

KENDALL COUNTY REGIONAL PLANNING COMMISSION

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560

AGENDA

Wednesday, December 8, 2021 – 7:00 p.m.

CALL TO ORDER

<u>ROLL CALL:</u> Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Bob Stewart, Claire Wilson, and Seth Wormley

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from October 27, 2021 Meeting (Pages 3-22)

PETITIONS

1. Petition 21 – 37 – Kendall County Planning, Building and Zoning Committee (Pages 23-41)

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to the Illinois Garden Act

and Roadside Stand Regulations

Purpose: Petitioner Wishes Vegetable Gardens and Roadside Stands To Be Permitted Uses on all

Residentially Zoned Properties, Establishes Sight-Line Requirements to Vegetable Gardens, Updates Appendix 9, Table of Uses, and Makes Citation Corrections to the Zoning Ordinance

2. Petition 21 – 46 – Greg Dady on Behalf of DTG Investments, LLC and Robert A. Baish on

Behalf of Baish Excavating, Inc. (Pages 42-99)

Request: Major Amendments to a Special Use Permit for a Landscaping Business Granted by Ordinance

2007-10 by Changing the Number of Employees Reporting to the Property, Amending the Site Plan, and Removing the Restrictions Forbidding the Parking and Storing of Vehicles, Equipment,

and Landscaping Materials Outdoors

PIN: 06-09-400-005

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

Purpose: Petitioner Wants to Operate Landscaping Business at the Property; Property is Zoned A-1

Agricultural District

3. Petition 21 – 48 – Brian Henrichs on Behalf of Baka Properties, LLC (Pages 100-120)

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to R-3 One

Family Residential District

PIN: 02-34-130-004

Location: 55 Riverside Street (Lot 183 in Fox River Gardens), Bristol Township

Purpose: Petitioner Wants to Rezone the Property in Order to Subdivide the Property and Construct Two

Homes

4. Petition 21 – 49 – Irma Loya Quezada (Pages 121-135)

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to R-1 One

Family Residential District

PINs: 09-18-300-018 (Part) and 09-18-300-019 (Part)

Location: On the East Side of Brisbin Road Across from 14859 and 14975 Brisbin Road, Seward Township

Purpose: Petitioner Wants to Rezone the Property in Order to Divide the Property and Construct Two

Homes

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS:

1. Review of Annual Meeting Invitation List (Pages 136-137)

OLD BUSINESS:

1. None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

- 1. Petition 21-26 Banquet Facility at 10978 Crimmin Road
- 2. Petition 21-32 Rezoning East and South of 800 Route 126
- 3. Petition 21-36 Landscaping Business at 3549 and 3527 Bell Road

OTHER BUSINESS/ANNOUNCEMENTS

1. November 16, 2021 Letter from Clarence DeBold, Mayor of Shorewood, to County Board Chairman Scott Gryder RE: Village of Shorewood Extra-Territorial Jurisdiction (Pages 138-141)

ADJOURNMENT Next Meeting January 26, 2022

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

KENDALL COUNTY REGIONAL PLANNING COMMISSION

Kendall County Office Building Rooms 209 and 210 111 W. Fox Street, Yorkville, Illinois

Unapproved - Meeting Minutes of October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and

Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member Wilson, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Bledsoe, to approve the minutes of the September 22, 2021, meeting. With a voice vote of seven (7) ayes, the motion carried.

PUBLIC HEARING

Petition 21-40 Robert J. Fisher

The Kendall County Regional Planning Commission started their review of Petition 21-40 at 7:29 p.m.

Chairman Ashton opened the public hearing at 7:29 p.m.

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

Petition information was sent to Seward Township on September 24, 2021. No comments have been received.

Petition information was sent to the Village of Minooka on September 24, 2021. No comments have been received.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021. No comments have been received.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

Staff recommended approval of the requested amendment.

