORDINANCE #96-15

JOHN C. BRITT
Expanding a Truck Driving School

WHEREAS, John C. Britt, owner and operator of J & B Truck Driving School, was granted a Special Use Permit for a Truck Driving School under Kendall County Ordinance #96-15; and

WHEREAS, said Special Use Permit is for property legally described in attached Exhibit A; and

WHEREAS, Condition #13 of said Ordinance states “That no expansion of the Special Use shall take place without further review of the County Zoning Staff, and if the County Zoning Staff deems it necessary without further public hearing;” and

WHEREAS, the petitioner desires to construct a building for offices and classrooms; and

WHEREAS, said use is in accordance with said Special Use Permit; and

WHEREAS, the Zoning Administrator determined a public hearing was required for the proposed building; and

WHEREAS, current sign requirements make constructing a sign under the provisions of said Special Use Permit impossible; and

WHEREAS, the petitioner desires to construct a sign for the approved special use; and

WHEREAS, the petitioner filed an application to amend Kendall County Ordinance #96-15 to include a classroom office building and a sign to advertise the approved use; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions of the Kendall County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby amends Kendall County Ordinance #96-15 to include the following:

1. The site plan of the special use to include a classroom and office building as presented in attached Exhibit B.
2. A sign, not to exceed twelve (12) square feet, for the approved use.
ADDITIONALLY, the Kendall County Board hereby reaffirms the conditions of Ordinance #96-15, except as modified by this ordinance.

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 on November 16, 1999.

Attest:

[Signature]

John A. Church
Kendall County Board Chairman

[Signature]

Paul Anderson
Kendall County Clerk
EXHIBIT A: LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 22, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence northerly along the East Line of said Southeast Quarter, 1,650.0 feet to the original centerline of the Chicago to Ottawa Road (now known as Illinois State Route No. 71) for a point of beginning; thence northerly along said East Line, 434.94 feet; thence southwesterly along a line which forms an angle of 48°30'21" with the last described course, measured clockwise therefrom, 380.16 feet; thence southerly along a line which forms an angle of 131°14'08" with the last described course, measured clockwise therefrom, 379.50 feet to said original centerline; thence northeasterly along said original centerline, 344.52 feet to the point of beginning (being that tract previously known as the Hollenback School Lot) and containing 2.658 acres in Fox Township, Kendall County, Illinois
Amendment to the Special Use Permit of
Part of the Southwest Quarter of Section 22-36-6
Fox Township Kendall County Illinois

Prepared For:
Ally Dan Kramer
1107 A South Bridge Street
Yorkville, Illinois 60560

Prepared By:
James M. Gilp Associates, Ltd.
107 West Madison Street
Yorkville, Illinois 60560
(630)553-0050

August 20, 1998

Revised August 9, 1999 to show location of Proposed Office Building.
MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 28, 2019
Re: Petition 19-07- Request from the Kendall County Planning, Building and Zoning Committee for Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking of Trailers

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

A redline version of the proposal is attached to this memo.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

The proposal was sent to the townships on March 4, 2019. To date, no townships have provided written comments.

ZPAC reviewed this proposal at their meeting on March 5, 2019. ZPAC unanimously recommended approval. The minutes of the ZPAC meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. The Kendall County Regional Planning Commission unanimously recommended approval. The minutes of the Kendall County Regional Planning Commission are attached.

Thanks,

MHA

ENC: Redlined Version of Section 11.05A of the Kendall County Zoning Ordinance
March 5, 2019 ZPAC Meeting Minutes
March 27, 2019 Kendall County Regional Planning Commission Meeting Minutes
11.05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES. (Amended 7/18/2006)
A. Storage of Unoccupied Recreational Vehicles, Trailers and Mobile Homes (Amended 7/18/2006)

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:

a. The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.

b. Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:

i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11.02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.

ii. **Except in the R-4, R-5, R-6, and R-7 districts**, recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.

iii. **In the R-4, R-5, R-6, and R-7 districts**, recreational vehicles, trailers and their contents may **not** encroach into a required front or corner side yard setback, but shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.

iv. **iii.** Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

**Exception:** An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of Section 4.08.A.1.b.ii above as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.). Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle. This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property. Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. In addition, the owner shall supply a copy of the plat of survey.
indicating the approved location for the storage of the vehicle and shall be required to pay a one time registration fee of $75.00. The Planning Building and Zoning Department shall keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated.

