

**KENDALL COUNTY BOARD AGENDA
ADJOURNED SEPTEMBER MEETING**

Kendall County Office Building, Rooms 209 & 210, Yorkville IL 60560

Tuesday, October 19, 2021 at 9:00 a.m.

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Agenda
5. Special Recognition
 - A. Resolution Honoring Thomas William Holbrook
 - B. Approval of the National Lead Poisoning Prevention Week Resolution
 - C. Approval of a Resolution Declaring October as Breast Cancer Awareness Month
6. Public Hearing
 - A. Public Hearing for the Downstate Small Business Stabilization grant funded by Community Development Block Grant (CDBG) funds
7. Public Comment
8. Consent Agenda
 - A. Approval of County Board Minutes from September 21, 2021
 - B. Standing Committee Minutes Approval
 - C. Approval of Claims in an amount not to exceed \$ 2,519,404.21
 - D. Approval of 2022 Comprehensive Noxious Weed Work Plan
 - E. Approval to release the October 12, 2021, Planning, Building and Zoning Executive Session Minutes
9. Old Business
10. New Business
11. Elected Official Reports & Other Department Reports
 - A. Sheriff
 - B. County Clerk and Recorder
 - C. Treasurer
 - D. Clerk of the Court
 - E. State's Attorney
 - F. Coroner
 - G. Health Department
 - H. Supervisor of Assessments
12. Standing Committee Reports
 - A. Admin HR
 1. Approval of the Deputy Director of Technology Services Job Description
 2. Approval of a Second GIS intern with a Focus on the Transition to NG-911
 3. Approval of the 2022 – 3023 Kendall County Wellness Plan
 4. Approval of Renewal with Blue Cross Blue Shield of Illinois for Employee Health Insurance
 5. Approval of Renewal with Blue Cross Blue Shield of Illinois for Employee Life Insurance, EyeMed for Vision Insurance, and MetLife for Dental Insurance
 - B. Highway
 1. Eldamain Road Bridge Project Update
 2. Approval of an Ordinance for the establishment of altered speed zones on various Oswego Township Roads
 3. Approval of an Agreement for right-of-way consulting services with Mathewson Land Services in the amount of \$133,250 for work on the N. Johnson Street Project
 - C. Planning Building & Zoning
 1. Approval of Petition 21-29 Request from Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC for a Special Use Permit for a Landscaping Business and Variances to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance Allowing Off-Street Parking in the Front Yard Setback at 12830 Ashley Road (PIN: 08-02-300-012) in Lisbon Township
 2. Approval of Petition 21-30 Request from Robert Velazquez on Behalf of Always Faithful Properties, LLC for a Map Amendment Rezoning 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township from A-1 Agricultural District to B-3 Highway Business District
 3. Approval of Petition 21-31 Request from Robert Velazquez on Behalf of Always Faithful Properties, LLC for a Special Use Permit for a Landscaping Business at 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township

4. Approval of Petition 21-33 Request from Elizabeth Bowyer on Behalf of Doragon Properties, LLC for a Special Use Permit for the Sale of Agricultural Products, Pottery, Art, and Home Décor (a Craft Fair/Market) and Variance to Section 7:01.D.48 to Allow Said Uses on Land Designated as Agricultural in the Kendall County Land Resource Management Plan at 5681 Whitewillow Road (PIN: 09-31-100-005) in Seward Township
5. Approval of Petition 21 – 26 a Request from Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis for Major Amendments to the Special Use Permit for a Banquet Facility Granted by Ordinance 2019-23 by Dividing the Building Allowed to be a Banquet Facility into Separate Event Spaces, Setting the Maximum Capacities of the Event Spaces, Setting the Days of and Hours of Operation for the Event Spaces, Amending the Landscaping Plan, and Removing the Requirement that the Barn Doors be Closed by 7:00 p.m. at Events with Music at 10978 Crimmin Road, Newark (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-31-200-014, 04-32-100-006, and 04-32-100-008) in Fox Township

D. Finance

1. Approval of an American Rescue Plan Act Marketing Plan with Pesola Media Group (PMG) in an amount not to exceed \$8,000
2. Approval of an Ordinance Authorizing a Budget Amendment to the Kendall County Fiscal Year 2021 Budget
3. Approval of agreement for disbursement and use of Kendall County's American Rescue Plan Act Funds with Family Counseling Service for the amount of \$25,000
4. Approval of agreement for disbursement and use of Kendall County's American Rescue Plan Act Funds with Yorkville Area Chamber of Commerce for the amount of \$25,000
5. Approval of agreement for disbursement and use of Kendall County's American Rescue Plan Act Funds with Parkview Christian Academy for the amount of \$25,000

13. Special Committee Reports

14. Other Business

15. Chairman's Report

Appointments

Mayor Mike Rennels – KenCom Executive Board (City of Plano)

16. Public Comment

17. Questions from the Press

18. Executive Session

19. Adjournment

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

COUNTY OF KENDALL, ILLINOIS
Resolution 21 - ____

**Resolution Declaring National Lead Poisoning
Prevention Week, October 24-30, 2021**

WHEREAS, lead exposure to children can result from multiple sources and can cause irreversible and life-long health effects; and

WHEREAS, More than 200,000 children are tested for lead poisoning in Illinois each year; and

WHEREAS, lead is especially dangerous to children under the age of 6; and

WHEREAS, lead poisoning is preventable; the key is to keep children from coming into contact with lead; and

WHEREAS, there are simple steps that can be taken to protect all family members from lead-based paint hazards in the home; and

WHEREAS, education and awareness about the dangers of lead can help protect the lives of children living in Kendall County, Illinois; and

NOW THEREFORE BE IT RESOLVED, that the Kendall County Board proclaims October 24-30, 2021, as Illinois National Lead Poisoning Prevention Week; and

BE IT FURTHER RESOLVED that citizens and government officials of Illinois shall observe this week with appropriate programs and activities designed to enhance public awareness of lead poisoning prevention and the ways we can protect our families from lead poisoning.

Approved:

Attest:

Scott R. Gryder, County Board Chair

Debbie Gillette, County Clerk & Recorder



County of Kendall, Illinois
Resolution 21 – _____

RESOLUTION DECLARING OCTOBER AS BREAST CANCER AWARENESS MONTH

WHEREAS, hundreds of families across Kendall County have been affected by breast cancer, and patients continue to face many unique challenges, including emotional and physical demands of continual treatment; and

WHEREAS, early detection and routine diagnosis has been the most positive progress against breast cancer in the past 30 years, and one in eight women in the United States could be diagnosed with breast cancer, specifically in Illinois, it is expected that over 11,000 women will be diagnosed with breast cancer in 2020; and

WHEREAS; in the United States, it is estimated that over 155,000 women have metastatic breast cancer - the devastating stage of breast cancer that occurs when the cancer spreads beyond the breast to other parts of the body, including bones, lungs, liver, and brain; and

WHEREAS, currently no cure exists for breast cancer and many of those with breast cancer continue treatment with the simple goal of extending the best quality of life possible; and

WHEREAS, while there is no cure for cancer, there is reason to be hopeful with the extensive research efforts underway; and more research is needed so that new and more effective treatments can be developed; and

WHEREAS, breast cancer affects all races and socioeconomic classes, and is the leading cause of deaths in women in the United States; and

NOW, THEREFORE, BE IT RESOLVED BY THE KENDALL COUNTY BOARD, that the Board declares October as **BREAST CANCER AWARENESS MONTH**; and

BE IT FURTHER RESOLVED, that the citizens of Kendall County are urged to become informed and aware of breast cancer and to support funding for programs to reduce barriers to breast cancers screening, detection, and treatment for all women.

PRESENTED and **ADOPTED** by the County Board, this 19th day of October 2021.

Approved:

Attest:

Scott R. Gryder, County Board Chairman

Debbie Gillette, County Clerk and Recorder



**KENDALL COUNTY BOARD
REGULAR SEPTEMBER MEETING
September 21, 2021**

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

The Kendall County Board Meeting was held at the Kendall County Office Building 111 W Fox St, in the City of Yorkville on Tuesday, September 21, 2021 at 9:00 a.m. The Clerk called the roll. Members present: Chairman Scott Gryder, Amy Cesich, Brian DeBolt, Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg, Dan Koukol, Ruben Rodriguez and Robyn Vickers. Members absent: None.

The Clerk reported to the Chairman that a quorum was present to conduct business.

THE AGENDA

Member Cesich moved to approve the agenda. Member DeBolt seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. Motion carried.

CONSENT AGENDA

Member Cesich moved to approve the consent agenda of **A)** county board minutes from August 17, 2021; **B)** standing committee minutes; **C)** claims in an amount not to exceed \$2,527,854.90; **D)** Chicago HIDTA Domestic Highway Enforcement Initiative Administrative Assistant Service contract with Kendall County as the Fiduciary Agent effective October 15, 2021 through October 14, 2022, in the amount of \$72,471.00; and **E)** Request from the Kendall County Historic Preservation Commission to Change the Time of Regular Meetings of the Kendall County Historic Preservation Commission from 6:30 p.m. on the Third Monday of the Month to 6:00 p.m. on the Third Monday of the Month. Member Gengler seconded the motion. Chairman Gryder asked for a roll vote on the motion. All members present voting aye. Motion carried.

C) COMBINED CLAIMS: ADMIN \$223.69; ANML CNTRL WRDN \$1,449.24; BEHAV HLTH \$5,254.72; CAPITAL \$1,434.42; CIR CLK \$33,926.62; CIR CRT JDG \$25,416.66; COMB CRT SVS \$770.63; COMM ACTN SVS \$68,216.97; COMM HLTH \$1,353.16; AUDIT/PROP TX \$51,546.31 CORONER \$2,390.56; CORR \$429.04; CNTY BRD \$30,367.99; CNTY CLK \$6,986.44; HIGHWY \$1,488,892.93; TREASR \$593.75; ELECTN \$14,558.40; EMA DIR \$37.80; EMA \$24,370.63; EMPLY BENFT \$3,517.00; ENVIRO HLTH; \$785.01; FCLT MGMT \$25,283.07; GIS \$2,651.53; JURY COMM \$61.10; MERIT \$7,719.51; PBZ \$1,739.13; PRSDG JDGE \$6,159.30; PROB SVS \$15,050.69; PRGM SUPP \$2,483.84; PUB DEF \$1,925.32; ROE \$6,513.76; SHF \$34,364.22; STATES ATTY \$11,170.49; TECH \$8,721.52; TREASR \$2,039.50; UTIL \$37,591.92; VET \$3,444.07; FP \$36,741.08; SHF \$54,362.19; SHF \$12,361.72; SHF \$35,571.24 CIVL \$459,000.00

NEW BUSINESS

Hazard Mitigation

Member Cesich moved to approve a Pre-Application Form for HMPG BRIC21, & FMA21 from IEMA for a Hazard Mitigation Plan Grant. Member Flowers seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. Motion carried.

ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS

Sheriff

Undersheriff Richardson stated that they did not have a report.

County Clerk

Revenue Report		8/1/21-8/31/21	8/1/20-8/31/20	8/1/19-8/31/19
Line Item	Fund	Revenue	Revenue	Revenue
CLKFEE	County Clerk Fees	\$1,355.50	\$1,185.50	\$920.00
	County Clerk Fees - Marriage			
MARFEE	License	\$2,520.00	\$2,520.00	\$2,250.00

CIVFEE	County Clerk Fees - Civil Union	\$0.00	\$0.00	\$0.00
ASSUME	County Clerk Fees - Assumed Name	\$20.00	\$75.00	
CRTCOP	County Clerk Fees - Certified Copy	\$2,224.00	\$2,108.00	
NOTARY	County Clerk Fees - Notary	\$305.00	\$205.00	
MISINC	County Clerk Fees - Misc	\$34.00	\$35.00	\$1,960.00
	County Clerk Fees - Misc Total	\$6,458.50	\$6,128.50	\$5,130.00
RECREE	County Clerk Fees - Recording	\$45,829.00	\$40,845.00	\$31,545.00
	Total County Clerk Fees	\$52,287.50	\$46,973.50	\$36,675.00
CTYREV	County Revenue	\$80,549.25	\$44,290.75	\$48,171.00
DCSTOR	Doc Storage	\$26,987.50	\$23,964.50	\$18,476.00
GISMAP	GIS Mapping	\$85,440.00	\$75,930.00	\$31,208.00
GISRCD	GIS Recording	\$5,696.00	\$5,062.00	\$3,904.00
INTRST	Interest	\$58.05	\$23.68	\$17.71
RECMIS	Recorder's Misc	\$11,105.00	\$833.00	\$6,731.50
RHSP	RHSP/Housing Surcharge	\$24,399.00	\$21,339.00	\$16,560.00
TAXCRT	Tax Certificate Fee	\$440.00	\$560.00	\$960.00
TAXFEE	Tax Sale Fees	\$20.00	\$35.00	\$0.00
PSTFEE	Postage Fees			\$0.00
CK # 19294	To KC Treasurer	\$286,982.30	\$219,011.43	\$162,703.21

Treasurer

Office of Jill Ferko
Kendall County Treasurer & Collector
111 W. Fox Street Yorkville, IL 60560

Kendall County General Fund

QUICK ANALYSIS OF MAJOR REVENUES AND TOTAL EXPENDITURES
FOR NINE MONTHS ENDED 08/30/2021.

	Annual	2021 YTD	2021 YTD%	2020 YTD	2020 YTD
<u>REVENUES*</u>	<u>Budget</u>	<u>Actual</u>	<u>%</u>	<u>Actual</u>	<u>%</u>
Personal Property Repl. Tax	\$390,000	\$467,877	119.97%	\$336,587	86.30%
State Income Tax	\$2,300,000	\$2,360,483	102.63%	\$2,062,263	89.66%
Local Use Tax	\$900,000	\$622,111	69.12%	\$723,736	103.39%
State Sales Tax	\$530,000	\$370,210	69.85%	\$401,362	72.97%
County Clerk Fees	\$325,000	\$402,859	123.96%	\$324,785	99.93%
Circuit Clerk Fees	\$1,220,000	\$880,194	72.15%	\$783,523	58.04%

Fines & Foreits/St Atty.	\$275,000	\$187,267	68.10%	\$205,121	68.37%
Building and Zoning	\$68,000	\$109,601	161.18%	\$82,926	121.95%
Interest Income	\$100,000	\$16,349	16.35%	\$133,846	66.92%
Health Insurance - Empl. Ded.	\$1,467,439	\$215,631	14.69%	\$902,004	71.21%
1/4 Cent Sales Tax	\$3,075,000	\$2,223,812	72.32%	\$2,261,478	72.83%
County Real Estate Transf Tax	\$450,000	\$444,943	98.88%	\$367,492	86.47%
Federal Inmate Revenue	\$2,044,000	\$1,218,160	59.60%	\$1,697,280	83.04%
Sheriff Fees	\$140,000	\$62,177	44.41%	\$67,996	40.00%
TOTALS	\$13,284,439	\$9,581,674	72.13%	\$10,350,398	78.45%
Public Safety Sales Tax	\$5,250,000	\$3,857,112	73.47%	\$3,893,464	73.13%
Transportation Sales Tax	\$5,250,000	\$3,857,112	73.47%	\$3,893,464	64.89%

*Includes major revenue line items excluding real estate taxes which are to be collected later.

To be on Budget after 9 months the revenue and expense should at 75.00%

****PLEASE NOTE, THE AMOUNTS BEING REPORTED NOW REFLECT ALL ACCRUALS NOTED IN THE AUDIT. THEREFORE COMPARING PRIOR YEAR REVENUES TO LAST YEAR REVENUES IS NOT A GOOD COMPARISON.**

Clerk of the Court

Circuit Clerk Matthew Prochaska reviewed the August 2021 report.

Coroner

Deputy Coroner Levi Gotte reviewed the August 2021 monthly report included in the packet.

STANDING COMMITTEE REPORTS

Finance

Non-Profit Grant Program

Member Kellogg moved to approve the Kendall County Non-Profit Grant Program Funded by the American Rescue Plan Act with a Maximum Grant of \$25,000 per Non-Profit and a Total not to exceed \$1,000,000. Member Koukol seconded the motion.

Chairman Gryder explained that in order to address the financial hardships of Non-Profits serving the residents of Kendall County, Kendall County has created a grant program. This grant program is funded from the American Rescue Plan Act of 2021. This financial assistance is for Non-Profits who have experienced a loss of revenue or increased expenses since March 2020. The grant request will be 25% of their 2019 or 2020 revenue, capped at \$25,000. Applications available on the Kendall County website beginning September 22, 2021. This is a first come first serve grant.

Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Planning, Building & Zoning

Petition 21-27

Member Gengler moved to approve Petition 21-27 Request from Paul Kovacevich on Behalf of Tri-Star Development, Inc. for a Map Amendment Rezoning the Northeast 7.266 Acres of the Property on the South Side of Route 52 Across from 2735 Route 52 (PIN: 09-15-300-020) in Seward Township from A-1 Agricultural District to R-1 One Family Residential District. Member Cesich seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Ordinance 21-18 is available in the Office of the County Clerk.

Petition 21-28

Member Gengler moved to approve 21-28 Request from Brian and Jennifer Gore for a Map Amendment Rezoning the Eastern 12.671 Acres of the Property on the West Side of Jughandle Road Across from 14776 Jughandle Road (PIN: 09-15-300-021) in Seward Township from A-1 Agricultural District to R-1 One Family Residential District. Member Gilmour seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Ordinance 21-19 is available in the Office of the County Clerk.

Highway

5 Year Surface Transportation Program

Member Rodriguez moved to approve the 5 Year Surface Transportation Program 2022-2026. Member DeBolt seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

Renaming Budd Road

Member DeBolt moved to approve the Resolution renaming a portion of Budd Road to Budd Court. Member Koukol seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of Resolution 21-36 is available in the Office of the County Clerk.

Village of Plainfield Agreement

Member Koukol moved to approve an Intergovernmental Agreement between the County of Kendall and the Village of Plainfield for signalization of intersection of 143rd Street and Ridge Road. Member Flowers seconded the motion. Chairman Gryder asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

A complete copy of IGAM 21-24 is available in the Office of the County Clerk.

Facilities

Member DeBolt stated that the records in the Hart home have been moved to the Courthouse, now in safe dry storage.

Animal Control

Member Cesich meeting has been moved to next week.

SPECIAL COMMITTEE REPORTS

Juvenile Justice Council

Member Gilmour stated that the SKY race is September 25, 2021.

Chairman's Report

Member Koukol moved to approve the appointment(s). Member DeBolt seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Appointments

John Cornish – KenCom Executive Board – Oswego Fire Protection District Primary Representative
Heather Hadrys – Workforce Development Board – 2-year term – Expires September 2023
Chris Mehochko – Workforce Development Board – 2-year term – Expires September 2023

QUESTIONS FROM THE PRESS

Ethan Krueger from WSPY asked where Ridge Road is.

ADJOURNMENT

Member Cesich moved to adjourn the County Board Meeting until the next scheduled meeting. Member Flowers seconded the motion. Chairman Gryder asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

Approved and submitted this 29th day of September, 2021.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk

HIGHWAY COMMITTEE MINUTES

DATE: October 12, 2021
LOCATION: Kendall County Highway Department
MEMBERS PRESENT: Scott Gryder, Brian DeBolt & Scott Gengler
STAFF PRESENT: Michele Riley and Francis Klaas
ALSO PRESENT: Ryan Sikes

The committee meeting convened at 3:30 P.M. with roll call of committee members. Cesich and Kellogg absent. Quorum established.

Motion DeBolt; second Gengler, to approve the agenda as presented. Motion approved unanimously.

Motion Gengler; second DeBolt, to approve the Highway Committee meeting minutes from September 14, 2021. Motion approved unanimously.

Motion Gengler; second DeBolt, to recommend approval of an ordinance amending the KC-TAP to provide for annual transfer of \$75,000 from the Transportation Sales Tax Fund. Klaas provided a brief summary of the Transportation Alternatives Program, which is used to construct multi-use paths and sidewalks along State and County Highways. After reviewing the old resolution, however, he found that there was no specific amount listed for transfer in that document. Instead, it simply states that the Board would approve any transfer prior to December 1st of each year. So Klaas recommended that the old resolution could stay exactly as it is; and the Board could decide the amount of transfer each year as part of the budget process. The transfer for FY 22 is currently budgeted at \$75,000. Gryder pointed out that the original document caps the awards to a maximum of \$50,000. Klaas stated that the State's Attorney office has previously indicated that, since this is a county ordinance, the County Board has the authority to increase that amount if it sees fit, and has already done so on several occasions. Upon further review, Gengler withdrew his motion and DeBolt withdrew his second. Committee felt no action was currently deemed necessary on this matter.

Motion Gengler; second DeBolt, to recommend an ordinance for the establishment of altered speed zones on various Oswego Township Roads. Klaas reminded the committee that the County Board has statutory authority to set speed limits on all County Highways, as well as all Township Roads. Gryder provided an example in Little Rock Township where the County had to address a speed limit on Millhurst Road. DeBolt asked about signing on township roads. Klaas said that the county engineer has to approve new sign installations on township roads. Claude Ainsworth, the new Oswego Township Highway Commissioner, would like to set 25 MPH speed limits for all streets in Boulder Hill Subdivision. Klaas stated that there were numerous roads in Boulder Hill that extend from the Village (Oswego) limits into the unincorporated subdivision. The Village has 25 MPH speed limits, while the township has 30 MPH limits. So the two are inconsistent. The Highway Commissioner would like to make the entire area consistent at 25 MPH. In a similar way, Woolley Road has 45 MPH speed coming out of the Village of Oswego, while the township has no posting, meaning the speed limit, by law, would be 55 MPH. Also, Simons Road coming out of the Village of Plainfield has a 45 MPH limit, and the township has 55 MPH limit. Mr. Ainsworth would also like to make these

consistent at 45 MPH. After consideration, the committee voted unanimously to recommend approval of this ordinance to the County Board.

Motion DeBolt; second Gengler, to recommend approval of an agreement for right-of-way consulting services with Mathewson Land Services in the amount of \$133,250 for work on the N. Johnson Street Project. This project begins near the grain elevator in Newark, and extends northerly for approximately ½ mile. This specific section of road is narrow and has poor drainage. The improvements are rather complicated, and will involve the relocation of many utilities to provide a wider pavement with safety shoulders and sidewalks, as well as improved storm water conveyance, including offsite drainage towards the same ravine that goes past the Newark sewer lagoon. Land acquisition includes 19 different parcels. Proposed agreement includes services for appraisals, negotiations, closing and recording fees, as well as project management. Klaas stated that this agreement is very similar to the recently-approved Collins Road agreement, but it does not include review appraisals, so there is significant savings in that regard. DeBolt asked when this work would commence. Klaas indicated that engineering, land acquisition and utility relocation will happen in 2002, and construction is scheduled for 2003. Motion approved unanimously.

Gryder reported that the first steel beams had been set on the Eldamain Bridge, with more to be set later in the week. He also reported that they may begin construction of the roundabout yet this year. Committee then discussed function of some local roundabouts and the improved safety that can be realized.

Klaas reported that the River Road Bridge is open. Caton Farm Bridge is expected to be opened in about 2 weeks. Fox River Drive Bridge was opened about a month ago. DeBolt asked if the blinker stops signs were ordered. Klaas stated that he had ordered 4 of them and they should be delivered this week. DeBolt also asked if the County could use COVID money for purchase of these traffic control devices. Gryder thought that would be a good question for Scott Koeppe. Klaas added that blinker stop signs are effective now because you don't see them very often. If the County installed these at every intersection, they could lose some of their effectiveness.

Motion DeBolt; second Gengler, to forward Highway Department bills for the month of September in the amount of \$1,252,004.98 to the Finance Committee for approval. By roll call vote, motion approved unanimously.

Motion Kellogg; second Gengler, to adjourn the meeting at 4:02 P.M. Motion carried unanimously.

Respectfully submitted,



Francis C. Klaas, P.E.
Kendall County Engineer

COUNTY OF KENDALL, ILLINOIS
ADMINISTRATION HUMAN RESOURCES COMMITTEE
Meeting Minutes
Monday October 4, 2021

CALL TO ORDER - Committee Chair Elizabeth Flowers called the meeting to order at 5:30 p.m.

ROLL CALL

Board Member	Status	Arrived	Left Meeting
Elizabeth Flowers	Present		
Scott Gengler	Here		
Judy Gilmour	Here		
Dan Koukol	Here		
Robyn Vickers	Here		

With five members present a quorum was established to conduct committee business

Employees in Attendance: Scott Koeppel, Meagan Briganti, Tina Dado

Guest in Attendance: Michael Wojcik and Beth Ishmael, the Horton Group

APPROVAL OF AGENDA – Motion made by Member Koukol second by Member Gengler to approve the agenda.

ROLL CALL VOTE

Committee Member	Vote
Scott Gengler	Yes
Judy Gilmour	Yes
Dan Koukol	Yes
Robyn Vickers	Yes
Elizabeth Flowers	Yes

With five members present voting aye, the motion passed by a 5-0 vote.

APPROVAL OF MINUTES – Motion made by Member Gilmour, second by Member Koukol to approve the August 2, 2021 minutes.

ROLL CALL VOTE

Committee Member	Vote
Elizabeth Flowers	Aye
Judy Gilmour	Yes
Dan Koukol	Yes
Robyn Vickers	Yes
Scott Gengler	Yes

DEPARTMENT HEAD AND ELECTED OFFICIAL REPORTS

Administration – Mr. Koeppel stated that all items are on the agenda.

PUBLIC COMMENT – None

COMMITTEE BUSINESS

Discussion and Approval of Health Insurance Premium Rates FY 21-22 – Michael Wojcik presented detailed Marketing Spreadsheets, including the Contribution Exhibit and Ancillary Coverage.

Mr. Wojcik reviewed the Medical, Dental and Life renewal premiums and plan designs, describing a number of alternative plans with the committee. The 2022 negotiated rate with the Annual Employer HSA Seed Contribution is a 10.5% increase with Blue Cross Blue Shield of Illinois. The Horton Group recommends that Kendall County remain with Blue Cross Blue Shield of Illinois.

The committee was briefed on Dental, Life and Vision coverage, including additional options that are available to the County. The Horton Group recommended staying with MetLife for Dental and with Eye Med for vision. Mr. Wojcik discussed the dental rate cap for MetLife at 7% through 12/31/2022. The dental trend is between 6% - 7%. Mr. Wojcik will attempt to negotiate further with MetLife. Mr. Koeppel reported that MetLife has been the dental provider for Kendall County for 2 years and that a change of providers may disrupt the employees.

Member Vickers made a motion to forward the Health Insurance Premium Rates FY 21-22 for Final Approval to the County Board for October 19, 2021 second by Member Koukol.

ROLL CALL VOTE

Committee Member	Vote
Dan Koukol	Yes
Robyn Vickers	Yes
Scott Gengler	Yes
Elizabeth Flowers	Yes
Judy Gilmour	Yes

With five members present voting aye, the motion carried by a vote of 5-0.

Discussion of Approval of a Resolution Authorizing Execution and Amendment of Downstate Operating Assistance Grant Agreement - Mr. Koeppel proposed that this discussion take place at the County Board meeting on Tuesday, October 5, 2021. Mr. Koeppel stated that this is a standard agreement also known as DOAP, it provides aid for the KAT Program.

Member Vickers made a motion to Approve, second by Member Koukol.

ROLL CALL VOTE

Committee Member	Vote
Dan Koukol	Yes
Robyn Vickers	Yes
Scott Gengler	Yes
Elizabeth Flowers	Yes
Judy Gilmour	Yes

Approval of Amendment to the Section 5311 Grant Agreement – Mr. Koepfel briefed the Committee that 5311 Grant Agreement is another funding source for the KAT Program.

Member Gilmour made a motion to Approve, second by Member Koukol

ROLL CALL VOTE

Committee Member	Vote
Dan Koukol	Yes
Robyn Vickers	Yes
Scott Gengler	Yes
Elizabeth Flowers	Yes
Judy Gilmour	Yes

Mr. Koepfel stated in addition to the KAT discussion he is seeking signature authority to sign off on bills and agreements regarding the Kendall County Transit Program. Mr. Koepfel briefed the Committee that this would help speed up the process of getting bills paid in a timely manner. Mr. Koepfel said that Chairman Gryder agreed and is awaiting review of the signature authority from the State's Attorney's Office. Mr. Koepfel stated that the signature authority would remain in effect for one year.