Chairman Ashton asked if the classification of the parcel to the east in the County's Land Resource Management Plan pre-existed the application. Mr. Asselmeier responded yes.

Boyd Ingemunson, Attorney for the Petitioner, asked if anyone had any questions.

There were no additional questions or comments from the Planning Commissioners or members of the public.

Member Nelson made a motion, seconded by Member Wilson, to close the public hearing. With a voice vote of seven (7) ayes, the motion carried.

Chairman Ashton closed the public hearing at 7:34 p.m.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the requested amendment to the Future Land Use Map.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

Absent (3): McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

The Kendall County Regional Planning Commission concluded their review of Petition 21-40 at 7:35 p.m.

Without objection, Chairman Ashton amended the agenda to move Petition 21-41 to ahead of Petition 21-36.

PETITIONS

Petition 21-41 Robert J. Fisher

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021. The LESA Score was 229 indicating a high level of protection. The NRI was provided.

Petition information was sent to Seward Township on September 24, 2021. No comments have been received.

Petition information was sent to the Village of Minooka on September 24, 2021. No comments have been received.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021. No comments have been received.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

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

There is electricity along O'Brien Road. No other public or private utilities are onsite.

The property fronts O'Brien Road. Staff has no concerns regarding the ability of O'Brien Road to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors are foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise is anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact 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 larger lot single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

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 single-family residential uses found in rural settings.

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 Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Rural Estate Residential was approved, Staff recommended approval of the proposed map amendment.

Member Wilson asked how much acreage was not in the floodplain. Based on the aerial, it appeared approximately ten (10) acres was outside the floodplain.

Member Nelson asked how many houses could be placed on the property using the Plat Act exemptions. Mr. Asselmeier noted that the property had over six hundred feet (600') of frontage. Based upon the County's two hundred foot (200') frontage requirements for R-1 zoned property and the minimum lot size of slightly less than three (3) acres, a maximum of three (3) houses could be placed upon the property. Due to the floodplain, the placement of two (2) houses was more likely without going through the subdivision process. Discussion occurred regarding the placement of septic systems in relation to the floodplain.

Boyd Ingemunson, Attorney for the Petitioner, noted that the Petitioner does not intend to construct a house on the property; the Petitioner would like to market the property as a residential site for sale.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the map amendment.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

Absent (3): McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

Petition 21 – 36 – Brenda and Gary Zeiter and Devan and Brady Woolverton

Mr. Asselmeier summarized the request.

The Petitioners would like operate a landscaping business, Zeiter Landscaping, Inc., at the subject property.

The application materials, NRI Report, site plan, topographic survey, pictures of the proposed landscaping and the aerial of the property were provided.

In 2000, Brenda and Gary Zeiter were awarded a special use permit at 16765 Hanson Road for their landscaping business. While they indicated their plans include moving the business from Hanson Road to the subject property, they would like to retain a special use permit at the Hanson Road property. The special use permit for the property on Hanson Road was provided. Since 2000, neither the Sheriff's Department nor the Planning, Building and Zoning Department have received any complaints regarding the landscaping business on Hanson Road.

If approved, the landscaping business would be addressed as 3549 Bell Road. A house for the owner/operator of the business is planned on the southern portion of the property and would be addressed as 3527 Bell Road.

The property was approximately ten (10) acres in size.

The County's Future Land Use Map called for the property to be Rural Residential (Max 0.65 DU/acre). Shorewood's Future Land Use Map called for the property to be Residential.

Bell Road is a Township maintained Minor Collector.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses were agricultural and farmstead.

The adjacent properties were zoned A-1.

Kendall County's Future Land Use Map called for the area to be Rural Residential. Shorewood's Future Land Use Map called for the area to be Residential.

The nearby properties were zoned A-1, A-1 SU and R-1.

The A-1 special use permit to the north is horse related and the special use permit to west is for an agricultural helipad.

EcoCAT Report was submitted and consultation was terminated.