c. When recreational vehicles or trailers and their contents are not fully screened from adjacent properties, the maximum number of unscreened recreational vehicles or trailers permitted to be parked or stored on a zoning lot shall be in accordance with the following table:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Permitted RV's or Trailers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant</td>
</tr>
<tr>
<td>R1, R2, R3</td>
<td>2, provided such recreational vehicles or trailers are for use by the property owner or tenant</td>
</tr>
<tr>
<td>All other residential districts</td>
<td>1 provided such recreational vehicles or trailers are for use by the property owner or tenant</td>
</tr>
<tr>
<td>Commercial or Industrial Districts</td>
<td>No restriction on trailers, recreational vehicles provided they are part of a permitted trailer storage or sales business.</td>
</tr>
</tbody>
</table>

(Amended 7/18/2006)

2. Exception: The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances:

a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed 72 hours within a one week period.

b) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to 14 consecutive days within a one year period or 21 days (non-consecutive) within a one year period unless otherwise approved in writing by the Zoning Administrator.

3. Unoccupied mobile homes can be stored only in commercial and industrial districts and only as part of a permitted trailer storage or sales business. (Amended 7/18/2006)
Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:
Megan Andrews – Soil and Water Conservation District
Meagan Briganti – GIS
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Aaron Rybski – Health Department
Matt Asselmeier – PBZ Department

Absent:
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Deputy Commander Jason Langston – Sheriff’s Department
Matthew Prochaska – PBZ Committee Chair

Audience:
Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

AGENDA
Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

MINUTES
Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

PUBLIC COMMENT
Dan Huddleston, President of the Homeowners’ Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it unpleasant for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners’ Association.

No notices of shows have been provided to the Homeowners’ Association. The Homeowners’ Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners’ Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners’ Association, discussed the cost increases on the Homeowners’ Association.

PETITIONS
Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships
Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an "arena" area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12') in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing "arena" area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners’ Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.

2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, "A maximum of thirty-six (36) horses are allowed to be housed in the stable."

3. The site shall be developed substantially in accordance with the attached site plan.

4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.

7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski
Nays (0): None
Present (2): Guritz and Klaas
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11th.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County’s highway regulations.
Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski
Nays (0): None
Present (0): None
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski
Nays (0): None
Present (0): None
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition

Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff's Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff's Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff’s Office shooting ranges. If
this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski
Nays (0): None
Present (0): None
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

CORRESPONDENCE

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner
Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL
Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, Benjamin Schroeder, and John Shaw
Members Absent: Claire Wilson
Staff Present: Matthew H. Asselmeier, Senior Planner, and Ruth Ann Sikes, Part Time Office Assistant (Zoning)
In the Audience: Dan Kramer, Chet Sergo, Mary Kay Sergo, Dan Huddleston, Mark Bassong, Jean Cook, Celia Bulper, Dorothy Flisk, Craig Zimmerman, Craig Krause, Brittany Krause, and Brad Blocker

APPROVAL OF AGENDA
Member Nelson made a motion, seconded by Member Bledsoe to approve the agenda with the change of moving Petition 19-08 ahead of Petition 19-07. With a voice vote of eight (8) ayes, the motion carried unanimously.

APPROVAL OF MINUTES
Member Bledsoe made a motion, seconded by Member Casey to approve the minutes of the February 27, 2019, meeting with a correction of adding “range” to after “gun” in the second paragraph under Approval to Initiate a Text Amendment for the Kendall County Sheriff’s shooting range. With a voice vote of eight (8) ayes, the motion carried unanimously.

PETITIONS
18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC
Mr. Asselmeier summarized the request.

The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an “arena” area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10’-12’) in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing “arena” area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.
The Petitioner applied for an NRI in February 2019 and the LESA Score was 167 indicating a low level of protection.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

ZPAC recommended approval of the petition.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Staff recommended approval subject to the following conditions:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.

2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, “A maximum of thirty-six (36) horses are allowed to be housed in the stable.”

3. The site shall be developed substantially in accordance with the attached site plan.

4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.

7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Dan Kramer gave a summary of the way the property was originally setup and that Dorothy Flisk owns the barn and six (6) other lots in the subdivision.

Chairman Ashton asked if the manure plan met the State requirements. Mr. Kramer stated there really are no requirements on manure, but they believe they do meet the expectations.
Member Schroeder expressed concerns about the removal of the urine waste and proximity to the creek. He is concerned that with the increase in horses, an increase in the amount of waste will occur. Mr. Kramer said the Health Department had no concerns about the waste.

Dan Huddleston, President of the HOA, spoke about the concerns of the members/neighbors. They are concerned about increased traffic, light pollution, noise, and manure. They are also concerned about the decreased value in their homes due to the fact of having a business in their backyard. Mark Bassong, Vice President of the HOA, agreed with everything Mr. Huddleston said.

Member Rodriguez asked if there was any talk about putting in a separate road to her barn. Mr. Huddleston said there is no way to install a new road.