Member Vickers made a motion to Approve, second by Member Koukol

ROLL CALL VOTE

Committee Member	Vote
Dan Koukol	Yes
Robyn Vickers	Yes
Scott Gengler	Yes
Elizabeth Flowers	Yes
Judy Gilmour	Yes

Discussion and Approval of Deputy Director of Technology Services Job Description - Mr. Koepfel provided detailed information regarding the request to change Meagan Briganti's current job description (GIS Coordinator) to Deputy Director of Technology Services. Ms. Briganti would continue to oversee GIS. The position is paid from the GIS Fund and will not have any effect on the

General Fund. Mr. Koeppel recommends to rewrite the job description and promote Meagan Briganti. Chair Flowers asked if there was a pay increase with this change, Mr. Koeppel responded \$90,000 yearly, starting December 1st 2021. Mr. Koeppel asked to forward to County Board for approval.

Member Vickers made a motion to forward the Approval of the Deputy Director of Technology Services Job Description to County Board for Approval on October 19, 2021, second by Member Gengler.

ROLL CALL VOTE

Committee Member	Vote
Dan Koukol	Yes
Robyn Vickers	Yes
Scott Gengler	Yes
Elizabeth Flowers	Aye
Judy Gilmour	Yes

Discussion of a GIS Intern to Assist with Transition to NG-911 – Meagan Briganti briefed the Committee regarding her ongoing discussions with Western Illinois University Internship Program for the Next Generation 911 Service. Ms. Briganti provided details regarding “Next Generation-911”. Traditionally, 911 is based off of landlines. (Not many landlines exist). Meagan briefed to the Committee that Next Generation-911 will work off of cell phone data, pinging off towers. This will locate the caller faster. Next Generation-911 callers can send pictures and videos to dispatch. Mr. Koeppel stated that the internship would be at no cost to the county.

Member Gilmour made a motion to forward to County Board for final Approval on October 19, 2021, second by Member Gengler.

With five members present voting aye the motion carried by a 5-0 vote.

EXECUTIVE SESSION – *Chair Flowers briefed the Committee of the need for Executive Session* – The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

Member Gilmour made a motion for Executive Session, second by member Gengler.

With five members present voting aye the Committee entered into Executive Session at 6:18 p.m.

ITEMS FOR THE COMMITTEE OF THE WHOLE – None

ACTION ITEMS FOR THE OCTOBER 5 COUNTY BOARD MEETING

- *Approval of a Resolution Authorizing Execution and Amendment of Downstate Operating Assistance Agreement*
- *Approval of Amendment to the Section 5311 Grant Agreement*

ACTION ITEMS FOR THE OCTOBER 19 COUNTY BOARD MEETING

- *Approval of the Horton Annual Health Insurance Renewal*
- *Approval of the Deputy Director of Technology Services Job Description*
- *Approval of a GIS Intern to assist with Transition to NG-911*
- *Approval granting immediate signature authority to County Administrator to enter into contracts regarding the Kendall County Transit Program*

ADJOURNMENT – Member Gengler made a motion to adjourn meeting, second by Member Koukol. **With five members present voting aye the meeting adjourned at 6:40 p.m.**

Respectfully Submitted,

Tina Dado
Human Resource Specialist and Recording Secretary

COUNTY OF KENDALL, ILLINOIS
Law, Justice and Legislation Committee
Monday, September 27, 2021
Meeting Minutes

Call to Order and Pledge Allegiance – Chair Judy Gilmour called the meeting to order at 3:15p.m. and led the Pledge of Allegiance.

Roll Call:

Committee Member	Status	Arrived	Left Meeting
Judy Gilmour	Here		
Amy Cesich	Present		
Dan Koukol	Here		
Ruben Rodriguez	Here		
Robyn Vickers	Absent		

Others Present: Coroner Jacquie Purcell, EMA Director Roger Bonuchi, Acting Public Defender Ken Johnson, Circuit Clerk Matthew Prochaska, Court Services Director Alice Elliott, Deputy Commander Jason Langston, and Chief Deputy Michael Peters

Approval of Agenda: Member Koukol made a motion to approve the agenda, second by Member Cesich. **With four members present voting aye, the agenda was approved.**

Approval of Minutes – Member Cesich made a motion to approve the August 23, 2021 meeting minutes, second by Member Rodriguez. **With four members present voting aye, the motion carried by a 4-0 vote.**

Public Comment – None

Status Reports

Coroner – **No report provided.** Coroner Purcell reported there were 7 deaths for August, including 4 accidental deaths and 2 due to a car accident. Coroner Purcell attended the Illinois Coroners and Medical Examiners training in Collinsville, IL. Coroner Purcell stated that a new Administrative Assistant has been hired on a PT basis and Chief Deputy Gotte provided new recruit training for the Sheriff's office. Coroner Purcell reported there were 11 hours of community service hours served in the Coroner's Office in August.

EMA – **Written report provided.** Director Bonuchi reported that 2 members were sworn in and 2 more are waiting for back ground checks to come back. Director Bonuchi reported that search and rescue activity has increased for August. He acknowledged Kimberly Gotte for her EMA Search and Rescue training that took place in August.

Public Defender – None

Circuit Clerk – Written report provided. Circuit Clerk Matthew Prochaska reported in August other than traffic, most filings were for non-criminal cases. He stressed his concern over the significant increase in juvenile delinquent, abuse and neglect cases. Civil Law, Conservation and Ordinance Violations have remained steady. Mr. Prochaska reported an increase in evictions and foreclosures filings. The Supreme Court is now allowing these cases to be pre-filed. This means landlords and banks must submit information, due to a new judicial branch program, for rental/Covid related aid for the people they are filing against before the cases can go forward.

Mr. Prochaska reported that his staff is in the process of implementing a new standardized court form that the Supreme Court has set. The Circuit Court can no longer produce their own forms and must use the State template that the Supreme Court is requiring all 24 circuits to use. Mr. Prochaska stated all court forms should be complete by end of 2022.

Court Services – Written reports provided. Director Elliot reported that she will be providing a series of mini-informational sessions at future committee meetings to educate and provide an overview of what services the Probation department provides to the community. Ms. Elliot explained that there are 4 specific units in Kendall County that provide services to meet individual needs. She covered the functions and responsibilities for the Adult, Special Programs, Pre-Trial (will be dissolved in a year), and the Juvenile Units.

Chief Judge – None

State's Attorney – None

Sheriff's Report

- a. Operations Division – Written report provided. Operations Commander Jason Langston reported that traffic counts are down due to the results of staffing. With the amount of calls the Department receives the staff does not have the ability to spend their time just on traffic enforcement when other service calls can be more critical. There are 7 open positions for patrol officers.
- b. Corrections Division – Written report provided. Chief Deputy Michael Peters reported that his part time staff have been planning work crew projects in the Sheriff's office and with other offices and agencies.
- c. Records Division – Written report provided.

Old Business – None

New Business

- *Discussion on an Ordinance Regulating Hawkers, Peddlers, Itinerant Merchants, and Transient Vendors* – Member Cesich made a recommendation to update Ordinance 87-2 since the current version is antiquated. Mr. Langston reported only several sonication violation cases in the last ten years. But the committee agreed to look into changing the title and fee section of the Ordinance to meet today's current wording. Mr. Koeppel will check with other counties to see what they have in place and bring samples to next month's meeting for further discussion.

- *Discussion and Approval of an IGA between Kendall County and the State of Illinois Emergency Management Agency* – Director Bonuchi briefed the committee on the Inter-Governmental Grant Agreement. The application is submitted to the State of Illinois for approval showing what EMA will be using the grant money for. This is done annually. Member Cesich made a motion to forward the Approval of IGA between Kendall County and the State of Illinois Emergency Management Agency to the October 5, 2021 County Board meeting for final approval, second by Member Koukol.

With four members present voting aye, the motion carried by a vote of 4-0.

- *Discussion of Elimination of Cash Bail in IL: Financial Analysis* - Matthew Prochaska reported that the Illinois Supreme Court implemented a new operational structure for pretrial services. The report summarizes the financial impact of the elimination of cash bail county by county. Due to this change starting in 2023 this will potentially impact the County. The Supreme Court's task force has been meeting since the SAFE-T Act became effective, and part of their goal is to make sure the court systems can be properly funded from non-property tax sources. Mr. Prochaska will keep the Committee informed on this topic.

Legislative Update – Chair Judy Gilmore mentioned that the Governor signed into law the State Legislature map but understands that this will be challenged in Federal Court and that the Congressional maps will be worked on in October.

Chairman's Report/Comments – No report.

Items for the October 5, 2021 Kendall County Board Meeting

- *Discussion and Approval of an IGA between Kendall County and the State of Illinois Emergency Management Agency*

Items for the October 14, 2021 Committee of the Whole Meeting – None

Chairman's report/comments - None

Public Comment – None

Executive Session – Not needed

Adjournment – Member Cesich made a motion to adjourn the meeting, second by Member Rodriguez.

With four members in agreement, the meeting adjourned at 4:17 p.m.

Respectfully Submitted,

Sandra Washkowiak
Temporary Administrative Assistant

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 and 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of October 12, 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, Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Dan Koukol, and Robyn Vickers

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Scott Richmond, Lorena Gutierrez, and John Tebrugge

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Koukol, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Vickers, to approve the minutes of the September 13, 2021, meeting. With a voice vote of five (5) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from September 2021.

PETITIONS

Petition 21-29 Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC

Mr. Asselmeier summarized the request.

In January 2021, Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez purchased the subject property and wished to operate JJ Gutierrez Lawn Care, LLC at the property.

The application materials, survey of the property, site plan, aerial of the property with site plan superimposed, and topographic survey were provided.

Based on the information provided, a variance to allow parking in the front yard setback was also required.

The property was located at 12830 Ashley Road and consisted of approximately one point five (1.5) acres.

The existing land use was Agricultural/Farmstead and the property was zoned A-1.

The Land Resource Management Plan called for the property to be Agriculture in the County and Plattville's Future Land Use Map called for the property to be Low Density Residential.

Ashley Road was a Township maintained major collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent lands were zoned either A-1 in the County or A-1 inside the Village of Plattville.

The Land Resource Management Plan called for the area to the west to be Agricultural. Plattville's Future Land Use Map called for the area to be Low Density Residential.

The zoning districts within one half (1/2) mile were A-1, A-1 SU, and R-1 in the County and A-1 and R-1 inside the Village of Plattville.

Pictures of the property were provided.

The A-1 special use permit to the west is for electromagnetic compatibility testing.

EcoCAT Report was submitted on July 7, 2021, and consultation was terminated.

The NRI application was submitted on July 16, 2021. The LESA Score was 193 indicating a low level of protection.

Petition information was sent to Lisbon Township on August 5, 2021. The Lisbon Township Planning Commission reviewed this proposal at their meeting on September 14, 2021. The Commission voted to approve the proposal by a vote of three (3) in favor and one (1) in opposition. The Lisbon Township Board reviewed this proposal at their meeting on September 14, 2021. The motion to approve the proposal with the condition that the culvert be inspected by the Township Highway Commissioner was rejected by a vote of one (1) in favor and three (3) in opposition. The draft minutes of the Lisbon Township Board meeting were provided.

Petition information was sent to the Village of Plattville on August 5, 2021.

Petition information was sent to the Lisbon-Seward Fire Protection District on August 5, 2021. The Fire District sent an email on August 30, 2021 requesting one (1) fire extinguisher and one (1) first aid kit with applicable signage. The email was provided. The Petitioners were agreeable to this request.

ZPAC reviewed this proposal at their meeting on September 7, 2021. The Kendall County Soil and Water Conservation District noted the location of hydric soils on the property. The Kendall County Health Department stated their preference to have a dedicated well on the site or have clear language in any easements related to the well regarding usage of the well. The Petitioners indicated they were working on addressing the stormwater detention requirements. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 22, 2021. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and one (1) in opposition with one (1) member absent. Chairman Ashton voted no because the Petitioner previously started

operations at the property without securing proper zoning. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on September 27, 2021. Other than the Petitioners and the Petitioners' Attorney, no members of the public testified at the public hearing. Member Cherry questioned the County's ability to enforce the restrictions contained in the special use permit. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing were provided.

The Petitioners purchased the property in 2021 and started running a landscaping business on the premises without proper zoning. Upon receiving the warning letter, the Petitioners ceased operations of the business and started applying for the special use permit. The Petitioners continue to live at the property.

According to the business plan, JJ Gutierrez Lawn Care has been in business since 2016. The business has five (5) employees. Employees arrive at the property at approximately 6:00 a.m., go to work sites by 7:00 a.m., finish at work sites by 4:00 p.m., and return to the property and leave to go home by 6:00 p.m. The business operates Monday through Saturday. Business equipment presently consists of three (3) six (6) wheel dump trucks, one (1) pickup truck, and five (5) trailers for carrying lawn equipment. The Petitioners did not anticipate adding additional employees or equipment.

If approved, the Petitioners plan to start operations immediately.

One (1) two (2) story, approximately two thousand (2,000) square foot house, constructed in 1936 was located on the property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install one (1) forty foot by eight foot by six foot (40'X8'X6') storage container. The container would be used to store small landscaping equipment such as weed trimmers, power washers, ladders, blowers, and similar equipment.

The site plan and aerial also showed three (3) open storage areas; one (1) for gravel, one (1) for mulch, and one (1) for compost. The storage areas individually were ten feet (10') wide and eighteen feet (18') in depth. The piles of materials stored in these areas would be a maximum of seven feet (7') height.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Per the site survey, the property was served by a shared well. The well was located northwest of the existing house. There was a septic system on the premises. Employees would not be able to use the well on the property and no onsite restrooms would be provided.

There was also a propane tank on the premises located northeast of the house.

No outdoor refuse area was planned as part of the special use.

The property drained to the southeast.

A stormwater management permit will be required. The topographic survey was provided.

WBK reviewed this proposal and provided comments in a letter dated August 9, 2021, which was provided. The Petitioners amended the site plan from their original submittal to include a raingarden. The Petitioners were also in discussions with the County to pay a fee-in-lieu in addition to the raingarden to address the detention requirements. The specific information regarding the raingarden will be addressed as part of the stormwater management permit.

Member Gilmour asked for a description of the raingarden. Mr. Asselmeier responded that the specific design of the raingarden had not yet been determined. The raingarden would have appropriate plans and soils to absorb, slow, and clean the rainwater. Scott Richmond, Attorney for the Petitioners, confirmed that the raingarden was still under design. The specific layout of the raingarden will be finalized as part of the stormwater management permit. The Petitioners are required to have a raingarden per condition one (1) of the special use permit.

Member Koukol asked the size of the property. Mr. Asselmeier responded approximately one point five (1.5) acres. The Petitioners purchased the property from the property owner to the east and north. The Petitioners did not own the adjoining buildings.

Member Koukol asked, when the Petitioners stopped operations at the subject property, where did they place their equipment. Mr. Richmond responded that the Petitioners rented space from a neighbor. The neighbor's property is not zoned for a landscaping business.

Member Koukol asked about the pallet factory to the east of the subject property. The Petitioner were not associated with the pallet business.

Member Koukol asked if Mr. Richmond had reviewed County regulations. Mr. Richmond responded yes.

Per the survey, access to the existing house was by an easement with the properties to the north and east of the subject property.

According to the site plan and the site plan superimposed over the aerial, the Petitioners proposed to install a new twenty foot (20') wide driveway five (5') feet to the north of the south property line. They also planned to install a culvert under the new driveway. Lisbon Township would have to approve this new access point.

According to the site plan and the site plan superimposed over the aerial, the Petitioners planned to install a gravel area approximately two hundred feet (200') in depth and one hundred fifteen feet (115') wide. There were five (5) parking spaces available on the west side of the gravel area for employee parking. The parking stalls would be ten feet (10') wide by twenty feet (20') long. There would also be a five (5) parking spaces on the east side of the property for trailers and trucks.

According to the site plan and the site plan superimposed over the aerial, the parking lot would be approximately forty-seven feet (47') from the centerline of Ashley Road. The right-of-way for Ashley Road has not been dedicated in this area. Per Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance, the parking area cannot encroach into the required one hundred fifty foot (150') front yard setback. The Petitioners were seeking a variance to allow the parking area as shown on the site plan.

No customers of the business would be invited onto the property.

If there is a motor vehicle or equipment related leak, the area impacted gravel and dirt would be removed and replaced with clean gravel and dirt.

Other than lighting related to signage, no additional lighting was planned as part of the special use.

According to the site plan superimposed over the aerial, the Petitioners planned to install one (1) two (2)-sided sign north of the arborvitae along the west side of the property. The sign would be six feet (6') wide and three feet (3') tall. The sign would be elevated approximately one point five feet (1.5') above grade.

The Petitioners would like the sign to be illuminated. Per Section 12:08.A.2.a of the Kendall County Zoning Ordinance, the sign could be illuminated between 6:00 a.m. and 11:00 p.m.

Two (2) existing A-1 zoned properties with special use permits for landscaping businesses, 1996 Cannonball Trail and 997 Harvey Road, had illuminated signs.

No security gates or fencing were planned as part of the special use.

The Petitioners had already planted sixteen (16) arborvitae on the west side of the property as shown on the site plan and aerial. They were approximately three feet to four feet (3'-4') in height. They would grow to approximately sixteen feet (16') in height.

Fifteen (15) blue spruce trees would be planted near the southern property line in spring of 2022. The height at the time of planting would be five feet to six feet (5'-6') and they would grow to approximately twenty to twenty-five feet (20'-25') in height.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

If approved, this would be the sixteenth (16th) special use permit for a landscaping business in unincorporated Kendall County.

The Findings of Fact for the special use permit are as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area, 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. Only landscape related materials and equipment will be stored at the subject 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. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use 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. If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided a variance is granted for the location of the parking area, the special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 9-21 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”.

The Findings of Fact for the variance are 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. The subject property is approximately two hundred feet (200') deep as measured from west to east. It would be difficult to have off-street parking and the proposed business on the subject property without a variance for parking.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Most A-1 zoned properties, including properties that have existing special use permits for landscaping businesses, are larger and wider and do not have a need for a variance with regards to parking in the front yard setback.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create the size or configuration of the subject property.

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 requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

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. Allowing the parking encroachment will not impair any of the above items.

Staff recommended approval of the special use permit for a landscaping business and variance to allow parking in the front yard setback subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and aerial showing the site plan, including the addition of a raingarden as shown on the site plan.
2. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
3. 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 submitted site plan. The parking area shall be gravel.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. 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 submitted site plan. The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
10. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the submitted site plan. The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.
11. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the submitted site plan. The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

12. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the submitted site plan. The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners 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.
15. 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.
16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

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.
18. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
19. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. 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.

22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. 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.

The draft ordinance was provided.

Mr. Richmond reiterated that the site is not used for customers coming to the site. Also, the sign will be lit by landscape lights.

Member Gilmour made a motion, seconded by Member Vickers, to recommend approval of the special use permit and variance with the conditions proposed by Staff.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the regular agenda.

Petitions 21-30 and 21-31 Robert Velazquez on Behalf of Always Faithful Properties, LLC

Mr. Asselmeier summarized the request.

Robert Velazquez, on behalf of Always Faithful Properties, LLC, was requesting a map amendment rezoning approximately thirteen point seven (13.7) more or less acres from A-1 Agricultural District with a special use permit to B-3 Highway Business District in order to operate a landscaping business on the subject property after rezoning and after securing a special use permit to operate a landscaping business on the subject property.

The application materials, aerial of the property, plat of survey and site plan, and Ordinance 1982-10, which granted a special use permit for the storage of recreation vehicles, boats, and antique cars, were provided.

Route 47 is a State maintained Arterial Road. Yorkville has a trail planned along Route 47 in this area. IDOT has bicycle accommodations planned on the roadway.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural, Commercial and Utility.

The Future Land Use Map called for the area to be Transportation Corridor and Commercial.

The nearby zoning districts were A-1 and A-1 SU.

The A-1 special use permit to the south is for agricultural implement sales and service. The parcel to the southeast is owned by the Federal Aviation Administration and is used for a communication tower.

The subject property is over two (2) miles from the United City of Yorkville and the Village of Plattville. Yorkville's Comprehensive Plan calls for this area to be Estate/Conservation Residential. Plattville's Comprehensive Plan calls for this area to be commercial.

EcoCAT Report submitted and consultation terminated.

The application for NRI was submitted on July 7, 2021. The LESA Score was 235 indicating a high level of protection. The NRI was provided.

Petition information was sent to Kendall Township on August 27, 2021. The Kendall Township Planning Commission reviewed these proposals at their meeting on September 14, 2021. Discussion centered on stormwater drainage. The Kendall Township Planning Commission recommended approval of the proposal with a request that the County Stormwater Engineer examine the stormwater outlet elevation of the pond with consideration given to the impact of drainage on the surrounding properties by vote of five (5) in favor and zero (0) in opposition. The Kendall Township Board recommended approval of this proposal on September 21, 2021. The email stating their position was provided.

Petition information was sent to the Bristol-Kendall Fire Protection District on August 27, 2021.

ZPAC reviewed these proposals at their meeting on September 7, 2021. The Petitioner requested that the maximum number of employees be increased from forty (40) to fifty (50) and the deadline to install landscaping be extended from May 15th to June 1st. The Kendall County Soil and Water Conservation District requested that the Petitioner install proper soil erosion and sediment control measures during construction and secure an NPDES Permit. The Kendall County Health Department requested that the Petitioner work with them on well and septic information. The Petitioner stated that he planned to consolidate operations and move from his current location on Route 71 to the subject property. ZPAC recommended approval of the requests by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed these proposals at their meeting on September 22, 2021. Discussion occurred regarding having illuminated signage because of the high volume and speed of traffic on Route 47. Discussion also occurred regarding the stormwater drainage plan. The Kendall County Regional Planning Commission recommended approval of the proposals with the change to allow the sign to be illuminated by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 27, 2021. The Petitioner's Attorney was the only person that testified at the public hearing. It was noted that the house and trees along the old driveway had been removed. The Petitioner's Attorney explained the drainage plan. The portion of the property that will not be used for the landscaping business will be used be planted with a low fescue cover crop. The Petitioner has outgrown his current location on Route 71 and wants to consolidate operations at this property. The Kendall County Zoning Board of Appeals recommended approval of the map amendment and special use permit by a vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of the hearing were provided.

According to the business plan, the business has a maximum of fifty (50) employees during the busy summer season and as few as three (3) employees during the off-season. Of these, approximately four (4) employees would be onsite constantly. The normal anticipated hours of operation for employees would be on Monday through Friday from 5:00 a.m. until 7:00 p.m. and from 7:00 a.m. until 1:00 p.m. on Saturdays. The Petitioner acknowledged that, during the winter, employees may arrive at the property anytime to clear snow from customers' properties. Hours of operation for members of the public would be Monday through Friday from 7:00 a.m. until 5:00 p.m. Hours of operation for deliveries would be Monday through Friday from 7:00 a.m. until 5:00 p.m. with limited Saturday hours.

No information was provided regarding the number of company trucks or other business related equipment that would be stored at the property.

If approved, the Petitioner planned to start construction immediately and start operations as quickly as possible.

According to the site plan, the Petitioner plans to construct the following buildings:

1. One (1) approximately four thousand (4,000) square foot, two (2) story office.
2. Two (2) approximately three thousand one hundred seventy-four (3,174) square foot, three (3) bay garages.
3. One (1) approximately one thousand one hundred fifty (1,150) square foot drive thru maintenance bay.
4. One (1) approximately one thousand two hundred fifty (1,250) square foot storage bay.
5. Three (3) nursery/hoop houses. The hoop houses would be approximately one thousand two hundred (1,200) square feet, one thousand six hundred (1,600) square feet, and two thousand six hundred (2,600) square feet in size respectively.

In addition to the above new structures, the site plan also shows the retention and repurpose of the following structures already located on the property:

1. Two (2) existing barns located near the northeast corner of the site. The barns are approximately nine thousand two hundred sixty-five (9,265) square feet and nine thousand two hundred fifty (9,250) square feet in size respectively. The barns will be used for storage.
2. One (1) existing barn located south of the development area. This barn is approximately one thousand four hundred sixty-five (1,465) square feet in size and will be used for bulk salt storage.

In addition to the proposed and existing buildings, the site plan shows twenty-two (22) concrete block bulk storage bins. The storage bins would be approximately fifteen feet (15') wide, thirty (30') feet deep, and eight feet (8') tall. The materials stored in these bins shall be a maximum ten feet (10') tall.

Any structures related to the landscaping business would be required to obtain applicable building permits.

Electricity is presently onsite.

No information was provided regarding the existing well or septic system. According to the site plan, an approximately five thousand (5,000) square foot septic field was planned northeast of Garage Building 2.

The site plan also showed three (3)-five hundred (500) gallon fuel tanks southeast of Garage Building 1.

One (1) trash dumpster surrounded by a six foot (6') wooden fence was also shown on the site plan southeast of Garage Building 1.

The property drains to the southeast. One (1) stormwater detention pond is planned at the southeast corner of the property.

A stormwater management permit will be required. Stormwater related information is included with the site plan. WBK submitted a comment letter dated September 8, 2021, which was provided. As noted in the letter, WBK was requesting additional information on the pond.

At the Regional Planning Commission meeting, the Petitioner's Attorney noted there would not be a pond per se. A four foot (4') tall berm would be constructed at the southeast corner of the property to manage stormwater flow/evaporation to ensure the neighboring property did not receive additional runoff.

The property fronts Route 47.

According to the site plan, the existing gravel driveway will be removed and a twenty-four foot (24') wide paved drive will be installed.

The Illinois Department of Transportation had no concerns regarding this proposal; the emails regarding this proposal were provided.

According to the site plan, there are (2) two parking lots. The parking lot west of the Office Building has nineteen (19) parking spaces. The parking lot west of Existing Building 2 has sixteen (16) parking spaces. There is one (1) handicapped parking space in each parking lot. The site plan also shows outdoor parking spaces for company vehicles.

The westernmost parking lot is paved and the easternmost parking lot will be composed of limestone or asphalt screenings.

None of the parking areas are located in the required setbacks.

According the photometric plan, there will ten (10) RAR2-320L-165-4K7-4W(1) pole mounted lights located mostly around the perimeter of the developed area. Four (4) RAR2-320L-165-4K7-5QW(1) pole mounted lights will be located west and southwest of Existing Building 2. Three (3) RWL1-48L-25-4K7-4W lights will be located on Existing Storage Buildings 1 and 2. Two (2) RWL2-160L-80-4K7-WW lights will be located on the Garage Buildings 1 and 2. The pole mounted lights will be lowered to twenty feet (20') in height to comply with the Zoning Ordinance.

The anticipated foot-candles at the property lines will be 0.8 which is less than the 5.0 foot-candle maximum allowed by the Zoning Ordinance for adjoining properties planned to be commercial.

According to the site plan, there will be one (1) monument sign located approximately fifteen (15') east of the right-of-way line. The sign will be approximately five feet (5') in height and ten feet (10') feet in width, including supports.

The Kendall County Regional Planning Commission requested that the sign be illuminated. The sign may be lit between the hours of 6:00 a.m. and 8:00 p.m.

According to the site plan, there will be one (1) six foot (6') wooden screen fence located along the northern property line north of the Existing Storage Buildings. The Petitioner also plans to install security cameras and an alarm system in all buildings. The Petitioner may install a gate at the main entrance if necessary.

According to the landscaping plan, the Petitioner plans to install the following landscaping around the western parking lot:

1. Three (3) Red Sunset Maples
2. Two (2) Skyline Honeylocusts
3. Fifteen (15) Annabella Hydrangeas
4. Ten (10) Alpine Currants
5. Twenty (20) Double Knock Out Roses
6. Eight (8) Blue Muffin Viburnum
7. One Hundred Forty (140) Autumn Joy Sedums
8. Three Hundred Eighty (380) Russian Stonecrops
9. Two Hundred Ten (210) Dart's Blue Perwinkle

The Petitioner also plans to install eight (8) Techny Arborvitaes around refuse area.

The shrubs shall be two feet (2') in height at the time of planting. The canopy trees will be two point five inch (2.5") caliber at the time of planting and shall grow to fifty feet (50') in height. The Techny Arborvitaes shall be a minimum six feet (6') in height at the time of planting. The Petitioner plans to install all landscaping by June 1, 2022.

In addition to the landscaping mentioned previously, the Petitioner plans to install two (2) hardscape courtyards and two (2) landscape garden showcase areas on the property as shown on the site plan. The site plan also shows a nursery stock area.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the sixteenth (16th) special use permit for a landscaping business in unincorporated Kendall County.

