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**KENDALL COUNTY**  
**PLANNING, BUILDING & ZONING COMMITTEE MEETING**  
111 West Fox Street • Rooms 209 and 210  
• Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

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**AGENDA**

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Monday, March 8, 2021 – 6:30 p.m.  
(Hybrid Attendance)

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 February 8, 2021 Meeting (Pages 4-19)

PUBLIC COMMENT:

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 20-22)

PETITIONS:

1. **Petition 21 – 03 – Larry Nelson on Behalf of the L and P Nelson Trust 103 (Pages 23-159)**

Request: Major Amendment to the Special Use Permit Granted by Ordinance 2016-21 By Expanding the Uses (Banquet Facility, Nano Brewery, Micro Distillery, Year Round Seasonal Festival with Petting Zoo, Production and Sale of Sweet Cider) Allowed by Ordinance 2016-21 and Related Variances to the Property East of Creek Road and Removing the Maximum Building Number Requirement Contained in Ordinance 2016-21

PINs: 01-16-300-007 and 01-21-100-005

Location: 3210 Creek Road, Plano, Little Rock Township

Purpose: Petitioner Wants To Expand the Uses and Variances Allowed by Ordinance 2016-21 to the East Side of Creek Road and Remove the Maximum Building Number Requirement; Property is Zoned A-1 Agricultural

2. **Petition 21 – 09 – Librado Joaquin (Pages 160-168)**

Request: Revocation of a Special Use Permit Granted For the Sale of Agricultural Products Not Grown on the Property Granted by Ordinance 1999-24

PIN: 03-27-377-015

Location: 2543 Simons Road, Oswego Township

Purpose: Petitioner Wants the Special Use Permit Revoked; Property is Zoned A-1 Agricultural

NEW BUSINESS:

1. Approval of a Request from Greg Dady on Behalf of DTG Investments, LLC for a Maximum One Hundred Twenty (120) Day Warning Period to Remove the Truck Parking Area and Yard Business at 3485 Route 126 (PIN: 06-09-400-005) in Na-Au-Say Township and Establishing a Procedure for Placing Tenants at the Property (Page 169)
2. Approval of a Request from the Ministry of Reconciliation for a Waiver of the Requirement to Submit a Site Plan with an Application for Special Use Permit for a Place of Worship at the Property Located Between 5375 and 5313 Route 34 (PIN: 03-18-403-016) in Oswego Township; Property is Zoned B-2 General Business District (Pages 170-173)

OLD BUSINESS:

1. 2020 County-Wide Building Permit Memo (Page 174)
2. Approval of Letter to Local Legislators Regarding the Abandoned Property Program from the Illinois Housing Development Authority (Page 175)
3. Discussion of Inoperable Vehicle Ordinance in Relation to Towing Procedures; Committee Could Refer the Matter to the State's Attorney's Office (Page 176-179)

REVIEW VIOLATION REPORT (Pages 180-184):

1. 1038 Harvey Road
2. 2511 Wildy Road

REVIEW NON-VIOLATION REPORT (Page 185):

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

1. Follow-Up on February 10, 2021, Meeting with Local Historic Preservation Organizations
2. February 10, 2021, Letter to Colleen Callahan from Megan J. Brown Regarding Kendall County's Certified Local Government Program Application (Pages 186-188)

REVIEW PERMIT REPORT (Pages 189-195):

REVIEW REVENUE REPORT (Page 196):

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.

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## Kendall County Planning, Building and Zoning Committee 03-08-2021 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 Committee Meeting scheduled for Monday, March 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 County Board Room located in Rooms 209 and 210 of the Kendall County Office Building at 111 W. Fox Street, 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](mailto: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.

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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.**

**Hybrid Attendance**

**Meeting Minutes of February 8, 2021 – Unofficial until approved**

**CALL TO ORDER**

The meeting was called to order by Chairman Gengler at 6:30 p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers (Attended Remotely), Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman) (Attended Remotely), Matt Kellogg, and Dan Koukol (Arrived at 6:33 p.m.)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Aaron Rybski, Gregg Ingemunson, Greg Dady, and Dan Kramer (Attended Remotely)

**APPROVAL OF AGENDA**

Member Kellogg made a motion, seconded by Member Flowers, to approve the agenda as presented.

The votes were as follows:

Yeas (4): Flowers, Gengler, Gilmour, and Kellogg

Nays (0): None

Abstain (0): None

Absent (1): Koukol

The motion carried.

**APPROVAL OF MINUTES**

Member Kellogg made a motion, seconded by Chairman Gengler, to approve the minutes of the January 11, 2021, meeting.

The votes were as follows:

Yeas (4): Flowers, Gengler, Gilmour, and Kellogg

Nays (0): None

Abstain (0): None

Absent (1): Koukol

The motion carried.

**PUBLIC COMMENT**

None

Dan Koukol arrived at this time (6:33 p.m.).



## **EXPENDITURE REPORT**

The Committee reviewed the expenditure report from January 2021.

## **NEW BUSINESS**

### **Health Department's Plano Transfer Station Inspection and Audit**

Aaron Rybski, Kendall County Health Department, noted that the Plano Transfer Station provided the County notice that the Station was going to increase their tonnage per day. This increase triggered a payment of Ten Cents (\$0.10) per ton and audit requirements. The Health Department created a procedure for inspections. Marlin Hartman would do the inspections.

Member Koukol asked about garbage on Galena Road west of Route 47 in the ditch. He requested the Health Department investigate the matter. Mr. Rybski reported that the Transfer Station said that they would look into the situation.

Chairman Gengler asked when the agreement was made. Mr. Rybski responded 2014.

Mr. Rybski discussed the materials collected and operations by Midwest Materials.

Member Gilmour asked about collection numbers. Mr. Rybski responded six hundred twenty (620) tons. The fee would be triggered when they collect seven hundred fifty (750) tons per day. The fee is paid to the County quarterly. They will hit seven hundred fifty (750) tons in a year or two (2).

## **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.”

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. 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 Blocker was provided. 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 were provided.

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 a 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 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 minutes of the meeting were provided.

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 was provided. The Illinois Department of Transportation's Five (5) Year Functional Classification Map for Kendall County was also provided. A copy of the draft ordinance was provided.

Gregg Ingemunson, Attorney for the Petitioner, noted that they tried to limit the text amendment to only a few properties in the County.

Member Flowers asked if the property met the new, restricted criteria. Mr. Asselmeier responded that the property met the new criteria.

Member Kellogg asked about text amendments for businesses. Mr. Asselmeier explained how the County reviewed text amendment proposal, specifically referencing the cannabis related regulations. He noted that some special uses have multiple restrictions in the Zoning Ordinance and some uses have minimal restrictions. Mr. Asselmeier explained that variances could be granted if a future petitioner had a hardship where they could not meet the requirements in the Zoning Ordinance. Member Kellogg expressed concerns that future petitioners would have to ask for variances because the criteria was too strict.

Member Kellogg felt the use was too intense for the A-1 District and that the number of vehicles allowed per acre or per lot should be examined. He also expressed concerns about enforceability and potential litigation if the ordinance is worded too narrowly.

Mr. Ingemunson requested direction from the Board regarding restrictions.

Member Kellogg expressed concerns that the Petitioner was not following the proposed conditions in the proposed special use permit, specifically hours of operation. He also expressed concerns about traffic safety on Route 126.

Chairman Gengler asked about township comments. Mr. Asselmeier noted that Na-Au-Say Township was the only township to submit comments. The County has made text amendments more restrictive after township review. The Committee could refer the matter back to the Zoning Board of Appeals.

Member Gilmour stated that she agreed with Member Kellogg, specifically that the location was a dangerous location for this type of use. Member Gilmour also asked if the other advisory boards had reviewed the revised proposal. Mr. Asselmeier responded no, but the matter could be referred back for additional review.

Chairman Gengler questioned the relationship of the proposed use to agricultural uses. He did not see the proposed use as agricultural related.

Member Kellogg had no objections to ServPro or a landscaping business operating at the property because the uses were not intense.

Mr. Asselmeier noted that the proposed special use added additional restrictions to the proposed use.

Greg Dady noted that the tenant has looked at other locations for truck storage.

Member Gilmour asked about enforcement. Mr. Asselmeier said that the Planning, Building and Zoning Department would enforce the special use permit.

Chairman Gengler made a motion, seconded by Member Kellogg, to recommend approval of the text amendment.

The votes were as follows:

Yeas (0): None  
Nays (4): Flowers, Gengler, Gilmour, and Kellogg  
Abstain (1): Koukol  
Absent (0): None

The motion carried.

The proposal goes to the Committee of the Whole on February 11, 2021.

Discussion occurred regarding enforcing the Zoning Ordinance, if the text amendment is denied.

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

The Committee laid over Petition 20-05 to wait on the County Board's decision on Petition 20-02.

## **NEW BUSINESS**

### **Approval of 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**

Mr. Asselmeier summarized the request.

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.

A draft resolution was provided.

This is the first requested extension.

Member Kellogg made a motion, seconded by Member Koukol, to recommend approval of the requested extension.

Dan Kramer, Attorney for the Petitioner, said the proposal will be going to the Village of Shorewood's boards in March.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on February 16, 2021, on the consent agenda.

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

Mr. Asselmeier summarized the request.

The Intergovernmental Agreement between Kendall County and the United City of Yorkville for reciprocal building inspection services expires in February.

A renewal proposal was provided. Other than dates, there were no changes to the agreement from the 2020 version.

The United City of Yorkville will be reviewing the proposal during their meetings in February.

Member Kellogg made a motion, seconded by Member Koukol, to recommend approval of the intergovernmental agreement.

The votes were as follows:

Yeas (5):        Flowers, Gengler, Gilmour, Kellogg, and Koukol  
Nays (0):        None  
Abstain (0):    None  
Absent (0):     None

The motion carried.

The proposal goes to the County Board on February 16, 2021, on the consent agenda.

*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*

Mr. Asselmeier summarized the issue.

The County is required to publish the notice annually in the first quarter of the year, per the County's Noxious Weed Work Plan.

Member Koukol made a motion, seconded by Member Kellogg, to recommend approval of publishing the notice.

The votes were as follows:

Yeas (5):        Flowers, Gengler, Gilmour, Kellogg, and Koukol  
Nays (0):        None  
Abstain (0):    None  
Absent (0):     None

The motion carried.

The proposal goes to the County Board on February 16, 2021, on the consent agenda.

*Approval of Notice of Intent for Renewal of General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's)*

Mr. Asselmeier summarized the issue.

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.

Member Kellogg made a motion, seconded by Member Koukol, to recommend approval of the Notice of Intent for Renewal of General Permit for Dischargers from Small Municipal Separate Storm Sewer Systems.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on February 16, 2021 on the consent agenda.

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

Mr. Asselmeier summarized the issue.

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 a scope of work which includes a not to exceed amount of Three Thousand One Hundred Dollars (\$3,100).

Staff requested guidance as to whether or not the Committee would like WBK to conduct the work outlined in the proposal.

Member Kellogg made a motion, seconded by Member Koukol, to recommend approval of the proposal.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on February 16, 2021 on the consent agenda.

Follow-Up on Kendall County Regional Planning Commission Annual Meeting

Mr. Asselmeier provided a report from the Annual Meeting.

Mr. Asselmeier reported the summary for 2020 and 2021 future projects and goals.

Thirty-two (32) Petitions Filed in 2020; forty-six (46) Petitions Filed in 2019; thirty-three (33) Petitions Filed in 2018; thirty-three (33) Petitions Filed in 2017.

Thirty-four (34) New Housing Starts in 2020; twenty (20) New Housing Starts in 2019.

Three hundred twenty-six (326) Total Permits in 2020; two hundred fifty-seven (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 Ten (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 (4) 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.

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.

In 2020, there were five (5) new special use permit applications initiated; three (3) of these are on-hold cannabis related special uses.

Regarding major amendments to special uses, there were (0) in 2020.

Regarding minor amendments to special uses, there was one (1) in 2020.

There was one (1) special use permit revocation.

There were zero (0) special use permit renewals.

There were five (5) stand-alone variances.

There were two (2) administrative variances.

There were zero (0) stormwater variance.

There was one (1) approved conditional use permit.

There was one (1) approved temporary use permit.

There was one (1) site plan review.

There were two (2) plats of vacation.

There was one (1) preliminary and final plat approved.

There were four (4) text amendments initiated.

There was two (2) Land Resource Management Plan initiated; one (1) was approved and one (1) was withdrawn.

There were two (2) map amendments approved initiated.

There were two (2) Stormwater Ordinance Related amendments.

There were no historic landmarks.

There were (2) text amendments to the Historic Preservation Ordinance.

There were nine (9) ZPAC meetings in 2020.

The Regional Planning Commission met eight (8) times in 2020, including the Annual Meeting.

The Zoning Board of Appeal met eight (8) times in 2020.

The Historic Preservation Commission met eight (8) times in 2020.

The Stormwater Management Oversight Committee met one (1) time in 2020.

The Comprehensive Land Plan and Ordinance Committee met six (6) times in 2020.

The Planning, Building and Zoning Committee met thirteen (13) times in 2020.

Of the twenty-six (26) ordinances approved by the County Board in 2020, thirteen (13) were Planning and Building related.

The Department investigated zero (0) noxious weed violations in 2020.

In 2020, there were thirty-four (34) single-family residential permits approved in the unincorporated area. The breakdown by township and subdivision was provided to the Commission.

The Code Inspector did two hundred thirteen (213) site visits inspections in 2020.

There were two hundred fifty-six building related violation investigations in 2020 compared to four hundred six (406) building related violations in 2019. There were fourteen (14) zoning related violations in 2020 compared to seven (7) the previous year.

Total permits issued were three hundred thirty (330) in 2020 compared to two hundred sixty-one (261) in 2019.

Member Koukol said the meeting was informational and attendees came from all over the County.

Chairman Gengler said that he was glad to get an update from the municipalities.

#### 2020 County-Wide Building Permit Memo

This matter was laid over until the figures are received from the Village of Oswego

#### Discussion of the Abandoned Property Program from the Illinois Housing Development Authority; Committee Could Approve a Letter to Local Legislators

Mr. Asselmeier summarized the issue.

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.

Member Gilmour asked about numbers of abandoned properties. Mr. Asselmeier will reach out to the townships to see if other townships are mowing abandoned properties. The County is not cutting grass on private property.

Mr. Asselmeier explained how the grant is administered and the documents that must be submitted to the State as part of the program.

Member Flowers asked about the work level. Mr. Asselmeier said that the County would have minimal time commitment because the townships would be responsible for administering the grant.

Member Gilmour made a motion, seconded by Member Flowers, to draft the letter.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Koukol

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

Mr. Asselmeier will draft the letter and bring it to the March Committee meeting.

*Discussion of Inoperable Vehicle Ordinance in Relation to Towing Procedures; Committee Could Refer the Matter to the State's Attorney's Office*

Mr. Asselmeier summarized the issue.

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 was provided.

Staff requests guidance as to how to proceed.

Member Koukol stated that, from a financial perspective, it is not worth the cost of time and effort when compared to the value of the car.

Agricultural vehicles are exempt from the Inoperable Vehicle Ordinance.

The consensus of the Committee was to have Staff research the number of vehicles and properties impacted.

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

Mr. Asselmeier provided background on the issue.

Even though the citation procedure allows for the issuance of citations without warning, the Department's policy has been voluntary compliance.

The consensus of the Committee was to keep the thirty (30) day warning time and keeping the voluntary compliance policy.

**OLD BUSINESS**

None

**REVIEW VIOLATION REPORT**

The Committee reviewed the violation report.

Update on 45 Cheyenne Court

Mr. Asselmeier announced the owner completed the siding and pled guilty. The fine of One Thousand Five Hundred Dollars (\$1,500) must be paid by the middle of August.

Update on 2511 Wildy Road

Mr. Asselmeier provided an update on the Wildy Road property. The consensus of the Committee was to have a meeting with the State's Attorney's Office and Sheriff's Department to discuss the definition of business and strategies for ordinance enforcement.

**REVIEW NON-VIOLATION REPORT**

The Committee reviewed the non-violation report.

**UPDATE FOR HISTORIC PRESERVATION COMMISSION**

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

Mr. Asselmeier reported that the Historic Preservation Commission meeting is February 10<sup>th</sup>. There are fourteen (14) people that have RSVP'd for the meeting. Jon Pressley from the Illinois Historic Preservation Agency will be the guest speaker.

**REVIEW PERMIT REPORT**

The Committee reviewed the report.

**REVIEW REVENUE REPORT**

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS**

None

## **EXECUTIVE SESSION**

None

## **ADJOURNMENT**

Member Kellogg made a motion, seconded by Member Koukol, to adjourn.

The votes were as follows:

Yeas (5):        Flowers, Gengler, Gilmour, Kellogg, and Koukol

Nays (0):        None

Abstain (0):    None

Absent (0):     None

The motion carried.

Chairman Gengler adjourned the meeting at 8:05 p.m.

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

Enc.

**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
FEBRUARY 8, 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)
<i>Arren Rybski</i>	<i>KENDALL HEALTH</i>	<i>ARYBSKI@CO.KENDALL.IL.US</i>
<i>Gary Ingram</i>		

02/05/2021 08:56  
pherber

Kendall County  
PBZ 02052021

1P  
1apinvent



CLERK: pherber BATCH: 1275

NEW INVOICES

VENDOR REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE CHK/WIRE
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PENDING UNPAID INVOICES

135	00000 BUILDING & ZONIN 2/5/2021 - RPC & HPC			021521	4.55	.00	4.55	1099:
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CASH 000008	2021/03	INV 02/05/2021	SEP-CHK: N	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 02/05/2021	DESC:REFRESHMENTS FOR MEETING 2/6/2021		11001902 62000		4.55	1099:

CONDITIONS THAT PREVENT POSTING INVOICE 135/14481

\* Invoice must be approved or voided to post.

1153	00000 KENDALL CO HIGHW January 2021			021521	145.51	.00	145.51	1099:
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CASH 000008	2021/03	INV 02/05/2021	SEP-CHK: N	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 02/05/2021	DESC:PBZ TRUCK FUEL JANUARY 2021		11001902 62170		145.51	1099:

CONDITIONS THAT PREVENT POSTING INVOICE 1153/14476

\* Invoice must be approved or voided to post.

1165	00000 KENDALL COUNTY R 200			021521	268.00	.00	268.00	1099:
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CASH 000008	2021/03	INV 02/05/2021	SEP-CHK: N	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 02/05/2021	DESC:PBZ RECORDINGS JAN 2021		11001902 63700		268.00	1099:

CONDITIONS THAT PREVENT POSTING INVOICE 1165/14480

\* Invoice must be approved or voided to post.

1849	00001 VERIZON 9871689844			021521	98.81	.00	98.81	1099:
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CASH 000008	2021/03	INV 02/05/2021	SEP-CHK: N	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 02/05/2021	DESC:PBZ CELL PHONES		11001902 62070		98.81	1099:

CONDITIONS THAT PREVENT POSTING INVOICE 1849/14479

\* Invoice must be approved or voided to post.

1969	00000 RANDY ERICKSON JANUARY 2021			021521	1,350.00	.00	1,350.00	1099:7
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CASH 000008	2021/03	INV 02/05/2021	SEP-CHK: N	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 02/05/2021	DESC:JAN 2021 PLUMBING INSPECTIONS		11001902 63610		1,350.00	1099:7

CONDITIONS THAT PREVENT POSTING INVOICE 1969/14478

\* Invoice must be approved or voided to post.

5 PENDING UNPAID INVOICES	TOTAL	1,866.87
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02/22/2021 09:22  
pherber

Kendall County  
ZONING INVOICES 02222021

CLERK: pherber BATCH: 1315  
VENDOR REMIT NAME INVOICE PO CHECK RUN NET AMOUNT EXCEEDS PO BY PO BALANCE CHK/WIRE

PENDING UNPAID INVOICES

1928 00000 WBK ENGINEERING, 21859 022921 2,562.50 .00 .00

CASH 000008 2021/03 INV 02/22/2021 SEP-CHK: N DISC: .00 11001902 63630 2,562.50 1099:  
ACCT 1Y210 DEPT 19 DUE 02/22/2021 DESC:2021 KC NPDES MS4 Annual Report & NOI

CONDITIONS THAT PREVENT POSTING INVOICE 1928/14851

\* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 21843 022921 107.50 .00 .00

CASH 000008 2021/03 INV 02/22/2021 SEP-CHK: N DISC: .00 11001902 63630 107.50 1099:  
ACCT 1Y210 DEPT 19 DUE 02/22/2021 DESC:KC REVIEW SERVICES 1/1 - 1/30/2021

CONDITIONS THAT PREVENT POSTING INVOICE 1928/14852

\* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 21857 022921 436.00 .00 .00

CASH 000008 2021/03 INV 02/22/2021 SEP-CHK: N DISC: .00 180119 63150 436.00 1099:  
ACCT 1Y210 DEPT 19 DUE 02/22/2021 DESC:LOTS 6-10 LIGHT ROAD 19-06 -CONTSVC -002 WBK -

CONDITIONS THAT PREVENT POSTING INVOICE 1928/14853

\* Invoice must be approved or voided to post.

3 PENDING UNPAID INVOICES TOTAL 3,106.00

0 INVOICE(S) REPORT POST TOTAL .00

REPORT TOTALS .00

02/22/2021 08:30  
pherber

Kendall County  
PBZ 02222021 INVOICES

1 P  
1 apinvent



CLERK: pherber BATCH: 1314

NEW INVOICES

VENDOR REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
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PENDING UNPAID INVOICES

107	00000	AUTOMOTIVE SPECI	24478	022921	276.72	.00	.00
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CASH 000008	2021/03	INV 02/22/2021	SEP-CHK: N	DISC: .00			
ACCT 1X210	DEPT 19	DUE 02/22/2021	DESC:PBZ TRUCK - 2008 FORD F150		11001902 62170		276.72 1099:

CONDITIONS THAT PREVENT POSTING INVOICE 107/14850

\* Invoice must be approved or voided to post.

2063	00000	RUNCO OFFICE SUP	816389-0	022921	157.22	.00	.00
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CASH 000008	2021/03	INV 02/22/2021	SEP-CHK: N	DISC: .00			
ACCT 1X210	DEPT 19	DUE 02/22/2021	DESC:Office Supplies		11001902 62000		157.22 1099:

CONDITIONS THAT PREVENT POSTING INVOICE 2063/14849

\* Invoice must be approved or voided to post.

2	PENDING UNPAID INVOICES	TOTAL	433.94
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0	INVOICE(S)	REPORT POST TOTAL	.00
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REPORT TOTALS	.00
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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

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**Petition 21-03****Larry Nelson on Behalf of the L and P Nelson Trust 103  
Major Amendment to Existing A-1 Special Use for Banquet  
Facility, Micro Distillery, Nano Brewery, Production and Sale  
of Sweet Cider, Year Round Seasonal Festival with Petting Zoo,  
and Related Variances Granted by Ordinance 2016-21****INTRODUCTION**

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials are included as Attachment 1. The concept plan is included as Attachment 2. Ordinance 2016-21 is included as Attachment 3. The aerial of the property is included as Attachment 4.

**SITE INFORMATION**

PETITIONER Larry Nelson on Behalf of the L and P Nelson Trust 103

ADDRESS 3210 Creek Road

LOCATION East Side of Creek Road at the T-Intersection Created by Creek and Frazier Roads



TOWNSHIP Little Rock

PARCEL #S 01-16-300-007 and 01-21-100-005

LOT SIZE Expansion Area is 30.99 +/- Acres; Original Area is 45.85 +/- Acres

EXISTING LAND USE Agricultural and Woody's Orchard

ZONING A-1 Agricultural District and A-1 Special Use

LRMP	Current Land Use	Agricultural and Woody's Orchard
	Future Land Use	Rural Estate Residential (Max 0.45 Du/Acre) and Countryside Residential (Max 0.33 Du/Acre)
	Roads	Creek Road is a township maintained Local Road.
	Trails	The County has a trail planned along Creek Road north of Frazier Road.
	Floodplain/ Wetlands	The 100-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

REQUESTED ACTION Major Amendment to an Existing A-1 Special Use Permit for a Banquet Hall, Nano Brewery, Micro Distillery, Seasonal Festival with Petting Zoo, and Production and Sale of Sweet Cider with Variances

APPLICABLE REGULATIONS Section 7:01.D.12 – A-1 Special Uses – Permits Banquet Facilities with Certain Conditions

Section 7:01.D.12.a – Requires Banquet Facilities to be Located on an Arterial or Major Collector Road

Section 7:01.D.32 – A-1 Special Uses – Permits Micro Distilleries with Certain Conditions

Section 7:01.D.32.a – Requires Micro Distilleries to be Located on Major Collector of Higher Roads

Section 7:01.D.33 – A-1 Special Uses – Permits Nano Breweries with Certain Conditions

Section 7:01.D.33.a – Requires Nano Breweries to be Located on Major Collector of Higher Roads

Section 7:01.D.45 – A-1 Special Uses – Permits Production and Sale of Sweet Cider with Certain Conditions Including Setting a Maximum Building Square Footage at One Thousand (1,000) Square Feet.

Section 7:01.E.10 – A-1 Conditional Uses – Permits Seasonal Festivals with Petting Zoos with Certain Conditions

Section 7:01.E.10.i – Forbids the Sale of Alcohol at Seasonal Festivals

Section 7:01.E.10.j – Limits Seasonal Festivals to One (1) Event Per Year

Section 7:01.E.10.k – Limits Seasonal Festivals to Ninety (90) Consecutive Calendar Days

Section 7:01.G.2.b – Parking Not Allowed in Front Yard Setback Which is One Hundred Feet (100') from the Right-of-Way Line

Section 13:04 – Variance Procedures

Section 13.08 – Special Use Procedures

#### **SURROUNDING LAND USE**

<b>Location</b>	<b>Adjacent Land Use</b>	<b>Adjacent Zoning</b>	<b>Land Resource Management Plan</b>	<b>Zoning within ½ Mile</b>
North	Agricultural	A-1	Rural Estate Residential (Max 0.45 DU/Acre)	A-1 and R-3
South	Agricultural	A-1	Commercial	A-1
East	Agricultural/Wooded Outlot of Residential Subdivision	A-1 (County)  AG-1 (Plano)	Open Space/Low Density Residential (Max 2.25 DU/Acre)/General Business (Plano)	A-1 (County)  AG-1, F-1, R-5, B-2, and B-5



				(Plano)
West	Agricultural/Residential	A-1 and A-1 SU	Agricultural/Countryside/Residential (Max 0.33 DU/Acre)/Commercial	A-1 and A-1 SU

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

## **PHYSICAL DATA**

### **ENDANGERED SPECIES REPORT**

EcoCat submitted on January 5, 2021, and consultation was terminated (see Attachment 1, Pages 13-15)

### **NATURAL RESOURCES INVENTORY**

NRI application submitted on January 8, 2021 (see Attachment 1, Pages 11 and 12). The LESA Score was 188 indicating a low level of protection. The NRI Report is included as Attachment 6.

## **ACTION SUMMARY**

### **LITTLE ROCK TOWNSHIP**

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. As of the date of this memo, the Township is working on a letter officially stating their position.

### **LITTLE ROCK FOX FIRE PROTECTION DISTRICT**

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

### **CITY OF PLANO**

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur. The Plano City Council met on February 22, 2021, and concurred with the Plano Planning Commission's opinion. Plano's comment letter is included as Attachment 7.

### **ZPAC**

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes are included as Attachment 5.

### **RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. One (1) neighbor, Robert Long, stated that he was concerned about noise and the preservation of the Little Rock Creek watershed, but was generally in favor of the proposal. The Petitioner stated that they would abide by the County's noise regulations. The Petitioner was unsure if outdoor music would occur at the property as part of banquets. The Petitioner requested that the noise regulations apply only to the homes in existence at the time of the issues of the special use permit. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the amendment regarding the noise regulations as requested by the Petitioner by a vote of eight (8) in favor and zero (0) in opposition, one (1) Commissioner recused himself. The minutes are included as Attachment 8.

## **ZBA**

The Kendall Zoning Board of Appeals held a public hearing on this proposal on March 1, 2021. The Petitioner provided a history of the review of the project by other boards. Information was provided regarding the impacts of temperature and need for adequate land to make the business successful. The Petitioner noted that the City of Plano already zoned a nearby property as commercial and listed uses that were allowed by Plano in that zoning district. The Petitioner's opinion was that some of these uses would generate more noise and traffic than the proposed expansion. The Petitioner reiterated his request that the noise regulations apply only to those homes in existence or permitted at the time of the issuance of the special use permit. Other than the Petitioner's son, no other members of the public testified at the public hearing. The Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff and the clarification of the noise regulations as requested by the Petitioner by a vote of seven (7) in favor and zero (0) in opposition. The minutes are included as Attachment 9.

## **GENERAL**

According to the business information provided (see Attachment 1, Page 2), the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand (30,000) square feet in substantially the locations shown on the concept plan (See Attachment 2). The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
  - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the

maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.

9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

## **BUSINESS OPERATION**

According to the business plan information provided on Attachment 1, Page 2, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.



## **BUILDING CODES**

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

## **ENVIRONMENTAL HEALTH**

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

## **ROAD ACCESS**

The property fronts Creek Road. According to the concept plan (See Attachment 2), the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

## **PARKING AND INTERNAL TRAFFIC CIRCULATION**

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

## **LIGHTING**

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

## **SIGNAGE**

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

## **LANDSCAPING**

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

## **NOISE CONTROL**

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

## **FINDINGS OF FACT-SPECIAL USE PERMIT**

§ 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. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.*

*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. True. Conditions were included in the original special use permit ordinance that will regulate noise, lighting, and sanitation provisions.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.*

*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. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.*

*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.”*

#### **FINDINGS OF FACT-VARIANCES**

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.*

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has*

**demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.**

## **RECOMMENDATION**

Staff recommends approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan (Attachment 2). The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
  - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
  - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan (Attachment 2). No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 8 of Ordinance 2016-21 shall be interpreted to apply only to those receiving residential lands with home constructed or permitted (under construction) on them as of the date of the issuance of this major amendment to an existing special use permit.
6. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
7. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
8. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
9. 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.
10. 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 10.

## **ATTACHMENTS**

1. Application Materials
2. Concept Plan
3. Ordinance 2016-21
4. Aerial
5. February 2, 2021 ZPAC Minutes
6. NRI
7. February 23, 2021 City of Plano Letter

8. February 24, 2021 RPC Minutes
9. March 1, 2021 ZBA Minutes (This Petition Only)
10. Draft Ordinance



# **DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

## **APPLICATION**

PROJECT NAME Woody's Orchard East FILE #:

(originally Cider Creek)



**SCANNED**

NAME OF APPLICANT <u>L+P Nelson Trust 103</u>		
CURRENT LANDOWNER/NAME(s) <u>same</u>		
SITE INFORMATION ACRES <u>30.99</u>	SITE ADDRESS OR LOCATION <u>3210 Creek Rd</u>	ASSESSOR'S ID NUMBER (PIN) <u>01-16-300-007 and 01-20-400-005</u>
EXISTING LAND USE <u>A</u>	CURRENT ZONING <u>A</u>	LAND CLASSIFICATION ON LRMP <u>A</u> <u>01-21-100-005</u>
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>A-SU</u> )	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for:	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input checked="" type="checkbox"/> Major; <input type="checkbox"/> Minor) <u>See File 1625</u>		
1 PRIMARY CONTACT <u>Larry Nelson</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) [REDACTED]
2 ENGINEER CONTACT <u>same</u>	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE <u>1-12-21</u>

FILE PAID: \$1255

CHECK [REDACTED]

**RECEIVED**

**JAN 14 2021**

**KENDALL COUNTY  
PLANNING, BUILDING & ZONING**

<sup>1</sup> Primary Contact will receive all correspondence from County

<sup>2</sup> Engineering Contact will receive all correspondence from the County's Engineering Consultants

Zoning Request

Woody's Major Amendment A-1SU

Woody's will be developed over a number of years as a hybrid use of agriculture, entertainment, food and family fun. Typically known as a U-Pick Orchard, offering commodities grown on and off the site, food produced from the commodities along with other food and refreshments, entertainment and activities will also be provided.