Mr. Kramer said that request had nothing to do with the covenants of the HOA.

Jean Cook, Arlene Vankamper, and Mary Kay Sergo who board their horses at the stable spoke about how well maintained it is and how it enhanced the area.

Dorothy Flisk owner of the property answered questions about the disposal of urine and manure. She discussed the value and what kind of horses they board. Discussion occurred regarding her business operations, the number of vehicles using the road, and the number of employees at the business.

Member Nelson asked if they had thought about putting in Arborvites. Inadequate space exists for planting Arborvitaes near the paddock area.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of Petition 18-24 with the conditions proposed by Staff.

Yes (6): Ashton, Bledsoe, Davis, Nelson, Rodriquez, and Shaw
No (2): Casey and Schroeder
Absent (1): Wilson

The motion carried.

Petition 18-24 will go to the Zoning Board of Appeals on April 29, 2019.

19-08 Daniel, Bruce, and Norma Van Deventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (current Owner) and Diane and Craig Zimmerman (Prospective Buyer)
Mr. Asselmeier summarized the request.

Craig Zimmerman, the prospective buyer, gave a summary that he wants to build a house/workshop on the property.

Craig and Brittany Krause expressed concerns of why did the property had to be rezoned from A1 to R1. Mr. Asselmeier stated it needs to be rezoned in order for them to build a house on it. Discussion also occurred regarding the address of the property.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of Petition 19-08.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson
The motion carried.

Petition 19-08 will go to the Zoning Board of Appeals on April 1, 2019.

19-07 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. He explained enforcement issues in Boulder Hill and this proposal was the suggest way of resolving those issues.

Member Davis made a motion, seconded by Member Bledsoe, to recommend approval of Petition 19-07.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-07 will go to the Zoning Board of Appeals on April 1, 2019.

19-09 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

Brad Blocker, Na-An-Say Township Supervisor, spoke about his issues which is the A1 outline reads to allow for the purposes best suited for agricultural purposes. He believes that taking it out of special use and turning it into a permitted use in this case it is pretty much a stretch to call that an Agricultural Use.

Members of the Commission gave Mr. Blocker a background on the proposal. No agricultural land is being taken out of use. It was noted that the proposal is for Oswego Township and the ordinance expires on December 31, 2024.

Member Nelson made a motion, seconded by Member Davis, to recommend approval of Petition 19-09.

Yes (9): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-09 will go to the Zoning Board of Appeals on April 1, 2019.

OLD BUSINESS

Update on Petition 18-04 Request from Kendall County Regional Planning Commission for Changes to the Future Land Use Map for Properties Near Route 47 in Lisbon Township

Mr. Asselmeier gave an update. This proposal will go the Planning, Building and Zoning Committee in April.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None
NEW BUSINESS
Approval to Initiate a Text Amendment to Section 4.06 and 4.07 of the Kendall County Zoning Ordinance by allowing Research and Development Related Home Occupations to be Conducted Outside of a Dwelling or Permitted Accessory Structure and Adding the Phrase “Unless Otherwise Permitted by Law” to the End of Section 4.06.f and Section 4.07.g
Mr. Asselmeier summarized the request.

Mr. Nelson said this came out of a person wanting to do research on guns out of their home. Under current regulations he could not discharge a firearm outdoors as part of his business.

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve initiating the text amendment.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Schroeder
No (0): None
Absent (1): Wilson
Abstain (1): Shaw

The motion carried.

This petition will go to ZPAC on April 2, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
None

OTHER BUSINESS/ANNOUNCEMENTS
Mr. Asselmeier announced there were three (3) new petitions coming next month.

Member Schroeder talked about the sprinkler issue at the planned banquet facility on Schlapp Road.

ADJOURNMENT
Member Rodriguez made a motion, seconded by Member Nelson, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:10 p.m.

Respectfully submitted by,
Ruth Ann Sikes
Part-Time Office Assistant (Zoning)

Encs.
KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 27, 2019

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

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<td>Dan Kramer</td>
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<td>Chef Sergio</td>
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<td>Mary Kay Sergio</td>
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<td>Dr. A. Johnson</td>
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VILLAGE OF OSWEGO ZONING ORDINANCE

12.02 PARKING AND STORING RECREATIONAL VEHICLES

A. **Application.** These regulations shall apply to all recreational vehicles.

B. **Recreational Vehicle Defined.** Under this ordinance a recreational vehicle is defined as including but not limited to the following: camping trailer, motor home, mini motor home, travel trailer, truck camper, van camper, conversion van, box camper, boat, jet ski, snowmobile and trailer.

C. **Parking on Village Streets.** No recreational vehicle shall be parked on any street between the hours of 10:00 p.m. and 5:00 a.m.