The 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 purposes or communication purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 with a special use permit for agricultural implement sales and service.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and could be used for many uses presently permitted under the A-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 in the area is a mix of agricultural and commercial uses. Commercial uses in the area probably will increase as the Illinois Department of Transportation widens Route 47.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Transportation Corridor and Commercial. The B-3 Highway Business Districts is consistent with the Commercial classification. The Land Resource Management Plan calls for limited B-3 Highway Business District zoned property on lands classified as Transportation Corridor.

The 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. Provided the site is developed in accordance with the submitted site plan, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other 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. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use 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. Adequate utilities are planned for the site. The property has direct access to Route 47 and the Illinois Department of Transportation expressed no concerns regarding the proposed use. A stormwater management permit is required and that permit will address drainage.

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 is not requesting any variances to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with a goal found on Page 7-26 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.” An objective under this goal further states, “Explore economic development opportunities along Route 47 Corridor to enhance the tax base and to encourage local employment and shopping opportunities.”

Staff recommended approval of the proposed map amendment because the proposal was consistent with the Land Resource Management Plan.

Staff recommended approval of the 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, landscaping plan, and photometric plan, including allowing for illuminated signage. The gravel parking lot noted on the site plan shall be composed of either limestone or asphalt screenings. The fourteen (14) light poles shown on the site plan and mentioned in the photometric plan shall be a maximum twenty feet (20') feet in height. The owner of the business allowed by this special use permit may also install a security gate at the main driveway entrance.
2. All of the structures shown on the site plan shall be constructed and occupied by December 31, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The business allowed by this special use permit may commence operations starting upon approval of the special use permit. However, customers shall not be invited onto the property until an occupancy permit has been issued for the office building.
3. The owners of the business allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored on the subject property and shall promptly clean up the site if leaks occur.
4. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
6. None of the vehicles or equipment parked or stored on the subject property related to

the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.

7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
8. 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. The maximum height of the piles of landscaping related material shall be ten feet (10'), provided a Stormwater Management Permit is issued.
9. One (1) two (2)-sided business related sign may be installed in substantially the location shown on the site plan. The sign shall be a maximum of ten (10') wide and five feet (5') tall, including supports. The sign may be illuminated between the hours of 6:00 a.m. and 8:00 p.m.
10. The landscaping shown on the landscaping plan shall be installed no later than June 1, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The Red Sunset Maples shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Skyline Honeylocusts shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Techny Arborvitaes shall be a minimum six feet (6') tall at the time of planting. Damaged or dead plants that are part of the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. Nursery stock shall be exempt from this provision.
11. No landscape waste generated off the property can be burned on the subject property.
12. A maximum of fifty (50) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit for the members of the public shall be Monday through Friday from 7:00 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. The hours of operation of the business allowed by this special use permit for employees of the business shall be Monday through Friday from 5:00 a.m. until 7:00 p.m. and Saturday from 7:00 a.m. until 1:00 p.m. The owner of the business allowed by this special use permit may expand these hours of operation for employees to address the needs of customers impacted by snowfall. Business related deliveries may occur during these hours of operation. The owners of the business allowed by this special use permit may reduce these hours of operation.
15. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving

residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

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.

16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. 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.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. 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.

The draft ordinance was provided.

Chairman Gengler asked about the difference between an A-1 special use permit and a B-3 special use permit. Mr. Asselmeier responded that, if the use were ever to leave the site, the property could be marketed as a commercial site and any use allowed in the B-3 district could be placed on the property. Chairman Gengler felt that having business zoning at that location made sense.

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

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the regular agenda.

John Tebrugge, Engineer for the Petitioner, noted their work on the property and they have addressed WBK's concerns related to stormwater.

Member Koukol noted the history and projects of Semper Fi Landscaping. He felt this project would look nice coming into Yorkville.

Petition 21-33 Elizabeth Bowyer on Behalf of Doragon Properties, LLC

Mr. Asselmeier summarized the request.

The Petitioner would like to operate a monthly craft fair (sale of agricultural products not grown on premises and the sale of pottery, art, and home décor not produced on the premises) one (1) Saturday per month between April 1st and November 1st.

The Petitioner has been operating the craft fair without a special use and would like to come into compliance.

The Zoning Ordinance required the sale of pottery, art, and home décor products to be located on properties not designated as Agricultural on the Future Land Use Map. The Petitioners were seeking a variance to this provision.

The application materials, plat of survey, aerial of the entire property, and aerial of the area where craft fair/market would occur were provided.

The property was granted a special use permit for a landscaping business in 2005. This special use permit was also provided.

The property was approximately fifty (50) acres in size.

The Current and Future Land Uses are Agricultural.

Whitewillow Road is a County maintained Major Collector. Brisbin Road is a Township maintained Major Collector.

Minooka has trails planned along Whitewillow and Brisbin Roads.

There were no floodplains or wetlands on the property. The pond was permitted as part of the development of the landscaping business.

The adjacent land uses were Agricultural and Farmstead.

The adjacent zoning districts and nearby zoning districts were A-1.

The County's Future Land Use Map called for the area to be Agricultural. The Village of Minooka's Future Land Use Map called for the area to the north and south to be Traditional Neighborhood and the area to the east to be Light Industrial.

EcoCat submitted on August 24, 2021, and consultation was terminated.

The Petitioner did an NRI application as part of a proposed cannabis business at the subject property in April 2020. The LESA Score was 220 indicating a medium level of protection. The NRI Report was provided.

Seward Township was emailed information on August 27, 2021. Seward Township was emailed information on August 27, 2021. The Seward Township Planning Commission reviewed this proposal at their meeting on September 7, 2021. The Seward Township Planning Commission recommended approval of the request with the amendment to allow the Petitioners to increase the number of vendors to forty (40) upon notice to the Township. The minutes of this meeting were provided. The Seward Township Board concurred with the Seward Township Planning Commission at their meeting on September 14, 2021.

The Village of Minooka was emailed information on August 27, 2021.

Lisbon-Seward Fire Protection District was emailed information on August 27, 2021. They requested two (2) strategically placed fire extinguishers and first aid kits with related signage. The email from the Fire Protection District was provided.

ZPAC reviewed this proposal at their meeting on September 7, 2021. Discussion occurred regarding signage; the Petitioners' Attorney agreed to discuss having one (1) stationary sign only at the corner of Whitewillow and Brisbin Roads with his clients. The number of vendors was increased from thirty-one (31) to thirty-five (35). The Kendall County Health Department requested that the Petitioners contact them regarding the placement of the septic field in relation to the parking lot. ZPAC recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 22, 2021. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and one (1) in opposition with one (1) member absent. Chairman Ashton voted no because the Petitioner previously started operations at the property without securing proper zoning. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 27, 2021. Other than the Petitioners' Attorney, nobody testified at the public hearing. Discussion occurred regarding fencing around the pond. The Kendall County Zoning Board of Appeals recommended approval of this proposal by vote of five (5) in favor and zero (0) in opposition with two (2) members absent. The minutes of this hearing were provided.

According to information provided to the County, the Petitioner would like to operate a thirty-five (35) stall craft fair west of the existing main building as identified in the provided aerial. The vendor stalls are approximately twelve foot by fourteen foot (12' X 14'). The stalls are made of wood with an area to erect a tent. The stalls are also numbered; a picture of an example stall was provided. Pictures of the vendor row were provided.

No new buildings are planned for the site. No existing structures are planned for demolition.

Vendors sell a variety of craft products.

Section 7:01.D.48 places several conditions and restrictions on special use permits regarding the sale of pottery, art, and home décor. These include:

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.
4. Is located in an area not designated as Agricultural on the Land Resource Management Plan. The Petitioner is seeking a variance to this requirement.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related

structures, and the pastoral setting.

6. Must serve as a transitional use between agricultural areas and advancing suburban development.
7. Must serve to prevent spot zoning.
8. Retail and wholesale must occur in an existing building, unless otherwise approved by the County Board.
9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.
11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

Assuming the County Board approves sales outside existing buildings, all of the above requirements of the Zoning Ordinance are addressed.

If approved, this would be the tenth (10th) special use permit for the sale of products not grown on the premises in the unincorporated area.

According to the business plan provided to the County, the Petitioner would like to operate the craft fair one (1) Saturday per month between April 1st and November 1st. Vendors start setting up at 6:00 a.m. The craft fair is open to the public from 8:00 a.m. until about 4:00 p.m. Vendors leave the site by 6:00 p.m.

After the Zoning Board of Appeals hearing, the Petitioner requested the option to have a Christmas craft fair. No information was provided on when the Christmas craft fair would occur.

The Petitioner has five (5) full-time employees that monitor the craft fair, including herself and her husband.

The usual number patrons on the property at a given time for the craft fair is approximately fifty (50).

No new structures are planned for the property.

There are existing restrooms inside the building used for the landscaping business. There are two (2) porta-johns available for the vendors and patrons at the craft fair.

There is a private well onsite.

The Petitioner would make accommodations for vendors that want electricity.

The property drains to the southeast.

The Petitioners secured applicable permits in 2004 for the construction of the pond on the premises.

Based on the information provided, no stormwater permits are required because the Petitioner does not plan to add any impervious surface.

The property has access from Whitewillow Road.

According to the provided aerial, there are approximately eighty (80) parking spaces on the property. These include parking spaces east and south of the building used for the landscaping business. There is also parking available for vendors west of the vendor row. There were six (6) identified handicapped parking spaces on the property.

No additional lighting was planned as part of this project. The craft fair ends by dusk. If additional lighting were added, a photometric plan would be required because the number of parking spaces exceeds thirty (30).

The Petitioner plans to have one (1) mobile sign placed at the southeast corner of Whitewillow and Brisbin Roads. A picture of the sign was provided. The Petitioners would like the sign to remain at the intersection between May 1st and December 1st of each year. The sign would not be illuminated.

There are other directional signs located on the property and the landscaping business/nursery has separate signage for that portion of the business.

No additional landscaping is planned. Nursery materials along Whitewillow Road presently serve as screening.

No information regarding noise control was provided.

After the Zoning Board of Appeals hearing, the Petitioner indicated that they may want to have music as part of a Christmas craft fair. Staff responded by saying that, if music was played, the requirements of the Kendall County Noise Ordinance would have to be followed. The Petitioner had not indicated if they were agreeable to following the noise regulations.

The 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 subject property already has an established landscaping and nursery business. The proposed use will complement the existing special use and will minimally impact the area.

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 are proposed that will regulate hours of operation, site layout, and noise. No new buildings or other significant alterations away from the current appearance of the property or general area are planned.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Utilities are already available at the property. Parking areas are already established. The property previously secured a stormwater management permit.

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. This is true provided the variance to allowing the use on property designated as Agricultural on the Land Resource Management Plan is approved.

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 9-21 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."

The Findings of Fact for the variance 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. There is no topographical hardship.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Very few A-1 zoned properties have an existing commercial use as intense as the use located on the subject property. Most properties zoned A-1 and classified as Agricultural on the Land Resource Management Plan do not have the existing facilities to support this type of use.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create or request the land designation contained in the Land Resource Management Plan.

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 subject property already has a special use permit. The proposed use would only operate for a very brief time of the year. No improvements to the property are planned as part of the proposal. Therefore, no injury to the public welfare or other properties is foreseen.

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. Because of the limited operations proposed and because no new structures are

planned, the proposal will not impair the supply of light or air to adjacent properties, cause increased congestion on local streets, endanger public safety, or impair property values.

Staff recommended approval of the requested special use permit and variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted aerial. Other than parking and signage, the craft fair shall be limited to area designated as "Vendor Area" on the aerial. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures.
2. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.
3. The subject parcel must remain at least three (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting. To that end, no vendor stall located in the northern row of the vending area shall be open toward the north.
5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
7. A maximum of thirty-five (35) vendors may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between April 1st and November 1st.
9. A maximum of five (5) people, including the property owner and their family members, shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in the sign picture. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.
11. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall be generated by the uses allowed this special use permit.
13. Two (2) strategically placed operating fire extinguishers and first aid kits shall be placed on the subject property along with applicable signage for the fire extinguishers and first

aid kits.

14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of uses.
16. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.
17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
19. 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.

The draft ordinance was provided.

Discussion occurred regarding the frequency of events at the subject property compared to the similar use at the Hogan property on Brisbin Road. The Petitioner on Whitewillow Road was asking to operate for one (1) Saturday per month only.

Member Koukol noted all of the activity at the property.

Member Flowers asked how long the activity has been occurring. Mr. Asselmeier said the craft fair has been operation since at least 2020.

Chairman Gengler asked about having multiple signs. Discussion occurred regarding the composition of the signs. Several Members suggested having only one (1) sign at the property. Member Koukol suggested moving the portable sign out of the ditch.

Discussion occurred about restricting garage sales in certain areas. Member Flowers expressed concerns about other property owners engaging in this type of business.

Discussion occurred about having an inclement weather plan and having an emergency meeting spot. The consensus of the Committee was not to include an inclement weather plan.

Member Gilmour made a motion, seconded by Member Koukol, to recommend approval of the special use permit and variance with the conditions proposed by Staff with the changes to allow the northern most vendor stalls to open to the north and to allow the Petitioners to have one (1) additional holiday event in December with music provided that the noise regulations were followed.

With a voice vote of five (5) ayes, the motion carried.

The proposal goes to the County Board on October 19, 2021, on the regular agenda.

NEW BUSINESS

Recommendation on Fiscal Year 2021-2022 Meeting Calendar

Mr. Asselmeier presented the proposed calendar. He noted that the December 2021 meeting may need to change if the Zoning Board of Appeals hearing occurs December 13th.

Member Flowers made a motion, seconded by Member Vickers, to recommend approval of the meeting calendar with the October 2022 meeting moved to October 6, 2022.

With a voice vote of five (5) ayes, the motion carried.

Recommendation on the 2021 Comprehensive Noxious Weed Work Plan

Mr. Asselmeier summarized the request.

Kendall County is required by Illinois law to submit an annual Noxious Weed Comprehensive Work Plan to the State by November 1st of each year. This proposal is the same as the 2021 Noxious Weed Comprehensive Work Plan.

Member Koukol made a motion, seconded by Member Vickers, to recommend approval of the meeting work plan.

With a voice vote of five (5) ayes, the motion carried.

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

Discussion of Amendments to the Future Land Use Map Regarding Properties Along the Eldamain Road and Highpoint Road Corridors South of the Fox River

Mr. Asselmeier summarized the issue.

Starting in October 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee initiated discussions regarding changing the Future Land Use Map for properties located along the Eldamain Road Corridor south of the Fox River, in light of the funding for the Eldamain Road Bridge and the abandonment of the centerline for the Prairie Parkway. In particular, the Committee discussed possible commercial and/or manufacturing investment in this area. A map showing the access points along the corridor was provided.

The Kendall County Future Land Use Map currently calls for this area to be Rural Residential (Max Density 0.65 DU/Acre) and Mixed Use Business. The Comprehensive Land Plan and Ordinance Committee requested maps be prepared reclassifying most of the Rural Residential lands to Mixed Use Business. Copies of the existing Future Land Use Map and draft Future Land Use Map were provided.

The Yorkville Future Land Use Map currently calls for this area to be Estate Residential. The Millbrook Future Land Use Map currently calls for this area to be Business Park Office and Commercial with Industrial near the former Prairie Parkway alignment. The Plano Future Land Use Map currently calls for the area in their planning jurisdiction to be Estate Residential (0-0.8 DU/Acre). Copies of all of the Future Land Use Maps for this area were provided.

The Comprehensive Land Plan and Ordinance Committee contacted the municipalities and Fox Township. The Village President of Millbrook has attended meetings of the Comprehensive Land Plan and Ordinance Committee and is working with the other impacted municipalities in

the initial discussion of establishing boundary agreements with Millbrook. Staff from Yorkville prepared a memo on the subject which was provided.

At their meeting on October 1, 2021, the Kendall County Economic Development Committee recommended approval of moving forward with the project.

The Comprehensive Land Plan and Ordinance Committee would like to obtain advice from the Kendall County Planning, Building and Zoning Committee regarding whether or not the Comprehensive Land Plan and Ordinance Committee should continue pursuing changing the Future Land Use Map in this area. If no objections to continue the process are raised, the Comprehensive Land Plan and Ordinance Committee's next step is to have a meeting with impacted property owners and other stakeholders on October 27th.

Mr. Asselmeier explained the procedure for amending the Future Land Use Map.

Discussion occurred regarding the alignment of Eldamain Road.

The consensus of the Committee was that the Comprehensive Land Plan and Ordinance Committee should continue their work and meet with the impacted property owners. The Comprehensive Land Plan and Ordinance Committee will meet with impacted property owners at 5:00 p.m. on October 27, 2021.

OLD BUSINESS

Review of Agenda for October 21, 2021 Kendall County Planning, Building and Zoning Committee Meeting in Boulder Hill

The Committee reviewed the draft agenda.

The meeting will cover home occupations, general business regulations, trailer parking regulations, noise regulations, junk and debris regulations, and the rules related to inoperable vehicles.

Discussion occurred regarding the advertising of the meeting.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Recommendation on Application for a Certified Local Government Grant from the Illinois Department of Natural Resources to Fund a Structure Survey in Unincorporated Kendall and Bristol Townships in the Amount of \$42,500; The Grant would Reimburse Kendall County 70% of Project Costs and Kendall County Funds the Remaining 30% of Project Costs

Mr. Asselmeier noted that the grant application window had opened and he was working with Ken Itle of WJE on assembling the Certified Local Government Grant application.

If the grant was awarded, the County would start work in February or March and the County has to complete the project by September 30, 2022.

If the County was not awarded the grant, another round of grants would open in January 2022.

Member Gilmour made a motion, seconded by Member Flowers, to recommend approval for applying for the grant.

With a voice vote of five (5) ayes, the motion carried.

The grant application will go to the County Board on November 2, 2021.

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

Chairman Gengler made a motion, seconded by Member Koukol, to enter into executive session for the purposes of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The votes were as follows:

Yeas (4): Flowers, Gengler, Koukol, and Vickers

Nays (1): Gilmour

Abstain (0): None

Absent (0): None

The motion carried.

The Committee recessed at 8:02 p.m.

Chairman Gengler called the Committee back to order at 8:05 p.m.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Dan Koukol, and Robyn Vickers

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner)

NEW BUSINESS

Approval to Release Executive Session Minutes of October 12, 2021

Member Vickers made a motion, seconded by Member Flowers, to recommend approval of the release of the Executive Session Minutes of October 12, 2021.

With a voice vote of five (5) ayes, the motion carried.

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

ADJOURNMENT

Member Flowers made a motion, seconded by Member Koukol, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 8:06 p.m.

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

Enc.



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: October 12, 2021

Amount: N/A

Budget: N/A

Issue: Approval of 2022 Noxious Weed Work Plan

Background and Discussion:

Kendall County is required by Illinois law to submit an annual Noxious Weed Comprehensive Work Plan to the State by November 1st of each year. Attached please find the proposed 2022 Kendall County Noxious Weed Comprehensive Work Plan. This proposal is the same as the 2021 Noxious Weed Comprehensive Work Plan.

Committee Action:

PBZ Committee-Approval (5-0)

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: October 13, 2021



KENDALL COUNTY COMPREHENSIVE NOXIOUS WEED WORK PLAN 2022

As required by the Illinois Noxious Weed Law (505 ILCS 100), the County of Kendall submits the following Comprehensive Work Plan for calendar year 2022.

Kendall County shall engage in the following activities:

1. Continuously work with residents, property owners, municipalities, townships, other counties, and Federal and State agencies to identify, investigate, control and eliminate noxious weeds found within the County.
2. In the event that the location of a noxious weed is reported on private property or property not owned by Kendall County, the County shall forward the complaint to the local municipality and/or township. The local municipality and/or township shall be the lead agency for investigating and resolving the issue. The municipality or township shall follow applicable laws to resolve the issue.
3. Monitor County owned properties and rights-of-way as part of general property maintenance. If noxious weeds are found on County owned property, the County shall take steps to eradicate the weeds and include the information in its annual noxious weed report to the State.
4. Work with local municipalities and townships to track and report noxious weed allegations and incidents for inclusion in the annual noxious weed report to the State. The County will ask each municipality and township for a summary of activities related to the eradication of noxious weeds for inclusion in the annual noxious weed report to the State.
5. Publish the General Notice at least one time annually in a newspaper of general circulation in Kendall County. The General Notice shall be published in the first quarter of the year upon approval of the County Board.
6. Advise persons responsible for controlling and eradicating noxious weeds of the best and most practical methods for noxious weed control and eradication.
7. Complete applicable reports as required by State law.

This Comprehensive Work Plan was approved by the Kendall County Board on October 19, 2021.

Respectively Submitted,

Scott R. Gryder
Kendall County Board Chairman

Date

Kendall County Clerk				
Revenue Report		9/1/21-9/30/21	9/1/20-9/30/20	9/1/19-9/30/19
Line Item	Fund	Revenue	Revenue	Revenue
CLKFEE	County Clerk Fees	\$1,181.50	\$1,218.50	\$ 883.00
MARFEE	County Clerk Fees - Marriage License	\$2,790.00	\$3,090.00	\$ 1,920.00
CIVFEE	County Clerk Fees - Civil Union	\$0.00	\$0.00	\$ 30.00
ASSUME	County Clerk Fees - Assumed Name	\$30.00	\$70.00	
CRTCOP	County Clerk Fees - Certified Copy	\$2,328.00	\$2,025.00	
NOTARY	County Clerk Fees - Notary	\$265.00	\$275.00	
MISINC	County Clerk Fees - Misc	\$24.50	\$78.00	\$ 2,255.00
	County Clerk Fees - Misc Total	\$6,619.00	\$6,756.50	\$5,088.00
RECFEE	County Clerk Fees - Recording	\$40,543.00	\$41,261.00	\$ 30,459.00
	Total County Clerk Fees	\$47,162.00	\$48,017.50	\$35,547.00
CTYREV	County Revenue	\$57,006.75	\$44,241.00	\$ 34,389.25
DCSTOR	Doc Storage	\$23,874.50	\$24,222.50	\$ 17,770.00
GISMAP	GIS Mapping	\$75,632.00	\$76,680.00	\$ 30,021.00
GISRCD	GIS Recording	\$5,042.00	\$5,112.00	\$ 3,753.00
INTRST	Interest	\$27.98	\$26.67	\$ 12.64
RECMIS	Recorder's Misc	\$1,294.50	\$14,880.25	\$ 4,217.00
RHSP	RHSP/Housing Surcharge	\$21,267.00	\$21,933.00	\$ 15,894.00
TAXCRT	Tax Certificate Fee	\$400.00	\$600.00	\$ 560.00
TAXFEE	Tax Sale Fees	\$55.00		\$ 5.00
PSTFEE	Postage Fees	\$0.00		\$ -
CK # 19309	To KC Treasurer	\$231,761.73	\$235,712.92	\$142,168.89
Death Certificate Surcharge sent from Clerk's office \$1600.00 ck # 19307				
Dom Viol Fund sent from Clerk's office \$465.00 ck 19308				



KENDALL COUNTY CORONER
— JACQUIE PURCELL —

September, FY 2021 Monthly Report

Description	**	September 2021	Fiscal Year-to-Date	September 2020
Total Deaths		31	322	28/332
Natural Deaths		26	297	24/304
Accidental Deaths		1	15	0/14
Suicidal Deaths		0	5	3/11
Homicidal Deaths		0	0	0/1
Undetermined Death		0	0	0/0
Pending Death		4	5	1/2
Scenes Responded To		8	53	5
Bodies Transported		5	37	5
Autopsies		4	16	1/22
External Examinations		4	34	4
Toxicology		4	22	5/34
Cremation Authorizations		17	204	17/208

**

(A):

1. 09/24/2021 – Oswego – 79yo, Female, Congestive Heart Failure, Atrial Fibrillation, Hip Fracture

(P):

1. 09/07/2021 – Montgomery – 54yo, Female, Pending
2. 09/07/2021 - Oswego – 63yo, Female, Pending
3. 09/10/2021 – Montgomery, 95yo, Male, Pending
4. 09/30/2021 – Montgomery, 36yo, Male, Pending

PERSONNEL/OFFICE ACTIVITY:

1. On September 28, 2021, Levi Gotte provided new recruit orientation/training for 3 new hire KCSO deputies.
2. Throughout the month of September, we welcomed 3 new coroner's assistants.
3. There were a total of 20.0 community service hours served at the Kendall County Coroner's Office during the month of September.

Kendall County Job Description

TITLE: Deputy Director of Technology Services & GIS
DEPARTMENT: Technology Services and Geographic Information Systems (GIS)
SUPERVISED BY: Director of Technology Services
FLSA STATUS: Exempt
APPROVED: October 19, 2021

I. Position Summary:

The Deputy Director of Technology Services & GIS performs research and analytical work in support of administrative, financial, and personnel functions of Technology & GIS. Additionally, serves as GIS Coordinator by supervising, managing, and directing the field and office activities of the Kendall County Geographic Information Systems (GIS) Department. The Deputy Director of Technology Services & GIS serves as the Technology Services Director in their absence.

II. Essential Duties and Responsibilities:

A. GIS Department: Supervises, manages, and directs the operation and maintenance of the Kendall County GIS Department including, but not limited to, the following duties:

- Responsible for the overall management of Enterprise GIS.
- Ensure the orderly and technically sound development and operation of the system and that the needs of the stakeholders and users of the Enterprise GIS are adequately met.
- Develops and manages the GIS program budget.
- Procures project management of consultants, vendors, and staff supporting the GIS department.
- Directs the definition and technical review of database(s) and application designs.
- Manages the technical development and quality assurance of the Enterprise GIS database
- Coordinates the creation or revisions of existing maps and charts as relative to county and intergovernmental projects.
- Produces new maps and viewers at the request of Kendall County's elected officials and County staff.
- Responsible for problem resolution, software and hardware contract maintenance.
- Explains and interprets division activities and policies to the general public.
- Performs routine to moderately complex cadastral mapping duties.
- Interprets legal descriptions, records of surveys, tract and parcel maps, and other related documents.
- Utilizes a data management computer system to retrieve and enter property information.
- Secures aerial imagery of the county at least every other year taken at leaf-off/spring time.
- Compiles data required for land record map preparation or revision, including aerial photographs, survey notes, records, reports, and original maps to ensure completeness and accuracy.
- Develops and oversees all public relations for the GIS Department, including but not limited to, development, administration, and maintenance of the GIS Department's website to ensure information is current and accurate.
- Serves as the GIS Department's liaison with Kendall County's elected officials, department heads, and local community leaders.
- Provide technical expertise and assistance to meet the needs and requests of other government agencies and the general public related to the GIS system.
- Recommends changes to GIS software, CAD software, hardware, network, and database organizations, in order to maximize efficiencies for better service to GIS users, which recommendations are given significant weight by the final decision-makers.
- Oversees and plans the potential growth and performance of the cloud platform hosting programs for both private and public use.
- Issues work orders for necessary maintenance within the GIS Department.

Kendall County Job Description

- Customarily and regularly supervises, manages, and directs the work of at least two (2) or more full-time employees (or their equivalent) working in the Kendall County GIS Department including, but not limited to, the following:
 - Interviews, selects, and trains GIS Department staff.
 - Sets and adjusts employees' hours of work.
 - Provides recommendations regarding the setting and adjusting of employees' rates of pay (within pre-approved budget parameters), which recommendations are given particular weight by the final decision-maker.
 - Prepares and maintains production and operations records for use in supervision and control of the GIS Department's services.
 - Appraises employees' productivity and efficiency for the purpose of recommending promotions or other changes in status.
 - Handles employee complaints and grievances.
 - Provides recommendations regarding personnel policies and procedures applicable to GIS Department staff, which recommendations are given significant weight by the final decision-maker.
 - Provides recommendations regarding the hiring, firing, and discipline of GIS Department staff, which recommendations are given significant weight by the final decision-maker.
 - Apportions the work among GIS Department employees.
 - Plans, organizes, and supervises the activities of GIS Department staff.
 - Develops and implements training program for GIS Department staff.