We are requesting expansion of our A-1 SU of the 45 acre parcel to add 30 acres on the East side of Creek Road in this application per Permit Section 7.01 D-Ag Special Uses Permitted; D-10 Banquet Halls, D-29 Micro Distillery; D-30 Nano Breweries; and D-42 (which is labeled as 32 (duplicated)) Production and sale of sweet cider (with the restriction of "Total retail area not to exceed 1,000 square feet" removed) and "E Conditional Use" as provided in JXV – to be a year round usage and removing restrictions IV, IX, X, XI.

Additionally, we are requesting a variance from the requirement the facility be located on a major collector or arterial roadway and if needed a variance removing restrictions on D-42 "retail area not to exceed 1,000 sq feet", and the restriction on "E Conditional Use" J to be year round usage and removing restrictions IV, IX, X, XI.

Note: Woody's (Originally Cider Creek) is a dba of The Bluffs, Inc., an Illinois corporation owned by the Nelson family/Trust.

As this is a major change to an Existing A-SU we ask for the same Kendall County Ordinance as 2016-21 adding the additional 30.77 acres and max of 3 additional 10,000 sq ft buildings, totaling 6 10,000 sq ft buildings or the equivalent square footage in additional buildings. Also the 30 ft set back included Creek Road.

LEGAL DESCRIPTION OF 30.9927-ACRE ZONING TRACT LYING EAST OF CREEK ROAD:

That Part of Sections 16 and 21, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of Section 20, Township and Range aforesaid; thence Southerly along the West Line of said Section 20, 330.3 feet; thence South  $41^{\circ}40'$  East, 312.2 feet to the center line of vacated Sedgewick Road; thence North  $88^{\circ}09'00''$  East along the center line of said vacated Sedgewick Road, 5796.01 feet to the center line of Creek Road; thence North  $09^{\circ}26'52''$  West along said center line of Creek Road, 591.65 feet; thence Northwesterly along said center line, being a curve to the left with a radius of 1494.95 feet and a chord bearing of North  $14^{\circ}29'40''$  West, an arc distance of 263.36 feet to the Southerly Line of a Tact conveyed to Barbara Yundt by Trustee's Deed recorded as Document No. 81-843 on March 11, 1981; thence South  $87^{\circ}39'00''$  East along said Southerly Line of the Yundt Tact, 575.0 feet for a point of beginning; then continuing South  $87^{\circ}39'00''$  East along said Southerly Line of the Yundt tract, 910.0 feet; thence South  $19^{\circ}16'54''$  West, 658.0 feet; thence South  $11^{\circ}36'04''$  West, 1037.0 feet; thence South  $40^{\circ}01'20''$  East, 639.14 feet to the center line of Little Rock Creek; thence South  $48^{\circ}30'00''$  West, along said center line, 82.0 feet; thence South  $29^{\circ}58'17''$  West, along said center line, 179.23 feet to the center line of Creek Road; thence North  $44^{\circ}01'24''$ , along said center line, 745.32 feet; thence North  $44^{\circ}54'15''$  West, along said center line, 514.15 feet; thence Northwesterly, along said center line, being a curve to the right with a radius of 875.40 feet and a chord bearing of North  $36^{\circ}38'03''$  West, an arc distance of 252.71 feet to the intersection of the center line of Frazier Road and the center line of Creek Road; thence continuing Northwesterly along the last described course and said Creek Road center line, being a curve to the right with a radius of 875.40 feet, and a chord bearing of North  $27^{\circ}02'41''$  West, an arc distance of 40.32 feet to the Easterly Extension of the North Line of Fraizer Road; thence North  $55^{\circ}49'05''$  East along said Easterly Extension of the North Line of Fraizer Road, 555.60 feet to a line drawn South  $09^{\circ}26'52''$  East from the point of beginning; thence North  $09^{\circ}26'52''$  West, 935.73 to the point of beginning, all in Little Rock Township, Kendall County, Illinois.



20140808054-42

DEB 556  
ATTN: CTIC  
ALBANY, NY 12212

RECEIVED: 4/26/2014 4:12 PM  
BY: 41.68  
PAGE: 5

*Deed*

*copy*

Prepared By:

See dck

Mail to:

See dck

CTIC #

880013655

Re Record to:  
correct  
Buyers name

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING  
INFORMATION AND MICROFILMING.



**TRUSTEE'S DEED**

## INSTRUMENT PREPARED BY:

McDERMOTT WILL & EMERY LLP  
227 WEST MONROE STREET  
CHICAGO, ILLINOIS 60606  
ATTN: DAVID P. DEYOE

201400005342

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 4/24/2014 6:40 AM  
TRSD: 2100.00 RASPS FEE: 10.00  
PAGES: 5

CTIC  
880013655

[Above Space for Recorder's Use Only]

THE NORTHERN TRUST COMPANY, an Illinois banking corporation of Chicago, Illinois, as Trustee under the provisions of a Trust Agreement dated January 10, 1953 and known as Trust No. 26766, "Grantor", for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and pursuant to the power and authority given it as such Trustee CONVEYS and QUITCLAIMS to Dallas C. Ingemunson, not personally, but as Trustee of The LP Trust Number 103 dated 12/26/2012, "Grantee", whose mailing address is 759 John Street, Suite A, Yorkville, Illinois, its interest in the following described real estate situated in the County of Kendall and State of Illinois, to-wit:

\* see below

- SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A -

This conveyance is made without warranty, express or implied, and is made by THE NORTHERN TRUST COMPANY in its stated fiduciary capacity and on condition it shall have no liability in its individual capacity on any agreement, warranty or indemnity herein contained, or implied. Any recourse under and by virtue of this deed shall be had against the trust estate only.

IN WITNESS WHEREOF, the Grantor, THE NORTHERN TRUST COMPANY, has caused its name to be signed by its duly authorized officer effective as of the 16th day of April, 2014.

Re Record to  
add "Nelson"  
after LP

THE NORTHERN TRUST COMPANY,  
as Trustee as aforesaid and not personally

By:   
Its: VICE PRESIDENT

DM\_US 51014057-1.032594.0011

DM\_US 51014057-1.032594.0011

-2-

## EXHIBIT A

## LEGAL DESCRIPTION

THAT PART OF SECTIONS 16, 20 AND 21, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 20, 330.3 FEET; THENCE SOUTH 41 DEGREES 40 MINUTES EAST, 312.2 FEET TO THE CENTER LINE OF VACATED SEDGEWICK ROAD; THENCE NORTH 88 DEGREES 09 MINUTES 00 SECONDS EAST ALONG THE CENTER LINE OF SAID VACATED SEDGEWICK ROAD, 5796.01 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST ALONG SAID CENTER LINE OF CREEK ROAD, 591.65 FEET; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1494.95 FEET AND A CHORD BEARING OF NORTH 14 DEGREES 29 MINUTES 40 SECONDS WEST, AN ARC DISTANCE OF 263.36 FEET TO THE SOUTHERLY LINE OF A TRACT CONVEYED TO BARBARA YUNDT BY TRUSTEE'S DEED RECORDED AS DOCUMENT NO. 81-843 ON MARCH 11, 1981; THENCE SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 575.0 FEET FOR A POINT OF BEGINNING; THEN CONTINUING SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 1141.02 FEET TO THE CENTER LINE OF LITTLE ROCK CREEK AS LOCATED ON SEPTEMBER 22, 1971; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE CENTER LINE OF LITTLE ROCK CREEK, TO A POINT ON THE CENTER LINE OF LAURIE ROAD EXTENDED SOUTHEASTERLY, SAID LINE HAVING A BEARING OF NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST; THENCE NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST ALONG THE CENTER LINE OF LAURIE ROAD, 1157.17 FEET TO THE CENTER LINE OF FRAIZER ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1910.0 FEET AND A CHORD BEARING OF NORTH 62 DEGREES 02 MINUTES 46 SECONDS EAST, AN ARC DISTANCE OF 457.61 FEET; THENCE NORTH 55 DEGREES 10 MINUTES 57 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 590.31 FEET; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 68780.0 FEET AND A CHORD BEARING OF NORTH 55 DEGREES 30 MINUTES 01 SECONDS EAST, AN ARC DISTANCE OF 762.94 FEET; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 2473.06 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 875.40 FEET; AND A CHORD BEARING OF NORTH 27 DEGREES 02 MINUTES 41 SECONDS WEST, AN ARC DISTANCE OF 40.32 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD, 555.60 TO A LINE DRAWN SOUTH 09 DEGREES 26 MINUTES 52 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST, 935.73 FEET TO THE POINT OF BEGINNING, ALL IN LITTLE ROCK TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PIN's: 01-21-100-002-0000; 01-16-300-004-0000; 01-20-200-001-0000; 01-16-300-005-0000

Property address: Property located in Little Rock Township, Kendall County, IL

## AFFIDAVIT

(FILE WITH PAUL P. ANDERSON, RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS

COUNTY OF KENDALL

} ss.

DOCUMENT # \_\_\_\_\_

David P Dwyer, being duly sworn on oath, states that  
 \_\_\_\_\_ resides at \_\_\_\_\_ that the  
 attached deed represents: \_\_\_\_\_

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of the land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is 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 land impressed with a public use.
9. The conveyance is made to correct descriptions in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
11. The sale is of a single lot of less than five acres from a larger tract, evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configurations thereof on October 1, 1973, and which sale does not violate any local requirements applicable to the subdivision of land.

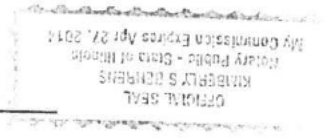
CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

Affiant further states that \_\_\_\_\_ makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN to before me

this 16 day of Apr, 2017

\_\_\_\_\_  
 Notary Public



KEPLATAF



## CHICAGO TITLE INSURANCE COMPANY

ORDER NUMBER: [REDACTED]  
 STREET ADDRESS:  
 CITY: PLANO COUNTY: KENDALL  
 TAX NUMBER:

## LEGAL DESCRIPTION:

THAT PART OF SECTIONS 16, 20 AND 21, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 20, 330.3 FEET; THENCE SOUTH 41 DEGREES 40 MINUTES EAST, 312.2 FEET TO THE CENTER LINE OF VACATED SEDGEWICK ROAD; THENCE NORTH 88 DEGREES 09 MINUTES 00 SECONDS EAST ALONG THE CENTER LINE OF SAID VACATED SEDGEWICK ROAD, 5796.01 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST ALONG SAID CENTER LINE OF CREEK ROAD, 591.65 FEET; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1494.95 FEET AND A CHORD BEARING OF NORTH 14 DEGREES 29 MINUTES 40 SECONDS WEST, AN ARC DISTANCE OF 263.36 FEET TO THE SOUTHERLY LINE OF A TRACT CONVEYED TO BARBARA YUNDT BY TRUSTEE'S DEED RECORDED AS DOCUMENT NO. 81-843 ON MARCH 11, 1981; THENCE SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST, ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 575.0 FEET FOR A POINT OF BEGINNING; THEN CONTINUING SOUTH 87 DEGREES 39 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY LINE OF YUNDT TRACT, 1141.02 FEET TO THE CENTER LINE OF LITTLE ROCK CREEK AS LOCATED ON SEPTEMBER 22, 1971; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE CENTER LINE OF LITTLE ROCK CREEK, TO A POINT ON THE CENTER LINE OF LAURIE ROAD EXTENDED SOUTHEASTERLY, SAID LINE HAVING A BEARING OF NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST; THENCE NORTH 41 DEGREES 36 MINUTES 00 SECONDS WEST ALONG THE CENTER LINE OF LAURIE ROAD, 1157.17 FEET TO THE CENTER LINE OF FRAIZER ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 1910.0 FEET AND A CHORD BEARING OF NORTH 62 DEGREES 02 MINUTES 46 SECONDS EAST, AN ARC DISTANCE OF 457.61 FEET; THENCE NORTH 55 DEGREES 10 MINUTES 57 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 590.31 FEET; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 68780.0 FEET AND A CHORD BEARING OF NORTH 55 DEGREES 30 MINUTES 01 SECONDS EAST, AN ARC DISTANCE OF 762.94 FEET; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID CENTER LINE OF FRAIZER ROAD, 2473.06 FEET TO THE CENTER LINE OF CREEK ROAD; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 875.40 FEET; AND A CHORD BEARING OF NORTH 27 DEGREES 02 MINUTES 41 SECONDS WEST, AN ARC DISTANCE OF 40.32 FEET TO THE EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD; THENCE NORTH 55 DEGREES 49 MINUTES 05 SECONDS EAST ALONG SAID EASTERLY EXTENSION OF THE NORTH LINE OF FRAIZER ROAD, 555.60 TO A LINE DRAWN SOUTH 09 DEGREES 26 MINUTES 52 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 09 DEGREES 26 MINUTES 52 SECONDS WEST, 935.73 FEET TO THE POINT OF BEGINNING, ALL IN LITTLE ROCK TOWNSHIP, KENDALL COUNTY, ILLINOIS

LEGALD

KB9

04/16/14



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## PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROOM 203 YORKVILLE, ILLINOIS 60560-1498

630.553-4141 • FAX 630.553-4179

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### ADDRESS NOTIFICATION

DATE: 01/07/2021

OWNER: LP NELSON TRUST

Parcel#: 01-21-100-005

Lot#:

Subdivision:

ADDRESS: 3210 CREEK ROAD  
PLANO, IL. 60545

If you have any questions, please feel free to contact our office.

Brian Holdiman  
Kendall County Code Official

KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1-11-2021

1. Applicant Woody's Orchard - Landowner LVP Nelson Trust 103  
 Address 16524 Frazier Rd  
 City Plano State IL Zip 60545

2. Nature of Benefit Sought Trust

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 Section 3, briefly state the nature and characteristics of the applicant:

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

NAME	ADDRESS	INTEREST
<u>Pam Nelson</u>	[REDACTED]	<u>LVP Nelson</u>
<u>Larry Nelson</u>	[REDACTED]	<u>Control Trust</u>
<u>Doug Nelson</u>	[REDACTED]	
<u>Terry Beckman</u>	[REDACTED]	
<u>Sgt. Killian, Lt. Grant</u>	[REDACTED]	

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

Larry Nelson [REDACTED]

VERIFICATION

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

Subscribed and sworn to before me this 10 day of January, AD. 2021

(seal)



[REDACTED]  
Notary Public





Kendall County Soil & Water  
Conservation District

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3



[www.kendallswcd.org](http://www.kendallswcd.org)

### NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Woody's Orchard (L+P Nelson Trust) <sup>103</sup> Contact Person: Larry Nelson  
Address: [REDACTED]  
City, State, Zip: [REDACTED]  
Phone Number: [REDACTED]  
Email: [REDACTED]

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

#### Site Location & Proposed Use

Township Name Kendall Township 37N N, Range 6E E, Section(s) 16  
Parcel Index Number(s) 01-16-300-007 and 01-20-400-005  
Project or Subdivision Name Woody's Orchard Number of Acres 30 +/-  
Current Use of Site Ag Proposed Use Ag-SU  
Proposed Number of Lots N/A Proposed Number of Structures See Application  
Proposed Water Supply Well Proposed type of Wastewater Treatment Septic  
Proposed type of Storm Water Management N/A

#### Type of Request

☒ Change in Zoning from A to A-SU  
☒ Variance (Please describe fully on separate page)  
☒ Special Use Permit (Please describe fully on separate page) See Application  
Name of County or Municipality the request is being filed with: Kendall County

In addition to this completed application form, please including the following to ensure proper processing:

- ☒ Plat of Survey/Site Plan - showing location, legal description and property measurements
- ☒ Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
- ☒ If available: topography map, field tile map, copy of soil boring and/or wetland studies
- ☒ NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.  
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ 375.00
<u>26</u> Additional Acres at \$18.00 each	\$ 468.00
<b>Total NRI Fee</b>	<b>\$ 843.00</b>

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

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

[REDACTED]  
Petitioner or Authorized Agent

1-08-2021  
Date

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

#### FOR OFFICE USE ONLY

NRI# \_\_\_\_\_ Date initially rec'd \_\_\_\_\_ Date all rec'd \_\_\_\_\_ Board Meeting \_\_\_\_\_  
Fee Due \$ \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_

**WOODY'S ORCHARD**  
 Mailing - 16524 Frazier Road  
 Deliveries - 16000 Frazier Road  
 Plano, IL 60545  
 Accounting@WoodysOrchard.com

FIRST NATIONAL BANK OF OMAHA  
 SANDWICH, IL 60548  
 Sandwich, IL 60548  
 70-262/719

1/11/2021

PAY TO THE ORDER OF Kendall County Soil & Water Conservation

\$ \*\*843.00

Eight Hundred Forty-Three and 00/100\*\*\*\*\* DOLLARS

PROTECTED AGAINST FRAUD

Kendall County Soil & Water Conservation  
 7775A Route 47 (USDA Service Center)

Yorkville, IL 60560

MEMO

Natural Resource Information Report Application

Woody's Orchard

Kendall County Soil &amp; Water Conservation

1/11/2021

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
1/11/2021	Bill		843.00	843.00		843.00
				Check Amount		843.00

..Woody's - Operating- Natural Resource Information Report Application

843.00

Woody's Orchard

Kendall County Soil &amp; Water Conservation

1/11/2021

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
1/11/2021	Bill		843.00	843.00		843.00
				Check Amount		843.00

PAYMENT  
RECORD

..Woody's - Operating- Natural Resource Information Report Application

843.00





Applicant: Larry Nelson

Contact: Same

Address: [REDACTED]

IDNR Project Number: 2109101

Date: 01/05/2021

Project: Woodys east

Address: 16524 frazier rd, Plano

Description: Farm land to be use by woodys Orchard east of creek rd

own by L &amp; P Nelson Trust

### 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:

37N, 6E, 16

37N, 6E, 21



#### IL Department of Natural Resources

##### Contact

Adam Rawe

217-785-5500

Division of Ecosystems &amp; Environment

#### Government Jurisdiction

kendall county

Larry Nelson



#### 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: 2109101

### **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: 2109101

**EcoCAT Receipt****Project Code** 2109101**APPLICANT****DATE**Larry Nelson  
Same  
[REDACTED]

1/5/2021

**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](mailto:dnr.ecocat@illinois.gov)

## FINDINGS OF FACT SPECIAL USE

*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. True. The petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including landscape screening and a one-way traffic flow.*

*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. True. Adequate landscaping screening has been planted along Frazier Road and Creek Road. Conditions have been included that will regulate noise, lighting, and sanitation provisions.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Frazier Road as illustrated on the attached Concept Plan. A site plan, storm water management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements (banquet hall, bakery/restaurant/store). The Little Rock/Fox Fire Protection District has approved the proposed one-way road network.*

*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. The petitioners have provided a concept plan that complies with the requirements for the proposed use including parking. Modifications to code requirements include:*

- a) That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan)
- b) The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed 10,000 square feet per building.
- c) That parking be allowed within 30' of the Frazier Road right-of-way (reduced from the 100' agricultural setback).

*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. This special use is consistent with the commercial use illustrated on the Future Land Use Plan within the County's LRMP. The agricultural nature of this facility is consistent with the overall character of the area.*

## FINDINGS OF FACT VARIANCES

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, both Frazier Road and Creek Road are well maintained Township Roads which frequently accommodate truck traffic from the nearby Hillside Nursery. The subject property is planned for commercial use on the County's Future Land Use Plan. The property owner has already installed a significant landscape buffer along both Frazier Road and Creek Road. This dense planting will help maintain the agricultural character of the area while allowing parking within the required 100' agricultural setback.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. True. This is a unique combination of uses, and is not likely to be replicated in other areas of the County.*

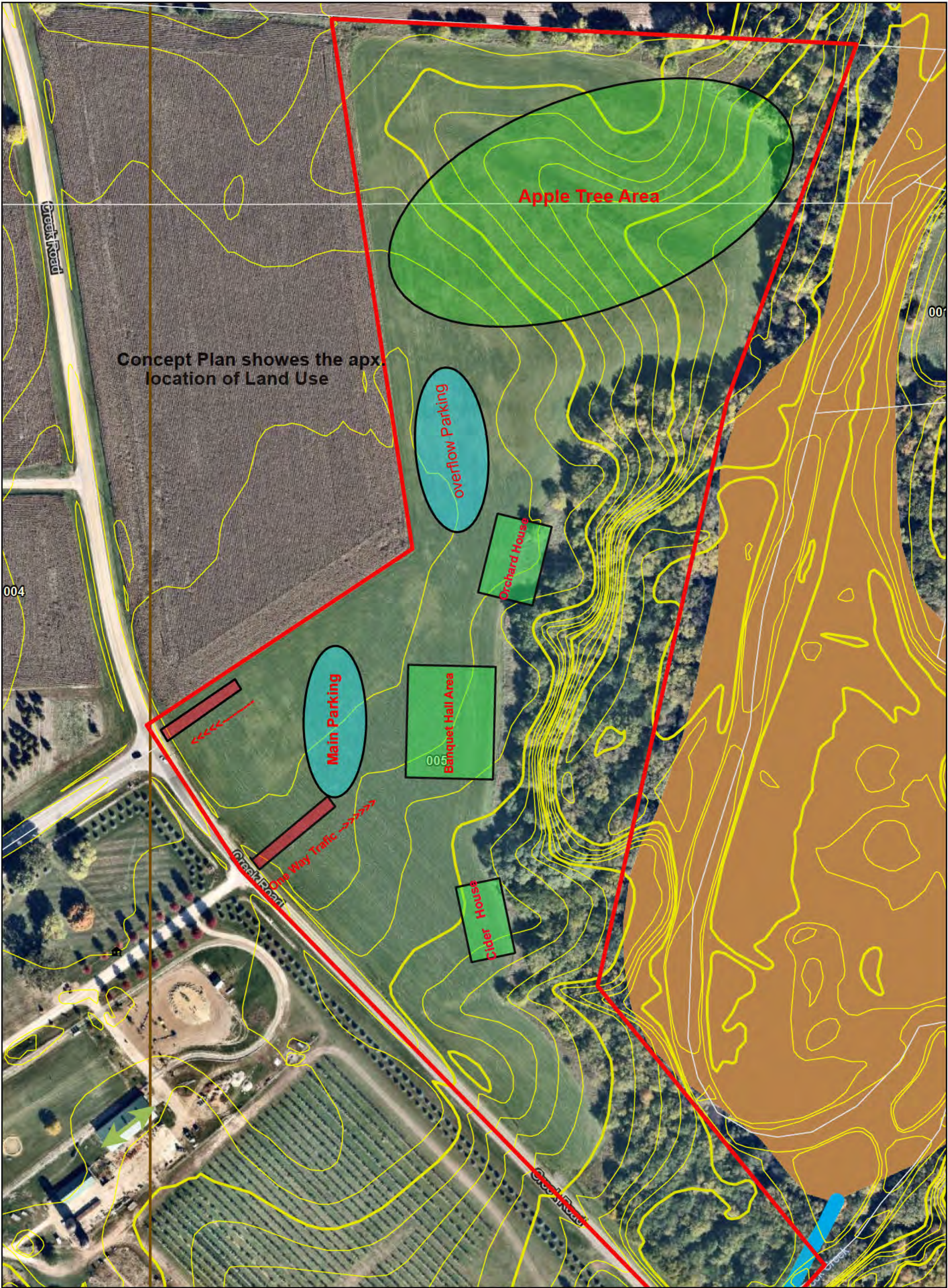
*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The code requirements for a location on a collector road, a 100' parking setback, and maximum 1,000 square foot retail store were not created by the applicant.*

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses (apple orchard, cider mill) are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare. The nearest home is approximately one-half mile from the proposed buildings.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The Little Rock/Fox Township Fire Protection District has reviewed and approved the proposed special use, as has the Little Rock Township Road Commissioner.*



# Concept Planing of Woody' Site East of Creek Rd.



January 7, 2021

- Kendall County Address Points

Parcels

Kendall County FEMA FIRM Panels

2018 Contours

Contour

Index Line

USA Wetlands

Marine

Estuarine

Palustrine

Riverine

Lacustrine

1:2,640

00.020.040.08 mi

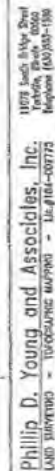
00.040.070.14 km

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Map data © OpenStreetMap contributors, Map layer by Esri

Source: US Fish and Wildlife Service, Esri







201600017059

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

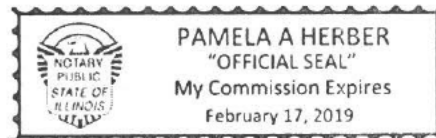
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ORDI: 52.00 RHSPS FEE: 10.00  
PAGES: 7

State of Illinois  
County of Kendall

Zoning Petition  
#16-25

**ORDINANCE # 2016-21**  
GRANTING A SPECIAL USE AND VARIANCES FOR  
THE BLUFFS, INC., D/B/A CIDER CREEK LOCATED AT  
**15888 FRAZIER ROAD IN LITTLE ROCK TOWNSHIP**

Mailed to and Prepared by:  
Jeff Wilkins  
111 West Fox Street  
Yorkville, IL 60543



SEAL

[Redacted Signature]  
\_\_\_\_\_  
Jeff Wilkins  
Kendall County Administrator

Subscribed and sworn to before me  
This 28 day of October, 2016

[Redacted Signature]  
\_\_\_\_\_  
Notary Public



State of Illinois  
County of Kendall

Zoning Petition  
#16-25

ORDINANCE NUMBER 2016 - 21

GRANTING A SPECIAL USE AND VARIANCES FOR  
THE BLUFFS, INC., D/B/A CIDER CREEK LOCATED AT  
**15888 FRAZIER ROAD IN LITTLE ROCK TOWNSHIP**

WHEREAS, THE L&P Nelson Trust 103 has filed a petition for a Special Use within the A-1 Agricultural District for a 45.8-acre property located at the southwest corner of Creek Road and Frazier Road. The street address is 15888 Frazier Road (PIN# 01-20-400-006 and 005), in Little Rock Township; and

WHEREAS, said property is legally described as:

That Part of the East Half of Section 20 and that Part of the West Half of Section 21, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Beginning at the intersection of the centerlines of Frazier Road and Creek Road; thence South 55°49'05" West, along said centerline of Frazier Road, 1980.0 feet; thence South 37°40'55" East, 537.0 feet; thence North 68°19'05" East, 1250.0 feet; thence South 51°40'55" East, 616.0 feet; thence North 72°41'29" East, 607.87 feet to the centerline of Little Rock Creek; thence North 38°00'00" East, along said centerline, 106.0 feet; thence North 29°00'00" East, along said centerline, 104.0 feet to said centerline of Creek Road; thence North 44°01'24" West, along said centerline, 745.32 feet; thence North 44°54'15" West, along said centerline, 514.15 feet; thence Northwesterly, along said centerline being a tangential curve to the right with a radius of 875.40 feet, an arc distance of 252.71 feet to the point of beginning in Little Rock Township, Kendall County, Illinois.

WHEREAS, said property is zoned A-1 Agricultural and shown primarily as commercial on the Kendall County Future Land Use Plan; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a banquet hall, nano-brewery, a micro-distillery, a year around seasonal festival, a petting zoo, and production and sale of sweet cider, hard cider, wine, jams and wine jams. The petition also includes a request for variances from the following zoning code requirements:

- A. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to a road designated as a major collector (or higher) – neither Creek Road or Frazier Road are collectors
- B. The retail sales areas on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
- C. That parking be allowed within the 100' agricultural setback and;

WHEREAS, all special use and variance 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 and the Zoning Board of Appeals, both on October 3<sup>rd</sup>, 2016; and

WHEREAS, the findings of fact for the Special Use were approved as follows:

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County of Kendall

Zoning Petition  
#16-25

*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. True. The petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including landscape screening and a one-way traffic flow.*

*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. True. Adequate landscaping screening has been planted along Frazier Road and Creek Road. Conditions have been included that will regulate noise, lighting, and sanitation provisions.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Frazier Road as illustrated on the attached Concept Plan. A site plan, storm water management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements (banquet hall, bakery/restaurant/store. The Little Rock/Fox Fire Protection District has approved the proposed one-way road network.*

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The petitioners have provided a concept plan that complies with the requirements for the proposed use including parking. Modifications to code requirements include:*

- a) That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan)
- b) The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed 10,000 square feet per building.
- c) That parking be allowed within 30' of the Frazier Road right-of-way (reduced from the 100' agricultural setback).

*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. This special use is consistent with the commercial use illustrated on the Future Land Use Plan within the County's LRMP. The agricultural nature of this facility is consistent with the overall character of the area.*

WHEREAS, the findings of fact for the Variances were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of*

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State of Illinois  
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#16-25

*the regulations were carried out. While the subject property is not on an existing collector road, both Frazer Road and Creek Road are well maintained Township Roads which frequently accommodate truck traffic from the nearby Hillside Nursery. The subject property is planned for commercial use on the County's Future Land Use Plan. The property owner has already installed a significant landscape buffer along both Frazier Road and Creek Road. This dense planting will help maintain the agricultural character of the area while allowing parking within the required 100' agricultural setback.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. True. This is a unique combination of uses, and is not likely to be replicated in other areas of the County.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The code requirements for a location on a collector road, a 100' parking setback, and maximum 1,000 square foot retail store were not created by the applicant.*

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses (apple orchard, cider mill) are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare. The nearest home is approximately one-half mile from the proposed buildings.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The Little Rock/Fox Township Fire Protection District has reviewed and approved the proposed special use, as has the Little Rock Township Road Commissioner.*

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer and the Zoning Board of Appeals and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit for the operation of a banquet hall, nano-brewery, a micro-distillery, a year around seasonal festival, a petting zoo, and production and sale of sweet cider in accordance to the submitted Concept Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to 225, including any vendors working on the property for a banquet.

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3. No event activity shall start earlier than 7:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
  - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County (including County Liquor Control) rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro-distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three new buildings, with a maximum size of 10,000 square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12.10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of 30' from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

State of Illinois  
County of Kendall

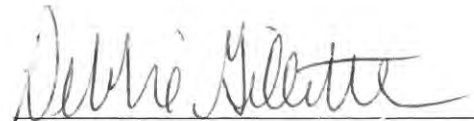
Zoning Petition  
#16-25

this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 18<sup>th</sup> day of October, 2016.