D. **One Recreational Vehicle Maximum.** Only one (1) recreational vehicle may be parked or stored outside of a completely enclosed structure on the premises of a residential lot. In instances where multiple recreational vehicles are located on the same one trailer, that one trailer and the recreational vehicles on that one trailer shall be considered “one” (1) recreational vehicle.

E. **Front Yard Prohibited.** A recreational vehicle may not be parked or stored in the front yard of any residential lot.

F. **Rear or Side Yard Allowed.** A recreational vehicle may be parked or stored in the rear yard or the side yard of any residential lot as long as no portion of the recreational vehicle is parked or stored in the front yard.

G. **Improved Surface.** A recreational vehicle must be parked or stored on an improved surface. Under this ordinance an improved surface shall be defined as a compacted macadam base or equal, not less that four (4) inches thick, surfaced with asphaltic concrete or some comparable all-weather dustless material.

H. **Loading/Unloading.** A recreational vehicle may be parked in the driveway of a residential lot for up to seventy-two (72) hours within a one (1) week period for the purpose of loading and unloading the recreational vehicle. For the purposes of this section, loading and unloading shall be defined as maintenance and packing the recreational vehicle for the purposes of a recreational use.

I. **Exception and Non-Resident Permit**

1. In addition to the parking permitted under section (H) above, a Village resident may apply for an exception permit from the Village Administrator allowing the resident to park or store a recreational vehicle on the resident’s property for up to seventy-two (72) hours. A resident may receive a maximum of two (2) exception permits within a twelve (12) month period.

2. A Village resident may apply for an exception permit from the Village Administrator allowing the resident to park a recreational vehicle in the driveway of the resident’s property if the recreational vehicle is used on a daily basis as the resident’s principal means of transportation. A permit granted under this provision shall expire after one (1) year or on the date that the recreational vehicle
is no longer used on a daily basis as the resident’s principal means of transportation. The renewal of an exception permit shall be subject to the review and approval of the Village Administrator.

3. A non-resident of the Village who is an owner or operator of a recreational vehicle must obtain a temporary parking permit from the Village in order to park or store a recreational vehicle on a residential lot in the Village. Such permit may be issued if:
   a. The owner or operator of the recreational vehicle is not a resident of the Village; and,
   b. The non-resident owner or operator will be or is in the Village for the purpose of visiting a resident of the Village; and,
   c. The resident of the Village approves of the parking or storing of the recreational vehicle on his/her residential lot; and,
   d. The period that the recreational vehicle will be parked or stored on the residential lot will not exceed the following:
      i. Fourteen (14) consecutive days in a one (1) year period or
      ii. Twenty-one (21) non-consecutive days within a one (1) year period.

4. In the event of an actual hardship, the Village Administrator may issue a temporary permit to allow parking a recreational vehicle on lot for a good cause shown on a case by case basis.

J. Blocking Sidewalk/Visibility Prohibited

1. No recreational vehicle shall be parked or stored in such a way as to block any portion of the sidewalk.

2. No recreational vehicle shall be parked or stored in such a way as to block the visibility of oncoming traffic so as to create a safety hazard.

K. Violations, Penalty, and Enforcement

1. When a person, firm, or corporation is in violation of this ordinance, the Village shall issue a written notice of the violation to the offender.

2. If a resident offender has not had a violation of this ordinance within the twelve (12) months preceding the violation at issue, the resident offender shall be given a ten (10) day grace period in which to come into compliance with the ordinance. If the resident offender is not in compliance with the ordinance on the eleventh (11th) day a fine shall be imposed for the violation and each day thereafter that the resident offender is not in compliance shall constitute a separate offense.

12-15
3. If a non-resident offender has not had a violation of this ordinance within the twelve (12) months preceding the violation at issue, the non-resident offender shall be given a three (3) day grace period in which to come into compliance with the ordinance. If the non-resident offender is not in compliance with the ordinance on the fourth (4th) day a fine shall be imposed for the violation and each and every day thereafter that the non-resident offender is not in compliance shall constitute a separate offense.

4. If an offender has violated this ordinance within the twelve (12) months preceding the violation at issue, there shall be no grace period for the violation at issue.

5. Each day that a violation is permitted to exist after notification thereof shall constitute a separate offense.

6. Fines shall be imposed based on the following schedule:
   a. A $25 fine for the first offense.
   b. A $50 fine for the second offense.
   c. A $100 fine for the third offense.
   d. A $250 fine for the fourth offense.
   e. A $500 fine for the fifth offense.
   f. A $500 fine for each offense after the fifth offense. (ordinance 02-11)
To:       Kendall County Zoning Board of Appeals  
From: Matthew H. Asselmeier, AICP, Senior Planner  
Date: March 28, 2019  
Re:       Proposed Text Amendment Adding Kendall County Sheriff’s Office Shooting Ranges to the List of Permitted Uses in the A-1 Agricultural Zoning District in Oswego Township

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff’s Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff’s Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff’s Office shooting ranges. If this proposal is approved, Kendall County Sheriff’s Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

The A-1 zoning map is attached to this memo. A map of all of the County-owned properties currently zoned A-1 is also attached.