B. Technology Services Department

- Coordinate various special projects
- Maintain inventory by ordering supplies and equipment
- Schedule meetings, appointments, and training classes
- Research, prepare, create, review, and process paperwork, correspondence, reports, newsletters, promotional materials, and other materials
- Monitor contracts and maintain spreadsheets, logs, and files
- Attend meetings and workshops
- Participate in the development of divisional policies
- Assist with budget research and prepare reports
- Monitor revenues and expenditures
- Compile data relating to financial issues
- Review and process invoices, deposits, payments, and payroll
- Prepare financial documents and billings
- Perform financial calculations, extract and analyze from financial databases, accounts, grants, and reconciling accounts.
- Assists with personnel actions, including:
 - employee hiring processes,
 - researching and analyzing employee issues and documenting findings and actions.
 - Supervises Technology Services staff in absence of Director

C. Shared Intergovernmental Services

- Meet with clients to understand scope of projects
- Provide cost estimates of projects
- Assign work among Technology & GIS employees
- Accurately track services rendered
- Prepare quarterly bills to customers
- Participate in Shared Services meetings

D. Performs other duties and responsibilities as assigned.

Kendall County Job Description

III. Qualifications:

To perform this job successfully, an individual must be able to perform all essential duties satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required for the position:

A. Skills, Knowledge and Abilities:

- Knowledgeable of GIS software and technology, and familiar with a variety of the field's concepts, practices, and procedures.
- The ability to present information and communicate effectively both orally and in writing with staff, county officials, and the general public.
- Relies on extensive experience and judgment to plan and accomplish goals; a wide degree of creativity and latitude is expected.
- Ability to build teamwork, organizes, prioritize, and perform multiple tasks in a timely manner.
- Ability, skill, and knowledge necessary to effectively supervise and manage the GIS Department.
- Ability to deal tactfully and courteously with the public.
- Ability to analyze a variety of complex working procedures.

B. Work Standards and Best Practice Guidelines:

- Complies with all applicable state and federal laws and regulations.
- Complies with all applicable County policies and procedures.
- Commitment to quality results and customer focused.
- Dependable; has integrity and a willingness to learn.
- High degree of professionalism.
- Proven time management skills.
- Proven project management skills.
- Maintains confidential records including but not limited to personnel records, budget, and long term strategy planning records, etc.
- Proficient in MS Products including office SQL, and Window Server.
- Proficient in ESRI products.

C. Education and Experience

- This position requires a minimum of either a Bachelor's Degree from an accredited institution or ten (10) or more years of increasingly responsible experience in the design, development, implementation, and administration of a geographical information system.
- Experience in database administration and implementation related to ArcGIS and enterprise databases is required.
- Proven understanding of land records, legal descriptions, surveys, tracts, and parcel maps is required.
- Working knowledge of GIS and cartographic standards is required.
- Three (3) or more years of personnel management experience is preferred

IV. Physical Demands:

While performing the duties of this job, the employee must be able to:

- Frequently sit for long periods of time at desk or in meetings;
- Occasionally lift and/or move up to 40 pounds;
- Use hands to finger, handle, or feel;
- Reach, push and pull with hands and arms;
- Bend over at the waist and reach with hands and arms;
- Talk and hear in person and via use of telephone;
- Specific vision abilities include close and distance vision, depth perception;
- Travel independently to other County office locations and to GIS-related business meetings

Kendall County Job Description

and conferences.

V. Work Environment:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is subject to the following working conditions:

- Occasionally work outside as required to perform work related tasks.
- The noise level in the work environment is usually quiet to moderately quiet.
- Employee may be exposed to stressful situations while working with users, law enforcement, department heads, elected officials, vendors, and the general public.
- Employee may be required to provide own transportation to travel to and from meetings, training, conferences, etc.

By signing my name below, I hereby affirm that I received a copy of this job description.

Employee Receipt Acknowledgement & Signature

Date

Signature of Supervisor

cc: personnel file, employee

Date

2023 Annual Wellness Plan Dates & Requirements

- ✚ The Kendall County Wellness Program takes effect January 1, 2023.

- ✚ To be eligible for health care premium savings, an employee will need to:
 - Submit evidence of a current annual wellness screening/physical by December 1, 2022 to the Kendall County Treasurer's Office.
 - The current annual wellness screening/physical must be dated between December 2021 and November 2022.
 - If the employee's spouse is on the County's family health insurance plan then the employee's spouse must also submit an annual wellness screening.
 - Employees' children do not need to submit annual wellness screenings.
 - Please contact the Kendall County Treasurer's Office with any questions.

KENDALL COUNTY
Ordinance No. _____

An Ordinance for the Establishment of Altered Speed Zones on Various Oswego Township Roads

WHEREAS, pursuant to 625 ILCS 5/11-604, the Kendall County Board has been granted authority to establish altered speed limits on all county highways, township roads and district roads as defined in the Illinois Highway Code, except those under the jurisdiction of the Illinois Department of Transportation or of the Illinois State Toll Highway Authority; and

WHEREAS, an engineering and traffic investigation, performed by the Kendall County Highway Department or its agent(s) upon the respective streets or highways listed in the schedule contained herein, has determined that an altered speed zone(s) is appropriate for the listed streets or highways maintained by Kendall County Highway Department or others; and

WHEREAS, the Kendall County Board has determined that the statutory maximum vehicular speed limits established by Section 11-601 of the Illinois Vehicle Code are greater or less than that considered reasonable and proper on the street or highway listed in the following schedule;

THEREFORE, BE IT ORDAINED, that the County Board of Kendall County hereby declares that the reasonable and proper, absolute maximum speed limits for the respective streets or highways listed in the following schedule, attached as Exhibit A, shall be as stated therein;

AND BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after the erection of signs giving notice of the maximum speed limits.

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of an ordinance adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the _____ day of _____, A.D., 2021.

Debbie Gillette – County Clerk

SEAL

SCHEDULE OF ALTERED SPEED ZONES

Street or Highway	Exact Limits of Zone	Maximum Speed Limit
Afton Dr.	Entire Roadway	25 MPH
Aldon Ct. East	Entire Roadway	25 MPH
Aldon Ct. West	Entire Roadway	25 MPH
Aldon Rd.	Entire Roadway	25 MPH
Amesbury Rd.	Entire Roadway	25 MPH
Barclay Ct.	Entire Roadway	25 MPH
Beauwick Dr.	Entire Roadway	25 MPH
Bereman Rd.	Entire Roadway	25 MPH
Birchwood Ct.	Entire Roadway	25 MPH
Boulder Hill Pass	Oswego Corporate Limits to Ill. Rte. 25	25 MPH
Braeburn Dr.	Entire Roadway	25 MPH
Briarcliff Rd.	Entire Roadway	25 MPH
Brighton Way	Entire Roadway	25 MPH
Cayman Ct.	Entire Roadway	25 MPH
Cebold Dr.	Oswego Corporate Limits to Circle Drive West	25 MPH
Chatham Pl.	Entire Roadway	25 MPH
Circle Ct.	Entire Roadway	25 MPH
Circle Dr. East	Entire Roadway	25 MPH
Circle Dr. West	Entire Roadway	25 MPH
Clay Ct.	Entire Roadway	25 MPH
Codorus Rd.	Entire Roadway	25 MPH
Crescent Ct.	Entire Roadway	25 MPH
Crestwood Ct.	Entire Roadway	25 MPH
Creve Ct.	Entire Roadway	25 MPH
Culver Rd.	Entire Roadway	25 MPH
Curtmar Ct.	Entire Roadway	25 MPH
Denham Dr.	Entire Roadway	25 MPH
Durango Rd.	Entire Roadway	25 MPH
E. River Rd.	Entire Roadway	25 MPH
Eastfield Rd.	Entire Roadway	25 MPH
Fall Creek Circle	Entire Roadway	25 MPH
Fernwood Dr.	N. Bereman Rd. to Oswego Corporate Limits	25 MPH
Field Point Rd.	Entire Roadway	25 MPH
Fieldcrest Dr.	Oswego Corporate Limits to Circle Drive West	25 MPH
Garden Dr.	Entire Roadway	25 MPH
Gentilly Dr.	Entire Roadway	25 MPH
Greenbriar Rd.	Entire Roadway	25 MPH
Greenfield Rd.	Entire Roadway	25 MPH
Guilford Rd.	Entire Roadway	25 MPH
Hampton Rd.	Entire Roadway	25 MPH
Heathgate Rd.	Entire Roadway	25 MPH
Hillcrest Ct.	Entire Roadway	25 MPH
Hillstone Rd.	Entire Roadway	25 MPH

EXHIBIT A

Street or Highway	Exact Limits of Zone	Maximum Speed Limit
Hubbard Way	Entire Roadway	25 MPH
Hunter Ct.	Entire Roadway	25 MPH
Hunter Dr.	Entire Roadway	25 MPH
Ingleshire Ct.	Entire Roadway	25 MPH
Ingleshire Rd.	Entire Roadway	25 MPH
Knollwood Dr.	Entire Roadway	25 MPH
Long Beach Rd.	Entire Roadway	25 MPH
Marnel Rd.	Entire Roadway	25 MPH
Old Post Rd.	Circle Drive West to Oswego Corporate Limits	25 MPH
Paddock St.	Entire Roadway	25 MPH
Pembroke Rd.	Entire Roadway	25 MPH
Pendleton Pl.	Entire Roadway	25 MPH
Pickford Rd.	Entire Roadway	25 MPH
Pomeroy Rd.	Entire Roadway	25 MPH
Pueblo Rd.	Entire Roadway	25 MPH
Ridgefield Rd.	Oswego Corporate Limits to Old Post Rd.	25 MPH
Rocky Way	Entire Roadway	25 MPH
Roulock Rd.	Entire Roadway	25 MPH
Saugatuck Rd.	Entire Roadway	25 MPH
Scarsdale Rd.	Entire Roadway	25 MPH
Sheffield Rd.	Entire Roadway	25 MPH
Seneca Dr.	Entire Roadway	25 MPH
Shermead Rd.	Entire Roadway	25 MPH
Sierra Rd.	Entire Roadway	25 MPH
Somerset Rd.	Entire Roadway	25 MPH
Sonora Dr.	Entire Roadway	25 MPH
Spring Garden Dr.	Entire Roadway	25 MPH
Springdale Rd.	Entire Roadway	25 MPH
Stratford Rd.	Entire Roadway	25 MPH
Surrey Rd.	Entire Roadway	25 MPH
Tealwood Rd.	Entire Roadway	25 MPH
Wembly Rd.	Oswego Corporate Limits to Saugatuck Rd.	25 MPH
Westleigh Ct.	Entire Roadway	25 MPH
Whitney Way	Entire Roadway	25 MPH
Winrock Rd.	Entire Roadway	25 MPH
Woodcliff Dr.	Entire Roadway	25 MPH
Woodridge Rd.	Entire Roadway	25 MPH
Wyndham Dr.	Entire Roadway	25 MPH
Yeadon Ave.	Oswego Corporate Limits to Circle Drive West	25 MPH
Woolley Road	Douglas Road to Stewart Road	45 MPH
Simons Road	Plainfield Road to Gilmore Road	45 MPH

EXHIBIT A

**AGREEMENT FOR
RIGHT OF WAY CONSULTING SERVICES**

**COUNTY OF KENDALL
N. Johnson Street Project**

AGREEMENT between Mathewson Land Services, Inc. (MLS) whose address is 2024 Hickory Drive, Suite 300, Homewood, Illinois 60430 and the County of Kendall (COUNTY), whose address is 6780 Route 47, Yorkville, Illinois 60560.

MLS shall provide to COUNTY certain right of way consulting services for the acquisition of right of way for the **N. Johnson Street Project**.

The PROJECT shall consist of the acquisition of approximately 19 parcels.

MLS shall perform the following services:

1. Appraisal
2. Negotiations
3. Closings
4. Direct Expenses
5. Project Management

All of the above are described as specified in Exhibit A: Scope of Services attached hereto.

COUNTY shall compensate MLS for the services provided on behalf of the COUNTY under this AGREEMENT as provided in Exhibit B: Compensation attached hereto. The total amount of compensation authorized by this agreement is not to exceed \$133,250.00.

Exhibit C: Terms and Conditions is attached hereto and made a part hereof.

Submitted this 4th day of October, 2021.


Mathewson Land Services, Inc.

By: _____
Mark D. Mathewson
President

Accepted this ____ day of _____, 20__.

Kendall County

By: _____
Scott Gryder
County Board Chairman

Attest: _____
Debbie Gillette
County Clerk

EXHIBIT A: SCOPE OF SERVICES

MLS agrees to perform, at the direction of COUNTY, the following services:

1. Appraisal
2. Negotiations
3. Closings
4. Direct Expenses
5. Project Management

All services called for in this AGREEMENT will be conducted by an individual or individuals whose qualifications have been approved by the Illinois Department of Transportation, when applicable.

All services within the scope of this AGREEMENT shall be performed, where applicable, in accordance with Negotiation & Acquisition, Section 4.00 of the Land Acquisition Policies and Procedures Manual, Exhibits and Visual Guide of the Illinois Department of Transportation, hereinafter referred to as the LAPPM.

Pursuant to the rules promulgated by the Federal Highway Administration (FHWA), it is understood and agreed to by the parties that MLS cannot begin any negotiations for the subject parcels until after the FHWA has approved the Project Development Report (Phase I Engineering) and MLS has received approval to proceed from the COUNTY.

PROJECT MANAGEMENT

MLS shall establish a Project Manager who will be knowledgeable and responsible for all services performed under this AGREEMENT. The main duties of the Project Manager may include:

- Be the liaison between the COUNTY and MLS and coordinate all daily project activities of MLS.
- Understand the scope of work the associated deadlines/timeframes the COUNTY needs to meet.
- Assist COUNTY in value engineering by anticipating right of way acquisition costs and issues.
- Assign work to appropriate staff.
- Coordinate all deliverables, keep project on schedule and maintain the channels of communication between the COUNTY and MLS.
- Provide the appropriate staff and SUBCONSULTANTS that have knowledge of and will follow Illinois Department of Transportation's LAPPM.
- Submit accurate invoices that have documentation to support the invoiced amount.
- Ensure SUBCONTRACTORS' prompt and efficient performance.
- Provide QA/QC oversight.
- Provide coordination with IDOT to obtain project right of way, herein referred to as ROW, certification when necessary.

APPRAISALS

Determinations of fair market value performed by the Appraiser shall be in accordance with the LAPPM.

The Appraiser shall make a detailed inspection of the properties and make such investigations and studies as are necessary to derive sound conclusions for the preparation of appraisal reports.

Valuations shall be prepared as outlined in the LAPPM. The format to be used shall be one of the following types as described in the LAPPM:

- Non-Complex Appraisal Report
- Complex Appraisal Report

The Appraiser is to determine which type of appraisal format should be used for each parcel and obtain the COUNTY's concurrence. MLS shall provide a copy of an appraisal of each parcel together with Improvement Disposition Values form to be submitted to the COUNTY for approval.

Property needed shall be acquired by fee simple, dedication, permanent easement, temporary use permit, or temporary easement as determined and shown on the right of way plan furnished by the COUNTY.

It may be necessary for a completed appraisal to be updated for condemnation purposes or revised due to a change in the ROW plat or due to new information provided by the COUNTY. These updates or revisions will be assigned to the Appraiser in a separate work order as the need arises.

On parcels that require the acquisition of a residence, it may be necessary for the Appraiser to perform an additional analysis to determine an allocated value for the residence and home site as separate from the whole parcel to be acquired. This would be needed for relocation purposes and is not to be included in the appraisal report. The cost for the additional appraisal analysis will be established in the work order for that appraisal.

The Appraiser shall prepare a comparable sales brochure in accordance with the LAPPM for each project and as directed by the COUNTY.

The Appraiser shall prepare grids that compare comparable sales to the subject parcel, where appropriate.

The Appraiser shall include land and improvement allocations in the comparable sales data section of all appraisals.

The Non-Complex Appraisal Report and Complex Appraisal Report, and an updated or revised appraisal report, shall be deemed complete when an acceptable appraisal report is submitted by MLS and approved by the COUNTY.

Appearances in court and/or pretrial conferences, which include depositions and preparation time for depositions and court, may be required for the appraisal services requested herein. The time spent at such appearance or appearances shall be made upon request of the COUNTY or its trial counsel and shall be paid for as specified in Exhibit B.

Appraiser may be asked to perform a Cost Analysis for budgetary purposes. Cost Analysis shall be paid as part of Project Management.

Appraiser may be asked to provide a Comparable Sales Book as an on-going assignment independent of individual appraisals.

MLS staff may assist in the preparation of appraisal work.

NEGOTIATIONS

The Negotiator is responsible for all land acquisition negotiations conducted under this AGREEMENT. Negotiations shall be in accordance with the LAPPM. The negotiator shall:

- Be the COUNTY's representative to the property owner.
- Work with the Project Manager to receive and understand the scope of work for each work order and the associated deadlines/time frames involved.
- Establish schedules for each activity and report the progress to the Project Manager to assure a quality product.
- Assure that the deadlines assigned are met.
- Maintain channels of communication.
- Provide a quality product.

Before the initiation of negotiations for each parcel, the COUNTY must approve the amount of just compensation. Pursuant to paragraph 4.1.12 of the Negotiations Chapter of the LAPPM, no offers in excess of the approved appraisal amount shall be made by MLS without prior written approval of the COUNTY Engineer. The Negotiator shall fully document on an ongoing basis all efforts made to acquire the parcel in the Negotiator's Report. Said report shall be available to the COUNTY as reasonably requested

The Negotiator may recommend administrative settlements as outlined in the LAPPM. Administrative settlements will be determined by the COUNTY on an individual parcel basis.

In the event MLS, after having made every reasonable effort to negotiate with the owner of a parcel, is unable to obtain a settlement on the approved appraisal amount, MLS shall prepare and submit a written report summarizing the progress of negotiations to date together with a copy of MLS's Negotiator's Report completed to date with the names and addresses of all interested parties. MLS's written report shall also include its recommendation for further procedure towards acquiring the parcel. The COUNTY may elect to prepare and forward a Final Offer letter (with copy to MLS) to the owner of the parcel and thereafter refer the matter to the State's Attorney's Office to proceed with preparation of a condemnation petition. In any case, the COUNTY Engineer reserves the right to require MLS to make additional negotiation contacts

with the parcel owner up until the actual date of filing a petition to condemn the parcel at no additional charge to COUNTY.

The negotiation for a parcel will be deemed complete when all required documents necessary to obtain title approval are submitted and approved by the COUNTY. If a negotiated settlement cannot be reached, the negotiation for a parcel will be deemed complete when the documentation for eminent domain action is submitted and approved by the COUNTY, and the complaint is filed.

If requested to do so, MLS shall provide title review and an attorney's approval letter provided by Mathewson & Mathewson, P.C. for no additional cost.

Each Updated Negotiation or Revised Negotiation shall be paid for at the per parcel fee as specified in Exhibit B. An updated negotiation or revised negotiation is defined as additional negotiation work requested by the COUNTY due to new parcel information supplied by the COUNTY to MLS after first contact with the property owner. New parcel information could include, but is not limited to, significant changes in the area of the acquisition; updated (and modified) appraisal amounts that require revised negotiation documents; updated (and modified) title information that requires negotiations with additional property owner(s). Any additional work required to obtain title approval does not constitute an update or revision that would necessitate a separate work order.

Where the acquisition of a parcel involves the displacement of an owner or tenant occupant from a residence or any personal property thereof, MLS shall coordinate the offering of relocation assistance any payments to each displaced owner-occupant simultaneously with initiation of negotiations and to each displaced tenant-occupant within seven (7) days following initiation of negotiations for the parcel.

Appearances in court and/or pretrial conferences, which include depositions, may be required for the negotiation services requested herein. The time spent at such appearance or appearances shall be made upon request of the COUNTY or its trial counsel and shall be paid for as specified in Exhibit B.

EXHIBIT B: COMPENSATION

The services to be provided by MLS under this agreement shall be assigned and compensated as provided in the table below.

<u>Service</u>	<u>Amount</u>	<u>Units</u>	<u>Extension</u>
Appraisal	\$2,500.00	19	\$47,500.00
Negotiations	\$3,000.00	19	\$57,000.00
Closings	\$1,000.00	19	\$19,000.00
Direct Expenses	\$250.00	19	\$4,750.00
Project Management			\$5,000.00

Total: \$133,250.00

The sum total of all services shall not exceed \$133,250.00.

It is understood that appearances in court and pretrial conferences may be required in relation to the negotiation services called for herein and it is agreed that such appearance or appearances shall be made upon request of COUNTY or its trial counsel.

In event of such services being requested, they will be provided as follows:

- (a) Rate each half day or fraction thereof for time spent in pretrial conference \$1,000.00.
- (b) Rate each half day or fraction thereof for time spent in court \$1,000.00.

The fees for services shall include all transportation, food, lodging, telephone, or any other operating expenses incurred by MLS in the performance thereof.

Changes in the work to be performed under this proposal may be made at any time in writing by COUNTY. If such changes justify an increase or decrease in the per parcel rate set forth herein, an equitable adjustment shall be made and this contract shall be modified accordingly. Any such proposed modification that increases rates shall first be submitted to the COUNTY for approval and subsequent ratification if they are found acceptable to the COUNTY. Documentation that is considered inadequate will be augmented and errors will be corrected upon request without additional cost.

Invoices for services will be submitted to COUNTY and will show the route, construction section, county, job number, project number, and parcel number or numbers. Invoices for services in connection with pretrial conferences and court testimony will show the items listed above and in addition, will include a statement of the nature of services performed and amount of time thereon. A progress report showing status of all active assigned parcels shall be supplied upon request at no additional charge to COUNTY. Payment of such invoices shall be made in accordance with the Illinois Local Government Prompt Payment Act, as amended (50 ILCS 505/1 *et seq.*)

EXHIBIT C: TERMS AND CONDITIONS

1. Parcels

The COUNTY shall provide MLS with relevant plats of highways, legal descriptions and construction plans for each parcel to be acquired. Each parcel shall consist of one or more basic parcels of land required as right of way for highway purposes to be acquired in fee simple title, and such other easements (temporary or permanent) for uses incidental to construction of the highway but which are not considered as part of the highway right of way, all of which are under the same ownership involving a complete contiguous parcel.

2. Termination

COUNTY may terminate this AGREEMENT at any time and for any cause by a notice in writing to MLS. In the event of such termination, payment will be made to MLS for any completed services. Services in the process of completion shall be compensated for on an equitable basis and all incomplete parcel data collected in connection with them shall be turned over and become the property of the COUNTY; provided, however, this AGREEMENT be terminated solely because the progress or quality of work is unsatisfactory as determined by COUNTY accepting this AGREEMENT, then no payment will be made or demanded by MLS for any services which have not been completed and delivered to the COUNTY prior to the date of said termination.

In the event the COUNTY is in default under the AGREEMENT because funds are not appropriated for a fiscal period subsequent to the one in which the AGREEMENT was entered into which are sufficient to satisfy all or part of the County's obligations under this AGREEMENT during said fiscal period, the COUNTY agrees to provide prompt written notice of said occurrence to MLS. In the event of a default due to non-appropriation of funds, MLS has the right to terminate the AGREEMENT upon providing thirty (30) days written notice to the COUNTY. No additional payments, penalties and/or early termination charges shall be required upon termination of the AGREEMENT.

3. Project Materials

- a. It is understood and agreed that the COUNTY shall be considered the sole owner of all plats, legal descriptions, ownership and occupancy records, forms of deeds and easements, title reports, and any and all other material furnished, prepared or obtained by MLS during the course of providing its services for the parcel and shall be maintained in a separate parcel file for the parcel assigned. MLS will provide a copy of the original file of the parcel during the course of the project to COUNTY. MLS will provide a timely update of all documents that pertain to the parcel during the course of the project. Upon completion of the project the original file will be delivered to COUNTY. Upon termination of this AGREEMENT for any cause or upon completion of the acquisition of the parcel or upon request of COUNTY when acquisition is determined to be by Eminent Domain proceedings, MLS's parcel file shall be delivered to the COUNTY. MLS's parcel files shall be available for inspection or review of its contents by COUNTY, Illinois Department of Transportation or Federal Highway Administration personnel at any time.
- b. Electronic copies shall be provided unless county requests to the contrary.

4. Records

MLS shall maintain, for a minimum of five years after the completion of the AGREEMENT, adequate books, records, and supporting documents to verify the amount, recipients, and uses of all disbursements of funds passing in conjunction with the AGREEMENT; the AGREEMENT and all books, records, and supporting documents related to the AGREEMENT shall be available for review and audit by the COUNTY Auditor; and the MLS agrees to cooperate fully with any audit conducted by the Auditor and to provide full access to all relevant materials. Failure to maintain the books, records, and supporting documents required by this Section shall establish a presumption in favor of the COUNTY for the recovery of any funds paid by the COUNTY under the AGREEMENT for which adequate books, records, and supporting documentation are not available to support their purported disbursement.

MLS acknowledges that the Freedom of Information Act, 5 ILCS 140/1 et seq. (the "Act") places an obligation on the COUNTY to produce requested records that may be in the possession of MLS. MLS shall review its records immediately and produce to the COUNTY, within two (2) business days of contact from the COUNTY, the requested documents responsive to a request under the Act. If additional time is necessary to comply with the request, MLS may request the COUNTY to extend the time to do so, and the COUNTY will, if time and a basis for extension under the Act so permits, consider such extensions.

5. Consultant Certifications and Representations

- a. MLS certifies that MLS has read the certifications and assurances described in this AGREEMENT and in the Standard Provisions, and certifies that Mark D. Mathewson's signature on the AGREEMENT constitutes an endorsement and execution of each certification and assurance as though each were individually signed, and made on behalf of the contracting entity and its officers and each individual authorized to do work for the COUNTY under this AGREEMENT.
- b. MLS under penalties of perjury, certifies that 85-4092178 is its correct Federal Taxpayer Identification number. It is doing business as a Corporation.
- c. MLS certifies that it is not in default on an educational loan as provided in Public Act 85-827 (5 ILCS 385/.01 *et seq* The Educational Loan Default Act).
- d. MLS certifies that MLS, its parent companies, subsidiaries, and affiliates are not barred from entering into this Agreement as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 et seq. (the Illinois Prevailing Wage Act).
- e. MLS certifies that it and its consultants, employees, contractors, subcontractors, and agents agree to comply with all provisions of the Substance Abuse Prevention on Public Works Act, 820 ILCS 265/1 et seq. and the Illinois Drug Free Workplace Act, 30 ILCS 580/1 et seq. MLS certifies that it will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the

performance of this contract, or if a corporation, partnership, or other entity with 25 or more employees, have completed and signed a "DRUG-FREE WORKPLACE CERTIFICATION."

- f. MLS, under penalty or perjury under the laws of the United States, certifies that the company or any person associated therewith in the capacity of owner, partner, director, officer, principal investigator, project director, manager, auditor, or any position involving the administration of federal funds:
 - i. is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
 - ii. has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;
 - iii. does not have a proposed debarment pending; and
 - iv. has not been indicted, convicted, or the subject of a civil judgment by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years.
- g. MLS under penalties of perjury, certifies that as in accordance with The Illinois Procurement Code (30 ILCS 500/50-13), no person who is entitled to receive individually more than 7 1/2 percent of the total distributable income of the organization or together with their spouse or minor child more than 15 percent of the total distributable income of the organization is (i) an elected State official, a member of the General Assembly, an appointed office, a State or County employee; (ii) an officer or employee of the Illinois Toll Highway Authority or the Illinois Building Authority; or (iii) a spouse or minor child of any such enumerated person.
- h. In accordance with 30 ILCS 500/50-5, MLS certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois nor has MLS made admission of guilt of such conduct which is a matter of record, nor has any official, officer, agent, or employee of this company been so convicted nor made such an admission.
- i. MLS certifies that it, its officers, employees, and agents agree not to commit unlawful discrimination and agree to comply with all applicable provisions of the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Federal Rehabilitation Act, and all applicable rules and regulations.
- j. It is understood and agreed that MLS is an independent contractor and is not an employee of, partner of, agent of, or in a joint venture with Kendall County. MLS understands and agrees that MLS is solely responsible for paying all wages, benefits and any other compensation due and owing to Consultant's officers, employees, and agents for the performance of services set forth in the Agreement. MLS further understands and agrees that MLS is solely responsible for making all required payroll

deductions and other tax and wage withholdings pursuant to state and federal law for MLS's officers, employees and/or agents who perform services as set forth in the Agreement. MLS also acknowledges its obligation to obtain appropriate insurance coverage for the benefit of MLS, MLS's officers, employees and agents and agrees that the COUNTY is not responsible for providing any insurance coverage for the benefit of MLS, MLS's officers, employees and agents.

- k. MLS warrants and represents that it is fully qualified to provide the services hereunder provided for in this Agreement. MLS shall perform its services under this Agreement in a manner consistent with that level of care and skill ordinarily exercised by members of its profession currently practicing in the same locality under similar conditions. MLS shall act professionally and politely to the public and to Kendall County employees and officers at all times.