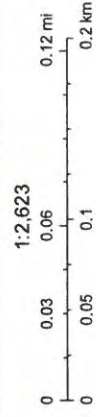
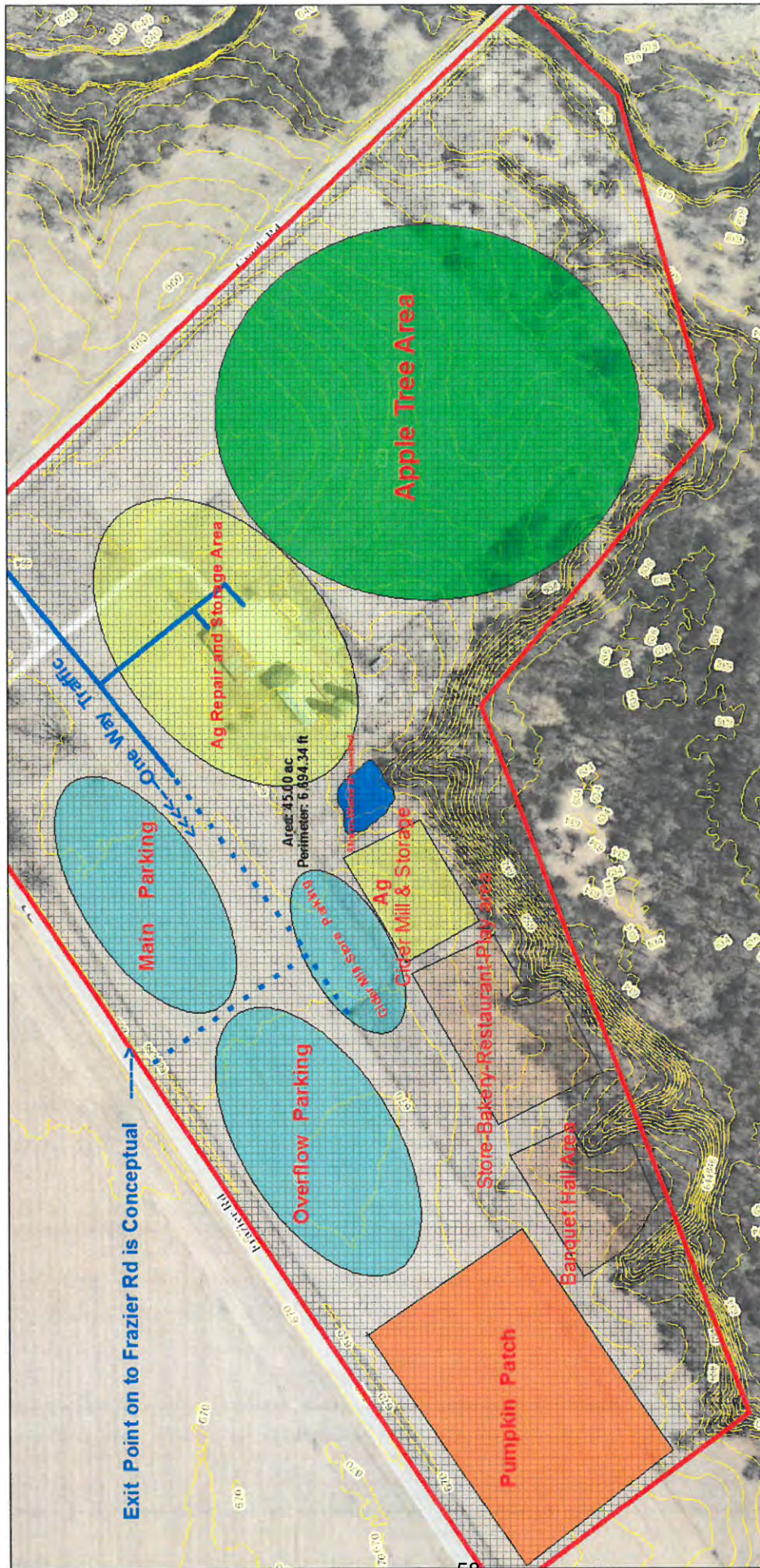
  
\_\_\_\_\_  
John A. Shaw  
Kendall County Board Chairman

Attest:

  
\_\_\_\_\_  
Debbie Gillette  
Kendall County Clerk



# Concept planning of Cider Creek site



September 6, 2016  
Road Names

Kendall County Illinois GIS

Cider Creek Sept 6 2016  
Cider Creek



## Pin 01-21-100-005 Both sides of Creek Rd



January 13, 2021

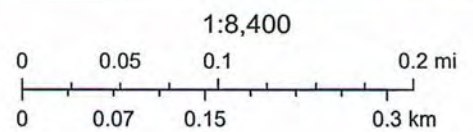


Kendall County Address Points

Parcels



parcel



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OpenStreetMap contributors, Map layer by Esri



# Pin 01-16-300-007 Woodys North End, East side Creek Rd

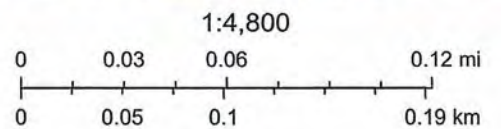


January 13, 2021

 Kendall County Address Points

Parcels

 parcel



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**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
February 2, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

**Present:**

Matt Asselmeier – PBZ Department  
Lauren Belville – Health Department (Attended Remotely Starting at 9:05 a.m.)  
Scott Gengler – PBZ Committee Chair  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department (Attended Remotely)  
Commander Jason Langston – Sheriff's Department (Attended Remotely)  
Alyse Olson – Soil and Water Conservation District (Attended Remotely)

**Absent:**

Meagan Briganti – GIS  
Greg Chismark – WBK Engineering, LLC

**Audience:**

Dan Kramer, Jason Engberg (Attended Remotely), Mike Torrence (Attended Remotely), Larry Nelson (Attended Remotely), Doug Nelson (Attended Remotely), Tom Karpus (Attended Remotely), John Whitehouse (Attended Remotely), and Kelly Schomer (Attended Remotely)

**AGENDA**

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the agenda as presented.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson  
Nays (0): None  
Abstain (0): None  
Absent (3): Belville, Briganti, and Chismark

The motion carried.

**MINUTES**

Mr. Guritz made a motion, seconded by Mr. Holdiman, to approve the January 5, 2021, meeting minutes.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson  
Nays (0): None  
Abstain (0): None  
Absent (3): Belville, Briganti, and Chismark

The motion carried.

**PETITIONS**

**Petition 20-32 Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC**

Mr. Asselmeier summarized the request.

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials, aerial of the site portion of the property, site plan, and the plat of the area proposed for rezoning were provided.

The property is approximately two point five (2.5) acres.

The County's Future Land Use Map calls for the property to be Suburban Residential. Yorkville's Future Land Use Map calls for the property to be Agricultural.

Route 34 is a State-maintained arterial highway. There is a trail along Route 34.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural to the north, east, and west, and commercial to the south.

The adjacent zonings are A-1, R-3 and B-3 and Planned Development B-3 and O in Yorkville.

The County's Future Land Use Map calls for the area to be Suburban Residential and the Yorkville Future Land Use Map calls for the area to be Suburban Neighborhoods and Mid-Density Residential.

Ms. Belville started attending the meeting remotely at this time (9:05 a.m.).

Zoning Districts within one half (1/2) mile include A-1, R-3, B-3 in the County and Planned Development R-3 and O in Yorkville.

Pictures of the property were provided.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated.

The LESA Score was 115 indicating a low level of protection.

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting were provided. Petition information was sent to Bristol Township on January 20, 2021.

Petition information was sent to the United City of Yorkville on January 20, 2021.

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

According to the business plan provided, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1<sup>st</sup> through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.

The property is served by well. There is no septic on the premises.

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information was provided.

The property has two (2) accesses off of Route 34.

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.

A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the twelfth (12<sup>th</sup>) special use permit for a landscaping business in unincorporated Kendall County.

Before issuing a recommendation, Staff would like comments from the United City of Yorkville, the Bristol-Kendall Fire Protection District, and ZPAC members.

Mr. Gengler asked about the lack of the septic system. There is no septic system on the property. Ms. Belville asked if restrooms would be required on the property. Dan Kramer, Attorney for the Petitioner, noted that a porta-john is onsite, but no customers come onto the property and employees do not linger at the property. Mr. Holdiman noted that no bathrooms were required based on the current proposal.

Ms. Belville asked about the reason for the well on the property. Mr. Kramer provided a history of the property. The property was used as a nursery with a landscaping business. The water was used to water the plants at the nursery. A retail nursery was also located on the property. The well would continue to be kept active.

Mr. Gengler asked about the northern entrance. The driveway north of the property line is not owned by the Petitioners and leads to the adjacent farm field.

Mr. Klaas noted that the trail already existed on the north side of Route 34. Mr. Kramer noted that IDOT affirmed the cuts along Route 34.

Mr. Kramer stated that he reviewed Mr. Asselmeier's proposed conditions. He requested that the restriction regarding customers coming onto the property be changed to state that the Petitioners would not invite customers onto the property. Mr. Kramer also requested the special use run with the land and not with the Petitioners.

No burning shall occur onsite.

Mr. Klaas asked if the County had received any objections to this proposal. Mr. Asselmeier responded that the County had not received any objections. Jason Engberg, from the United City of Yorkville, responded that Yorkville had also not received any comments regarding this proposal.

Yorkville will review the proposal in March.

Mr. Asselmeier made a motion, seconded by Mr. Guritz, to recommend approval of the map amendment and special use permit.

The votes were as follows:

Yeas (8): Asselmeier, Belville, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson

Nays (0): None

Abstain (0): None

Absent (2): Briganti and Chismark

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on February 24, 2021.

#### **Petition 21-03 Larry Nelson on Behalf of the L and P Nelson Trust**

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021.

Little Rock Township was emailed information on January 19, 2021.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
  - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.

- c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information provided, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

Before issuing a final recommendation, Staff would like comments from ZPAC Members, Little Rock Township, City of Plano, and the Little Rock Fox Fire Protection District.

As of the date of the provided memo, the proposed conditions for the amendment are as follows:

1. The subject property shall be developed substantially in accordance with the concept plan (Attachment 2). The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
  - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
  - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan (Attachment 2). No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet.

4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. 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.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Gengler asked about patrons crossing Creek Road. Larry Nelson stated that they would have a people mover that would move people from one picking area to another picking area. Commander Langston asked about a pedestrian crossing. Mr. Nelson felt that pedestrian crossings of Creek Road would not occur and any crossing would occur by people move. Mr. Nelson offered to talk with the Sheriff's Office to discuss implementing strategies to prevent pedestrian crossings. They will develop a protocol for the people mover.

Mr. Nelson noted that he and his son met with the Little Rock Township Board and he has discussed this proposal with the Little Rock Township Road Commissioner and the Mayor of Plano.

Mr. Nelson noted that the Little Rock Fox Fire Protection favored the proposed traffic pattern with no staging on Creek or Frazier Roads. Mr. Nelson noted that topography limits the number of possible locations to have cars turning onto Creek Road.

Mr. Nelson stated the apple orchard will expand and they are moving the pumpkin patch. He stated that they are developing a several year plan for Woody's.

Mr. Guritz noted his partnerships with organizations and property owners regarding ecosystem protection in the area. He asked if the Petitioner had considered erosion issues along the bluffs and possible partnership opportunities. Mr. Nelson responded he is cleaning up the ravines and is installing large boulders. Mr. Nelson is concerned about erosion control and has been sensitive to the bluffs and he is trying to implement best practices for erosion control.

Ms. Belville requested a meeting regarding well and septic service on the property. She discussed the non-community well testing requirements. Mr. Nelson noted that the septic is four (4) times larger than required. He has obtained core samples on the east of Creek Road and the soils look good for a septic system; there was no high water table.

Mr. Asselmeier asked if bathroom facilities and potable water facilities will be located in the expanded area. Mr. Nelson responded those facilities will stay in the old area, but they will have porta-johns near the you-pick apple area when that service starts on the east side of Creek Road.

Tom Karpus, City of Plano, noted that Plano has no objections at this time.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to recommend approval of the amendments to the special use permit and variances as requested.

Yeas (8): Asselmeier, Belville, Gengler, Guritz, Holdiman, Klaas, Langston, and Olson  
Nays (0): None  
Abstain (0): None  
Absent (2): Briganti and Chismark

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on February 24, 2021.  
ZPAC Meeting Minutes 02.02.21



**Petition 21-04 Oswegoland Park District**

Mr. Asselmeier summarized the request.

The Oswegoland Park District would like to construct an approximately three thousand four hundred twenty-six (3,426) square foot addition on the northwest corner of their property at 0 Boulder Hill Pass.

Section 13:10 of the Zoning Ordinance requires site plan review for structures on properties zoned B-3.

The application material, plat of survey, site plan, photometric plan, landscaping plan, improvement plan, including elevations and project timeline, and renderings were provided.

The site is approximately two point three-nine (2.39) acres.

The Future Land Use is Suburban Residential.

Boulder Hill Pass is a local road maintained by Oswego Township. The property does not have access to Route 25 or Aldon Road. There is an existing trail along Route 25. No trails are planned along Boulder Hill Pass or Aldon Road.

The far southwest corner of the property is in the five (500)-year floodplain. There are no wetlands on the property.

The adjacent land uses are single-family residential, duplex, apartments, gas station, Boulder Hill Market, office building and the Fox River.

The adjacent zonings are A-1, R-3 SU, R-6, R-7, B-1, and B-3.

The Future Land Use Map calls for the area to be Suburban Residential and Unknown. The Unknown property is proposed to be Conservation.

Mr. Klaas stopped attending the meeting remotely at this time (9:54 a.m.).

Pictures of the property were provided.

The special use permit to the east is for a duplex.

Petition information was sent to Oswego Township on January 25, 2021.

Petition information was sent to the Village of Montgomery on January 25, 2021.

Petition information was sent to the Oswego Fire Protection District on January 25, 2021. The Oswego Fire Protection submitted an email on January 25, 2021, stating if a proper and compliant fire alarm/sprinkler system were provided or maintained, the Fire Protection District would not have any objections.

As noted in the project narrative, the Petitioner wishes to construct the proposed addition, include Americans with Disabilities Act Parking and related access, parking facility improvements, the installation of a new fire suppression system, and the installation of a new gravity sanitary sewer service. The plan also includes the addition of a rain garden.

The existing building was originally constructed in 1960 as a fourteen thousand nine hundred fifty-six (14,956) square foot car dealership. The building has been remodeled several times since original construction. A complete breakdown of usage by square footage, both existing and proposed were provided.

The property where the building is located has been zoned B-3 since 1974. The strip of land to the north of the building has been zoned R-7 since 1967.

Pursuant to Section 13:10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans (Staff comments in bold):

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to

preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The majority of the subject property is already an improved commercial/indoor recreational use. The landscaping plan includes a new rain garden area with native plantings surrounded by a natural turf area to the north of the building. Mulch beds will be installed around the addition and landscape bed plantings will be installed to the west of the addition. No existing trees or landscaping will be removed from the property. Most of the site is already impervious surface and the Petitioners are increasing the impervious area by approximately nine hundred (900) square feet. No construction is planned in the area in the 500-year floodplain. No slopes exist on the property. A stormwater pollution prevention plan is included in the improvement plans.

**Traffic and Parking Layout-**Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The property already possesses access off of Boulder Hill Pass. No additional access points off of Route 25 or Aldon Road are planned. As part of the project, the number of parking spaces shall be reduced from one hundred five (105) to ninety-four (94). The number of handicapped accessible spaces shall be reduced from five (5) to four (4).

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. No conflicts are foreseen. The parking lot will meet applicable surfacing requirements.

**Site Layout-Improvements** shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The top of the parapet of the addition, which is the highest point of the addition, will be approximately seventeen feet, three inches (17'3") in height. This is the same height as the existing parapets. No impacts to shadow, noise, odor, traffic, drainage, or utilities are foreseen.

**Consistent with the Land Resource Management Plan-**The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true because the use is existing.

**Building Materials-**The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. The exterior of the addition will consist of an alpine timber colored stone veneer and a Navajo beige colored cement lap siding to match the existing siding. A non-illuminated, lettered sign will be on the addition.

**Relationship to Surrounding Development-**A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed addition is in harmony with the existing use and neighboring uses.

**Open Space and Pedestrian Circulation-Improvements** shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not an issue.

**Buffering-Measures** shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. The proposed addition will be landscaped with the rain garden and existing vegetation creating buffer with the properties to the north. No issues regarding noise, smoke, vapors, fumes, dust, odors, glare, or stormwater runoff are foreseen.

**Emergency Vehicle Access-**Every structure shall have sufficient access for emergency vehicles. The property has access from Boulder Hill Pass. Circulation already exists in the property for emergency vehicles.

**Mechanical Equipment Screening-**All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The existing units on the roof are unscreened; the new units on the roof will also be unscreened.

**Lighting-**The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The proposal calls for ten (10) single head poles on the property. All existing lighting will be replaced with energy efficient LED fixtures. Egress door lighting will be installed on the addition. Two (2) existing, illuminated monument signs are located on the property.

**Refuse Disposal and Recycling Storage Areas-**All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. The refuse enclosure area will be located near the northeast corner of the building. The enclosure will be board-on-board fencing with swings gates. The fencing will be six feet (6') in height.

Pending comments from ZPAC members, Staff recommends approval of the proposed site plan as proposed with the following conditions:

1. The site shall be developed substantial in conformance with the submitted site plan, photometric plan, landscaping plan, improvement plan, and renderings.
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development and the type of use proposed for the site, including, but, not limited to, securing the applicable building permits.

John Whitehouse, Engineer for the Petitioner, noted that three (3) trees and some shrubs at the existing entrance on the northern end of the building that will be removed. Shrubs will be placed as foundation plantings around the building and the trees will be replaced at the northerly corner of the property.

Mr. Asselmeier asked about pre- and post-construction runoff volumes and documentation that a reduction in the pollutant load will occur. Mr. Whitehouse responded they will be submitting calculations of volumes as requested.

Mr. Whitehouse noted that a new water service will be installed. They are working to secure necessary permits from the Village of Montgomery. They will be installing a new six inch (6") water service off of Aldon Road and adding a hydrant.

Mr. Asselmeier made a motion, seconded by Mr. Guritz, to recommend approval of the site plan with the conditions proposed by Staff and the amendment regarding the removal and replacement of the three (3) trees and shrubs at the northern end of the building.

The votes were as follows:

Yeas (7): Asselmeier, Belville, Gengler, Guritz, Holdiman, Langston, and Olson

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion carried.

## **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

None

## **OLD BUSINESS/NEW BUSINESS**

Mr. Asselmeier reported that the Kendall County Regional Planning Commission's Annual Meeting is Saturday, February 6, 2021, at 9:00 a.m.

ZPAC Meeting Minutes 02.02.21

**CORRESPONDENCE**

None

**PUBLIC COMMENT**

Mr. Asselmeier noted that there will be at least two (2) petitions on the March agenda.

**ADJOURNMENT**

Mr. Guritz made a motion, seconded by Commander Langston, to adjourn.

The votes were as follows:

Yeas (7): Asselmeier, Belville, Gengler, Guritz, Holdiman, Langston, and Olson

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion carried.

The ZPAC, at 10:05 a.m., adjourned.

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

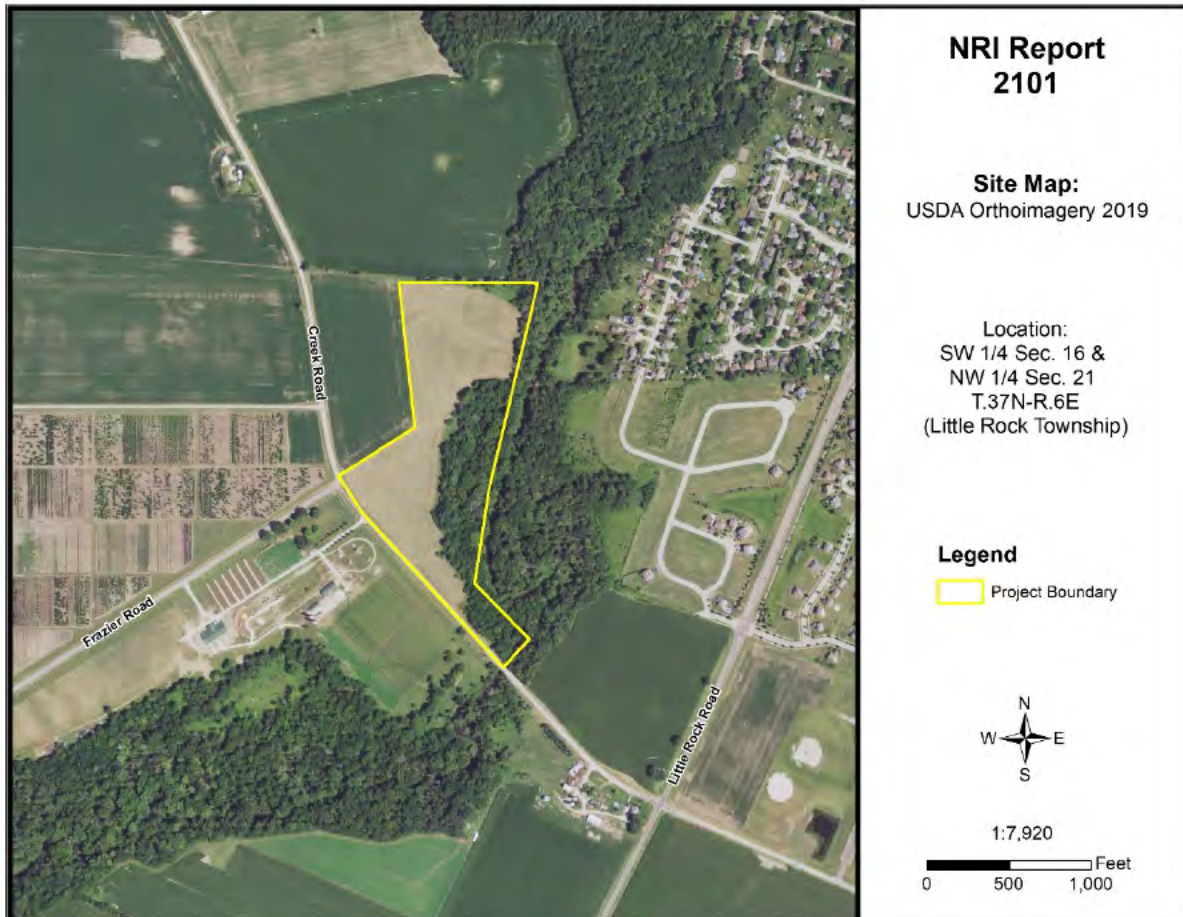
Enc.

**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
FEBRUARY 2, 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)
Don Keener	1107 A S. Bridge St Julesburg CO 80732	

# NATURAL RESOURCE INFORMATION (NRI) REPORT: #2101



Feb  
2021

Petitioner: Woody's Orchard (L&P Nelson Trust 103)  
Contact: Larry Nelson

Prepared By:



7775A Route 47  
Yorkville, Illinois 60560  
Phone: (630) 553-5821 x3  
Fax: (630) 553-7442  
[www.kendallswcd.org](http://www.kendallswcd.org)

## KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION (NRI) REPORT

Natural Resource Information Report Number	2101
Date District Board Reviews Application	February 2021
Applicant's Name	Woody's Orchard (L&P Nelson Trust 103)
Size of Parcel	+/- 30.99 acres
Current Zoning & Use	A-1 Agricultural; Woody's Orchard
Proposed Zoning & Use	A-1 Special Use; Banquet Hall, Nano Brewery, Micro Distillery, Seasonal Festival with Petting Zoo, & Production/Sale of Sweet Cider
Parcel Index Number(s)	01-16-300-007; 01-21-100-005
Contact Person	Larry Nelson

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation		X
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

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## ***PURPOSE AND INTENT***

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The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

**Kendall County Soil and Water Conservation District**  
**7775A Route 47, Yorkville, IL 60560**  
**Phone: (630) 553-5821 ext. 3**  
**E-mail: [Alyse.Olson@il.nacdnet.net](mailto:Alyse.Olson@il.nacdnet.net)**



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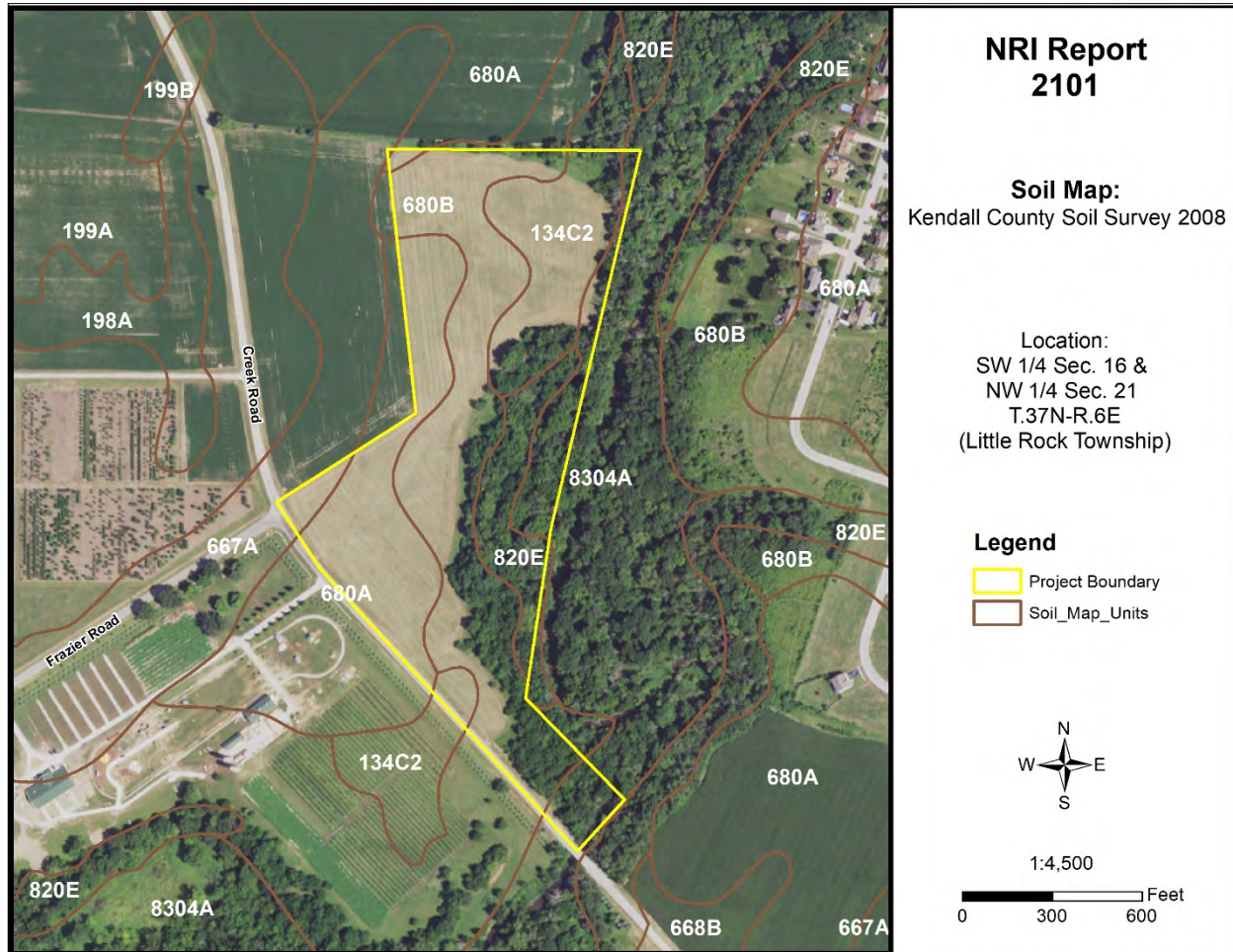
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## ***EXECUTIVE SUMMARY***

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Natural Resource Information Report Number	#2101
Petitioner	Woody's Orchard (L&P Nelson Trust 103)
Contact Person	Larry Nelson
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 16 & NW ¼ of Section 21, Township 37 North, Range 6 East (Little Rock Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	Woody's Orchard
Existing Zoning & Land Use	A-1 Agricultural; Woody's Orchard
Proposed Zoning & Land Use	A-1 Special Use; Banquet Hall, Nano Brewery, Micro Distillery, Seasonal Festival with Petting Zoo, & Production/Sale of Sweet Cider
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	+/- 30.99 acres
Land Evaluation Site Assessment Score	Land Evaluation: 77; Site Assessment: 111

**NATURAL RESOURCE CONSIDERATIONS****Figure 1: 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; if completed, please refer to onsite soil test results for planning/engineering purposes):

**Table 1: Soils Information**

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
134C2	Camden silt loam, 5-10% slopes, eroded	Well Drained	B	Non-hydric	Farmland of Statewide Importance
667A	Kaneville silt loam, 0-2% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland
680A	Campton silt loam, 0-2% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland
680B	Campton silt loam, 2-5% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland

820E	Hennepin-Casco complex, 12-30% slopes	Well Drained	C	Non-hydric	Not Prime Farmland
8304A	Landes fine sandy loam, 0-2% slopes, occasionally flooded	Well Drained	A	Non-hydric	Prime Farmland

**Hydrologic Soil Groups** – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

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

**Hydric Soils** – A 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 that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, all are classified as non-hydric soils (134C2 Camden silt loam, 667A Kaneville silt loam, 680A & 680B Campton silt loam, 820E Hennepin-Casco complex, and 8304A Landes fine sandy loam). There is one soil on-site that is likely to contain hydric inclusions (134C2 Camden silt loam).

**Prime Farmland** – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, four are designated as prime farmland (667A Kaneville silt loam, 680A & 680B Campton silt loam, and 8304A Landes fine sandy loam), one is not prime farmland (820E Hennepin-Casco complex), and one is designated as farmland of statewide importance (134C2 Camden silt loam).

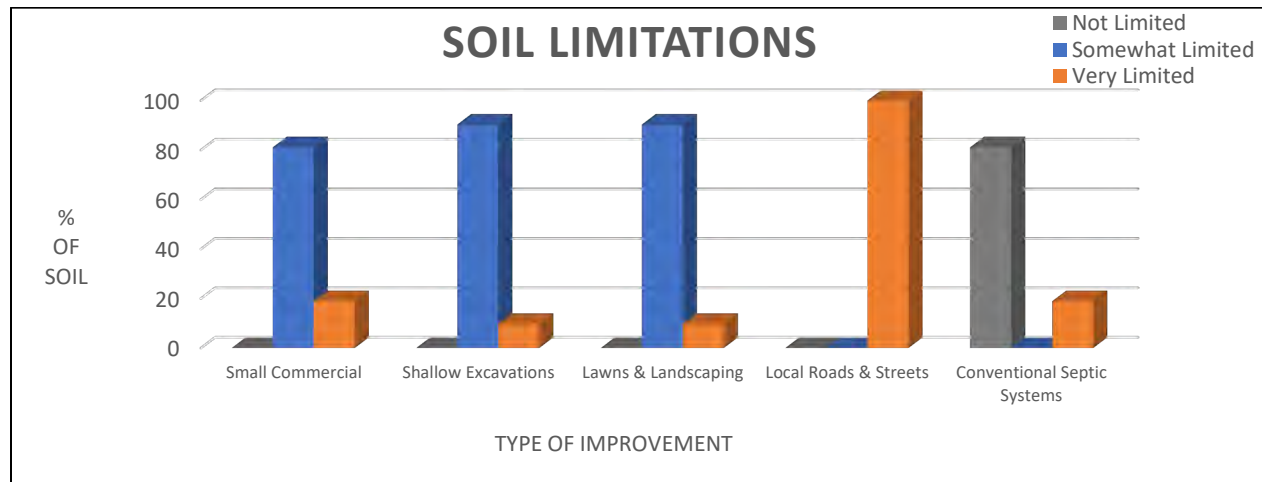
**Soil Limitations** – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings without basements, dwellings with basements, small commercial buildings, shallow excavations, lawns/landscaping, local roads and streets, and septic systems. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are

Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

**Table 2:** Soil Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns/ Landscaping	Local Roads & Streets	Conventional Septic Systems
134C2	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
667A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
680A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
680B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable
820E	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable: gravel
8304A	Very Limited	Somewhat Limited	Somewhat Limited	Very Limited	Unsuitable: occasionally flooded

**Septic Systems** – The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026).



**Figure 2:** Soil Limitations

#### 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.
  - The Land Evaluation score for this site is **77**, indicating that this site is **not well suited** for agricultural uses.
- **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 Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
  - The Site Assessment score for this site is **111**.

