KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE MEETING



109 West Ridge Street • Third Floor Courtroom

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

AMENDED AGENDA

Monday, February 8, 2021 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chair), Matt Kellogg, and Dan Koukol

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from January 11, 2021 Meeting (Pages 4-11)

PUBLIC COMMENT:

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Page 12)

NEW BUSINESS:

Health Department's Plano Transfer Station Inspection and Audits

PETITIONS:

Amended Petition 20 - 02 - Greg Dady on Behalf of DTG Investments, LLC

(Pages 14-43)

Request: Text Amendments to the Kendall County Zoning Ordinance Adding Truck Parking Area

> or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan to the List of Special Uses in the A-1 District and Related Citation

Corrections

Purpose: Proposal Adds Truck Parking Area or Yard to the List of Special Uses in the A-1 District

2. Amended Petition 20 - 05 - Greg Dady on Behalf of DTG Investments, LLC

(Pages 44-125)

Request: Special Use Permit for a Truck Parking Area or Yard

PIN: 06-09-400-005

Location: 3485 Route 126, Na-Au-Say Township

Purpose: Petitioner Wants to Be Able to Operate a Truck Parking Area or Yard with Related Offices

and Maintenance Facilities on the Property

NEW BUSINESS:

1. Approval of a Request from Jason Shelley on Behalf of Go Pro Ball, LLC and James and Denise Maffeo on Behalf of Four Seasons Storage, LLC for a Ninety (90) Day Extension of the Recording Deadline for the Final Plat of Go Pro Sport Subdivision (Pages 126-129)

2. Approval of a Resolution Approving an Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County, Illinois and the United City of

Yorkville, Illinois (Pages 130-141)

3. Approval of Publishing the Annual Noxious Weed Notice in the Kendall County Record

at a Cost Not to Exceed \$125.00; Related Invoice(s) to Be Paid from the PBZ Legal

Publications Line Item 11001902-62090 (Page 142)

- 4. Approval of Notice of Intent for Renewal of General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's) (Pages 143-161)
- 5. Approval of Scope of Work from WBK Engineering in an Amount Not to Exceed \$3,100 for Review of the Kendall County Stormwater Management Ordinance in Relation to FEMA Floodplain Management Bulletin P-2140 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; Related Invoices To Be Paid from the PBZ Consultant Line Item 11001902-63630 (Pages 162-163)
- 6. Follow-Up on Kendall County Regional Planning Commission Annual Meeting (Pages 164-169)
- 7. 2020 County-Wide Building Permit Memo
- 8. Discussion of the Abandoned Property Program from the Illinois Housing Development Authority; Committee Could Approve a Letter to Local Legislators (Page 170)
- 9. Discussion of Inoperable Vehicle Ordinance in Relation to Towing Procedures; Committee Could Refer the Matter to the State's Attorney's Office (Pages 171-174)
- 10. Discussion of Changing the Voluntary Compliance Policy by Lowering the Warning Time from 30 Days to 15 Days and/or Establishing a Different Compliance Period for Repeat Offenders; Committee Could Approve Changing the Policy

OLD BUSINESS:

None

REVIEW VIOLATION REPORT (Pages 175-179):

- 1. Update on 45 Cheyenne Court
- 2. Update on 2511 Wildy Road

REVIEW NON-VIOLATION REPORT (Page 180):

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

1. Meeting with Other Historic Preservation Organizations February 10, 2021, at 6:30 p.m.

REVIEW PERMIT REPORT (Pages 181-183):

REVIEW REVENUE REPORT (Page 184):

CORRESPONDENCE:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

Join Microsoft Teams Meeting

Or call in (audio only)

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Phone Conference ID: 354 690 392#
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Kendall County Planning, Building and Zoning Committee 02-08-2021 Remote Meeting Attendance



In accordance with the Governor's Executive Order 2020-07, Kendall County Board Chairman Scott Gryder is encouraging social distancing by allowing remote attendance to the Kendall County Planning, Building & Zoning Meeting scheduled for Monday, February 8, 2021, at 6:30 p.m. Instructions for joining the meeting are listed below.

For your safety and others, please attend the meeting by phone or computer, if possible. The Third Floor Courtroom located in the Kendall County Historic Courthouse, 109 W. Ridge St, in Yorkville, will have limited seating available. Masks are required when social distancing is not possible. If you plan to attend in person, please follow all social distancing requirements.

If anyone from the public would like to make a comment during the meeting there will be an allotted time on the agenda for public comment, and all of the county board rules of order still apply. We will also accept public comment by emailing: masselmeier@co.kendall.il.us. Members of the public may contact Kendall County PBZ Department prior to the meeting for assistance making public comment at 630-553-4139; email correspondence is preferred.

Join Microsoft Teams Meeting

Or call in (audio only)

+1 309-248-0701 United States, Rock Island (Toll) Phone Conference ID: 354 690 392#

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Kendall County Planning, Building & Zoning Meeting Information:

https://www.co.kendall.il.us/transparency/agendas-packets-and-meetings-schedules/planning-building-and-zoning/pbz-planning-building-and-zoning

For information about how to join a Microsoft Teams meeting, please see the following link.

https://support.office.com/en-us/article/join-a-meeting-in-teams-1613bb53-f3fa-431e-85a9-d6a91e3468c9

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Historic Courthouse Third Floor Courtroom 109 W. Ridge Street, Yorkville, Illinois 6:30 p.m.

Meeting Minutes of January 11, 2021 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Gengler at 6:31 p.m.

ROLL CALL

<u>Committee Members Present</u>: Scott Gengler (Chairman), Judy Gilmour, Matt Kellogg, and Dan Koukol

<u>Committee Members Absent</u>: Elizabeth Flowers (Attended Remotely)

<u>Also Present</u>: Matt Asselmeier (Senior Planner), Gregg Ingemunson, Greg Dady, Dan Kramer (Attended Remotely), and Eric Bernacki (Attended Remotely)

APPROVAL OF AGENDA

Member Koukol made a motion, seconded by Member Kellogg, to approve the agenda as presented. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Kellogg made a motion, seconded by Member Gilmour, to approve the minutes of the November 9, 2020, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from November 2020, the end of fiscal year expenditure report, the end of fiscal year escrow report, and the expenditure report from December 2020.

Member Koukol asked how the monies listed in the escrow came in and how are they expended. Mr. Asselmeier responded that, when a stormwater project occurs, the applicant pays money into an escrow account. As WBK does work on the individual project, WBK's expenses are charged to the escrow account of the project. If funds remain in the escrow account upon completion of the project, those funds are refunded to the applicant.

Member Kellogg asked if revenues were tracking the same at the start of the current fiscal year compared to this time at the last fiscal year. Mr. Asselmeier responded that revenues for December 2020 were down compared to revenues for December 2019.

PETITIONS

Amended Petition 20-02 Greg Dady on Behalf of DTG Investments
Amended Petition 20-05 Greg Dady on Behalf of DTG Investments

Member Kellogg made a motion, seconded by Member Gilmour, to postpone Petitions 20-02 and 20-05 until the February 8, 2021, Committee meeting. With a voice vote of four (4) ayes, the motion carried.

Gregg Ingemunson, Attorney for the Petitioner, stated that he would contact Mr. Asselmeier to discuss additional restrictions on the proposed text amendment.

The proposals will be reviewed again by the Committee at their February 8, 2021, meeting.

Petition 20-27 Sunny Simon on Behalf of Boulder Hill Property, LLC

Mr. Asselmeier summarized the request.

On August 18, 2015, the Kendall County Board granted a special use permit for the operation of a place of worship at 81 Boulder Hill Pass, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be for the Strong Tower of Refuge Ministries. Ordinance 2015-15, which granted the special use permit, was provided.

On October 16, 2020, the Planning, Building and Zoning Department conducted a visual inspection of the property and found no evidence of the Strong Tower of Refuge Ministries at the property.

On October 19, 2020, the Kendall County Planning, Building and Zoning Department sent a letter to the property owner asking if the place of worship was still in operation at the property and requesting that the special use permit be revoked if the church had vacated the space. On November 5, 2020, the owner of the property submitted a letter requesting that the special use permit be revoked. This request is included as part of the draft revocation ordinance.

The draft revocation ordinance was provided.

The subject property is zoned B-3. If the special use permit is revoked, the property will retain its B-3 zoning classification.

Staff recommended approval of the proposed special use permit revocation.

Member Kellogg made a motion, seconded by Member Koukol, to recommend approval of the requested special use permit revocation. With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the Kendall County Board on January 19, 2021, on the consent agenda.

<u>Petition 20-31 Carolyn Meinzer on Behalf of Landscape Depot Yorkville, LLC and William Savoree on Behalf of D Construction.</u>

Mr. Asselmeier summarized the request.

Landscape Depot Yorkville, LLC owns the parcel created by the T-intersection created by the intersection of Identa Road and Route 126 and addressed as 9211 Route 126 (PIN 05-04-400-003). The property is northeast of Identa Road and south of Route 126 and is a vacant farmstead zoned A-1 Agricultural.

D Construction was awarded a project by the Illinois Department of Transportation for work in the area and they contracted with the owner of the subject property to use the site for stockpiling and processing/recycling aggregates and crushing concrete for use on D Construction's Illinois Department of Transportation Project.

In December 2019, the Planning, Building and Zoning Committee granted the Petitioners a temporary use permit for a portable concrete crushing plant and stockpiling dirt as part of a construction site at the subject property. Condition 1 of the temporary use permit stated that the permit was valid for one (1) year and could be renewed a maximum of two (2) addition times.

On December 2, 2020, D Construction submitted an application renewing the temporary use permit.

The proposed renewed temporary use permit was provided. The conditions in the proposed renewed temporary use permit are the same as the original temporary use permit with the exception that the Petitioners can apply for one (1) more renewal in condition 1 instead of the original two (2) more renewals. The renewed temporary use permit would be valid for one (1) year.

The project should be completed by July 2021.

Petition information was sent to the United City of Yorkville and Kendall Township on December 1, 2020, and the Bristol-Kendall Fire Protection District on December 2, 2020. Yorkville reported that they filed one (1) complaint with the Illinois Department of Transportation regarding an earlier than allowed start time. This issue has been resolved and Yorkville had no objections to the renewal. Kendall Township and the Bristol-Kendall Fire Protection District did not submit comments.

The Kendall County Sheriff's Department, Health Department, and Highway Department expressed no objections to the requested renewal.

Because the requested temporary use permit is sought to expedite a public project on a highly trafficked State-maintained highway, Staff recommends approval of the temporary use permit subject to the following conditions:

- 1. This temporary use permit shall be valid for a period of one (1) year from the date of the issuance of the temporary use permit at the location and configuration shown on the site plan. The permit may be renewed for one (1) successive one (1) year period at the same location.
- 2. The site may only be used for concrete, dirt, and recycled asphalt pavement generated or used as part of the work related to Route 71 reconstruction.
- 3. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The old building foundations may be permanently removed from the site.
- 4. Hours of operation must be 7am-5:30pm Monday thru Saturday. These hours of operation may be reduced by the Petitioners.
- 5. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
- 6. The site shall be operated in a manner compliant with all applicable federal, state, and local laws for this type of use. Accordingly, the Petitioners shall secure all necessary permits and pay applicable fees related to the proposed use.
- 7. Failure to comply with one or more of the above conditions could result in the revocation of the temporary use permit.

Member Flowers asked about Yorkville's complaint, if the early hours of operation occurred frequently. Mr. Asselmeier stated that early start time only occurred one (1) time and that Yorkville did not file any additional complaints.

Member Kellogg made a motion, seconded by Member Gilmour, to approval the renewal of the temporary use permit with the conditions proposed by Staff. With a voice vote of four (4) ayes, the motion carried.

NEW BUSINESS

Approval of Annual Renewal of Mobile Home Permit at 13443 Fennel Road

Member Gilmour made a motion, seconded by Member Kellogg, to approve the renewal. With a voice vote of four (4) ayes, the motion carried.

Request from Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC to Waive the Stormwater Review Fee of \$1,250 for the Map Amendment and Special Use Permit Application at 9000 Route 34 Yorkville (PINs: 02-27-151-001 and 02-27-151-003) in Bristol Township

Mr. Asselmeier summarized the request.

The Petitioners felt that the additional stormwater would be small and that no additional stormwater would leave the property.

Mr. Asselmeier explained that the Stormwater Management Ordinance requires a permit when fill in placed greater than three feet (3') in height.

Member Gilmour asked if the Committee had previously granted similar waivers. Mr. Asselmeier responded that the Committee had previously granted temporary waivers to allow Petitioners to pay at a later date than the application deadline. However, the Committee has not approved an outright waiver of a fee.

The fee might not be a one (1) time fee if additional review is necessary to examine stormwater issues related to the project. If no escrow account exists, then the County would pay for the review out of the Planning, Building and Zoning Department's budget.

Member Koukol asked if there was water on the property after heavy rains. Mr. Asselmeier was not aware of standing water. Chairman Gengler said that he observed pile of material greater than three feet (3') on the property.

Several Committee members expressed concerns regarding setting a precedent.

Member Kellogg made a motion, seconded by Chairman Gengler, to grant the waiver. With a voice vote of four (4) nays, the motion failed.

<u>Discussion of Amending the Kendall County Stormwater Management Ordinance to Reflect the Issuance of Bulletin 75; Committee Could Initiate Amendments to the Stormwater Management Ordinance Related to Bulletin 75</u>

Mr. Asselmeier summarized the issue.

Bulletin 70 was a document used by the Illinois State Water Survey (ISWS) to evaluate rainfall frequency in Illinois.

In March 2019, Bulletin 70 was updated and the County Board adopted the update to Bulletin 70 on October 15, 2020, through Ordinance 2019-26.

In March 2020, the ISWS updated Bulletin 70 again and changed its name to Bulletin 75.

WBK Engineering reviewed the revision and offered additional changes to the Kendall County Stormwater Management Ordinance caused by the update. The redlined version of changes to the Stormwater Management Ordinance were provided.

If the County does not update to the most current version of Bulletin 70/75, then the County would be utilizing outdated rainfall figures when designating and evaluating stormwater infrastructure. A copy Bulletin 75 was provided.

Accordingly, Staff recommends that the Kendall County Stormwater Management Ordinance be updated to reflect the changes proposed by WBK Engineering.

Pursuant to Section 808 of the Kendall County Stormwater Management Ordinance, no amendments to the Stormwater Management Ordinance can occur without a public hearing by the County Board.

Mr. Asselmeier noted that the Federal Emergency Management Agency recently issued another bulletin related to agricultural and accessory structures. WBK submitted a proposal to review this bulletin, which will be on the Committee's February agenda. WBK suggested doing the public hearings for both proposals at the same time.

The consensus of the Committee was to lay over this proposal until the February meeting.

Review of 2021 Planning, Building and Zoning Application Calendar

The Committee reviewed the application calendar.

<u>Kendall County Regional Planning Commission Annual Meeting-February 6, 2021, at 9:00 a.m.</u> The Committee reviewed the meeting announcement.

<u>Kendall County Historic Preservation Commission Annual Meeting-February 10, 2021, at 6:30 p.m.</u>

The Committee reviewed the meeting announcement.

OLD BUSINESS

None

NEW BUSINESS

Request from Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC to Waive the Stormwater Review Fee of \$1,250 for the Map Amendment and Special Use Permit Application at 9000 Route 34 Yorkville (PINs: 02-27-151-001 and 02-27-151-003) in Bristol Township

Chairman Gengler reported that the Committee denied the request.

Dan Kramer, Attorney for the Petitioners, explained the request. The water would not run-off the property.

Mr. Asselmeier stated that the Committee denied the request because of the concerns regarding precedents and future run-off.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Member Kellogg asked about the violation at 120 Augusta. The County is still trying to serve the property owner. The consensus of the Committee was to aggressively pursue this case because of the age of the complaint.

Review of FY 19-20 Inspection Report

The Committee reviewed the report.

Update on 45 Cheyenne Court

Mr. Asselmeier announced the property has a court date on January 28, 2021. The original permit for this project was pulled in 2008.

Member Kellogg asked if Brian Holdiman will be in court. Mr. Asselmeier responded yes.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

Mr. Asselmeier reported that the Hide-A-Way Lakes campground has sold.

Member Koukol asked about the special use permits for Hide-A-Way Lakes. Mr. Asselmeier explained the special use permit, including the site plan, for the property. Mr. Asselmeier reported that the new owner is considering changing the site plan. The new owner can continue to operate under the rules of the existing special use permit.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Approval of a Recommendation Authorizing the County Board Chairman to Sign a Certified Local Government Agreement Between Kendall County and the Illinois State Historic Preservation Office

The Committee reviewed the agreement.

Member Gilmour asked about the Five Hundred Dollar (\$500) application fee. Mr. Asselmeier stated that the Five Hundred Dollar (\$500) application fee is in the Historic Preservation Ordinance.

Chairman Gengler made a motion, seconded by Member Gilmour, to recommend approval of the agreement. With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the Kendall County Board on January 19, 2021, on the consent agenda.

REVIEW PERMIT REPORT

Review of November 2020 Permit Report

The Committee reviewed the report.

Review of December 2020 Permit Report

The Committee reviewed the report.

Review of 2020 Year-End Permit Report

The Committee reviewed the report.

REVIEW REVENUE REPORT

Review of November 2020 Revenue Report

The Committee reviewed the report.

Review of 2019-2020 End of Fiscal Year Revenue Report

The Committee reviewed the report.

Review of December 2020 Revenue Report

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

Chairman Gengler announced that Member Gilmour will be the Vice-Chairman of the Committee.

ADJOURNMENT

Member Kellogg made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 7:30 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.



KENDALL COUNTY PLANNING, BUILDING, & ZONING COMMITTEE JANUARY 11, 2021

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Gray Ing		



01/11/2021 07:30 pherber

|Kendall County |PBZ INVOICES 01112021

|P 1 |apinvent

CLERK: pherber BATCH: 1217		NEW INVOICES			
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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee **From:** Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: 1/25/2021

Subject: Petition 20-02 Request from Greg Dady on Behalf of DTG Investments, LLC to Add

Truck Parking Area or Yard to the List of Special Uses in the A-1 Zoning District

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

Versions of this memo that were sent to the Kendall County Regional Planning Commission and Kendall County Zoning Board of Appeals stated that this use was not listed as a permitted or special use in any zoning district. That information was incorrect; pursuant to Sections 10:01.B.21.sss and 10:02.B.1 of the Zoning Ordinance, truck parking area or yards are permitted uses in the M-1 and M-2 District.

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenance Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

This proposal was sent to the townships on September 1, 2020. As of the date of this memo, only Na-Au-Say Township submitted comments. Na-Au-Say Township felt that the proposed use was not consistent with agricultural operations, that similar uses could occur along roads in the Township, that the proposed use could occur on other roads within the County, and that the Township had concerns regarding the County's ability to enforce the regulations in special use permits. The October 26, 2020, email from Na-Au-Say Township Supervisor Brad Block is attached. The Na-Au-Say Township Planning Commission met on November 4, 2020, and had discussion regarding requiring this type of use be restricted to State highways and that properties used for this type of use be restricted to a maximum of ten (10) acres. The comments from Na-Au-Say Township are attached.

ZPAC reviewed this proposal at their meeting on September 1, 2020. Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials or higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126. ZPAC recommended approval of the proposed text amendment with Mr. Klaas' proposed amendment by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 23, 2020. Commissioners expressed concerns about placing this type of use on A-1 zoned property. Several Commissioners felt this use would be more appropriate on property zoned for manufacturing. Commissioners were also concerned about the lack of restrictions within the proposed text amendment. Commissioners were also unhappy that the Petitioner moved a tenant onto property zoned A-1 without obtaining the necessary zoning permits. The Commission recommended denial of the request by vote of zero (0) in favor of the request and eight (8) in opposition. One (1) member of the Commission was absent. Member Nelson voted no because the proposal was too broad, the use could go anywhere, and the use was undesirable at other locations with inadequate protection for the agricultural community and people living in agricultural areas. Member Hamman voted no because he favored more restrictions in the text amendment and requests for this use could come before the Commission monthly. Chairman Ashton voted no because the proposal had inadequate restrictions and he was upset that the Petitioner did not secure the necessary zoning before leasing the property. He suggested that the Petitioner attempt to rewrite the proposal. Member Wilson concurred with Member Nelson and Chairman Ashton and she had concerns regarding the lack of a limit on the number of trucks and trips. The minutes of this meeting are attached.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 28, 2020. Discussion occurred regarding rezoning properties to a manufacturing classification instead of issuing special use permits and possible spot zoning. The Kendall County Zoning Board of Appeals recommended approval of the requested text amendment by a vote of four (4) in favor and two (2) in opposition. One (1) Board Member was absent. Chairman Mohr voted no because he felt this proposal was a type of spot zoning. He also noted that he received several phone calls, but no one was in attendance to express concerns in-person.

The Kendall County Planning, Building and Zoning Committee reviewed this proposal at their meeting on November 9, 2020. Discussion occurred regarding setbacks, distance from houses, lighting, lines of sight, amount of traffic and related items. Discussion also occurred regarding the number of vehicles on the property and clarifying hours of operation. The Committee laid

over the Petition and the related Petition regarding the special use permit in order to address the concerns previously stated.

After the January Planning, Building and Zoning Committee, the Petitioner offered the following amendments to the proposed text amendment:

Truck Parking Area or Yard Including Offices and Maintenance Facilities can be special uses on A-1 zoned property provided:

- 1. The Parcel has Direct Access to a State Highway;
- 2. The Parcel is Less Than Six (6) Acres in Size;
- 3. The Parcel is Located within Seven Tenths (7/10) of a Mile of a Municipal Boundary; and
- 4. The Parcel Possesses at Least One (1) Fourteen Thousand (14,000) Square Foot Building for Truck Storage.

The Agricultural Zoning Map with road classifications is attached. The Illinois Department of Transportation's Five (5) Year Functional Classification Map for Kendall County is also attached. Also, the draft ordinance with the Petitioners amended proposal is attached.

If you have any questions, please let me know.

Thanks.

MHA

Encs: Agricultural Zoning Map

Illinois Department of Transportation's Five (5) Year Functional Classification Map September 1, 2020 ZPAC Minutes

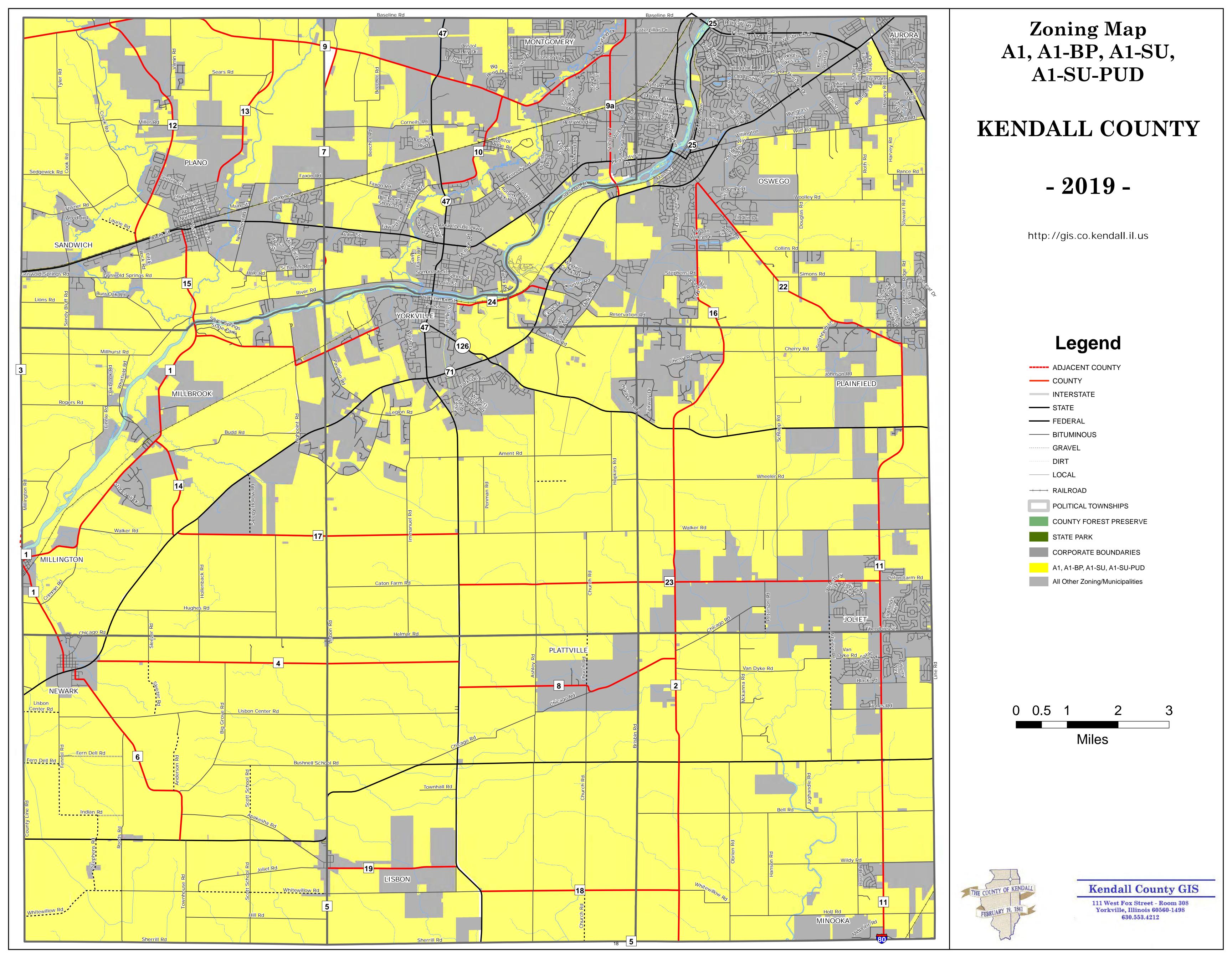
September 23, 2020 Kendall County Regional Planning Commission Minutes

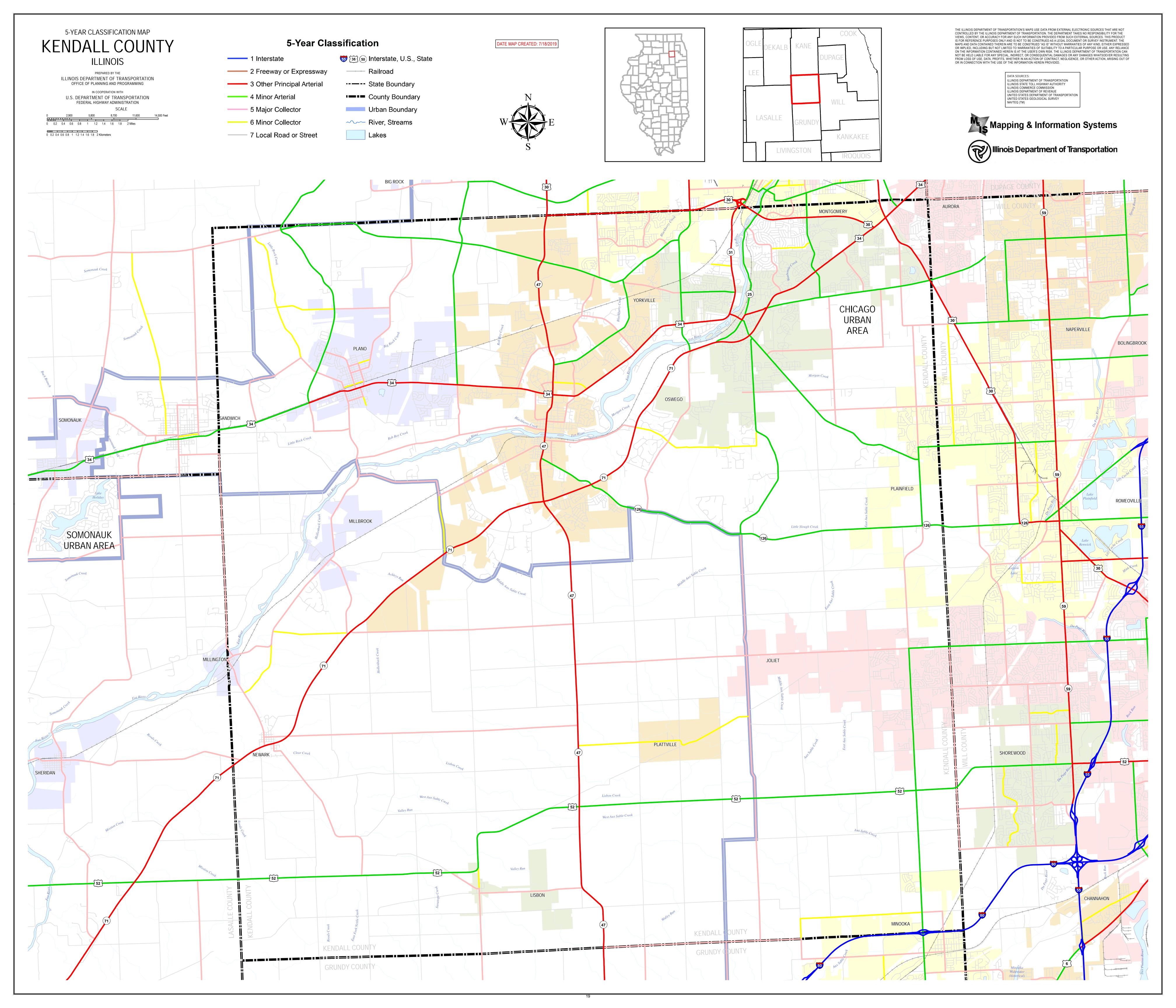
September 28, 2020 Kendall County Zoning Board of Appeals Minutes (This Petition Only)

October 26, 2020 Email from Brad Blocker

Na-Au-Say Township Comments

Draft Ordinance with Petitioner's Amended Proposal





ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) September 1, 2020 – Unapproved Meeting Minutes

PBZ Chairman Matthew Prochaska called the meeting to order at 9:03 a.m.

Present:

Matt Asselmeier – PBZ Department
Brian Holdiman – PBZ Department (Attended Remotely)
Commander Jason Langston – Sheriff's Department (Attended Remotely)
Alyse Olson – Soil and Water Conservation District (Attended Remotely)
Matthew Prochaska – PBZ Committee Chair
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Greg Chismark – WBK Engineering, LLC David Guritz – Forest Preserve Fran Klaas – Highway Department

Audience:

Greg Dady and Mary Murray

AGENDA

Mr. Rybski made a motion, seconded by Chairman Prochaska, to approve the agenda as presented.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

MINUTES

Mr. Rybski made a motion, seconded by Chairman Prochaska, to approve the August 4, 2020, meeting minutes.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

PETITIONS

Amended Petition 20-02 Greg Dady on Behalf of DTG Investments, LLC

Mr. Asselmeier summarized the request.

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

This use is not listed as a permitted or special use in any zoning district.

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

The Agricultural Zoning Map with road classifications was provided.

Mr. Asselmeier noted that Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials of higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126.

Mr. Rybski made a motion, seconded by Mr. Holdiman, to recommend approval of the request text amendment with the restriction that use be placed on roads classified as Minor Arterials of higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

Amended Petition 20-05 Greg Dady on Behalf of DTG Investments, LLC

Mr. Asselmeier summarized the request.

Greg Dady, on behalf of DTG Investments, LLC would like to operate a trucking company, specifically offices related to a trucking company, minor repair facilities for company trucks, and company truck parking at the subject property.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

The proposed text amendment (Amended Petition 20-02) would add the following to the list of special uses in the A-1 District:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The application materials, aerial of the property, aerial with the flood zone, plat of survey, and site were provided.

The subject property is approximately five point five (5.5) acres in size.

Route 126 is a State maintained arterial; there is a trail planned along Route 126.

There is a floodplain on the north end of the property (Zone A-no base flood elevation determined).

The adjacent uses are agricultural or agricultural related.

The adjacent zonings are A-1. The zonings in the area are A-1, R-1, and A-1 with special use permits.

The Future Land Use Map calls for the area to be Rural Residential and Public Institutional.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival. The A-1 SU to the west is for a farm equipment sales and service business.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

Pictures of the property and area were provided.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 189 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Na-Au-Say Township on August 25, 2020.