6. Disclosures

- a. MLS hereby certifies that if any conflict of interest arises, in any of the parcels subsequently assigned to it, it will immediately, within 5 business days of receipt, inform the COUNTY accepting this AGREEMENT and return all material furnished to him for reassignment to others. If such conflict is discovered, MLS agrees that it shall not invoice for any services in regard to the parcel(s) subject to such conflict.
- b. It is understood and agreed that Appendices A and B shall be a part of this AGREEMENT and MLS agrees to be bound by the terms and provisions contained herein.
- c. MLS warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this AGREEMENT, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for it, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the AGREEMENT. For breach or violation of this warranty, the COUNTY shall have the right to annul this AGREEMENT without liability.

7. Indemnity

MLS shall indemnify, hold harmless and defend with counsel of COUNTY's own choosing, Kendall County, its officials, officers, employees, including their past, present, and future board members, elected officials and agents from and against all liability, claims, suits, demands, proceedings and actions, including costs, reasonable fees and expense of defense, arising from, to, any loss, damage, injury, death, or loss or damage to property (collectively, the "Claims"), to the extent such Claims result from or arise out of the acts or omissions of MLS itself, its agents and its employees under this Agreement. Nothing contained herein shall be construed as prohibiting The COUNTY, its officials, directors, officers, agents and employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, suits, demands, proceedings and actions brought against them. Pursuant to Illinois law, 55 ILCS 5/3-9005, any attorney representing the COUNTY under this paragraph, shall be approved by the Kendall County

State's Attorney and shall be appointed a Special Assistant State's Attorney, as provided in 55 ILCS 5/3-9005. The COUNTY's participation in its defense shall not remove MLS's duty to indemnify, defend, and hold the COUNTY harmless, as set forth above. MLS's obligation to indemnify and hold COUNTY harmless shall be limited to the protection provided by the various insurance policies required herein. MLS will save harmless COUNTY from all claims and liability due to activities of itself, its agents, and its employees and will comply with all Federal, State, and local laws and ordinances.

8. Insurance

Prior to commencement of any Services, MLS shall provide and maintain the minimum insurance coverages with limits not less than those set forth herein (the "Insurance Requirements"). The cost of the required insurance shall be included in MLS's pricing and no adjustment shall be made to the Agreement price on account of such costs. If found to be non-compliant, COUNTY reserves the right but shall not be required to purchase the required insurance coverage(s) and the cost will be borne by MLS through direct payment/reimbursement to COUNTY or COUNTY may withhold payment to MLS for amounts owed.

General Requirements

- a) Approved Insurers. All insurance shall be procured from insurers acceptable to COUNTY and MLS, authorized to do business in the State in which the Projects are located and having an A.M. Best Rating of at least "A-, Class VIII."
- b) Occurrence Basis Insurance. All insurance required herein, with the exception of the Professional Liability Insurance, shall be written on an "occurrence" basis.
- c) Notice of Cancellation & Non-Renewal. MLS's insurance carrier(s) shall agree to provide at least thirty (30) days prior written notice to COUNTY in the event coverage is canceled or non-renewed. In the event of cancellation or non-renewal of coverage(s), it is MLS's responsibility to replace coverage to comply with these requirements so there is no lapse of coverage for any time period. In the event the insurance carriers will not issue or endorse their policy(s) to comply with the above it is the responsibility of MLS to report to COUNTY any notice of cancellation or non-renewal at least thirty (30) days prior to the effective date thereof.
- d) Certificates of Insurance. MLS shall provide COUNTY with acceptable "Certificates of Insurance" evidencing the coverages required herein, at least ten (10) days prior to the start of the Services and thereafter upon renewal or replacement. The required insurance shall not contain any exclusions or endorsements which are not acceptable to COUNTY. Certificates of Insurance must include the additional insureds and waivers of subrogation required herein and also state that the insurance is primary and noncontributing with respect to any other insurance available to the additional insureds. Certified copies of insurance policies procured by MLS shall be furnished to COUNTY upon the request of COUNTY. Timely renewal Certificates of Insurance, in duplicate, shall be provided to COUNTY as the coverage renews. Failure of COUNTY to demand

evidence of full compliance with these requirements or failure of COUNTY to identify a deficiency from evidence provided shall not be construed as a waiver of MLS's obligation to maintain such insurance. Acceptance by COUNTY of a certificate or policy of insurance does not excuse MLS from maintaining policies consistent with this Article or from any liability arising from its failure to do so. With respect to insurance maintained after final payment in compliance with a requirement below, an additional certificate(s) evidencing such coverage shall be provided to COUNTY with final application for payment and thereafter upon renewal or replacement of such insurance until the expiration of the time period for which such insurance must be maintained.

- e) Additional Insureds. COUNTY and each of its respective members, employees, agents and representatives shall be added as ADDITIONAL INSUREDS on all liability policies (except Workers' Compensation and Professional Liability Policy), for ongoing operations and completed operations on a primary, noncontributory basis. COUNTY reserves the right to require MLS to name other parties as additional insureds as required by COUNTY at no additional cost to COUNTY.
- f) Insured versus Insured. There shall be no "Insured versus Insured Exclusion" on any policies; all policies will provide for "cross liability coverage."
- g) Waiver of Rights of Subrogation. MLS waives all rights of recovery, and shall provide Certificates of Insurance evidencing such waiver of all rights of recovery, against all the additional insureds for loss or damage covered by any of the insurance maintained by MLS.
- h) Primary and non-Contributory. MLS's insurance is primary and non-contributing, including any deductibles or self-insured retentions, with respect to any other insurance available to the additional insureds.
- i) Not a Limitation of Liability. The amount of insurance provided in the aforementioned insurance coverages, shall not be construed to be a limitation of the liability on the part of MLS. The carrying of insurance described shall in no way be interpreted as relieving MLS of any responsibility or liability under this Agreement.
- j) Additional Insurance. Any type of insurance or any increase in limits of liability not described above which MLS requires for its own protection or on account of statute shall be its own responsibility and at its own expense.
- k) Deductible/SIR. Deductibles and self-insured retentions must be reasonably acceptable to COUNTY. Policies may not require that the deductible or SIR only be satisfied by the "named insured."

Required Coverages.

MLS shall maintain in effect at all times insurance coverages with limits not less than these Insurance Requirements.

- a) Workers' Compensation and Employer's Liability: in the State or jurisdiction in which the work is to be performed and elsewhere as may be required and shall include:
 - (1) Workers' Compensation Coverage: Statutory Requirements
 - (2) Employers Liability Limits not less than:

Bodily Injury by Accident:	\$1,000,000 Each Accident
Bodily Injury by Disease:	\$1,000,000 Each Employee
Bodily Injury by Disease:	\$1,000,000 Policy Limit
 - (3) USL&H, Maritime Liability, FELA, and DBA Coverage, if applicable.
 - (4) Includes sole proprietorships and officers of corporation who will be performing the work.
- b) Commercial General Liability: on ISO forms CG 00 01 12 07 and CG 20 37 07 04 or equivalent forms approved by COUNTY, including Premises – Operations, Independent Subconsultants, Products/Completed Operations, Broad Form Property Damage, Contractual Liability, XCU (Explosion, Collapse and Underground Property), and Personal Injury and Advertising Injury.
 - (1) Occurrence Form with the following limits:

a) General Aggregate:	\$3,000,000
b) Products/Completed Operations Aggregate:	\$3,000,000
c) Each Occurrence:	\$1,000,000
d) Personal and Advertising Injury:	\$1,000,000
 - (2) Products/Completed Operations Coverage must be maintained for a period of at least three (3) years after completion of the Services (including coverage for the Additional Insureds as set forth in these Insurance Requirements).
 - (3) The General Aggregate Limit must apply on a Per Project basis.
 - (4) No amendment to the definition of an "Insured Contract."
- c) Automobile Liability:
 - (1) Coverage to include All Owned, Hired and Non-Owned Vehicles (or "Any Auto"), if MLS does not have any Owned Vehicles MLS is still required to maintain coverage for Hired and Non-Owned Vehicles as either a standalone policy or endorsed onto the Commercial General Liability policy above
 - (2) Per Accident Combined Single Limit: \$1,000,000
 - (3) For MLS(s) involved in the transportation of hazardous material, include the following endorsements: MCS-90 and ISO-9948.
- d) Excess/Umbrella Liability Insurance

The required insurance coverages set forth above may be provided through a combination of primary and excess policies in order to meet the minimum limits. Excess policies must apply on (and Certificates of Insurance must provide evidence of) a "Following Form Basis" of the Commercial General Liability, Automobile Liability and Employers Liability Coverage, as applicable. The minimum umbrella occurrence insurance of \$5,000,000 per occurrence and \$5,000,000 aggregate.
- e) Professional Liability Insurance
 - (1) Per Claim Limit: \$2,000,000
Aggregate Limit: \$2,000,000
 - (2) The Definition of "Covered Services" shall include the Services required herein.

- (3) The retroactive date must be on or prior to the start of Services; and
- (4) MLS must purchase “tail coverage/an extended reporting period” or maintain coverage for a period of three (3) years, subsequent to the completion of the Services.

Additional Coverages.

COUNTY’s limits of coverage for all types of insurance required under this Agreement shall be the greater of (i) the minimum limits set forth in this Article 8, or (ii) the limits provided to MLS as “Named Insured” under all primary, excess, and umbrella policies of that type of coverage.

9. Breach

Nothing herein shall be construed as prohibiting the parties to the AGREEMENT from pursuing any other remedies available to the parties for such breach or threatened breach, including recovery of damages from the parties. This provision shall survive any termination of this AGREEMENT.

In any action with respect to this Agreement, the parties are free to pursue any legal remedies at law or in equity. If the COUNTY is required to take legal action to enforce performance of any of the terms, provisions, covenants and conditions of this Agreement, and by reason thereof, the COUNTY is required to use the services of an attorney, then the COUNTY shall be entitled to reasonable attorneys’ fees, court costs, and expenses incurred by the COUNTY pertaining thereto and in enforcement of any remedy, including costs and fees relating to any appeal.

10. Governing Law

This Agreement shall be governed by the laws and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision. The parties agree that the venue for any legal proceedings between them shall be the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit, State of Illinois.

11. Transferability

MLS agrees that this AGREEMENT or any part thereof will not be sublet, assigned, or transferred without the written consent of the COUNTY accepting this AGREEMENT.

12. Notice

Any notice required or permitted to be given pursuant to this Agreement shall be duly given if sent by fax, certified mail, or courier service and received, in the case of notice to the COUNTY, to: Kendall County, Highway Department, Attention: County Engineer, 6780 Route 47, Yorkville, Illinois, 60560, fax (630) 553-9583 with copy sent to: Kendall County State’s Attorney, 807 John Street, Yorkville, Illinois, 60560, fax (630) 553-4204. And, in the case of MLS, to: Mark D. Mathewson, Mathewson Land Services, Inc., 2024 Hickory Drive, Suite 300, Homewood, Illinois 60430.

13. Execution of AGREEMENT

Each party represents and warrants that the person signing this Agreement on behalf of each party is duly authorized to do so and it is a binding and valid obligation of such party.

This agreement constitutes the entire agreement between the parties with respect to its subject matter, and there are no promises, agreements, warranties, obligations, assurances, or conditions precedent or otherwise affecting it. Any change, modification, amendment, addendum or alteration of this Agreement shall be in writing and signed by the parties to this Agreement. No course of dealing between the parties shall be construed to alter the terms hereof, except as stated in this Agreement.

This agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties agree that facsimile or original copies are admissible as evidence.

14. MLS agrees to comply with all applicable federal, state and local laws and regulatory requirements and to secure such licenses as may be required for its employees and to conduct business in the state, municipality, county and location. Such obligation includes, but is not limited to, environmental laws, civil rights laws, prevailing wage and labor laws and all federal standards regarding land acquisition.

STATE OF ILLINOIS DRUG FREE WORKPLACE CERTIFICATION

This certification is required by the Drug Free Workplace Act (Ill. Rev. Stat., ch. 127, par. 152.311). The Drug Free Workplace Act, effective January 1, 1992, requires that no grantee or contractor shall receive a grant or be considered for the purposes of being awarded a contract for the procurement of any property or services from the State unless that grantee or contractor has certified to the State that the grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant and debarment of contracting or grant opportunities with the State for at least one (1) year but not more than five (5) years.


For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership, or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State.

The contractor/grantee certifies and agrees that it will provide a drug free workplace by:

- (a) Publishing a statement:
 - (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
 - (2) Specifying the actions that will be taken against employees for violations of such prohibition.
 - (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
 - (A) abide by the terms of the statement; and
 - (B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (b) Establishing a drug free awareness program to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) the grantee's or contractor's policy of maintaining a drug-free workplace;
 - (3) any available drug counseling, rehabilitation, and employee assistance program; and

- (4) the penalties that may be imposed upon an employee for drug violations.
- (c) Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- (d) Notifying the contracting or granting agency within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- (e) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by an employee who is so convicted, as required by section 5 of the Drug Free Workplace Act.
- (f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

THE UNDERSIGNED AFFIRMS, UNDER PENALTIES OF PERJURY, THAT HE OR SHE IS AUTHORIZED TO EXECUTE THIS CERTIFICATION ON BEHALF OF THE DESIGNATED ORGANIZATION.


Mathewson Land Services, Inc.
Printed Name of Organization
Signature of Authorized Representative
Requisition/Contract/Grant ID Number
Mark D. Mathewson, President
Printed Name and Title
October 4, 2021
Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the ground of race, color or national origin in the selection and retention of subcontractors including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:**
In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State or the Federal Highway Administration is appropriate and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - withholding of payments to the contractor under the contract until the contractor complies, and/or
 - cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of Paragraph (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE required by the Illinois Fair Employment Practices Commission as a material term of all public contracts:

EQUAL EMPLOYMENT OPPORTUNITY. In the event of the contractor's noncompliance with any provision of this Equal Employment Opportunity Clause, the Illinois Fair Employment Practices Act or the Fair Employment Practices Commission's Rules and Regulations for Public Contracts, the contractor may be declared nonresponsible and therefore ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be canceled or avoided in whole or in part, and such other sanctions or penalties may be imposed and remedies invoked as provided by Statute or regulation.

During the performance of this contract (Agreement), the contractor (Consultant) agrees as follows:

1. That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or ancestry, physical or mental handicap unrelated to ability, or an unfavorable discharge from the military service, and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.
2. That, if it hires additional employees in order to perform this contract, or any portion hereof, it will determine the availability (in accordance with the Commission's Rules and Regulations for Public Contracts) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
3. That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin or ancestry, physical or mental handicap unrelated to ability, or an unfavorable discharge from the military service.
4. That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice such labor organization or representative of the contractor's obligations under the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Illinois Fair Employment Practices Commission and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
5. That it will submit reports as required by the Illinois Fair Employment Practices Commission's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Commission or the contracting agency, and in all respects comply with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.
6. That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Illinois Fair Employment Practices Commission for purposes of investigation to ascertain compliance with the Illinois Fair Employment Practices Act and the Commission's Rules and Regulations for Public Contracts.

7. That it will include verbatim or by reference the provisions of Paragraphs 1 through 7 of this clause in every performance subcontract as defined in Section 2.1 O(b) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also so include the provisions of paragraphs 1, 5, 6 and 7 in every supply subcontract as defined in Section 2.1 O(a) of the Commission's Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by all its subcontractors; and further it will promptly notify the contracting agency and the Illinois Fair Employment Practices Commission in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the Commission to be nonresponsible and therefore ineligible for contracts or subcontracts with the state of Illinois or any of its political subdivisions or municipal corporations.

With respect to the two types of subcontracts referred to under paragraph 7 of the Equal Employment Opportunity Clause above, following is an excerpt of Section 2 of the FEPC's Rules and Regulations for Public Contracts:

Section 2.10. The term "Subcontract" means any agreement, arrangement or understanding, written or otherwise, between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

- for the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is utilized in the performance of any one or more contracts; or
- under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken or assumed.

By signing this Proposal, the **CONSULTANT** agrees to the provisions as written. Upon acceptance by the **LPA**, this Contract shall be governed by Illinois law.

For the **CONSULTANT**:

Mathewson Land Services, Inc.
2024 Hickory Drive, Suite 300
Homewood, IL 60430

By: 

Mark D. Mathewson
President

October 4, 2021

FEIN: 85-4092178

Telephone: (312) 676-2900

For the **LPA**:

Kendall County

By: _____

Date: _____



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: October 12, 2021

Amount: N/A

Budget: N/A

Issue: Petition 21-29 Request from Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez on Behalf of JJ Gutierrez Lawn Care, LLC for a Special Use Permit for a Landscaping Business and Variances to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance Allowing Off-Street Parking in the Front Yard Setback at 12830 Ashley Road (PIN: 08-02-300-012) in Lisbon Township

Background and Discussion:

Petitioners wish to operate a landscaping business at the subject property. The property is zoned A-1.

The record for the Petition can be found here,
<https://www.co.kendall.il.us/home/showpublisheddocument/20970/637686947387661712>.

The draft ordinance is attached.

Committee Action:

ZPAC-Approval (7-0-3), RPC-Approval (8-1-1), ZBA-Approval (5-0-2), Lisbon Township Planning Commission-Approval (3-1), Lisbon Township Board-Denial (1-3) Village of Plattville-No Concerns, Lisbon-Seward Fire Protection Dist-Approval with Conditions, PBZ Committee-Approval with Conditions (5-0)

Staff Recommendation:

Approval with Conditions

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: October 13, 2021

ORDINANCE NUMBER 2021-_____

GRANTING A SPECIAL USE PERMIT FOR A LANDSCAPING BUSINESS AND A VARIANCE TO SECTIONS 4:05.B AND 7:01.G.2 OF THE KENDALL COUNTY ZONING ORDINANCE TO ALLOW OFF-STREET PARKING IN THE FRONT YARD SETBACK AT 12830 ASHLEY ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 08-02-300-012 IN LISBON 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 7:01.D.30 of the Kendall County Zoning Ordinance permits the operation landscaping businesses as a special use in the A-1 Agricultural Zoning District; and

WHEREAS, Section 13:04 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue variances to the Kendall County Zoning Ordinance provides the procedure through which variances are granted; and

WHEREAS, Section 4:05.B of the Kendall County Zoning Ordinance restricts off-street parking within the required front yard setback; and

WHEREAS, Section 7:01.G.2 of the Kendall County Zoning Ordinance establishes the required front yard setback on properties zoned A-1 Agricultural District at one hundred fifty feet (150') from the centerline of the road where the right-of-way is not dedicated; 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 1.5 +/- acres located at 12830 Ashley Road (PIN: 08-02-300-012), in Lisbon 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, the subject property is owned by Lorena and Jose DeJesus Gutierrez and Refugio and Etelvina Alvarez and shall hereinafter be referred to as "Petitioner"; and

WHEREAS, the Petitioner own and operate JJ Gutierrez Lawn Care, LLC, a landscaping company; and

WHEREAS, on or about August 2, 2021, Petitioner's representative filed a petition for a special use permit for the operation of a landscaping business and a variance to allow off-street parking in the required front yard setback at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Chronicle on September 1, 2021, the Kendall County Zoning Board of Appeals held a public hearing on September 27, 2021, at 7:00 p.m., in the County Board Room of the Kendall County Office Building at 111 W. Fox Street in Yorkville at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested special use permit and variance and zero members of the public asked questions or testified in favor or 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 special use permit and variance with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 27, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and 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 of the requested special use permit and variance; 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, the special use permit and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

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 special use permit for the operation of a landscaping business and a variance to Sections 4:05.B and 7:01.G of the Kendall County Zoning Ordinance allowing off-street parking in the required front yard setback on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the site plan attached hereto as Exhibit C and aerial showing the site plan attached hereto as Exhibit D, including the addition of a raingarden as shown on Exhibit C.
 - B. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
 - C. 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 attached hereto as Exhibit C. The parking area shall be gravel.
 - D. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
 - E. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
 - F. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.

- G. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
- H. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- I. 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 attached hereto as Exhibit C. The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
- J. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the site plan attached hereto as Exhibit C. The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.
- K. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the site plan attached hereto as Exhibit C. The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitae shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
- L. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the site plan attached hereto as Exhibit C. The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
- M. No landscape waste generated off the property can be burned on the subject property.
- N. A maximum of five (5) employees of the business allowed by this special use permit, including the owners 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.
- O. 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.
- P. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
- Q. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

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.

- R. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
 - S. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
 - T. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - U. 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.
 - V. 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.
 - W. 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 variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
 - 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19th day of October, 2021.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST $\frac{1}{4}$ OF SEC 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST $\frac{1}{4}$; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST $\frac{1}{4}$ 505.85 FEET FOR A POINT OF BEGINNING; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 87 DEGREES 09 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE MEASURED COUNTER-CLOCKWISE THEREFROM, 200.78 FEET; THENCE NORTH PARALLEL WITH SAID WEST LINE 316.80 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 98 DEGREES 00 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM 202.50 FEET TO SAID WEST LINE; THENCE SOUTHERLY ALONG SAID WEST LINE 335.00 FEET TO THE POINT OF BEGINNING, IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PIN: 08-02-300-012

Common address: 12830 Ashley Rd., Newark, IL 60541

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on September 27, 2021, by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and Whitfield were absent.

FINDINGS OF FACT-SPECIAL USE PERMIT

*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. **Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the parking area, 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. Only landscape related materials and equipment will be stored at the subject 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. **Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use 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. **If Lisbon Township approves the new access point, then adequate points of ingress and egress will be provided. No customers will be allowed on the property and employees will not be able to use the well or restrooms in the existing house. The owners of the business allowed by the special use permit have applied for the applicable stormwater permit.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **Provided a variance is granted for the location of the parking area, the special use shall conform to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 9-21 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”.***

FINDINGS OF FACT-VARIANCE

*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. **The subject property is approximately two hundred feet (200') deep as measured from west to east. It would be difficult to have off-street parking and the proposed business on the subject property without a variance for parking.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Most A-1 zoned properties, including properties that have existing special use permits for landscaping businesses, are larger and wider and do not have a need for a variance with regards to parking in the front yard setback.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The owners did not create the size or configuration of the subject property.***

*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 requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.***

*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. **Allowing the parking encroachment will not impair any of the above items.***

RECOMMENDATION

Approval subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and aerial showing the site plan, including the addition of a raingarden as shown on the submitted site plan.
2. A variance to Sections 4:05.B and 7:01.G.2 of the Kendall County Zoning Ordinance shall be granted allowing off-street parking no closer than forty-seven feet (47') from the centerline of Ashley Road.
3. 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 submitted site plan. The parking area shall be gravel.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored items stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. 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 submitted site plan. The maximum height of the piles of landscaping related material shall be seven feet (7'), provided a Stormwater Management Permit is issued.
10. One (1) two (2)-sided business related sign may be installed in substantial the location shown on the submitted site plan. The sign shall be a maximum of six feet (6') wide and three feet (3') tall. The sign may be elevated no greater than one point five feet (1.5') from the ground.

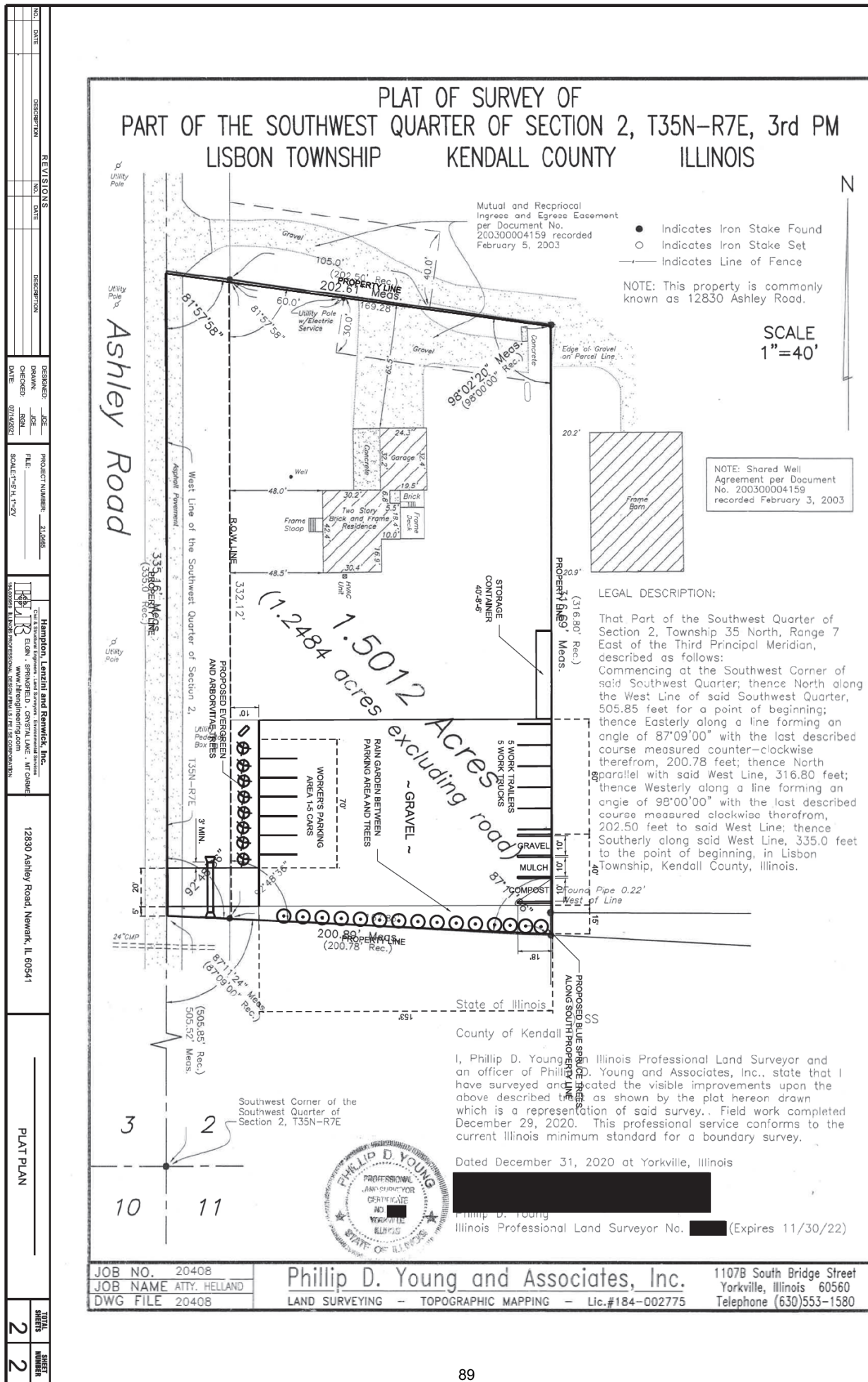
11. A minimum of sixteen (16) arborvitae shall be planted and maintained in substantially the locations shown on the submitted site plan. The arborvitae shall be a minimum of three feet (3') tall at the time of planting and shall grow to approximately twelve feet (12'). Damaged or dead arborvitae shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
12. A minimum of fifteen (15) blue spruce trees shall be planted by June 30, 2022, and maintained in substantially the locations shown on the submitted site plan. The blue spruce trees shall be a minimum of five feet (5') tall at the time of planting and shall grow to approximately twenty feet (20'). Damaged or dead blue spruce trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
13. No landscape waste generated off the property can be burned on the subject property.
14. A maximum of five (5) employees of the business allowed by this special use permit, including the owners 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.
15. 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.
16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
17. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

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.
18. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
19. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. 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.

22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. 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.





REVISIONS				DESIGNED: _____		PROJECT NUMBER: 21.0485		Hampton, Lenzini and Renwick, Inc. <small>Geotechnical Engineers, Land Surveyors, Environmental Sciences</small>		12830 ASHLEY ROAD, NEWARK, IL 60541		TOTAL SHEETS	
NO.		DATE		DESCRIPTION		DRAWN: _____		FILE: _____		AERIAL PLAN		2	
CHECKED: _____		RGH		DATE: 07/08/2021		SCALE: 1"=5' H, 1"=2' V		 ELGIN, SPRINGFIELD, CRYSTAL LAKE, MT CARMEL www.hlrengineering.com <small>TRAFFORDS, JUNIOR PROFESSIONAL DESIGN FIRMS (A/E) INC. CORPORATION</small>		SHEET NUMBER		1	



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: October 12, 2021

Amount: N/A

Budget: N/A

Issue: Petition 21-30 Request from Robert Velazquez on Behalf of Always Faithful Properties, LLC for a Map Amendment Rezoning 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township from A-1 Agricultural District to B-3 Highway Business District

Background and Discussion:

Petitioner wish to operate a landscaping business at the subject property.

The record for the Petition can be found here,
<https://www.co.kendall.il.us/home/showpublisheddocument/21108/637686947885794586>.