The **LESA Score for this site is 188 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. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

## WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map **indicates the presence** of a wetland(s) on the proposed project site along the eastern boundary and extending off site. To determine if a wetland is present, 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 Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0020G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, a portion of the parcel **is located** within the floodplain or floodway.

## SEDIMENT AND EROSION CONTROL

Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.



**LAND USE FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Woody's Orchard (L&P Nelson Trust 103) for the proposed expansion of Woody's Orchard to include a banquet hall, nano-brewery, micro-distillery, seasonal petting zoo, and cider house (A-1 Agricultural Special Use zoning request) within Little Rock Township of Kendall County located in the SW ¼ of Section 16 & NW ¼ of Section 21, Township 37N, and Range 6E of the 3<sup>rd</sup> Principal Meridian. 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 presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 90% are classified as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 77 out of a possible 100 points indicating that the soils are not well suited for agricultural uses. The total LESA Score for this site is 188 out of a possible 300, which indicates a low level of protection for the proposed project site. 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. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for local roads & streets, 18.9% are very limited for small commercial buildings, and 9.7% are very limited for shallow excavations and lawns/landscaping. The remaining soils are classified as either somewhat limited or not limited for these types of developments. Additionally, 18.9% are unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

For intense use, it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. 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 that the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

  
SWCD Board Representative

Date

02/10/21



## PARCEL LOCATION

### Location Map for Natural Resources Information Report #2101

SW ¼ of Section 16 & NW ¼ of Section 21, Township 37 North, Range 6 East (Little Rock Township) on 30.99 acres. This parcel is located north and east of Creek Road and west of Little Rock Creek in Plano. The parcel is part of unincorporated Kendall County.

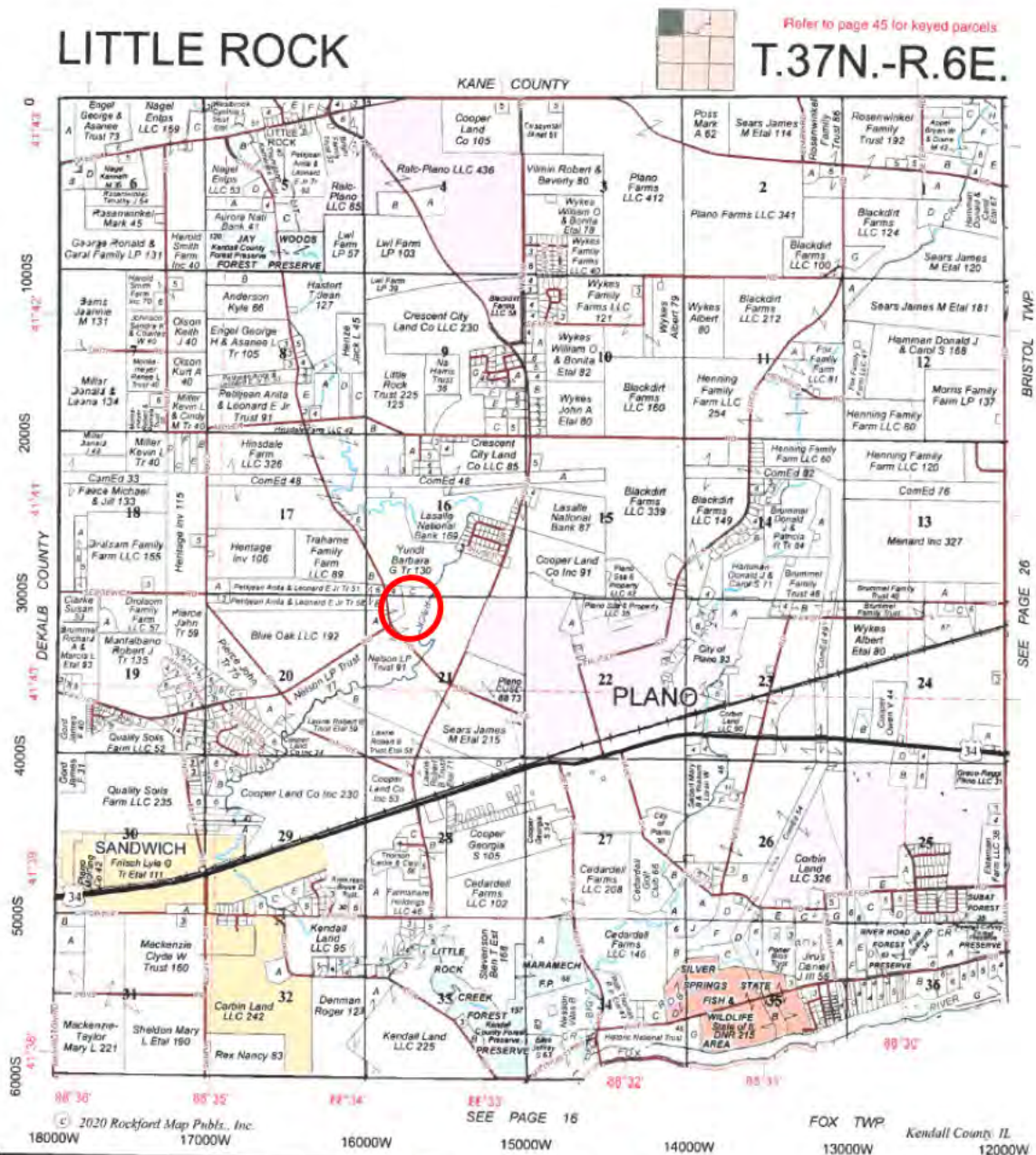
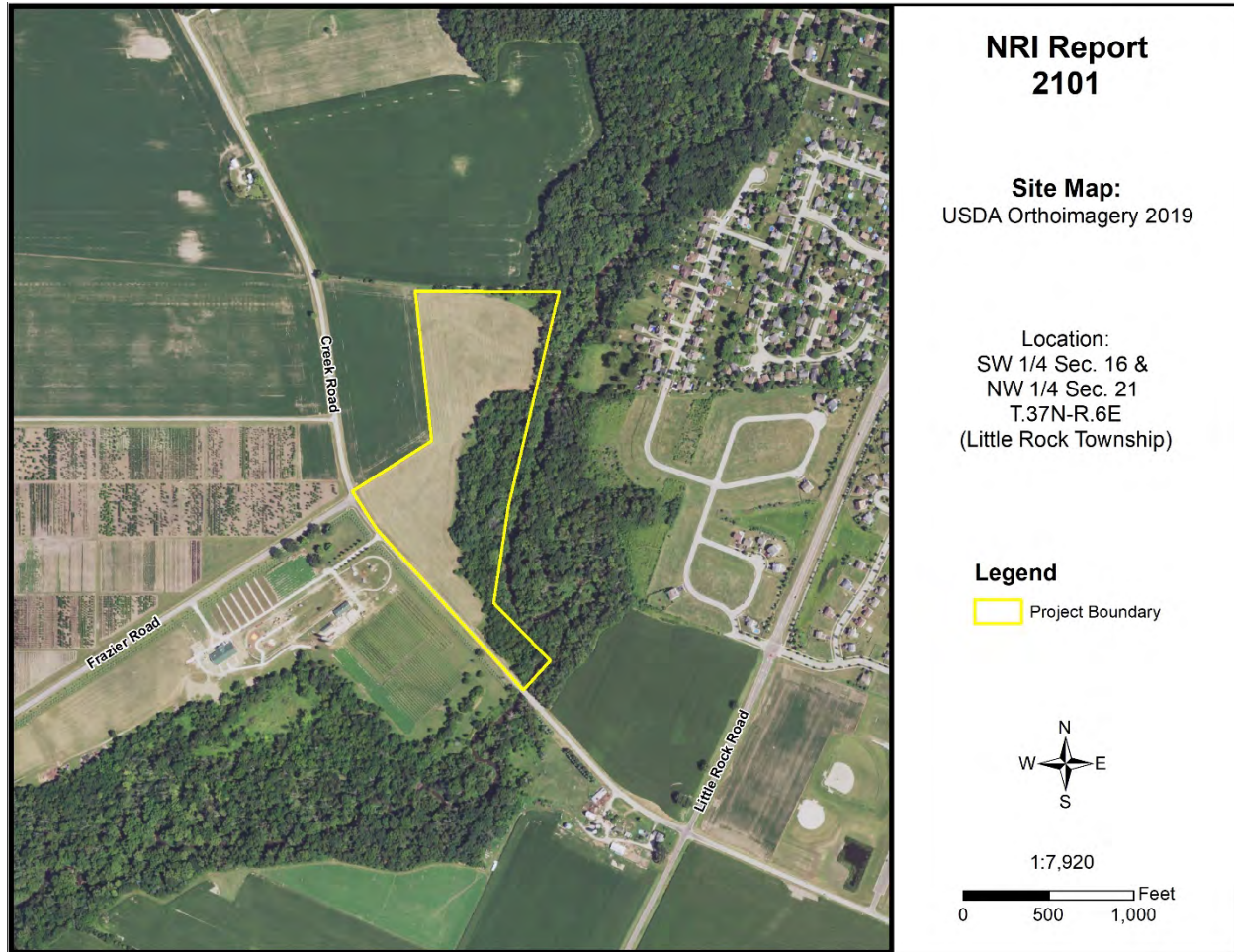


Figure 3: 2021 Plat Map





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## **ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION**

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Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

<p><b>The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.</b></p>
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## ***ECOLOGICALLY SENSITIVE AREAS***

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### **WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?<sup>1</sup>**

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

#### **BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL**

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

**Office maps indicate that ecologically sensitive area(s) are located near the parcel in question (PIQ). Little Rock Creek as well as a bottomland forest wetland are located immediately adjacent to the PIQ.**

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<sup>1</sup>Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

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## ***SOILS INFORMATION***

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### **IMPORTANCE OF SOILS INFORMATION**

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with in order to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.



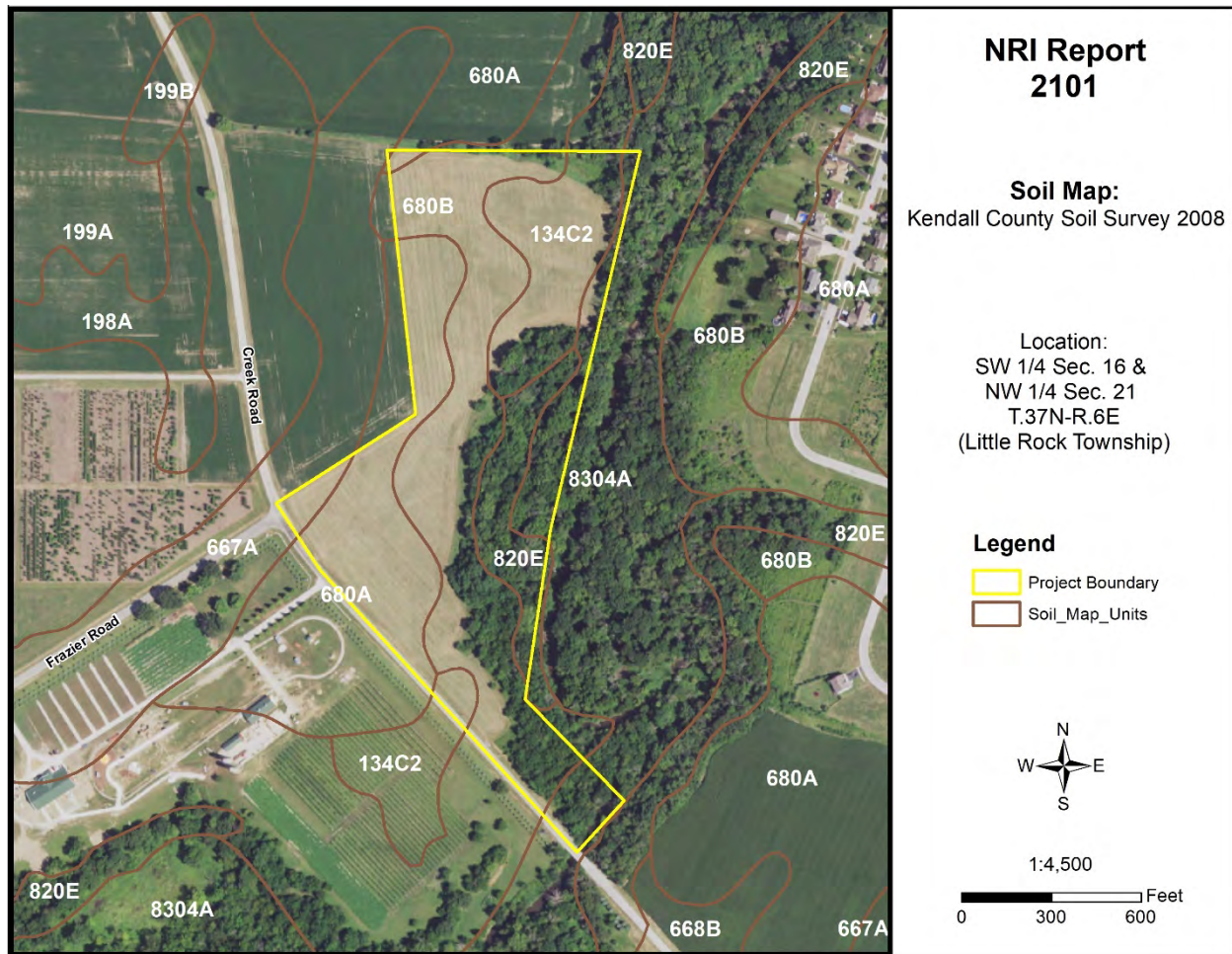


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
134C2	Camden silt loam, 5-10% slopes, eroded	5.6	18.4%
667A	Kaneville silt loam, 0-2% slopes	0.6	2.0%
680A	Campton silt loam 0-2% slopes	6.9	22.5%
680B	Campton silt loam, 2-5% slopes	11.7	38.2%
820E	Hennepin-Casco complex, 12-30% slopes	3.0	9.7%
8304A	Landes fine sandy loam, 0-2% slopes, occasionally flooded	2.8	9.2%

Source: National Cooperative Soil Survey – USDA-NRCS

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## ***SOILS INTERPRETATIONS EXPLANATION***

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### **GENERAL – NONAGRICULTURAL**

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" 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. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

### **LIMITATIONS RATINGS**

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

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## ***BUILDING LIMITATIONS***

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### **BUILDING ON POORLY SUITED OR UNSUITABLE SOILS**

This can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

**Small Commercial Building** – Ratings are for structures that are less than three stories high and do not have basements. The foundation is assumed to be spread footings of reinforced concrete built on disturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

**Shallow Excavations** – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

**Lawns and Landscaping** – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

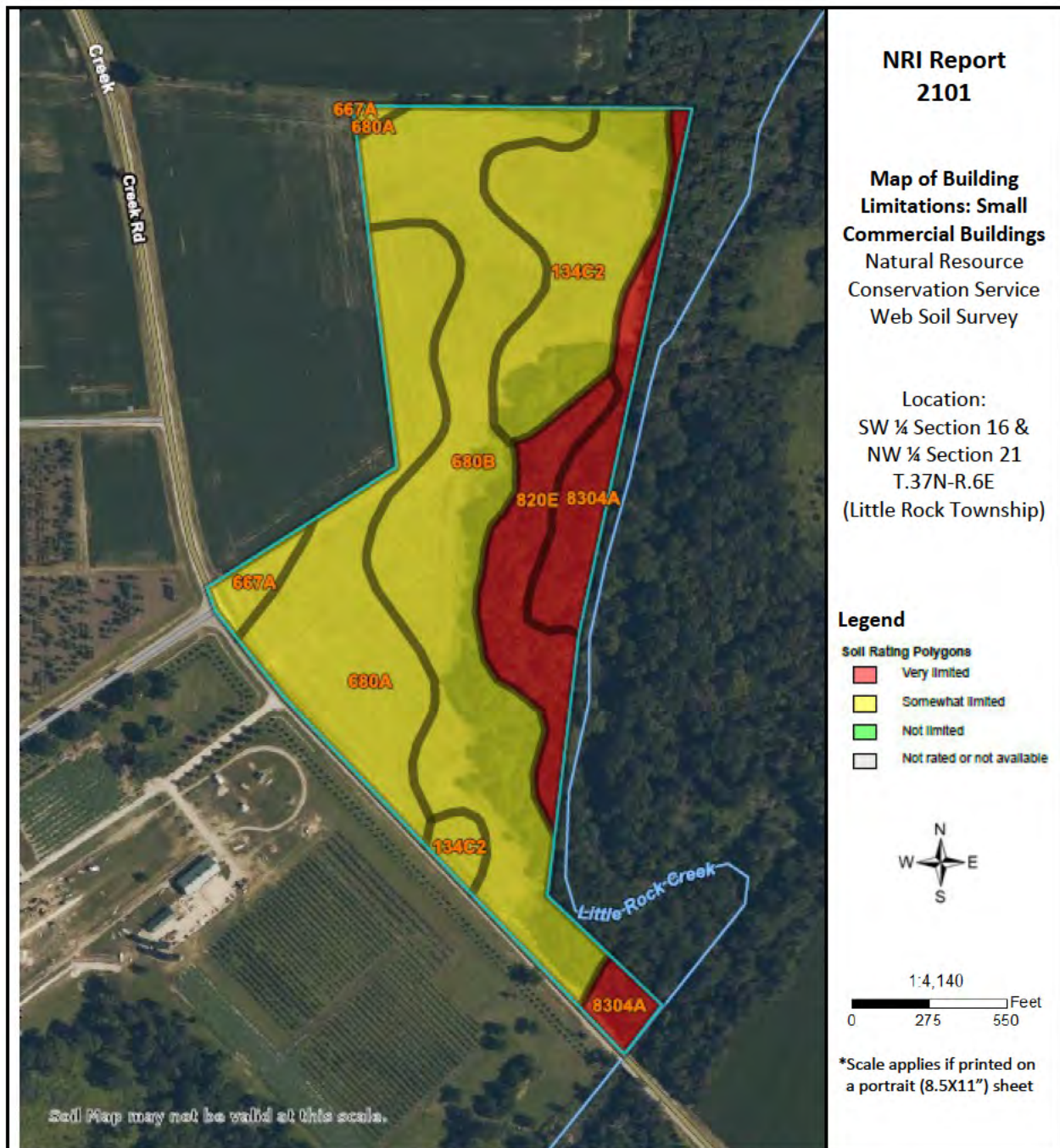
**Local Roads and Streets** – They have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material, a base of gravel, crushed rock or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete) or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity.

**Onsite Sewage Disposal** – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

**Table 4:** Building Limitations

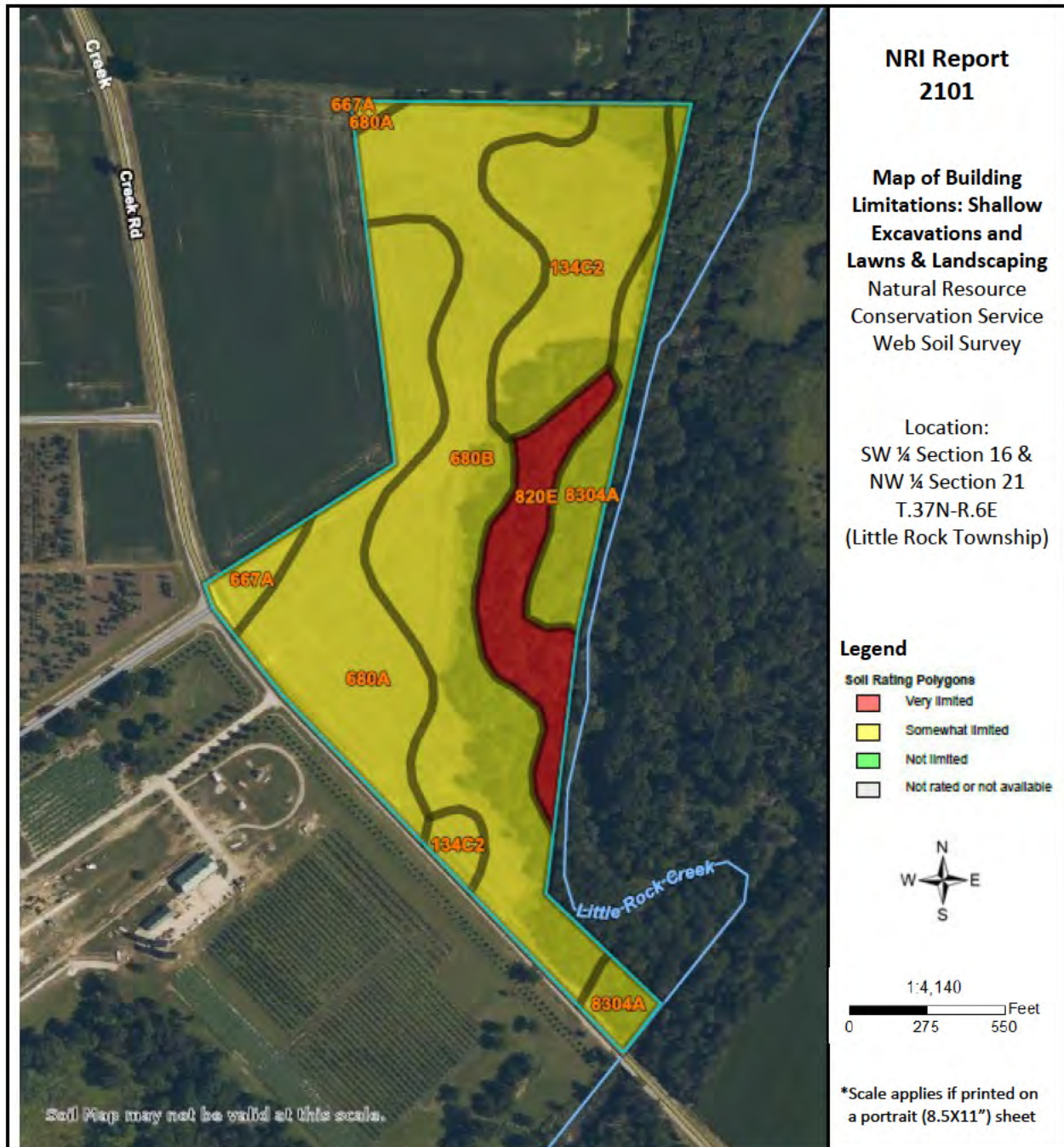
Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems	Acres	%
134C2	<b>Somewhat Limited:</b> Slope; Shrink-swell	<b>Somewhat Limited:</b> Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action; Low strength; Shrink-swell	<b>Suitable</b>	5.6	18.4%
667A	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action; Low strength; Shrink-swell	<b>Suitable</b>	0.6	2.0%
680A	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action; Low strength; Shrink-swell	<b>Suitable</b>	6.9	22.5%
680B	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action; Low strength; Shrink-swell	<b>Suitable</b>	11.7	38.2%
820E	<b>Very Limited:</b> Slope	<b>Very Limited:</b> Slope; Dusty; Unstable excavation walls	<b>Very Limited:</b> Slope; Low exchange capacity; Dusty; Droughty	<b>Very Limited:</b> Slope; Frost action; Low strength	<b>Unsuitable:</b> Gravel	3.0	9.7%
8304A	<b>Very Limited:</b> Flooding	<b>Somewhat Limited:</b> Flooding; Unstable excavation walls; Dusty	<b>Somewhat Limited:</b> Flooding; Low exchange capacity; Dusty	<b>Very Limited:</b> Flooding; Frost action	<b>Unsuitable:</b> Occasionally flooded	2.8	9.2%
<b>% Very Limited</b>	<b>18.9%</b>	<b>9.7%</b>	<b>9.7%</b>	<b>100%</b>	<b>18.9%</b>		



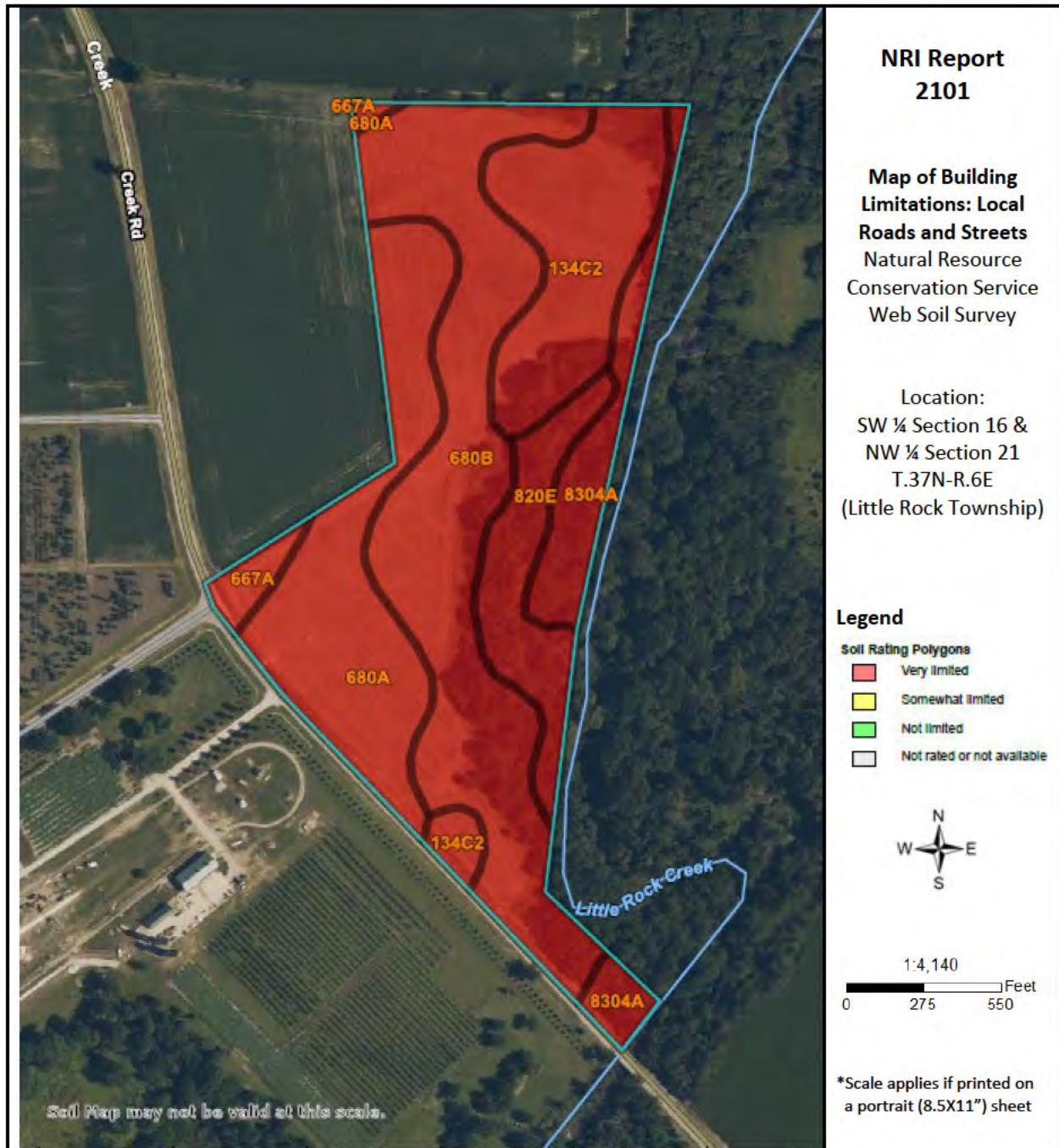


**Figure 6A:** Map of Building Limitations – Small Commercial Buildings



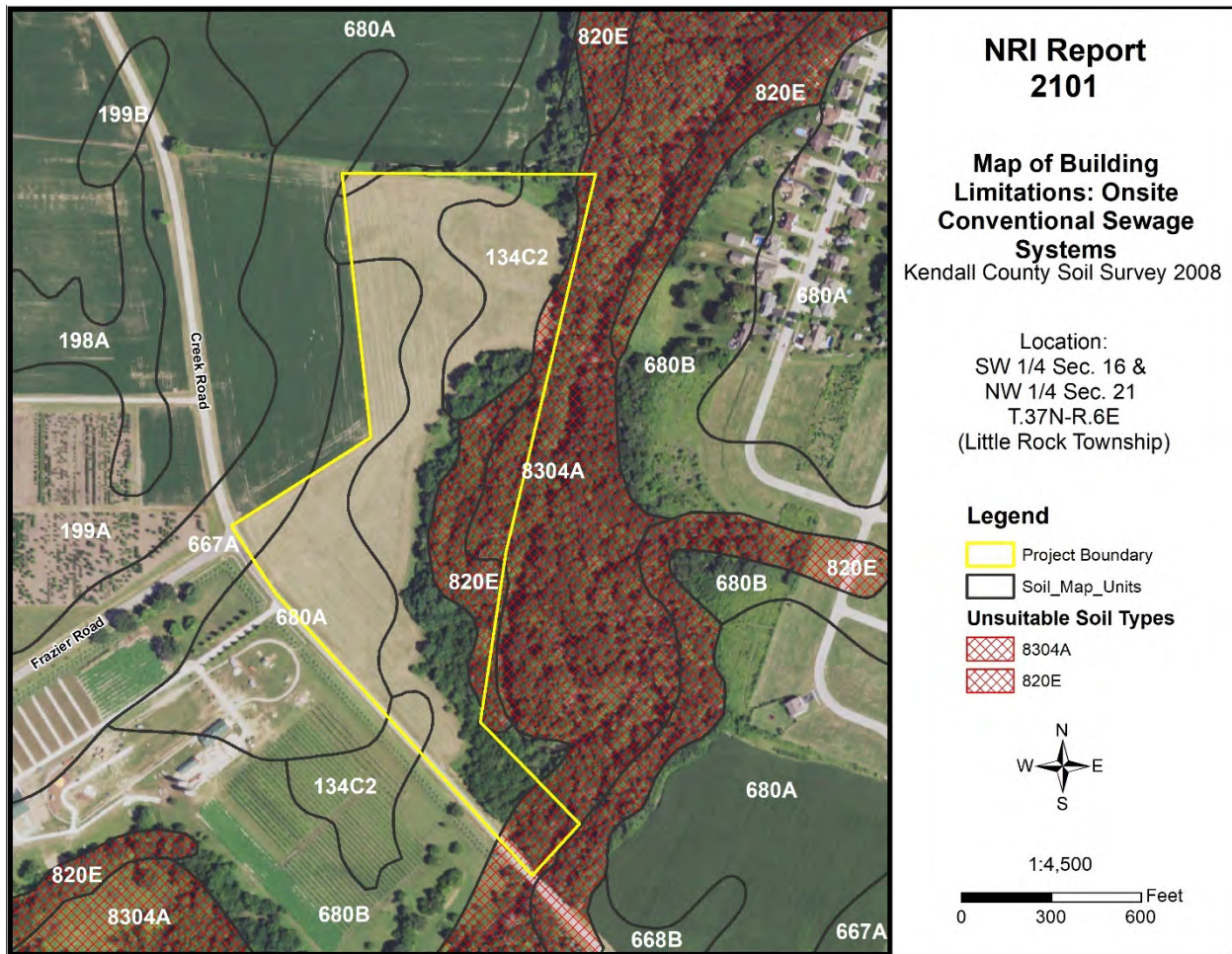


**Figure 6B: Map of Building Limitations – Shallow Excavations and Lawns & Landscaping**



**Figure 6C: Map of Building Limitations – Local Roads and Streets (Paved and Unpaved)**





**Figure 6D: Map of Building Limitations – Onsite Conventional Sewage System**

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## ***SOIL WATER FEATURES***

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Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

**HYDROLOGIC SOIL GROUPS (HSGs)** – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- **Group A:** Soils having 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.
- **Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- **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.
- **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, soils that 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.