Petition information was sent to the Village of Oswego on August 25, 2020. The property is inside Oswego's planning boundary.

Petition information was sent to the Village of Plainfield on August 25, 2020. The property is within one point five (1.5) miles of Plainfield.

The Oswego Fire Protection District was sent information on August 25, 2020. The Oswego Fire Protection District noted that the fire alarm system at the property was not functioning. Other than that concern, they had no objections to the proposal.

The subject property has been used as a landscaping business and repair and restoration business. The order and special use permit that allowed these businesses were provided. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

According to the business plan, the property is leased to United Group Logistics. United Group Logistics is a trucking company that hauls freight throughout the State. They use the property for office space, minor truck repair/maintenance and a truck depot. The office space is used for accounting and dispatch and the bays are used for maintenance. Ten (10) employees are at the site and the hours of operation are Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m.

According to the site plan, there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. The site plan also shows one (1) metal silo and one (1) corn crib in the planned truck parking area. One (1) approximately one thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

The property is served by well and septic.

There is floodplain as part of the Little Slough Creek on the property. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway. No storage or parking should take place in the floodway.

Depending on the nature of new construction, which is not planned as part of this special use permit, stormwater management permits could be required.

The property has two accesses off of Route 126. The western most access would be used by the existing house and the eastern most access would be used by the business operating out of the metal barn.

According to the site plan, a parking area for trucks is shown north of the metal building. The parking area is gravel. No dimension information is provided.

The site plan shows fifteen (15) additional parking spaces to the north of the metal building and ten (10) parking spaces south of the metal building, including two (2) handicapped accessible spaces. A proposed asphalt addition is shown on the site plan. No information was provided regarding a timetable for installing the parking addition.

No information was provided regarding a plan to address spills or other motor vehicle related leaks.

No additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

The site plan shows a sign. The sign is four feet by eight feet (4'X8') in size. A light exists next to the sign. A sign permit will be required.

The site plan shows a wooden fence around the property and a single gate east of the metal building. No information was provided regarding the size of the fence or gate.

A berm and several mature trees are between the metal building and Route 126. No specific landscaping information was provided.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

Before issuing a recommendation, Staff would like comments from Na-Au-Say Township, the Village of Oswego, the Village of Plainfield, and ZPAC members.

Mr. Rybski asked about the septic assessment and catching spills in the maintenance bays. Greg Dady responded that a triple catch basin exists in the maintenance bays and then into the tank. A soil analysis may be necessary.

Mr. Holdiman noted that a change of occupancy is required for the office and maintenance building.

Mr. Asselmeier noted that parking is not allowed in the front yard setback. Mr. Dady stated that no parking signs would be installed on the east side of the parking lot, rear of the property, and in front of the building. Mr. Dady was agreeable to have the parking lot asphalted within ninety (90) days of approval of the special use permit.

Mr. Dady said that the hours of operation could be impacted if an emergency breakdown occurred.

Mr. Dady will provide information on the berm and number of trees on the berm.

Mr. Dady noted that nobody will sleep at the site.

Chairman Prochaska noted that flyovers have increased and Mr. Asselmeier noted that Mr. Dady needs to make sure that the conditions in the special use permit were workable.

Mr. Asselmeier made a motion, seconded by Mr. Rybski, to recommend approval of the special use permit.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

Amended Petition 20-01 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the end of 2019, the Kendall County Planning, Building and Zoning Committee started reviewing the existing 1983 Recreational Vehicle Park and Campground Regulations.

After review by the Committee and the State's Attorney's Office, the suggestion was made to incorporate the amended regulations into the Zoning Ordinance.

On August 26, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal and offered their suggested changes.

On August 31, 2020, the Kendall County Planning, Building and Zoning Committee initiated the text amendment to the Zoning Ordinance.

In summary, the proposed changes are as follows:

- 1. Repeals the 1983 Recreational Vehicle Park and Campground regulations in their entirety.
- 2. The purpose section from 1983 regulations was not incorporated into the Zoning Ordinance because a purpose section already exists in the Zoning Ordinance.
- 3. The definitions of Camper, Sanitary Station, Service Buildings, and Tent were added to the Zoning Ordinance from the 1983 regulations.
- 4. The definition of Collector Streets or Collector Roads was added to the Zoning Ordinance, but requires discussion.
- 5. The definition of Minor Streets was added to the Zoning Ordinance, but requires discussion.
- 6. The definition of Picnicker was added to the Zoning Ordinance.
- 7. The definition of Recreational Vehicle Park or Campground was added from the 1983 regulations and additional language was added regarding permanent place of abode.
- 8. The definition of Register was added to the Zoning Ordinance.
- 9. The definition of Accessory Building or Use was amended.
- 10. The definition of Lot was amended.
- 11. The definition of Recreational Areas was amended.
- 12. The definition of Recreational Vehicles was amended by incorporating the language from the 1983 regulations combined with the existing definition found in the Zoning Ordinance. Also, the reference to pickup campers was deleted. Finally, the reference to jet skis, boats, snowmobiles, and other similar vehicles was clarified to apply to the parking regulations only.
- 13. Section 2 from the 1983 regulations was placed inside the Zoning Ordinance with an amendment that the reference to the Kendall County ACSC office was changed to the Soil and Water Conservation District (Section a.6.xv).
- 14. Throughout the regulation, reference to the Zoning Department was changed to the Planning, Building and Zoning Department.
- 15. Throughout the regulation, numbers are spelled out completely.
- 16. Section 3 from the 1983 regulation was placed inside the Zoning Ordinance.

- 17. The minimum lot size of twenty (20) acres was changed to minimum parcel size of twenty (20) acres (Section e).
- 18. The twenty percent (20%) maximum forest clearance was changed to exempt the clearing of invasive species. The definition of invasive species would be set by the Illinois Department of Natural Resources (Section k).
- 19. The reference to the Kendall County Soil and Erosion Ordinance was changed to Stormwater Management Ordinance (Section n).
- 20. Lots in park or campground would need to be clearly marked on the ground with landmarks on the lot corners and lot signage would be approved by the local fire protection district (Section dd).
- 21. The requirement that campgrounds and parks not cause demands that increase additional public funds to be expended for fire or police services was deleted because this requirement was difficult to quantify (Section hh). The subsequent sections of would be re-lettered to reflect this deletion.
- 22. The requirement that no permanent resident is allowed to live at a campground or recreational vehicle park was added and a recreational vehicle or tent would not be considered a location within a recreational vehicle park or campground. A camp caretaker would be exempt from the permanent resident requirement (Section jj).
- 23. The penalties section from the 1983 regulations was removed because a penalties section already exists in the Zoning Ordinance.
- 24. The requirement that recreational vehicle parks and campgrounds provide their registers to the Planning, Building and Zoning Department, Health Department, law enforcement agencies with jurisdiction, and the local fire protection district upon request was added. The register would be required to be updated daily at minimum. The register shall include campers, picnickers, and other visitors (Section kk.3).
- 25. A reasonable notice requirement for inspections was added (Section kk.4).
- 26. The Health Department standards were clarified to apply to all Health Department standards (Section II).
- 27. Applicants must seek approval from fire and police departments at the time of application submittal for the special use permit (Section mm).
- 28. A street sign requirement was added and all trails shall be marked at their beginnings and ends (Section nn).
- 29. Submitting a map to KenCom and a timeline for changing the map was added (Section oo).
- 30. The maximum continuous stay requirement that is currently in Zoning Ordinance was deleted.
- 31. Section 9.05.C.15, regarding recreational camps and recreational vehicle parks as special uses in the B-4, M-1, and M-2 District was changed to reference the A-1 special use requirements.

A copy of the 1983 regulations and the redlined version of this proposal were provided.

Mr. Rybski requested clarification regarding Health Department as stated in the proposal. Mr. Asselmeier noted that the proposal applies to the Kendall County Health Department.

The proposal applies to new campgrounds and campgrounds that amend their special use permits.

Chairman Prochaska made a motion, seconded by Mr. Rybski, to recommend approval of the text amendment.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier informed the Committee that upcoming meetings will be at the Historic Courthouse because of renovations to the County Board Room.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Chairman Prochaska, to adjourn.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The ZPAC, at 9:34 a.m., adjourned.

Respectfully Submitted, Matthew H. Asselmeier, AICP, CFM Senior Planner

KENDALL COUNTY REGIONAL PLANNING COMMISSION

Kendall County Historic Courthouse Third Floor Courtroom 110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois

Unapproved - Meeting Minutes of September 23, 2020 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry

Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner and Scott Koeppel County Administrator (Attended

Remotely)

Others Present: Greg Dady and Mary Murray (Attended Remotely)

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of eight (8) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Casey, to approve the minutes of the August 26, 2020, meeting. With a voice vote of eight (8) ayes, the motion carried.

PETITIONS

Amended Petition 20-02 Greg Dady on Behalf of DTG Investments

Mr. Asselmeier summarized the request.

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

This use is not listed as a permitted or special use in any zoning district.

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

This proposal was sent to the townships on September 1, 2020. No comments have been received.

ZPAC reviewed this proposal at their meeting on September 1, 2020. Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials or higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126. ZPAC recommended approval of the proposed text amendment with Mr. Klaas' proposed amendment by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting were provided.

The Agricultural Zoning Map with road classifications was provided. The Illinois Department of Transportation's Five (5) Year Functional Classification Map for Kendall County was also provided.

Member Wilson expressed concerns that the use started before the zoning application and the lack of a limit on the number of trucks and trips.

Greg Dady stated that he thought that the necessary zoning was in place. Once he found out that a new special use permit was needed, he started working through the process. He originally explored a map amendment, but wanted to get the opinion of Na-Au-Say Township on the matter. Then COVID hit and Na-Au-Say Township did not meet for a couple months. Once they did meet, they favored keeping the A-1 zoning and going for a special use permit under A-1. Based on Na-Au-Say Township input, Mr. Dady changed his application from a map amendment to a text amendment and special use under A-1 zoning.

Several Commissioners questioned Mr. Dady about his lack of knowledge about his existing special use and leasing the property without obtaining the necessary zoning before leasing the property.

Member McCarthy-Lange asked if approving this request would open the door to similar requests. Mr. Asselmeier responded that, if the text amendment is approved, anyone zoned A-1 could ask for the special use. Also, even with the road classification requirement, a property owner could ask for a variance if they demonstrated a hardship.

The trucking company moved in spring in 2019.

The property had a court order for an excavating company and landscaping business. The court order stated that if the excavating company and landscaping business ceased, then the special use for those businesses would cease. The Petitioner secured a special use permit for ServPro in 2014.

Several Commissioners favored placing this type of use in a commercial or manufacturing district instead of the agricultural district because there are several places in the County with agricultural zoning where this use would be incompatible.

Member Hamman asked about a property on Eldamain Road near Galena Road. Mr. Asselmeier stated that, in that case, the property was rezoned to M-1.

Discussion occurred about placing additional restrictions in the text amendment such as number of employees, number of trucks onsite, number of trips, or restricting the use to certain townships. Mr. Dady was agreeable to a restriction on number of trucks at the site.

Na-Au-Say did not provide any comments about the proposal.

Member Wilson made a motion, seconded by Member Nelson, to recommend approval of the text amendment as presented.

The votes were as follows:

Ayes (0): None

Nays (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Absent (1): Stewart

The motion failed.

Member Nelson voted no because the proposal was too broad, the use could go anywhere, and the use was undesirable at other locations with inadequate protection for the agricultural community and people living in agricultural areas.

Member Hamman voted no because he favored more restrictions in the text amendment and requests for this use could come before the Commission monthly.

Chairman Ashton voted no because the proposal had inadequate restrictions and he was upset that the Petitioner did not secure the necessary zoning before leasing the property. He suggested that the Petitioner attempt to rewrite the proposal.

Member Wilson concurred with Member Nelson and Chairman Ashton and her concerns regarding the lack of a limit on the number of trucks and trips.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

Amended Petition 20-05 Greg Dady on Behalf of DTG Investments

Because the Commission recommended denial of the Petition 20-02, the Commission did not take any action on Petition 20-05; the proposal was moot.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

Amended Petition 20-01 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the end of 2019, the Kendall County Planning, Building and Zoning Committee started reviewing the existing 1983 Recreational Vehicle Park and Campground Regulations.

After review by the Committee and the State's Attorney's Office, the suggestion was made to incorporate the amended regulations into the Zoning Ordinance.

On August 26, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal and offered their suggested changes.

On August 31, 2020, the Kendall County Planning, Building and Zoning Committee initiated the text amendment to the Zoning Ordinance.

ZPAC reviewed this proposal at their meeting on September 1, 2020, and recommended approval by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting were provided.

The redlined proposal was sent to the townships on September 1, 2020. To date, no township has provided comments.

In summary, the proposed changes are as follows:

- 1. Repeals the 1983 Recreational Vehicle Park and Campground regulations in their entirety.
- 2. The purpose section from 1983 regulations was not incorporated into the Zoning Ordinance because a purpose section already exists in the Zoning Ordinance.
- 3. The definitions of Camper, Sanitary Station, Service Buildings, and Tent were added to the Zoning Ordinance from the 1983 regulations.
- 4. The definition of Collector Streets or Collector Roads was added to the Zoning Ordinance, but requires discussion.
- 5. The definition of Minor Streets was added to the Zoning Ordinance, but requires discussion.
- 6. The definition of Picnicker was added to the Zoning Ordinance.
- 7. The definition of Recreational Vehicle Park or Campground was added from the 1983 regulations and additional language was added regarding permanent place of abode.
- 8. The definition of Register was added to the Zoning Ordinance.
- 9. The definition of Accessory Building or Use was amended.
- 10. The definition of Lot was amended.
- 11. The definition of Recreational Areas was amended.
- 12. The definition of Recreational Vehicles was amended by incorporating the language from the 1983 regulations combined with the existing definition found in the Zoning Ordinance. Also, the reference to pickup campers was deleted. Finally, the reference to jet skis, boats, snowmobiles, and other similar vehicles was clarified to apply to the parking regulations only.
- 13. Section 2 from the 1983 regulations was placed inside the Zoning Ordinance with an amendment that the reference to the Kendall County ACSC office was changed to the Soil and Water Conservation District (Section a.6.xv).

- 14. Throughout the regulation, reference to the Zoning Department was changed to the Planning, Building and Zoning Department.
- 15. Throughout the regulation, numbers are spelled out completely.
- 16. Section 3 from the 1983 regulation was placed inside the Zoning Ordinance.
- 17. The minimum lot size of twenty (20) acres was changed to minimum parcel size of twenty (20) acres (Section e).
- 18. The twenty percent (20%) maximum forest clearance was changed to exempt the clearing of invasive species. The definition of invasive species would be set by the Illinois Department of Natural Resources (Section k).
- 19. The reference to the Kendall County Soil and Erosion Ordinance was changed to Stormwater Management Ordinance (Section n).
- 20. Lots in a park or campground would need to be clearly marked on the ground with landmarks on the lot corners and lot signage would be approved by the local fire protection district (Section dd).
- 21. The requirement that campgrounds and parks not cause demands that increase additional public funds to be expended for fire or police services was deleted because this requirement was difficult to quantify (Section hh). The subsequent sections of would be re-lettered to reflect this deletion.
- 22. The requirement that no permanent resident is allowed to live at a campground or recreational vehicle park was added and a recreational vehicle or tent would not be considered a location within a recreational vehicle park or campground. A camp caretaker would be exempt from the permanent resident requirement (Section jj).
- 23. The penalties section from the 1983 regulations was removed because a penalties section already exists in the Zoning Ordinance.
- 24. The requirement that recreational vehicle parks and campgrounds provide their registers to the Planning, Building and Zoning Department, Health Department, law enforcement agencies with jurisdiction, and the local fire protection district upon request was added. The register would be required to be updated daily at minimum. The register shall include campers, picnickers, and other visitors (Section kk.3).
- 25. A reasonable notice requirement for inspections was added (Section kk.4).
- 26. The Health Department standards were clarified to apply to all Health Department standards (Section 11).
- 27. Applicants must seek approval from fire and police departments at the time of application submittal for the special use permit (Section mm).
- 28. A street sign requirement was added and all trails shall be marked at their beginnings and ends (Section nn).
- 29. Submitting a map to KenCom and a timeline for changing the map was added (Section oo).
- 30. The maximum continuous stay requirement that is currently in Zoning Ordinance was deleted.

31. Section 9.05.C.15, regarding recreational camps and recreational vehicle parks as special uses in the B-4, M-1, and M-2 District was changed to reference the A-1 special use requirements.

A copy of the 1983 regulations and the redlined version of this proposal were provided.

Member Nelson stated that he visited with first responders and asked about problems at campgrounds and the first responders said that their problem was a lack of maps and lots numbers which made it difficult to find people.

Member Wilson asked why picnickers needed to register. Mr. Asselmeier responded the register was required to know who was on the property. Member Nelson stated that the proposal only applies to campgrounds and not picnic groves or State parks. Discussion occurred regarding staffing or keycard to control access to the campgrounds.

Discussion occurred about pickup campers. Mr. Asselmeier responded that the language related to parking regulations.

Member Wilson favored the definition of Recreational Vehicle Park or Campground be amended by saying "... lease or rental ..." instead of "... lease or rent ..."

Member Wilson questioned the use of the word forest regarding clearing an area. Mr. Asselmeier stated that he did not know why that term was used in the 1983 regulation.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the requested text amendment.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Nays (0): None Absent (1): Stewart

The motion carried.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

Member Nelson noted a court case regarding numbering boards as they relate to campgrounds.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

<u>Approval of Letter from the Kendall County Regional Planning Commission to the Village of Shorewood Regarding the Go Pro Athletic Facility and Four Seasons Storage Development</u>

Mr. Asselmeier presented the letter. Mr. Asselmeier noted that the Attorney representing the development requested that the letter be sent after the Village of Shorewood signed the plats.

Member Nelson made a motion, seconded by Member Hamman, to approve the letter. With a voice vote of eight (8) ayes, the motion carried.

Recommendation on Kendall County Regional Planning Commission Fiscal Year 2020-2021 Meeting Calendar

Member Wilson asked how the Annual Meeting would occur if COVID was still an issue. Mr. Asselmeier stated that the Commission would gather at a location. Attendees would have to socially distance and attendees would be encouraged to attend the meeting remotely.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the calendar as presented. With a voice vote of eight (8) ayes, the motion carried.

<u>Discussion of Amendment to Article IX of the Kendall County Regional Planning Commission's Bylaws Pertaining to the Location of the Annual Meeting of the Election of Officers; Commission Could Make a Motion to Amend the Location of the Annual Meeting of the Election of Officers</u>

Mr. Asselmeier presented the proposed amendment. The proposed amendment removes the location of the annual meeting for the election of officers.

Member Wilson made a motion, seconded by Member McCarthy-Lange, thirded by Member Casey, to approve the amendment as presented. The vote on the amendment will occur at the next Commission meeting.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier stated that Petition 19-39 Map Amendment and Special Use Permit for Four Seasons Storage and Petition 20-15 Final Plat Approval for the Go Pro Sports Subdivision passed at the County Board.

Mr. Asselmeier stated that Petition 20-14 Zoning Ordinance Project passed at the County Board with an amendment removing the language regarding research related home occupations and an amendment removing the soils requiring non-traditional septic systems from the calculation of open space.

Mr. Asselmeier reported that Petition 20-21 Fee Schedule Amendment passed at the County Board. The fee for conditional use permits for beekeeping would be One Hundred Dollars (\$100), the same as other conditional use permits. The annual permit renewal fee for beekeeping was removed.

OTHER BUSINESS/ANNOUNCEMENTS

Chairman Ashton asked Mr. Asselmeier to send a letter asking townships to submit comments on zoning petitions.

Mr. Asselmeier reported that the County received a request from Grainco FS to amend the Future Land Use Map for their property on Wabena Avenue. Grainco FS would also like to rezone the property to M-1 Limited Manufacturing.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

The Kendall County Regional Plan Commission meeting adjourned at 8:26 p.m.

Respectfully submitted by, Matthew H. Asselmeier, AICP, CFM Senior Planner

MINUTES – UNOFFICIAL UNTIL APPROVED **KENDALL COUNTY**

ZONING BOARD OF APPEALS MEETING

110 WEST MADISON STREET (109 WEST RIDGE STREET), THIRD FLOOR COURTROOM YORKVILLE, IL 60560

September 28, 2020 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick

Whitfield

Members Absent: Karen Clementi

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner Others Present: Greg Dady, Gregg Ingemunson, and Michael Ballas

Chairman Mohr swore in Greg Dady, Gregg Ingemunson, and Michael Ballas.

PETITIONS

The Zoning Board of Appeals started their review of Amended Petition 20-02 at 7:01 p.m.

Greg Dady on Behalf of DTG Investments, LLC Amended Petition 20 – 02 –

Text Amendments to the Kendall County Zoning Ordinance Adding Truck Parking Area or Request:

> Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan to the List of Special Uses in the A-1 District and Related Citation

Corrections

Purpose: Proposal Adds Truck Parking Area or Yard to the List of Special Uses in the A-1 District

Mr. Asselmeier summarized the request.

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

This use is not listed as a permitted or special use in any zoning district.

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

This proposal was sent to the townships on September 1, 2020. No comments have been received.

ZPAC reviewed this proposal at their meeting on September 1, 2020. Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials or higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126. ZPAC recommended approval of the proposed text amendment with Mr. Klaas' proposed amendment by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 23, 2020. Commissioners expressed concerns about placing this type of use on A-1 zoned property. Several Commissioners felt this use would be more appropriate on property zoned for manufacturing. Commissioners were also concerned about the lack of restrictions within the proposed text amendment. Commissioners were also unhappy that the Petitioner moved a tenant onto property zoned A-1 without obtaining the necessary zoning permits. The Commission recommended denial of the request by vote of zero (0) in favor of the request and eight (8) in opposition. One (1) member of the Commission was absent. Member Nelson voted no because the proposal was too broad, the use could go anywhere, and the use was undesirable at other locations with inadequate protection for the agricultural community and people living in agricultural areas. Member Hamman voted no because he favored more restrictions in the text amendment and requests for this use could come before the Commission monthly. Chairman Ashton voted no because the proposal had inadequate restrictions and he was upset that the Petitioner did not secure the necessary zoning before leasing the property. He suggested that the Petitioner attempt to rewrite the proposal. Member Wilson concurred with Member Nelson and Chairman Ashton and she had concerns regarding the lack of a limit on the number of trucks and trips. The minutes of this meeting were provided.

The Agricultural Zoning Map with road classifications was provided. The Illinois Department of Transportation's Five (5) Year Functional Classification Map for Kendall County was also provided.

Chairman Mohr noted that a trucking company is already operating at 3485 Route 126.

Chairman Mohr opened the public hearing at 7:06 p.m.

Chairman Mohr asked if the proposal was specific to a 3485 Route 126. Mr. Asselmeier responded the amendment applies to all properties zoned A-1 that are located on a major collector or higher as defined in the Land Resource Management Plan.

Gregg Ingemunson, Attorney for the Petitioner, explained that the Petitioner did not understand that he needed to secure a new special use permit when the trucking company moved into the building. Mr. Ingemunson offered to limit the use to properties on State highways. He explained that employees pick-up and park their trucks. The trucks receive and drop-off their loads at other locations. He offered to restrict the number of trucks entering and leaving the property at twenty-five (25). This figure was clarified to mean vehicle trips to and from the property and not number of trucks parked at the property. Mr. Ingemunson provided a history of Countryside Landscaping's work at the property by installing new berm and other landscaping. The Petitioner plans to install an asphalt parking lot.

Member Whitfield asked if this use was similar to the use on the east side of Eldamain Road south of Galena Road. Mr. Asselmeier responded that the Eldamain Road property was rezoned to M-1. The Petitioner in this case originally tried to obtain a map amendment. However, Na-Au-Say Township had some reservations about other uses that could be placed at the property if it was rezoned to M-1. Out of respect to Na-Au-Say Township, the Petitioner chose to pursue the text amendment and special use permit under A-1 zoning.

Mr. Asselmeier noted that, if a property owner had a valid hardship, the roadway location requirement could be varied.

Chairman Mohr asked about the number of mechanics. Greg Dady responded that he saw six (6) mechanics at the property. Chairman Mohr expressed concerns regarding the ability of the septic system to handle the number of employees at 3485 Route 126.

The trucking company was not aware that they were in violation of the Zoning Ordinance.

Chairman Mohr closed the public hearing at 7:15 p.m.

Mr. Asselmeier noted that other property owners in similar circumstances could ask for a special use permit, if the proposal is approved.

Member LeCuyer asked what the Future Land Map designated 3485 Route 126. Mr. Asselmeier responded Rural Residential.

Member Whitfield asked for Staff recommendation. Mr. Asselmeier responded that, because adequate restrictions could be placed on special use permits, Staff was agreeable to the proposal. This use would be appropriate on some A-1 zoned properties and inappropriate on some other A-1 zoned properties.

Discussion occurred about spot zoning. Mr. Asselmeier responded that the Zoning Board and the County Board could determine that the proposed use is a type of agricultural use or is consistent with agricultural uses. In that case, the use would not be spot zoning.

Mr. Asselmeier noted that the Petitioner probably would need additional special uses in the future when the existing lease expires.

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

The votes were as follows:

Ayes (4): Fox, LeCuyer, Thompson, and Whitfield

Nays (2): Cherry and Mohr

Absent (1): Clementi

The motion passed.

Chairman Mohr voted no because he felt this proposal was a type of spot zoning. He also noted that he received several phone calls, but no one was in attendance to express concerns in-person.

The townships will be notified of the results of the hearing.

This proposal will go to the Kendall County Planning, Building and Zoning Committee on November 9, 2020.

The Zoning Board of Appeals completed their review of Amended Petition 20-02 at 7:30 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that the County received a request from Grainco FS to amend the Future Land Use Map for their property on Wabena Avenue. Grainco FS would also like to rezone the property to M-1 Limited Manufacturing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Cherry, to adjourn. With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:18 p.m.

The next hearing/meeting will be on November 2, 2020.

Respectfully submitted by, Matthew H. Asselmeier, AICP, CFM Senior Planner

Exhibits

- 1. Memo on Amended Petition 20-02 Dated September 25, 2020
- 2. Certificate of Publication for Amended Petition 20-02 (Not Included with Report but on file in Planning, Building and Zoning Office).



KENDALL COUNTY ZONING BOARD OF APPEALS SEPTEMBER 28, 2020

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.

NAME	ADDRESS	SIGNATURE
Brez Forenna		
Michon Baldas		
		/
	2	
7.70		

Matt Asselmeier

From:

Brad Blocker ·

Sent:

Monday, October 26, 2020 8:29 AM

To:

Matt Asselmeier

Subject:

[External]RE: 3485 Route 126 Question

Matt,

Na-Au-Say Township did not have time to put together a normal hearing by the Planning Committee where a motion would have been voted on and recommendation made to Township Trustees and County. The Township did hold the regular monthly meeting on Oct. 19th and the issue was discussed under Old Business on the agenda. At this time it was felt the township should share the general concerns and comments with the County although nothing was formally voted on.

Although it was felt that the applicant has been good to work with on past special uses on the property, and all are sympathetic to the current issues regarding zoning, the Township does not recommend including requested special use in the A-1 area for this Applicant. Also the Township does not recommend the County include the text amendment to include "Truck Parking "as one of the listed uses in A-1 zoning anywhere in Kendall County. Some of the reasons were:

- This type of Commercial Trucking is NOT consistent with agricultural operations on A-1 districts .
- Na-Au-Say Township has seen tremendous growth in our area of large warehouses, immediately to our east just over our Township /County line in Plainfield as well as to our south in Seward Township and Minooka. Along with this we have seen significant increase of truck traffic on Ridge Rd, Rt 126, Grove and Schlapp Rds within our Township. The concern is that along with this growth and also zoning amendment changes we would be welcoming more Commercial Truck parking along any of these roads in the A-1 District as they are all "Major Collector Roads "in our Township.
- What are the ramifications on County level along Rt 47, Rt 52, Rt 126 Rt 34 all state highways, as well as Major Collectors like Galena Rd, Eldamain Rd, Caton Farm Rd, Newark Rd. These would all be prime locations for"
 Truck Parking Area and Maintenance Yards and Offices "according to the Proposed Text Ammendment
- Regarding past issues with special use permits in A-1 Districts, as well as no-permits that are Non-Conforming with zoning ordinances in Na-Au-Say Township, there has been little, if any, Policing or enforcement from the County when requested or reported. How can we have confidence that issues with truck parking will be any different?

These are highlights of the topics discussed. Please feel free to contact me with questions or concerns.

Brad

Bradley A. Blocker

Supervisor

Na-Au-Say Township

"Headwaters of the aux-sable"

Office : Mobile :

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

Sent: Friday, October 16, 2020 3:27 PM

To: Brad Blocker

Subject: 3485 Route 126 Question

TO:

Matt Prochaska, Kendall County Board

PBZ Chair 111 Fox Drive Yorkville, IL 60560

FROM:

Pam Wynne, Chairperson

Na Au Say Township Plan Commission

Kendall County 1312 Wheeler Road Plainfield, IL 60544

RE:

Amended Petition 20-05, Greg Dady on Behalf of DTG Investments, LLC, Special Use

Permit for Truck Parking Area at property location: 3485 Route 126

The Na Au Say Township Plan Commission met November 4, 2020 at 7:00 A.M. at the Township Building, 1312 Wheeler Road, 60544. Present were commission members: Pam Wynne, Scott Cherry, Dave Schlapp, Rod Wheeler, Pete Pasteris

Points of discussion/support and concerns:

The number of vehicles—cars, trucks and trailers--parked at the site during business hours and outside of business hours, and ingress and egress of these vehicles, time periods of traffic activity and the resulting volume of traffic

The truck traffic from the business that is on the state highways and other roadways The address of the location is the same as two other entities nearby because all were originally part of the same farm. This causes confusion when drivers are searching for the location.

The aesthetics and the attractiveness of the property

The adequacy and compliance of septic, drainage and other utilities

Future growth: Assuming any concerns can be resolved for the property of DTG Investments, what will future businesses requesting Ag Special Use expect as allowances for their trucking businesses?

The consensus in past discussions of each the Na Au Say Township Board and the Plan Commission has centered on concerns about this property and any future property under this Ag Special Use amendment. The consensus in both groups is that this is not a direction for our agricultural community, and there has been no dissent in either group to that consensus. A previous request from DTG for M-1 zoning was refused at the recommendation of Na Au Say township officials.

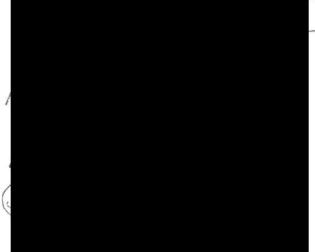
This text amendment will state limitations of acreage and location, because of concerns when trucking businesses would be added to Ag Special Use.

The vote: Those who vote in favor of this text amendment will indicate support for the stated limitations, and those opposed indicate the amendment not be added at all to Ag Special Use.

The motion was made by Pete Pasteris and seconded by Scott Cherry, "I move this commission support Amended Petition 20-05 as requested by property owners of 3485 Route 126. 'Truck Parking Area or Yard including Offices and Maintenance Facilities provided that the Use is limited to no more than 10 acres on a major state highway in the County Land Resource Management Plan." Pam Wynne called the vote and the motion failed by a vote of 2 in favor, and 3 opposed.

The motion to adjourn was made by Pete Pasteris and seconded by Dave Schlapp. Motion carried.

Signatures of Na Au Say Plan Commission and Township Board regarding the vote on Amended Petition 20-05 as discussed November 4, 2020.