The draft ordinance is attached.

Committee Action:

ZPAC-Approval (7-0-3), RPC-Approval (9-0-1), ZBA-Approval (5-0-2), Kendall Township Planning Commission-Approval (5-0), Kendall Township Board-Approval, Bristol-Kendall Fire Protection Dist-No Comments, PBZ Committee-Approval (5-0)

Staff Recommendation:

Approval

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: October 13, 2021

ORDINANCE NUMBER 2021-_____

**MAP AMENDMENT FOR APPROXIMATELY THIRTEEN POINT SEVEN ACRES OF LAND
LOCATED AT 10744 ROUTE 47 (PIN: 05-28-400-002) IN KENDALL TOWNSHIP**

Rezone from A-1 with a Special Use Permit to B-3

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments 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 13.7 more or less acres located at 10744 Route 47 and identified by Parcel Identification Number 05-28-400-002, in Kendall 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 12, 1982, the Kendall County Board approved Ordinance 1982-10 which granted a special use permit for the storage of recreational vehicles, boats, and antique cars with conditions at the subject property; and

WHEREAS, the subject property is currently owned by Always Faithful Properties, LLC as represented by Robert Velazquez shall be referred to as “Petitioner”; and

WHEREAS, on or about July 26, 2021, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to B-3 Highway Business District; and

WHEREAS, on or about August 24, 2021, the Petitioner’s representative filed a petition for a special use permit for a landscaping business at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on September 2, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on September 27, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested Map Amendment and zero members of the public testified in favor or in opposition or expressed concerns regarding the requested Map Amendment; 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 Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 27, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and 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 of the requested Map Amendment; 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

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 Map Amendment rezoning the subject property from A-1 Agricultural District to B-3 Highway Business District.
3. Ordinance 1982-10 is hereby repealed in its entirety.
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 Map Amendment.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19th day of October, 2021.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

That part of the Southeast Quarter of Section 28, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North along the West line of said Quarter, 642.65 feet for the point of beginning; thence Easterly at right angles to said West line 647.36 feet; thence Northerly along a line forming an angle of 89 degrees 35 minutes 05 seconds, measured clockwise from the last described course, 1012.69 feet; thence Westerly along a line forming an angle of 89 degrees 56 minutes 12 seconds, measured clockwise from the last described course, 640.04 feet to the West line of said Southeast Quarter thence Southerly along said West line 1007.32 feet to the point of beginning (except that part thereof lying within the right of way of Illinois State Route No. 47 and being described in a Judgment recorded November 13, 1991 as Document No. 917979) in the Township of Kendall, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on September 27, 2021, by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and Whitfield were absent.

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or communication purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 with a special use permit for agricultural implement sales and service.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and could be used for many uses presently permitted under the A-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 in the area is a mix of agricultural and commercial uses. Commercial uses in the area probably will increase as the Illinois Department of Transportation widens Route 47.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Transportation Corridor and Commercial. The B-3 Highway Business Districts is consistent with the Commercial classification. The Land Resource Management Plan calls for limited B-3 Highway Business District zoned property on lands classified as Transportation Corridor.

RECOMMENDATION

Approval



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: October 12, 2021

Amount: N/A

Budget: N/A

Issue: Petition 21-31 Request from Robert Velazquez on Behalf of Always Faithful Properties, LLC for a Special Use Permit for a Landscaping Business at 10744 Route 47 (PIN: 05-28-400-002) in Kendall Township

Background and Discussion:

Petitioner wish to operate a landscaping business at the subject property.

The record for the Petition can be found here,
<https://www.co.kendall.il.us/home/showpublisheddocument/21118/637686948379871404>

The draft ordinance is attached.

Committee Action:

ZPAC-Approval (7-0-3), RPC-Approval (9-0-1), ZBA-Approval (5-0-2), Kendall Township Planning Commission-Approval (5-0), Kendall Township Board-Approval, Bristol-Kendall Fire Protection Dist-No Comments, PBZ Committee-Approval with Conditions (5-0)

Staff Recommendation:

Approval with Conditions

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: October 13, 2021

ORDINANCE NUMBER 2021-_____

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED B-3 HIGHWAY BUSINESS DISTRICT FOR A LANDSCAPING BUSINESS AT 10744 ROUTE 47 (PIN: 05-28-400-002) IN KENDALL 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 9:03.D.15 of the Kendall County Zoning Ordinance permits the operation of landscaping businesses as a special use with certain restrictions in the B-3 Highway Business Zoning District; 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 13.7 more or less acres located at 10744 Route 47 and identified by Parcel Identification Number 05-28-400-002, in Kendall 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 12, 1982, the Kendall County Board approved Ordinance 1982-10 which granted a special use permit for the storage of recreational vehicles, boats, and antique cars with conditions at the subject property; and

WHEREAS, the subject property is currently owned by Always Faithful Properties, LLC as represented by Robert Velazquez shall be referred to as “Petitioner”; and

WHEREAS, on or about July 26, 2021, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to B-3 Highway Business District; and

WHEREAS, on or about August 24, 2021, the Petitioner’s representative filed a petition for a special use permit for a landscaping business at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on September 2, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on September 27, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor or in opposition or expressed concerns regarding the requested special use permit; 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 with conditions of the special use permit for a landscaping business as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 27, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and 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 of the requested 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 shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

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 special use permit allowing the operation of a landscaping business on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E including allowing for illuminated signage. The gravel parking lot noted on the site plan shall be composed of either limestone or asphalt screenings. The fourteen (14) light poles shown on the site plan and mentioned in the photometric plan shall be a maximum twenty feet (20') feet in height. The owner of the business allowed by this special use permit may also install a security gate at the main driveway entrance.
 - B. All of the structures shown on the site plan attached hereto as Exhibit C shall be constructed and occupied by December 31, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The business allowed by this special use permit may commence operations starting upon approval of the special use permit. However, customers shall not be invited onto the property until an occupancy permit has been issued for the office building.
 - C. The owners of the business allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored on the subject property and shall promptly clean up the site if leaks occur.
 - D. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
 - E. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
 - F. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
 - G. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.

- H. 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 attached hereto as Exhibit C. The maximum height of the piles of landscaping related material shall be ten feet (10'), provided a Stormwater Management Permit is issued.
- I. One (1) two (2)-sided business related sign may be installed in substantially the location shown on the site plan attached hereto as Exhibit C. The sign shall be a maximum of ten (10') wide and five feet (5') tall, including supports. The sign may be illuminated between the hours of 6:00 a.m. and 8:00 p.m.
- J. The landscaping shown on the landscaping plan attached hereto as Exhibit D shall be installed no later than June 1, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The Red Sunset Maples shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Skyline Honeylocusts shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Techny Arborvitae shall be a minimum six feet (6') tall at the time of planting. Damaged or dead plants that are part of the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. Nursery stock shall be exempt from this provision.
- K. No landscape waste generated off the property can be burned on the subject property.
- L. A maximum of fifty (50) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
- M. The hours of operation of the business allowed by this special use permit for the members of the public shall be Monday through Friday from 7:00 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
- N. The hours of operation of the business allowed by this special use permit for employees of the business shall be Monday through Friday from 5:00 a.m. until 7:00 p.m. and Saturday from 7:00 a.m. until 1:00 p.m. The owner of the business allowed by this special use permit may expand these hours of operation for employees to address the needs of customers impacted by snowfall. Business related deliveries may occur during these hours of operation. The owners of the business allowed by this special use permit may reduce these hours of operation.
- O. The noise regulations are as follows:
 - Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.
 - Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.
 - 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.

- P. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - Q. 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.
 - R. 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.
 - S. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
 - 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19th day of October, 2021.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

That part of the Southeast Quarter of Section 28, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North along the West line of said Quarter, 642.65 feet for the point of beginning; thence Easterly at right angles to said West line 647.36 feet; thence Northerly along a line forming an angle of 89 degrees 35 minutes 05 seconds, measured clockwise from the last described course, 1012.69 feet; thence Westerly along a line forming an angle of 89 degrees 56 minutes 12 seconds, measured clockwise from the last described course, 640.04 feet to the West line of said Southeast Quarter thence Southerly along said West line 1007.32 feet to the point of beginning (except that part thereof lying within the right of way of Illinois State Route No. 47 and being described in a Judgment recorded November 13, 1991 as Document No. 917979) in the Township of Kendall, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on September 27, 2021, by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and Whitfield were absent.

FINDINGS OF FACT

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided the site is developed in accordance with the submitted site plan, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other 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. **Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use 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. **Adequate utilities are planned for the site. The property has direct access to Route 47 and the Illinois Department of Transportation expressed no concerns regarding the proposed use. A stormwater management permit is required and that permit will address drainage.***

*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 is not requesting any variances to the applicable regulations of the district.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with a goal found on Page 7-26 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.” An objective under this goal further states, “Explore economic development opportunities along Route 47 Corridor to enhance the tax base and to encourage local employment and shopping opportunities.”***

RECOMMENDATION

Approval subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and photometric plan, including allowing for illuminated signage. The gravel parking lot noted on the site plan shall be composed of either limestone or asphalt screenings. The fourteen (14) light poles shown on the site plan and mentioned in the photometric plan shall be a maximum twenty feet (20') feet in height. The owner of the business allowed by this special use permit may also install a security gate at the main driveway entrance.

2. All of the structures shown on the submitted site plan shall be constructed and occupied by December 31, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The business allowed by this special use permit may commence operations starting upon approval of the special use permit. However, customers shall not be invited onto the property until an occupancy permit has been issued for the office building.
3. The owners of the business allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored on the subject property and shall promptly clean up the site if leaks occur.
4. Any new structures and signs constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
6. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
8. 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 submitted site plan. The maximum height of the piles of landscaping related material shall be ten feet (10'), provided a Stormwater Management Permit is issued.
9. One (1) two (2)-sided business related sign may be installed in substantially the location shown on the submitted site plan. The sign shall be a maximum of ten (10') wide and five feet (5') tall, including supports. The sign may be illuminated between the hours of 6:00 a.m. and 8:00 p.m.
10. The landscaping shown on the submitted landscaping plan shall be installed no later than June 1, 2022. This date may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. The Red Sunset Maples shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Skyline Honeylocusts shall be a minimum of two point five inch (2.5") caliber at the time of planting. The Techny Arborvitaes shall be a minimum six feet (6') tall at the time of planting. Damaged or dead plants that are part of the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. Nursery stock shall be exempt from this provision.
11. No landscape waste generated off the property can be burned on the subject property.
12. A maximum of fifty (50) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
13. The hours of operation of the business allowed by this special use permit for the members of the public shall be Monday through Friday from 7:00 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
14. The hours of operation of the business allowed by this special use permit for employees of the business shall be Monday through Friday from 5:00 a.m. until 7:00 p.m. and Saturday from 7:00 a.m. until 1:00 p.m. The owner of the business allowed by this special use permit may expand these hours of operation for employees to address the needs of customers impacted by snowfall. Business related deliveries may occur during these hours of operation. The owners of the business

allowed by this special use permit may reduce these hours of operation.

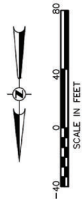
15. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

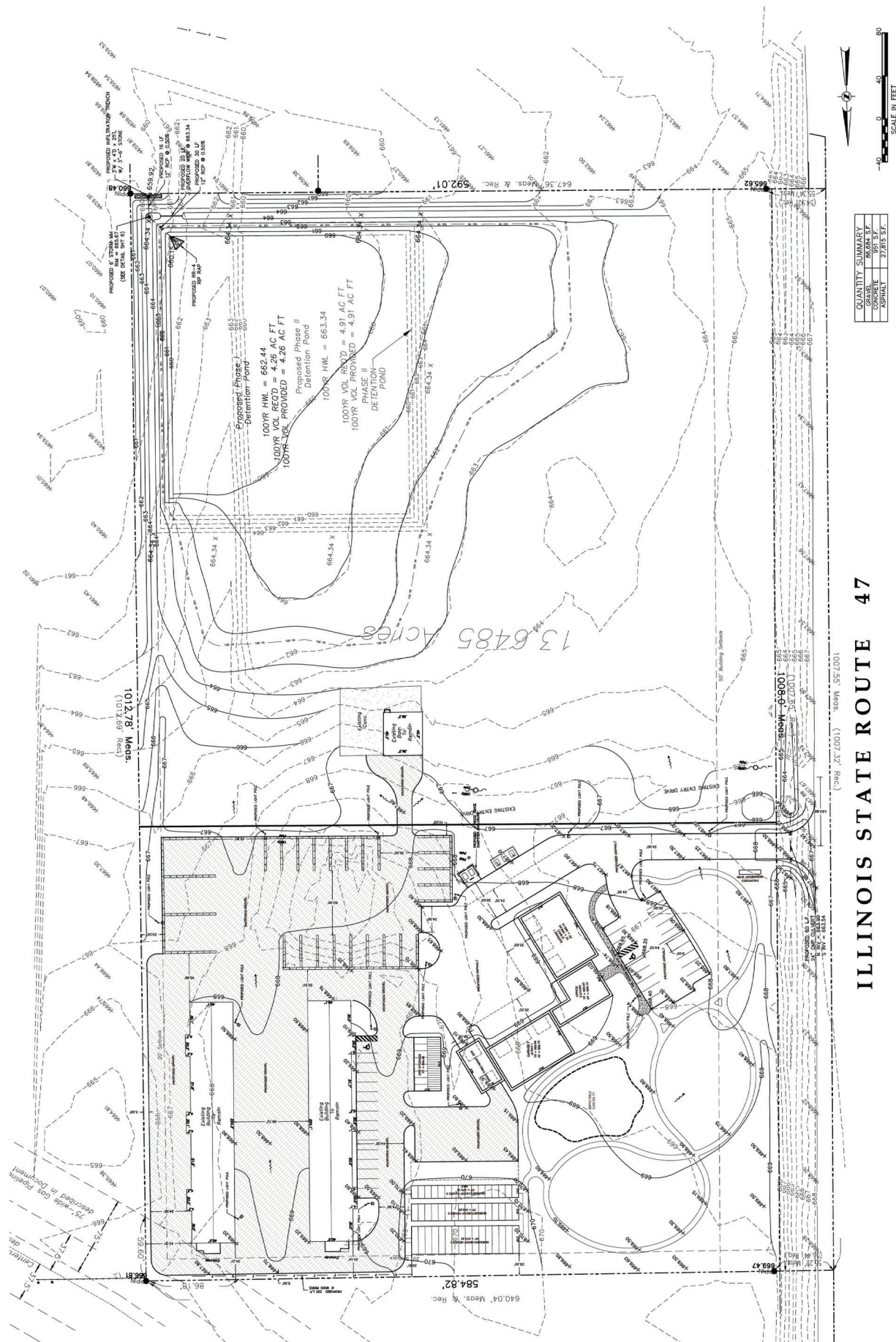
EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. 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.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. 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.



ILLINOIS STATE ROUTE 47





QUANTITY SUMMARY	
GRAVEL	86,684 S.F.
CONCRETE	951 S.F.

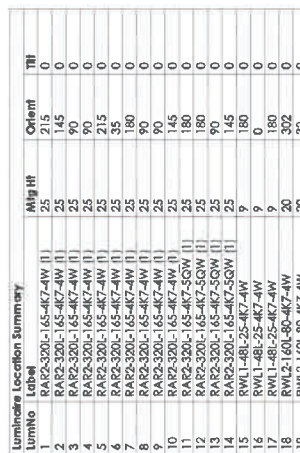
ILLINOIS STATE ROUTE 47

 TEBRUGGE ENGINEERING 400 E. CHURCH STREET - SUITE A • SANDWICH, IL 60448 PHONE: (815) 784-0955 TEBRUGGEENGINEERING.COM	NO.	DATE	NOTES	PREPARED FOR: ALWAYS FAITHFUL PROPERTIES, LLC 1215 DEER ST., YORKVILLE, IL 60560	SEMPER FI LAND SITE PLAN - 10744 US ROUTE 47 - YORKVILLE CIVIL SITE PLAN	PROJECT NO.	21-493-01	SHEET NO.	5
	1	12-2-21	NEW LOTTER (R-37)			SCALE:	1" = 40'	DATE:	JUNE 30, 2021

Exhibit C, Page 7
Kendall County, Illinois







Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
PROPERTY UNES	Illuminance	Fc	0.10	0.8	0.0	N.A.
	Illuminance	Fc	1.17	5.2	0.0	N.A.
	Illuminance	Fc	2.79	5.2	0.4	6.98
DRIVE LANE-FRONT-REAR PARKING	Illuminance	Fc	1.53	4.2	0.5	3.06
	Illuminance	Fc	1.64	4.1	0.2	8.20
	Illuminance	Fc	1.64	4.1	0.2	20.50
EMPLOYEE PARKING-TRAINING AREAS	Illuminance	Fc	1.53	4.2	0.5	3.06
	Illuminance	Fc	1.64	4.1	0.2	8.20
	Illuminance	Fc	1.64	4.1	0.2	20.50

Parking for Design Guide	Rules (for typical) h/m/c	Basic Environmental Security (in consideration of modern)	Security (security lighting for public)	High Security (security lighting for public)
Minimum Horizontal Illuminance (measured on parking surface)	2.00/2	5.00/5	100/1.0	30.6/40.0/50.0/4.0
Maximum sky shadowing (in any object)	20/1	15/1	15/1	4/1
Maximum 0° to Minimum 180° azimuth	100/1	2.5/0.25	5.0/4.0/5.0/8	12.60/1.2/4.0

APG-Erlaubten ist neither licensed nor insured to determine code compliance. Code compliance review by others.

RATIO Series

AREA/SITE LIGHTER

FEATURES

- Low profile LED area/site luminaire with a variety of IES distributions for lighting applications such as retail, commercial and campus parking lots
- Featuring Micro Strike Optics which maximizes target zone illumination with minimal losses at the house-side, reducing light trespass issues
- Visual comfort standard
- Compact and lightweight design with low EPA
- 3G rated for high vibration applications including bridges and overpasses
- Control options including photo control, occupancy sensing, NX Distributed Intelligence™ and 7-Pin with networked controls
- Best in class surge protection available



IP66



See Certification Specifications



RELATED PRODUCTS

[Airo](#)

[Cimarron LED](#)

[Ratio Family](#)

CONTROL TECHNOLOGY



NX DISTRIBUTED INTELLIGENCE

wiSCAPE

SPECIFICATIONS

CONSTRUCTION

- Rectilinear form mimics the traditional shoebox form factor keeping a similar but updated style and appearance, ideal for retrofit applications
- Die-cast housing with hidden vertical heat fins that are optimal for heat dissipation while keeping a clean smooth outer surface
- Corrosion resistant, die-cast aluminum housing with powder coat paint finish

OPTICS

- Entire optical aperture illuminates to create a larger luminous surface area resulting in a low glare appearance without sacrificing optical performance
- 80, 160, 320 or 480 midpower LEDs
- 3000K, 4000K or 5000K (70 CRI) CCT
- Zero uplight at 0 degrees of tilt
- Field rotatable optics

INSTALLATION

- Standard square arm mount, compatible with B3 drill pattern
- Optional universal mounting block for ease of installation during retrofit applications. Available as an option or accessory for square and round poles.
- Knuckle arm fitter option available for 2-3/8" OD tenon. Max tilt of 60 degrees with 4 degree adjustable increments. (Restrictions apply for 7-pin options)

ELECTRICAL

- Universal 120-277 VAC or 347-480 VAC input voltage, 50/60 Hz

ELECTRICAL (CONTINUED)

- Ambient operating temperature -40°C to 40°C
- Drivers have greater than 90% power factor and less than 20% THD
- LED drivers have output power over-voltage, over-current protection and short circuit protection with auto recovery
- Field replaceable surge protection device provides 20kA protection meeting ANSI/IEEE C62.41.2 Category C High and Surge Location Category C3; Automatically takes fixture off-line for protection when device is compromised

CONTROLS

- Photo control, occupancy sensor and wireless available for complete on/off and dimming control
- 7-pin ANSI C136.41-2013 photocontrol receptacle option available for twist lock photocontrols or wireless control modules (control accessories sold separately)
- 0-10V dimming leads available for use with control devices (provided by others, must specify lead length)
- SiteSync™ wireless control system is available via 7-pin See ordering information and details at: www.hubbelllighting.com/sitesync
- NX Distributed Intelligence™ available with in fixture wireless control module, features dimming and occupancy sensor
- wiSCAPE® available with in fixture wireless control module, features dimming and occupancy sensor via 7-pin

CERTIFICATIONS

- DLC® (DesignLights Consortium Qualified), with some Premium Qualified configurations. Please refer to the DLC website for specific product qualifications at www.designlights.org
- Listed to UL1598 and CSA C22.2#250.0-24 for wet locations and 40°C ambient temperatures
- 3G rated for ANSI C136.31 high vibration applications
- Fixture is IP66 rated
- Meets IDA recommendations using 3K CCT configuration at 0 degrees of tilt
- This product qualifies as a "designated country construction material" per FAR 52.225-11 Buy American-Construction Materials under Trade Agreements effective 04/23/2020. See Buy American Solutions

WARRANTY

- 5 year limited warranty
- See [HLI Standard Warranty](#) for additional information

KEY DATA	
Lumen Range	3,000–48,000
Wattage Range	25–340
Efficacy Range (LPW)	118–155
Fixture Projected Life (Hours)	L70>60K
Weights lbs. (kg)	13.5–24 (6.1–10.9)

RATIO SERIES

AREA/SITE LIGHTER

ORDERING GUIDE

Example: RAR1-80L-25-3K7-2-UNV-ASQ-BL-NXWE-BC

CATALOG # _____

ORDERING INFORMATION

Series	# LEDs - Wattage	CCT/CRI	Distribution	Optics Rotation	Voltage
RAR1 Ratio Area Size 1	80L-25 25W - 3,000 Lumens 80L-39 39W - 5,200 Lumens 80L-50 50W - 6,000 Lumens 160L-70 70W - 9,000 Lumens 160L-100 100W - 12,000 Lumens 160L-115 115W - 15,000 Lumens 160L-135 135W - 18,000 Lumens	3K7 3000K, 70 CRI 4K7 4000K, 70 CRI 5K7 5000K, 70 CRI	2 IES TYPE II 3 IES TYPE III 4W IES TYPE IV 5QW IES TYPE V	Blank for no rotation L Optic rotation left R Optic rotation right	UNV Universal 120-277V 120 120V 208 208V 240 240V 277 277V 347 347V 480 480V
RAR2 Ratio Area Size 2	320L-110 110W - 15,000 Lumens 320L-140 140W - 18,000 Lumens 320L-165 165W - 21,000 Lumens 480L-185 185W - 24,000 Lumens 480L-210 210W - 27,000 Lumens 480L-240 240W - 30,000 Lumens 480L-255 255W - 36,000 Lumens 480L-295 295W - 42,000 Lumens 480L-340 340W - 48,000 Lumens				

Mounting	Color	Control Options Network	Options
ASQ Arm mount for square pole/flat surface	BLT Black Matte Textured	NXWE NX Wireless Enabled (module + radio)	BC Backlight control
ASQU Universal arm mount for square pole/flat surface	BLS Black Gloss Smooth	NXSPW_F NX Wireless, PIR Occ. Sensor, Daylight Harvesting ²	CD Continuous dimming
Mounting Round Poles	DBT Dark Bronze Matte Textured	NXSP_F NX, PIR Occ. Sensor, Daylight Harvesting ²	F Fusing (must specify voltage)
A_ Arm mount for round pole ¹	DBS Dark Brone Gloss Smooth	Control Options Other	TB Terminal block
A_U Universal arm mount for round pole ¹	GTT Graphite Matte Textured	SCP-40F Programmable occupancy sensor ⁴	2PF 2 power feed with 2 drivers ³
Mounting Other	LGS Light Grey Gloss Smooth	7PR 7-Pin twist lock receptacle	
WB Wall bracket	PSS Platinum Silver Smooth	7PR-SC 7-Pin receptacle with shorting cap	
MAF Mast arm fitter for 2-3/8" OD horizontal arm	WHT White Matte Textured	7PR-MD40F Low voltage sensor for 7PR	
K Knuckle	WHS White Gloss Smooth	7PR-TL 7-Pin PCR with photocontrol	
	VGT Verde Green Textured		
	Color Option		
	CC Custom Color		

Notes:

- 1 Replace "_" with "3" for 3.5"-4.13" OD pole, "4" for 4.18"-5.25" OD pole, "5" for 5.5"-6.5" OD pole
- 2 Replace "_" with "14" for up to 14' mounting height, "30F" for 15-30' mounting height
- 3 Not available with 25, 50, 255, 295 & 340W configurations
- 4 At least one SCPREMOTE required to program SCP motion sensor

STOCK ORDERING INFORMATION

Catalog Number	Lumens	Wattage	LED Count	CCT/CRI	Voltage	Distribution	Mounting	Finish
RAR1-100-4K-3	12,000	100W	160L	4000K/70CRI	120-277V	Type 3	Square Arm	Bronze
RAR1-100-4K-4W	12,000	100W	160L	4000K/70CRI	120-277V	Type 4W	Square Arm	Bronze
RAR1-135-4K-3	18,000	135W	160L	4000K/70CRI	120-277V	Type 3	Square Arm	Bronze
RAR1-135-4K-4W	18,000	135W	160L	4000K/70CRI	120-277V	Type 4W	Square Arm	Bronze
RAR2-165-4K-3	21,000	165W	320L	4000K/70CRI	120-277V	Type 3	Square Arm	Bronze
RAR2-165-4K-4W	21,000	165W	320L	4000K/70CRI	120-277V	Type 4W	Square Arm	Bronze

DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

RATIO SERIES

AREA/SITE LIGHTER

OPTIONS AND ACCESSORIES - STOCK (ORDERED SEPARATELY)

Catalog Number	Description
<input type="checkbox"/> RARRPA3DB	Round pole adapter 3.5" to 4.13" for ASQ arm, 3.5" to 4.13" OD pole, dark bronze finish
<input type="checkbox"/> RARA3UDB	Universal mount for square pole or round pole 3.5" to 4.13", dark bronze finish
<input type="checkbox"/> RARBC80L	Ratio blacklight control 80L
<input type="checkbox"/> RARBC160L	Ratio blacklight control 160L
<input type="checkbox"/> RARBC320L	Ratio blacklight control 320L
<input type="checkbox"/> RARBC480L	Ratio blacklight control 480L

ACCESSORIES AND REPLACEMENT PARTS - MADE TO ORDER

Catalog Number	Description
<input type="checkbox"/> RAR-ASQU-XX	Universal arm mount for square pole/flat surface ²
<input type="checkbox"/> RAR-A_U-XX	Universal arm mount for round poles ¹²
<input type="checkbox"/> RAR-RPA_-XX	Round pole adapter ^{1,2}
<input type="checkbox"/> SETAVP-XX	4" square pole top tenon adapter, 2 3/8" OD slipfitter ²
<input type="checkbox"/> RETAVP-XX	4" round pole top tenon adapter; 2 3/8" OD slipfitter for max. Four fixtures (90o); order 4" round pole adapters separately ²
<input type="checkbox"/> BIRD-SPIKE-3	Ratio size 1 bird deterrent/spikes
<input type="checkbox"/> BIRD-SPIKE-4	Ratio size 2 bird deterrent/spikes
<input type="checkbox"/> RARWB-XX	Wall bracket - use with Mast Arm Fitter or Knuckle ²

- 1 Replace "_" with "3" for 3.5"-4.13" OD pole, "4" for 4.18"-5.25" OD pole, "5" for 5.5"-6.5" OD pole
2 Replace "XX" with desired color/paint finish

CONTROLS

Control Options

Standalone

SW7PR	SiteSync™ on fixture module via 7PR
SWUSB	SiteSync™ Software on USB
SWTAB	SiteSync™ Windows Tablet
SWBRG	SiteSync™ Wireless Bridge Node
SWFC	SiteSync™ Field Commission Serve
SCPREMOTE	Order at least one per project location to program and control

Networked – Wireless

WIR-RME-L	wiSCAPE External Fixture Module ¹²
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NX Networked – Wireless

NXOFM-1R1D-UNV	NX Wireless, Daylight Harvesting, BLE, 7 pin twisted lock
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Notes:

- 1 Works with external networked photosensor
2 wiSCAPE Gateway required for system programming

RATIO SERIES

AREA/SITE LIGHTER

PERFORMANCE DATA

Description	Nominal Wattage	System Watts	Dist. Type	5K (5000K NOMINAL 70 CRI)					4K (4000K NOMINAL 70 CRI)					3K (3000K NOMINAL 80 CRI)				
				Lumens	LPW	B	U	G	Lumens	LPW	B	U	G	Lumens	LPW	B	U	G
RAR1	25	25.4	2	3438	135	1	0	1	3445	136	1	0	1	3240	128	1	0	1
			3	3460	136	1	0	1	3467	136	1	0	1	3260	128	1	0	1
			4W	3406	134	1	0	1	3412	134	1	0	1	3209	126	1	0	1
			5QW	3483	137	2	0	1	3490	137	2	0	1	3282	129	2	0	1
	39	39	2	5263	139	1	0	2	5273	139	1	0	2	4960	131	1	0	2
			3	5297	139	1	0	2	5308	140	1	0	2	4991	131	1	0	2
			4W	5200	137	1	0	2	5210	137	1	0	2	4900	129	1	0	2
			5QW	5333	140	3	0	1	5344	141	3	0	1	5025	132	3	0	1
	50	49.8	2	6310	127	1	0	2	6323	127	1	0	2	5946	120	1	0	2
			3	6349	128	1	0	2	6362	128	1	0	2	5983	120	1	0	2
			4W	6233	125	1	0	2	6245	126	1	0	2	5873	118	1	0	2
			5QW	6392	129	3	0	1	6405	129	3	0	1	6023	121	3	0	1
	70	68.4	2	9486	139	1	0	2	9505	139	1	0	2	8938	131	1	0	2
			3	9544	140	1	0	2	9563	140	1	0	2	8993	131	1	0	2
			4W	9395	137	1	0	2	9414	138	1	0	2	8853	129	1	0	2
			5QW	9608	140	4	0	2	9628	141	4	0	2	9054	132	4	0	2
	100	90.0	2	11976	133	2	0	2	12000	133	2	0	2	11285	125	2	0	2
			3	12050	134	2	0	2	12074	134	2	0	2	11354	126	2	0	2
			4W	11861	132	2	0	2	11885	132	2	0	2	11177	124	2	0	2
			5QW	12131	135	4	0	2	12155	135	4	0	2	11431	127	4	0	2
	115	109.7	2	15572	142	2	0	2	15494	141	2	0	2	14871	136	2	0	2
			3	15833	144	2	0	2	15754	144	2	0	2	15121	138	2	0	2
			4W	15281	139	2	0	3	15205	139	2	0	3	14623	133	2	0	3
			5QW	15732	143	4	0	2	15653	143	4	0	2	15024	137	4	0	2
	135	133.3	2	17971	135	3	0	3	17881	134	3	0	3	17163	129	3	0	3
			3	18272	137	2	0	2	18181	136	2	0	2	17450	131	2	0	2
			4W	17635	132	2	0	3	17547	132	2	0	3	16876	127	2	0	3
			5QW	18156	136	4	0	2	18065	136	4	0	2	17339	130	4	0	2

RAR2 Performance Data on next page

* Lumen values are from photometric test performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment and application.