**Note:** 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 is for undrained areas.

**SURFACE RUNOFF** – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and 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). The classes are negligible, very low, low, medium, high, and very high.

**MONTHS** – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

**WATER TABLE** – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

**PONDING** – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration and frequency of ponding.

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and frequent means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

**FLOODING** – The 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: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

**Note:** The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.



**Table 5: Water Features**

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
134C2	B	Medium	<u>January – December</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> --	<u>January – December</u> <b>Surface Water Depth:</b> -- <b>Duration:</b> -- <b>Frequency:</b> None	<u>January – December</u> <b>Duration:</b> -- <b>Frequency:</b> None
667A	C	Low	<u>January</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> -- <u>February – April</u> <b>Upper Limit:</b> 2.0'-3.5' <b>Lower Limit:</b> 6.0' <u>May – December</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> --	<u>January – December</u> <b>Surface Water Depth:</b> -- <b>Duration:</b> -- <b>Frequency:</b> None	<u>January – December</u> <b>Duration:</b> -- <b>Frequency:</b> None
680A	C	Low	<u>January</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> -- <u>February – April</u> <b>Upper Limit:</b> 2.0'-3.5' <b>Lower Limit:</b> 6.0' <u>May – December</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> --	<u>January – December</u> <b>Surface Water Depth:</b> -- <b>Duration:</b> -- <b>Frequency:</b> None	<u>January – December</u> <b>Duration:</b> -- <b>Frequency:</b> None
680B	C	Low	<u>January</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> -- <u>February – April</u> <b>Upper Limit:</b> 2.0'-3.5' <b>Lower Limit:</b> 6.0' <u>May – December</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> --	<u>January – December</u> <b>Surface Water Depth:</b> -- <b>Duration:</b> -- <b>Frequency:</b> None	<u>January – December</u> <b>Duration:</b> -- <b>Frequency:</b> None
820E	C	Very High	<u>January – December</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> --	<u>January – December</u> <b>Surface Water Depth:</b> -- <b>Duration:</b> -- <b>Frequency:</b> None	<u>January – December</u> <b>Duration:</b> -- <b>Frequency:</b> None
8304A	A	Very Low	<u>January – December</u> <b>Upper Limit:</b> -- <b>Lower Limit:</b> --	<u>January – December</u> <b>Surface Water Depth:</b> -- <b>Duration:</b> -- <b>Frequency:</b> None	<u>Jan – June &amp; Nov – Dec</u> <b>Duration:</b> Brief (2 to 7 days) <b>Frequency:</b> Occasional <u>July – October</u> <b>Duration:</b> -- <b>Frequency:</b> None

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## ***SOIL EROSION AND SEDIMENT CONTROL***

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Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

**Slope** has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing or diverting flow from exposed areas, storing flows or limiting runoff from exposed areas
- Staging construction in order to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected and maintained.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby.

**Table 6:** Soil Erosion Potential

<b>Soil Type</b>	<b>Slope</b>	<b>Rating</b>	<b>Acreage</b>	<b>Percent of Parcel</b>
134C2	5-10%	Moderate	5.6	18.4%
667A	0-2%	Slight	0.6	2.0%
680A	0-2%	Slight	6.9	22.5%
680B	2-5%	Slight	11.7	38.2%
820E	12-30%	Slight	3.0	9.7%
8304A	0-2%	Slight	2.8	9.2%

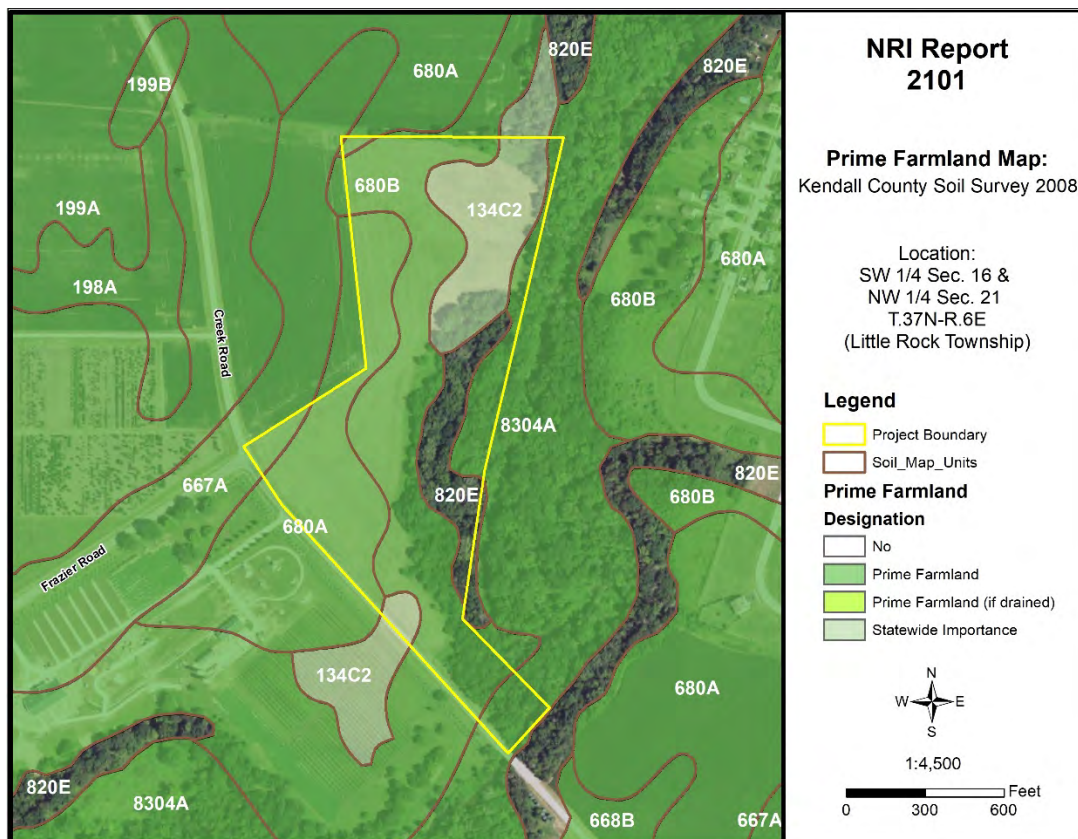
## ***PRIME FARMLAND SOILS***

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

**Table 7: Prime Farmland Soils**

Soil Types	Prime Designation	Acreage	Percent
134C2	Farmland of Statewide Importance	5.6	18.4%
667A	Prime Farmland	0.6	2.0%
680A	Prime Farmland	6.9	22.5%
680B	Prime Farmland	11.7	38.2%
820E	Not Prime Farmland	3.0	9.7%
8304A	Prime Farmland	2.8	9.2%
<b>% Prime Farmland</b>	<b>90.3%</b>		



**Figure 7: Map of Prime Farmland Soils**

## ***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 LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. 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 value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Please Note:** A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available and a full LESA score is unavailable for the parcel.

**Table 8A:** Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
134C2	5	82	5.6	459.2
667A	3	87	0.6	52.2
680A	4	79	6.9	545.1
680B	4	79	11.7	924.3
820E	7	47	3.0	141
8304A	4	79	2.8	221.2
<b>Totals</b>			<b>30.5</b>	<b>2,343</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 2,343 / 30.5 = 76.8	
<b>LE Score</b>			<b>LE = 77</b>	

The Land Evaluation score for this site is 77, indicating that this site is not designated as prime farmland that is well suited for agricultural uses since the Land Evaluation score falls below 80.

**Table 8B: Site Assessment Computation**

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	10
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	15
	4. Distance from fire protection service. (10-8-6-2-0)	6
	<b>Site Assessment Score:</b>	<b>111</b>

The Site Assessment score for this site is 111. The Land Evaluation value (77) is added to the Site Assessment value (111) to obtain a LESA Score of 188. The table below shows the level of protection for the proposed project site based on the LESA Score.

**Table 9: LESA Score Summary**

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

**Land Evaluation Value: 77 + Site Assessment Value: 111 = LESA Score: 188**

**The LESA Score for this site is 188 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. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.



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## ***LAND USE PLANS***

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Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

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## ***DRAINAGE, RUNOFF, AND FLOOD INFORMATION***

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U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

### **WHAT IS A WATERSHED?**

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

### **IMPORTANCE OF FLOOD INFORMATION**

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency (FEMA). These maps define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and floodplain location.) The FIRM map has three (3) zones. A is the zone of 100-year flood, Zone B is the 100 to 500-year flood, and Zone C is outside the floodplain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-DWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

**This parcel is located on topography (slopes 0 to 30%) involving high and low areas with the steepest slopes occurring along Little Rock Creek (elevation is approximately 650' above sea level). According to the FIRM map, a small portion of the Zone A floodplain lies within the PIQ. The topographic map indicates that the parcel drains east and southeast towards the creek.**

## National Flood Hazard Layer FIRMette

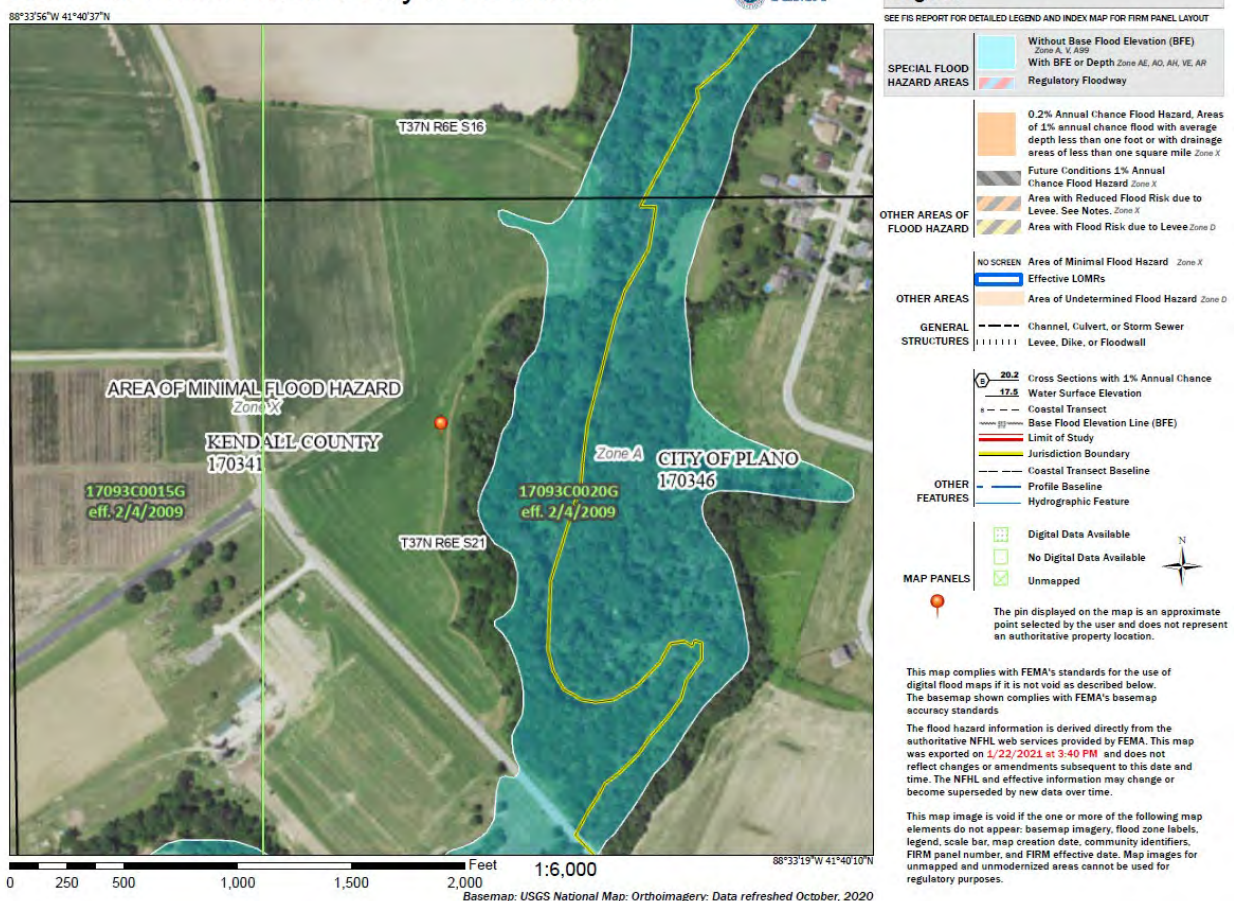


Figure 8: FEMA Floodplain Map

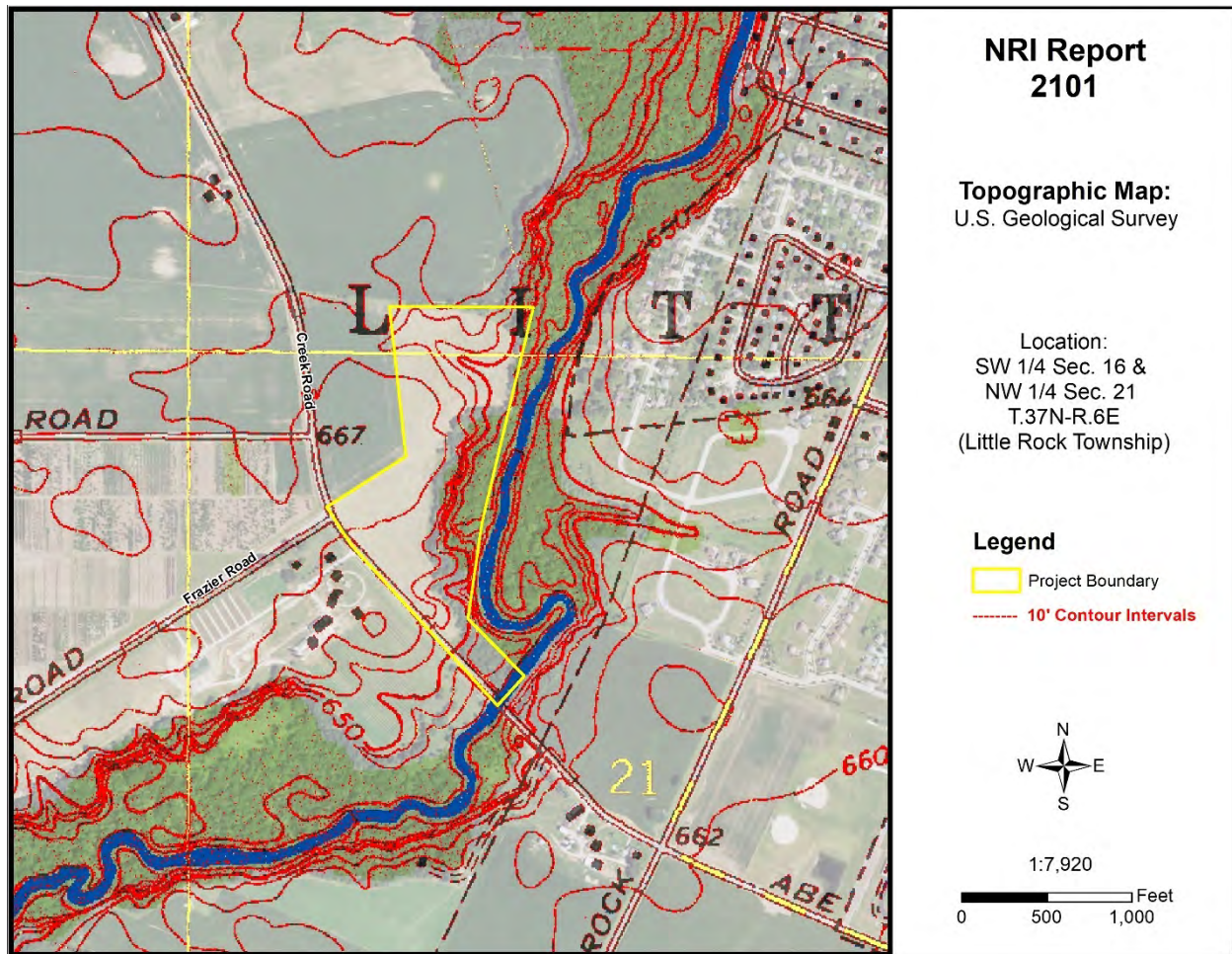


Figure 9: USGS Topographic Map



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## ***WATERSHED PLANS***

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### **WATERSHED AND SUB WATERSHED INFORMATION**

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving a construction site
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing styles and types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Shrink lot size and create more open space
- Maintain historical and cultural resources
- Treat water where it falls
- Preserve views
- Establish and link trails

<p><b>This parcel is located within the Lower Fox River Watershed and the Little Rock Creek Sub Watershed.</b></p>
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## WETLAND INFORMATION

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### IMPORTANCE OF WETLAND INFORMATION

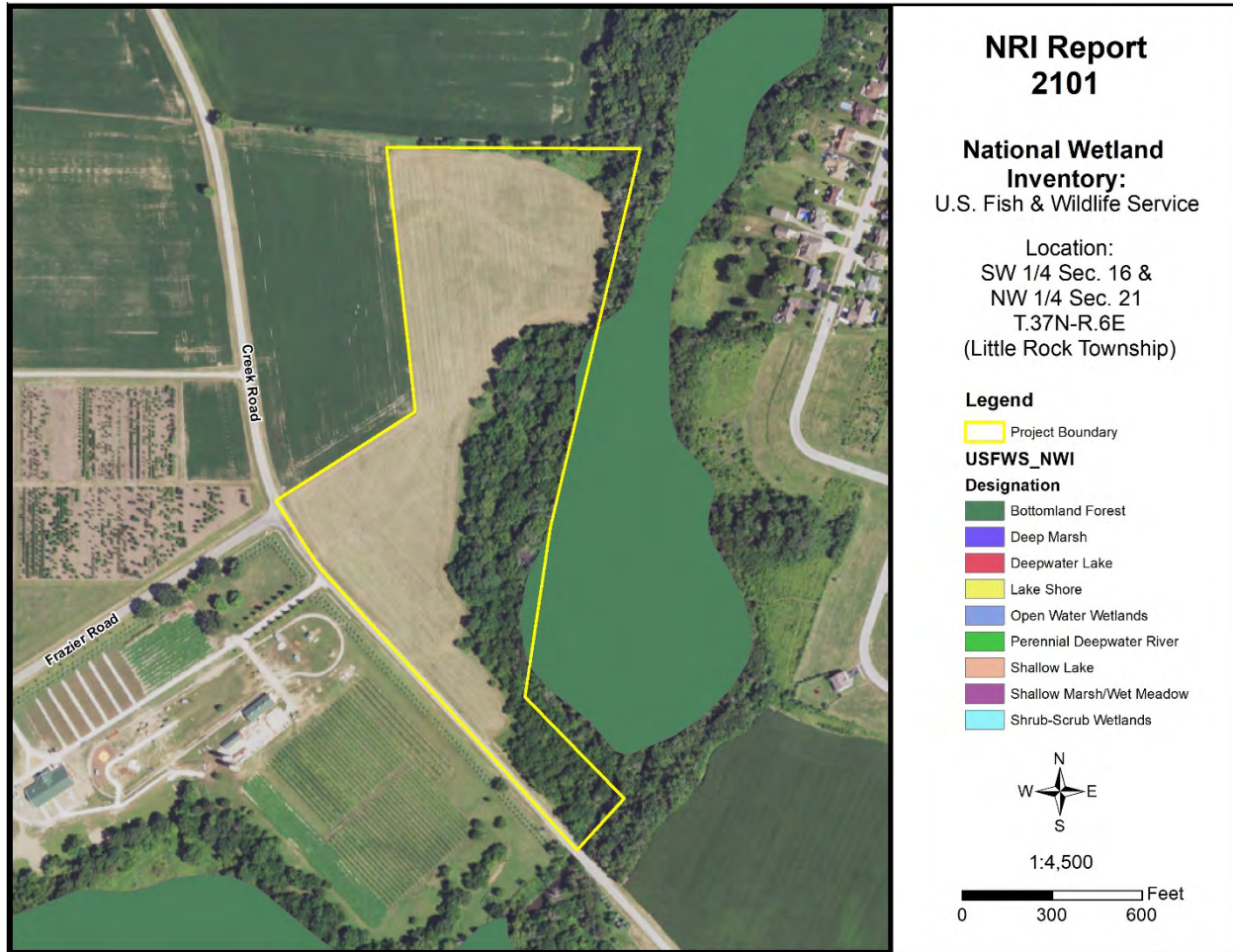
Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the NRCS (Natural Resources Conservation Service) Wetlands Inventory, which is the most comprehensive inventory to date. The NRCS Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The NRCS Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*



**Figure 10: Wetland Map – USFWS National Wetland Inventory**

Office maps indicate that mapped wetlands are present on the parcel in question (PIQ) along the eastern project boundary.

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## ***HYDRIC SOILS***

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Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

**Table 10:** Hydric Soils

<b>Soil Types</b>	<b>Drainage Class</b>	<b>Hydric Designation</b>	<b>Hydric Inclusions Likely</b>	<b>Acreage</b>	<b>Percent</b>
134C2	Well Drained	Non-Hydric	Yes	5.6	18.4%
667A	Moderately Well Drained	Non-hydric	No	0.6	2.0%
680A	Moderately Well Drained	Non-hydric	No	6.9	22.5%
680B	Moderately Well Drained	Non-hydric	No	11.7	38.2%
820E	Well Drained	Non-hydric	No	3.0	9.7%
8304A	Well Drained	Non-hydric	No	2.8	9.2%

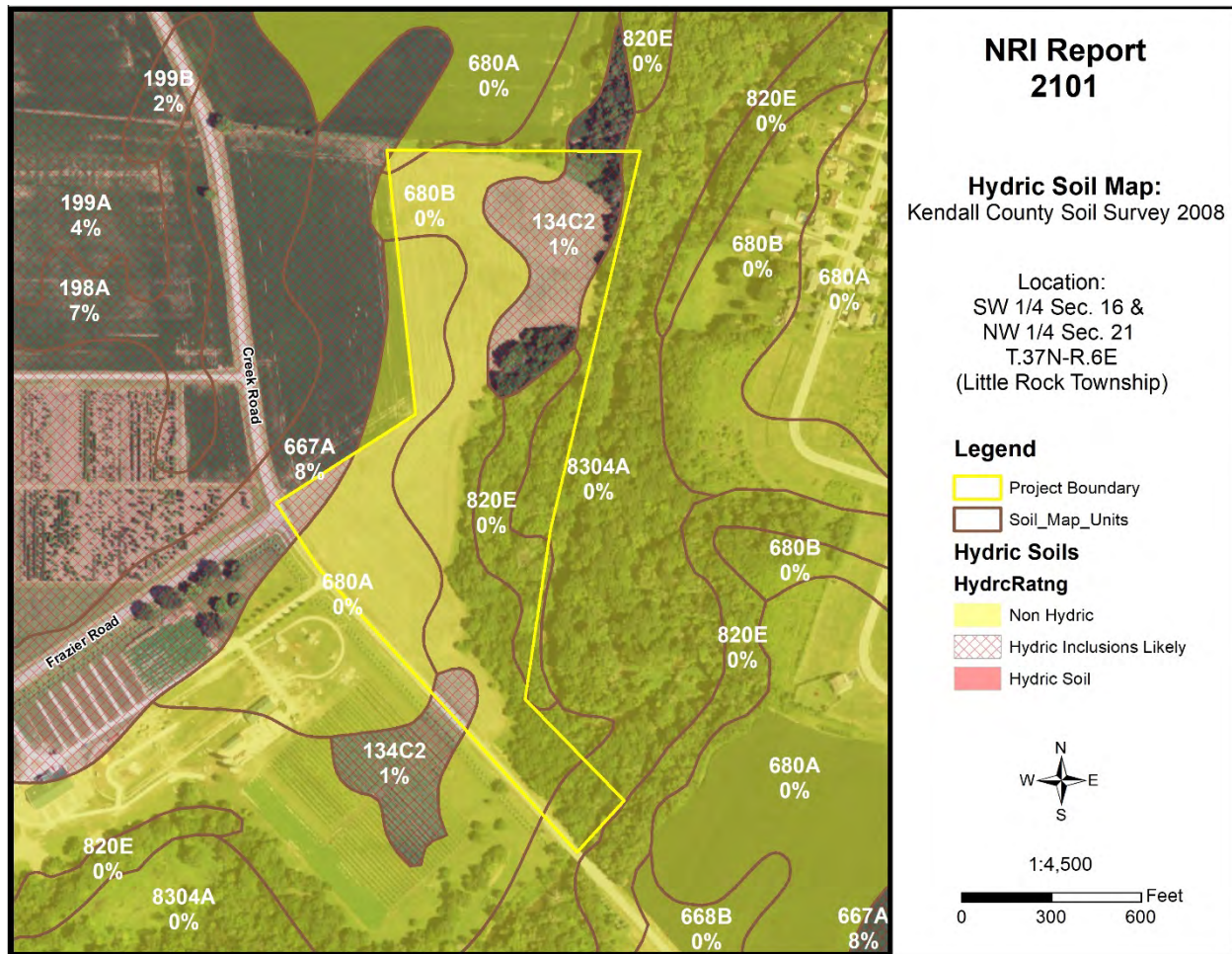


Figure 11: Hydric Soil Map



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## **WETLAND AND FLOODPLAIN REGULATIONS**

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PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

### **WHO MUST APPLY?**

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

### **REGULATORY AGENCIES**

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- **Floodplains:** Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL 62702-1270.
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

### **COORDINATION**

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

**CAUTION:** Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.



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## **GLOSSARY**

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**AGRICULTURAL PROTECTION AREAS (AG AREAS)** - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

**AGRICULTURE** - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

**B.G.** - Below Grade. Under the surface of the Earth.

**BEDROCK** - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**FLOODING** - Indicates frequency, duration, and period during year when floods are likely to occur.

**HIGH LEVEL MANAGEMENT** - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

**HIGH WATERTABLE** - A seasonal high watertable is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Watertable, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Watertable, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Watertable, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

**DELINEATION** - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**DETERMINATION** - A polygon drawn on a map using map information that gives an outline of a wetland.

**HYDRIC SOIL** - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

**INTENSIVE SOIL MAPPING** - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

**LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.)** - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**MODERN SOIL SURVEY** - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

**PALUSTRINE** - Name given to inland freshwater wetlands.

**PERMEABILITY** - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** - Parcel in question

**POTENTIAL FROST ACTION** - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**PRIME FARMLAND** - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated

with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

**PRODUCTIVITY INDEXES** - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

**SEASONAL** - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

**SHRINK-SWELL POTENTIAL** - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

**SOIL MAPPING UNIT** - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

**SOIL SERIES** - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

**SUBSIDENCE** - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

**TERRAIN** - The area or surface over which a particular rock or group of rocks is prevalent.

**TOPSOIL** - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

**WATERSHED** - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

**WETLAND** - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

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## ***REFERENCES***

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Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.

DFIRM – Digital Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.

Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDA, Natural Resources Conservation Service.

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Kendall County Land Atlas and Plat Book. 21<sup>st</sup> Edition, 2021.

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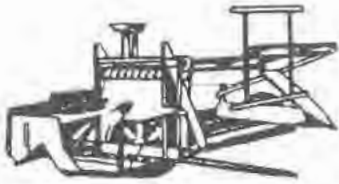
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The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

# CITY OF PLANO



Birthplace of the Harvester

17 E. Main St.  
Plano, Illinois 60545

Mayor 630-552-3210

City Clerk (630) 552-8275  
City Treasurer (630) 552-8823

Fax (630) 552-8292  
www.cityofplanoil.com

Public Works (630) 552-7000  
Building & Zoning (630) 552-8425



February 23, 2021

Matthew H. Asselmeier, AICP, CFM  
Senior Planner  
Kendall County Planning, Building & Zoning  
111 West Fox Street  
Yorkville, IL 60506

RE: Kendall County Petition 21-03

Dear Mr. Asselmeier:

I have been authorized, on behalf of the City of Plano, to inform you of the City's positive recommendation for the granting of Petition 21-03, an amendment to a Special Use permit (Kendall County Ordinance #2016-21).

Along with this positive recommendation, the City of Plano recommends that in granting the amendment, the County should further study the intersection of Little Rock and Creek Roads, in the light of the growth in the immediate area, for the purpose of insuring traffic safety.

For your information, I have attached a copy of the draft minutes of the Plan Commission meeting of February 15, 2021 when this matter was discussed.

Sincerely,

Thomas J. Karpus, R.A., ALA  
Director Building, Planning, & Zoning  
City of Plano



**CITY OF PLANO  
MINUTES OF PLAN COMMISSION / ZBA  
February 15, 2021**

1. A special meeting of the Plan Commission / Zoning Board of Appeals was called to order at 7:00 pm by Chairman Cara Brummel at City Hall.

2. **Roll Call:**

Members in Attendance: C. Oleson, E. Oleson, Brummel, Carter, Droysen

Absent: Kahl, Dreisilker

There was a quorum.

Also present:

Staff: Tom Karpus, Director, Building, Planning, & Zoning

Guests: Alderman Mulliner, Alderman Johns, Matt Asselmeier - Kendall County Planner, Larry Nelson – Woody's, Doug Nelson – Woody's, Michael Skinner.

3. **Approval of Minutes**

Motion by Carter, second by C. Oleson to approve minutes of November 2, 2020 meeting as submitted.

Voting Aye: Carter, C. Oleson, E. Oleson, Droysen, Brummel – carried unanimously.

4. **Public Comment**

Michael Skinner, 1920 Pauline Place, spoke against the Kendall County Petition 21-03, he feels granting the petition will result an increase in noise, traffic, an impaired drivers on local roads.

5. **Kendall County Petition #21-03: Amendment to existing Special Use Permit  
Kendall County Ordinance 2016-21**

Larry Nelson, representing the petitioner (Woody's Orchard), explained the petition for the amendment to the existing County Special Use permit. The amendment adds the 30 +- acres of property on the east side of Creek Road to the existing special use.

In response to the public comments, Mr. Nelson stated that they had been extremely careful in arranging the entrance drives and parking so there would be no backups or parking on or along the public roads. He also stated that they already had a County liquor license and he was not aware of any issues.