ORDINANCE NUMBER 2021-

TEXT AMENDMENT TO SECTION 7:01.D OF THE KENDALL COUNTY ZONING ORDINANCE ADDING TRUCK PARKING AREA OR YARD TO THE LIST SPECIAL USES IN THE A-1 AGRICULTURAL ZONING DISTRICT

<u>WHEREAS</u>, 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

<u>WHEREAS</u>, Greg Dady on Behalf of DTG Investments, LLC, hereinafter be referred to as "Petitioner", owns property at 3485 Route 126 in Na-Au-Say Township which is zoned A-1 Agricultural and has a possessory interest which is specifically enforceable on the land which is described in the application for a text amendment as outlined in Section 13:07.B of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, on or about August 17, 2020, Petitioner submitted a text amendment to the Kendall County Zoning Ordinance amending Section 7:01.D by adding Truck Parking Area or Yard to the list of Special Uses in the A-1 Agricultural Zoning District with conditions; and

<u>WHEREAS</u>, following due and proper notice by publication in the Kendall County Record on September 3, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on September 28, 2020, at 7:00 p.m., in the Third Floor Courtroom, at the Kendall County Historic Courthouse, located 109 W. Ridge 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 zero members of the public testified in favor of the request, or in opposition to the request, and or provided general comments on the request; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendment on September 28, 2020; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested text amendment; and

<u>WHEREAS</u>, 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

<u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: Section 7:01.D is amended by adding the following use alphabetically to the list of special uses in the A-1 Agricultural Zoning District:

"Truck Parking Area or Yard Including Offices and Maintenance Facilities Provided that the Parcel has Direct Access to a State Highway, is Less Than Six (6) Acres in Size, is Located within Seven Tenths (7/10) of a Mile of a Municipal Boundary, and Possesses at Least One (1) Fourteen Thousand (14,000) Square Foot Building for Truck Storage."

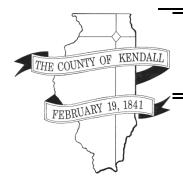
State of Illinois Zoning Petition
County of Kendall #20-02

III. Appendix 9-Table of Uses is hereby amended to reflect the addition of this use in the proper zoning districts.

- IV. Any reference citation errors created by the addition of this use to the Zoning Ordinance shall be corrected.
- V. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of February, 2021.

Attest:	
Kendall County Clerk	Kendall County Board Chairman
Debbie Gillette	Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203
Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Amended Petition 20-05 Greg Dady on Behalf of DTG Investments, LLC Special Use Permit for Truck Parking Area

INTRODUCTION

Greg Dady, on behalf of DTG Investments, LLC would like to operate a trucking company, specifically offices related to a trucking company, minor repair facilities for company trucks, and company truck parking at the subject property.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

The proposed text amendment (Amended Petition 20-02) would add the following to the list of special uses in the A-1 District:

"Truck Parking Area or Yard Including Offices and Maintenance Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The application materials are included as Attachment 1. The aerial of the property is included as Attachment 2. The aerial with the flood zone is included as Attachment 3. The plat of survey is included as Attachment 4. The site plan is included as Attachment 5.

SITE INFORMATION

PETITIONERS: Greg Dady on Behalf of DTG Investments, LLC

ADDRESS: 3485 Route 126, Oswego

LOCATION: North Side of Route 126 Approximately 0.45 Miles West of Schlapp Road



TOWNSHIP: Na-Au-Say

PARCEL #: 06-09-400-005

LOT SIZE: 5.6 +/- Acres

EXISTING LAND Former Cleanup and Restoration Business

USE:

LRMP:

ZONING: A-1 Agricultural District with a Special Use Permit

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Future	Rural Residential (0.65 DU/Acre)
Land Use	
Roads	Route 126 is a State maintained arterial.
Trails	There is a trail planned along Route 126.
Floodplain/ Wetlands	There is a floodplain on the north end of the property (Zone A-no base flood elevation determined).

REQUESTED

ACTION: Special Use Permit for Truck Parking Area or Yard

APPLICABLE Section 13.08 – Special Use Procedures

REGULATIONS:

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Residential	A-1
South	Agricultural	A-1	Public/Institutional and Rural Residential	A-1
East	Agricultural	A-1	Rural Residential	A-1, A-1 SU, and R-1
West	Farm Equipment Sales and Service Business	A-1 SU	Rural Residential	A-1 and A-1 SU

Pictures of the property are included as Attachments 7-13.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated, see Attachment 1, Pages 9-11.

NATURAL RESOURCES INVENTORY

The LESA Score was 189 indicating a low level of protection, see Attachment 6.

ACTION SUMMARY

NA-AU-SAY TOWNSHIP

Petition information was sent to Na-Au-Say Township on August 25, 2020. Na-Au-Say Township submitted comments on October 26, 2020. Na-Au-Say Township felt that the proposed use was not consistent with agricultural operations, that similar uses could occur along roads in the Township, that the proposed use could occur on other roads within the County, and that the Township had concerns regarding the County's ability to enforce the regulations in special use permits. The October 26, 2020, email from Na-Au-Say Township Supervisor Brad Block is included as Attachment 20. The Na-Au-Say Township Planning Commission met on November 4, 2020, and had discussion regarding requiring this type of use be restricted to State highways and that properties used for this type of use be restricted to a maximum of ten (10) acres. Several members of the Na-Au-Say Township Planning Commission indicated that they will be in attendance at the November Planning, Building and Zoning Committee meeting.

VILLAGE OF OSWEGO

Petition information was sent to the Village of Oswego on August 25, 2020. The property is inside Oswego's planning boundary.

VILLAGE OF PLAINFIELD

Petition information was sent to the Village of Plainfield on August 25, 2020. The property is within one point five (1.5) miles of Plainfield.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was sent information on August 25, 2020. On August 27, 2020, the Oswego Fire Protection District submitted an email stating that they had no specific concerns. They did note that the fire alarm system at the property was not in operation. The Oswego Fire Protection District email is included as Attachment 16.

ZPAC

ZPAC reviewed this proposal at their meeting on September 1, 2020. The Health Department asked about the septic system and catching spills in the maintenance bays. The Petitioner indicated that a triple catch basin exists in the bays. A change in occupancy permit for the business will be required. A permit for the sign will be required. The Petitioner was agreeable to paving the south parking lot with asphalt within ninety (90) days of the approval of the special use permit. The Petitioner said signage would be installed directing people not to park in the front yard setback or in locations that restricted access to the rear of the property through the drive on the east side of the property. The Petitioner was agreeable to the hours of operation and would obtain information regarding the height of the berm and number of trees on the berm. ZPAC recommended approval of the requested special use permit with a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of the meeting are included as Attachment 17.

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 23, 2020. Because the Commission recommended denial of the Petition 20-02, the Commission did not take any action on Petition 20-05; the proposal was moot. The minutes of the meeting are included as Attachment 18.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 28, 2020. The Petitioner requested that the deadline to install asphalt parking be extended to May 15, 2021. The Petitioner clarified that the berm was ten feet (10') feet tall and twenty (20) trees at least twenty feet (20') in height were located on the berm. The Petitioner agreed to a condition that licenses be valid on all trucks stored at the property. Discussion also occurred regarding having the Health Department inspect the septic system. The Petitioner noted that the parking lot might be filled even when the business was closed and that the tenant was aware of the proposed conditions. The Kendall County Zoning Board of Appeals recommended approval of the requested special use permit with an amendment to Condition 2 setting May 15, 2021 as the date that the parking lot must be

asphalted, Condition 4 was amended to specify the berm at ten feet (10') tall and to specify twenty (20) trees with a minimum of twenty feet (20') feet in height on the berm and Condition 7 was amended to state that vehicles shall have valid licenses if required by law. The vote was six (6) in favor and zero (0) in opposition. One (1) Board Member was absent. The minutes of the hearing are included as Attachment 19.

GENERAL INFORMATION

The subject property has been used as a landscaping business and repair and restoration business. The order and special use permit that allowed these businesses are included as Attachments 14 and 15 respectively. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

BUSINESS OPERATIONS

According to the business plan found on page 2 of Attachment 1, the property is leased to United Group Logistics. United Group Logistics is a trucking company that hauls freight throughout the State. They use the property for office space, minor truck repair/maintenance and a truck depot. The office space is used for accounting and dispatch and the bays are used for maintenance. Ten (10) employees are at the site and the hours of operation are Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m.

No maintenance of vehicles will occur outside the main building.

BUILDINGS AND BUILDING CODES

According to the site plan (Attachment 5), there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. The site plan also shows one (1) metal silo and one (1) corn crib in the planned truck parking area. One (1) approximately one thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

ENVIRONMENTAL HEALTH

The property is served by well and septic.

STORMWATER

There is floodplain as part of the Little Slough Creek on the property as shown on Attachments 3 and 4. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway. No storage or parking should take place in the floodway.

Depending on the nature of new construction, which is not planned as part of this special use permit, stormwater management permits could be required.

ACCESS

The property has two accesses off of Route 126. The western access would be used by the existing house and the eastern access would be used by the business operating out of the metal barn.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 5), a parking area for trucks is shown north of the metal building. The parking area is gravel. No dimension information was provided.

The site plan shows fifteen (15) additional parking spaces to the north of the metal building and ten (10) parking spaces south of the metal building, including two (2) handicapped accessible spaces. A proposed asphalt addition is shown on the site plan. Originally, within ninety (90) days of the approval of the special use permit ordinance, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces. This requirement was changed to "on or before May 15, 2021," at the Kendall County Zoning Board of Appeals hearing at the request of the Petitioner.

The Petitioner was agreeable to a condition stating that no work on vehicles would occur outside of the main building. Therefore, no issues related to spills or other motor vehicle related leaks were foreseen. The Petitioner was also agreeable to a condition to monitor the site for leaks.

LIGHTING

No additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

SIGNAGE

The site plan shows a sign. The sign is four feet by eight feet (4'X8') in size. A light exists next to the sign.

SECURITY

The site plan shows a wooden fence around the property and a single gate east of the metal building. No information was provided regarding the size of the fence or gate.

LANDSCAPING

A berm and several mature trees are between the metal building and Route 126.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No new odors are foreseen by the proposed use.

FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities exist on the site based upon the number of proposed employees at the property. No parking shall occur in the floodplain. No additional buildings are planned for the site. The Petitioners are aware that parking cannot occur in the front yard setback. Route 126 is a State maintained road and should be able to handle the traffic.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided the text amendment adding truck parking area and yard are added to the list of special uses in the A-1 District, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."

RECOMMENDATION

Provided the proposed text amendment related to truck parking and area and yard is approved, Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

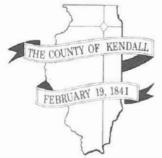
- 1. The site shall be developed substantially in accordance with the attached plat of survey (Attachment 4) and site plan (Attachment 5). The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, concrete, metal silo, wood frame machine shed, and corn crib without amending the site plan.
- 2. On or before May 15, 2021, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces shown on the attached site plan (Attachment 5).
- 3. No parking or storage shall occur within the floodplain at the north end of the property.
- 4. The property owner or operators of the business allowed by this special use permit shall maintain the existing ten foot (10') tall berm and twenty (20) trees at a minimum of twenty feet (20') tall on the berm. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department.
- 5. One (1) four foot by eight foot (4'X8') sign may be installed on the subject property in substantially the location shown on the site plan (Attachment 5). The property owner or operators of the business allowed by this special use permit may install additional directional and no parking signage in order to ensure that no parking occurs in the required front yard setback and that the access to the rear (north) of the property is not blocked via the existing asphalt drive.
- 6. None of the vehicles parked on premises shall be considered agricultural equipment as they relate to the business allowed by the special use permit.
- 7. All of the vehicles parked on the premises shall be maintained in good condition with no deflated tires and shall have valid licenses if required by law.
- 8. No maintenance may occur on any vehicle outside of the fourteen thousand (14,000) square foot building.
- 9. The property owner or operators of the business allowed by this special use permits shall diligently monitor the property for vehicle related leaks and shall promptly clean up the site if leaks occur.
- 10. The hours of operation for the business allowed by this special use permit shall be Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m. Drivers may drop-off trucks outside these hours of operations. No one associated with the business allowed by the special use permit shall spend the night at the property. The property owner or operators of the business allowed by this special use permit may reduce these hours of operation.
- 11. The total maximum number of employees for the business allowed by this special use permit shall be ten (10).
- 12. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 13. The conditions and restrictions contained in Ordinance 2014-29 pertaining to the operation of a cleanup restoration service/business shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a truck parking area or yard.
- 14. The property owner and operators of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.

- 15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The draft ordinance is included as Attachment 21.

ATTACHMENTS

- 1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
- 2. Aerial
- 3. Flood Zone Aerial
- 4. Plat of Survey
- 5. Site Plan
- 6. NRI Report
- 7. Building East
- 8. Building West
- 9. East Driveway
- 10. Sign
- 11. Berm and Trees One
- 12. Berm and Trees Two
- 13. Looking South
- 14. May 8, 2001 Order
- 15. Ordinance 2014-29
- 16. August 27, 2020 Oswego Fire Protection District Email
- 17. September 1, 2020 ZPAC Minutes
- 18. September 23, 2020 Kendall County Regional Planning Commission Minutes
- 19. September 28, 2020 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
- 20. October 26, 2020 Email from Brad Blocker
- 21. Draft Ordinance



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

	PROJECT NAME		FILE #:
NAME OF APPLICANT			
Greg Dady			
CURRENT LANDOWNE	R/NAME(e)		
DTG Investments,			
SITE INFORMATION			
ACRES	SITE ADDRESS OR LOCATION		ASSESSOR'S ID NUMBER (PIN)
5	3485 Route 126, Oswego, IL 60543		06-09-400-005
EXISTING LAND USE	CURRENT ZONING	LAND CLASS	IFICATION ON LRMP
Special Use	A-1	Rural Resid	dential
REQUESTED ACTION (Check All That Apply):		
SPECIAL USE	MAP AMENDMENT (Rez	one to)	VARIANCE
ADMINISTRATIVE	VARIANCE A-1 CONDITIONAL USE	for:	SITE PLAN REVIEW
TEXT AMENDMENT	RPD (Concept; Pri	eliminary; Final)	ADMINISTRATIVE APPEAL
PRELIMINARY PLA	T FINAL PLAT		OTHER PLAT (Vacation, Dedication, etc.)
X AMENDMENT TO	A SPECIAL USE (X Major; Minor)		officered, bedicator, bec.)
PRIMARY CONTACT	PRIMARY CONTACT MAIL	NG ADDRESS	PRIMARY CONTACT EMAIL
Greg Dady			
PRIMARY CONTACT PH	ONE # PHIMARY CONTACT FAX	#	PRIMARY CONTACT OTHER #(Cell, etc.)
² ENGINEER CONTACT	ENGINEER MAILING ADDR	RESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #		ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND TH	IAT BY SIGNING THIS FORM, THAT	THE PROPERTY	IN QUESTION MAY BE VISITED BY
COUNTY STAFF &	BOARD/ COMMISSION MEMBERS T	HROUGHOUT TH	HE PETITION PROCESS AND THAT
COUNTY.	ALVOL FISTED ABOVE MILL BE 201	SJECT TO ALL CO	ORRESPONDANCE ISSUED BY THE
I CERTIFY THAT TH	HE INFORMATION AND EXHIBITS S	UBMITTED ARE	TRUE AND CORRECT TO THE
BEST OF MY KNOW	VLEDGE AND THAT I AM TO FILE TI	HIS APPLICATION	N AND ACT ON BEHALF OF THE
ABOVE SIGNATUR	ES.		
SIGNATURE OF AF	PPLICANT		DATE C
			DATE 8-17-200
		-	0 / / 200
	FEE PAID:\$		
	CHECK #:		

¹Primary Contact will receive all correspondence from County ²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Description of Use

The property located at 3485 State Route 126, Oswego, IL 60543 will be occupied by United Group Logistics. They operate as a trucking company hauling freight throughout the state and will be using the above named property for office space, minor truck repair/maintenance and a trucking depot. Office space will be utilized for accounting and dispatch, and bays will be used for minor repairs/maintenance and for truck parking. The business consists of 10 employees, and hours of operation are Monday - Friday from 8:00 am to 5:00 pm and Saturday from 8:00 am to 3:00 pm.

EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 9 AND THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16 ALL IN TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTHERLY OF THE CENTER LINE OF ILLINOIS ROUTE 126 BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 9; THENCE NORTH 1 DEGREE 36 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 260.00 FEET; THENCE NORTH 88 DEGREES 44 MINUTES 53 SECONDS EAST, 335.00 FEET; THENCE SOUTH 1 DEGREE 39 MINUTES 11 SECONDS EAST, 677.39 FEET TO THE CENTER LINE OF SAID ROUTE 126; THENCE SOUTH 80 DEGREES 28 MINUTES 31 SECONDS WEST ALONG SAID CENTER LINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 1 DEGREE 40 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NA-AU-SAY, KENDALL COUNTY, ILLINOIS, EXCEPT THAT PART DEDICATED FOR ROAD PURPOSES PER DOCUMENT NUMBER 2001-24468, RECORDED DECEMBER 18, 2001.

(PERMANENT INDEX NUMBER 06-09-400-005-0000)

9

PREPARED BY:

Donald J. Manikas, Esq. Walker Wilcox Matousek LLP One North Franklin, Suite 3200 Chicago, Illinois 60606

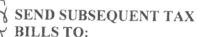
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DEBBIE GILLETTE KENDALL COUNTY,

RECORDED: 12/4/2014 2:03 PM WD: 1354.00 RHSPS FEE: 10.00 PAGES: 4

AFTER RECORDATION RETURN TO:

Kristine Larsen, Esq. 22 W. Van Buren Street Oswego, Illinois 60543







SEND SUBSEQUENT TAX

BILLS TO:

DTG Investments, LLC 3485 Route 126

Post Office Box 7453
Aurora, Illinois 60507

SPECIAL WARRANTY DEED

THIS INDENTURE, is made as of this 29th day of October, 2014 between TRIPLE B SOUTH, LLC, an Illinois limited liability company, as party of the first part, and DTG INVESTMENTS

LLC 3485 ROUTE 126 an Illinois and a south of the first part, and DTG INVESTMENTS

LLC 3485 ROUTE 126 an Illinois and a south of the first part, and DTG INVESTMENTS

LLC 3485 ROUTE 126 an Illinois and a south of the first part, and DTG INVESTMENTS Q LLC 3485 ROUTE 126, an Illinois series limited liability company, as party of the second part.

WITNESSETH, that the party of the first part, for and in consideration of the sum of Ten and no/100 Dollars in hand paid, by these presents does GRANT, BARGAIN, SELL, REMISE, RELEASE, ALIEN AND CONVEY unto the party of the second part, and to its successors and assigns, FOREVER, all the following described land, situated in the County of Kendall, and State of Illinois known and legally described on Exhibit A attached hereto, subject to general real estate taxes not yet due and payable; zoning and building laws and ordinances; public and utility easements; covenants, conditions and restrictions of record (including that certain Ordinance Number 2014-29 granting a special use for 3485 Route 126 for a clean-up restoration services business, recorded October 10, 2014 as Document Number 201400014186); party wall rights and agreements, if any; matters shown or disclosed by survey prepared by Jade Surveyors LLC dated September 24, 2014; and existing leases or tenancies.

Address of Property: 3485 Route 126, Kendall County, Oswego, Illinois

Permanent Index Number: 06-09-400-005-0000

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the party of the first part, either in law or in equity, of, in and to the above described premises, with

, i i .

the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the party of the second part, its heirs and assigns forever.

And the party of the first part, for itself, and its successors, does covenant, promise and agree, to and with the party of the second part, its successors and assigns, that, except as set forth above and expressly excluding all matters not done by the party of the first part, it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, and it will defend same against the lawful claims of all persons claiming by, through or under it, but not otherwise.

IN WITNESS WHEREOF, said party of the first part has caused its name to be signed to these presents, the day and year first written above.

an Illinois limited liability company Nillinois Adelizzi, Managing Member
State of Illinois) SS. County of COOK)
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that WILLIAM F. ADEUTEI , as Managing Member of Triple B South, LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.
Given under my hand and official seal, this 29th day of October, 2014.
Notary Public
"OFFICIAL SEAL" Melissa Y March Notary Public, State of Illinois

My Commission Expires 11/20/2016

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF	
COUNTY) SS DF KENDALL)
	,
Kober	1. Adulizzi, being duly swom on oath, and further states that: (please check the appropriate box)
A. Del	507 507 6
exchange is B. []	That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or of an entire tract of land not being a part of a larger tract of land; or That the attached deed is not in violation of 765 ILSC 205/1(b) for one of the following ease circle the appropriate number)
()	associate the appropriate number)
1.	The division or subdivision of land into parcels or tracts of 5.0 acres or more in size
	which does not involve any new streets or easements of access.
2.	The division of lots or blocks of less than one (1) acres in any recorded subdivision which
3.	does not involve any new streets or easements of access.
5.	The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4.	The conveyance of parcels of land or interest therein for use as right of way for railroads
	or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5.	The conveyance of land owned by a railroad or other public utility which does not
,	my orve any new success or easements of access:
6.	The conveyance of land for highway or other public purposes or grants or conveyances
	relating to the dedication of land for public use or instruments relating to the vacation of
7.	and impressed with a public use;
8.	Conveyances made to correct descriptions in prior conveyances; The sale or exchange of parcels or tracts of land fellowing the little of the land of t
	The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9.	The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by
	an inition Registered Land Surveyor; provided that this exemption shall not apply to the
	sale of any subsequent lots from the same larger tract of land as determined by the
	that this exemption does not invalidate any local requirements applicable to the
10.	subdivision of land;
10.	This conveyance is of land described in the same manner as title was taken by grantor(s).
AFFIANT furt	her states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of y, Illinois, to accept the attached deed for recording.
	s, rimons, to accept the attached deed for recording.
SUBSCRIBED	AND SWORN TO BEFORE ME
	Signature of Affiant
This 29#1day	of October, 2014.
(***************************************
Signature of No	otary Public "OFFICIAL SEAL"
7	Melissa Y March
	Notary Public, State of Illinois
(File: 00887800.DOC)	My Commission Expires 11/20/2016

56

{File: 00887800.DOCX / }

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1.	Applicant Greg Dady - DTG Investments,	, LLC
	Address 3485 Route 126	
	City Oswego	State IL Zip 60543
2.	Nature of Benefit Sought	
3.	Nature of Applicant: (Please check one) Natural Person (a) Corporation (b) Land Trust/Trustee(c) Trust/Trustee (d) Partnership (e) Joint Venture (f)	
4.	If applicant is an entity other than described in applicant:	Section 3, briefly state the nature and characteristics of the
5.	person or entity who is a 5% shareholder in cas	letter b, c, d, e, or f, identify by name and address each se of a corporation, a beneficiary in the case of a trust or land are, or who otherwise has proprietary interest, interest in y:
	Greg Dady -	60
	Tia Dady -	50
6.	Name, address, and capacity of person making	this disclosure on hehalf of the applicant:
	Grog Dady is the app	sucard.
tile abo	this disclosure on behalf of the applicant, that I a	FICATION , being first duly sworn under oath that I am the person am duly authorized to make the disclosure, that I have red d that the statements contained therein are true in both
Subscri (seal)	bed and sworn to before me this day of	Colobel .A.D. 2019
Scale	OFFICIAL SEAL LAURA L TOMSA-BLACK	Mary Public



poute 47, Yorkville, Illings 60560 • (630)553-5821 extension 3



www.kendallswcd.org

BY. Mandrews

NATUR	AL RESOURCE INFORMATIO	N (NRI) REPORT APPLICATION
Petitioner: DTG Investments,		t Person: Greg Dady
Address:		
City, State, Zip:		
Phone Number: (()	
Email: _		
Please select: How	would you like to receive a copy of th	e NRI Report? Email Mail
Site Location & Proposed Use		
Township Name NA-AU-SAY	Townsh	ip N. Range F. Section(s)
Parcel Index Number(s) 06094	00005	ip N, Range E, Section(s)
Project or Subdivision Name		Number of Acres
carrent ose of Site	Pronose	Allh
Proposed Number of Lots	Propose	Number of Structures
roposed water supply	Propose	type of Wastewater Treatment
Proposed type of Storm Water	Management	- sype of tradewater freatment
Type of Request		
☐ Change in Zoning from	to	
	ully on separate page)	
Special Use Permit (Please	describe fully on separate page)	
Name of County or Municipality	the request is being filed with: 101	Wall Courte
NRI fee (Please make check The NRI fees, as of July 1, 20 Full Report: \$375.00 for f	p, field tile map, copy of soil boring a s payable to Kendall County SWCD) D10, are as follows: ive acres and under, plus \$18.00 per a	roads, stormwater detention, open areas, etc. nd/or wetland studies cre for each additional acre or any fraction thereof over five line when a summary or full report will be necessary.)
	Fee for first five acres and under	
	Additional Acres at \$18.00	each \$
IOTE: Applications are due by the pplication is submitted, please		onth's SWCD Board Meeting Agenda. Once a completed
(We) understand the filing of the	his application allows the authorized visit and conduct an evaluation of t	representative of the Kendall County Soil and Water he site described above. The completed NRI report
	oner or Authorized Agent	10/30/19
Petitie	oner or Authorized Agent	Date
		or, religion, national origin, age, sex, handicap or marital status.
OR OFFICE USE ONLY	12/20 Date all roots	Board Meeting r/Under Payment Refund Due





Applicant:

DTG Investments, LLC

Contact: Address:

Rt 126- Truck Parking

Project: Address: 3485 Rt. 126, Oswego IDNR Project Number: 2005266 Date:

01/03/2020

Alternate Number:

2004942

Description: to obtain a special use permit for existing property

Natural Resource Review Results

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

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

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

Location

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

County: Kendall

Township, Range, Section:

36N, 8E, 9 36N, 8E, 16

IL Department of Natural Resources Contact Adam Rawe 217-785-5500

Division of Ecosystems & Environment



Government Jurisdiction

Kendall County Planning Building and Zoning

Matthew Asselmeier 111 West Fox Street

Yorkville, Illinois 60560 -1498

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.

IDNR Project Number 2005266

Terms of Use

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

- 1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
- 2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
- 3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

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

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

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number, 2005266





EcoCAT Receipt

Project Code 2005266

APPLICANT

DATE

DTG Investments, LLC Greg Dady

1/3/2020



DESCRIPTION	FEE

CONVENIENCE FEE

TOTAL PAID

EcoCAT Consultation

\$ 125.00

\$ 2.81

\$127.81

TOTAL PAID \$127.81

Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702 217-785-5500 dnr.ecocat@illinois.gov

Attachment 1, Page 12

Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. Special use will not affect the public health, safety, morals, comfort or general welfare.
That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
Special use will not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole
That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. All of the above have been provided.
That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals Special use will conform with all the above.
That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Special use is consistent with the Land Resource Management Plan and adopted County plans and policies.

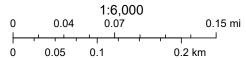


January 30, 2020

Ownership Parcels Zoning

A1-SU

Street Centerlines



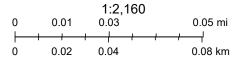


January 30, 2020

Kendall County FEMA FIRM Panels

Street Centerlines

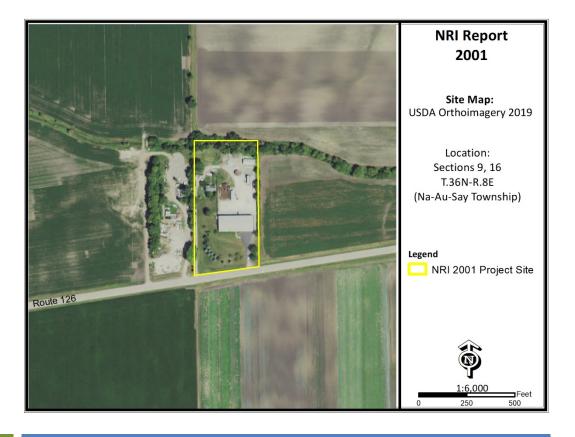
USA Flood Hazard Areas





WAR **CWR**

NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 2001



January 2020

Petitioner: DTG Investments, LLC

Contact: Greg Dady

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

2001 Executive Summary January 2020

<u>Petitioner:</u> DTG Investments, LLC <u>Contact Person:</u> Greg Dady

County or Municipality the petition is filled with: Kendall County

Location of Parcel: SE 1/4 Section 9; NE ¼ Section 16 T.36N.-R.8E. (Oswego Township), 3rd Principal Meridian in

Kendall Co., IL

Project or Subdivision Name: N/A

Existing Zoning & Land Use: A-1; Buildings, Parking, Outdoor Storage, Creek

Proposed Zoning & Land Use: A-1 Special Use

Proposed Water Source: Well

Proposed Type of Sewage Disposal System: Septic

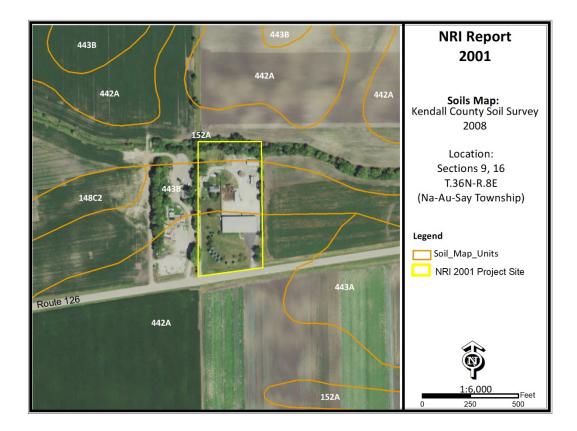
Proposed Type of Storm Water Management: Not Provided

Size of Site: 5.0 acres

Land Evaluation Site Assessment Score: 189 (Land Evaluation: 92; Site Assessment: 97)

Natural Resource Considerations

Soil Map:



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:

Мар	Soil Name	Drainage Class	Hydrologic	Hydric Designation	Farmland
Unit			Group		Designation
152A	Drummer silty clay	Poorly drained	B/D	Hydric Soil	Prime Farmland
	loam, 0-2% slopes				(if drained)
442A	Mundelein silt loam, 0-	Somewhat poorly	B/D	Hydric Inclusions	Prime Farmland
	2% slopes	drained		Likely	
443B	Barrington silt loam, 2-	Moderately well	С	Non-hydric	Prime Farmland
	4% slopes	drained			

<u>Hydrologic Soil Groups</u>: 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.

<u>Hydric Soils</u>: 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, one soil, 152A Drummer silty clay loam, is classified as a hydric soil and one, 442A Mundelein silt loam, is designated as having the potential for hydric inclusions.

<u>Prime Farmland</u>: 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, all are designated as prime farmland.

Table 2:

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
152A	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: >6.0' January - May Surface Water Depth & Duration: 0.0'-0.5' Frequency: Brief, Frequent		January – May None
442A	Negligible	January - May Upper Limit: 1.0'-2.0' Lower Limit: >6.0'	January - May Surface Water Depth & Duration: Frequency: None	January – May None
443B	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: >6.0'	February - April Surface Water Depth & Duration: Frequency: None	February - April None

<u>Surface Runoff</u>: 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).

Attachment 6, Page 4

<u>Ponding</u>: 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.

- ✓ <u>Not Limited</u>: Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- ✓ <u>Somewhat Limited</u>: 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.
- ✓ <u>Very Limited</u>: 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.