RATIO SERIES

AREA/SITE LIGHTER

PERFORMANCE DATA

Description	Nominal Wattage	System Watts	Dist. Type	5K (5000K NOMINAL 70 CRI)					4K (4000K NOMINAL 70 CRI)					3K (3000K NOMINAL 80 CRI)				
				Lumens	LPW	B	U	G	Lumens	LPW	B	U	G	Lumens	LPW	B	U	G
RAR2	110	100.3	2	15326	153	2	0	3	15357	153	2	0	3	14442	144	2	0	3
			3	15421	154	2	0	3	15452	154	2	0	3	14531	145	2	0	3
			4W	15180	151	2	0	2	15210	152	2	0	2	14304	143	2	0	2
			5QW	15525	155	4	0	2	15556	155	4	0	2	14629	146	4	0	2
	140	133.2	2	19395	146	2	0	3	19434	146	2	0	3	18276	137	2	0	3
			3	19515	147	2	0	3	19554	147	2	0	3	18389	138	2	0	3
			4W	19210	144	2	0	3	19248	145	2	0	3	18101	136	2	0	3
			5QW	19647	148	5	0	3	19686	148	5	0	3	18513	139	5	0	3
	165	153.6	2	21651	141	3	0	3	21695	141	3	0	3	20402	133	3	0	3
			3	21785	142	3	0	3	21828	142	3	0	3	20527	134	3	0	3
			4W	21444	140	3	0	3	21487	140	3	0	3	20206	132	3	0	3
			5QW	21932	143	5	0	3	21976	143	5	0	3	20666	135	5	0	3
	185	174.5	2	26046	149	3	0	3	26098	150	3	0	3	24543	141	3	0	3
			3	26207	150	3	0	3	26259	150	3	0	3	24694	142	3	0	3
			4W	25797	148	3	0	4	25849	148	3	0	4	24308	139	3	0	4
			5QW	26384	151	5	0	3	26437	152	5	0	3	24861	143	5	0	3
	210	198.2	2	28848	145	3	0	4	28906	146	3	0	4	27184	137	3	0	4
			3	29027	146	3	0	4	29085	147	3	0	4	27351	138	3	0	4
			4W	28572	144	3	0	4	28630	144	3	0	4	26924	136	3	0	4
			5QW	29222	147	5	0	4	29281	148	5	0	4	27536	139	5	0	4
	240	226.9	2	32087	141	3	0	4	32151	142	3	0	4	30235	133	3	0	4
			3	32285	142	3	0	4	32350	143	3	0	4	30422	134	3	0	4
			4W	31780	140	3	0	4	31844	140	3	0	4	29946	132	3	0	4
			5QW	32503	143	5	0	4	32568	144	5	0	4	30627	135	5	0	4
	255	257.0	2	37040	144	3	0	4	36854	143	3	0	4	35373	138	3	0	4
			3	37660	147	3	0	4	37472	146	3	0	4	35966	140	3	0	4
			4W	36347	141	3	0	5	36166	140	3	0	5	34782	135	3	0	5
			5QW	37420	146	5	0	4	37233	145	5	0	4	35736	139	5	0	4
	295	294.0	2	41733	142	3	0	4	41524	141	3	0	4	39855	136	3	0	4
			3	42432	144	3	0	4	42220	144	3	0	4	40523	138	3	0	4
			4W	40953	139	3	0	5	40748	139	3	0	5	39190	133	3	0	5
			5QW	42162	143	5	0	4	41951	143	5	0	4	40264	137	5	0	4
	340	347.1	2	48392	139	4	0	5	48150	139	4	0	5	46215	133	4	0	5
			3	49203	142	3	0	4	48957	141	3	0	4	46989	135	3	0	4
			4W	47488	137	4	0	5	47261	136	4	0	5	45443	131	4	0	5
			5QW	48889	141	5	0	5	48645	140	5	0	5	46689	135	5	0	5

* Lumen values are from photometric test performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment and application.

RATIO SERIES

AREA/SITE LIGHTER

ELECTRICAL DATA

# OF LEDS	Nominal Wattage	Input Voltage	Oper. Current (Amps)	System Power (Watts)
RAR1	25	120	0.21	25.4
		208	0.12	
		240	0.11	
		277	0.09	
	39	120	0.32	38.0
		208	0.18	
		240	0.16	
		277	0.14	
	50	120	0.11	49.8
		208	0.08	
		240	0.42	
		277	0.24	
	70	120	0.21	68.4
		208	0.18	
		240	0.57	
		277	0.33	
	100	120	0.29	90.0
		208	0.33	
		240	0.38	
		277	0.32	
	115	120	0.91	109.7
		208	0.53	
		240	0.46	
		277	0.40	
	135	347	0.32	133.3
		480	0.23	
		120	1.11	
		208	0.64	
		240	0.56	
		277	0.48	
		347	0.38	
		480	0.28	

# OF LEDS	Nominal Wattage	Input Voltage	Oper. Current (Amps)	System Power (Watts)
RAR2	110	120	0.84	100.3
		208	0.48	
		240	0.42	
		277	0.36	
	140	120	1.11	133.2
		208	0.64	
		240	0.56	
		277	0.48	
	165	120	1.28	153.6
		208	0.74	
		240	0.64	
		277	0.55	
	185	120	1.45	174.5
		208	0.84	
		240	0.73	
		277	0.63	
	210	120	1.65	198.3
		208	0.95	
		240	0.83	
		277	0.72	
	240	120	1.89	226.9
		208	1.09	
		240	0.95	
		277	0.82	
	255	120	2.14	257.0
		208	1.24	
		240	1.07	
		277	0.93	
	295	347	0.74	294.0
		480	0.54	
		120	2.45	
		208	1.41	
	340	240	1.23	347.1
		277	1.06	
		347	0.85	
		480	0.61	
		120	2.89	
		208	1.67	
		240	1.45	
		277	1.25	
		347	1.00	
		480	0.72	

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

Ambient Temperature		Lumen Multiplier
0° C	32° F	1.03
10° C	50° F	1.01
20° C	68° F	1.00
25° C	77° F	1.00
30° C	86° F	0.99
40° C	104° F	0.98
50° C	122° F	0.97

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F)

PROJECTED LUMEN MAINTENANCE

Ambient Temperature	OPERATING HOURS					
	0	25,000	TM-21-11 L90 36,000	50,000	100,000	L70 (Hours)
25°C / 77°F	1.00	0.97	0.95	0.93	0.86	238,000
40°C / 104°F	0.99	0.96	0.95	0.93	0.85	225,000

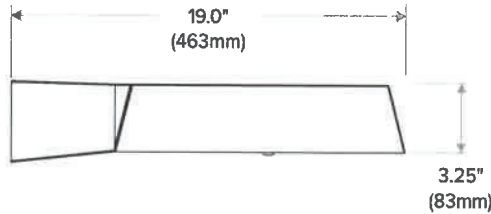
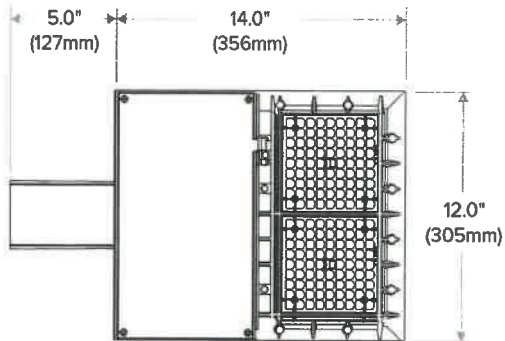
DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

RATIO SERIES

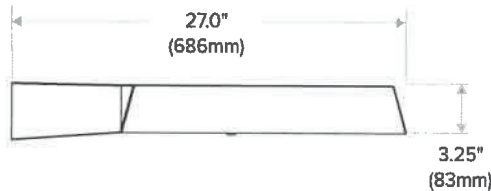
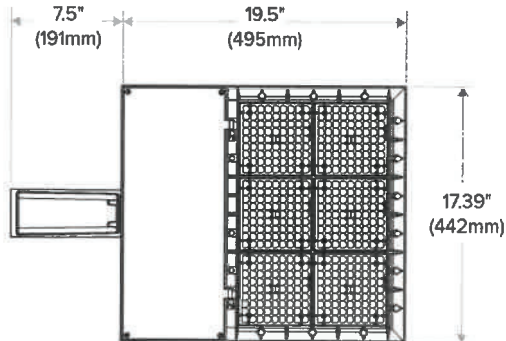
AREA/SITE LIGHTER

DIMENSIONS

RAR1



RAR2



ADDITIONAL INFORMATION

MOUNTING



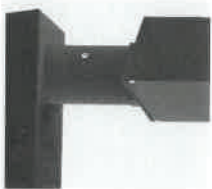
Arm Mount – Fixture ships with integral arm for ease of installation. Compatible with Hubbell Outdoor B3 drill pattern.



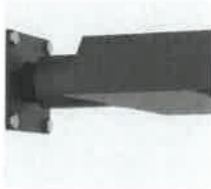
Knuckle – Knuckle mount 15° aiming angle increments for precise aiming and control, fits 2-3/8" tenons or pipes.



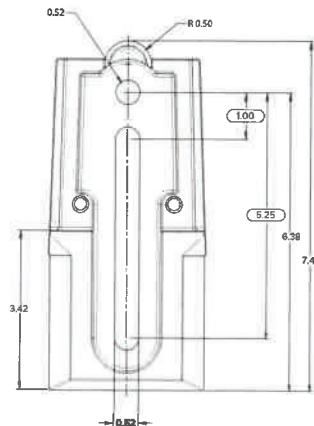
Universal Mounting – Universal mounting block for ease of installation. Compatible with drill patterns from 2.5" to 4.5"



MAF – Fits 2-3/8" OD arms Roadway applications.



Wall Mount – Wall mount bracket designed for building mount applications.



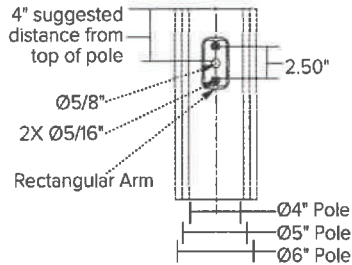
RATIO SERIES

AREA/SITE LIGHTER

ADDITIONAL INFORMATION (CONT'D)

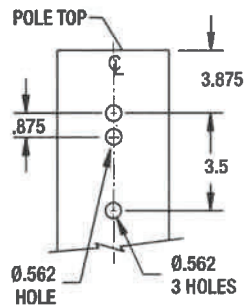
ARM MOUNT (ASQ)

Compatible with Pole drill pattern B3



UNIVERSAL MOUNTING (ASQU)

Compatible with pole drill pattern S2



SITESYNC 7-PIN MODULE



SW7PR



- SiteSync features in a new form
- Available as an accessory for new construction or retrofit applications (with existing 7-Pin receptacle)

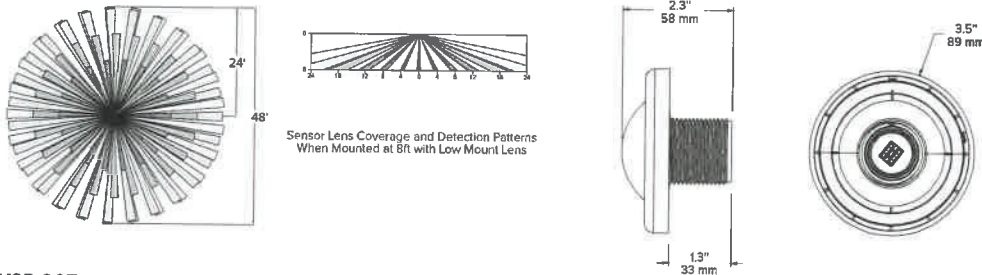
DATE:	LOCATION:
TYPE:	PROJECT:
CATALOG #:	

RATIO SERIES

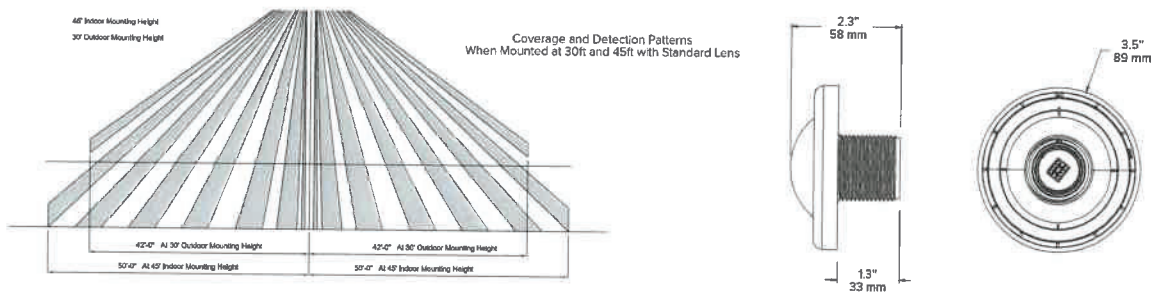
AREA/SITE LIGHTER

ADDITIONAL INFORMATION (CONT'D)

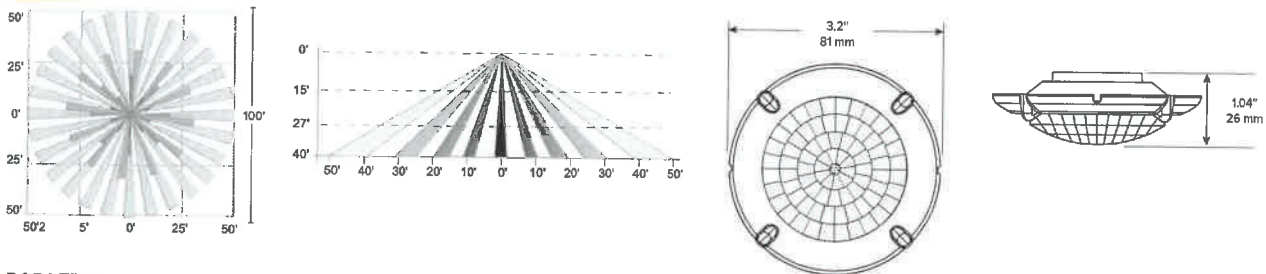
NXSP-14F



NXSP-30F



SCP-40F



RAR1 EPA

RAR-1	
EPA at 0'	EPA at 30'
.45ft. ² .13m ²	.56ft. ² .17m ²

RAR2 EPA

RAR-2	
EPA at 0'	EPA at 30'
.55ft. ² .17m ²	1.48ft. ² .45m ²

SHIPPING

Catalog Number	G.W(kg)/CTN	Carton Dimensions		
		Length Inch (cm)	Width Inch (cm)	Height Inch (cm)
RAR1	15 (6.8)	20.75 (52.7)	15.125 (38.4)	6.9375 (17.6)
RAR2	19 (8.6)	25 (63.5)	15.125 (38.4)	6.9375 (17.6)

USE OF TRADEMARKS AND TRADE NAMES

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SSS-H SERIES POLES

SQUARE STRAIGHT STEEL

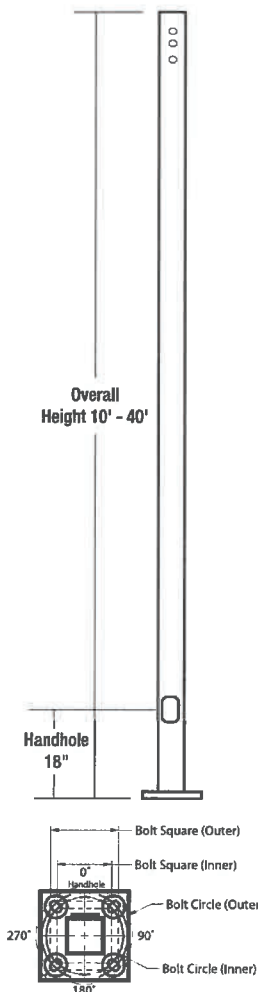
Cat.#

Job

Type


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Outdoor Lighting

Approvals



APPLICATIONS

- Lighting installations for side and top mounting of luminaires with effective projected area (EPA) not exceeding maximum allowable loading of the specified pole in its installed geographic location

CONSTRUCTION

- SHAFT:** One-piece straight steel with square cross section, flat sides and minimum 0.23" radius on all corners; Minimum yield of 46,000 psi (ASTM-A500, Grade B); Longitudinal weld seam to appear flush with shaft side wall; Steel base plate with axial bolt circle slots welded to pole shaft having minimum yield of 36,000 psi (ASTM A36)
- BASE COVER:** Two-piece square aluminum base cover included standard
- POLE CAP:** Pole shaft supplied with removable cover when applicable; Tenon and post-top configurations also available
- HAND HOLE:** Rectangular 3x5 steel hand hole frame (2.38" x 4.38" opening); Mounting provisions for grounding lug located behind gasketed cover
- ANCHOR BOLTS:** Four galvanized anchor bolts provided per pole with minimum yield of 55,000 psi (ASTM F1554). Galvanized hardware with two washers and two nuts per bolt for leveling

Anchor bolt part numbers: 3/4 x 30 x 3 — TAB-30-M38
1 x 36 x 4 — TAB-36-M38

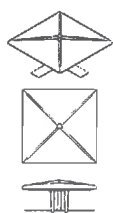
FINISH

- Durable thermoset polyester powder coat paint finish with nominal 3.0 mil thickness
- Powder paint prime applied over "white metal" steel substrate cleaned via mechanical shot blast method
- Decorative finish coat available in multiple standard colors; Custom colors available; RAL number preferable

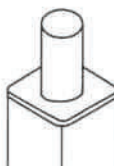
WAREHOUSE 'STOCKED' POLES:

- SSSH20-40A-4-HV-DB-RDC, SSSH25-40A-4-HV-DB-RDC and SSSH30-50B-4-HV-DB-RDC
- The HV designation in the above catalog numbers is a combination of the S2 pattern and the B3 pattern

POLE CAP



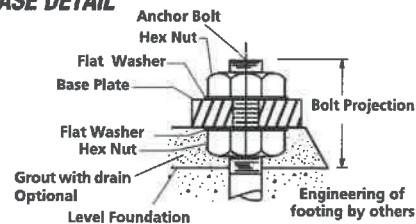
TENON



BASE COVER



BASE DETAIL



ORDERING INFORMATION

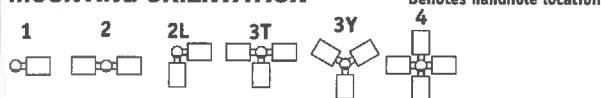
ORDERING EXAMPLE:

SSS-H - 25 - 40 - A/B/C - 2L - S2 - DBT - UL

Reference page 2 for available configurations

SERIES	HEIGHT	SHAFT	THICKNESS	MOUNTING	FINISH	OPTIONS
SSS-H Square Straight Steel Pole Hubbell Outdoor	Reference page 2 Ordering matrix	Reference page 2 Ordering matrix	Reference page 2 Ordering matrix	1 Single arm mount 2 Two fixtures at 180° 2L Two fixtures at 90° 3T Three fixtures at 90° 4 Four fixtures at 90° TA Tenon (2.38" OD x 4" Tall) TB Tenon (2.88" OD x 4" Tall) TC Tenon (3.5" OD x 6" Tall) TR Removable Tenon (2.38" x 4") OT Open Top (includes pole cap)	BLT Black Matte Textured BLS Black Gloss Smooth DBT Dark Bronze Matte Textured DBS Dark Bronze Gloss Smooth GTT Graphite Matte Textured LGS Light Grey Gloss Smooth PSS Platinum Silver Smooth WHT White Matte Textured WHS White Gloss Smooth VG Verde Green Textured Color Option CC Custom Color	GFI 20 Amp GFCI Receptacle and Cover EH Extra Handhole C05 .5" Coupling C07 .75" Coupling C20 2" Coupling MPB Mid-pole Luminaire Bracket VM2 2nd mode vibration damper LAB Less Anchor Bolts UL UL Certified

MOUNTING ORIENTATION



- Removable tenon used in conjunction with side arm mounting. First specify desired arm configuration followed by the "TR" notation. Example: SSS-H-25-40-A-1-S2-TR-DB
- Specify option location using logic found on page 2 (Option Orientation)
- VM1 recommended on poles 20' and taller with EPA of less than 1.

ACCESSORIES- Order Separately

Catalog Number	Description
VM1*	1st mode vibration damper
VM2SXX	2nd mode vibration damper

DRILL PATTERN

- B3** 2 bolt (2-1/2" spacing), Ratio
S2 2 bolt (3-1/2" spacing)


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ORDERING INFORMATION (Continued)

Catalog Number	Height		Nominal Shaft Dimensions	Wall Thickness	Bolt Circle (suggested)	Bolt Circle (range)	Bolt Square (range)	Base Plate Square	Anchor bolt size	Bolt Projection	Pole weight
	Feet	Meters									
SSS-H-10-40-A-XX-XX	10	3.0	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	77
SSS-H-12-40-A-XX-XX	12	3.7	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	90
SSS-H-14-40-A-XX-XX	14	4.3	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	103
SSS-H-16-40-A-XX-XX	16	4.9	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	116
SSS-H-18-40-A-XX-XX	18	5.5	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	129
SSS-H-20-40-A-XX-XX	20	6.1	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	142
SSS-H-25-40-A-XX-XX	25	7.6	4" square	0.125"	9"	8" - 10"	5.66" - 7.07"	9"	3/4" x 30" x 3"	3.5	175
SSS-H-14-40-B-XX-XX	14	4.3	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	152
SSS-H-16-40-B-XX-XX	16	4.9	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	171
SSS-H-18-40-B-XX-XX	18	5.5	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	190
SSS-H-20-40-B-XX-XX	20	6.1	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	209
SSS-H-25-40-B-XX-XX	25	7.6	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	257
SSS-H-30-40-B-XX-XX	30	9.1	4" square	.188"	11"	10" - 12"	7.07" - 8.48"	10.50"	3/4" x 30" x 3"	3.5	304
SSS-H-16-50-B-XX-XX	16	4.9	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	219
SSS-H-18-50-B-XX-XX	18	5.5	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	243
SSS-H-20-50-B-XX-XX	20	6.1	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	267
SSS-H-25-50-B-XX-XX	25	7.6	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	327
SSS-H-30-50-B-XX-XX	30	9.1	5" square	.188"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	387
SSS-H-25-50-C-XX-XX	25	7.6	5" square	.25"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	427
SSS-H-30-50-C-XX-XX	30	9.1	5" square	.25"	11"	10.25" - 13.25"	7.25" - 9.37"	11.50"	1" x 36" x 4"	4.5	507
SSS-H-20-60-B-XX-XX	20	6.1	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	329
SSS-H-25-60-B-XX-XX	25	7.6	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	404
SSS-H-30-60-B-XX-XX	30	9.1	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	479
SSS-H-35-60-B-XX-XX	35	10.7	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	554
SSS-H-40-60-B-XX-XX	40	12.2	6" square	.188"	12"	11.00" - 13.25"	7.81" - 9.37"	12.25"	1" x 36" x 4"	5.0	629

NOTE: Factory supplied template must be used when setting anchor bolts. Hubbell Lighting will deny any claim for incorrect anchorage placement resulting from failure to use factory supplied template and anchor bolts.

EHH - EXTRA HANDHOLE

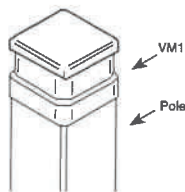
Provision for Grounding

C05 - C07 - C20 - COUPLING

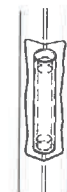
2" - 11.5 NPSC Threads

3/4" - 14 NPSC Threads

1/2" - 14 NPSC Threads

VM1 - VIBRATION DAMPER 1ST MODE

Field Installed Pole Top damper designed to reduce pole top deflection or sway. VM1 is recommended for pole systems 25' and taller with a total EPA of 1.0 or less.

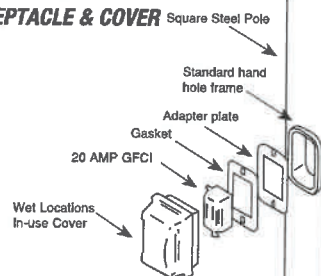
VM2 - VIBRATION DAMPER 2ND MODE

Factory installed, internal damper designed to alter pole resonance to reduce movement and material fatigue caused by 2nd mode vibration.

VM2SXX - VIBRATION DAMPER 2ND MODE

VM2S08 - 8'
VM2S12 - 12'
VM2S16 - 16'
VM2S20 - 20'
VM2S24 - 24'

Field installed, internal damper designed to alter pole resonance to reduce movement and material fatigue caused by 2nd mode vibration.

GFI - 20 AMP GFCI RECEPTACLE & COVER

Square Steel Pole

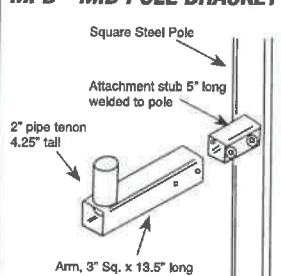
Standard hand hole frame

Adapter plate

Gasket

20 AMP GFCI

Wet Locations In-use Cover

MPB - MID POLE BRACKET

Square Steel Pole

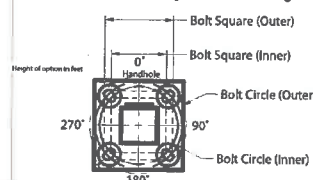
Attachment stub 5" long welded to pole

2" pipe tenon 4.25" tall

Arm, 3" Sq. x 13.5" long ships separately

OPTION ORIENTATION

Follow the logic below when ordering location specific options. For each option, include its orientation (in degrees) and its height (in feet). Example: Option C07 should be ordered as: SSS-H-20-40-A-TA-DBT-C07-0-15 (.5" coupling on the handhole/arm side of pole, 15 feet up from the pole base) 1' spacing required between option. Consult factory for other configurations.