This proposal was mailed to the townships on March 4, 2019. To date, no township has provided written comments.

ZPAC reviewed this proposal on March 5, 2019 and unanimously recommended approval. The minutes of this meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. Na-Au-Say Township Supervisor Brad Blocker expressed his concerns that gun ranges are not an agricultural use and should be a special use. Commissioners provided a history of the proposal and the reasons why the proposal was drafted in its current format. The Kendall County Regional Planning Commission unanimously recommended approval. The minutes of the Kendall County Regional Planning Commission are attached.

If you have any questions regarding this proposal, please let me know.

Thanks,

MHA

ENC:    A-1 Zoning Map  
County-Owned Properties Zoned A-1  
March 5, 2019 ZPAC Meeting Minutes  
March 28, 2019 Kendall County Regional Planning Commission Meeting Minutes
KENDALL COUNTY

- 2019 -

http://gis.co.kendall.il.us

Legend

- ADJACENT COUNTY
- COUNTY
- INTERSTATE
- STATE
- FEDERAL
- BITUMINOUS
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- County Owned Properties - Zoned A1

Kendall County GIS
132 West Pea Street - Plainfield
Yorkville, IL 60560-1409
630-355-4111
Senior Planner Matt Asselmeier called the meeting to order at 9:08 a.m.

Present:
Megan Andrews – Soil and Water Conservation District
Meagan Briganti – GIS
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Aaron Rybski – Health Department
Matt Asselmeier – PBZ Department

Absent:
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Deputy Commander Jason Langston – Sheriff’s Department
Matthew Prochaska – PBZ Committee Chair

Audience:
Dan Kramer, Dan Huddleston, Mark Bossong, Chris Fowler, and Craig Zimmerman

AGENDA
Mr. Asselmeier requested that the agenda be amended by moving Public Comment to before Petitions and moving Petition 19-08 to ahead of Petition 19-07. Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the agenda as amended. With a voice vote of all ayes the motion carried unanimously.

MINUTES
Ms. Andrews made a motion, seconded by Ms. Briganti, to approve the February 5, 2019, meeting minutes. With a voice vote of all ayes the motion carried unanimously.

PUBLIC COMMENT
Dan Huddleston, President of the Homeowners’ Association of Equestrian Estates at Legacy Farm, expressed his opposition to the proposed increase of the number of horses allowed at 17 Ashe Road. When the development was created, the boarding of horses at the subject property was for residents of the subdivision only. Boarding was opened to non-residents in 2012. He stated that the barn operating as business negatively impacted the property values in the subdivision. The increase in business will result in increased traffic and greater maintenance costs to the roads. He expressed concerns regarding the collection of manure; it is not happening frequently.

Mark Bossong agreed with Mr. Huddleston. Mr. Bossong said that they no longer board their horse at the subject property.

There are six (6) homeowners in the subdivision. The previous owner made it unpleasant for residents to board horses at the barn.

The owner of the barn is a member of the Homeowners’ Association.

No notices of shows have been provided to the Homeowners’ Association. The Homeowners’ Association has not request additional financial assistance for road maintenance. The barn owner pays her fees to the Homeowners’ Association.

Mr. Huddleston would like the insurance paid by barn owner to be increased. He also noted that Ms. Flisk does not own any horses boarded at the property.

Chris Fowler, attorney for the Homeowners’ Association, discussed the cost increases on the Homeowners’ Association.

PETITIONS
Petition 18-24 Dorothy Flisk on Behalf of Skyfall Equestrian, LLC – Major Amendment to a Special Use Permit by Increasing the Number of Horses Allowed Boarded at 17 Ashe Road from 24 to 36 in Little Rock and Bristol Townships
Mr. Asselmeier summarized the request. The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an “arena” area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10’-12’) in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing “arena” area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.

The Petitioner applied for an NRI in February 2019. Ms. Andrews reported that her office is preparing a letter on the subject.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Discussion occurred regarding the manure management plan. Mr. Rybski requested additional monitoring of manure. With straw, every stall has to be cleared every day.

Dan Kramer, attorney for the Petitioner, provided a history of the development. Mr. Kramer noted that the Petitioner attempted to meet with the Homeowners’ Association. The Petitioner has no objections to the conditions proposed by County Staff.