Doug Nelson, representing the petitioners, spoke regarding the noise limitations already imposed by the existing special use. The owners are very aware of any potential noise issues, and they are under the impression that traffic noise, especially truck noise from

the nursery is more prevalent than anything Woody's is doing. He was not aware of any complaints regarding noise emanating from Woody's.

Chairman Brummel asked for staff comments. Karpus said the City has annexed and zoned the northwest corner of Little Rock and Creek Roads as B-5, Service Business District. Further, the Future Land Use map of the City's Comprehensive Plan shows commercial uses continuing along Creek Road, so this use (Woody's) seems consistent with City of Plano planning.

However, the City has long held that the intersection of Little Rock and Abe Street / Creek Road needs to be improved upon. It is a commonly held opinion that traffic along Little Rock Road is moving too fast, and with the Lakewood Springs Club subdivision building again, and potentially more traffic, it should be recommended that the County should look at safety improvements at that intersection.

C. Oleson mentioned that the site lines from the exit of the eastern property northwards along Creek Road could be affected by corn crops, but it was agreed this was a matter for County and Township planning to address.

Droysen questioned as to how pedestrian traffic between the western and eastern portions of the property would be handled as this involves crossing Creek Road. Larry Nelson stated that foot traffic would not be allowed, patrons wanting to access activities on the "other" side would be taken across via "people movers" operated by Woody's staff.

There being no further questions or comment. A motion was made by Droysen to recommend Kendall County grant the amendment to the Special Use Permit (Ordinance 2016-21) and in granting the amendment, the County should further study the intersection of Little Rock and Creek Roads, in the light of the growth in the immediate area, for the purpose of insuring traffic safety. Second by E. Oleson.

Voting Aye: Droysen, E. Oleson, Carter, C. Oleson, Brummel – carried unanimously.

**6. Public Comment: None**

**7. Adjournment**

Motion to adjourn by Carter, second by E. Oleson. Unanimous "aye" vote to adjourn. Meeting was adjourned at 8:15 p.m. by Chairman Brummel.

Prepared by: Tom Karpus, Director, Building, Planning, & Zoning

Attachment 8, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

*Kendall County Historic Courthouse*  
*East Wing Conference Room*  
*110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois*

**Unapproved - Meeting Minutes of February 24, 2021 - 7:00 p.m. (Hybrid Meeting)**

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

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Tom Casey (Attended Remotely), Dave Hamman (Attended Remotely), Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Bob Stewart, and Claire Wilson (Attended Remotely Starting at 7:06 p.m.)

**Members Absent:** None

**Staff Present:** Matthew H. Asselmeier, Senior Planner

**Others Present:** Dan Kramer, Pam Nelson, Scott Mulliner, Scott Gengler (Attended Remotely), Lucas Robinson (Attended Remotely), and Robert Long (Attended Remotely)

**APPROVAL OF AGENDA**

Member Rodriguez made a motion, seconded by Member Stewart, to approve the agenda.

The votes were as follows:

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

Nays (0): None

Absent (1): Wilson

The motion carried.

**APPROVAL OF MINUTES**

Member Rodriguez made a motion, seconded by Member Bledsoe, to approve the minutes of the January 27, 2021, meeting and the February 6, 2021, annual meeting.

The votes were as follows:

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

Nays (0): None

Absent (1): Wilson

The motion carried.

**PETITIONS**

**Petition 20-32 Cindy Gates on Behalf of the Cindy Gates Trust and Mark Cox on Behalf of Cox Landscaping, LLC**

Mr. Asselmeier summarized the request.

Cindy Gates, on behalf of the Cindy Gates Trust, currently leases the subject property to Mark Cox of Cox Landscaping, LLC for use as a landscaping business.

Prior to the COVID-19 closures, the County received a complaint that a landscaping business was operating at the subject property without proper zoning. Efforts to determine if the use qualified for grandfathering were

KCRPC Meeting Minutes 2.24.21

unsuccessful and the Petitioner decided to pursue a map amendment and special use permit. The COVID-19 closures and efforts to obtain stormwater information caused the application to be delayed.

The subject property is split zoned between A-1 and B-3. The request makes the entire frontage of the parcels B-3 and establishes a special use permit for a landscaping business over the area zoned B-3.

The application materials, aerial of the site portion of the property, site plan, and the plat of the area proposed for rezoning were provided.

The property is approximately two point five (2.5) acres.

The County's Future Land Use Map calls for the property to be Suburban Residential. Yorkville's Future Land Use Map calls for the property to be Agricultural.

Route 34 is a State-maintained arterial highway. There is a trail along Route 34.

There are no floodplains or wetlands on the property.

Member Wilson arrived at this time (7:06 p.m.).

The adjacent land uses are agricultural to the north, east, and west, and commercial to the south.

The adjacent zonings are A-1, R-3 and B-3 and Planned Development B-3 and O in Yorkville.

The County's Future Land Use Map calls for the area to be Suburban Residential and the Yorkville Future Land Use Map calls for the area to be Suburban Neighborhoods and Mid-Density Residential.

Ms. Belville started attending the meeting remotely at this time (9:05 a.m.).

Zoning Districts within one half (1/2) mile include A-1, R-3, B-3 in the County and Planned Development R-3 and O in Yorkville.

Pictures of the property were provided.

Four (4) residential subdivisions are located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and found the Fox River INAI Site, Yorkville Forested Seep and Fen INAI Site, and the River Redhorse in the area. Adverse impacts were unlikely and consultation was terminated.

The LESA Score was 115 indicating a low level of protection.

The Petitioners appeared before the Bristol Township Board on February 5, 2020, prior to submitting an application with the County. The Bristol Township Board voted in favor of the request. The minutes of this meeting were provided. Petition information was sent to Bristol Township on January 20, 2021.

Petition information was sent to the United City of Yorkville on January 20, 2021. Yorkville will be reviewing this proposal at their March meetings.

Petition information was sent to the Bristol-Kendall Fire Protection District on January 20, 2021.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding the lack of a septic system on the property. The Petitioner's Attorney noted that porta-john was on the property and no customers are invited on the property. Employees do not linger on the property. Based on the current use and proposed use of the property, restroom facilities are not required. The well on the property had previously been used to water plants related to the former nursery business at the property. ZPAC recommended approval of the

proposed map amendment and special use permit with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes of the meeting were provided.

The subject property has been used as a landscaping business without proper zoning for many years and the Petitioners would like to become compliant with the Zoning Ordinance.

According to the submitted business plan, Cox Landscaping, LLC provides general landscaping services to commercial and residential customers. The business has a maximum fifteen (15) employees. Employees arrive at the property at approximately 6:45 a.m., go to work sites, and return to the property by 5:30 p.m. The business operates at maximum capacity from April 1<sup>st</sup> through Thanksgiving. A smaller number of employees work for the business from November through April.

The subject property is used for offices and storage of landscaping materials.

The subject property is used for wholesale purposes only; no customers come onto the property.

The property presently consists of one (1) one thousand thirty (1,030) square foot steel building. An approximately fifty-three (53) square foot metal shed is located northeast of the steel building. A metal storage bin is located to the southeast of the steel building. An approximately one hundred twenty (120) square foot frame shed is also located southeast of the steel building. A new shed is shown on the site plan; the new shed will be approximately eight feet (8') tall. Any new structures would require applicable building permits.

The property also has one (1) two hundred fifty-two (252) square foot concrete storage area, one (1) two hundred sixteen (216) square foot concrete storage area, one (1) seven hundred fourteen (714) square foot concrete storage area, and one (1) five hundred forty-four (544) square foot wood storage bay. The height of the storage areas is twelve feet (12').

One (1) diesel tank is located on the property.

The property is served by well. There is no septic on the premises.

The property drains to the southeast.

The main parking area consists of gravel and crushed asphalt.

A pulverized black dirt pile will be located on the northern portion of the property.

A stormwater management permit will be required. The stormwater information was provided.

The property has two (2) accesses off of Route 34.

One (1) two thousand five hundred (2,500) square foot gravel parking area is located west of the steel building and one (1) five thousand (5,000) square foot parking lot is located north of the steel building. There are twelve (12) parking spaces in the gravel parking area west of the steel building with an additional twelve (12) parking spaces to the east of the steel building.

Lights are presently located on the property by the sign, flagpole, and on the steel building. One (1) freestanding light is also located on the property next to the steel building. No additional lighting is planned.

The site has less than thirty (30) parking spaces. Therefore, a photometric plan is not required.



A sign is already located on the property. The sign is five feet (5') wide and two feet (2') tall. The sign is three point eight feet (3.8') off of the ground for a total height of slightly under six feet (6'). A light exists next to the sign and flagpole.

A wooden fence six feet (6') in height is located between the steel building and the berm. The Petitioners plan to install a cyclone mesh fence with slats to prevent viewing by the public. The fence will be approximately six feet (6') in height. A new fence gate is visible on the site plan.

Security cameras are also located on the steel building.

The Petitioners also plan to have a three foot (3') maximum height berm with black dirt and mulch with landscaping in the location shown on the site plan.

A berm already exists parallel to Route 34.

No additional plantings are planned for either berm.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the twelfth (12<sup>th</sup>) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact for the map amendment were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural and commercial purposes. The subject property has been used for a nursery and landscaping business for several years.

The Zoning classification of property within the general area of the property in question. The surrounding properties have business, office, residential, and agricultural zoning classifications. The subject property is split zoned A-1 Agricultural District and B-3 Highway Business District.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently split zoned A-1 and B-3. Landscaping businesses are special uses within both zoning classifications. However, from a regulatory and use standpoint, having a consistent zoning classification across both uses removes the possibilities of inconsistent and conflicting regulations that exist when a property possesses more than one (1) zoning classification.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development along this portion of Route 34 is commercial, retail, office, similar related business uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Land Resource Management Plan calls for the subject property to be Suburban Residential and the Yorkville Comprehensive Plan calls for the property to be Agricultural even though a portion of the property has been zoned for business uses since the 1970s.

The proposed Findings of Fact for the special use permit were 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. The owners of the business allowed by the special use permit will not invite the public onto the property.

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 subject property has been used as a landscaping business for a number of years. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, and aesthetics of the operations at the property. Therefore, the neighboring property owners should not suffer loss in property values and will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. The property has two (2) points of access off of Route 34. The site has adequate utilities and no customers of the business allowed by the special use permit will be invited onto the property. The owners of the business allowed by the special use permit have applied for applicable stormwater permits.

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. True, the Petitioners are not requesting any variances.

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.”

Staff recommended approval of the requested map amendment. Staff also recommends approval of the requested special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan.
2. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
3. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the site plan.
4. Equipment and vehicles related to the business may be stored outdoors.

5. Within six (6) months of approval of the ordinance allowing the special use for a landscaping business at the subject property, the owners or operators of the business allowed by this special use permit shall install a cyclone mesh fence approximately six (6') in height in substantially the location depicted on the site plan
6. One (1) business related sign five feet (5') wide by two feet (2') tall shall be allowed on the subject property as shown on the site plan. The sign can be a maximum four feet (4') off of the ground. The sign may be illuminated.
7. The owners of the business allowed by this special use permit may install necessary lighting for security purposes. All lights shall follow the lighting provisions contained in the Kendall County Zoning Ordinance.
8. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the site plan. The parking area shall be gravel.
9. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be installed and maintained in substantially the same location as shown on the site plan.
10. No landscape waste generated off the property can be burned on this site.
11. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:45 a.m. until 5:30 p.m.
14. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
16. 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.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
18. 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.

Member McCarthy-Lange requested clarification on the rezoning request. Mr. Asselmeier responded that the area where the business was operating was split zoned. This proposal would bring the business area under one (1) zoning classification and would grant a special use permit for the landscaping business.

Member Wilson asked why the berm area did not screen the dirt pile. She also asked if any fencing would be around the dirt pile. Mr. Asselmeier responded that fencing would not be around the dirt pile. Dan Kramer, Attorney for the Petitioner, said the dirt pile was behind the berm. Mr. Kramer said more landscaping would be planted on the berm in the spring. The berm and dirt pile were not near the nearby residences. The dirt pile varies in size as projects occur.

Chairman Ashton expressed his frustration that applicants are submitting applications after starting operations without proper zoning.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the map amendment and special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson  
Nays (0): None  
Absent (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on March 1, 2021.

Member Nelson recused himself at this time (7:26 p.m.).

**Petition 21-03 Larry Nelson on Behalf of the L and P Nelson Trust 103**

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021. The LESA Score was 188 indicating a low level of protection. The NRI Report was provided.

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. The Township was working on a letter officially stating their position.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur. Mr. Asselmeier read a letter from Tom Karpus of the City of Plano explaining the City's approval and concerns.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes were provided.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of

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Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
  - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.

12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.
15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

The proposed findings of fact for the special use permit were 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. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.

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. True. Conditions were included in the original special use permit ordinance that will regulate noise, lighting, and sanitation provisions.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

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. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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.”

The proposed findings of fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated

no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

Staff recommended approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
  - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
  - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan. No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. 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.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Robert Long stated that his property is approximately two thousand feet (2,000') to the proposed banquet center location and the closest existing home is approximately one thousand two hundred feet (1,200') to the proposed banquet center. His concern was noise, but he was generally favorable of the proposal. He was also concerned about preservation of the Little Rock Creek watershed.

Member Wilson asked about outdoor bands or outdoor weddings. Mr. Nelson said that the answer to that question was undetermined at this time. Mr. Nelson also noted the existing noise regulations and previous noise



tests that he has done on the existing business. Mr. Nelson said that he intends to abide by the conditions of the special permit. Member Wilson expressed concerns regarding the Sheriff's Department obtaining noise measurements. Mr. Nelson stated that the closest house was approximately four hundred feet (400') from the proposed uses. The County has not received any noise complaints from the existing uses.

Member Rodriguez stated that he has gone to Woody's and thinks the business is remarkable. He noted the existing trees between the subject property and the nearby houses. Mr. Long noted that the trees do not block the noise.

Mr. Nelson and Mr. Long encouraged mutual respect between the applicant and neighbors.

Mr. Nelson noted the installation of the driveway on the west side of Creek Road to address potential traffic concerns.

Mr. Nelson noted that the property is highly erodible.

Mr. Nelson requested that the noise regulations apply only to the homes in existence at the time of special use permit approval. An aerial map could be added as an exhibit to the ordinance. Mr. Long noted that vacant residential lots exist in Lakewood Springs Club.

Member Rodriguez made a motion, seconded by Member Bledsoe, to recommend approval of special use permit and variances with the conditions proposed by Staff and with the amendment that the noise regulations apply to those residential structures that existed on the date of approval of the special use permit.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Rodriguez, Stewart, and Wilson  
Nays (0): None  
Absent (0): None  
Abstain (1): Nelson

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on March 1, 2021.

Member Nelson returned as a Member of the Commission at this time (8:04 p.m.)

#### **CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

#### **NEW BUSINESS**

None

#### **OLD BUSINESS**

**Approval to Initiate Amendments to the Future Land Use Map in the Kendall County Land Resource Management Plan by Having the Transportation Plan Correspond to the 2020-2040 Long Range Transportation Plan, Updating Municipal Boundaries, Reclassifying Islands in the Fox River from Unknown to Open Space and Reclassifying the Remaining Unknown Properties to Match Adjoining Land Use Classifications**

Mr. Asselmeier summarized the request.

In December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan. In December 2020, the County Board approved a 2020-2040 Long Range Transportation Plan that was similar to the 2019-2039 Long Rang Transportation Plan.

The Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. After discussions with Fran Klaas, at their meeting on October 28, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee recommended the following changes to the Kendall County Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road, using the Village of Oswego's alignment for the WIKADUKE Trail.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Road intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71
- Connecting Millbrook Road with the Millbrook Bridge by Aligning Millbrook Road and Whitfield Road behind the Existing Bank Building
- Having Douglas Road's Alignment Correspond to the Village of Oswego's Plans
- Aligning Cannonball Trail to Dickson Road and Gordon Street
- Extending Cherry Road into the Henneberry Woods Forest Preserve
- Extending Johnson Road East from Ridge Road to the County Line
- Miller Road Extended in DeKalb County

Changes in Land Use

- Changing the Suburban Residential Classification for the Properties South of the Johnson Road Extension to Mixed Use Business. Mr. Asselmeier noted that these would be the only properties in Na-Au-Say Township classified as Mixed Use Business.
- Updating the Future Land Use Map to Reflect Current Municipal Boundaries
- Correcting the Classification of the Minooka School District Property Near the Intersection of Route 52 and County Line Road
- Classifying the Parcels of Land Shown as "Unknown" on the Future Land Use Map to Match Adjoining Properties and/or Uses

The current Future Land Use Map, an updated Future Land Use Map, and updated trail map were provided. The redline version of the related text was also provided. The listing of parcels changed from unknown to a different use was also provided.

Mr. Asselmeier noted that Bristol Township submitted an email in favor of the proposal. Oswego Township submitted an email express concerns about several local roads. The County's opinion was that the concerns expressed by Oswego Township won't manifest themselves until the area is annexed by the Village of Oswego.

Member Nelson made a motion, seconded by Member Rodriguez, to initiate the amendment as proposed.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson  
Nays (0): None  
Absent (0): None

The motion carried.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier said that Petitions 20-02 and 20-05 were withdrawn by the Petitioner. The Planning, Building and Zoning Committee will be discussing the next steps for this property at their March 8, 2021, meeting.

#### **OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier said that there are four (4) agenda items for the March meeting. These include a map amendment request at the southwest corner of Galena and East Beecher Roads, a request for a special use permit for a flea market on Brisbin Road, a request for a banquet facility on Van Dyke Road, and the Land Resource Management Plan amendment.

Member Nelson stated the Comprehensive Land Plan and Ordinance Committee will be reviewing the land uses and zoning classifications for properties along Eldamain Road between the Fox River and Route 71.

#### **ADJOURNMENT**

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson  
Nays (0): None  
Absent (0): None

The motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:14 p.m.

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

Enc.

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
FEBRUARY 24, 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)
Don Kow	Ret. 20-32	
Scott Muller		

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING (HYBRID ATTENDANCE)**  
110 WEST MADISON STREET (109 WEST RIDGE STREET), EAST WING CONFERENCE ROOM  
YORKVILLE, IL 60560  
**March 1, 2021 – 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, Karen Clementi, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Dan Kramer, Larry Nelson, Doug Nelson, Pam Nelson, and Scott Mulliner

Chairman Mohr swore in Dan Kramer, Larry Nelson, and Doug Nelson

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 21-03 at 7:22 p.m.

**Petition 21 – 03 – Larry Nelson on Behalf of the L and P Nelson Trust 103**

Request: Major Amendment to the Special Use Permit Granted by Ordinance 2016-21 By Expanding the Uses (Banquet Facility, Nano Brewery, Micro Distillery, Year Round Seasonal Festival with Petting Zoo, Production and Sale of Sweet Cider) Allowed by Ordinance 2016-21 and Related Variances to the Property East of Creek Road and Removing the Maximum Building Number Requirement Contained in Ordinance 2016-21

PINs: 01-16-300-007 and 01-21-100-005

Location: 3210 Creek Road, Plano, Little Rock Township

Purpose: Petitioner Wants To Expand the Uses and Variances Allowed by Ordinance 2016-21 to the East Side of Creek Road and Remove the Maximum Building Number Requirement; Property is Zoned A-1 Agricultural

Mr. Asselmeier summarized the request.

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road.



The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

The application materials, concept plan, Ordinance 2016-21, and aerial of the property were provided.

The expansion area is approximately thirty-one (31) acres in size.

The Future Land Use Plan calls for the property to be Rural Estate Residential and Countryside Residential.

Creek Road is a Township maintained Local Road. The County has a trail planned along Creek Road north of Frazier Road.

The One (100)-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

The adjacent land uses are Agricultural and an outlot to a residential subdivision.

The adjacent zonings are A-1 and A-1 SU in the County and AG-1 in Plano.

The County's Future Land Use Map calls for the area to be Agricultural, Countryside Residential, Rural Estate Residential, and Commercial. Plano's Future Land Use Map calls for the area to be Open Space, Low-Density Residential, and General Business.

The nearby zoning districts include A-1, A-1 SU, and R-3 in the County and AG-1, F-1, R-5, B-2, and B-5 in Plano.

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

EcoCat submitted on January 5, 2021, and consultation was terminated.

NRI application submitted on January 8, 2021. The LESA Score was 188 indicating a low level of protection. The NRI Report was provided.

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. The Township was working on a letter officially stating their position.

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur.

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent. The minutes were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. One (1) neighbor, Robert Long, stated that he was concerned about noise and the preservation of the Little Rock Creek watershed, but was generally in favor of the proposal. The Petitioner stated that they would abide by the County's noise regulations. The Petitioner was unsure if outdoor music would occur at the property as part of banquets. The Petitioner requested that the noise regulations apply only to the homes in existence at the time of the issues of the special use permit. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the amendment regarding the noise regulations as requested by the Petitioner by a vote of eight (8) in favor and zero (0) in opposition, one (1) Commissioner recused himself. The minutes were provided.

According to the business information provided, the Petitioner would like to expand operations of Woody's Orchard to the property they own on the east side of Creek Road. The Petitioners would like to construct approximately three (3) buildings with a total of thirty thousand (30,000) square feet in substantially the locations shown on the concept plan. The concept plan also calls for two (2) parking areas and two (2) access points off of Creek Road. Traffic circulation would be one (1) way throughout the property. The concept plan also calls for an apple tree area on the north side of the property.

The Petitioner would like the conditions and variances imposed by Ordinance 2016-21 to carry over to the new area of operations. The conditions from Ordinance 2016-21 are as follows:

1. The property shall be developed in substantial compliance with the submitted concept plan.
2. The maximum number of patrons for banquets shall be limited to two hundred twenty-five (225), including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 a.m. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30 pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance.

5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery.
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health Department.
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
  - a. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 a.m. to 10:00 p.m.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - b. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 p.m. to 7:00 a.m.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.
  - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 10:00 p.m.
9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan shall be submitted to and approved by the Kendall County Health Department prior to operation of the micro distillery.
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health.
12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (10,000) square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12:10), and may only be externally illuminated.
14. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

15. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

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

The variances from Ordinance 2016-21 are as follows:

1. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

According to the business plan information, the proposed use is "a hybrid use of agriculture, entertainment, food and family fun." Some commodities are grown onsite while others are grown offsite. Family friendly activities are also offered on the property.

No information was provided, either in the current application or in Ordinance 2016-21, regarding number of employees or number of events. Condition 3 of Ordinance 2016-21 stated that events cannot start prior to 7:00 a.m. any day of the week and shall end no later than 10:00 p.m. on Mondays thru Wednesdays and no later than 11:30 p.m. Thursdays thru Sundays. Banquets may end no later than midnight. Condition 2 of Ordinance 2016-21 stated that the maximum number of patrons at a banquet is limited to two hundred twenty-five (225), including vendors working at the property for a banquet.

The Petitioner did not indicate when they would start construction on the expansion, if the special use amendment was approved.

Building permits will be required for the proposed structures.

The Petitioner would like to amend Condition 3 of Ordinance 2016-21 by removing the three (3) building maximum. The total allowable square footage would remain at thirty thousand (30,000) and no non-agricultural building would be larger than ten thousand (10,000) square feet.

Section 7:01.D.32.g of the Kendall County Zoning Ordinance and Condition 10 of Ordinance 2016-21 requires a waste management plan be submitted and approved by the Kendall County Health Department prior to the operation of a micro distillery. Condition 11 of Ordinance 2016-21 requires adequate hand sanitation devices as determined by the Kendall County Health Department for the operation of a petting zoo. Condition 6 of Ordinance 2016-21 requires that any food prepared or sold on the property follow Kendall County Health Department regulations.

No information was provided regarding potable water availability or restroom facilities in the expansion area.

Electricity is onsite.

No information was provided for refuse control areas for refuse generated from the special uses.

The property fronts Creek Road. According to the concept plan, the way into the property would be a driveway across the street from the existing entrance to Woody's Orchard and the way out of the property would be through a driveway that lines up with Frazier Road.

The concept plan shows two (2) parking areas. No information was provided regarding the dimensions of the parking areas or the number of parking spaces. According to Condition 5 of Ordinance 2016-21, ADA parking spaces shall be marked and constructed with a hard surface. According to Condition 14 of Ordinance 2016-21, parking shall be setback a minimum of thirty feet (30') from the right-of-way of Frazier Road.

According to Condition 4 of Ordinance 2016-21, all lighting shall comply with Section 11:02.F.12 of the Zoning Ordinance. No information was provided regarding the number or location of lights.

According to Condition 13 of Ordinance 2016-21, all signage on the property shall follow the rules for signs in a Business District as outlined in Section 12:10 of the Zoning Ordinance. Signs may be externally illuminated. No information was provided regarding the number, location, or size of signs.

No specific information was provided regarding landscaping. The Petitioner indicated that they would provide additional landscaping information when applying for building permits.

No information was provided regarding specific noise control measures. The uses must follow the noise regulations in the Zoning Ordinance and the allowable noise levels listed in Ordinance 2016-21.

The proposed findings of fact for the special use permit were 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. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.

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. True. Conditions were included in the original special use permit ordinance that will regulate noise, lighting, and sanitation provisions.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

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. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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.”

The proposed findings of fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioner did not create the setback requirements or access requirements.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

Staff recommended approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
  - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
  - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan. No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
8. 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.
9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction,

the remaining conditions shall remain valid.

Chairman Mohr asked for clarification regarding the requests. Mr. Asselmeier said that the request is related to a special use permit and the variances associated with the special use permit.

Member Whitfield asked about the building restriction. Mr. Asselmeier said the proposal would restrict the total square footage of buildings allowed the maximum size of individual buildings. The building restriction applies only to non-agricultural related buildings.

Member LeCuyer asked about Plano's request for a traffic study. Mr. Asselmeier responded that Plano had concerns about traffic counts and traffic safety at the intersection of Creek Road and Little Rock Road. Plano wanted to use this request as an opportunity to ask the County to further study that intersection.

Chairman Mohr opened the public hearing at 7:39 p.m.

Larry Nelson, Petitioner, explained that no uses changes were requested at this time. The uses and variances allowed on the west side of the property would extend to the property on the east side of Creek Road. He noted that he met with the Little Rock Township Highway Commissioner to discuss lines of sight which were used to determine the location of ingress and egress. He noted that he discussed the property with the Fire District and no issues were raised. Little Rock Township seems in favor of the proposal, but they are waiting on their attorney for a letter. The City of Plano reviewed the proposal because of noise concerns. He noted that the City of Plano wanted to see the intersection of Creek and Little Rock Road adjusted and that Woody's would not create a large amount of traffic. He noted that the site has no limitations on septic systems. He also noted that the property to the southeast is inside the City of Plano and zoned B-4. Allowable uses on B-4 zoned property include bars, hospitals, recreation centers, dance halls, gas stations, sports arenas, motion picture theaters, and other uses that would generate more noise and traffic than Woody's.

Doug Nelson, son of the Petitioner, provided a history of the business and explained the impacts of temperature on apple blossoms. He also noted the popularity of agritourism and the need to have certain amount of acreage in order to be successful.

Chairman asked if parking would be for the banquet facility or for overflow parking when patrons are picking apples. Larry Nelson responded that adequate parking exists on the west side of the road for patrons picking apples on the west side of the road. He did not want people crossing Creek Road unless they were on a people mover. The trees take several years to be productive. He felt that a large enough distance existed that would naturally deter people from crossing Creek Road unless they were on a people mover. When the east side of the road becomes active, there will be staff a ticket booth setup on that side of Creek Road; no ticket sales will occur on the east side of the Creek Road. Fences probably will be installed to prevent theft.

Doug Nelson explained the liability if people crossed Creek Road without riding on a people mover.

Larry Nelson discussed restricting the noise regulations to apply to only those houses existed or permitted as of the date of the issuance the major amendment of an existing special use permit. This request would be a clarification of the existing regulations.

Chairman Mohr closed the public hearing at 8:05 p.m.

Member Clementi made a motion, seconded by Member LeCuyer, to approve the Findings of Fact for the special use and variance portions of the request as presented.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

Member Clementi made a motion, seconded by Member Fox, to recommend approval of the special use permit and variances with the conditions proposed by Staff and the amendment that the noise regulations apply only to homes in existence or permitted on the date of approval of this major amendment to the existing special use permit.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

Little Rock Township and Plano will be notified of the results of the hearing. The proposal goes to the Kendall County Planning, Building and Zoning Committee on March 8, 2021.

The Zoning Board of Appeals completed their review of Amended Petition 21-03 at 8:08 p.m.

#### **PUBLIC COMMENTS**

None

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member Whitfield made a motion, seconded by Member Thompson to adjourn.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (0): None

The motion passed.

The Zoning Board of Appeals meeting adjourned at 8:26 p.m.

The next hearing/meeting will be on March 29, 2021.

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

Exhibits

1. Memo on Petition 21-03 Dated February 25, 2021
2. Certificate of Publication for Petition 21-03 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
MARCH 1, 2021**

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.

[illegible]



State of Illinois  
County of Kendall

Zoning Petition  
#21-03

**ORDINANCE NUMBER 2021-\_\_\_\_\_**

**MAJOR AMENDMENT TO THE SPECIAL USE PERMIT FOR A BANQUET FACILITY,  
NANO BREWERY, MICRO DISTILLERY, YEAR ROUND SEASONAL FESTIVAL WITH  
PETTING ZOO, PRODUCTION AND SALE OF SWEET CIDER AND RELATED VARIANCES  
GRANTED BY ORDINANCE 2016-21 AND REMOVING THE MAXIMUM BUILDING  
REQUIREMENT AT 3210 CREEK ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION  
NUMBERS 01-16-300-007 AND 01-21-100-005 IN LITTLE ROCK TOWNSHIP**

WHEREAS, Section 13:08.O of the Kendall County Zoning Ordinance permits the Kendall County Board to approved major amendments to existing special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13:04 of the Kendall County Zoning Ordinance provides the procedure through which variances are granted; and

WHEREAS, 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 30.99 +/- acres located at the intersection of Creek Road and Frazier Road and is currently addressed as 3210 Creek Road (PINs: 01-16-300-007 and 01-21-100-005), in Little Rock 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

WHEREAS, on October 18, 2016, the Kendall County Board approved Ordinance 2016-21 granting a special use permits allowing the operation of banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider and related variances on the portion of the subject property west of Creek Road; and

WHEREAS, the subject property is owned by L and P Nelson Trust and is represented by Larry Nelson and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about January 14, 2021, Petitioner filed a petition for a Major Amendment of an Existing Special Use Permit by expanding the uses and variances allowed by Ordinance 2016-21 to the portion of the property located on the east side of Creek Road and removing the maximum building requirement contained in Ordinance 2016-21 for the property located on the west side of Creek Road; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on February 4, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on March 1, 2021, at 7:00 p.m., in the Kendall County Historic Courthouse at 109 W. Ridge Street in Yorkville at which the Petitioner and Petitioner’s son presented evidence, testimony, and exhibits in support of the requested Major Amendment to an Existing Special Use Permit and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

WHEREAS, 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 Major Amendment to an Existing Special Use Permit with restrictions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated March 1, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

State of Illinois  
County of Kendall

Zoning Petition  
#21-03

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and 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 Major Amendment to an Existing Special Use Permit; and

WHEREAS, 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

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

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, 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 Major Amendment to an Existing Special Use Permit granted by Ordinance 2016-21 subject to the following conditions and restrictions:
  - A. The subject property shall be developed substantially in accordance with the site plan attached hereto as Exhibit C. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
  - B. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
    1. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
    2. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the site plan attached hereto as Exhibit C. No individual building shall be larger than ten thousand (10,000) square feet.
  - C. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
  - D. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.