Height of option in feet

270°

180°

90°

0°

Bolt Square (Outer)

Bolt Square (Inner)

Bolt Circle (Outer)

Bolt Circle (Inner)

For more information about pole vibration and vibration dampers, please consult https://hubbellcdn.com/ohwassets/HL/outdoor/resources/literature/files/Pole_Wind_Induced_Flyer_HL010022.pdf. Due to our continued efforts to improve our products, product specifications are subject to change without notice.



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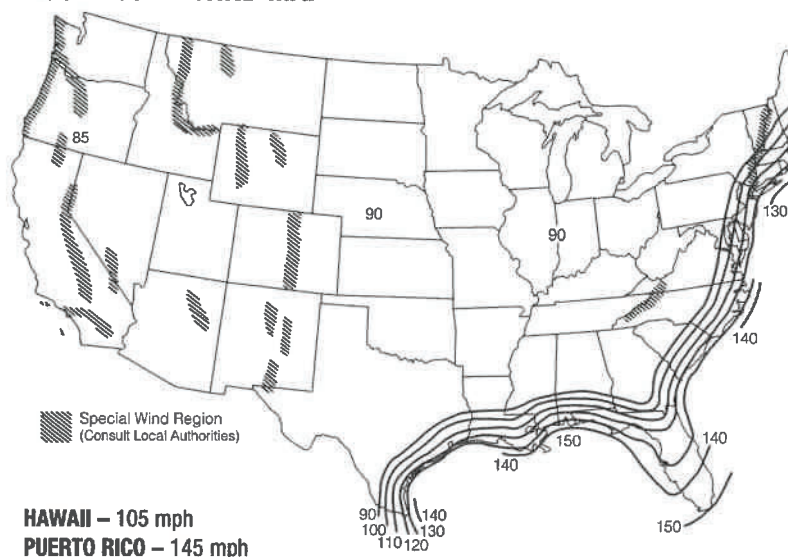
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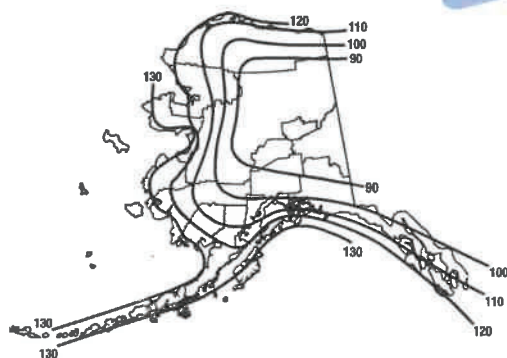
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ASCE7-05 WIND MAP**FLORIDA REGION WIND MAP**

- Florida region wind map above is based upon 3-second gust winds and the 2017 Florida Building Code

ALASKA REGION WIND MAP

ASCE 7-05 wind map EPA Load Rating - 3 second gust wind speeds
(Use for all locations except Florida)

Catalog Number	85	90	100	105	110	120	130	140	145	150
SSS-H-10-40-A	25.0	25.0	25.0	22.8	20.6	17.0	14.2	11.9	11.0	10.1
SSS-H-12-40-A	25.0	25.0	20.0	18.0	16.1	13.2	10.8	8.9	8.1	7.4
SSS-H-14-40-A	23.1	20.4	16.1	14.3	12.8	10.2	8.2	6.6	5.9	5.3
SSS-H-16-40-A	19.0	16.7	13.0	11.5	10.1	7.9	6.2	4.7	4.1	3.6
SSS-H-18-40-A	15.6	13.6	10.0	9.0	7.8	5.9	4.4	3.1	2.6	2.1
SSS-H-20-40-A	12.7	10.9	7.9	6.9	5.9	4.2	2.8	1.7	1.3	0.9
SSS-H-25-40-A	7.3	5.9	3.8	2.9	2.1	0.8	NR	NR	NR	NR
SSS-H-14-40-B	25.0	25.0	23.3	20.8	18.6	15.1	12.3	10.2	9.2	8.4
SSS-H-16-40-B	25.0	24.9	19.4	17.3	15.4	12.3	9.9	8.0	7.2	6.4
SSS-H-18-40-B	24.0	20.8	16.1	14.2	12.5	9.8	7.7	6.1	5.3	4.7
SSS-H-20-40-B	20.2	17.5	13.2	11.6	10.1	7.7	5.9	4.4	3.8	3.2
SSS-H-25-40-B	12.8	11.0	7.9	6.7	5.5	3.7	2.3	1.2	0.7	NR
SSS-H-30-40-B	8.0	6.6	4.1	3.1	2.2	0.8	NR	NR	NR	NR
SSS-H-16-50-B	25.0	25.0	25.0	25.0	24.8	20.1	16.5	13.6	12.3	11.2
SSS-H-18-50-B	25.0	25.0	25.0	22.9	20.4	16.4	13.2	10.7	9.6	8.6
SSS-H-20-50-B	25.0	25.0	21.3	18.9	16.7	13.2	10.4	8.1	7.2	6.3
SSS-H-25-50-B	20.7	17.8	13.3	11.5	9.8	7.2	5.0	3.3	2.6	1.9
SSS-H-30-50-B	13.5	11.3	7.7	6.2	4.9	2.8	1.1	NR	NR	NR
SSS-H-25-50-C	25.0	25.0	19.4	17.1	15.1	11.7	9.0	6.9	6.0	5.1
SSS-H-30-50-C	20.1	17.3	12.7	10.9	9.3	6.6	4.5	2.8	2.1	1.4
SSS-H-20-60-B	25.0	25.0	25.0	25.0	25.0	20.2	16.1	12.9	11.5	10.3
SSS-H-25-60-B	25.0	25.0	20.6	18.0	15.6	11.8	8.7	6.2	5.2	4.2
SSS-H-30-60-B	21.4	18.1	12.9	10.7	8.8	5.7	3.3	1.3	NR	NR
SSS-H-35-60-B	14.0	11.3	6.9	5.2	3.6	1.0	NR	NR	NR	NR
SSS-H-40-60-B	8.1	5.8	2.2	nr	NR	NR	NR	NR	NR	NR

Florida Building Code 2017 EPA Load Rating - 3 second gust wind speeds
(Use for Florida only)

Catalog Number	115	120	130	140	150	160	170	180
SSS-H-10-40-A	25.0	25.0	25.0	25.0	21.4	18.4	15.8	13.9
SSS-H-12-40-A	25.0	25.0	23.6	19.8	16.7	14.2	12.1	10.4
SSS-H-14-40-A	25.0	23.1	19.0	15.7	13.1	10.9	9.1	7.6
SSS-H-16-40-A	20.8	18.7	15.2	12.3	10.1	8.2	6.7	5.4
SSS-H-18-40-A	16.8	15.0	11.9	9.4	7.5	5.9	4.5	3.4
SSS-H-20-40-A	13.6	11.9	9.2	7.1	5.3	3.9	2.7	1.7
SSS-H-25-40-A	7.4	6.2	4.1	2.5	1.1	NR	NR	NR
SSS-H-14-40-B	25.0	23.6	19.4	16.1	13.4	11.2	9.4	7.8
SSS-H-16-40-B	21.4	19.2	15.6	12.7	10.4	8.5	6.9	5.6
SSS-H-18-40-B	17.2	15.4	12.2	9.7	7.7	6.1	4.7	3.6
SSS-H-20-40-B	13.9	12.3	9.5	7.3	5.5	4.1	2.9	1.9
SSS-H-25-40-B	7.7	6.4	4.3	2.6	1.3	NR	NR	NR
SSS-H-30-40-B	3.2	2.1	NR	NR	NR	NR	NR	NR
SSS-H-16-50-B	25.0	25.0	25.0	25.0	25.0	21.4	18.2	15.5
SSS-H-18-50-B	25.0	25.0	25.0	24.4	20.4	17.0	14.2	11.9
SSS-H-20-50-B	25.0	25.0	24.4	19.9	16.3	13.4	11.0	8.9
SSS-H-25-50-B	21.8	19.3	15.0	11.5	8.8	6.5	4.7	3.1
SSS-H-30-50-B	13.7	11.7	8.2	5.5	3.3	1.5	NR	NR
SSS-H-25-50-C	21.8	19.3	15.0	11.5	8.8	6.5	4.7	3.1
SSS-H-30-50-C	13.7	11.7	8.2	5.5	3.3	1.5	NR	NR
SSS-H-20-60-B	25.0	25.0	25.0	21.9	17.8	14.5	11.7	9.4
SSS-H-25-60-B	23.8	20.9	16.1	12.3	9.2	6.6	4.5	2.8
SSS-H-30-60-B	14.6	12.3	8.4	5.3	2.8	0.8	NR	NR
SSS-H-35-60-B	7.5	5.6	2.4	NR	NR	NR	NR	NR
SSS-H-40-60-B	1.8	NR	NR	NR	NR	NR	NR	NR



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SSS-H POLES-SPEC 03/2020

NOTES

- Allowable EPA, to determine max pole loading weight, multiply allowable EPA by 30 lbs.
- The tables for allowable pole EPA are based on the ASCE 7-05 Wind Map or the Florida Region Wind Map for the 2010 Florida Building Code. The Wind Maps are intended only as a general guide and cannot be used in conjunction with other maps. Always consult local authorities to determine maximum wind velocities, gusting and unique wind conditions for each specific application
- Allowable pole EPA for jobsite wind conditions must be equal to or greater than the total EPA for fixtures, arms, and accessories to be assembled to the pole. Responsibility lies with the specifier for correct pole selection. Installation of poles without luminaires or attachment of any unauthorized accessories to poles is discouraged and shall void the manufacturer's warranty
- Wind speeds and listed EPAs are for ground mounted installations. Poles mounted on structures (such as bridges and buildings) must consider vibration and coefficient of height factors beyond this general guide; Consult local and federal standards
- Wind Induced Vibration brought on by steady, unidirectional winds and other unpredictable aerodynamic forces are not included in wind velocity ratings. Consult Hubbell Lighting's Pole Vibration Application Guide for environmental risk factors and design considerations. https://hubbellcdn.com/ohwassets/HLL/outdoor/resources/literature/files/Pole_Wind_induced_Flyer_HLOI0022.pdf
- Extreme Wind Events like, Hurricanes, Typhoons, Cyclones, or Tornadoes may expose poles to flying debris, wind shear or other detrimental effects not included in wind velocity ratings

Due to our continued efforts to improve our products, product specifications are subject to change without notice.



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SSS-H POLES-SPEC 03/2020



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: October 12, 2021

Amount: N/A

Budget: N/A

Issue: Petition 21-33 Request from Elizabeth Bowyer on Behalf of Doragon Properties, LLC for a Special Use Permit to Operate a Craft Fair/Market and Variance to Section 7:01.D.48 to Allow the Craft Fair/Market on Land Designated as Agricultural in the Kendall County Land Resource Management Plan at 5681 Whitewillow Road (PIN: 09-31-100-005) in Seward Township

Background and Discussion:

Petitioner wish to operate a craft fair/market on the subject property. Property is zoned A-1 with a special use permit for a landscaping business.

The record for the Petition can be found here,
<https://www.co.kendall.il.us/home/showpublisheddocument/21120/637686949186437253>

The draft ordinance is attached.

Committee Action:

ZPAC-Approval (7-0-3), RPC-Approval (8-1-1), ZBA-Approval (5-0-2), Seward Township Planning Commission-Approval (5-0), Seward Township Board-Approval, Lisbon-Seward Fire Protection Dist-Approval with Condition, PBZ Committee-Approval with Conditions (5-0)

Staff Recommendation:

Approval with Conditions

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: October 13, 2021

ORDINANCE NUMBER 2021-_____

**GRANTING SPECIAL USE PERMITS FOR THE SALE OF AGRICULTURAL PRODUCTS,
POTTERY, ART, AND HOME DÉCOR NOT PRODUCED ON THE PREMISES AND
VARIANCE TO SECTION 7:01.D.48 ALLOWING SUCH USE ON LAND DESIGNATED AS
AGRICULTURAL ON THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN
AT 5681 WHITEWILLOW ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION
NUMBER 09-31-100-005 IN SEWARD 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 7:01.D.47 of the Kendall County Zoning Ordinance permits the sale of agricultural products not grown on the premises as a special use in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7:01.D.48 of the Kendall County Zoning Ordinance permits the sale of pottery, art, and home décor as a special use with certain conditions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7:01.D.48 of the Kendall County Zoning Ordinance requires the sales of pottery, art, and home décor to occur on land not designated as Agricultural on the Kendall County Land Resource Management Plan; 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 50.00 +/- acres located at 5681 Whitewillow Road (PIN: 09-31-100-005), in Seward 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 June 21, 2015, the Kendall County Board approved Ordinance 2005-37 granting a special use permit for a landscaping business and nursery at the subject property; and

WHEREAS, the subject property is owned by Doragon Properties, LLC as represented by Elizabeth Bowyer and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about August 24, 2021, Petitioner’s representative filed a petition for special use permits for the sale of agricultural products, pottery, art, and home décor not produced at the subject property and a variance to Section 7:01.D.48 of the Kendall County Zoning Ordinance allowing such use on land designated as Agricultural in the Kendall County Land Resource Management Plan in order to operate a craft fair; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on September 2, 2021, the Kendall County Zoning Board of Appeals held a public hearing on September 27, 2021, at 7:00 p.m., in the County Board Room of the Kendall County Office Building at 111 W. Fox Street in Yorkville at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested special use permits and variance and zero members of the public asked questions or testified in favor or 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 special use permits and variance as set forth in

the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 27, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and 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 of the requested special use permits and variance; 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, these special use permits and variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

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 special use permits for the sale of agricultural products, pottery, art, and home décor not produced on the premises and variance to Section 7:01.D.48 allowing such use on land designated as Agricultural in the Kendall County Land Resource Management Plan subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the site aerial attached hereto as Exhibit C. Other than parking and signage, the craft fair shall be limited to area designated as "Vendor Area" on the aerial. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures.
 - B. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.
 - C. The subject parcel must remain at least three (3) acres in size.
 - D. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting.
 - E. Retail and wholesale sales may occur outside existing buildings.
 - F. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
 - G. A maximum of thirty-five (35) vendors may be on the subject property.
 - H. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per

month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between April 1st and November 1st with one (1) additional Saturday allowed for a Christmas craft fair.

- I. A maximum of five (5) people, including the property owner and their family members, shall be employees of the business allowed by this special use permit.
- J. The owners of the business allowed by this special use permit may install one (1) sign on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in the picture attached hereto as Exhibit D. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.
- K. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
- L. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

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.
- M. Two (2) strategically placed operating fire extinguishers and first aid kits shall be placed on the subject property along with applicable signage for the fire extinguishers and first aid kits.
- N. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of uses.
- P. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.
- Q. 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.

- R. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. These special use permits and variance 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 these special use permits.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19th day of October, 2021.

Attest:

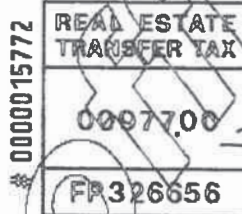
Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

LEGAL DESCRIPTION

That part of the North half of the Northwest quarter of Section 31, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of said Northwest quarter, said point being the point of beginning; thence along the North line of said Northwest quarter North 89 degrees 28 minutes 50 seconds East for a distance of 1789.78 feet to a point on the East line of said Northwest quarter; thence along said East line South 00 degrees 35 minutes 51 seconds East for a distance of 1294.24 feet; thence South 88 degrees 58 minutes 23 seconds West for a distance of 1803.50 feet to a point on the West line of said Northwest quarter; thence along said West line North 00 degrees 00 minutes 00 seconds East for a distance of 415.62 feet; thence North 90 degrees 00 minutes 00 seconds East for a distance of 590.52 feet; thence North 00 degrees 00 minutes 00 seconds East for a distance of 295.06 feet; thence South 90 degrees 00 minutes 00 seconds West for a distance of 590.52 feet to a point on said West line; thence along said West line North 00 degrees 00 minutes 00 seconds East for a distance of 599.60 feet to the point of beginning, in the County of Kendall, State of Illinois.



COUNTY OF KENDALL

REAL ESTATE TRANSFER TAX

488.50 m

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on September 27, 2021, by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and Whitfield were absent.

FINDINGS OF FACT-SPECIAL USE PERMIT

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 subject property already has an established landscaping and nursery business. The proposed use will complement the existing special use and will minimally impact the area.

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 are proposed that will regulate hours of operation, site layout, and noise. No new buildings or other significant alterations away from the current appearance of the property or general area are planned.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Utilities are already available at the property. Parking areas are already established. The property previously secured a stormwater management permit.

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. This is true provided the variance to allowing the use on property designated as Agricultural on the Land Resource Management Plan is approved.

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 9-21 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.”

FINDINGS OF FACT-VARIANCE

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. There is no topographical hardship.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Very few A-1 zoned properties have an existing commercial use as intense as the use located on the subject property. Most properties zoned A-1 and classified as Agricultural on the Land Resource Management Plan do not have the existing facilities to support this type of use.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create or request the land designation contained in the Land Resource Management Plan.

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 subject property already has a special use permit. The proposed use would only operate for a very brief time of the year. No improvements to the property are planned as part of the proposal. Therefore, no injury to the public welfare or other properties is foreseen.

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. Because of the limited operations proposed and because no new structures are planned, the proposal will not impair the supply of light or air to adjacent properties, cause increased congestion on local streets, endanger public safety, or impair property values.

RECOMMENDATION

Approval subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted aerial. Other than parking and signage, the craft fair shall be limited to area designated as "Vendor Area" on the aerial. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures.
2. A variance to Section 7:01.D.48 shall be granted to allow the sale of pottery, art, and home décor not produce on the premises to occur on property designated as Agricultural on the Future Land Use Map.
3. The subject parcel must remain at least three (3) acres in size.
4. The uses allowed by this special use permit must occur in a manner that will preserve the existing pastoral setting. To that end, no vendor stall located in the northern row of the vending area shall be open toward the north.
5. Retail and wholesale sales may occur outside existing buildings.
6. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
7. A maximum of thirty-five (35) vendors may be on the subject property.
8. The uses allowed by this special use permit may operate a maximum of one (1) Saturday per month. The uses may be open for sale between the hours of 8:00 a.m. and 4:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing. The uses allowed by this special use permit may be operational between April 1st and November 1st.
9. A maximum of five (5) people, including the property owner and their family members, shall be employees of the business allowed by this special use permit.
10. The owners of the business allowed by this special use permit may install one (1) sign on the subject property at the southeast corner of Whitewillow and Brisbin Roads in substantially the size and appearance of the sign shown in the submitted picture. The sign shall not be illuminated. The sign may be in place May 1st until December 1st. The owners of the business allowed by this special use permit may install additional directional signage for patrons inside the property.

11. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall be generated by the uses allowed this special use permit.
13. Two (2) strategically placed operating fire extinguishers and first aid kits shall be placed on the subject property along with applicable signage for the fire extinguishers and first aid kits.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of uses.
16. The conditions and restrictions contained in this special use permit shall be separate from the conditions and restrictions contained in Ordinance 2005-37.
17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
19. 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.

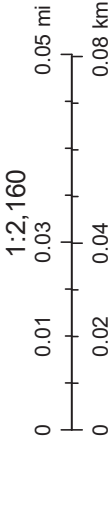


July 15, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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Kendall County Web GIS



07/17/2021 08:00



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: September 13, 2021

Amount: N/A

Budget: N/A

Issue: Petition 21-26 Request from Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis for Major Amendments to the Special Use Permit for a Banquet Facility Granted by Ordinance 2019-23 at 10978 Crimmin Road, Newark, in Fox Township

Background and Discussion:

Petitioners are Requesting:

Dividing the Building Allowed to be a Banquet Facility into Separate Event Spaces, Setting the Maximum Capacities of the Event Spaces, Setting the Days of and Hours of Operation for the Event Spaces, Amending the Landscaping Plan, and Removing the Requirement that the Barn Doors be Closed by 7:00 p.m. at Events with Music

The record for the Petition can be found here,
<https://www.co.kendall.il.us/home/showpublisheddocument/20679/637692012158100000>

The draft ordinance is attached.

Committee Action:

ZPAC-Approval (6-0-4), RPC-Approval (8-0-2), ZBA-Approval (4-0-3), Fox Township Planning Commission-Partial Fox Township Board-Had Concerns, Village of Newark-No Comments, Newark Fire Protection Dist-No Comments, PBZ Committee-Neutral (5-0), COW-Foward to Board (8-0-2)

Staff Recommendation:

Approval with Conditions

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning Department

Date: October 14, 2021

ORDINANCE NUMBER 2021-_____

GRANTING MAJOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR A BANQUET FACILITY GRANTED BY ORDINANCE 2019-23 BY DIVIDING THE BUILDING ALLOWED TO BE A BANQUET FACILITY INTO SEPARATE EVENTS SPACES, SETTING THE MAXIMUM CAPACITIES OF THE EVENT SPACES, SETTING THE DAYS OF AND HOURS OF OPERATION FOR THE EVENT SPACES, AMENDING THE LANDSCAPING PLAN, AND REMOVING THE REQUIREMENT THAT THE BARN DOORS BE CLOSED BY 7:00 P.M. AT EVENTS WITH MUSIC ON A 38.34 ACRE +/- PARCEL LOCATED AT 10978 CRIMMIN ROAD ON THE PROPERTY IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-31-200-014, 04-32-100-006, AND 04-32-100-008 IN FOX TOWNSHIP

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, place conditions on special use permits, amend special use permits, and provides the procedure through which special use permits are granted and amended; and

WHEREAS, Section 7:01.D.12 of the Kendall County Zoning Ordinance permits the operation of banquet halls as a special use with certain restrictions in the A-1 Agricultural Zoning District; 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 38.34 acres located at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-31-200-014, 04-32-100-006, AND 04-32-100-008) in Fox 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 August 27, 2019, the Kendall County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility with restrictions at the subject property; and

WHEREAS, Condition 2.A of Ordinance 2019-23 established a landscaping plan at the subject property; and

WHEREAS, Condition 2.C of Ordinance 2019-23 set the maximum number of guests in attendance at a banquet center related event at two hundred eighty (280); and

WHEREAS, Condition 2.I of Ordinance 2019-23 required that the north and south barn doors be closed by 7:00 p.m. at events with music; and

WHEREAS, Condition 2.J of Ordinance 2019-23 established the hours of operation, a season of operation, and set a maximum number of events allowed at the subject property at thirty (30);

WHEREAS, the subject property is currently owned by Madison Trust and Castle Bank N A as represented by Robert Bright and JoAnn Bright-Theis has permission to operate a banquet facility on the subject property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about June 22, 2021, the Petitioner’s representative filed a petition for a major amendment to Ordinance 2019-23 which granted a special use permit allowing the operation of a banquet facility at the

subject property by dividing the building allowed to be a banquet facility into separate event spaces, setting the maximum capacities of the event spaces, setting the days of and hours of operation for the event spaces, and removing the requirement that the barn doors be closed by 7:00 p.m. at events with music; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on July 15, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on August 2, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested major amendments to an existing special use permit and zero members of the public testified in favor, one member of the public testified in opposition, and one member of the public expressed concerns regarding the requested major amendments; 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 amendments to an existing special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 2, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and 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 neutral recommendation of the requested major amendments 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, these major amendments to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

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 major amendments to the special use permit granted by Ordinance 2019-23 which allowed for the operation of a banquet facility on the subject property subject to the following conditions:
 - A. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on building diagram attached hereto as Exhibit C.
 - B. The landscaping plan referenced in Condition 2.A of Ordinance 2019-23 is amended to include the amended landscaping attached hereto as Exhibit D. The twelve (12) cedar trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021.

- C. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
“A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests on the property for banquet center events shall not exceed a total of two hundred eighty (280) guests.”
 - D. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
“No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by the owners of the business allowed by the special use permit.”
 - E. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
“Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment and may occur at any time. Setup for events in either event spaces would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. Event Space A would close on November 15th and reopen April 15th. Event Space B may operate year round.”
 - F. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
 - G. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
 - H. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. These major amendments to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
 - 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect these major amendments 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 19th day of October, 2021.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter of Section 30, that part of the Northeast Quarter of Section 31 and that part of the Northwest Quarter of Section 32, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter of Section 31; thence Southerly, along the East Line of said Northeast Quarter, 412.50 feet for a point of beginning; thence West, along a line which is parallel with the North Line of said Northeast Quarter and which forms an angle of $88^{\circ}55'20''$ with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of $136^{\circ}30'40''$ with the last described course, measured counter-clockwise therefrom, 506.73 feet to the centerline of Crimmins Road; thence Northeasterly, along said centerline which forms an angle of $105^{\circ}18'51''$ with the last described course, measured counter-clockwise therefrom, 50.50 feet; thence Northeasterly, along said centerline being a tangential curve to the right with a radius of 2300.0 feet, an arc distance of 1058.74 feet; thence Northeasterly, along said centerline which is tangent to the last described curve at the last described point, 299.42 feet; thence Northeasterly, along said centerline being a curve to the left with a radius of 730.0 feet, an arc distance of 8.76 feet to the West Line of said Southwest Quarter of Section 29; thence Southerly, along said West Line, 22.82 feet; thence Southeasterly, along a line which forms an angle of $136^{\circ}53'45''$ with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of $148^{\circ}16'44''$ with the last described course, measured counter-clockwise therefrom, 889.54 feet to a point on a Southerly Line of a Tract conveyed to Robert A. Bright as Trustee of the Robert A. Bright Declaration of Trust by Trustee's Deed recorded as Document 9801248 on February 4, 1998; thence Southwesterly along said Southerly Line which forms an angle of $89^{\circ}59'40''$ with the last described course, measured counter-clockwise therefrom, 197.0 feet to a Southerly Corner of said Bright Tract; thence Northwesterly, along a line which forms an angle of $95^{\circ}37'45''$ with the last described course, measured counter-clockwise therefrom, 359.61 feet to a point on a line drawn Easterly, parallel with the North Line of said Northwest Quarter of Section 32, from the point of beginning and which is 607.20 feet from the point of beginning; thence Westerly, along said parallel line which forms an angle of $107^{\circ}48'12''$ with the last described course, measured clockwise therefrom, 607.20 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 38.3391 acres.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on August 2, 2021. Members Cherry, LeCuyer, and Whitfield were absent.

FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The Kendall County Zoning Board of Appeals did not make a finding of this fact. Chairman Mohr and Member Thompson voted for a positive finding and Members Clementi and Fox voted for a negative finding.

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 proposed use will be injurious to the enjoyment of other property in the immediate vicinity due to noise, light created from the proposed use, and increased traffic. Some of the negative impacts of the proposed use on properties in the immediate vicinity cannot be mitigated by establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit. Chairman Mohr and Members Clementi and Fox voted for the negative finding and Member Thompson voted for a positive finding.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress. Finding approved by all members present.

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 site conforms to the regulations of the A-1 Agricultural Zoning District. Members Clementi, Fox, and Thompson voted for the positive finding and Chairman Mohr voted for a negative finding.

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 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness." Chairman Mohr and Members Clementi and Fox voted for the positive finding and Member Thompson vote for a negative finding.

RECOMMENDATION

Approval by vote of four (4) in favor and zero (0) in opposition subject to the following conditions:

1. The building shall be divided as requested by the Petitioners.
2. The landscaping plan shall be amended to reflect the planting of the twelve (12) cedar trees as shown on the revised landscaping plan. The trees shall be approximately twelve feet (12') tall

at the time of planting and shall be planted by November 30, 2021.

3. As requested by the Petitioners, the maximum number of guests in Event Space A shall be two hundred eighty (280) and the maximum number of guests in Event Space B shall be sixty (60). There shall be only one (1) event on the property at a given time and the total allowable number of guests shall not exceed two hundred eighty (280) guests.
4. The Petitioners' request that the barn doors be open after 7:00 p.m. be denied.
5. A condition should be added requiring musicians and disc jockeys to plug into a sound system provided and controlled by the business owners.
6. Events in either space should conclude by 10:00 p.m. on weekdays and 11:00 p.m. on weekends with customers given one (1) hour to vacate the premises. Tours of the facility shall be by appointment. The definition of weekend and weekday would not change from the existing ordinance.
7. As requested by the Petitioners, setup for events in either space would start at 9:00 a.m. on the day of the event.
8. As requested by the Petitioners, Event Space A would close on November 1st and reopen April 1st. Event Space B may operate year round.
9. As requested by the Petitioners, the cap on the number of events per weekend and the cap on the number events in a season should be removed.
10. All other conditions and restrictions in Ordinance 2019-23 shall remain effective.
11. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