Mr. Rybski discussed the manure pickup issues. Mr. Rybski noted that the area should be cleaned at least every seven to eight (7-8) days. Mr. Kramer noted that, in the summer, manure pickups will occur every two to three (2-3) days. Mr. Rybski requested that the manure management plan state the two to three (2-3) day pickup during the warmer months. Discussion occurred regarding the Public Health Nuisance Ordinance. Mr. Kramer will provide a more detailed manure management plan to Mr. Rybski by Noon on March 8, 2019. If an updated plan is not provided, the proposal will not advance to the Regional Planning Commission.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the major amendment to the special use permit, provided that the manure management plan is provided to the Kendall County Health Department by Noon on March 8, 2019, and subject to the following conditions to the Kendall County Regional Planning Commission:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.

2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, “A maximum of thirty-six (36) horses are allowed to be housed in the stable.”

3. The site shall be developed substantially in accordance with the attached site plan.

4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.
5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.

7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Ayes (4): Andrews, Asselmeier, Briganti, and Rybski
Nays (0): None
Present (2): Guritz and Klaas
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on March 27, 2019, if the manure management plan is submitted as scheduled.

Petition 19-08 Daniel, Bruce and Norma VanDeventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer) – Map Amendment Rezoning the Property at the Northeast Side of the T-Intersection Created by Galena Road and Kennedy Road (PIN 02-11-300-007) from A-1 to R-1 in Bristol Township

Mr. Asselmeier summarized the request. Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based carpentry business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size. Trails are planned along Galena Road and Blackberry Creek, but a rezoning request cannot be conditioned. A sizeable portion of the property is in the floodplain. The adjacent zoning districts around the property are A-1, R-1, and R-3 in the County and business zoning in Yorkville. The future land use map calls for the property to be residential.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on February 19, 2019. Ms. Andrews reported that they will finish the report the week of March 11th.

Petition information was sent to Bristol Township on February 25, 2019.

Petition information was sent to the Village of Montgomery on February 25, 2019. Mr. Asselmeier noted that the United City of Yorkville was also notified because they own property within the notification area.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. A variance to the County highway regulations would be required and the County might require additional right-of-way when they do road improvements in the area.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No new fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Mr. Klaas requested a more detailed site plan showing the access point with Galena Road. Mr. Zimmerman will provide the site plan as part of the application for variance to the County’s highway regulations.
Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski
Nays (0): None
Present (0): None
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

Petition 19-07 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 11.05A of the Kendall County Zoning Ordinance Pertaining to the Parking and Storage of Unoccupied Recreational Vehicles, Trailers, and Mobile Homes
Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

Discussion occurred regarding blocking sidewalks and potential increase in the number of unoccupied recreational vehicles in certain parts of the County.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski
Nays (0): None
Present (0): None
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

Petition 19-09 Kendall County Regional Planning Commission – Text Amendment to Section 7.01.C of the Kendall County Zoning Ordinance by Adding Kendall County Sheriff Shooting Range in Oswego Township (Ordinance Would Expire December 31, 2024) to the List of Permitted Uses in the A-1 District, Related Citation Corrections, and Update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to Reflect this Addition
Mr. Asselmeier summarized the request.

At their meeting on February 27, 2019, the Kendall County Regional Planning Commission voted to initiate a text amendment to the Kendall County Zoning Ordinance amending Section 7.01.C by adding Kendall County Sheriff’s Office shooting range to the list of permitted uses in the A-1 Agricultural District in Oswego Township only with an expiration date of December 31, 2024, related citation corrections, and update to Appendix 9-Table of Uses in the Kendall County Zoning Ordinance to reflect this addition.

Presently, Kendall County Sheriff’s Office shooting ranges are special uses in the A-1, B-2, B-3, B-4, B-6, M-1, M-2, and M-3 Zoning Districts. The County Board may impose restrictions on Kendall County Sheriff’s Office shooting ranges. If
this proposal is approved, Kendall County Sheriff's Office shooting ranges would remain special uses on A-1 zoned properties in all of the townships except Oswego Township.

Similarly, outdoor target practice and shooting ranges are special uses with conditions in the A-1 and M-3 Zoning Districts.

Mr. Klaas made a motion, seconded by Mr. Guritz, to recommend approval of the text amendment as requested.

Ayes (6): Andrews, Asselmeier, Briganti, Guritz, Klaas, and Rybski
Nays (0): None
Present (0): None
Absent (4): Chismark, Holdiman, Langston, and Prochaska

The motion passed. This proposal will go to the Kendall County Regional Planning Commission on March 27, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
Mr. Asselmeier reported that Petitions 19-04 and 19-05 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS
Mr. Asselmeier reported that a petition for special use permit for a banquet facility on Crimmin Road will likely be submitted on or before the March application deadline.