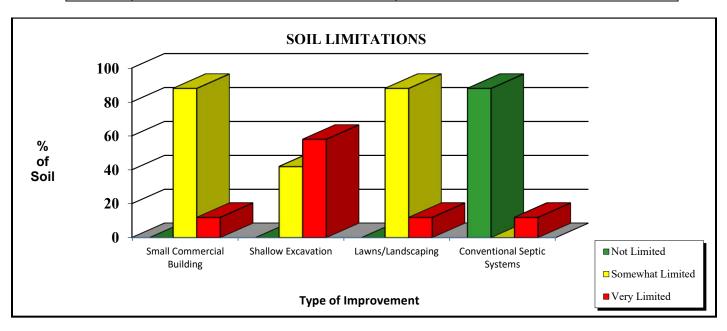
Limitations are listed below for dwellings with basements, dwellings without basements, small commercial building, and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, 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

Soil Type	Dwellings without	Dwellings with Basements	Small Commercial	Onsite Conventional
	Basements		Building	Sewage Disposal System
152A	Very Limited:	Very Limited:	Very Limited:	Unsuitable: wet
	Ponding, Depth to saturated	Ponding, Depth to saturated	Ponding, Depth to saturated	
	zone, Shrink-swell	zone, Shrink-swell	zone, Shrink-swell	
442A	Somewhat Limited:	Very Limited:	Somewhat Limited:	Suitable
	Depth to saturated zone	Depth to saturated zone	Depth to saturated zone	
443B	Somewhat Limited:	Somewhat Limited:	Somewhat Limited:	Suitable
	Shrink-swell	Depth to saturated zone	Shrink-swell	

Table 3b: Building Limitations

Soil Type	Shallow Excavations	Lawns & Landscaping
152A	Very Limited:	Very Limited:
	Ponding, Depth to saturated zone, Dusty, Unstable	Ponding, Depth to saturated zone, Dusty
	excavation walls	
442A	Very Limited:	Somewhat Limited:
	Depth to saturated zone, Dusty, Unstable	Depth to saturated zone, Dusty
	excavation walls	
443B	Somewhat Limited:	Somewhat Limited:
	Depth to saturated zone, Dusty, Unstable	Dusty
	excavation walls	



Building Limitations Maps:

Figure 2a: Small Commercial Building

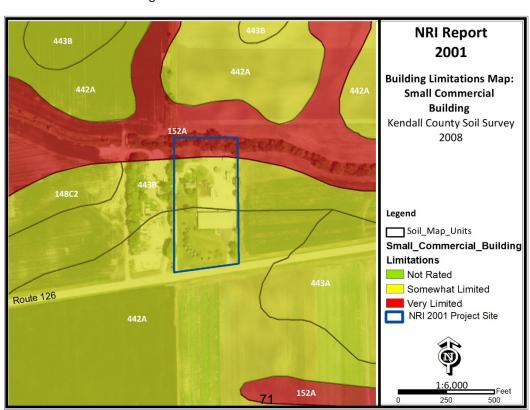


Figure 2b: Shallow Excavations

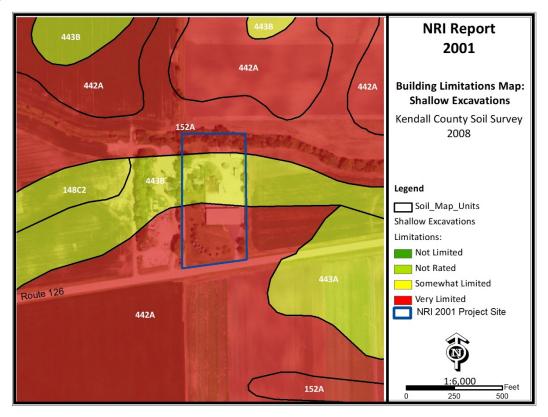
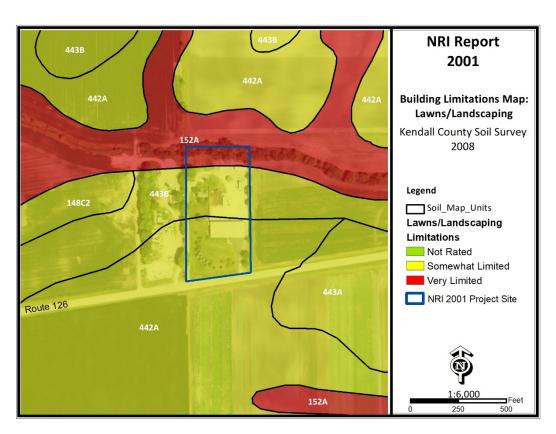


Figure 2c: Lawns/Landscaping



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

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
152A	1	100	0.6	60.0
442A	2	94	2.3	216.2
443B	3	87	2.1	182.7
Totals			5.0	458.9
LE Score		LE= 458.9/5.0		LE = 92

The Land Evaluation score for this site is **92**, indicating that this site is predominately prime farmland well suited for agricultural production.

Table 4b: Site Assessment Computation

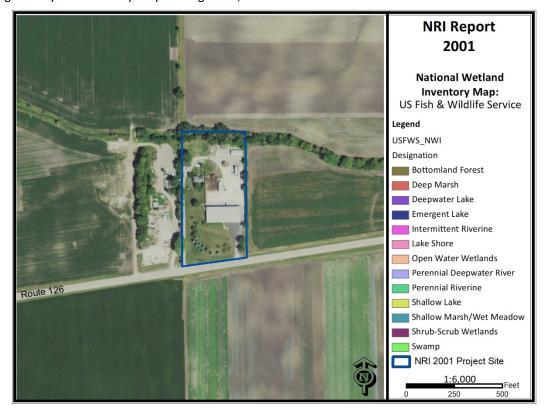
A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
В.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or	0
	municipal comprehensive land use plan. (20-10-0)	
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	97

Land Evaluation Value: 92 + Site Assessment Value: 97 = LESA Score: 189

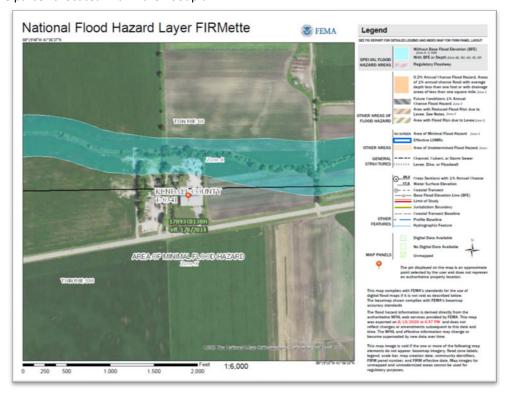
LESA SCORE	LEVEL OF PROTECTION	
<mark>0-200</mark>	Low	
201-225	Medium	
226-250	High	
251-300	Very High	

The **LESA Score for this site is 189 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.

<u>Wetlands:</u> The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not 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: The parcel is located within the floodplain.



<u>Sediment and Erosion Control:</u> 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* (https://illinoisurbanmanual.org/) 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 DTG Investments, LLC at the request of their contact Greg Dady for the proposed A-1 Special Use petition. This parcel is located in Sections 9 & 16 of Na-Au-Say Township (T.36N.-R.8E. 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 92 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. The overall LESA Score for this site is 189 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 three soil types identified onsite, all are designated as prime farmland. 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 of the soil types found onsite, is designated as a hydric soil and one soil type has the potential to have hydric inclusions.

For proposed land uses, soils can have potential limitations. This report indicates, if the following uses were to be included as part of future site development or expansion, that for soils located on the parcel, 58% are very limited for shallow excavations and 12% are unsuitable for onsite conventional septic systems, small commercial building, 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, if 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 Illinois River Watershed.

If development should occur onsite, a soil erosion sediment control plan should 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 (III. Complied Statues, Ch. 70, Par 405/22.02a).

	January 6, 2020
SWCD Board Representative	Date















	FILED
	MAY 0.8 2001
STATE OF ILLINOIS) SS	SHIRLEY R. LEE Circuit Cierk Kendali Co.
COUNTY OF KENDALL)	4.
IN THE CIRCUIT COURT FOR THE SIXT KENDALL COUNTY,	
COUNTY OF KENDALL, a Body Politic,)
Plaintiff,)
vs.) GEN. NO. 99-OV-18
STEVEN FREEMAN and JEAN FREEMAN,))
Defendants.)).

AGREED ORDER

This cause comes before the Court for hearing on the Complaint filed herein by the County alleging violations of the Kendall County Zoning Ordinance and the Kendall County Soil and Erosion Control Ordinance as such Ordinances apply to the real estate owned by the Defendants, STEVEN FREEMAN and JEAN FREEMAN.

The real estate which is the subject matter of these proceedings and is the subject of this Order is described on Exhibit "A" attached hereto and made a part hereof and consists of the tract of land containing 2.4396 acres of land and presently improved with a metal building, silo and corn crib.

The Court is advised that a building permit was issued for the construction of an Equipment Storage Building on the real estate on September 3, 1997, and that subsequent thereto the building was constructed by the Defendants and was thereafter used continuously for the storage of trucks and earthmoving equipment used by the Defendants in their excavating business.

The Court is further advised that the County and the Defendants have agreed to the terms of this Order settling between the parties all matters in controversy in this proceeding,

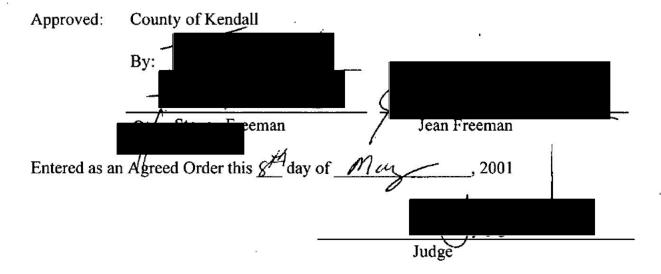
which permits the continued use of the building by the Defendants, subject, however, to the terms and restrictions contained in this Order.

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

- 1. The real estate described herein shall remain classified A-1, Agricultural, under the Kendall County Zoning Ordinance. Defendants shall withdraw their pending Petition for Special Use filed on October 13, 2000.
- Defendants shall be permitted to continue to use the real estate and the improvements situated thereon for the storage of the trucks and equipment used in their excavating business, or for other uses normally permitted in the A-1 Zoning District, subject, however, to the following restrictions:
 - a. All trucks and earthmoving equipment used in the Defendants' excavating business shall be stored inside the metal equipment storage building.
 - b. Nothing other than agricultural products may be stored on the 2.4396 acre parcel of real estate outside of the metal equipment storage building, the silo, and the corn crib, depicted on Exhibit "A".
 - c. No additional building or buildings shall be constructed on the real estate, nor shall the size of the metal equipment storage building be increased.
 - d. In the event that the metal equipment storage building sustains damages, due to fire or other causes, in excess of 50% of its value, then the building may only be rebuilt and restored if the structure meets all required building set back requirements for principal buildings (100 feet from the dedicated road right of way) in the A-1 Zoning District and the building, when rebuilt, shall not be greater than 10,000 square feet in size.
 - e. The maximum quantity of fuel which may be stored on-site shall be 2,000 gallons, and all fuel shall be stored in compliance with the rules and regulations of the Office of the Illinois State Fire Marshall.
 - f. No portion of the adjoining acreage owned by the Defendants and depicted on Exhibit "A", containing the frame residence and barn, shall be used for storage of any equipment used by the Defendants in their excavating business. The use of said adjoining parcel shall be limited to uses permitted in the A-1 Zoning District.

- g. The metal equipment storage building shall be maintained in accordance with the building code and building use codes and shall be subject to periodic inspection by the Kendall County Planning, Building & Zoning Department. Said building shall not be used for office purposes.
- h. Defendants shall blacktop that portion of the gravel driveway on the South side of the metal equipment storage building prior to May 1, 2002.
- i. Defendants shall comply with the County Stormwater Control Ordinances and shall make such site improvements as are required by the County in order to comply therewith.
- j. Defendants shall apply for a site development permit, including all required fees and submittal of required engineering plans, for the berms constructed on site, no later than 60 days from the date of entry of this Order.
- k. Defendants shall request a reinspection of the completed structure to ensure it meets all building code requirements. All applicable inspection fees, including the difference between a 14,000 square foot and a 9,000 square foot structure, shall be paid to the County within 60 days from the date of entry of this Order.
- 1. Defendants shall dedicate to the State of Illinois, or to the County of Kendall, as directed by the County, a 50 feet of Right of Way for roadway purposes along the South line of the entire 5.398 acres described on Exhibit "A" to accommodate future expansion of Illinois Route 126.
- m. All dirt and material piles shall be removed from the property no later than 30 days from the date of entry of this Order.
- 3. The use of the land for storage of trucks and equipment and for an excavating business shall only continue as long as the Defendants own and personally use the property. Once the property is sold, leased or transferred, the use as described must cease.
- 4. Defendants shall pay a fine and Court Costs of \$2,500.00, within 14 days from the date of entry of this Order.
- 5. The Kendall County Planning, Building & Zoning Department is authorized to monitor the use of the premises to insure compliance with the terms of this Order.

6. This Court shall retain jurisdiction of the subject matter hereof and the parties hereto for the purpose of enforcing the terms and provisions hereof.



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THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 9 AND THAT PART OF THE WEST HALF OF THE QUARTER OF SECTION 16 LYING NORTHERLY OF THE NORTHEAST CENTERLINE OF ILLINOIS ROUTE #126 ALL IN TOWNSHIP 36 RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, NORTH, BEING FOLLOWS: COMMENCING AT DESCRIBED AS SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION NORTH 1 DEGREE 36 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 260 NORTH 88 DEGREES 44 MINUTES 53 SECONDS FEET; THENCE EAST, 335 FEET; THENCE SOUTH 01 DEGREE 39 MINUTES 11 SECONDS EAST 148.39 FEET FOR THE POINT OF BEGINNING; THENCE 01 DEGREE 39 MINUTES 11 SECONDS EAST, SOUTH 529.00 FEET TO SAID CENTER LINE OF ROAD; THENCE SOUTH DEGREES 28 MINUTES 31 SECONDS WEST ALONG SAID 211.04 FEET; THENCE NORTH 01 DEGREE 39 CENTERLINE, SECONDS WEST, 392.85 FEET; THENCE NORTH 88 MINUTES 11 40 MINUTES 35 SECONDS EAST, 60.0 FEET; THENCE NORTH 01 DEGREE 39 MINUTES 11 SECONDS WEST, 200.0 FEET; THENCE SOUTH 78 DEGREES 36 MINUTES 35 SECONDS EAST, 153.0 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NA-AU-SAY, KENDALL COUNTY, ILLINOIS.

State of Illinois County of Kendall Zoning Petition #14-23

ORDINANCE NUMBER 2014 - 29

GRANTING A SPECIAL USE FOR 3485 ROUTE 126 FOR A CLEAN-UP RESTORATION SERVICE/ BUSINESS

<u>WHEREAS</u>, DTG Investments LLC, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.93 acre property located on the north side of Route 126, 0.45 miles west of Schlapp Road, commonly known as 3485 Route 126 (PIN#06-09-400-005), in NaAuSay Township, and;

WHEREAS, said petition is to allow the operation of a clean-up restoration service/business; and

<u>WHEREAS</u>, petition #14-22 was approved on September 16, 2014 as Ordinance 2014-27 as the text amendment to allow such a use as a special use in the A-1 Agricultural district; and

<u>WHEREAS</u>, said property is currently zoned A-1 Agricultural with an existing Special Use for the operation of a landscape business; and

<u>WHEREAS</u>, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2007-10 on March 20, 2007; and

WHEREAS, said property is legally described as:

THAT PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 9 AND PART OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 16 ALL IN TOWNSHIP 36N, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE CENTERLINE OF ILLINOIS ROUTE NO. 126 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼ OF SECTION 9; THENCE NORTH 01 DEGREES, 36 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST ¼, 260 FEET; THENCE NORTH 88 DEGREES, 44 MINUTES, 53 SECONDS EAST, 335 FEET; THENCE SOUTH 01 DEGREES, 39 MINUTES, 11 SECONDS EAST, 677.39 FEET TO THE CENTERLINE OF SAID ROAD; THENCE SOUTH 80 DEGREES, 28 MINUTES, 31 SECONDS, WEST ALONG SAID CENTERLINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST ¼; THENCE NORTH 01 DEGRES, 40 MINUTES, 39 SECONDS WEST ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NAAUSAY, KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on September 3, 2014 & on September 29, 2014; and

WHEREAS, the findings of fact were approved as follows (on both dates):

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The property was previously used for a landscaping business and this new use will be less noticeable as everything takes place inside the buildings including storage of the vehicles.

State of Illinois County of Kendall Zoning Petition #14-23

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

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Nothing is being modified on this site and access already exists.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP.

<u>WHEREAS</u>, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a clean-up restoration service/business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

- 1. Must meet all the conditions of the text amendment:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
 - c. All operations are to take place inside an enclosed structure.
 - d. A waste management plan must be submitted and an exhibit to the approving ordinance. (Exhibit B)
 - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings. (Exhibit C)
 - f. No materials that are brought in can be burned on this site.
 - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

Attachment 15, Page 3

State of Illinois County of Kendall Zoning Petition

#14-23

- 2. No outdoor storage except employee's cars.
- 3. No activity including parking or storage is permitted in the floodplain.
- 4. If any future expansion is proposed a major amendment to the special use will need to be filed.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

<u>IN WITNESS OF</u>, this Ordinance has been enacted by the Kendall County Board this 7th day of October, 2014.

Attest:

Debbie Gillette

Kendall County Clerk

John Shaw

Kendall County Board Chairman

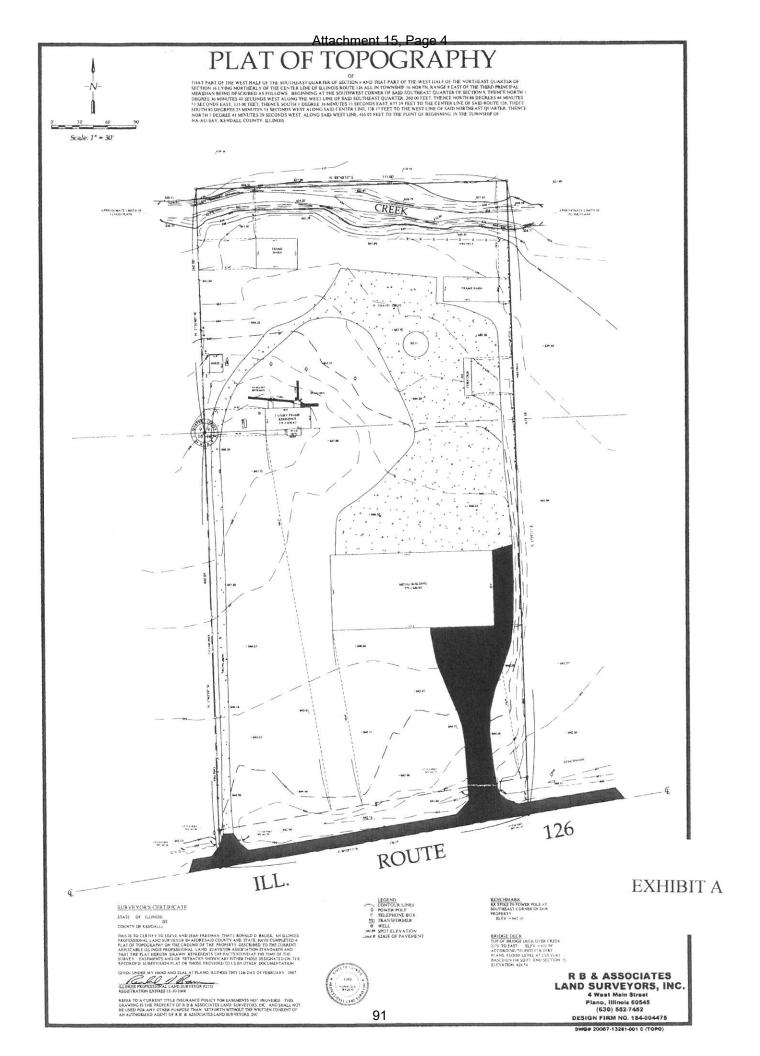


EXHIBIT B

Waste Management Plan

1) All debris from operating a business, including any debris that is brought back from a job site, will be disposed of by a commercial garbage company that will remove it on an as needed basis. The garbage will be stored in a dumpster until it is removed.

EXHIBIT C

Material Management Plan

2) If there are any household items brought back to the facility, they will be stored inside. If any chemicals are used, they will be used inside of the building and they will also be stored inside.

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Thursday, August 27, 2020 7:13 AM

To: Matt Asselmeier Cc: Mike Veseling

Subject: [External]RE: Kendall County Zoning Petition 20-05

Matt,

Comments from the Oswego Fire Protection District:

- No specific concerns with requested amended petition
- If this hearing hasn't yet taken place, how is it that the business is already operating
- Regardless of use, owner/representative of location is expected to maintain good housekeeping, including the
 operation and service of the existing fire alarm system. As of earlier this week, it has been learned that the fire
 alarm system at this location was not in operation

Regards,

Capt. Alec J Keenum Fire Marshal Oswego Fire Protection District



ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) September 1, 2020 – Unapproved Meeting Minutes

PBZ Chairman Matthew Prochaska called the meeting to order at 9:03 a.m.

Present:

Matt Asselmeier – PBZ Department
Brian Holdiman – PBZ Department (Attended Remotely)
Commander Jason Langston – Sheriff's Department (Attended Remotely)
Alyse Olson – Soil and Water Conservation District (Attended Remotely)
Matthew Prochaska – PBZ Committee Chair
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Greg Chismark – WBK Engineering, LLC David Guritz – Forest Preserve Fran Klaas – Highway Department

Audience:

Greg Dady and Mary Murray

AGENDA

Mr. Rybski made a motion, seconded by Chairman Prochaska, to approve the agenda as presented.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

MINUTES

Mr. Rybski made a motion, seconded by Chairman Prochaska, to approve the August 4, 2020, meeting minutes.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

PETITIONS

Amended Petition 20-02 Greg Dady on Behalf of DTG Investments, LLC

Mr. Asselmeier summarized the request.

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

This use is not listed as a permitted or special use in any zoning district.

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

The Agricultural Zoning Map with road classifications was provided.

Mr. Asselmeier noted that Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials of higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126.

Mr. Rybski made a motion, seconded by Mr. Holdiman, to recommend approval of the request text amendment with the restriction that use be placed on roads classified as Minor Arterials of higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

Amended Petition 20-05 Greg Dady on Behalf of DTG Investments, LLC

Mr. Asselmeier summarized the request.

Greg Dady, on behalf of DTG Investments, LLC would like to operate a trucking company, specifically offices related to a trucking company, minor repair facilities for company trucks, and company truck parking at the subject property.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

The proposed text amendment (Amended Petition 20-02) would add the following to the list of special uses in the A-1 District:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The application materials, aerial of the property, aerial with the flood zone, plat of survey, and site were provided.

The subject property is approximately five point five (5.5) acres in size.

Route 126 is a State maintained arterial; there is a trail planned along Route 126.

There is a floodplain on the north end of the property (Zone A-no base flood elevation determined).

The adjacent uses are agricultural or agricultural related.

The adjacent zonings are A-1. The zonings in the area are A-1, R-1, and A-1 with special use permits.

The Future Land Use Map calls for the area to be Rural Residential and Public Institutional.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival. The A-1 SU to the west is for a farm equipment sales and service business.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

Pictures of the property and area were provided.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 189 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Na-Au-Say Township on August 25, 2020.

Petition information was sent to the Village of Oswego on August 25, 2020. The property is inside Oswego's planning boundary.

Petition information was sent to the Village of Plainfield on August 25, 2020. The property is within one point five (1.5) miles of Plainfield.

The Oswego Fire Protection District was sent information on August 25, 2020. The Oswego Fire Protection District noted that the fire alarm system at the property was not functioning. Other than that concern, they had no objections to the proposal.

The subject property has been used as a landscaping business and repair and restoration business. The order and special use permit that allowed these businesses were provided. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

According to the business plan, the property is leased to United Group Logistics. United Group Logistics is a trucking company that hauls freight throughout the State. They use the property for office space, minor truck repair/maintenance and a truck depot. The office space is used for accounting and dispatch and the bays are used for maintenance. Ten (10) employees are at the site and the hours of operation are Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m.

According to the site plan, there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. The site plan also shows one (1) metal silo and one (1) corn crib in the planned truck parking area. One (1) approximately one thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

The property is served by well and septic.

There is floodplain as part of the Little Slough Creek on the property. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway. No storage or parking should take place in the floodway.

Depending on the nature of new construction, which is not planned as part of this special use permit, stormwater management permits could be required.

Attachment 17, Page 4

The property has two accesses off of Route 126. The western most access would be used by the existing house and the eastern most access would be used by the business operating out of the metal barn.

According to the site plan, a parking area for trucks is shown north of the metal building. The parking area is gravel. No dimension information is provided.

The site plan shows fifteen (15) additional parking spaces to the north of the metal building and ten (10) parking spaces south of the metal building, including two (2) handicapped accessible spaces. A proposed asphalt addition is shown on the site plan. No information was provided regarding a timetable for installing the parking addition.

No information was provided regarding a plan to address spills or other motor vehicle related leaks.

No additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

The site plan shows a sign. The sign is four feet by eight feet (4'X8') in size. A light exists next to the sign. A sign permit will be required.

The site plan shows a wooden fence around the property and a single gate east of the metal building. No information was provided regarding the size of the fence or gate.

A berm and several mature trees are between the metal building and Route 126. No specific landscaping information was provided.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

Before issuing a recommendation, Staff would like comments from Na-Au-Say Township, the Village of Oswego, the Village of Plainfield, and ZPAC members.

Mr. Rybski asked about the septic assessment and catching spills in the maintenance bays. Greg Dady responded that a triple catch basin exists in the maintenance bays and then into the tank. A soil analysis may be necessary.

Mr. Holdiman noted that a change of occupancy is required for the office and maintenance building.

Mr. Asselmeier noted that parking is not allowed in the front yard setback. Mr. Dady stated that no parking signs would be installed on the east side of the parking lot, rear of the property, and in front of the building. Mr. Dady was agreeable to have the parking lot asphalted within ninety (90) days of approval of the special use permit.

Mr. Dady said that the hours of operation could be impacted if an emergency breakdown occurred.

Mr. Dady will provide information on the berm and number of trees on the berm.

Mr. Dady noted that nobody will sleep at the site.

Chairman Prochaska noted that flyovers have increased and Mr. Asselmeier noted that Mr. Dady needs to make sure that the conditions in the special use permit were workable.

Mr. Asselmeier made a motion, seconded by Mr. Rybski, to recommend approval of the special use permit.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

Amended Petition 20-01 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the end of 2019, the Kendall County Planning, Building and Zoning Committee started reviewing the existing 1983 Recreational Vehicle Park and Campground Regulations.

After review by the Committee and the State's Attorney's Office, the suggestion was made to incorporate the amended regulations into the Zoning Ordinance.

On August 26, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal and offered their suggested changes.

On August 31, 2020, the Kendall County Planning, Building and Zoning Committee initiated the text amendment to the Zoning Ordinance.

In summary, the proposed changes are as follows:

- 1. Repeals the 1983 Recreational Vehicle Park and Campground regulations in their entirety.
- 2. The purpose section from 1983 regulations was not incorporated into the Zoning Ordinance because a purpose section already exists in the Zoning Ordinance.
- 3. The definitions of Camper, Sanitary Station, Service Buildings, and Tent were added to the Zoning Ordinance from the 1983 regulations.
- 4. The definition of Collector Streets or Collector Roads was added to the Zoning Ordinance, but requires discussion.
- 5. The definition of Minor Streets was added to the Zoning Ordinance, but requires discussion.
- 6. The definition of Picnicker was added to the Zoning Ordinance.
- 7. The definition of Recreational Vehicle Park or Campground was added from the 1983 regulations and additional language was added regarding permanent place of abode.
- 8. The definition of Register was added to the Zoning Ordinance.
- 9. The definition of Accessory Building or Use was amended.
- 10. The definition of Lot was amended.
- 11. The definition of Recreational Areas was amended.
- 12. The definition of Recreational Vehicles was amended by incorporating the language from the 1983 regulations combined with the existing definition found in the Zoning Ordinance. Also, the reference to pickup campers was deleted. Finally, the reference to jet skis, boats, snowmobiles, and other similar vehicles was clarified to apply to the parking regulations only.
- 13. Section 2 from the 1983 regulations was placed inside the Zoning Ordinance with an amendment that the reference to the Kendall County ACSC office was changed to the Soil and Water Conservation District (Section a.6.xv).
- 14. Throughout the regulation, reference to the Zoning Department was changed to the Planning, Building and Zoning Department.
- 15. Throughout the regulation, numbers are spelled out completely.
- 16. Section 3 from the 1983 regulation was placed inside the Zoning Ordinance.

- 17. The minimum lot size of twenty (20) acres was changed to minimum parcel size of twenty (20) acres (Section e).
- 18. The twenty percent (20%) maximum forest clearance was changed to exempt the clearing of invasive species. The definition of invasive species would be set by the Illinois Department of Natural Resources (Section k).
- 19. The reference to the Kendall County Soil and Erosion Ordinance was changed to Stormwater Management Ordinance (Section n).
- 20. Lots in park or campground would need to be clearly marked on the ground with landmarks on the lot corners and lot signage would be approved by the local fire protection district (Section dd).
- 21. The requirement that campgrounds and parks not cause demands that increase additional public funds to be expended for fire or police services was deleted because this requirement was difficult to quantify (Section hh). The subsequent sections of would be re-lettered to reflect this deletion.
- 22. The requirement that no permanent resident is allowed to live at a campground or recreational vehicle park was added and a recreational vehicle or tent would not be considered a location within a recreational vehicle park or campground. A camp caretaker would be exempt from the permanent resident requirement (Section jj).
- 23. The penalties section from the 1983 regulations was removed because a penalties section already exists in the Zoning Ordinance.
- 24. The requirement that recreational vehicle parks and campgrounds provide their registers to the Planning, Building and Zoning Department, Health Department, law enforcement agencies with jurisdiction, and the local fire protection district upon request was added. The register would be required to be updated daily at minimum. The register shall include campers, picnickers, and other visitors (Section kk.3).
- 25. A reasonable notice requirement for inspections was added (Section kk.4).
- 26. The Health Department standards were clarified to apply to all Health Department standards (Section II).
- 27. Applicants must seek approval from fire and police departments at the time of application submittal for the special use permit (Section mm).
- 28. A street sign requirement was added and all trails shall be marked at their beginnings and ends (Section nn).
- 29. Submitting a map to KenCom and a timeline for changing the map was added (Section oo).
- 30. The maximum continuous stay requirement that is currently in Zoning Ordinance was deleted.
- 31. Section 9.05.C.15, regarding recreational camps and recreational vehicle parks as special uses in the B-4, M-1, and M-2 District was changed to reference the A-1 special use requirements.

A copy of the 1983 regulations and the redlined version of this proposal were provided.

Mr. Rybski requested clarification regarding Health Department as stated in the proposal. Mr. Asselmeier noted that the proposal applies to the Kendall County Health Department.

The proposal applies to new campgrounds and campgrounds that amend their special use permits.

Chairman Prochaska made a motion, seconded by Mr. Rybski, to recommend approval of the text amendment.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on September 23, 2020.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier informed the Committee that upcoming meetings will be at the Historic Courthouse because of renovations to the County Board Room.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Chairman Prochaska, to adjourn.

The votes were as follows:

Ayes (6): Asselmeier, Holdiman, Langston, Olson, Prochaska, and Rybski

Nays (0): None Present (0): None

Absent (4): Briganti, Chismark, Guritz, and Klaas

The motion passed.

The ZPAC, at 9:34 a.m., adjourned.

Respectfully Submitted, Matthew H. Asselmeier, AICP, CFM Senior Planner

Attachment 18, Page 1 KENDALL COUNTY REGIONAL PLANNING COMMISSION

Kendall County Historic Courthouse Third Floor Courtroom 110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois

Unapproved - Meeting Minutes of September 23, 2020 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry

Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner and Scott Koeppel County Administrator (Attended

Remotely)

Others Present: Greg Dady and Mary Murray (Attended Remotely)

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of eight (8) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Casey, to approve the minutes of the August 26, 2020, meeting. With a voice vote of eight (8) ayes, the motion carried.

PETITIONS

Amended Petition 20-02 Greg Dady on Behalf of DTG Investments

Mr. Asselmeier summarized the request.

DTG Investments, LLC owns the property at 3485 Route 126 (PIN 06-09-400-005) in Na-Au-Say Township. This property is presently zoned A-1 Agricultural District, but the Petitioner would like to operate a trucking company, specifically for offices related to the trucking company, minor repair facilities for company trucks, and company truck parking.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

According to Section 3:02 of the Zoning Ordinance, a truck parking area or yard is defined as follows:

"TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity."

This use is not listed as a permitted or special use in any zoning district.

Attachment 18, Page 2

Staff believes that truck parking area or yard use most closely matches the Petitioners proposed use and offers the following text amendment to Section 7:01.D of the Kendall County Zoning Ordinance:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

The list of special uses in the A-1 District should be renumbered to reflect the addition of this use to the list of special uses.