State of Illinois  
County of Kendall

Zoning Petition  
#21-03

- E. Condition 8 of Ordinance 2016-21 shall be interpreted to apply only to those receiving residential lands with home constructed or permitted (under construction) on them as of the date of the issuance of this major amendment to an existing special use permit.
  - F. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
  - G. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
  - H. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
  - I. 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.
  - J. 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 and variances 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 Major Amendment to an Existing Special Use Permit.

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

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Scott R. Gryder

LEGAL DESCRIPTION OF 30.9927-ACRE ZONING TRACT LYING EAST OF CREEK ROAD:

That Part of Sections 16 and 21, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of Section 20, Township and Range aforesaid; thence Southerly along the West Line of said Section 20, 330.3 feet; thence South 41°40' East, 312.2 feet to the center line of vacated Sedgewick Road; thence North 88°09'00" East along the center line of said vacated Sedgewick Road, 5796.01 feet to the center line of Creek Road; thence North 09°26'52" West along said center line of Creek Road, 591.65 feet; thence Northwesterly along said center line, being a curve to the left with a radius of 1494.95 feet and a chord bearing of North 14°29'40" West, an arc distance of 263.36 feet to the Southerly Line of a Tact conveyed to Barbara Yundt by Trustee's Deed recorded as Document No. 81-843 on March 11, 1981; thence South 87°39'00" East along said Southerly Line of the Yundt Tact, 575.0 feet for a point of beginning; then continuing South 87°39'00" East along said Southerly Line of the Yundt tract, 910.0 feet; thence South 19°16'54" West, 658.0 feet; thence South 11°36'04" West, 1037.0 feet; thence South 40°01'20" East, 639.14 feet to the center line of Little Rock Creek; thence South 48°30'00" West, along said center line, 82.0 feet; thence South 29°58'17" West, along said center line, 179.23 feet to the center line of Creek Road; thence North 44°01'24", along said center line, 745.32 feet; thence North 44°54'15" West, along said center line, 514.15 feet; thence Northwesterly, along said center line, being a curve to the right with a radius of 875.40 feet and a chord bearing of North 36°38'03" West, an arc distance of 252.71 feet to the intersection of the center line of Frazier Road and the center line of Creek Road; thence continuing Northwesterly along the last described course and said Creek Road center line, being a curve to the right with a radius of 875.40 feet, and a chord bearing of North 27°02'41" West, an arc distance of 40.32 feet to the Easterly Extension of the North Line of Fraizer Road; thence North 55°49'05" East along said Easterly Extension of the North Line of Fraizer Road, 555.60 feet to a line drawn South 09°26'52" East from the point of beginning; thence North 09°26'52" West, 935.73 to the point of beginning, all in Little Rock Township, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on March 1, 2021, by a vote of seven (7) in favor and zero (0) in opposition.

**FINDINGS OF FACT-SPECIAL USE PERMIT**

§ 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.

*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. True. The Petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including a one-way traffic flow.*

*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. True. Conditions were included in the original special use permit ordinance that will regulate noise, lighting, and sanitation provisions.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.*

*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. The Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.*

*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.”*

**FINDINGS OF FACT-VARIANCES**

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations.

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. While the subject property is not on an existing collector road, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **This is true. This is a unique combination of uses and is not likely to be replicated in other areas of the County.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The Petitioner did not create the setback requirements or access requirements.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The surrounding area is primarily agricultural, and many of the proposed uses are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.***

## **RECOMMENDATION**

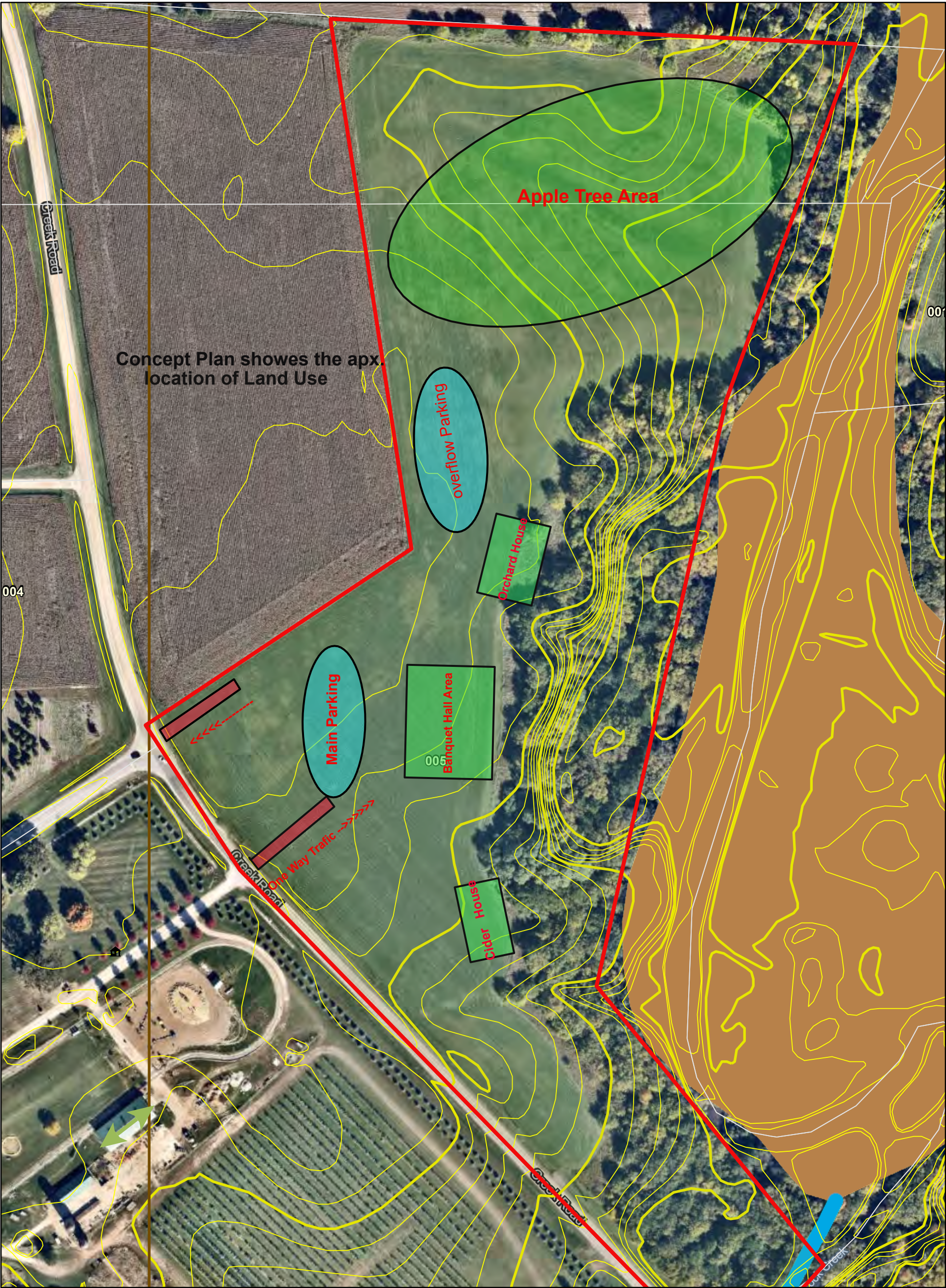
Approval subject to the following conditions and restrictions:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
  - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
  - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan (Attachment 2). No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 8 of Ordinance 2016-21 shall be interpreted to apply only to those receiving residential lands with home constructed or permitted (under construction) on them as of the date of the issuance of this major amendment to an existing special use permit.
6. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
7. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.



8. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
9. 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.
10. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.





January 7, 2021

- Kendall County Address Points
- Parcels
- parcel
- Kendall County FEMA FIRM Panels
- 2018 Contours
- Contour
- Index Line
- USA Wetlands
- Marine
- Estuarine
- Palustrine
- Riverine
- Lacustrine

1:2,640

00.020.040.08

mi

00.040.070.14

km

© OpenStreetMap (and) contributors, CC-BY-SA

Map data © OpenStreetMap contributors, Map layer by Esri

Source: US Fish and Wildlife Service, Esri





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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

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**Petition 21-09**

**2543 Simons Road, Oswego**

**Revocation of Special Use Permit for Sale of Agricultural  
Products Not Grown on the Premises**

**INTRODUCTION AND BACKGROUND**

On August 17, 1999, the Kendall County Board granted a special use permit for the sale of agricultural products not grown on the premises at 2543 Simons Road, Oswego. Ordinance 1999-24, which granted the special use permit, is included as Attachment 1.

The property owner no longer wishes to retain the special use permit and on February 17, 2021, submitted a request for revocation of the special use permit.

The draft revocation ordinance is included as Attachment 2.

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

**RECOMMENDATION**

Staff recommends approval of the proposed special use permit revocation.

**ATTACHMENTS**

1. Ordinance 1999-24
2. Draft Revocation Ordinance

State of Illinois  
County of Kendall

Zoning Petition  
#9901

**ORDINANCE NUMBER 99- 24**

**GRANTING SPECIAL USE  
LIBRADO AND JUAN JOAQUIN**

**Sale of Agricultural Products Not Grown on the Property**

**WHEREAS**, Librado and Juan Joaquin filed a petition for a Special Use within the A-1 District, for property located 2543 Simons Road in Section 27 of Oswego Township; and

**WHEREAS**, said petition is for the sale of agricultural products not grown on the property, as provided in Section 7.00B.25 of the Kendall County Zoning Ordinance; and

**WHEREAS**, said property is zoned A-1 Agricultural District; and

**WHEREAS**, said property is identified with the tax identification number 03-27-377-015 and is legally described on the attached Exhibit A: Legal Description; and

**WHEREAS**, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation of denial by the Zoning Board of Appeals; and

**WHEREAS**, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, that the Kendall County Board hereby approves a special use zoning permit for the sale of agricultural products not grown on the property, subject to the following conditions:

1. The north property line shall have a screening of at least twenty percent (20%) opacity;
2. Retail sales of agricultural products not grown on site shall be prohibited;
3. All existing driveway entrances shall be eliminated and a new single driveway on Simons Road shall be located and constructed as recommended by the Oswego Township Highway Commissioner;
4. Storage of products not grown on site shall be limited to trees and shrubs.
5. The storage area of products not grown on the property shall be limited to the area further legally described in Exhibit B;
6. An opaque fence shall be constructed along the perimeter of the area described in Exhibit B;
7. The hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., six (6) days a week, Monday through Saturday;
8. The dumping or disposal of materials not grown on site shall be prohibited; and
9. The storage of chemicals or fertilizers shall be prohibited.

Joaquin - Petition 9901


Page 2

**BE IT FURTHER ORDAINED**, the site plan entitled "Special Use Zoning Plat," produced by Phillip D. Young and Associates, Inc., is hereby incorporated into this ordinance as Exhibit C.

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

**IN WITNESS OF**, this ordinance has been enacted on August 17, 1999.

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

  
\_\_\_\_\_  
Paul Anderson  
Kendall County Clerk

**EXHIBIT A: LEGAL DESCRIPTION  
SPECIAL USE**

That part of the East Half of the East Half of the Southwest Quarter of Section 27, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southeast Corner of said Southwest Quarter; thence North along the East Line of said Southwest Quarter, 328.73 feet; thence West, parallel with the South Line of said Southwest Quarter, 659.34 feet to the West Line of the East Half of the East Half of said Southwest Quarter; thence South along said West Line, 328.73 feet to the south Line of said Southwest Quarter; thence East, along the South Line, 659.25 feet to the point of beginning in Oswego Township, Kendall County, Illinois.



**EXHIBIT B: LEGAL DESCRIPTION  
STORAGE AREA**

That part of the Southwest Quarter of Section 27, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Southwest Quarter; thence westerly, along the South Line of said Southwest Quarter, 225.0 feet for the point of beginning; thence northerly, perpendicular to said South Line, 200.0 feet; thence westerly, parallel with said South Line, 250.0 feet; thence southerly, perpendicular to the last described course, 200.0 feet to said South Line; thence easterly, along said South Line, 250.0 feet to the point of beginning in Oswego Township, Kendall County, Illinois and containing 1.148 acres.

State of Illinois  
County of Kendall

Zoning Petition  
#21-09

**ORDINANCE NUMBER 2021-\_\_\_\_\_**

**REVOKING A SPECIAL USE PERMIT FOR THE SALE OF AGRICULTURAL PRODUCTS  
NOT GROWN ON THE PROPERTY GRANTED BY ORDINANCE 1999-24 AT 2543 SIMONS  
ROAD (PIN: 03-27-377-015) IN OSWEGO TOWNSHIP**

WHEREAS, 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

WHEREAS, Section 13:08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural District and consists of approximately 5.0 acres and is identified by Parcel Identification Number 03-27-377-015 in Oswego Township and is also known as 2543 Simons Road, Oswego. 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

WHEREAS, Librado and Juan Joaquin petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the sale of agricultural products not grown on the property in 1999; and

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 1999-24 on the subject property on August 17, 1999, for the sale of agricultural products not grown on the property; and

WHEREAS, Librado Joaquin, is the owner of record of the subject property and shall hereinafter be referred to as “The Petitioner”; and

WHEREAS, The Petitioner no longer desires the special use permit and has stated in a letter as provided in attached Exhibit “B” that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

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

1. The Kendall County Board hereby revokes the special use permit for the sale of agricultural products not grown on the property granted by Ordinance 1999-24.
2. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 1999-24.

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

State of Illinois  
County of Kendall

Zoning Petition  
#21-09

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Scott R. Gryder

**EXHIBIT A: LEGAL DESCRIPTION  
SPECIAL USE**

That part of the East Half of the East Half of the Southwest Quarter of Section 27, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southeast Corner of said Southwest Quarter; thence North along the East Line of said Southwest Quarter, 328.73 feet; thence West, parallel with the South Line of said Southwest Quarter, 659.34 feet to the West Line of the East Half of the East Half of said Southwest Quarter; thence South along said West Line, 328.73 feet to the south Line of said Southwest Quarter; thence East, along the South Line, 659.25 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

Month Day, Year

Kendall County  
Planning, Building and Zoning  
Attn: Matthew H. Asselmeier  
111 West Fox Street Room 203  
Yorkville, IL 60560-1498  
Phone: 630-553-4139 Fax: 630.553.4179

We, LIBRADO, Joergin are the owners at 2543 Simons Road.  
(First & Last Name)

On August 17, 1999, the property was granted a special use (Ordinance 99-24 ). The special use granted in 1999 was granted for the sale of agricultural products not grown on the premises.

Pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, we hereby voluntarily request that Kendall County revoke my special use on the above-referenced property. By signing below, we acknowledge that no public hearing shall be conducted for revocation of the special use. We understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, we hereby waive my right to a public hearing and formally request the above-referenced special use be removed from my property.

[Redacted Signature]

(Signature)

2-17-21

(Date)

LIBRADO, Joergin  
(Printed Name)

Attest [Redacted Signature]

Notary Public



## Matt Asselmeier

---

**From:** Gregg Ingemunson  
**Sent:** Wednesday, February 10, 2021 11:47 AM  
**To:** Matt Asselmeier; greg@dady  
**Cc:** Scott Koeppel; Scott Gengler  
**Subject:** Re: [External]Re: 3485 Route 126

After speaking with Greg, I know that if the tenant were granted 120 days, that should be enough.

Gregg

---

**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Wednesday, February 10, 2021 11:44 AM  
**To:** Gregg Ingemunson; greg@dady  
**Cc:** Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>  
**Subject:** RE: [External]Re: 3485 Route 126

Gregg:

Do you have a preferred number of days that you would like the Committee to grant DTG Investments, LLC to have for the vacation of the trucking company from the property (i.e. 60 days, 90 days, 120 days, some other number)?

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

---

**From:** Gregg Ingemunson [mailto:];  
**Sent:** Wednesday, February 10, 2021 11:37 AM  
**To:** Matt Asselmeier <masselmeier@co.kendall.il.us>; greg@dady  
**Cc:** Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>  
**Subject:** [External]Re: 3485 Route 126

Matt,

My client has elected to withdraw the Text Amendment Petition and Petition for special use. Please advise as to next steps.

Gregg Ingemunson





---

**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: February 24, 2021  
Re: Request for Site Plan Submittal Waiver from Ministry of Reconciliation

On February 9, 2021, the Planning, Building and Zoning Department received the attached request for a waiver of the requirement to submit a site plan with a special use permit application for property located between 5375 and 5313 Route 34 (PIN: 03-18-403-016) in Oswego Township. The Ministry of Reconciliation would like to submit an application for a special use permit for a place of worship at this property which is zoned B-2. The Ministry of Reconciliation would like to submit a site plan when they are ready to start construction.

Elevations of the proposed church are attached.

The aerial of the property is also attached.

Normally, a condition is placed in special use permits that the site be developed in accordance to the site plan.

Staff requests guidance as to how to proceed.

If you have any questions, please let me know.

MHA

ENC: February 9, 2021 Letter  
Proposed Elevations  
Aerial

DANIEL J. KRAMER

LAW OFFICES  
OF  
***Daniel J. Kramer***  
1107A SOUTH BRIDGE STREET  
YORKVILLE, ILLINOIS 60560  
(630) 553-9500  
Fax: (630) 553-5764

KELLY A. HELLAND  
D.J. KRAMER

February 9, 2021

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

RE: The Ministry of Reconciliation Zoning project Parcel 03-18-403-016.

Dear Matt:

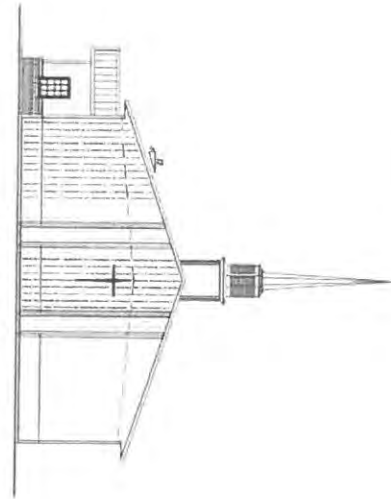
We would hereby request to be placed on the Agenda an informal discussion with the PB & Z Committee on March 8, 2021 for the Church's request a B-2 Special Use to construct a church on Parcel #03-18-403-016. The property is located on the north side of Route 34 and is immediately adjacent to the Buddhist Temple. The church will be asking permission to request the Special Use and then to do the full site plan approval when it is ready to build. Please let me know if that is acceptable to be put on the Agenda.

Very truly yours

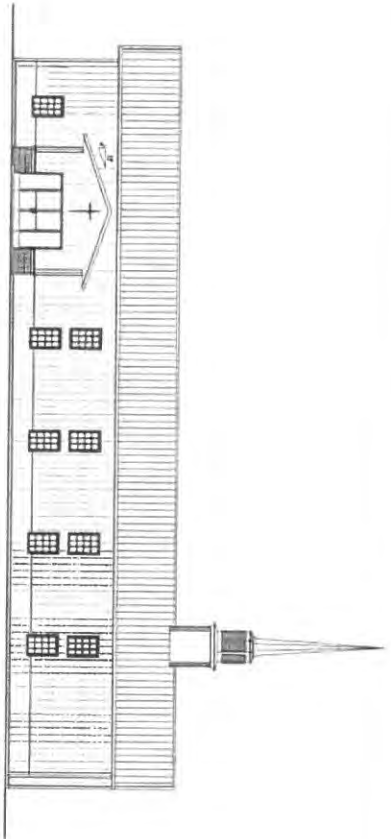
*Daniel J. Kramer*

Daniel J. Kramer  
Attorney at Law

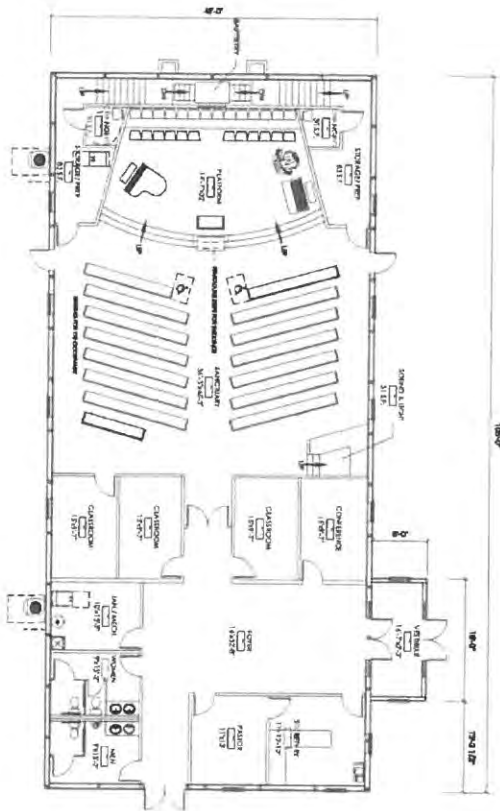
DJK:cth



EAST ELEVATION



SOUTH ELEVATION



FLOOR PLAN

**PRELIMINARY DRAWINGS**  
FOR OWNER'S APPROVAL

☐ - DIMENSIONS APPROVED AS SHOWN  
☐ - OWNER'S APPROVAL REQUIRED

OWNER'S APPROVAL REQUIRED FOR ALL CHANGES TO THE DRAWINGS. ANY CHANGES TO THE DRAWINGS MUST BE APPROVED BY THE OWNER AND THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION.


**ALLIED DESIGN ARCHITECTURAL & ENGINEERING GROUP, P.C.**  
100 S. HARRIS ST. SUITE 100  
ANN ARBOR, MI 48106  
PHONE: 734-769-7100  
FAX: 734-769-7101

<b>EMMANUEL ALLIANCE CHURCH</b> 100 S. HARRIS ST. SUITE 100 ANN ARBOR, MI 48106 PHONE: 734-769-7100 FAX: 734-769-7101		OFFICE 100 S. HARRIS ST. SUITE 100 ANN ARBOR, MI 48106 PHONE: 734-769-7100 FAX: 734-769-7101
DATE: 01/11/08 DRAWN BY: J. H. HARRIS CHECKED BY: J. H. HARRIS APPROVED BY: J. H. HARRIS APPROVED DATE: 01/11/08	DATE: 01/11/08 DRAWN BY: J. H. HARRIS CHECKED BY: J. H. HARRIS APPROVED BY: J. H. HARRIS APPROVED DATE: 01/11/08	DATE: 01/11/08 DRAWN BY: J. H. HARRIS CHECKED BY: J. H. HARRIS APPROVED BY: J. H. HARRIS APPROVED DATE: 01/11/08

# Kendall County Web GIS




February 24, 2021

 Kendall County Address Points

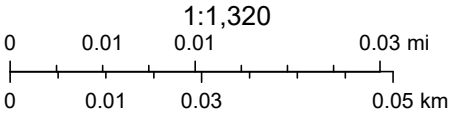
Parcels

Ownership Parcel

Kendall County Zoning  R3-SU

 B2

 R3



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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:** Planning, Building and Zoning Committee

**From:** Matthew H. Asselmeier, AICP, CFM, Senior Planner

**Date:** 2/22/2021

**Subject:** 2020 Residential Building Permit Information

Staff contacted the municipalities located within Kendall County to obtain their single-family and multi-family building permit information for 2020. A table with this information is below. For those municipalities located in more than one county, only the Kendall County information is provided.

Municipal Residential Construction Information 2020

Municipality	2020 New Construction (Single-Family)	2020 New Construction (Multi-Family)	2019 New Construction (Single-Family)	2019 New Construction (Multi-Family)
Aurora	0 (\$0)	0 (\$0)	4 Attached (\$917,543)	0 (\$0)
Joliet	50 (\$10,323,500)	6 (12 Units) (\$816,000)	84 (\$16,808,400)	38 (85 Units) (\$4,979,500)
Lisbon	1 (\$300,000)	0 (\$0)	0 (\$0)	0 (\$0)
Millbrook	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millington	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Minooka	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Montgomery	90 Detached (\$14,900,840) 1 Attached (\$406,440)	6 (216 Units) (\$12,141,800)	62 (\$11,136,510)	4 (144 Units) (\$7,840,000)
Newark	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Oswego	71 Detached 37 Attached (\$23,787,099)	1 (176 Units) \$20,000,000	40 Detached 44 Attached (\$16,993,037)*	6 (12 Units)
Plainfield	45 (\$11,200,000*)	5 (10 Units)	31 (\$6,486,133)	0 (\$0)
Plano	73 (\$10,350,000)	0 (\$0)	59 (\$8,056,582)	0 (\$0)
Plattville	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Sandwich	0 (\$0)	0 (\$0)	2 (\$810,000)	0 (\$0)
Yorkville	219 Detached (33,011,051) 98 Attached (\$10,889,316)	0 (\$0)	143 Detached (\$22,362,619) 35 Attached (\$3,568,550)	0 (\$0)
Unincorporated	34 (\$15,350,500)	0 (\$0)	20 (\$8,083,459)	0 (\$0)
Total	719 (\$130,518,746)	18 (414 Units) \$32,957,800	524 (\$95,222,833)	48 (241) Units (\$12,819,500)

\* Oswego's and Plainfield's dollar amounts are total residential investment.

2020 Grand Total - \$163,476,546 2019 Grand Total - \$108,042,333 2018 Grand Total - \$135,058,319



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

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March 9, 2021

Dear Legislator:

In January 2021, Kendall County received notification of funds available through Round 5 of the Abandoned Property Program (APP) from the Illinois Housing Development Authority (IHDA).

These funds are available to counties, municipalities, and land banks 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, Kendall 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.

Accordingly, we request that the State of Illinois amend the enabling legislation for the APP to allow townships to apply for these funds. We do not believe that townships that provide this service and incur expenses related to property maintenance should be excluded from applying for these funds.

If you have any questions, please contact the Kendall County Planning, Building and Zoning Department at 630-553-4141.

Sincerely,

Scott Gengler  
Kendall County Planning, Building and Zoning Committee Chairman





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**MEMORANDUM**

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To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: March 1, 2021

Re: Inoperable Vehicle Ordinance

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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.

At the February Committee meeting, the Committee requested Staff to see how many properties would be impacted if towing procedures were implemented. Presently, the properties that were the cause for the request no longer have inoperable vehicles and zero (0) properties would be impacted.

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

Enc. Inoperable Vehicle Ordinance

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.

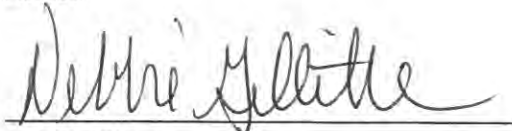
c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 4(a) shall constitute a separate offense.