Mr. Asselmeier reported that the Planning, Building and Zoning Committee is pursuing revocations of special use permits at 43 West Street in Bristol and 14525 Route 71. Neither of the uses appear active.

CORRESPONDENCE
None

ADJOURNMENT
Mr. Guritz made a motion, seconded by Mr. Klaas to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:40 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner
Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL
Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, Benjamin Schroeder, and John Shaw
Members Absent: Claire Wilson
Staff Present: Matthew H. Asselmeier, Senior Planner, and Ruth Ann Sikes, Part Time Office Assistant (Zoning)
In the Audience: Dan Kramer, Chet Sergo, Mary Kay Sergo, Dan Huddleston, Mark Bassong, Jean Cook, Celia Bulper, Dorothy Flisk, Craig Zimmerman, Craig Krause, Brittany Krause, and Brad Blocker

APPROVAL OF AGENDA
Member Nelson made a motion, seconded by Member Bledsoe to approve the agenda with the change of moving Petition 19-08 ahead of Petition 19-07. With a voice vote of eight (8) ayes, the motion carried unanimously.

APPROVAL OF MINUTES
Member Bledsoe made a motion, seconded by Member Casey to approve the minutes of the February 27, 2019, meeting with a correction of adding “range” to after “gun” in the second paragraph under Approval to Initiate a Text Amendment for the Kendall County Sheriff’s shooting range. With a voice vote of eight (8) ayes, the motion carried unanimously.

PETITIONS
18-24  Dorothy Flisk on Behalf of Skyfall Equestrian, LLC
Mr. Asselmeier summarized the request.

The property is approximately eight point five (8.5) acres. The existing stable has twenty-six (26) horse stalls. The property has a total of sixteen (16) paddock areas and an “arena” area.

The Petitioner would like to demolish the accessory structures and construct an area for hay and straw and an additional twelve (12) stalls. The new barn will be constructed where the current brown barn is located, using the same footprint. The new barn will be ten feet to twelve feet (10'-12’) in height. The new barn will be a prefab construction type. The existing frame shed shall be located to the rear of the paddock area. The Petitioner would also like to construct a lounging arena north of the existing “arena” area.

The Petitioner has a waitlist and would like to expand because of the waitlist. If approved, the Petitioner would like to expand operations in the summer of 2019.

The Petitioner provided an EcoCat from 2005. Since no new building footprints are planned, an update EcoCat was not required.
The Petitioner applied for an NRI in February 2019 and the LESA Score was 167 indicating a low level of protection.

Revised information was sent to Little Rock Township Revised on February 21, 2019.

Revised information was sent to Bristol Township on February 21, 2019.

The City of Plano had no objections to the proposal.

Revised information was sent to the Bristol-Kendall Fire Protection District on February 21, 2019.

The Little Rock Fox Fire Protection District had no objections to the original proposal.

ZPAC recommended approval of the petition.

The Petitioner currently has manure picked up four (4) days per week and has a mushroom farmer collect manure for composting once per week. The manure area is sealed and graded with four (4) concrete blocks across the back and is four (4) rows high and three (3) rows deep. The Petitioner plans to install an opaque fence around the manure area.

Staff recommended approval subject to the following conditions:

1. All of the conditions contained in Ordinance 2012-22, except condition number 1 shall remain in effect.

2. Condition number 1 contained in Ordinance 2012-22 is hereby amended to read, “A maximum of thirty-six (36) horses are allowed to be housed in the stable.”

3. The site shall be developed substantially in accordance with the attached site plan.

4. The owner(s) of the property shall secure applicable building permits prior to the construction of any structures on the property.

5. The owners(s) of the facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

6. Failure to comply with one or more of the above conditions or restrictions contained in this ordinance and Ordinance 2012-22 could result in the amendment or revocation of the special use permit.

7. If one or more of the conditions contained in this ordinance and Ordinance 2012-22 is declared invalid by a court of competent jurisdiction, the remaining conditions of both ordinances shall remain valid.

Dan Kramer gave a summary of the way the property was originally setup and that Dorothy Flisk owns the barn and six (6) other lots in the subdivision.

Chairman Ashton asked if the manure plan met the State requirements. Mr. Kramer stated there really are no requirements on manure, but they believe they do meet the expectations.
Member Schroeder expressed concerns about the removal of the urine waste and proximity to the creek. He is concerned that with the increase in horses, an increase in the amount of waste will occur. Mr. Kramer said the Health Department had no concerns about the waste.