This proposal was sent to the townships on September 1, 2020. No comments have been received.

ZPAC reviewed this proposal at their meeting on September 1, 2020. Fran Klaas requested that proposed use be restricted to roads classified as Minor Arterials or higher as designated by the Illinois Department of Transportation's Five (5) Year Functional Classification Map. Mr. Klaas had no objection to the proposed use going in at 3485 Route 126. ZPAC recommended approval of the proposed text amendment with Mr. Klaas' proposed amendment by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting were provided.

The Agricultural Zoning Map with road classifications was provided. The Illinois Department of Transportation's Five (5) Year Functional Classification Map for Kendall County was also provided.

Member Wilson expressed concerns that the use started before the zoning application and the lack of a limit on the number of trucks and trips.

Greg Dady stated that he thought that the necessary zoning was in place. Once he found out that a new special use permit was needed, he started working through the process. He originally explored a map amendment, but wanted to get the opinion of Na-Au-Say Township on the matter. Then COVID hit and Na-Au-Say Township did not meet for a couple months. Once they did meet, they favored keeping the A-1 zoning and going for a special use permit under A-1. Based on Na-Au-Say Township input, Mr. Dady changed his application from a map amendment to a text amendment and special use under A-1 zoning.

Several Commissioners questioned Mr. Dady about his lack of knowledge about his existing special use and leasing the property without obtaining the necessary zoning before leasing the property.

Member McCarthy-Lange asked if approving this request would open the door to similar requests. Mr. Asselmeier responded that, if the text amendment is approved, anyone zoned A-1 could ask for the special use. Also, even with the road classification requirement, a property owner could ask for a variance if they demonstrated a hardship.

The trucking company moved in spring in 2019.

The property had a court order for an excavating company and landscaping business. The court order stated that if the excavating company and landscaping business ceased, then the special use for those businesses would cease. The Petitioner secured a special use permit for ServPro in 2014.

Several Commissioners favored placing this type of use in a commercial or manufacturing district instead of the agricultural district because there are several places in the County with agricultural zoning where this use would be incompatible.

Attachment 18, Page 3

Member Hamman asked about a property on Eldamain Road near Galena Road. Mr. Asselmeier stated that, in that case, the property was rezoned to M-1.

Discussion occurred about placing additional restrictions in the text amendment such as number of employees, number of trucks onsite, number of trips, or restricting the use to certain townships. Mr. Dady was agreeable to a restriction on number of trucks at the site.

Na-Au-Say did not provide any comments about the proposal.

Member Wilson made a motion, seconded by Member Nelson, to recommend approval of the text amendment as presented.

The votes were as follows:

Ayes (0): None

Nays (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Absent (1): Stewart

The motion failed.

Member Nelson voted no because the proposal was too broad, the use could go anywhere, and the use was undesirable at other locations with inadequate protection for the agricultural community and people living in agricultural areas.

Member Hamman voted no because he favored more restrictions in the text amendment and requests for this use could come before the Commission monthly.

Chairman Ashton voted no because the proposal had inadequate restrictions and he was upset that the Petitioner did not secure the necessary zoning before leasing the property. He suggested that the Petitioner attempt to rewrite the proposal.

Member Wilson concurred with Member Nelson and Chairman Ashton and her concerns regarding the lack of a limit on the number of trucks and trips.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

Amended Petition 20-05 Greg Dady on Behalf of DTG Investments

Because the Commission recommended denial of the Petition 20-02, the Commission did not take any action on Petition 20-05; the proposal was moot.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

Amended Petition 20-01 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the end of 2019, the Kendall County Planning, Building and Zoning Committee started reviewing the existing 1983 Recreational Vehicle Park and Campground Regulations.

After review by the Committee and the State's Attorney's Office, the suggestion was made to incorporate the amended regulations into the Zoning Ordinance.

On August 26, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal and offered their suggested changes.

On August 31, 2020, the Kendall County Planning, Building and Zoning Committee initiated the text amendment to the Zoning Ordinance.

ZPAC reviewed this proposal at their meeting on September 1, 2020, and recommended approval by a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of this meeting were provided.

The redlined proposal was sent to the townships on September 1, 2020. To date, no township has provided comments.

In summary, the proposed changes are as follows:

- 1. Repeals the 1983 Recreational Vehicle Park and Campground regulations in their entirety.
- 2. The purpose section from 1983 regulations was not incorporated into the Zoning Ordinance because a purpose section already exists in the Zoning Ordinance.
- 3. The definitions of Camper, Sanitary Station, Service Buildings, and Tent were added to the Zoning Ordinance from the 1983 regulations.
- 4. The definition of Collector Streets or Collector Roads was added to the Zoning Ordinance, but requires discussion.
- 5. The definition of Minor Streets was added to the Zoning Ordinance, but requires discussion.
- 6. The definition of Picnicker was added to the Zoning Ordinance.
- 7. The definition of Recreational Vehicle Park or Campground was added from the 1983 regulations and additional language was added regarding permanent place of abode.
- 8. The definition of Register was added to the Zoning Ordinance.
- 9. The definition of Accessory Building or Use was amended.
- 10. The definition of Lot was amended.
- 11. The definition of Recreational Areas was amended.
- 12. The definition of Recreational Vehicles was amended by incorporating the language from the 1983 regulations combined with the existing definition found in the Zoning Ordinance. Also, the reference to pickup campers was deleted. Finally, the reference to jet skis, boats, snowmobiles, and other similar vehicles was clarified to apply to the parking regulations only.
- 13. Section 2 from the 1983 regulations was placed inside the Zoning Ordinance with an amendment that the reference to the Kendall County ACSC office was changed to the Soil and Water Conservation District (Section a.6.xv).

- 14. Throughout the regulation, reference to the Zoning Department was changed to the Planning, Building and Zoning Department.
- 15. Throughout the regulation, numbers are spelled out completely.
- 16. Section 3 from the 1983 regulation was placed inside the Zoning Ordinance.
- 17. The minimum lot size of twenty (20) acres was changed to minimum parcel size of twenty (20) acres (Section e).
- 18. The twenty percent (20%) maximum forest clearance was changed to exempt the clearing of invasive species. The definition of invasive species would be set by the Illinois Department of Natural Resources (Section k).
- 19. The reference to the Kendall County Soil and Erosion Ordinance was changed to Stormwater Management Ordinance (Section n).
- 20. Lots in a park or campground would need to be clearly marked on the ground with landmarks on the lot corners and lot signage would be approved by the local fire protection district (Section dd).
- 21. The requirement that campgrounds and parks not cause demands that increase additional public funds to be expended for fire or police services was deleted because this requirement was difficult to quantify (Section hh). The subsequent sections of would be re-lettered to reflect this deletion.
- 22. The requirement that no permanent resident is allowed to live at a campground or recreational vehicle park was added and a recreational vehicle or tent would not be considered a location within a recreational vehicle park or campground. A camp caretaker would be exempt from the permanent resident requirement (Section jj).
- 23. The penalties section from the 1983 regulations was removed because a penalties section already exists in the Zoning Ordinance.
- 24. The requirement that recreational vehicle parks and campgrounds provide their registers to the Planning, Building and Zoning Department, Health Department, law enforcement agencies with jurisdiction, and the local fire protection district upon request was added. The register would be required to be updated daily at minimum. The register shall include campers, picnickers, and other visitors (Section kk.3).
- 25. A reasonable notice requirement for inspections was added (Section kk.4).
- 26. The Health Department standards were clarified to apply to all Health Department standards (Section 11).
- 27. Applicants must seek approval from fire and police departments at the time of application submittal for the special use permit (Section mm).
- 28. A street sign requirement was added and all trails shall be marked at their beginnings and ends (Section nn).
- 29. Submitting a map to KenCom and a timeline for changing the map was added (Section oo).
- 30. The maximum continuous stay requirement that is currently in Zoning Ordinance was deleted.

Attachment 18, Page 6

31. Section 9.05.C.15, regarding recreational camps and recreational vehicle parks as special uses in the B-4, M-1, and M-2 District was changed to reference the A-1 special use requirements.

A copy of the 1983 regulations and the redlined version of this proposal were provided.

Member Nelson stated that he visited with first responders and asked about problems at campgrounds and the first responders said that their problem was a lack of maps and lots numbers which made it difficult to find people.

Member Wilson asked why picnickers needed to register. Mr. Asselmeier responded the register was required to know who was on the property. Member Nelson stated that the proposal only applies to campgrounds and not picnic groves or State parks. Discussion occurred regarding staffing or keycard to control access to the campgrounds.

Discussion occurred about pickup campers. Mr. Asselmeier responded that the language related to parking regulations.

Member Wilson favored the definition of Recreational Vehicle Park or Campground be amended by saying "... lease or rental ..." instead of "... lease or rent ..."

Member Wilson questioned the use of the word forest regarding clearing an area. Mr. Asselmeier stated that he did not know why that term was used in the 1983 regulation.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the requested text amendment.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Nays (0): None Absent (1): Stewart

The motion carried.

This proposal goes to the Kendall County Zoning Board of Appeals on September 28, 2020.

Member Nelson noted a court case regarding numbering boards as they relate to campgrounds.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Approval of Letter from the Kendall County Regional Planning Commission to the Village of Shorewood Regarding the Go Pro Athletic Facility and Four Seasons Storage Development

Mr. Asselmeier presented the letter. Mr. Asselmeier noted that the Attorney representing the development requested that the letter be sent after the Village of Shorewood signed the plats.

Member Nelson made a motion, seconded by Member Hamman, to approve the letter. With a voice vote of eight (8) ayes, the motion carried.

Recommendation on Kendall County Regional Planning Commission Fiscal Year 2020-2021 Meeting Calendar

Member Wilson asked how the Annual Meeting would occur if COVID was still an issue. Mr. Asselmeier stated that the Commission would gather at a location. Attendees would have to socially distance and attendees would be encouraged to attend the meeting remotely.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the calendar as presented. With a voice vote of eight (8) ayes, the motion carried.

<u>Discussion of Amendment to Article IX of the Kendall County Regional Planning Commission's Bylaws</u> <u>Pertaining to the Location of the Annual Meeting of the Election of Officers; Commission Could Make a</u> <u>Motion to Amend the Location of the Annual Meeting of the Election of Officers</u>

Mr. Asselmeier presented the proposed amendment. The proposed amendment removes the location of the annual meeting for the election of officers.

Member Wilson made a motion, seconded by Member McCarthy-Lange, thirded by Member Casey, to approve the amendment as presented. The vote on the amendment will occur at the next Commission meeting.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier stated that Petition 19-39 Map Amendment and Special Use Permit for Four Seasons Storage and Petition 20-15 Final Plat Approval for the Go Pro Sports Subdivision passed at the County Board.

Mr. Asselmeier stated that Petition 20-14 Zoning Ordinance Project passed at the County Board with an amendment removing the language regarding research related home occupations and an amendment removing the soils requiring non-traditional septic systems from the calculation of open space.

Mr. Asselmeier reported that Petition 20-21 Fee Schedule Amendment passed at the County Board. The fee for conditional use permits for beekeeping would be One Hundred Dollars (\$100), the same as other conditional use permits. The annual permit renewal fee for beekeeping was removed.

OTHER BUSINESS/ANNOUNCEMENTS

Chairman Ashton asked Mr. Asselmeier to send a letter asking townships to submit comments on zoning petitions.

Mr. Asselmeier reported that the County received a request from Grainco FS to amend the Future Land Use Map for their property on Wabena Avenue. Grainco FS would also like to rezone the property to M-1 Limited Manufacturing.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

The Kendall County Regional Plan Commission meeting adjourned at 8:26 p.m.

Respectfully submitted by, Matthew H. Asselmeier, AICP, CFM Senior Planner

MINUTES – UNOFFICIAL UNTIL APPROVED KENDALL COUNTY ZONING BOARD OF APPEALS MEETING

110 WEST MADISON STREET (109 WEST RIDGE STREET), THIRD FLOOR COURTROOM

YORKVILLE, IL 60560

September 28, 2020 - 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick

Whitfield

Members Absent: Karen Clementi

<u>Staff Present:</u> Matthew Asselmeier, AICP, CFM, Senior Planner <u>Others Present:</u> Greg Dady, Gregg Ingemunson, and Michael Ballas

Chairman Mohr swore in Greg Dady, Gregg Ingemunson, and Michael Ballas.

PETITIONS

The Zoning Board of Appeals started their review of Amended Petition 20-05 at 7:30 p.m.

Amended Petition 20 – 05 – Greg Dady on Behalf of DTG Investments, LLC

Request: Special Use Permit for a Truck Parking Area or Yard

PIN: 06-09-400-005

Location: 3485 Route 126, Na-Au-Say Township

Purpose: Petitioner Wants to Be Able to Operate a Truck Parking Area or Yard with Related

Offices and Maintenance Facilities on the Property

Mr. Asselmeier summarized the request.

Greg Dady, on behalf of DTG Investments, LLC would like to operate a trucking company, specifically offices related to a trucking company, minor repair facilities for company trucks, and company truck parking at the subject property.

In February 2020, the Petitioner submitted a request for a map amendment rezoning the subject property to M-1 and this request was reviewed by ZPAC in March 2020. However, Na-Au-Say Township expressed concerns about rezoning the property to M-1 and the Petitioner decided to pursue a text amendment to the A-1 District and a special use permit under A-1 for the proposed uses.

The proposed text amendment (Amended Petition 20-02) would add the following to the list of special uses in the A-1 District:

"Truck Parking Area or Yard Including Offices and Maintenances Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan."

ZBA Meeting Minutes 9.28.20

The application materials, aerial of the property, aerial with the flood zone, plat of survey, and site were provided.

The subject property is approximately five point five (5.5) acres in size.

Route 126 is a State maintained arterial; there is a trail planned along Route 126.

There is a floodplain on the north end of the property (Zone A-no base flood elevation determined).

The adjacent uses are agricultural or agricultural related.

The adjacent zonings are A-1. The zonings in the area are A-1, R-1, and A-1 with special use permits.

The Future Land Use Map calls for the area to be Rural Residential and Public Institutional.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival. The A-1 SU to the west is for a farm equipment sales and service business.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

Pictures of the property and area were provided.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 189 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Na-Au-Say Township on August 25, 2020.

Petition information was sent to the Village of Oswego on August 25, 2020. The property is inside Oswego's planning boundary.

Petition information was sent to the Village of Plainfield on August 25, 2020. The property is within one point five (1.5) miles of Plainfield.

The Oswego Fire Protection District was sent information on August 25, 2020. On August 27, 2020, the Oswego Fire Protection District submitted an email stating that they had no specific concerns. They did note that the fire alarm system at the property was not in operation. The Oswego Fire Protection District email was provided.

ZPAC reviewed this proposal at their meeting on September 1, 2020. The Health Department asked about the septic system and catching spills in the maintenance bays. The Petitioner indicated that a triple catch basin exists in the bays. A change in occupancy permit for the business will be required. A permit for the sign will be required. The Petitioner was agreeable to paving the south parking lot with asphalt within ninety (90) days of the approval of the special use permit. The Petitioner said signage would be installed directing people not to park in the front yard setback or in locations that restricted access to the rear of the property through the drive on the east side of the property. The Petitioner was

agreeable to the hours of operation and would obtain information regarding the height of the berm and number of trees on the berm. ZPAC recommended approval of the requested special use permit with a vote of six (6) in favor and zero (0) in opposition. Four (4) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 23, 2020. Because the Commission recommended denial of the Petition 20-02, the Commission did not take any action on Petition 20-05; the proposal was moot. The minutes of the meeting were provided.

The subject property has been used as a landscaping business and repair and restoration business. The order and special use permit that allowed these businesses were provided. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

According to the business plan, the property is leased to United Group Logistics. United Group Logistics is a trucking company that hauls freight throughout the State. They use the property for office space, minor truck repair/maintenance and a truck depot. The office space is used for accounting and dispatch and the bays are used for maintenance. Ten (10) employees are at the site and the hours of operation are Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m.

No maintenance of vehicles will occur outside the main building.

According to the site plan, there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. The site plan also shows one (1) metal silo and one (1) corn crib in the planned truck parking area. One (1) approximately one thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

The property is served by well and septic.

There is floodplain as part of the Little Slough Creek on the property. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway. No storage or parking should take place in the floodway.

Depending on the nature of new construction, which is not planned as part of this special use permit, stormwater management permits could be required.

The property has two accesses off of Route 126. The western access would be used by the existing house and the eastern access would be used by the business operating out of the metal barn.

According to the site plan, a parking area for trucks is shown north of the metal building. The parking area is gravel. No dimension information was provided.

The site plan shows fifteen (15) additional parking spaces to the north of the metal building and ten (10) parking spaces south of the metal building, including two (2) handicapped accessible spaces. A proposed asphalt addition is shown on the site plan. Within ninety (90) days of the approval of the special use permit ordinance, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces.

The Petitioner was agreeable to a condition stating that no work on vehicles would occur outside of the main building. Therefore, no issues related to spills or other motor vehicle related leaks were foreseen. The Petitioner was also agreeable to a condition to monitor the site for leaks.

No additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

The site plan shows a sign. The sign is four feet by eight feet (4'X8') in size. A light exists next to the sign.

The site plan shows a wooden fence around the property and a single gate east of the metal building. No information was provided regarding the size of the fence or gate.

A berm and several mature trees are between the metal building and Route 126. To date, no specific landscaping information was provided.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

The proposed Findings of Fact are as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities exist on the site based upon the number of proposed employees at the property. No parking shall occur in the floodplain. No additional buildings are planned for the site. The Petitioners are aware that parking cannot occur in the front yard setback. Route 126 is a State maintained road and should be able to handle the traffic.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided the text amendment adding truck parking area and yard are added to the list of special uses in the A-1 District, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."

Provided the proposed text amendment related to truck parking and area and yard is approved, Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

- 1. The site shall be developed substantially in accordance with the submitted plat of survey and site plan. The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, concrete, metal silo, wood frame machine shed, and corn crib without amending the site plan.
- 2. Within ninety (90) days of the approval of the special use permit ordinance, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces shown on the submitted site plan.
- 3. No parking or storage shall occur within the floodplain at the north end of the property.
- 4. Mr. Asselmeier noted that additional information about the berm and plantings was needed for this condition. The property owner or operators of the business allowed by this special use permit shall maintain the existing undefined foot tall berm and unknown number trees on the berm. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department.
- 5. One (1) four foot by eight foot (4'X8') sign may be installed on the subject property in substantially the location shown on the site plan. The property owner or operators of the business allowed by this special use permit may install additional directional and no parking signage in order to ensure that no parking occurs in the required front yard setback and that the access to the rear (north) of the property is not blocked via the existing asphalt drive.
- 6. None of the vehicles parked on premises shall be considered agricultural equipment as they relate to the business allowed by the special use permit.
- 7. All of the vehicles parked on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.

- 8. No maintenance may occur on any vehicle outside of the fourteen thousand (14,000) square foot building.
- The property owner or operators of the business allowed by this special use permits shall diligently monitor the property for vehicle related leaks and shall promptly clean up the site if leaks occur.
- 10. The hours of operation for the business allowed by this special use permit shall be Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m. Drivers may drop-off trucks outside these hours of operations. No one associated with the business allowed by the special use permit shall spend the night at the property. The property owner or operators of the business allowed by this special use permit may reduce these hours of operation.
- 11. The total maximum number of employees for the business allowed by this special use permit shall be ten (10).
- 12. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 13. The conditions and restrictions contained in Ordinance 2014-29 pertaining to the operation of a clean-up restoration service/business shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a truck parking area or yard.
- 14. The property owner and operators of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- 15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Discussion occurred regarding the recommendation pertaining to the installation of the asphalt parking lot. The consensus of the Board was to set the deadline at May 15th for the installation of the asphalt parking lot. The Petitioner was agreeable to that deadline.

Chairman Mohr opened the public hearing at 7:43 p.m.

Greg Dady stated the berm was ten feet (10') feet tall and twenty (20) trees at least twenty feet (20') in height were located on the berm.

Chairman Mohr requested that the licenses be valid in Condition 7.

Chairman Mohr wanted to see that the Health Department inspected the septic system. Mr. Asselmeier noted that Condition 14 requires the Petitioner to obtain a new certificate of occupancy.

Mr. Asselmeier asked if the parking lot will be full of cars when the business is closed. Gregg Ingemunson responded that truck drivers could leave their vehicles overnight at the property.

Mr. Asselmeier asked if the tenant was aware and agreeable to the proposed conditions. Mr. Dady responded yes.

Chairman Mohr asked who owns the trailers. No private, non-company owned trucks are stored at the property and all mechanics are employees of the company leasing the building. No outdoor maintenance on the trucks will occur.

Chairman Mohr closed the public hearing at 7:47 p.m.

Member Thompson made a motion, seconded by Member Fox, to approve the Findings of Fact as presented.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None Absent (1): Clementi

The motion passed.

Member LeCuyer made a motion, seconded by Member Whitfield, to recommend approval of the special use permit with the conditions proposed by Staff with the following amendments:

- 1. Condition 2 was amended to require the property owner or operator of the business allowed by the special use permit install the asphalt parking lot by May 15, 2021.
- 2. Condition 4 was amended to specify the berm at ten feet (10') tall and to specify twenty (20) trees with a minimum of twenty feet (20') feet in height on the berm.
- 3. Condition 7 was amended to state that vehicles shall have valid licenses if required by law.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None Absent (1): Clementi

The motion passed.

This proposal will go to the Kendall County Planning, Building and Zoning Committee on November 9, 2020.

The Zoning Board of Appeals completed their review of Amended Petition 20-05 at 7:52 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that the County received a request from Grainco FS to amend the Future Land Use Map for their property on Wabena Avenue. Grainco FS would also like to rezone the property to M-1 Limited Manufacturing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Cherry, to adjourn. With a voice vote of six (6) ayes, the motion carried.

ZBA Meeting Minutes 9.28.20

The Zoning Board of Appeals meeting adjourned at 8:18 p.m.

The next hearing/meeting will be on November 2, 2020.

Respectfully submitted by, Matthew H. Asselmeier, AICP, CFM Senior Planner

Exhibits

- 1. Memo on Amended Petition 20-05 Dated September 25, 2020
- 2. Certificate of Publication and Mailings for Amended Petition 20-05 (Not Included with Report but on file in Planning, Building and Zoning Office).



KENDALL COUNTY ZONING BOARD OF APPEALS SEPTEMBER 28, 2020

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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Matt Asselmeier

From:

Brad Blocker ·

Sent:

Monday, October 26, 2020 8:29 AM

To:

Matt Asselmeier

Subject:

[External]RE: 3485 Route 126 Question

Matt,

Na-Au-Say Township did not have time to put together a normal hearing by the Planning Committee where a motion would have been voted on and recommendation made to Township Trustees and County . The Township did hold the regular monthly meeting on Oct. 19th and the issue was discussed under Old Business on the agenda . At this time it was felt the township should share the general concerns and comments with the County although nothing was formally voted on .

Although it was felt that the applicant has been good to work with on past special uses on the property, and all are sympathetic to the current issues regarding zoning, the Township does not recommend including requested special use in the A-1 area for this Applicant. Also the Township does not recommend the County include the text amendment to include "Truck Parking "as one of the listed uses in A-1 zoning anywhere in Kendall County. Some of the reasons were:

- This type of Commercial Trucking is NOT consistent with agricultural operations on A-1 districts .
- Na-Au-Say Township has seen tremendous growth in our area of large warehouses, immediately to our east just over our Township /County line in Plainfield as well as to our south in Seward Township and Minooka. Along with this we have seen significant increase of truck traffic on Ridge Rd, Rt 126, Grove and Schlapp Rds within our Township. The concern is that along with this growth and also zoning amendment changes we would be welcoming more Commercial Truck parking along any of these roads in the A-1 District as they are all "Major Collector Roads" in our Township.
- What are the ramifications on County level along Rt 47, Rt 52, Rt 126 Rt 34 all state highways, as well as Major Collectors like Galena Rd, Eldamain Rd, Caton Farm Rd, Newark Rd. These would all be prime locations for"
 Truck Parking Area and Maintenance Yards and Offices "according to the Proposed Text Ammendment
- Regarding past issues with special use permits in A-1 Districts, as well as no-permits that are Non-Conforming with zoning ordinances in Na-Au-Say Township, there has been little, if any, Policing or enforcement from the County when requested or reported. How can we have confidence that issues with truck parking will be any different?

These are highlights of the topics discussed . Please feel free to contact me with questions or concerns .

Brad

Bradley A. Blocker

Supervisor

Na-Au-Say Township

"Headwaters of the aux-sable"

Office : Mobile :

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]

Sent: Friday, October 16, 2020 3:27 PM

To: Brad Blocker

Subject: 3485 Route 126 Question

State of Illinois County of Kendall Zoning Petition #20-05

ORDINANCE NUMBER 2020-____

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A TRUCK PARKING AREA OR YARD AT 3485 ROUTE 126 AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 06-09-400-005 IN NA-AU-SAY TOWNSHIP

<u>WHEREAS</u>. Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

<u>WHEREAS</u>, on or about August 17, 2020, Greg Dady on Behalf of DTG Investments, LLC, hereinafter be referred to as "Petitioner", submitted a request for a text amendment to the Kendall County Zoning Ordinance adding truck parking area or yard to the list of special uses in the A-1 Agricultural District with conditions; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 5.5 acres located at 3485 Route 126 (PIN: 06-09-400-005) in Na-Au-Say Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, on or about October 7, 2014, the Kendall County Board granted a special use permit for the operation of a cleanup restoration/service business at the subject property; and

<u>WHEREAS</u>, on or about August 17, 2020, Petitioner's representative filed a petition for a Special Use Permit allowing the operation of a truck parking area or yard at the subject property; and

<u>WHEREAS</u>, following due and proper notice by publication in the Kendall County Record on September 3, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on September 28, 2020, at 7:00 p.m., in the Third Floor Courtroom, at the Historic Kendall County Courthouse located at 109 W. Ridge Street in Yorkville, at which the Petitioner's attorney presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor or in opposition; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 28, 2020, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the requested special use permit with conditions; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of 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

State of Illinois Zoning Petition
County of Kendall #20-05

<u>WHEREAS</u>, this special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> as follows:

- 1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit allowing the operation of a truck parking area or yard on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the plat of survey attached hereto as Exhibit C and site plan attached hereto as Exhibit D. The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, concrete, metal silo, wood frame machine shed, and corn crib without amending the site plan.
 - B. On or before May 15, 2021, the property owner or operators of the business allowed by this special use permit shall install the asphalt parking spaces shown on the attached site plan (Exhibit D).
 - C. No parking or storage shall occur within the floodplain at the north end of the property.
 - D. The property owner or operators of the business allowed by this special use permit shall maintain the existing ten foot (10') tall berm and twenty (20) trees at a minimum of twenty feet (20') tall on the berm. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department.
 - E. One (1) four foot by eight foot (4'X8') sign may be installed on the subject property in substantially the location shown on the site plan (Exhibit D). The property owner or operators of the business allowed by this special use permit may install additional directional and no parking signage in order to ensure that no parking occurs in the required front yard setback and that the access to the rear (north) of the property is not blocked via the existing asphalt drive.
 - F. None of the vehicles parked on premises shall be considered agricultural equipment as they relate to the business allowed by the special use permit.
 - G. All of the vehicles parked on the premises shall be maintained in good condition with no deflated tires and shall have valid licenses if required by law.
 - H. No maintenance may occur on any vehicle outside of the fourteen thousand (14,000) square foot building.
 - I. The property owner or operators of the business allowed by this special use permits shall diligently monitor the property for vehicle related leaks and shall promptly clean up the site if leaks occur.

State of Illinois County of Kendall Zoning Petition #20-05

- J. The hours of operation for the business allowed by this special use permit shall be Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m. Drivers may drop-off trucks outside these hours of operations. No one associated with the business allowed by the special use permit shall spend the night at the property. The property owner or operators of the business allowed by this special use permit may reduce these hours of operation.
- K. The total maximum number of employees for the business allowed by this special use permit shall be ten (10).
- L. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- M. The conditions and restrictions contained in Ordinance 2014-29 pertaining to the operation of a clean-up restoration service/business shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a truck parking area or yard.
- N. The property owner and operators of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- O. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- P. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
- 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 17th day of November, 2020.

Attest:	
Kendall County Clerk	Kendall County Board Chairman
Debbie Gillette	Scott R. Gryder

EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 9 AND THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16 ALL IN TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTHERLY OF THE CENTER LINE OF ILLINOIS ROUTE 126 BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 9; THENCE NORTH 1 DEGREE 36 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 260.00 FEET; THENCE NORTH 88 DEGREES 44 MINUTES 53 SECONDS EAST, 335.00 FEET; THENCE SOUTH 1 DEGREE 39 MINUTES 11 SECONDS EAST, 677.39 FEET TO THE CENTER LINE OF SAID ROUTE 126; THENCE SOUTH 80 DEGREES 28 MINUTES 31 SECONDS WEST ALONG SAID CENTER LINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 1 DEGREE 40 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NA-AU-SAY, KENDALL COUNTY, ILLINOIS, EXCEPT THAT PART DEDICATED FOR ROAD PURPOSES PER DOCUMENT NUMBER 2001-24468, RECORDED DECEMBER 18, 2001.

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(PERMANENT INDEX NUMBER 06-09-400-005-0000)

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on September 28, 2020, by a vote of six (6) in favor and zero (0) in opposition. Member Clementi was absent.

FINDINGS OF FACT-SPECIAL USE PERMITS

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities exist on the site based upon the number of proposed employees at the property. No parking shall occur in the floodplain. No additional buildings are planned for the site. The Petitioners are aware that parking cannot occur in the front yard setback. Route 126 is a State maintained road and should be able to handle the traffic.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided the text amendment adding truck parking area and yard are added to the list of special uses in the A-1 District, this is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."