**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 18 day of September, 2018.

Attest:



Debbie Gillette  
Kendall County Clerk



Scott R. Gryder  
Kendall County Board Chairman

Citation

Citation

# 2020 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Closed
20-001	JK Property,% Calder	05-21-300-002	9923 Walker Rd		Multiple Violations - No permits	11/7/2019	1/13/2020			3/9/2020
20-002	Graves	04-22-300-005	9312 Millbrook Rd		Zoning Setback violations	12/3/2019	12/16/2019			12/17/2019
20-003	Gonzalez	03-09-152-019	14 Ridgfield Rd.	Boulder Hill	Prohibited RV/trailer parking	12/4/2019	12/23/2019			12/24/2019
20-004	Cadena	03-03-352-004	140 Saugatuck Rd	Boulder Hill	Prohibited Banner Sign	12/11/2019	12/25/2019			12/30/2019
20-005	Municipal Bank%Besiri Adil	02-35-413-014	Audrey & Gilda Ct	FOFC	Prohibited Sign	12/11/2019	2/1/2020			3/16/2020
20-006	Municipal Bank%Besiri Adil	02-35-301-007	Fields Dr	FOFC	Prohibited Sign	12/11/2019	2/1/2020			3/16/2020
20-007	Johnson	03-04-477-025	54 Springdale Rd.	Boulder Hill	Prohibited Trailer parking	12/17/2019	1/31/2020			1/30/2020
20-008	Franzen	03-05-454-027	14 Scarsdale Rd.	Boulder Hill	Prohibited Boat parking	12/26/2019	2/18/2020			2/25/2020
20-009	Navarro	03-12-100-002	1026 Harvey Rd		Multiple Violations	11/26/2019	2/27/2020			7/6/2020
20-010	Drake	05-18-300-005	8751 C E. Highpoint Rd	Highpoint Hills	Operating Business in R-2	1/28/2020	3/6/2020			12/3/2020
20-011	Kubica Wieslaw	03-04-408-003	106 Tealwood Rd	Boulder Hill	Prohibited Commercial truck	1/31/2020	2/29/2020			3/11/2020
20-012	Chamberlain	03-05-454-028	3 Creve Ct.	Boulder Hill	Prohibited Trailer parking	1/31/2020	2/14/2020			2/4/2020
20-013	Robles	03-04-277-019	251 Fernwood Rd	Boulder Hill	Prohibited Commercial Vehicle	2/20/2020	3/5/2020			3/11/2020
20-014	Crisci	01-05-203-003	16388 Galena Rd		Prohibited Storage Business	3/4/2020	3/18/2020			8/5/2020
20-015	ERB Properties LLC	09-13-400-006	276 Route 52		Multiple Zoning Violations	3/6/2020	4/5/2020			5/6/2020
20-016	Campos	03-08-303-001	117 Dolores St.	Shore Heights	Prohibited Trailer parking	3/3/2020	3/26/2020			6/10/2020
20-017	Henn	03-08-280-008	16 Gebold Dr.	Boulder Hill	Inoperable Vehicle	3/18/2020	4/24/2020			6/11/2020
20-018	Fox Valley Homes LLC	03-05-404-007	114 Boulder Hill Pass	Boulder Hill	Inoperable Vehicle	3/18/2020	4/1/2020			10/29/2020
20-019	Stukas	03-05-428-002	29 Circle Dr. E	Boulder Hill	Inoperable Vehicle	3/19/2020	4/2/2020			6/10/2020
20-020	Ortiz	03-04-303-008	42 Circle Dr. E	Boulder Hill	Inoperable Vehicle	3/19/2020	4/2/2020			3/25/2020
20-021	Evans	03-04-278-035	134 Heathgate Rd	Boulder Hill	Inoperable Vehicle	3/19/2020	4/2/2020			6/10/2020
20-022	Wargo	03-04-477-038	80 Springdale Rd	Boulder Hill	Junk & Debris	3/19/2020	4/2/2020			6/10/2020
20-023	Kubica Wieslaw	03-04-408-003	106 Tealwood Rd	Boulder Hill	Prohibited semi tractor parking	3/19/2020	4/2/2020			6/10/2020
20-024	Veisquez	01-20-352-018	84 Woodland Dr	Sugarbrook Estate	Stormwater & Junk and Debris	4/28/2020	5/29/2020			8/25/2020
20-025	Sec of Veteran Affairs	05-05-103-002	14 Maple Street	Fox Lawn	Multiple Violations	6/15/2020	12/31/2020			
20-026	Niles	08-02-402-002	94 Plecher Dr	Platville	Stormwater/Culvert built	6/18/2020	7/20/2020			7/31/2020
20-027	Hansel Ridge, LLC	09-13-200-002	195 Route 52		Multiple Violations	7/17/2020	9/22/2020			10/21/2020
20-028	King	03-04-378-039	43 Saugatuck Rd	Boulder Hill	Fence Violation	7/22/2020	8/22/2020			8/28/2020
20-029	Antich	03-27-301-002	3195 Plainfield Rd		Sign - No permit	7/30/2020	8/29/2020			8/28/2020
20-030	Braves%Jarrett Realty	03-08-230-005	38 Old Post Rd	Boulder Hill	Pool - No permit	7/24/2020	9/3/2020			9/2/2020
20-031	Ramirez	06-14-200-003	1152 Route 126		Deck - No permit	8/20/2020	10/23/2020			10/20/2020
20-032	Gates / Cox Landscaping	02-27-151-003	9000 Route 34	Bakers	Possible Landscaping Business	8/20/2020	10/19/2020			1/21/2021
20-033	Oliver/Balog	03-26-300-007	Lot 22	Red Hawk Landing	Possible Gun Range	8/26/2020	9/28/2020			9/28/2020
20-034	Staudacher Family Trust	02-21-200-014	9155 Kennedy Rd		Stormwater Violation	9/16/2020	10/19/2020			10/16/2020
20-035	Wieschhaus	02-21-200-028			Stormwater Violation	9/21/2020	11/13/2020			11/19/2020
20-036	Marmolejo	03-08-253-007	10 Ashlawn Ave	Boulder Hill	Driveway - No Permit	10/7/2020	10/21/2020			12/10/2020
20-037	Briscoe	09-13-200-006	192 Route 52	see V20-027	Multiple Zoning Violations	10/20/2020	11/19/2020			12/14/2020
20-038	Plainfield Board of Education	06-23-200-004	Wheeler Rd		Multiple Zoning Violations	10/22/2020	11/22/2020			12/3/2020
20-039	Moreno, Luis & Cesario	09-09-100-002	13039 McKanna Rd		Trucking Business in A-1 zoning	10/22/2020	1/15/2021	Matt		1/11/2021
20-040	Martinez	03-05-432-007	13 Durango Rd	Boulder Hill	Landscape Bus/Commercial Vehicle Infr 6	10/22/2020	1/8/2021			1/14/2021
20-041	Neal	03-04-456-001	3 Wembley Rd	Boulder Hill	Prohibited Trailer parking	8/11/2020	11/28/2020			12/3/2020
20-042	Amwoza	03-09-155-021	303 Boulder Hill Pass	Boulder Hill	Junk & Debris/Prohibited Parking	7/13/2020	11/28/2020			1/14/2021
20-043	Cushing	03-04-306-007	63 Circle Dr. E	Boulder Hill	Prohibited Boat parking	9/10/2020	11/28/2020			12/21/2020
20-044	Seidelman	03-04-303-014	10 Marnel Rd.	Boulder Hill	Inoperable Vehicle	9/25/2020	11/28/2020			12/3/2020
20-045	Voitn	02-35-312-002	7768 Madeline Dr	FOFC	Building w/o permit	10/26/2020	12/2/2020			11/10/2020
20-046	Ratu	02-27-328-007	56 Riverside Dr	Fox River Garden	Junk & Debris	8/11/2020	1/15/2021			12/28/2020
20-047	Whaley	02-35-380-005	5727 Fields Dr	FOFC	Prohibited camper parking	10/23/2020	12/2/2020			12/3/2020

CAAD 46B



# 2020 VIOLATIONS

20-048	Moran	03-04-476-019	93 Longbeach Rd	Boulder Hill	Inoperable Vehicles	7/7/2020	12/2/2020			2/16/2021
20-049	Ybarra	03-05-276-021	29 Aldon Rd	Boulder Hill	Inoperable Vehicle	9/2/2020	12/2/2020			2/16/2021
20-050	Bristol Park Properties LLC	02-15-153-007	43 Oak Street		Multiple Violations	10/16/2020	12/3/2020			12/3/2020
20-051	Vancil	01-20-302-003	37 Woodland Dr	Sugarbrook	2 Occupied RV's	8/14/2020	1/15/2021			12/28/2020
20-052	Aulbaugh	09-22-400-002	2154 Bell Rd.		Junk & Debris	10/21/2020	12/17/2020			12/21/2020
20-053	Kline	03-04-277-017	247 Fernwood Rd	Boulder Hill	Prohibited camper parking	11/9/2020	12/17/2020			12/21/2020
20-054	Sexton	02-34-276-002	8070 Van Emmon Rd		Prohibited Trailer parking	11/5/2020	12/17/2020			12/10/2020
20-055	White	02-34-276-001	8100 Van Emmon Rd.		Prohibited RV/trailer parking	11/5/2020	12/17/2020			12/10/2020
20-056	Kelley	09-22-400-003	2100 Bell Rd.		Multiple Violations	10/21/2020	3/1/2021			
20-057	Boulder Hill Property LLC	03-05-401-003	81 Boulder Hill Pass		Sign - Zoning Violation	11/16/2020	12/30/2020			12/10/2020
20-058	Wargo	03-04-477-038	80 Springdale Rd	Boulder Hill	Inoperable Vehicles	11/16/2020	12/30/2020			2/9/2021
20-059	Lemaster	03-04-253-024	16 Wmrock Rd	Boulder Hill	Inoperable Vehicle	11/19/2020	3/3/2021			
20-060	McBroom	03-04-305-025	20 Wymndham Dr.	Boulder Hill	Inoperable Vehicle	10/6/2020	12/30/2020			1/11/2021
20-061	Sutphin, Jr.	03-09-105-004	118 Circle Drive East	Boulder Hill	Inoperable Vehicle	9/10/2020	12/30/2020			12/28/2020
20-062	Sanchez	03-12-203-011	29 Gastville St.	Gastville Acreage	Landscape Bus. In R-3 zoning	11/19/2020	12/30/2020	B-F/U 5/1/2021		1/5/2021

Follow up

# 2019 VIOLATIONS

19-048	Ring	06-02-177-007	1551 Cherry Rd		Junk & Debris	5/15/2019	10/15/2019		10/22/2019
19-049	Martinez	03-12-100-004	1038 Harvey Rd		Multiple Violations	5/13/2019	8/1/2019	2/27/2020	6/3/2019
19-051	Likar	03-08-278-002	22 Fieldpoint Rd	Boulder Hill	Inoperable Vehicle	5/15/2019	5/29/2019		6/3/2019
19-052	Arenas	03-09-104-011	67 Old Post Rd	Boulder Hill	Inoperable Vehicle	5/15/2019	5/29/2019		6/3/2019
19-053	Rudow/Andrews	03-08-253-016	3 Ceboild Dr	Boulder Hill	Prohibited Boat parking	5/15/2019	6/16/2019		6/17/2019
19-054	Tierney	03-04-405-017	44 Winrock Rd	Boulder Hill	Shed - no permit	5/15/2019	5/29/2019		5/23/2019
19-055	Henn	03-08-280-008	16 Ceboild Dr	Boulder Hill	Inoperable Vehicle	5/15/2019	5/29/2019		5/29/2019
19-056	Casner	03-04-376-037	6 Crescent Ct.	Boulder Hill	Prohibited RV Parking	5/15/2019	6/12/2019		6/12/2019
19-057	Avila, Munoz, Rubio	03-05-454-008	36 Circle Dr W	Boulder Hill	Prohibited Trailer Parking	5/15/2019	6/27/2019		7/1/2019
19-058	Castillo	03-04-329-019	45 Whitney Way	Boulder Hill	Inoperable Vehicle	5/15/2019	5/29/2019		6/3/2019
19-059	Stiles	03-08-280-029	7 Fieldcrest Dr	Boulder Hill	Prohibited Boat parking	5/16/2019	5/30/2019		6/3/2019
19-060	Myles	03-08-277-020	9 Fieldpoint Rd.	Boulder Hill	Inoperable Vehicle	5/16/2019	5/30/2019		6/3/2019
19-061	Fecarotta	03-08-278-010	102 Circle Drive W	Boulder Hill	Inoperable Vehicle	5/16/2019	5/30/2019		6/3/2019
19-062	Valenzuela/Ibarra	03-04-326-006	54 Marnel Rd.	Boulder Hill	Prohibited Boat parking	5/16/2019	8/19/2019		8/28/2019
19-063	Reinert	03-08-278-017	13 Pickford Rd.	Boulder Hill	Prohibited RV Parking	5/16/2019	6/10/2019		6/10/2019
19-064	Yates	03-08-279-002	8 Pickford Rd	Boulder Hill	Prohibited RV Parking	5/16/2019	6/15/2019		6/19/2019
19-065	Lazaroski	03-08-202-015	29 Guilford Rd	Boulder Hill	Prohibited RV & Boat parking	5/16/2019	6/17/2019		6/19/2019
19-066	Machado	03-04-329-012	31 Whitney Way	Boulder Hill	Prohibited Trailer Parking	5/17/2019	5/31/2019		6/3/2019
19-067	Void								
19-068	Lamberty	03-08-277-024	17 Fieldpoint Rd.	Boulder Hill	Inoperable Vehicle	5/21/2019	6/4/2019		6/5/2019
19-069	C T&# 133412	02-35-381-006	5896 Fields Dr.	FOFC	Prohibited Boat Parking	5/21/2019	6/4/2019		6/5/2019
19-070	Akers	03-04-379-002	55 Longbeach Rd	Boulder Hill	Junk & Debris	5/29/2019	9/19/2019		9/11/2019
19-071	Garcia	03-04-478-005	51 Springdale Rd	Boulder Hill	Junk & Debris	5/29/2019	6/28/2019		6/28/2019
19-072	Persons	03-09-155-005	131 Circle Dr W	Boulder Hill	3 Inoperable Vehicles	6/3/2019	6/30/2019		7/1/2019
19-073	Porter/Fischer	02-03-400-005	522 Dickson Rd		Inoperable Vehicle/Junk & Debris	6/3/2019	6/27/2019		6/28/2019
19-074	Weider	09-15-300-008	14625 Jughandle Rd	Langeland's	Trucking Business Prohibited	6/4/2019	7/26/2019		7/23/2019
19-075	Brooks	03-04-177-023	16 Ingleshire Rd	Boulder Hill	Inoperable Vehicle	6/5/2019	7/15/2019		6/11/2019
19-076	Gallegos	03-04-281-003	5 Pendleton Pl	Boulder Hill	Prohibited trailer parking	6/10/2019	6/24/2019		6/27/2019
19-077	Gossett	03-04-155-004	6 Pembroke Rd	Boulder Hill	Prohibited trailer parking	6/10/2019	7/11/2019		7/2/2019
19-078	Smith	03-04-476-002	53 Sheffield Rd	Boulder Hill	Multiple Violations	6/10/2019	7/26/2019		7/30/2019
19-079	Gervias	03-08-227-042	35 Old Post Rd	Boulder Hill	Prohibited Trailer parking	6/10/2019	7/11/2019		7/10/2019
19-080	Ramirez	03-05-429-016	13 Circle Drive East	Boulder Hill	Prohibited Trailer parking	6/12/2019	7/20/2019		7/23/2019
19-081	Braves Realty/Jarrett	03-05-429-008	18 Greenfield Rd.	Boulder Hill	Inoperable Vehicles	6/12/2019	9/9/2019		9/11/2019
19-082	Cerny/Grzetic	03-09-103-008	51 Old Post Rd	Boulder Hill	Boat parked in required front yard	6/12/2019	7/24/2019		7/24/2019
19-083	Forbes	02-35-310-006	7747 Madeline Dr	FOFC	Prohibited Trailer parking	6/21/2019	7/5/2019		7/10/2019
19-084	Netzel	02-35-384-001	7715 Madeline Dr	FOFC	Prohibited Boat Parking	6/21/2019	7/5/2019		7/10/2019
19-085	Whaley	02-35-380-005	5727 Fields Dr	FOFC	Prohibited trailer parking	6/26/2019	7/10/2019		7/10/2019
19-086	Wollwert	03-04-452-007	67 Stratford Rd.	Boulder Hill	Business in R6 zoning	6/26/2019	7/10/2019		7/1/2019
19-087	Majey Concrete, Inc.	02-12-428-001	Lot 6-8 Commerce Rd	Light Rd Ind Park	Site work without permit	7/3/2019	8/5/2019		8/5/2019
19-088	Greenslade	03-09-152-021	18 Ridgfield Rd	Boulder Hill	Prohibited RV Parking	7/10/2019	7/20/2020		12/16/2019
19-089	Urbanova	03-04-431-002	53 Sonora Dr	Boulder Hill	RV on non approved surface	7/11/2019	7/25/2019		7/24/2019
19-090	Diaz	03-03-351-009	135 Saugatuck Rd.	Boulder Hill	Multiple Violations	7/11/2019	7/25/2019		7/24/2019
19-091	Ganbhino	03-05-253-027	9 W. Aldon Ct.	Boulder Hill	Junk & Debris	7/18/2019	8/25/2019		8/23/2019
19-092	Stradal	03-04-380-008	32 Saugatuck Rd	Boulder Hill	Prohibited Trailer parking	7/23/2019	9/9/2019		9/11/2019
19-093	Rangel	02-34-276-003	8042 Van Emmon Rd.		Multiple Violations	7/24/2019	8/7/2019		8/14/2019
19-094	White	01-25-378-001	12573 Woodview St	Schaefer Woods N	Inoperable Vehicle	7/24/2019	8/18/2019		8/13/2019
19-095	Morelli	03-04-352-025	180 Boulder Hill Pass	Boulder Hill	Prohibited Trailer Parking	7/24/2019	8/7/2019		8/8/2019
19-096	Bolf	03-04-328-013	50 Longbeach Rd	Boulder Hill	Prohibited Boat Parking	7/24/2019	8/7/2019		8/8/2019
19-097	McNeilly	03-04-326-001	44 Marnel Rd	Boulder Hill	Prohibited Camper Parking	7/25/2019	8/8/2019		8/12/2019

## 2018 VIOLATIONS

V18-097.pdf	V18-097	Ortiz	03-09-104-009	63 Old Post Rd	Boulder Hill	Illegal Home Occupation/Commercial Vans	11/7/2018	12/3/2018		
V18-098.pdf	V18-098	Stukas	03-05-428-002	29 Circle Drive E	Boulder Hill	Inoperable Vehicle	11/7/2018	11/21/2018		
V18-099.pdf	V18-099	Auer	02-06-400-005	West Beecher Rd		Stormwater Violation	11/14/2018	12/14/2018		
V18-100.pdf	V18-100	Schmidt	03-07-252-012	120 Augusta Rd		Junk & Debris	11/14/2018	7/31/2019		
V18-101.pdf	V18-101	Coulouris & Dublin	02-15-177-005	2480 A Bristol Rdg Rd		Multiple Violations	11/19/2018	12/14/2018		
V18-102.pdf	V18-102	Allen	09-04-300-017	3827 Van Dyke Rd		Mobile Home Violation	11/21/2018	12/2/2019		

120 Augusta Mortgage Company looking for Buyer



## 2021

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## United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, NW  
Washington, DC 20240

H36(2256)

*Via Email*

February 10, 2021

Colleen Callahan  
Director and State Historic Preservation Officer  
Illinois Department of Natural Resources  
1 Natural Resource Way  
Springfield, Illinois 62702-1271

Dear Ms. Callahan,

Thank you for forwarding the necessary documentation concerning Kendall County's application to participate in the Certified Local Government (CLG) Program. I have reviewed your submission and am pleased to concur in your recommendation that Kendall County, Illinois be certified under 54 U.S.C. 3025, commonly known as Section 101(c) of the National Historic Preservation Act.


The date of certification will be recorded as the date of this letter and we are providing a copy of this letter to Mr. Matthew Asselmeier, Senior Planner for Kendall County, Illinois.

We welcome Kendall County, Illinois as a local partner in the Federal Preservation Program and look forward to working with them to preserve what makes their community special and significant. They have been added to our database and can find their listing there as well as more information on the CLG program by going to: [www.nps.gov/clg](http://www.nps.gov/clg)

NPS also encourages you to explore our CLG Gateway Application which helps connect CLGs to National Parks and other partnership opportunities. Access the application and other tools at [www.nps.gov/stlpg](http://www.nps.gov/stlpg) under the "HPF In Action" tab. and a fact sheet on the application is included in this email.

If you have any questions about this letter, please feel free to contact me by phone at 202-354-2062, or by email at [megan\\_brown@nps.gov](mailto:megan_brown@nps.gov).

Sincerely,

  
Megan J. Brown  
Chief, State, Tribal, Local, Plans and Grants Division

cc: Matthew Asselmeier, Senior Planner, Kendall County  
[masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us)

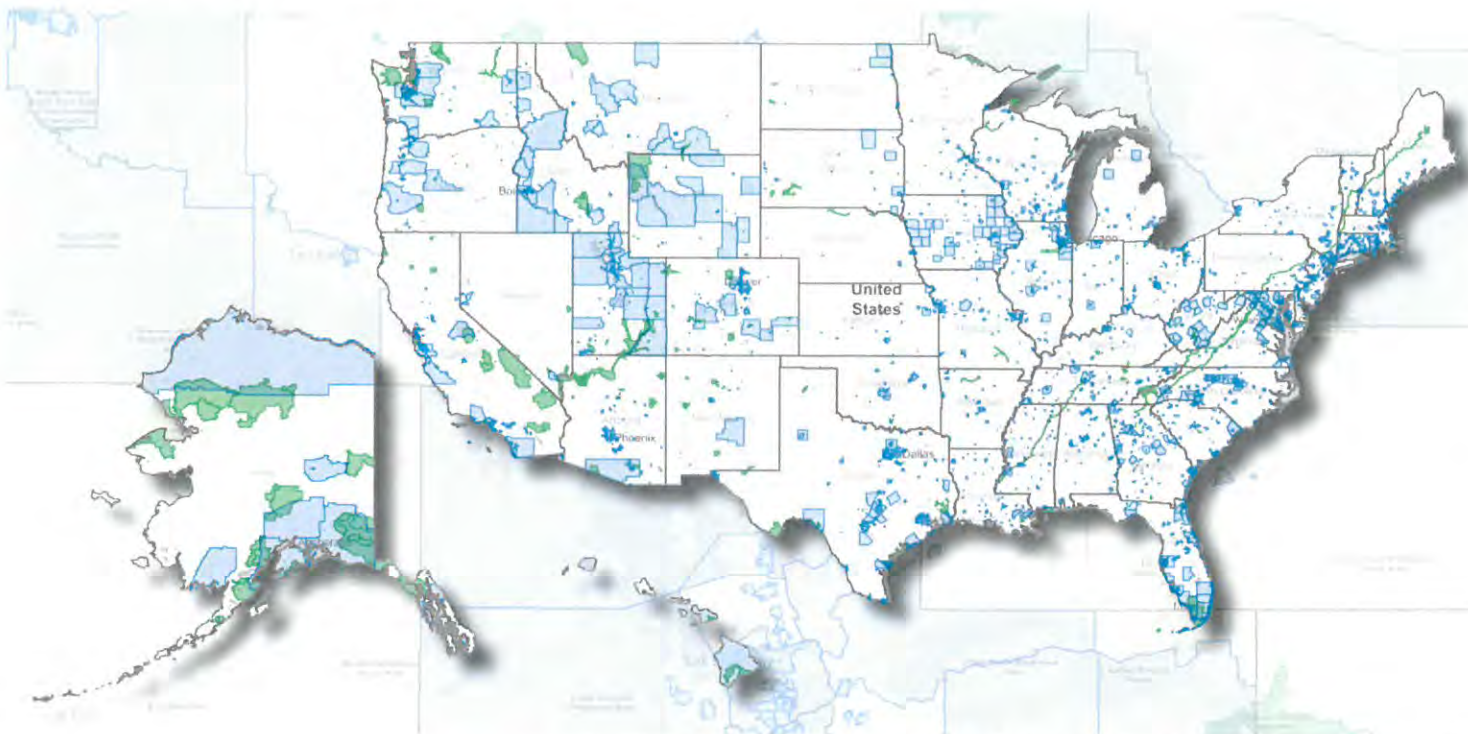
Jon L. Pressley, MA, CLG Program Coordinator, Illinois State Historic Preservation Office  
[Jon.l.pressley@illinois.gov](mailto:Jon.l.pressley@illinois.gov)





# Gateway to Certified Local Governments

An Esri™ Web Application



Map of Certified Local Governments (blue) and National Park Service sites (green) as of February 2020.

The *Gateway to Certified Local Governments* [Web Application](#) is a tool designed to facilitate resource management conversations by showing the connections between local governments, Federal lands, and historic resources.

## What can I do with this web application?

Historic preservation in America began at the local level. In recognition of that, this web-based tool shows Certified Local Governments (CLGs), National Register listed sites and districts, and selected Federal lands, specifically national park units.

The *Gateway to Certified Local Governments* application displays data designed to spur conversation about resource management, particularly for gateway communities to national parks.

Gateway Communities are any municipalities within 60 miles of a national park site. Visitors often use these communities as “gateways” for their

visit to nearby parks—staying in their campgrounds or hotels, eating meals in town, and engaging with cultural and natural resources that connect back to the park.

As CLGs undertake historic preservation projects, partnerships with park staff and leadership can offer opportunities to work together to preserve the special places and stories of American history.

[Access the application](#) and other tools at [www.nps.gov/stlpg](http://www.nps.gov/stlpg) under the “HPF In Action” tab.

**For more information on our programs, please visit [www.nps.gov/stlpg](http://www.nps.gov/stlpg).**

**Permit Summary by Category  
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	3	\$1,444,000	\$10,361	\$8,411
Accessory Buildings	2	\$55,045	\$660	\$0
Additions	2	\$42,500	\$367	\$0
Remodeling	1	\$4,000	\$510	\$0
Swimming Pools	3	\$226,000	\$600	\$0
	11	\$1,771,545	\$12,497	\$8,411

YTD 2020: 3 Houses  
24 Permits

Feb 2020: 1 House  
10 Permits

# Permit Summary by Category by Month Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	6	3	3	0	0	0	0	0	0	0	0	0	0
Garage	1	1	0	0	0	0	0	0	0	0	0	0	0
Accessory Buildings	5	3	2	0	0	0	0	0	0	0	0	0	0
Additions	3	1	2	0	0	0	0	0	0	0	0	0	0
Remodeling	1	0	1	0	0	0	0	0	0	0	0	0	0
Swimming Pools	3	0	3	0	0	0	0	0	0	0	0	0	0
Demolitions	2	2	0	0	0	0	0	0	0	0	0	0	0
Electrical Upgrades	1	1	0	0	0	0	0	0	0	0	0	0	0
Fire Restoration	1	1	0	0	0	0	0	0	0	0	0	0	0
Generator	2	2	0	0	0	0	0	0	0	0	0	0	0
Solar	2	2	0	0	0	0	0	0	0	0	0	0	0
	27	16	11	0	0	0	0	0	0	0	0	0	0

# Permit Approval Date Report Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category						
2/23/2021	012021030	01 House	06-02-300-006	TOM & ROBIN KEOUGH	1915 JOHNSON ROAD OSWEGO, IL. 60543		SAME
2/11/2021	012021025	01 House	06-08-126-005	MCCUE BUILDERS INC	7206 FITKINS DR OSWEGO, IL 60543-	ESTATES OF FOX CHASE UNIT 3	MCCUE BUILDERS, INC.
2/23/2021	032021032	03 Accessory Buildings	06-02-300-006	TOM & ROBIN KEOUGH	1915 JOHNSON ROAD OSWEGO, IL. 60543		
2/11/2021	032021028	03 Accessory Buildings	03-17-127-001	SAMBORSKI WAYNE & CANDACE	4670 MILL RD OSWEGO, IL 60543-	HERRENS RIVERVIEW ADDN	TUFF SHED, INC.
2/19/2021	042021036	04 Additions	03-27-377-015	JOAQUIN LIBRADO & SHARON	2543 SIMONS RD OSWEGO, IL 60543-		
2/23/2021	042021038	04 Additions	02-23-202-021	ARRIAGA JESUS & IMELDA A	7424 ROUTE 34 OSWEGO, IL 60543-		
2/19/2021	052021037	05 Remodeling	04-01-402-005	GORMAN JAMES	12345 FOX RD YORKVILLE, IL 60560-	REINERT FOX ROAD SUB	SELF
2/22/2021	122021035	12 Swimming Pools	03-31-452-017	CHICAGO TITLE LAND TRUST COMPANY	31 CHIPPEWA DR OSWEGO, IL 60543-	NA-AU-SAY WOODS	SIGNATURE POOLS & SPAS, INC.
2/18/2021	122021034	12 Swimming Pools	02-21-177-014	RATOS JAMES C & JENNIFER L	3150 D CANNONBALL TRL BRISTOL, IL 60512-		QUANTUS POOLS CORP
2/23/2021	122021031	12 Swimming Pools	06-02-300-006	TOM AND ROBIN KEOUGH	1915 JOHNSON ROAD OSWEGO, IL. 60543		SAME
2/2/2021	142021027	14 Demolitions	05-28-400-004	LW WEIDERT FARMS INC.	9017 CATON FARM RD YORKVILLE, IL 60560-		O'DONNELL EXCAVATING & TRAILERS

# Permit Approval Date Report Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category						
2/2/2021	142021024	14 Demolitions	03-05-253-032	OSWEGOLAND PARK DISTRICT	0 BOULDER HILL PASS MONTGOMERY, IL 60538-		TBD
2/10/2021	182020329	18 Driveway	02-21-200-028	WIESCHHAUS KRISTOPHER T & LINDA ANN	9261 KENNEDY RD YORKVILLE, IL 60560-		



# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit ID					
2/23/2021	01 House	012021030	06-02-300-006	TOM & ROBIN KEOUGH	1915 JOHNSON ROAD OSWEGO, IL. 60543		SAME
1/21/2021	01 House	012021021	08-03-200-002	PEARCE KIMBERLY A & KENDALL	12307 ASHLEY RD NEWARK, IL 60541-		BUILD SIMPLY MODERN
1/28/2021	01 House	012021023	06-05-393-002	BRAD & DIANA SELLERS	4565 WAAKEESHA DR OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 2	REVOLUTION BUILDERS CONSTRUCTION
2/11/2021	01 House	012021025	06-08-126-005	MCCUE BUILDERS INC	7206 FITKINS DR OSWEGO, IL 60543-	ESTATES OF FOX CHASE UNIT 3	MCCUE BUILDERS, INC.
1/29/2021	02 Garage	022021026	05-17-200-003	KAYTANA PROPERTIES LLC AMENT	10021 AMENT RD YORKVILLE, IL 60560-		LESTER BUILDINGS
2/23/2021	03 Accessory Buildings	032021032	06-02-300-006	TOM & ROBIN KEOUGH	1915 JOHNSON ROAD OSWEGO, IL. 60543		
2/11/2021	03 Accessory Buildings	032021028	03-17-127-001	SAMBORSKI WAYNE & CANDACE	4670 MILL RD OSWEGO, IL 60543-	HERRENS RIVERVIEW ADDN	TUFF SHED, INC.
1/14/2021	03 Accessory Buildings	032021020	03-05-432-014	OLD SECOND NATIONAL BANK	32 SENECA DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	BOB LEE CONSTRUCTION
1/13/2021	03 Accessory Buildings	032021015	03-32-352-007	MAECHTLE STEPHEN J & CASINO PAMELA D	63 TOMAHAWK TRL OSWEGO, IL 60543-	ARROWHEAD HILLS	
2/23/2021	04 Additions	042021038	02-23-202-021	ARRIAGA JESUS & IMELDA A	7424 ROUTE 34 OSWEGO, IL 60543-		
1/4/2021	04 Additions	042021012	02-35-380-009	PHILLIPS MATT & TONYA	5653 FIELDS DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 3	



# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category						
2/19/2021	042021036 04 Additions		03-27-377-015 JOAQUIN LIBRADO & SHARON	2543 SIMONS RD OSWEGO, IL 60543-			
2/19/2021	052021037 05 Remodeling		04-01-402-005 GORMAN JAMES	12345 FOX RD YORKVILLE, IL 60560-	REINERT FOX ROAD SUB	SELF	
1/15/2021	052021010 05 Remodeling		04-16-205-003 OLIVER HOFFMAN FOUNDATION	8225 FOX RIVER DR NEWARK, IL 60541-		MALL BUILDERS	
2/22/2021	122021035 12 Swimming Pools		03-31-452-017 CHICAGO TITLE LAND TRUST COMPANY	31 CHIPPEWA DR OSWEGO, IL 60543-	NA-AU-SAY WOODS	SIGNATURE POOLS & SPAS, INC.	
2/18/2021	122021034 12 Swimming Pools		02-21-177-014 RATOS JAMES C & JENNIFER L	3150 D CANNONBALL TRL BRISTOL, IL 60512-		QUANTUS POOLS CORP	
2/23/2021	122021031 12 Swimming Pools		06-02-300-006 TOM AND ROBIN KEOUGH	1915 JOHNSON ROAD OSWEGO, IL 60543		SAME	
2/2/2021	142021027 14 Demolitions		05-28-400-004 LW WEIDERT FARMS INC.	9017 CATON FARM RD YORKVILLE, IL 60560-		O'DONNELL EXCAVATING & TRUCKING	
2/2/2021	142021024 14 Demolitions		03-05-253-032 OSWEGOLAND PARK DISTRICT	0 BOULDER HILL PASS MONTGOMERY, IL 60538-		TBD	
1/21/2021	152021022 15 Electrical Upgrades		03-23-276-001 CLP GROUP INC / ROBERT MUNGO	3112 ROTH RD OSWEGO, IL 60543-			
2/10/2021	182020329 18 Driveway		02-21-200-028 WIESCHHAUS KRISTOPHER T & LILLADAM	9261 KENNEDY RD YORKVILLE, IL 60560-			
1/11/2021	192021016 19 Fire Restoration		03-04-454-020 FELECiano HEATHER	73 SAUGATUCK RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 19	INVISIO SERVICES	

# Permit Approval Date Report

## Kendall County

Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category						
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 & VERLINDA	7148 IRONWOOD CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	NICK MIKENTINAC - NMM INC.
1/4/2021	242021014	24 Solar	03-12-204-004	LIPPOLD CURTIS	22 GASTVILLE ST AURORA, IL 60503-	GASTVILLE	VIVINT SOLAR DEVELOPER, LLC
1/14/2021	242021019	24 Solar	01-10-200-004	WYKES JOHN A & CHRISTINE	14176 SEARS RD PLANO, IL 60545-		TRON SOLAR LLC

# PLANNING BUILDING & ZONING RECEIPTS 2021

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 21	TOTAL FY 21	MONTHLY FY 20	TOTAL 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	\$5,475.00	\$2,759.00	\$6,910.89	\$2,000.00	\$17,144.89	\$40,675.18	\$3,356.00	\$31,775.06
March					\$0.00		\$26,655.13	\$58,430.19
April					\$0.00		\$10,787.73	\$69,217.92
May					\$0.00		\$23,443.29	\$92,661.21
June					\$0.00		\$40,945.81	\$133,607.02
July					\$0.00		\$18,116.22	\$151,723.24
August					\$0.00		\$10,631.62	\$162,354.86
September					\$0.00		\$24,800.06	\$187,154.92
October					\$0.00		\$16,804.62	\$203,959.54
November					\$0.00		\$4,518.96	\$208,478.50
<b>TOTAL</b>	<b>\$16,131.78</b>	<b>\$6,796.50</b>	<b>\$13,746.90</b>	<b>\$4,000.00</b>	<b>\$40,675.18</b>			