Dan Huddleston, President of the HOA, spoke about the concerns of the members/neighbors. They are concerned about increased traffic, light pollution, noise, and manure. They are also concerned about the decreased value in their homes due to the fact of having a business in their backyard. Mark Bassong, Vice President of the HOA, agreed with everything Mr. Huddleston said.

Member Rodriguez asked if there was any talk about putting in a separate road to her barn. Mr. Huddleston said there is no way to install a new road.

Mr. Kramer said that request had nothing to do with the covenants of the HOA.

Jean Cook, Arlene Vankamper, and Mary Kay Sergo who board their horses at the stable spoke about how well maintained it is and how it enhanced the area.

Dorothy Flisk owner of the property answered questions about the disposal of urine and manure. She discussed the value and what kind of horses they board. Discussion occurred regarding her business operations, the number of vehicles using the road, and the number of employees at the business.

Member Nelson asked if they had thought about putting in Arborvites. Inadequate space exists for planting Arborvitaes near the paddock area.

Member Nelson made a motion, seconded by Member Bledsoe, to recommend approval of Petition 18-24 with the conditions proposed by Staff.

Yes (6): Ashton, Bledsoe, Davis, Nelson, Rodriguez, and Shaw
No (2): Casey and Schroeder
Absent (1): Wilson

The motion carried.

Petition 18-24 will go to the Zoning Board of Appeals on April 29, 2019.

19-08 Daniel, Bruce, and Norma Van Deventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

Mr. Asselmeier summarized the request.

Craig Zimmerman, the prospective buyer, gave a summary that he wants to build a house/workshop on the property.

Craig and Brittany Krause expressed concerns of why did the property had to be rezoned from A1 to R1. Mr. Asselmeier stated it needs to be rezoned in order for them to build a house on it. Discussion also occurred regarding the address of the property.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of Petition 19-08.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson
The motion carried.

Petition 19-08 will go to the Zoning Board of Appeals on April 1, 2019.

19-07 Kendall County Planning, Building and Zoning Committee
Mr. Asselmeier summarized the request. He explained enforcement issues in Boulder Hill and this proposal was the suggest way of resolving those issues.

Member Davis made a motion, seconded by Member Bledsoe, to recommend approval of Petition 19-07.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-07 will go to the Zoning Board of Appeals on April 1, 2019.

19-09 Kendall County Regional Planning Commission
Mr. Asselmeier summarized the request.

Brad Blocker, Na-An-Say Township Supervisor, spoke about his issues which is the A1 outline reads to allow for the purposes best suited for agricultural purposes. He believes that taking it out of special use and turning it into a permitted use in this case it is pretty much a stretch to call that an Agricultural Use.

Members of the Commission gave Mr. Blocker a background on the proposal. No agricultural land is being taken out of use. It was noted that the proposal is for Oswego Township and the ordinance expires on December 31, 2024.

Member Nelson made a motion, seconded by Member Davis, to recommend approval of Petition 19-09.

Yes (9): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, Schroeder, and Shaw
No (0): None
Absent (1): Wilson

The motion carried.

Petition 19-09 will go to the Zoning Board of Appeals on April 1, 2019.

OLD BUSINESS
Update on Petition 18-04 Request from Kendall County Regional Planning Commission for Changes to the Future Land Use Map for Properties Near Route 47 in Lisbon Township
Mr. Asselmeier gave an Update. This proposal will go the Planning, Building and Zoning Committee in April.

CITIZENS TO BE HEARD/ PUBLIC COMMENT
None
NEW BUSINESS
Approval to Initiate a Text Amendment to Section 4.06 and 4.07 of the Kendall County Zoning Ordinance by allowing Research and Development Related Home Occupations to be Conducted Outside of a Dwelling or Permitted Accessory Structure and Adding the Phrase “Unless Otherwise Permitted by Law” to the End of Section 4.06.f and Section 4.07.g
Mr. Asselmeier summarized the request.

Mr. Nelson said this came out of a person wanting to do research on guns out of their home. Under current regulations he could not discharge a firearm outdoors as part of his business.

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve initiating the text amendment.

Yes (8): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Schroeder
No (0): None
Absent (1): Wilson
Abstain (1): Shaw

The motion carried.

This petition will go to ZPAC on April 2, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
None

OTHER BUSINESS/ANNOUNCEMENTS
Mr. Asselmeier announced there were three (3) new petitions coming next month.

Member Schroeder talked about the sprinkler issue at the planned banquet facility on Schlapp Road.

ADJOURNMENT
Member Rodriguez made a motion, seconded by Member Nelson, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:10 p.m.

Respectfully submitted by,
Ruth Ann Sikes
Part-Time Office Assistant (Zoning)

Encs.
KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 27, 2019

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KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 27, 2019

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