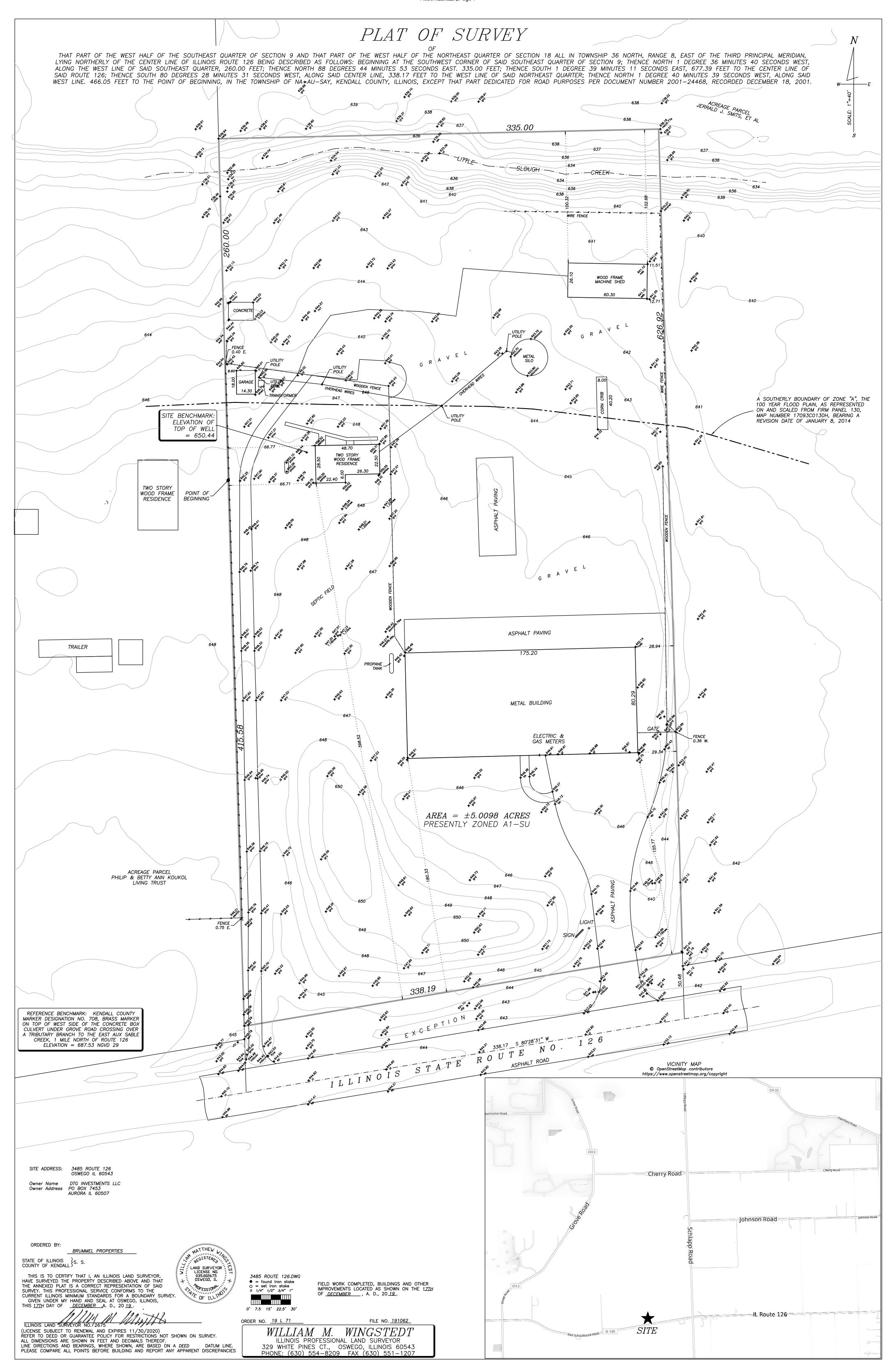
RECOMMENDATION

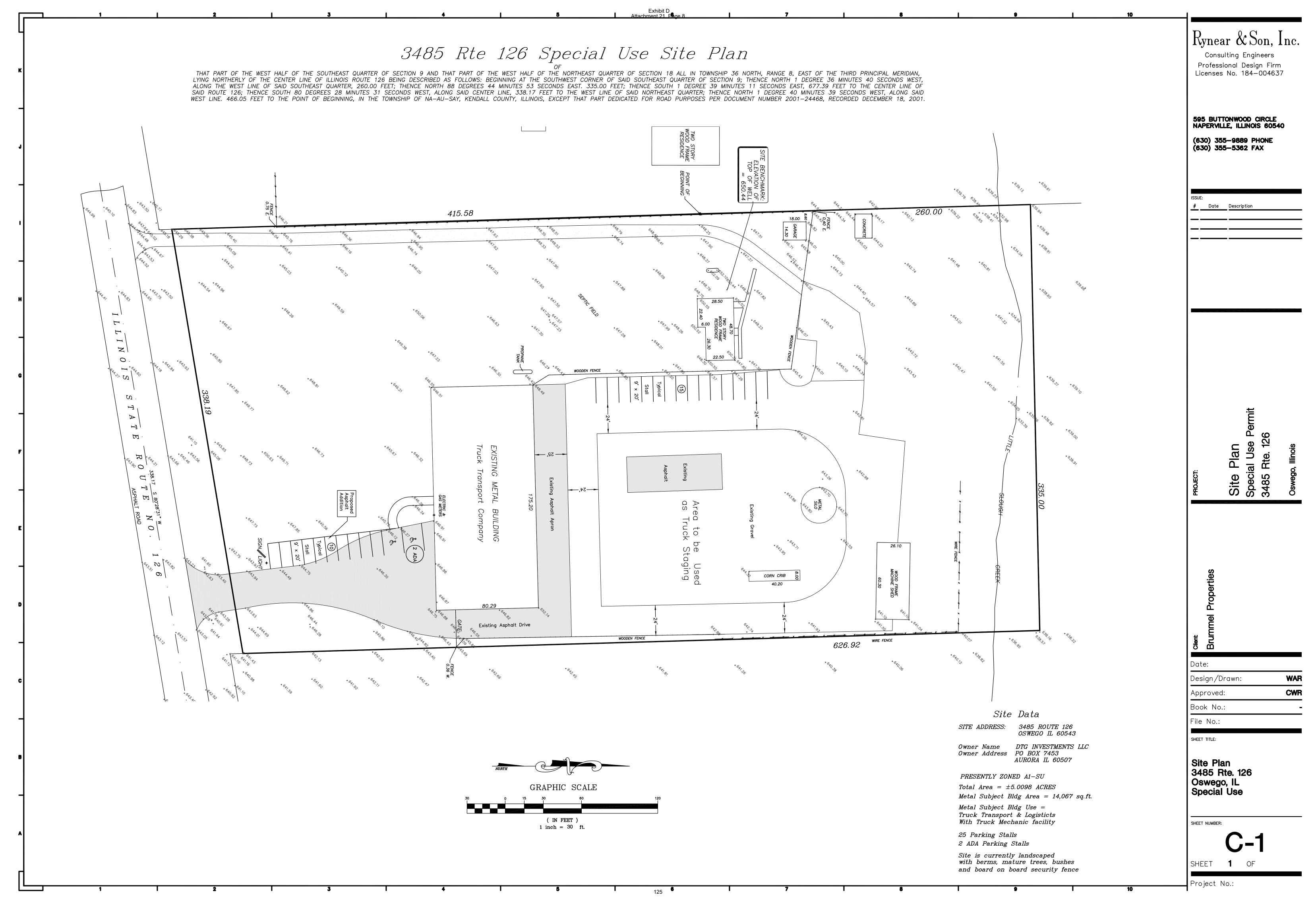
Approval of the special use permit with the following conditions and restrictions:

- The site shall be developed substantially in accordance with the submitted plat of survey and site plan. The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, concrete, metal silo, wood frame machine shed, and corn crib without amending the site plan.
- 2. On or before May 15, 2021, the property owner or operators of the business allowed by this special

use permit shall install the asphalt parking spaces shown on the submitted site plan.

- No parking or storage shall occur within the floodplain at the north end of the property.
- 4. The property owner or operators of the business allowed by this special use permit shall maintain the existing ten foot (10') tall berm and twenty (20) trees at a minimum of twenty feet (20') tall on the berm. Dead or damaged vegetation shall be replaced on a timetable approved by the Kendall County Planning, Building and Zoning Department.
- 5. One (1) four foot by eight foot (4'X8') sign may be installed on the subject property in substantially the location shown on the site plan. The property owner or operators of the business allowed by this special use permit may install additional directional and no parking signage in order to ensure that no parking occurs in the required front yard setback and that the access to the rear (north) of the property is not blocked via the existing asphalt drive.
- 6. None of the vehicles parked on premises shall be considered agricultural equipment as they relate to the business allowed by the special use permit.
- 7. All of the vehicles parked on the premises shall be maintained in good condition with no deflated tires and shall have valid licenses if required by law.
- 8. No maintenance may occur on any vehicle outside of the fourteen thousand (14,000) square foot building.
- 9. The property owner or operators of the business allowed by this special use permits shall diligently monitor the property for vehicle related leaks and shall promptly clean up the site if leaks occur.
- 10. The hours of operation for the business allowed by this special use permit shall be Monday through Friday from 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 3:00 p.m. Drivers may drop-off trucks outside these hours of operations. No one associated with the business allowed by the special use permit shall spend the night at the property. The property owner or operators of the business allowed by this special use permit may reduce these hours of operation.
- 11. The total maximum number of employees for the business allowed by this special use permit shall be ten (10).
- 12. The property owner and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 13. The conditions and restrictions contained in Ordinance 2014-29 pertaining to the operation of a clean-up restoration service/business shall remain valid, enforceable, and separate from the conditions and restrictions for the special use permit for a truck parking area or yard.
- 14. The property owner and operators of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- 15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.







DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: February 3, 2021

Re: Extension Request for Recording the Final Plat of Go Pro Sports Subdivision

The Planning, Building and Zoning Department received a request from the attorney for the owners of the Go Pro Sports Subdivision requesting a ninety (90) day extension of the requirement to record the final plat of the subdivision.

According to the Subdivision Control Ordinance, a final plat must be recorded within six (6) months of approval unless granted an extension by the County Board after recommendation by the PBZ Committee. The County Board approved this final plat in September 2020.

Staff has no objections to the requested extension. If the Committee wishes to grant the requested extension, a draft resolution is included for your consideration.

MHA

ENC: Emails Requesting Extension

Draft Resolution

Matt Asselmeier

From:

Daniel J Kramer <dkramer@dankramerlaw.com>

Sent:

Tuesday, February 2, 2021 1:05 PM

To:

Matt Asselmeier; Real estate

Cc:

Scott Koeppel; Scott Gengler

Subject:

RE: [External]Final Plat Recording Extension

Matt I could be optimistic. In an abundance of caution lets make it 90 days.

Very Truly Yours,

Daniel J. Kramer Attorney at Law 1107A S. Bridge Street Yorkville, IL. 60560 Phone-630.553.9500 Fax-630.553.5764

NOTICE: This communication is covered by the Electronic Communications Privacy Act found at 18 USC 2510 et. seq. and is intended to remain confidential and is subject to the applicable attorney/client and or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments if you are not the intended recipient.

From: Matt Asselmeier < masselmeier@co.kendall.il.us>

Sent: Tuesday, February 2, 2021 12:55 PM

To: Daniel J Kramer < dkramer@dankramerlaw.com>

Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler

<sgengler@co.kendall.il.us>

Subject: RE: [External]Final Plat Recording Extension

Dan:

Are you sure 60 days is sufficient time?

Attached please find the draft resolution. Please let me know if any changes are required.

Thanks,

Matthew H. Asselmeier, AICP, CFM Senior Planner Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560-1498

PH: 630-553-4139 Fax: 630-553-4179 Law Offices of

Daniel J. Kramer

Daniel J. Kramer

1107A S. Bridge Street Yorkville, Illinois 60560 630-553-9500 Fax: 630-553-5764 dkramer@dankramerlaw.com

Kelly A. Helland D.J. Kramer

February 2, 2021

Matt Asselmeier Kendall County Planning, Building, & Zoning Via E-mail: Masselmeier@co.kendall.il.us

RE: GOPROBALL, LLC & FOUR SEASONS STORAGE, LLC

Dear Matt:

Please take this as Petitioners request to extend the time for 60 day for recording of the Final Plat. Our records indicate it would be 60 days from March 15th. Please confirm. We are hoping to be on the February Agenda for the Village of Shorewood to approve our Final Plat that was approved by the County and previously reviewed by the Village of Shorewood. Please confirm that we will be on the Agenda for the February PB & Z to approve the same. If you have any questions or concerns please feel free to contact me.

Very truly yours

Daniel J. Kramer

Daniel J. Kramer Attorney at Law

DJK:cth

KENDALL COUNTY

Resolution to Approve a Ninety Day Extension for the Recording of the Final Plat of Subdivision for Go Pro Sports Subdivision (Petition 20-15)

WHEREAS, the Kendall County Board approved a final plat for the Go Pro Sports Subdivision (Petition 20-15) on September 15, 2020 by Ordinance 2020-15; and

WHEREAS, § 7.04.O of the Kendall County Subdivision Control Ordinance requires that final plats for subdivisions must be recorded with the County Recorder's Office within six (6) months of approval unless an extension is granted by the County Board; and

WHEREAS, on February 2, 2021, the owner's attorney submitted a request for a ninety (90) day extension of the recording requirement; and

WHEREAS, all of the requirement of § 7.04.O of the Kendall County Subdivision Control Ordinance for granting an extension have been met; and

ADOPTED and APPROVED this 16th Day of February, 2021.

THEREFORE, BE IT RESOLVED, that Kendall County Board hereby grants a ninety (90) day extension of the recording requirement for the final plat of the Go Pro Sports Subdivision (Petition 20-15); this extension shall expire ninety (90) days from March 15, 2021.

Scott R. Gryder, County Board Chairman

STATE OF ILLINOIS)

SS

COUNTY OF KENDALL

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 a Resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the ________day of ________, A.D. 2021.

Debbie Gillette, County Clerk and Recorder (Seal)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, CFM, Senior Planner

Date: January 29, 2021

Re: Proposed Intergovernmental Agreement Between Kendall County and the United City of

Yorkville

The Intergovernmental Agreement between Kendall County and the United City of Yorkville for reciprocal building inspection services expires in February.

A renewal proposal is attached to this memo. Other than dates, there are no changes to the agreement from the 2020 version.

The United City of Yorkville will be reviewing the proposal during their meetings in February.

If you have any questions regarding this proposal, please let me know.

Thanks,

MHA

Enc: Proposed Yorkville IGA

Exhibit A

INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL BUILDING INSPECTION SERVICES BETWEEN KENDALL COUNTY, ILLINOIS AND THE UNITED CITY OF YORKVILLE, ILLINOIS - 2021

THIS INTERGOVERNMENTAL AGREEMENT ("the Agreement") by and between the County of Kendall, a unit of local government of the State of Illinois ("Kendall County") and the United City of Yorkville, Kendall County, Illinois (the "City") a municipal corporation of the State of Illinois, is as follows:

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the City and Kendall County are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, pursuant to the authority granted by the Illinois Counties Code and Illinois Municipal Code (55 ILCS 5/1-1001, *et seq.* and 65 ILCS 5/1-1-1, *et seq.*), the County and City (collectively referred to as the "*Parties*") are both authorized to perform inspections of buildings within their respective jurisdictions to promote the health and safety of the public; and

WHEREAS, units of local government may establish agreements with other units of local government within the State of Illinois to enforce building codes pursuant to 20 ILCS 3105/10.09-1(f), which is commonly known as the Capital Development Board Act; and

Page 1 of 11

WHEREAS, the County and City wish to share their resources and assist each other in the performance of inspections on an as needed basis, while not surrendering their own jurisdiction or relinquishing any of their rights.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereafter set forth, the parties agree as follows:

Section 1. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this Section 1.

Section 2.

- The Parties agree that Kendall County Code Official Brian Holdiman and the United City of Yorkville Building Code Official Peter Ratos shall perform the following services on the other party's behalf when requested: footing inspections; backfill inspections; foundation wall inspections; concrete slab inspections; rough framing inspections; rough electric inspections; underground electric inspections; electric service inspections; insulation inspections; roofing inspections and final inspections. In instances where Holdiman or Ratos inspect and find violations and a code enforcement action is required in court or administrative adjudication, Holdiman or Ratos may be requested to be a witness to verify any violations found during their inspection. If it is requested that either Ratos or Holdiman attend an administrative or court hearing in regard to violations, then they shall be given reasonable notice of no less than fourteen (14) days for such hearing and they shall attend as requested.
- b. The Parties agree that the United City of Yorkville Building Code Official Peter Ratos may, in his discretion, perform plumbing inspections on Kendall County's behalf when requested. In instances where Ratos performs plumbing inspections and finds

violations and a code enforcement action is required in court or administrative adjudication, Ratos may be requested to be a witness to verify any violations found during his inspection. If it is requested that Ratos attend an administrative or court hearing in regard to violations, then he shall be given reasonable notice of no less than fourteen (14) days for such hearing and he shall attend as requested.

Section 3. The Parties agree that the following inspection services shall not be provided under this agreement: plan review; permit approval, and; initial site inspections prior to a permit being issued.

Section 4. Upon request, the Parties agree to coordinate and assist each other in the parties' performance of the inspections set forth in Section 2 of this Agreement only under the following circumstances:

- a. If Kendall County Code Official Holdiman or City Building Code Official Ratos is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform one or more of the above listed inspections within Section 2(a) for their respective jurisdiction; and/or
- b. If Kendall County Code Official Holdiman or City Building Code Official has a conflict of interest in performing one or more of the inspections set forth in Section 2(a) for their respective jurisdiction; and/or
- c. If the Kendall County Plumbing Contractor is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform plumbing inspections for his or her respective jurisdiction; and/or
- d. If the Kendall County Plumbing Contractor has a conflict of interest in performing plumbing inspections for his or her respective jurisdiction.

Page 3 of 11

For purposes of this Agreement, the party requesting assistance shall be referred to as "the home jurisdiction" and the party providing the inspection services assistance as set forth in Section 2 shall be referred to as "the visiting inspector".

Section 5. In the event the visiting inspector is unable to perform the inspection services set forth in Section 2 of this Agreement, the home jurisdiction shall be responsible for performing its inspection or shall be responsible for retaining and payment of a third party to perform the inspection.

Section 6. When the visiting inspector performs an inspection on behalf of the home jurisdiction, the visiting inspector shall utilize the building codes of the home jurisdiction where the inspection is taking place. As such, when an inspection is within the corporate limits of the City, the Kendall County inspector shall use the building codes that are currently adopted and enforced by the City at the time of the inspection. When an inspection is in an unincorporated portion of Kendall County, where the County has jurisdiction, the City inspector shall utilize the building codes that are currently adopted and enforced by Kendall County at the time of the inspection.

Section 7. When a home jurisdiction requests the visiting inspector's assistance, the home jurisdiction shall provide a minimum of twenty-four (24) hours notice when there is a foreseeable need for the other party's inspection services. In the event of an illness or other emergency, the parties agree to provide each other with as much advance notice as possible if a visiting inspector's services are needed pursuant to Section 4.

Section 8. Inspections must be completed using the proper jurisdiction's forms. Prior to the commencement of any requested inspection, the home jurisdiction requesting assistance will prepare and provide all necessary inspection reports/forms for use by the visiting inspector

and deliver them to the visiting inspector prior to the inspection taking place. Following an inspection, the original, completed inspection reports/forms shall be returned to the home jurisdiction within twenty-four (24) hours after completion of the inspection. After the visiting inspector has returned the original, completed inspection reports/forms to the home jurisdiction, the visiting inspector shall not be required to retain the records of inspections for the home jurisdiction after performing inspections under this Agreement.

Section 9. Neither the City nor Kendall County shall subcontract the services provided to the other under this agreement to a third-party inspector without the prior written consent of the other party.

Section 10. There will be no compensation paid to, or by, either jurisdiction for the sharing of services under this Agreement.

Section 11. When a visiting inspector performs an inspection under this Agreement for the home jurisdiction, the visiting inspector shall use their own equipment, tools and vehicles, and the home jurisdiction shall not be responsible for reimbursing the visiting inspector for mileage or any other expenses incurred by the visiting inspector.

Section 12. The City and Kendall County shall each defend, with counsel of the other party's own choosing, indemnify and hold harmless the other party, including past, present and future board members, elected officials, insurers, employees, and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto, including but not limited to attorneys' fees and other legal expenses, which the other party, its past, present and future board members, elected officials, insurers, employees, and/or agents may hereafter sustain, incur or be required to pay relating to or arising in any manner out of the inspections to be performed by the other party under this agreement. As such,

when the City performs an inspection for Kendall County, the City will defend with counsel of Kendall County's own choosing, indemnify and hold harmless Kendall County as set forth above relating to the City's and the City Building Code Official's actions in the performance of their duties under this Agreement. When Kendall County performs an inspection for the City, Kendall County will defend with counsel of the City's own choosing, indemnify and hold harmless the City as set forth above relating to Kendall County's and the County Code Official's actions in the performance of their duties under this Agreement.

Section 13. Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the City or Kendall County in any respect, including, but not limited to their building and zoning regulations, powers and duties.

Section 14. This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

Section 15. This Agreement shall be interpreted and enforced under the laws of the State of Illinois. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit. In case any provision of this Agreement shall be declared and/or found invalid, illegal or unenforceable by a court of competent jurisdiction, such provision shall, to the extent possible, be modified by the court in such manner as to be valid, legal and enforceable so as to most nearly retain the intent of the parties, and, if such modification is not possible, such provision shall be severed from this

Agreement, and in either case the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.

Section 16. All notices required or permitted hereunder shall be in writing and may be given by (a) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid and certified with the return receipt requested, (b) delivering the same in person, or (c) telecopying the same with electronic confirmation of receipt:

If to the County: Director

Kendall County Planning, Building & Zoning

111 West Fox Street, Room 203

Yorkville, Illinois 60560

Fax: 630-553-4179

With copy to:

Kendall County State's Attorney

807 John Street

Yorkville, Illinois, 60560

Fax: 630-553-4204

If to the City: Community Development Director

United City of Yorkville Building Safety and Zoning

800 Game Farm Road Yorkville, Illinois 60560

Fax: 630-553-7264

Or any such other person, counsel or address as any party hereto shall specify pursuant to this Section from time to time.

Section 17. This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

Section 18. This Agreement represents the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written. Except

Page 7 of 11

as stated herein, this agreement supersedes any other prior written or oral agreements between the parties and may not be further modified except in writing acknowledged by both parties.

Section 19. Nothing contained in this Agreement, nor any act of Kendall County or the City pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the City. Further, nothing in this agreement should be interpreted to give Kendall County or the City any control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

Section 20. When performing inspections under the terms of this Agreement, Kendall County and City intend that any injuries to their respective employee shall be covered and handled exclusively by their jurisdiction's own worker's compensation insurance in place at the time of such injury. It is further agreed that all employee benefits, wage and disability payments, pension and worker's compensation claims, damage to or destruction of equipment, facilities, clothing and related medical expenses of the City or Kendall County and their respective inspectors, which may result from their activities under this Agreement, shall be the responsibility of the jurisdiction which employs the inspector making such a claim.

Section 21. The Parties will obtain and continue in force, during the term of this Agreement, all insurance as set forth below: (a) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 (or its equivalent) covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall

Page 8 of 11

apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit; (b) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage; (c) Workers' Compensation: as required by the State of Illinois, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. If the Jurisdiction maintains broader coverage and/or higher limits than the minimums shown above, the both Jurisdictions require and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to both Jurisdictions. The insurance policies are to contain, or be endorsed to contain, the following provisions: (a) Additional Insured Status-Both jurisdictions, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the jurisdiction including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the jurisdiction's insurance; (b) Notice of Cancellation-Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the Entity; (c) Verification of Coverage-Each Jurisdiction shall furnish the other with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to other before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the other's obligation to provide them.

Each Jurisdiction reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Section 22. This Agreement shall be in full force and effect for a period of one (1) year from the date of the last signature below, however it may be renewed upon agreement of the parties in writing.

Section 23. Either party may terminate this Agreement by providing thirty (30) calendar days' advance written notice to the other party. However, any act of bad faith in the execution of duties under this Agreement shall result in immediate termination of the other party's duties as laid out herein. For the purpose of this agreement, "bad faith" is an intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others. Also, the parties agree to provide prompt written notice within fifteen (15) calendar days to the other party if Kendall County Code Official Brian Holdiman's or City Building Code Official Pete Ratos' employment ceases for whatever reason. In such event, this Agreement shall immediately terminate upon receipt of said written notice.

Section 24. The parties understand and agree that this Agreement in no way creates a joint employment relationship between the Parties. The Parties understand and agree that they are solely responsible for paying all wages, benefits and any other compensation due and owing to its employees for the performance of visiting inspector services set forth in this Agreement. The parties further understand and agree that the parties are solely responsible for making all required payroll deductions and other tax and wage withholdings pursuant to state and federal law for its employees who perform visiting inspector services as set forth in this Agreement.

Section 25. Kendall County and the City each hereby warrant and represent that their Page 10 of 11

respective signatures set forth below have been, and are on the date of this Agreement, duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed by their duly authorized officers on the date below in the United City of Yorkville, Illinois.

	y of Kendall, a unit of local govern State of Illinois	ment	United City of Yorkville, Kendall County, Illinois, a municipal corporation
By:	Chair, Kendall County Board	By:	Mayor
Date:		Date:	
Attest:			Attest:
	County Clerk City	_	 Clerk

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN PURSUANT TO THE "ILLINOIS NOXIOUS WEED LAW" to the owners, occupants, agents and public officials in charge or control of any land in Kendall County that they are required to control or eradicate all NOXIOUS WEEDS growing upon land under their control prior to the blooming, maturing of seed or other propagating of such weeds.

NOXIOUS WEEDS:	a)	Marihuana (Cannabis sativa L.);
	b)	Giant Ragweed (Ambrosia trifida L.) within the corporate limits of cities, villages, and incorporated towns;
	c)	Common Ragweed (Ambrosia artemisiifolia L.) within the corporate limits of cities, villages, and incorporated towns;
	d)	Canada Thistle (Cirsium arvense);
	e)	Perennial Sowthistle (Sonchus arvensis);
	f)	Musk Thistle (Carduus nutans);
	g)	Perennial members of the sorghum genus, including johnsongrass (Sorghum halepense), sorghum almum, and other johnsongrass X sorghum crosses with rhizomes; and
	h)	Kudzu (Pueraria labata).

NOTICE IS FURTHER GIVEN that if the persons responsible for the control of any lands in Kendall County fail to comply with the provisions of the Illinois Noxious Weed Law the Control Authority of Kendall County or the Department of Agriculture of the State of Illinois will take any necessary action to control or eradicate such weeds and the cost thereof will be assessed against the owner of the land involved. If unpaid for 6 months or longer, such assessment shall become a lien upon the property.

D-4--4

Date at	I	orkville,	Kendan Cot	mty, minois, this
16th	day of F	February	,	2021 .
	_	Month		Year
Signed:				
	Scott R. Gryder			
	J	Kendall Cour	ity Weed Con	trol Authority



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee From: Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: January 25, 2021

Re: Notice of Intent to Renew the General Permit for Discharges from MS4s

Kendall County's General Permit for Discharges from Small Municipal Separate Storm Sewer Systems expires in March.

WBK prepared the information for the General Permit. The proposed General Permit is similar to the General Permit approved by the County Board in 2016. The County currently undertakes the majority of the items listed in the General Permit.

If approved, the General Permit would be valid for five (5) years; the same time frame as the previous General Permit.

If you have any questions, please let me know.

MHA

ENC: Proposed General Permit



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

Notice of Intent for New or Renewal of General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's)

Pa	art I. Municipal (MS4) Contact Information						
1.	Name of Municipality: Kendall County		N	MS4 #: ILR40 <u>0261</u>			
	Population (based on 2010 census): 114,804						
2.	MS4 Mailing Address: 111 West Fox Street	Ci	ty: Yorkville	, IL	Zip: <u>60560</u>		
3.	Primary MS4 Contact Person (Authorized Representative	for MS4 Permit)					
	Name: Matthew Asselmeier	Title: Senior P	lanner				
	Phone: 630-553-4141 Emai	l Address: masselm	eier@co.kendall.	il.us			
Ge	eneral Information						
		Latitude and Longitude at approximate geographical center of MS4 for which you are requesting authorization to discharge:					
	Latitude: 41 38 27 Longitude: 88		16				
5.	Community Type: County	Other:					
6.	Name(s) of governmental entity(ies) in which MS4 is local	ited:					
	City/Village Township	County					
		Kendall Co	unty				
7.	Area of land within your MS4 in square miles: 322						
8.	Percent of MS4 served by combined sewer: 0	Percent of MS4 ser	ved by separate :	sewer: 100			
Pa	ne most recent 303(d) list may be found at https://www2.illirgages/303d-list.aspx . Information regarding TMDLs may be fanagement/tmdls/Pages/default.aspx.	nois.gov/epa/topics/v found at https://www	vater-quality/water 2.illinois.gov/epa	/topics/water	gement/tmdis/ -quality/watershed		
9.	Name(s) of known receiving waters (in and within 3 miles	s of MS4 area)	303d List or TMDL?				
	Fox River (Sedimentation/siltation, Mercury, PCBs)) No			
	Lisbon Creek		OYes ⊘) No			
	Valley Run		○Yes ②) No			
	Blackberry Creek (Fecal Coliform)) No			
	Walley Run		○Yes ②) No			
	Aux Sable Creek (Fecal Coliform)) No			
	West Aux Sable Creek		○Yes ②) No			
	East Aux Sable Creek		○Yes ②) No			
	Middle Aux Sable Creek		○Yes ②) No			
	Rob Roy Creek		○Yes ②) No			
	Waubonsie Creek		○Yes @) No			
	Little Rock Creek		○Yes ②) No			

Name(s) of known receiving waters (in and within 3 miles of MS4 are	Impairment listed on 303d List or TMDL?		
Big Rock Creek	○Yes ⊘No		
Clear Creek (Dissolved Oxygen, Mercury)			
Morgan Creek	○Yes ⊘No		
Hollenback Creek	○ Yes ② No		
Saratoga Creek	○Yes ⊘No		
Little Slough Creek	○ Yes ② No		
Knutson Creek	○Yes ②No		
Roods Creek	◯ Yes ⊘ No		
9a. If impaired, which potential causes and source?			
Causes: See above	Source: Aquatic Life, Fish Consumption, Recreation		
alternate water quality management plan?			
9c. Is the MS4 community included in the chloride variance?			
Program Responsibility			
10. Shared Responsibility			
Is your MS4 responsible for any permit requirements of another			
If yes: Which MS4 community?: Na-Au Say Road District, K	endall Township, Bristol Township, Oswego Township		
Which minimum control measurements is the other M	IS4 responsible for?		
Public Education and Outreach	✓ Construction Site Runoff Control		
Public Participation/Involvement	✓ Post-Construction Runoff Control		
☐ Illicit Discharge Detection and Elimination	Pollution Prevention/Good Housekeeping		
Does your MS4 Community rely on another MS4 to satisfy any	of the permit requirements? Yes No		
11. Co-Permittee			
Is your MS4 Community a Co-Permittee with another MS4 Com	munity? O Yes Ø No		
12. Other contacts responsible for implementation or coordination of	of Stormwater Management Program		
Name: Francis C. Klaas, P.E	Title: Kendall County Engineer		
Phone: 630-553-4141 Email: fklaas@co.kendall.il	.us		
Area of Responsibility: Kendall County Highway Department			

Part II. Best Management Practices (include shared responsibilities) which have been implemented or are proposed to be implemented in the MS4 area

Approximate	date first implemented: 2016	Frequency of each BMP program:
Oualifying Lo	ocal Programs	
Kendall Cou	nty Health Department and Kendall County	Soil and Water Conservation District
Measurable (Goals (include shared responsibilities)	
✓ A.1 Distrib	outed Paper Material	
Brief De	scription of BMP	
the webs informat available	site and track the amount of views of the coling on potential impacts and effects on stori	ports on the County's website. The County will continue to maintain mponents of the website. The material published will include mwater due to climate change. Other information that will be made sture, such as rain gardens and permeable pavement for directing or reused. Other information will include safe storage and handling and lawn care.
	able Goals, including frequencies	
Track no	umber of people requesting to see the Cour	nty's plan on an annual basis
Mileston	es	
Year 1:	Publish NOI on County's website	
Year 2:	Have plan and annual report available for p	public viewing.
Year 3:	Have plan and annual report available for p	public viewing.
Year 4:	Have plan and annual report available for p	public viewing.
Year 5:	Have plan and annual report available for p	public viewing.
Addition	al Info	
BM	P Number:	
✓ A.2 Spea	aking Engagement	
Brief D	escription of BMP	
The Co	ounty will continue to work with the Kendall (vation District to provide educational oppor	County Health Department and the Kendall County Soil and Wate tunities to residents.
Measu	rable Goals, including frequencies	
	er of annual presentations	
Milesto	nes	
	100 A	Ps .
	: Increase number of presentations on BMF	o.

Year 4: Continue to implement presentations and programs on new BMPs. Additional Info BMP Number: A.3 Public Service Announcement A.4 Community Event Brief Description of BMP Kendall County will continue to work with the Kendall County Soil and Water Conservation District, the Kendall County Forest Preserve District, and other county departments to promote educational efforts and workshops related to storm water and conservation activities Measurable Goals, including frequencies Increased interest and attendance in annual workshops/seminars. Milestones Year 1: Co-sponsor Workshops/Seminars Year 2: Co-sponsor Workshops/Seminars Year 3: Co-sponsor Workshops/Seminars Year 4: Co-sponsor Workshops/Seminars Year 5: Co-sponsor Workshops/Seminars Additional Info BMP Number: A.5 Classroom Education Material A.6 Classroom Education Material Measurable Goals, including frequencies Incurres to Inriked websites on annual increase in hits to website. Measurable Goals, including frequencies Incurres to linked websites on annual increase in hits to website. Milestones Year 1: [Maintain links	Year 3:	Develop additional programs on new BMPs.
Year 5: Continue to implement presentations and programs on new BMPs. Additional Info BMP Number: A.3 Public Service Announcement A.4 Community Event Brief Description of BMP Kendall County will continue to work with the Kendall County Soil and Water Conservation District, the Kendall County Forest Preserve District, and other county departments to promote educational efforts and workshops related to storm water and conservation activities Measurable Goals, including frequencies Increased interest and attendance in annual workshops/seminars. Milestones Year 1: Co-sponsor Workshops/Seminars Year 3: Co-sponsor Workshops/Seminars Year 3: Co-sponsor Workshops/Seminars Year 4: Co-sponsor Workshops/Seminars Additional Info BMP Number: A.5 Classroom Education Material A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to turther promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	Vear 4:	Continue to implement presentations and programs on new BMPs.
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Year 5: Co-sponsor Workshops/Seminars Additional Info BMP Number: A.5 Classroom Education Material A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	Year 2:	Co-sponsor Workshops/Seminars
Year 5: Co-sponsor Workshops/Seminars Additional Info BMP Number: A.5 Classroom Education Material ✓ A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	Year 3:	Co-sponsor Workshops/Seminars
Additional Info BMP Number: A.5 Classroom Education Material A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	Year 4:	Co-sponsor Workshops/Seminars
BMP Number: A.5 Classroom Education Material A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	Year 5:	Co-sponsor Workshops/Seminars
A.5 Classroom Education Material A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	Addition	nal Info
A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	BM	IP Number:
A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones		
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A.6 Other Public Education Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones		
Brief Description of BMP Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones		
Kendall County will place links in their home website to the websites of local watershed committees and conservation groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	✓ A.6 Othe	er Public Education
groups to further promote public education. Measurable Goals, including frequencies Inquires to linked websites on annual increase in hits to website. Milestones	Brief D	Description of BMP
Inquires to linked websites on annual increase in hits to website. Milestones	Kenda	Il County will place links in their nome website to the websites of local watershed committees and content and server than the server that the server the server that the serv
Inquires to linked websites on annual increase in hits to website. Milestones	Measu	urable Goals, including frequencies
	Inquire	es to linked websites on annual increase in hits to website.
	Milesto	ones

Year 2:	Maintain links
Year 3:	Maintain links
Year 4:	Maintain links
Year 5:	Maintain links
Addition	al Info
ВМ	P Number:
	e date first implemented: 2016 Frequency of each BMP program:
3 5	
Stokoholdo	Local Programs or meetings, provided links on County website to promote public education. by is a member of the Fox River Study Group and Northwest Water Planning Alliance.
Measurable	e Goals (include shared responsibilities)
□B.2 Edu	cational Volunteer
	keholder Meeting
Priof C	rescription of BMP
The Continuous continuous progra involve	county is currently making an effort to establish a dialogue with local communities in the County to coordinate vater management efforts. Kendall County has completed the Stormwater Management Program Plan and will use to maintain adherence to the plan. The County will hold an annual public meeting to provide input into the MS4 am and will comply with State and local public notice requirements when implementing public participation and ement activities. The County will work to identify any environmental justice areas and include the public pation in these issues.
	urable Goals, including frequencies
Hold a	an annual public meeting to establish a positive dialogue.
Milesto	ones
Year 1	Repeat annual meeting
Year 2	Repeat annual meeting
Year	Repeat annual meeting
Year 4	4: Repeat annual meeting
Year	5: Repeat annual meeting
Additio	onal Info

BMP Number:
B.4 Public Hearing
B.5 Volunteer Monitoring
B.6. Program Involvement
B.7 Other Public Involvement
Brief Description of BMP
The County will place new and maintain current links on their website to the websites of local watershed committees and conservation groups to further promote public education.
Measurable Goals, including frequencies
Inquiries to linked websites and annual increase in hits to website.
Milestones
Year 1: Maintain links
Year 2: Maintain links
Year 3: Maintain links
Year 4: Maintain links
Year 5: Maintain links
Additional Info
BMP Number:
llicit Discharge Detection and Elimination
Approximate date first implemented: 2016 Frequency of each BMP program:
Qualifying Local Programs
Storm Sewer Map Maintenance, Detection/Elimination Prioritization Plan, Illicit Discharge Tracing Procedures, Illicit Source Removal Procedures, Visual Dry Weather Screenings, Public Notification
✓ C.1 Sewer Map Preparation
Brief Description of BMP
Kendall County will continue field verifying locations of features and will maintain mapping layer of storm sewer systems in GIS.
Measurable Goals, including frequencies
Review storm sewer mapping annually.
Milestones

Notice of Intent for New or Renewal of General Permit for Discharges from Small Municipal Separate 12torm Sewer Systems (MS4's)

C.

Measurable Goals (include shared responsibilities)
Year 1: Review storm sewer mapping annually.
Year 2: Review storm sewer mapping annually.
Year 3: Review storm sewer mapping annually.
Year 4: Review storm sewer mapping annually.
Year 5: Review storm sewer mapping annually.
Additional Info
BMP Number:
C.2 Regulatory Control Program
C.3 Detection/Elimination Prioritization Plan
Brief Description of BMP
Kendall County will work with the Kendall County Health Department, the Kendall County Highway Department, and the townships to address illicit discharges and identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS4.
Measurable Goals, including frequencies
Track the number of illicit dischargers discovered and track removal process.
Milestones
Year 1: Track and keep records on illicit dischargers
Year 2: Track and keep records on illicit dischargers
Year 3: Track and keep records on illicit dischargers
Year 4: Track and keep records on illicit dischargers
Year 5: Track and keep records on illicit dischargers
Additional Info
BMP Number:
✓ C.4 Illicit Discharge Tracing Procedures
Brief Description of BMP
Kendall County will address, identify, trace, and remove illicit discharges and non-stormwater discharges that are significant polluters of the County's MS4.
Measurable Goals, including frequencies
Track number of illicit dischargers discovered and track removal process annually.

Mileston	es
Year 1:	Perform dry and wet weather monitoring as necessary.
Year 2:	Perform dry and wet weather monitoring as necessary.
Year 3:	Perform dry and wet weather monitoring as necessary.
Year 4:	Perform dry and wet weather monitoring as necessary.
Year 5:	Perform dry and wet weather monitoring as necessary.
Addition	al Info
ВМ	P Number:
	t Source Removal Procedures
Kendal	escription of BMP I County will address, identify, trace, and remove illicit discharges and non-stormwater discharges that are ant polluters of the County's MS4.
	rable Goals, including frequencies
Track t	he number of illicit dischargers and track removal process.
Milesto	
Year 1:	Issue notice to source of illicit discharge discovered under the tracing process for removal of discharge under the Kendall County Stormwater Management Ordinance with compliance dates.
Year 2:	Issue notice to source of illicit discharge discovered under the tracing process for removal of discharge under the Kendall County Stormwater Management Ordinance with compliance dates.
Year 3	Issue notice to source of illicit discharge discovered under the tracing process for removal of discharge under the Kendall County Stormwater Management Ordinance with compliance dates.
Year 4	Issue notice to source of illicit discharge discovered under the tracing process for removal of discharge under the Kendall County Stormwater Management Ordinance with compliance dates.
Year 5	Issue notice to source of illicit discharge discovered under the tracing process for removal of discharge under the Kendall County Stormwater Management Ordinance with compliance dates.
Additio	nal Info
BN	MP Number:
✓ C.6 Pro	ogram Evaluation and Assessment
Kenda	Description of BMP Ill County will evaluate their Illicit Discharge Detection and Elimination Program by having participants fill out an ation form using a tool such as Survey MonkeyTM.
Measi	urable Goals, including frequencies

Annual evaluation surveys

Mileston	es
Year 1:	Provide program participants with evaluation survey as necessary.
Year 2:	Provide program participants with evaluation survey as necessary.
Year 3:	Provide program participants with evaluation survey as necessary.
Year 4:	Provide program participants with evaluation survey as necessary.
Year 5:	Provide program participants with evaluation survey as necessary.
Addition	al Info
ВМ	P Number:
Z C 7 Visus	al Dry Weather Screening
_	
Kendall	escription of BMP County will identify, trace, and remove illicit discharges and non-stormwater discharges that are significant so of the County's MS4. Visual monitoring of outfalls during dry weather will be done periodically to ine non-stormwater discharges and their significance.
	rable Goals, including frequencies
Track t	he number of illicit dischargers discovered and track removal process.
Milestor	nes
Year 1:	Perform dry weather monitoring as necessary.
Year 2:	Perform dry weather monitoring as necessary.
Year 3:	Perform dry weather monitoring as necessary.
Year 4:	Perform dry weather monitoring as necessary.
Year 5	Perform dry weather monitoring as necessary.
Additio	nal Info
BM	1P Number:
∟ C.8 Poll	utant Field Testing
	olic Notification
 ☐ C.10 Ot	her Illicit Discharge Controls

Construction	Site Runoff Control
Approximate	date first implemented: Frequency of each BMP program:
Revisions to	ocal Programs County's Stormwater Management Ordinance provide revised regulations, Soil Erosion and Sediment Control ection and BMP requirements, plan review procedures, and enforcement requirements.
Measurable	Goals (include shared responsibilities)
☑D.1 Regu	latory Control Program
Brief De	scription of BMP
Kendall reviews	County's Stormwater Management Ordinance includes revised regulations for storm water management, plan and long term maintenance.
Measur	able Goals, including frequencies
Impleme	entation of the Kendall County Stormwater Management Ordinance.
Mileston	
Year 1:	Continue implementation and compliance with the Kendall County Stormwater Management Ordinance.
Year 2:	Continue implementation and compliance with the Kendall County Stormwater Management Ordinance.
Year 3:	Continue implementation and compliance with the Kendall County Stormwater Management Ordinance.
Year 4:	Continue implementation and compliance with the Kendall County Stormwater Management Ordinance.
Year 5:	Continue implementation and compliance with the Kendall County Stormwater Management Ordinance.
Addition	al Info
ВМ	P Number:
✓ D.2 Eros	ion and Sediment Control BMPs
Brief D	escription of BMP
Stormy	the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall Country that the Country atter Management Ordinance, the ordinance will be updated to incorporate additional BMPs and revisions to the Urban Manual as necessary.
	rable Goals, including frequencies
	ons of ordinance amendments as developed.
Milesto	nes
Year 1	Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Year 2	Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Year 3	Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and

Year 4: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and

Illinois Urban Manual revisions as necessary.

Illinois Urban Manual revisions as necessary.

Year 5: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Additional Info
BMP Number:
D.3 Other Waste Control Program
Brief Description of BMP
Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County Stormwater Management Ordinance, the ordinance will be updated to include regulations for waste control on Construction Sites as necessary.
Measurable Goals, including frequencies
Adoption of ordinance amendments as developed.
Milestones
Year 1: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Year 2: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Year 3: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Year 4: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Year 5: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Additional Info
BMP Number:
✓ D.4 Site Plan Review Procedures
Brief Description of BMP
Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County Stormwater Management Ordinance, the ordinance will be updated to include enforcement procedures and a site inspection checklist as necessary.
Measurable Goals, including frequencies Adoption of ordinance amendments as developed.
Milestones
Year 1: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.

Year 2: Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.

	Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Year 4:	Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
	Review the Kendall County Stormwater Management Ordinance to incorporate additional SESC, BMPs, and Illinois Urban Manual revisions as necessary.
Additiona	al Info
BMF	P Number:
D.5 Public	c Information Handling Procedures
✓ D.6 Site I	nspection/Enforcement Procedures
Brief De	escription of BMP
Although Stormwa	h the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County ater Management Ordinance, the ordinance will be updated as necessary to include revised enforcement ares and a site inspection checklist as necessary.
Measura	able Goals, including frequencies
	enforceable procedures for construction site inspections and update as necessary.
Mileston	
Year 1:	Distribute requirements and procedures with site development permits and enforce SECS requirements.
Year 2:	Distribute requirements and procedures with site development permits and enforce SECS requirements.
Year 3:	Distribute requirements and procedures with site development permits and enforce SECS requirements.
Year 4:	Distribute requirements and procedures with site development permits and enforce SECS requirements.
Year 5:	Distribute requirements and procedures with site development permits and enforce SECS requirements.
Addition	nal Info
ВМ	P Number:
✓ D.7 Othe	er Construction Site Runoff Controls
Brief D	escription of BMP
	County will evaluate their Construction Site Runoff Control Program by monitoring and recording Construction unoff Control compliance.
Measu	rable Goals, including frequencies
Soil Ero County	osion and Sediment Control (SESC) inspections will be monitored and filed until final site acceptance by Kendall
Milesto	
	Document and enforce SESC requirements in the Kendall County Stormwater Management Ordinance.

Year 2:	Document and enforce SESC requirements in the Kendall County Stormwater Management Ordinance.
Year 3:	Document and enforce SESC requirements in the Kendall County Stormwater Management Ordinance.
Year 4:	Document and enforce SESC requirements in the Kendall County Stormwater Management Ordinance.
Year 5:	Document and enforce SESC requirements in the Kendall County Stormwater Management Ordinance.
Addition	al Info
BMF	P Number:
. Post-Constru	uction Runoff Control
Approximate	e date first implemented: Frequency of each BMP program:
Qualifying L	ocal Programs
The revision	ns to the Kendall County Stormwater Management Ordinance include provisions for Long Term O&M, Site during construction, and other Post-Construction Runoff Controls.
Measurable	Goals (include shared responsibilities)
E.1 Com	munity Control Strategy
E.2 Regu	ulatory Control Program
	g Term O & M Procedures
Brief D	escription of BMP
The Ke	endall County Stormwater Management Ordinance will include revised regulations for long term maintenance that updated as necessary.
Review	rable Goals, including frequencies v Kendall County Stormwater Management Ordinance and update as necessary.
Milesto	nes
	: Monitor and enforce long term maintenance requirements of the Kendall County Stormwater Management Ordinance.
	: Monitor and enforce long term maintenance requirements of the Kendall County Stormwater Management Ordinance.
	: Monitor and enforce long term maintenance requirements of the Kendall County Stormwater Management Ordinance.
Year 4	Monitor and enforce long term maintenance requirements of the Kendall County Stormwater Management Ordinance.
Year 5	Monitor and enforce long term maintenance requirements of the Kendall County Stormwater Management Ordinance.
Additio	onal Info
BN	MP Number:

✓ E.5 Site Inspections During Construction
Brief Description of BMP Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Kendall County
Although the County currently has a Soil Erosion and Sediment Control (SESC) requirement within the Nordal Sediment Control (SESC) requirement with the Nordal Sediment Control (SESC) requirement Control (SESC) requirem
Measurable Goals, including frequencies
Implementing ordinance amendments, as necessary.
Milestones Year 1: Implement and enforce the SESC requirements of the Kendall County Stormwater Management Ordinance.
Year 2: Implement and enforce the SESC requirements of the Kendall County Stormwater Management Ordinance.
Year 3: Implement and enforce the SESC requirements of the Kendall County Stormwater Management Ordinance.
Year 4: Implement and enforce the SESC requirements of the Kendall County Stormwater Management Ordinance.
Year 5: Implement and enforce the SESC requirements of the Kendall County Stormwater Management Ordinance.
Additional Info
BMP Number:
E.6 Post-Construction Inspections
✓ E.7 Other Post-Construction Runoff Controls
Brief Description of BMP
The County will evaluate relevant flood control techniques to determine the potential effects due to climate change.
Measurable Goals, including frequencies
Collaborate with other MS4's in Kendall County and stakeholders, including the Kendall County Soil and Water Conservation District, to evaluate relevant flood control techniques to determine the potential effects due to climate change.
Milestones
Year 1: Explore ways to collaborate with other MS4's in Kendall County and stakeholders.
Year 2: Begin implementing strategy created by collaboration effort.
Year 3: Implement strategy created by collaboration effort.
Year 4: Implement strategy created by collaboration effort.
Year 5: Implement strategy created by collaboration effort.
Additional Info
BMP Number:

Pollution Prev	vention/Good Housekeeping
Approximate	date first implemented: Frequency of each BMP program:
Qualifying Lo	ocal Programs
The County necessary.	will update the Kendall County Stormwater Management Ordinance include the newest DFIRMs from FEMA as
Measurable (Goals (include shared responsibilities)
✓ F.1 Emplo	byee Training Program
Brief De	scription of BMP
funding of pollute County as park	PBZ, SWCD, and Highway Department personnel will participate in annual training programs, as available and opportunities allow. Training for County Staff and contractors on methods to prevent and reduce discharge ants to the maximum extent practicable will be offered as necessary. Training materials will be available to Staff from the EPA and the State regarding prevention and reduction of stormwater pollution from activities such and open space maintenance, fleet and building maintenance and deicing practices. In addition, training a that explain how flood management projects impact water quality, non-point source pollution control, green acture controls, and aquatic habitat will be made available to employees upon request by employees.
	able Goals, including frequencies
	ed participation at workshops.
Mileston	es
Year 1:	Provide training materials to County Staff and township road commissioners upon request.
Year 2:	Provide training materials to County Staff and township road commissioners upon request.
Year 3:	Provide training materials to County Staff and township road commissioners upon request.
Year 4:	Provide training materials to County Staff and township road commissioners upon request.
Year 5:	Provide training materials to County Staff and township road commissioners upon request.
Addition	nal Info
	P Number:
	ection and Maintenance Program
F.3 Mun	icipal Operations Storm Water Control
✓ F.4 Mun	icipal Operations Waste Disposal
Brief D	Description of BMP
	ighway Department will continue to collect litter from county highways and track the amount of material collected operly disposed.
The Co	ounty will minimize discharge of pollutants from County owned vehicle washing by treating the wash water by
collect The C materi	ion in a sediment basin or using an inlet filter prior to discharge. ounty will properly store County owned building materials, building products, construction waste, trash, landscape als, fertilizers, pesticides, herbicides, chemical storage tanks, deicing materials, detergents and other materials to
The C	ounty has procedures in place to respond to spills and leaks to prevent exposure to stormwater infrastructure on y owned property.
The C	ounty will perform inspections to maintain the integrity of the County owned stormwater systems. county will continue to store deicing material in the permanent Kendall County Highway Department salt storage

facility.

Minimiz	te the impact of County operations on stormwater run-off.
Mileston	nes
Year 1:	Minimize the impact of County operations on stormwater run-off.
Year 2:	Minimize the impact of County operations on stormwater run-off.
Year 3:	Minimize the impact of County operations on stormwater run-off.
Year 4:	Minimize the impact of County operations on stormwater run-off.
Year 5:	Minimize the impact of County operations on stormwater run-off.
Addition	nal Info
BM	IP Number:
F.5 Floo	d Management/Assess Guidelines
Brief D	Description of BMP
Kenda	Il County will incorporate the revised floodplain guidelines and DFIRMs from FEMA in the Kendall County
	water Management Ordinance to assist with flood related issues as necessary.
Measu	rable Goals, including frequencies orate revised floodplain guidelines and DFIRMs by reference as necessary.
ПСОГР	orate revised neodplain galacimos and 2
Milesto	
Year 1	: Revise the Kendall County Stormwater Management Ordinance to incorporate floodplain guidelines and DFIRMs by reference as necessary.
Year 2	Revise the Kendall County Stormwater Management Ordinance to incorporate floodplain guidelines and DFIRMs by reference as necessary.
Year 3	Revise the Kendall County Stormwater Management Ordinance to incorporate floodplain guidelines and DFIRMs by reference as necessary.
Year 4	1: Revise the Kendall County Stormwater Management Ordinance to incorporate floodplain guidelines and DFIRMs by reference as necessary.
Year 5	EREVISE the Kendall County Stormwater Management Ordinance to incorporate floodplain guidelines and DFIRMs by reference as necessary.
Additic	onal Info
ВІ	MP Number:
Г	
1	
] F.6 Oth	ner Municipal Operations Controls

Measurable Goals, including frequencies Evaluation of program as necessary.			
Evaluation of program as necessary.			
Milestones			
Year 1: Evaluation of program as necessary.			
Year 2: Evaluation of program as necessary.			
Year 3: Evaluation of program as necessary.			
Year 4: Evaluation of program as necessary.			
Year 5: Evaluation of program as necessary.			
Additional Info			
BMP Number:			
Ps Currently Implemented and Proposed	<u> </u>		
BMP Number Location			
D. I. C. D. It's a from each DMD			
Proximate Pollutant Reduction Resulting from each BMP			Reduction
BMP Number Pollutant			Troduction
ream Monitoring Program			
Is there an instream monitoring program currently in place?	○Yes	⊘ No	
Is an instream monitoring program currently being proposed?	○Yes	⊘ No	
liment Monitoring			
Is sediment monitoring currently taking place?	○Yes	⊘ No	
nple Monitoring of Outfalls			
Is sample monitoring of outfalls currently taking place?	○Yes	⊘ No	
er Monitoring			
Describe other types of monitoring implemented or proposed stormwater.	to evaluat	e the BMP effec	tiveness or water quality impact of
No additional monitoring in place.			

Part III. Certification

I certify under penalty of law that this document an all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fines and imprisonment.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony (415 ILCS 5/44 (h)).

Scott R. Gryder	Kendall County Board Chairman
Authorized Representative Name	Title
Authorized Representative Signature	Date
You may complete this form online and	e a copy locally before printing and signing the form. It should then be sent to:
	Illinois Environmental Protection Agency Bureau of Water Birdian of Water Rellution Control

Illinois Environmental Protection Agency Bureau of Water Division of Water Pollution Control Attn: Permit Section P.O. Box 19276 1021 North Grand Avenue East Springfield, IL 62794-9276

Information required by this form must be provided to comply with 415 ILCS 5/39 (2000). Failure to do so may prevent this form from being processed and could result in your application being denied.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee From: Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: January 25, 2021

Re: Scope of Work Related to FEMA Bulletin P-2140

In early January, the County received notification that FEMA had prepared Floodplain Management Bulletin P-2140 Floodplain Management Requirements for Agricultural Structures and Accessory Structures.

The Department requested that WBK prepare a cost estimate to examine if any changes to the Kendall County Stormwater Management Ordinance were required because of this document.

WBK prepared the attached scope of work which includes a not to exceed amount of Three Thousand One Hundred Dollars (\$3,100).

Staff requests guidance as to whether or not the Committee would like WBK to conduct the work outlined in the attached proposal.

If you have any questions, please let me know.

MHA

ENC: WBK Proposal Dated January 16, 2021

Proposal



Submitted To:			Prepared By:	WBK Engineering, LLC	
••••					
					
Primary Contact:			Primary Contact:		
Services	Cost-Not to Exceed	Lumn Sum	Time & Materials (T&M)		
JEI VICES	Cost-Not to Exceed	Lump Sum	Time & Materials (T&M)	<u> </u>	
Task Name:					_
Deliverable:					
					Podest
					Budget
Budget for Reimbursa	ble Expenses (Cost Plus 10%):				
Total Amount Budget	ted For All Services Rendered	l:			
		10-1-11-10-10-1-1	- Parlis Maratilla	21.11.	
Terms and Conditions		onditions are expressly inc	corporated into and are m	n our contract in accordance with the ade an integral part of this contract f ndar year.	
WBK Authorizαtion By	· (Pleαse Print):		Signature		Date
	ıle of Charges, and General Ter will be made as outlined above		sfactory and are hereby ac	ccepted. You are authorized to begin	n the work as
Client Authorization B	y (Please Print):		Signature		Date

Kendall County Regional Plan Commission

2021 Annual Workshop Meeting

February 6, 2021



Prepared by Planning, Building and Zoning Department

2020 Summary

News and Noteworthy Items

- 32 Petitions Filed in 2020; 46 Petitions Filed in 2019; 33 Petitions Filed in 2018; 33 Petitions Filed in 2017
- 34 New Housing Starts in 2020; 20 New Housing Starts in 2019
- 326 Total Permits in 2020; 257 Total Permits in 2019
- Clarified the Enforcement Section and Fines Section of the Zoning Ordinance and Removed the Hearing Officer from the Zoning Ordinance
- Senior Planner Passed the Certified Floodplain Manager (CFM) Exam
- Completed the Zoning Ordinance Project with Teska to Correct Typographical and Citation Errors within the Zoning Ordinance
- Updates to the Recreational Vehicle Park and Campground Zoning Regulations Approved
- Updated the Historic Preservation Ordinance to Meet the Criteria for Certified Local Government Status
- Adjusted Departmental Operations due to the COVID-19 Pandemic
- Code Compliance Official Trained New Part-Time Code Enforcement Officer
- Code Compliance Official Held a Community Event at Ace Hardware in Yorkville
- ISO Improved to 4
- Department Revenues in June Were the Highest Revenues for a Single Month Since Mid-2000s
- Department Revenues for the Fiscal Year Were the Highest in at Least 10 Years
- Worked with GIS to Place 2018 Contour Information on the Website
- Updated the Number of Members on the Stormwater Planning Committee to Match State Law
- Zoning Administrator or His/Her Designee Named Administrator of Stormwater Administrator
- Four Parties Were Found Guilty for Violating the Zoning Ordinance
- Organized a Public Hearing Regarding Kendall County's Stormwater Management Ordinance
- Distributed a Survey to the Townships Regarding Kendall County's Stormwater Management Activities
- Organized a Joint Meeting of Historic Preservation Groups within the County
- Continued Historic Preservation Commission Awards
- Noxious Weed Related Documents and Notices Drafted and Approved by the County Board

Items for 2021

- Update Transportation Plan in Land Resource Management Plan to Match the Long Range Transportation Plan
- Start Researching and Planning for Updating the Land Resource Management Plan in 2022
- Assist with the Codification Process
- Continue to Implement the Citation Policies for the Various Ordinances
- Work with Kendall County EMA to Pursue Disaster Related Grants and Other Funding
- Continue to Meet with Townships Regarding Their Role in the Development Approval Process
- Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations

- Continue to Monitor Changes to Zoning Related Regulations at the State Level
- Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel
- Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances
- Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner
- Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner
- Work with the Illinois Historic Preservation Agency and Historic Preservation Commission on Certified Local Government Projects
- Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events
- Continue Working with the Northwest Water Planning Alliance
- Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region
- Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency

Zoning Petitions Initiations

Preliminary and Final Plats – 1 (2019: 0)

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New Special Use Permits – 5; Including 3 On-Hold Cannabis Related SUs (2019: 9)

Major Special Use Amendments – 0 (2019: 1)

Minor Special Use Amendments – 1 (2019: 2)

Special Use Permit Revocations – 1 (2019: 4)

Special Use Renewal – 0 (2019: 1)

Variances Not Part of Special Use Permit – 5 (2019: 0)

Administrative Variances – 2 (2019: 4 Approved and 2 Denied)

Stormwater Ordinance Variances – 0 (2019: 1)

Conditional Use Permit – 1 (2019: 3)

Temporary Use Permit – 1 (2019: 1)

Site Plan Review – 1 (2019: 2)

Plat of Vacation – 2 (2019: 1)
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Amendments Initiations

Text Amendments – 4 (2019: 1 Approved, 1 Denied, and 2 Withdrawn)

Land Use Plan Amendments – 2; 1 Approved and 1 Withdrawn (2019: 0)

Map Amendments -2 (2019: 3)

Stormwater Ordinance Related Amendments – 2 (2019: 1)

Historic Preservation

Landmarks -0 (2019: 0)

Text Amendment to Ordinance – 2 (2019: 2)

TOTAL PETITIONS – 32 (2019: 46)

Meetings

ZPAC - 9 (2019: 8)

RPC – 8 Including Annual Meeting (2019: 11)

ZBA - 8 (2019: 7) HPC - 8 (2019: 9)

Stormwater Management Oversight Committee – 1 (2019: 1)

Comprehensive Land Plan and Ordinance Committee - 6 (2019: 7)

PBZ - 13 (2019: 19)

Of the 26 ordinances approved by the County Board in 2020, 13 were Planning, Building and Zoning related. Of the 39 ordinances approved by the County Board in 2019, 22 were Planning, Building and Zoning related.

The Department investigated zero (0) noxious weed violations in 2020 compared to zero (0) noxious weed violation investigation in 2019.

Construction Activity

Single-Family Dwelling Units – 34 (20 approved in 2019)

New Homes by Township 2020 (2019)

Lisbon Township -0 (0) Seward Township -1 (1) Big Grove -3 (3)

New Homes by Subdivision (Approximate Number of Vacant/Total Lots)

Whitetail Ridge – 6 (202/244) Grove Estates – 2 (44/50) Oak Creek – 1 (15/61)

Estates of Millbrook – 2 (77/175) Tanglewood Trails – 2 (29/38) Henneberry Woods – 5 (66/352)

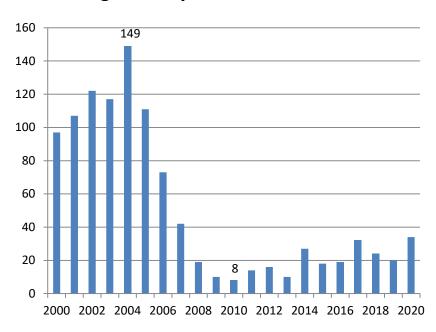
Pavillion Heights Unit 4 – 1 (0/13) Berns First Sub – 1 (0/5) Rosehill – 1 (9/57)

Hrvatin -1 (1/3) Other (Not in Subdivision): 12 (N/A)

Average New Single Family Home Permits Since 2000 - 51

Average New Single Family Home Permits Since 2010 - 20

Single Family Homes 2000-2020



Available Lots in RPD Subdivisions (Total Platted Lots)

Deere Crossing – 15 (18)

Whitetail Ridge - 202 (244)

Brighton Oaks – 11 (20)

Equestrian Estates – 9 (16)

Grove Estates – 44 (50)

Henneberry Woods – 66 (352)

Rosehill – 9 (57)

*Schaefer Glen – 6 (6)

Tanglewood Trails – 29 (38)

*Highpoint Meadows – 23 (23)

Highpoint - 2(4)

Total Platted RPD Lots - 828 Total Available RPD Lots - 416 Total Developed RPD Lots - 412

*Open Subdivisions

Available Lots in other Subdivisions (Total Platted Lots)

Estates of Millbrook – 77 (175)

Shadow Creek – 19 (29)

*Matlock - 12 (12)

Fields of Farm Colony – 18 (159)

Total Platted Lots – 375 Total Available Lots – 121 Total Developed Lots - 254

*Open Subdivisions

Fiscal Year 2020 Detailed Inspection Report

Site Visit 213 (2019: 237) 83 (2019: 60) Footing Backfill 20 (2019: 11)

Wall 22 (2019: 13) Slab 37 (2019: 31) Electric Service 14 (2019: 15) Frame/Wire 101 (2019: 61) Insulation 24 (2019: 24) Final 185 (2019: 163) Red Tag 0 (2019: 0) Hearing Signs 6 (2019: 16) Meetings in Field 85 (2019: 141) Violation Investigations 256 (2019: 406) **NPDES** 0 (2019: 0) Yorkville Back for County 3 (2019: 5) Zoning Issues 14 (2019: 7)

Total Field Visits and Investigations: 1063 (2019: 1107)

Total Permit Reviewed and Issued: 330; 6 Void (2019: 261; 5 Void)

Contracted Plumbing Inspections: 101 (2019: 103)

Inspections for Yorkville per IGA: 0 (2019: 0)

2021 Goals of Code Official

- 1. Research, Adopt and Implement a License and Bonding Requirement for Contractors with Support of Planning, Building and Zoning Committee
- 2. Provide an Education Program in Oswego Township
- 3. Investigate Requirements for Roofing Permits and Share Data with Planning, Building and Zoning Committee
- 4. Work with GIS to Increase Technology of Code Enforcement



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee From: Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: January 26, 2021

Re: Abandoned Residential Property Municipal Relief Program

On January 25th, the County received notification of a grant opportunity through Round 5 of the Abandoned Property Program (APP) from the Illinois Housing Development Authority (IHDA).

According to the information provided, counties, municipalities, and land banks can apply for funds to recover costs related to the maintenance and demolition of abandoned residential properties. These costs are usually related to liens placed on properties for cutting grass or demolition of buildings.

Presently, the County does not engage in these activities on a large scale. However, Oswego Township does mow abandoned properties in Boulder Hill and the Township places liens on these properties to cover the Township's costs.

Staff is of the opinion that this program could benefit the County if townships were eligible to apply for these funds. Accordingly, we request that the County submit a letter to our local legislators in Springfield asking that the enabling legislation for the APP be amended to allow townships to apply for these funds.

If you have any questions, please let me know.

MHA



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560 Fax (630) 553-4179

(630) 553-4141

MEMORANDUM

Kendall County Planning, Building and Zoning Committee To: From: Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: February 1, 2021

Inoperable Vehicle Ordinance

Staff received a request from some residents in Boulder Hill asking that the County strengthen the Inoperable Vehicle Ordinance by allowing the County to tow vehicles.

When the Inoperable Vehicle Ordinance was passed, the PBZ Committee chose not to have a towing provision in the regulation.

A copy of the Inoperable Vehicle Ordinance is attached.

Staff requests guidance as to how to proceed.

If you have any questions, please let me know.

MHA

Inoperable Vehicle Ordinance Enc.

ORDINANCE NUMBER 18- 19

INOPERABLE MOTOR VEHICLES

WHEREAS, it is the policy of the Kendall County Board to promote the health, safety, and welfare of Kendall County by abating the nuisance created by the outside storage of inoperable motor vehicles in unincorporated areas of the County; and

WHEREAS, on May 10, 1988, the Kendall County Board adopted Ordinance No. 8815 entitled "Inoperable Motor Vehicles;" and

WHEREAS, Ordinance No. 8815 stated the circumstances under which the storage of inoperable motor vehicles in unincorporated areas of Kendall County would constitute a nuisance and provided procedures for the abatement of such nuisance; and

WHEREAS, the Kendall County Board now desires to implement an updated procedure for the abatement of the nuisance created by the storage of inoperable motor vehicles; and

WHEREAS, Section 5-1092 of the Counties Code (55 ILCS 5/5-1092) authorizes a county board to declare by ordinance inoperable motor vehicles, whether on public or private property, to be a nuisance and authorize fines to be levied against a person for failure to dispose of an inoperable motor vehicle after receiving notice; and

WHEREAS, pursuant to Section 5-1092, this Ordinance shall not apply to motor vehicles kept within a building when not in use, operable historic vehicles over 25 years of age, or motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby authorizes the abatement of the nuisances created by the storage of inoperable motor vehicles and the levying of fines for a person's failure to abate as follows:

Section 1.

Pursuant to authority granted by 55 ILCS 5/5-1092, the purpose of this Ordinance is to provide a method for abating nuisances created in the County of Kendall by inoperable motor vehicles and to provide for fines to be levied for the failure of any person to obey a notice received from the county which states that such person is to dispose of any inoperable motor vehicles under that person's control.

Section 2.

It is hereby declared a nuisance for any person to cause or permit the existence or storage upon any premises within the County of Kendall and outside the municipal confines of any city, village or incorporated town any inoperable motor vehicle or part thereof.

For purposes of this Section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include:

a. a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations;

- b. any motor vehicle that is kept within a building when not in use;
- c. an operable historic vehicle over 25 years of age which is licensed pursuant to section 3-804 of the Motor Vehicle Code (625 ILCS 5/3-804);
- d. a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
 - e. any motorized equipment used in the production of agriculture.

Section 3.

- a. Any Kendall County code enforcement officer and the Kendall County Sheriff, or his deputies, are hereby authorized to issue citations to the offender for a violation of this Ordinance without the necessity of receiving a complaint.
- b. Whenever any authorized officer determines an inoperable motor vehicle exists on any public or private property located in the County of Kendall and outside the municipal confines of any city, village, or incorporated town, the officer shall cause a written notice to be served by hand delivery upon the person(s) controlling the inoperable motor vehicle, which notice shall inform the person served that an inoperable motor vehicle constitutes a nuisance under this Ordinance.

An inoperable motor vehicle is under the control of a person(s) if that person(s):

- i. holds legal title to the inoperable motor vehicle;
- ii. is in custody or possession of the inoperable motor vehicle;
- iii. is the owner of real property upon which the inoperable motor vehicle is located;
- iv. has any possessory interest in the real property upon which the inoperable motor vehicle is located;
- v. has any possessory interest in the inoperable motor vehicle.
- c. Such notice shall include the following:
 - i. The name of the defendant and his or her address, if known:
 - ii. The nature of the offense and a reference to this Ordinance;
 - iii. The date, time and place that the person is required to appear in court;
 - iv. A statement that defendant can avoid the court appearance if he, within 10 days of the service of the notice, repairs the vehicle to an operable condition or disposes of the inoperable vehicle;
 - v. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading;
 - vi. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court

appearance or any date to which the case is continued and the amount of any default judgment.

Section 4.

- a. Any person receiving such notice to dispose of an inoperable motor vehicle shall, within 10 days of the date of service of said notice:
 - i. Repair all inoperable motor vehicles identified in the notice to operable condition; or
 - ii. Dispose of all inoperable motor vehicles identified in the notice in accordance with all applicable statutes of the State of Illinois and all applicable ordinances and resolutions of the County of Kendall.
- b. If the person receiving such notice repairs or disposes of the inoperable motor vehicle within 10 days as required, that person shall contact the Kendall County Planning, Building, and Zoning Department at least 10 days prior to the scheduled court appearance for an inspection. If the code enforcement officer determines the inoperable motor vehicle has been repaired or disposed of so that it is no longer in violation of this Ordinance, the court appearance shall no longer be required.

Section 5.

- a. It shall be unlawful and in violation of this Ordinance for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance as defined in Section 2 within 10 days following service of notice pursuant to Section 3(c).
- b. A violation of this Ordinance by any person shall be punishable by a fine not exceeding \$200.00 for each offense.
- c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 4(a) shall constitute a separate offense.

Section 6.

Ordinance No. 8815 adopted May 10, 1988 is repealed.

IN WITNESS OF, this Ordinance has been enacted by a majority vote of the Kendall County Board this day of Den Der, 2018.

Attest:

Debbie Gillette

Kendall County Clerk

Scott R. Gryder

Kendall County Board Chairman

2021 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Closed
V21-001	Tanner/CTLTC FNY2871	02-34-253-005			R-3 RV violations-multiple	12/10/2020	2/5/2021			
V21-002	BO Transmissions	03-12-251-001	1214 Route 30 Aurora		Junk & Debris	7/13/2020	1/10/2021			1/11/2021
V21-003	Jeff Crisci	01-05-203-003	16388 Galena Rd. Plano	Vil of Little Rock	Business w/o Zoning	12/10/2020	1/16/2021			

2020 VIOLATIONS

		12/2/2020	7/7/2020	Inoperable Vehicles	Boulder Hill	93 Longbeach Rd	03-04-476-019	Moran	20-048
12/3/2020		12/2/2020	10/23/2020	Prohibited camper parking	FOFC	5727 Fields Dr	02-35-380-005	Whaley	20-047
12/28/2020		1/15/2021	8/11/2020	Junk & Debris	Fox River Garden	56 Riverside Dr	02-27-328-007	Ratiu	20-046
11/10/2020		12/2/2020	10/26/2020	Building w/o permit	FOFC	7768 Madeline Dr	02-35-312-002	Voirin	20-045
12/3/2020		11/28/2020	9/25/2020	Inoperable Vehicle	Boulder Hill	10 Marnel Rd.	03-04-303-014	Seidelman	20-044
12/21/2020		11/28/2020	9/10/2020	Prohibited Boat parking	Boulder Hill	63 Circle Dr. E	03-04-306-007	Cushing	20-043
1/14/2021		11/28/2020	7/13/2020	Junk & Debris/Prohibited Parking	Boulder Hill	303 Boulder Hill Pass	03-09-155-021	Amwoza	20-042
12/3/2020		11/28/2020	8/11/2020	Prohibited Trailer parking	Boulder Hill	3 Wembley Rd	03-04-456-001	Neal	20-041
1/14/2021		1/8/2021	10/22/2020	Landscape Bus/Commercial Vehicle inR-6	Boulder Hill	13 Durango Rd	03-05-432-007	Martinez	20-040
1/11/2021	Matt	1/15/2021 N	10/22/2020	Trucking Business in A-1 zoning		13039 McKanna Rd	09-09-100-002	Moreno, Luis & Cesario	20-039
12/3/2020		11/22/2020	10/22/2020	Multiple Zoning Violations		Wheeler Rd	06-23-200-004	Plainfield Board of Education	20-038
12/14/2020		11/19/2020	10/20/2020	Multiple Zoning Violations	see V20-027	192 Route 52	09-13-200-006	Briscoe	20-037
12/10/2020		10/21/2020	10/7/2020	Driveway - No Permit	Boulder Hill	10 Ashlawn Ave	03-08-253-007	Marmolejo	20-036
11/19/2020		11/13/2020	9/21/2020	Stormwater Violation			02-21-200-028	Wieschhaus	20-035
10/16/2020		10/19/2020	9/16/2020	Stormwater Violation		9155 Kennedy Rd	02-21-200-014	Staudacher Family Trust	20-034
9/28/2020		9/28/2020	8/26/2020	Red Hawk Landing Possible Gun Range	Red Hawk Landing	Lot 22	03-26-300-007	Oliver/Balog	20-033
1/21/2021		10/19/2020	8/20/2020	Possible Landscaping Business	Bakers	9000 Route 34	02-27-151-003	Gates / Cox Landscaping	20-032
10/20/2020		10/23/2020	8/20/2020	Deck - No permit		1152 Route 126	06-14-200-003	Ramirez	20-031
9/2/2020		9/3/2020	7/24/2020	Pool - No permit	Boulder Hill	38 Old Post Rd	03-08-230-005	Braves%Jarrett Realty	20-030
8/28/2020		8/29/2020	7/30/2020	Sign - No permit		3195 Plainfield Rd	03-27-301-002	Anicich	20-029
8/28/2020		8/22/2020	7/22/2020	Fence Violation	Boulder Hill	43 Saugatuck Rd	03-04-378-039	King	20-028
10/21/2020		9/22/2020	7/17/2020	Multiple Violations		195 Route 52	09-13-200-002	Hansel Ridge, LLC	20-027
7/31/2020		7/20/2020	6/18/2020	Stormwater/Culvert built	Plattville	94 Pletcher Dr	08-02-402-002	Niles	20-026
		12/31/2020	6/15/2020		Fox Lawn	14 Maple Street	05-05-103-002	Sec of Veteran Affairs	20-025
8/25/2020		5/29/2020	4/28/2020		Sugarbrook Estate	84 Woodland Dr	01-20-352-018	Velasquez	20-024
6/10/2020		4/2/2020	3/19/2020	Prohibited semi tractor parking	Boulder Hill	106 Tealwood Rd	03-04-408-003	Kubica Wieslaw	20-023
6/10/2020		4/2/2020	3/19/2020	Junk & Debris	Boulder Hill	80 Springdale Rd	03-04-477-038	Wargo	20-022
6/10/2020		4/2/2020	3/19/2020	Inoperable Vehicle	Boulder Hill	134 Heathgate Rd	03-04-278-035	Evans	20-021
3/25/2020		4/2/2020	3/19/2020	Inoperable Vehicle	Boulder Hill	42 Circle Dr. E	03-04-303-008	Ortiz	20-020
6/10/2020		4/2/2020	3/19/2020	Inoperable Vehicle	Boulder Hill	29 Circle Dr. E	03-05-428-002	Stukas	20-019
10/29/2020		4/1/2020	3/18/2020	Inoperable Vehicle	Boulder Hill	114 Boulder Hill Pass	03-05-404-007	Fox Valley Homes LLC	20-018
6/11/2020		4/24/2020	3/18/2020	Inoperable Vehicle	Boulder Hill	16 Cebold Dr.	03-08-280-008	Henn	20-017
6/10/2020		3/26/2020	3/3/2020	Prohibited Trailer parking	Shore Heights	117 Dolores St.	03-08-303-001	Campos	20-016
5/6/2020		4/5/2020	3/6/2020	Multiple Zoning Violations		276 Route 52	09-13-400-006	ERB Properties LLC	20-015
8/5/2020		3/18/2020	3/4/2020	Prohibited Storage Business		16388 Galena Rd	01-05-203-003	Crisci	20-014
3/11/2020		3/5/2020	2/20/2020	Prohibited Commercial Vehicle	Boulder Hill	251 Fernwood Rd	03-04-277-019	Robles	20-013
2/4/2020		2/14/2020	1/31/2020	Prohibited Trailer parking	Boulder Hill	3 Creve Ct.	03-05-454-028	Chamberlain	20-012
3/11/2020		2/29/2020	1/31/2020	Prohibited Commercial truck	Boulder Hill	106 Tealwood Rd	03-04-408-003	Kubica Wieslaw	20-011
12/3/2020		3/6/2020	1/28/2020	Operating Business in R-2	Highpoint Hills	8751 C E. Highpoint Rd Highpoint Hills	05-18-300-005	Drake	20-010
7/6/2020		2/27/2020	11/26/2019	Multiple Violations		1026 Harvey Rd	03-12-100-002	Navarro	20-009
2/25/2020		2/18/2020	12/26/2019	Prohibited Boat parking	Boulder Hill	14 Scarsdale Rd.	03-05-454-027	Franzen	20-008
1/30/2020		1/31/2020	12/17/2019	Prohibited Trailer parking	Boulder Hill	54 Springdale Rd.	03-04-477-025	Johnson	20-007
3/16/2020		2/1/2020	12/11/2019	Prohibited Sign	FOFC	Fields Dr	02-35-301-007	Municipal Bank%Besiri Adil	20-006
3/16/2020		2/1/2020	12/11/2019	Prohibited Sign	FOFC	Audrey & Gilda Ct	02-35-413-014	Municipal Bank%Besiri Adil	20-005
12/30/2019		12/25/2019	12/11/2019	Prohibited Banner Sign	Boulder Hill	140 Saugatuck Rd	03-03-352-004	Cadena	20-004
12/24/2019		12/23/2019	12/4/2019	Prohibited RV/trailer parking	Boulder Hill	14 Ridgefield Rd.	03-09-152-019	Gonzalez	20-003
12/17/2019		12/16/2019	12/3/2019	Zoning Setback violations		9312 Millbrook Rd	04-22-300-005	Graves	20-002
3/9/2020		1/13/2020	11/7/2019	Multiple Violations - No permits		9923 Walker Rd	05-21-300-002	JK Property,% Calder	20-001
O Closed	PBZ SAO	Follow up	Opened	Description	Subdivision	Address	Parcel #	Name	Violation

SIIS/ZI CON F

20-062 Sanchez	20-061 Sutphin, Jr.	20-060 McBroom	20-059 Lemaster	20-058 Wargo	20-057 Boulder Hi	20-056 Kelley	20-055 White	20-054 Sexton	20-053 Kline	20-052 Aulabaugh	20-051 Vancil	20-050 Bristol Parl	10010
					Boulder Hill Property LLC							Bristol Park Properties LLC	
03-12-203-011	03-09-105-004	03-04-305-025	03-04-253-024	03-04-477-038	03-05-401-003	09-22-400-003	02-34-276-001	02-34-276-002	03-04-277-017	09-22-400-002	01-20-302-003	02-15-153-007	TZO-07-CO-CO
29 Gastville St.	118 Circle Drive East	20 Wyndham Dr.	16 Winrock Rd	80 Springdale Rd	81 Boulder Hill Pass	2100 Bell Rd.	8100 Van Emmon Rd.	8070 Van Emmon Rd	247 Fernwood Rd	2154 Bell Rd.	37 Woodland Dr	43 Oak Street	23 MIGGII NG
Gastville Acreage	Boulder Hill	Boulder Hill	Boulder Hill	Boulder Hill					Boulder Hill		Sugarbrook		poulder mili
Landscape Bus. In R-3 zoning	Inoperable Vehicle	Inoperable Vehicle	Inoperable Vehicle	Inoperable Vehicles	Sign - Zoning Violation	Multiple Violations	Prohibited RV/trailer parking	Prohibited Trailer parking	Prohibited camper parking	Junk & Debris	2 Occupied RV's	Multiple Violations	moperation vertical
11/19/2020	9/10/2020	10/6/2020	11/19/2020 3/3/2021	11/16/2020 12/30/2020	11/16/2020 12/18/2020	10/21/2020 3/1/2021	11/5/2020	11/5/2020	11/9/2020	10/21/2020 12/17/2020	8/14/2020 1/15/2021	10/16/2020 12/3/2020	2/2/2020
11/19/2020 12/30/2020 B-F/U 5/1/2021	9/10/2020 12/30/2020	10/6/2020 12/30/2020	3/3/2021	12/30/2020	12/18/2020	3/1/2021	11/5/2020 12/17/2020	11/5/2020 12/17/2020	11/9/2020 12/17/2020	12/17/2020	1/15/2021	12/3/2020	2/2/2020 12/2/2020
1/5/2021	12/28/2020	1/11/2021			12/10/2020		12/10/2020	12/10/2020	12/21/2020	12/21/2020	12/28/2020	12/3/2020	
				W.) 1 3000	-								•
				WILLIAM MEXAL									

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2019 VIOLATIONS

	10/25/2010	7/25/2019	Multiple Violations	Boulder Hill	20 Wyndham Dr	03-04-305-025	McBroom	10 000
8/12/2019	8/8/2019	7/25/2019	Prohibited Camper Parking	Boulder Hill	44 Marnel Rd	03-04-326-001	McNeilly	19-097
8/8/2019	8/7/2019	7/24/2019	Prohibited Boat Parking	Boulder Hill	50 Longbeach Rd	03-04-328-013	Bolf	19-096
8/8/2019	8/7/2019	7/24/2019	Prohibted Trailer Parking	Boulder Hill	180 Boulder Hill Pass	03-04-352-025	Morelli	19-095
8/13/2019	8/18/2019	7/24/2019	Inoperable Vehicle	Schaefer Woods N	12573 Woodview St	01-25-378-001	White	19-094
8/14/2019	8/7/2019	7/24/2019	Multiple Violations		8042 Van Emmon Rd.	02-34-276-003	Rangel	19-093
9/11/2019	9/9/2019	7/23/2019	Prohibited Trailer parking	Boulder Hill	32 Saugatuck Rd	03-04-380-008	Stradal	19-092
8/23/2019	8/25/2019	7/18/2019	Junk & Debris	Boulder Hill	9 W. Aldon Ct.	03-05-253-027	Gambino	19-091
7/24/2019	7/25/2019	7/11/2019	Multiple Violations	Boulder Hill	135 Saugatuck Rd.	03-03-351-009	Diaz	19-090
7/24/2019	7/25/2019	7/11/2019	RV on non approved surface	Boulder Hill	53 Sonora Dr	03-04-431-002	Urbanova	19-089
12/16/2019	7/20/2020	7/10/2019	Prohibited RV Parking	Boulder Hill	18 Ridgefield Rd	03-09-152-021	Greenslade	19-088
8/5/2019	8/5/2019	7/3/2019	Site work without permit	Light Rd Ind Park	Lot 6-8 Commerce Rd	02-12-428-001	Majey Concrete, Inc.	19-087
7/1/2019	7/10/2019	6/26/2019	Business in R6 zoning	Boulder Hill	67 Stratford Rd.	03-04-452-007	Wollwert	19-086
7/10/2019	7/10/2019	6/26/2019	Prohibited trailer parking	FOFC	5727 Fields Dr	02-35-380-005	Whaley	19-085
7/10/2019	7/5/2019	6/21/2019	Prohibited Boat Parking	FOFC	7715 Madeline Dr	02-35-384-001	Netzel	19-084
7/10/2019	7/5/2019	6/21/2019	Prohibited Trailer parking	FOFC	7747 Madeline Dr	02-35-310-006	Forbes	19-083
7/24/2019	7/24/2019	6/12/2019	Boat parket in required front yard	Boulder Hill	51 Old Post Rd	03-09-103-008	Cerny/Grzetic	19-082
9/11/2019	9/9/2019	6/12/2019	Inoperable Vehicles	Boulder Hill	18 Greenfield Rd.	03-05-429-008	Braves Realty/Jarrett	19-081
7/23/2019	7/20/2019	6/12/2019	Prohibited Trailer parking	Boulder Hill	13 Circle Drive East	03-05-429-016	Ramirez	19-080
7/10/2019	7/11/2019	6/10/2019	Prohibited Trailer parking	Boulder Hill	35 Old Post Rd	03-08-227-042	Gervias	19-079
7/30/2019	7/26/2019	6/10/2019	Multiple Violations	Boulder Hill	53 Sheffield Rd	03-04-476-002	Smith	19-078
7/2/2019	7/11/2019	6/10/2019	Prohibited trailer parking	Boulder Hill	6 Pembrooke Rd	03-04-155-004	Gossett	19-077
6/27/2019	6/24/2019	6/10/2019	Prohibited trailer parking	Boulder Hill	5 Pendleton Pl	03-04-281-003	Gallegos	19-076
6/11/2019	7/15/2019	6/5/2019	Inoperable Vehicle	Boulder Hill	16 Ingleshire Rd	03-04-177-023	Brooks	19-075
7/23/2019	7/26/2019	6/4/2019	Trucking Business Prohibited	Langeland's	14625 Jughandle Rd	09-15-300-008	Weder	19-074
6/28/2019	6/27/2019	6/3/2019	Inoperable Vehicle/Junk & Debris		522 Dickson Rd	02-03-400-005	Porter/Fischer	19-073
7/1/2019	6/30/2019	6/3/2019	3 Inoperable Vehicles	Boulder Hill	131 Circle Dr W	03-09-155-005	Persons	19-072
6/28/2019	6/28/2019	5/29/2019	Junk & Debris	Boulder Hill	51 Springdale Rd	03-04-478-005	Garcia	19-071
9/11/2019	9/19/2019	5/29/2019	Junk & Debris	Boulder Hill	55 Longbeach Rd	03-04-379-002	Akers	19-070
6/5/2019	6/4/2019	5/21/2019	Prohibited Boat Parking	FOFC	5896 Fields Dr.	02-35-381-006	C T&T# 133412	19-069
6/5/2019	6/4/2019	5/21/2019	Inoperable Vehicle	Boulder Hill	17 Fieldpoint Rd.	03-08-277-024	Lamberty	19-068
							Void	19-067
6/3/2019	5/31/2019	5/17/2019	Prohibited Trailer Parking	Boulder Hill	31 Whitney Way	03-04-329-012	Machado	19-066
6/19/2019	6/17/2019	5/16/2019	Prohibited RV & Boat parking	Boulder Hill	29 Guilford Rd	03-08-202-015	Lazaroski	19-065
6/19/2019	6/15/2019	5/16/2019	Prohibited RV Parking	Boulder Hill	8 Pickford Rd	03-08-279-002	Yates	19-064
6/10/2019	6/10/2019	5/16/2019	Prohibited RV Parking	Boulder Hill	13 Pickford Rd.	03-08-278-017	Reinert	19-063
8/28/2019	8/19/2019	5/16/2019	Prohibited Boat parking	Boulder Hill	54 Marnel Rd.	03-04-326-006	Valenzuela/Ibarra	19-062
6/3/2019	5/30/2019	5/16/2019	Inoperable Vehicle	Boulder Hill	102 Circle Drive W	03-08-278-010	Fecarotta	19-061
6/3/2019	5/30/2019	5/16/2019	Inoperable Vehicle	Boulder Hill	9 Fieldpoint Rd.	03-08-277-020	Myles	19-060
6/3/2019	5/30/2019	5/16/2019	Prohibited Boat parking	Boulder Hill	7 Fieldcrest Dr	03-08-280-029	Stiles	19-059
6/3/2019	5/29/2019	5/15/2019	Inoperable Vehicle	Boulder Hill	45 Whitney Way	03-04-329-019	Castillo	19-058
7/1/2019	6/27/2019	5/15/2019	Prohibited Trailer Parking	Boulder Hill	36 Circle Dr W	03-05-454-008	Avila, Munoz, Rubio	19-057
6/12/2019	6/12/2019	5/15/2019	Prohibited RV Parking	Boulder Hill	6 Crescent Ct.	03-04-376-037	Casner	19-056
5/29/2019	5/29/2019	5/15/2019	Inoperable Vehicle	Boulder Hill	16 Cebold Dr	03-08-280-008	Henn	19-055
5/23/2019	5/29/2019	5/15/2019	Shed - no permit	Boulder Hill	44 Winrock Rd	03-04-405-017	Tierney	19-054
6/17/2019	6/16/2019	5/15/2019	Prohibited Boat parking	Boulder Hill	3 Cebold Dr	03-08-253-016	Rudow/Andrews	19-053
6/3/2019	5/29/2019	5/15/2019	Inoperable Vehicle	Boulder Hill	67 Old Post Rd	03-09-104-011	Arenas	19-052
6/3/2019	5/29/2019	5/15/2019	Inoperable Vehicle	Boulder Hill	22 Fieldpoint Rd	03-08-278-002	Likar	19-051
2/27/2020	8/1/2019	5/13/2019	Multiple Violations		1038 Harvey Rd	03-12-100-004	Martinez	19-049

2018 VIOLATIONS

	ı	ı	ı	,	h						
7 77	11/13/2019			12/2/2019	11/21/2018	Mobile Home Violation		09-04-300-017 3827 Van Dyke Rd	09-04-300-017	Allen	V18-102
a de la	12/21/2018			12/14/2018	11/19/2018	Multiple Violations		02-15-177-005 2480 A Bristol Rdg Rd	02-15-177-005	Coulouris & Dublin	V18-101
"Peseuchlin	-			7/31/2019	11/14/2018	Junk & Debris		120 Augusta Rd	03-07-252-012	Schmidt	V18-100
•	11/20/2018			12/14/2018	11/14/2018	Stormwater Violation		West Beecher Rd	02-06-400-005	Auer	V18-099
	11/13/2018			11/21/2018	11/7/2018	Inoperable Vehicle	Boulder Hill	29 Circle Drive E	03-05-428-002	Stukas	V18-098
	12/3/2018			12/3/2018	11/7/2018	Illegal Home Occupation/Commercial Vans	Boulder Hill	63 Old Post Rd	03-09-104-009	Ortiz	V18-097

PRE-VIOLATION REPORT 2021

Date Opened	Parcel #	Address	Subdivision	Description of Complaint	Inspection Date	Comments	F/Up	Closed	Violation Y/N
12/1/2020	03-08-280-022	8 Barclay Ct. Montgomery	Boulder Hill	Animals living in shed	12/3/2020	No evidence of animals		12/3/2020	N
12/3/2020	03-04-454-020	73 Saugatuck Rd	Boulder Hill	House Fire	12/3/2020	Applied for BP #19-2021-016	1/5/2021	1/11/2021	N
12/8/2020	02-34-176-003	34 Riverside St. Yorkville	Fox River Gardens	Remodeling w/o permit-bus out of home	12/8/2020	Remodeling permit not required	1,3,2021	12/8/2020	N
12/9/2020	09-33-300-003	3526 Holt Rd. Minooka		Banquet business - Rustic Roots	12/16/2020	Not enough evidence		12/16/2020	
12/14/2020		8045 Van Emmon Rd. Yorkville	Hideaway Lakes Campground	No water for 4 days		Referred to Il Dept of Health		12/15/2020	N
1/7/2021	02-27-401-002	8045 Van Emmon Rd. Yorkville	,	Construction - no permit	1/14/2021	New Owner-cosmetic work		1/14/2021	N
1/12/2021	03-05-432-014	32 Seneca Dr. Montgomery	Boulder Hill	Garage Fire	1/7/2021	Applied for BP 03-2021-020		1/14/2021	N
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Permit Summary by Category Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	3	\$1,441,660	\$4,759	\$1,859
Garage	1	\$130,000	\$590	\$0
Accessory Buildings	3	\$44,000	\$711	\$0
Additions	1	\$35,000	\$224	\$0
Demolitions	2	\$118,000	\$0	\$0
Electrical Upgrades	1	\$700	\$200	\$0
Fire Restoration	1	\$5,000	\$560	\$0
Generator	2	\$12,700	\$220	\$0
Solar	2	\$43,595	\$400	\$0
	16	\$1 830 655	\$7,665	\$1.859

Permit Approval Date Report Kendall County

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İssue	Permit ID	Parcel Number			
Date	Permit Category	Owner Name	Property Address	Subdivision	Contractor Name
1/21/2021	012021021 01 House	08-03-200-002 PEARCE KIMBERLY A & KENDALL	12307 ASHLEY RD NEWARK, IL 60541-		BUILD SIMPLY MODERN
1/28/2021	012021023 01 House	06-05-393-002 BRAD & DIANA SELLERS	4565 WAAKEESHA DR OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 2	REVOLUTION BUILDERS
1/29/2021	022021026 02 Garage	05-17-200-003 KAYTANA PROPERTIES LLC AMENT	10021 AMENT RD YORKVILLE, IL 60560-		LESTER BUILDINGS
1/14/2021	032021020 03 Accessory Buildings	03-05-432-014 OLD SECOND NATIONAL BANK	32 SENECA DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	BOB LEE CONSTRUCTION
1/13/2021	032021015 03 Accessory Buildings	03-32-352-007 MAECHTLE STEPHEN J & CASINO PAMELA D	63 TOMAHAWK TRL OSWEGO, IL 60543-	ARROWHEAD HILLS	182
1/4/2021	042021012 04 Additions	02-35-380-009 PHILLIPS MATT & TONYA	5653 FIELDS DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 3	
1/15/2021	052021010 05 Remodeling	04-16-205-003 OLIVER HOFFMAN FOUNDATION	8225 FOX RIVER DR NEWARK, IL 60541-		MALL BUILDERS
1/21/2021	152021022 15 Electrical Upgrades	03-23-276-001 CLP GROUP INC / ROBERT MUNGO	3112 ROTH RD OSWEGO, IL 60543-		
1/11/2021	192021016 19 Fire Restoration	03-04-454-020 FELECIANO HEATHER	73 SAUGATUCK RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 19	INVISO SERVICES
1/14/2021	232021018 23 Generator	02-36-106-006 BAUGHMAN ROBERT & VICKI	233 FOXTAIL LN YORKVILLE, IL 60560-	FARM COLONY UNIT 2 PHAE 3	BAKER ELECTRIC
1/14/2021	232021017 23 Generator	06-07-130-001 WILSON CHRISTOPHER E &	7148 IRONWOOD CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	NICK MIKENTINAC - NMM INC.
Conveight (C) 4	Convight (C) 1997-2021 DEVINET Incorporated	•			

PHERBER

Permit Approval Date Report Kendall County

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01/01/2021 Thru 01/29/2021

1/4/2021		1/14/2021	Date	Issue
242021014 24 Solar	24 Solar	1/14/2021 242021019	Permit Category	Permit ID
03-12-204-004 LIPPOLD CURTIS	WYKES JOHN A & CHRISTINE	01-10-200-004	Owner Name	Parcel Number
22 GASTVILLE ST AURORA, IL 60503-	60545-	14176 SEARS RD PLANO, IL	Property Address	
GASTVILLE			Subdivision	
VIVINT SOLAR DEVELOPER, LLC		TRON SOLAR LLC	Contractor Name	

PLANNING BUILDING & ZONING RECEIPTS 2021

	BUILDING	ZONING	LAND-	OFFSITE	MONTHLY	TOTAL	MONTHLY	TOTAL
DATE	FEES	FEES	CASH	ROADWAY	FY 21	FY 21	FY 20	FY 20
December	\$4,495.00	\$2,071.00	\$1,814.10	\$0.00	\$8,380.10	\$8,380.10	\$16,500.43	\$16,500.43
January	\$6,161.78	\$1,966.50	\$5,021.91	\$2,000.00	\$15,150.19	\$23,530.29	\$11,918.63	\$28,419.06
February							\$3,356.00	\$31,775.06
March							\$26,655.13	\$58,430.19
April							\$10,787.73	\$69,217.92
May							\$23,443.29	\$92,661.21
June							\$40,945.81	\$133,607.02
July							\$18,116.22	\$151,723.24
August							\$10,631.62	\$162,354.86
September							\$24,800.06	\$187,154.92
October							\$16,804.62	\$203,959.54
November							\$4,518.96	\$208,478.50
TOTAL	\$10,656.78	\$4,037.50	\$6,836.01	\$2,000.00	\$23,530.29			