The NRI application was submitted and the LESA Score was 233 indicating a high level of protection. The NRI Report was provided.

The Seward Township Planning Commission reviewed this proposal on May 13, 2021, and recommended the project move forward. The minutes of this meeting were provided.

Petition information was sent to the Village of Shorewood on September 24, 2021. Since the property was greater than one point five (1.5) miles from the Village, Shorewood declined to comment on the proposal. The email stating their position was provided.

Petition information was sent to the Lisbon-Seward Fire Protection District on September 24, 2021. The Lisbon-Seward Fire Protection District submitted an email on October 6, 2021, requesting at least one (1) fire extinguisher and one (1) first aid kit on the property. The email was provided. The Petitioners were agreeable to this request.

KCRPC Meeting Minutes 10.27.21

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred regarding having landscaping businesses on minor collector roads. The Kendall County Soil and Water Conservation District requested a soil erosion and sediment control plan in place during construction and the need to secure a NPDES Permit if one (1) acre or more land was disturbed. The Petitioner has secured applicable building permits for the house from the Kendall County Planning, Building and Zoning Department and the Kendall County Health Department. The Kendall County ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zone property subject to the following conditions:

- 1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
- 2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
- 3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials, the above conditions have been met.

According to the submitted business plan, Zeiter Landscaping, Inc. has been in business over twenty-five (25) years. The business operates from March through November and employs ten (10) people. The business is operational Monday through Saturday. Employees arrive at the property between 6:15 a.m. and 7:00 a.m., gather supplies and equipment, and leave the property for job site by 7:30 a.m. Employees return to the property between 5:00 p.m. and 6:00 p.m., unload equipment and supplies, and leave the property.

All business related vehicles and equipment would be parked inside overnight and trailers would be parked in the rear of the property.

Employee's personal vehicles would remain on the property during business hours.

Deliveries of landscaping materials by semis would occur no more than two to three (2-3) times per week.

If approved, the Petitioners plan to start operations immediately.

According to the site plan and the topographic survey, one (1) approximately two thousand four hundred (2,400) square foot house for the operators of the landscaping business is planned on the south side of the property. One (1) approximately twelve thousand (12,000) square foot metal building would be also be placed on the property. This building will be one (1) story with two (2) canopies.

According to the site plan, four (4) storage bins for landscaping materials would be located northeast of the metal building. These bins would be approximately ten feet (10') west of the eastern property line. The bins would be a total of ninety-six feet (96') wide, eighteen feet (18') in depth, and materials as high as eight feet (8') in height.

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

Per the site plan and the topographic survey, the property is served by septic. The property also has a well. Electricity will be onsite.

Employees will be able to use the restroom inside the metal building.

There is also a propane tank on the premises located north of the metal building.

Though not shown on the site plan or topographic survey, a dumpster is planned north of the metal building.

There are three (3) natural gas pipelines going through the property.

The Petitioners plan to construct the metal building on one (1) of the highest points of the property. The northern portion of the property drains to the northwest and the southern portion of the property drains to the southeast.

The topographic survey shows several temporary dirt berms around the house. These berms will be removed when construction of the house is complete.

A stormwater management permit will be required.

WBK submitted a letter requesting additional information; the letter was provided.

Per the site plan and topographic survey, access from Bell Road to the business operation will be by a twenty foot (20') wide driveway located approximately twenty-five feet (25') off of the eastern property line. The driveway will be constructed of asphalt grindings. The new house will also utilize the driveway.

According to the site plan the Petitioners plan to install an area around the metal building with asphalt grindings. There are five (5) parking spaces available on the east side of the area for employee parking. Trailers would be parked north of the metal building.

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

No handicapped parking spaces were planned.

If there is a motor vehicle or equipment related leak, the area impacted would be cleaned.

The Petitioners indicated that they plan to install one (1) light in the middle of the metal building facing east, one (1) on the metal building facing north, and three (3) can lights under the office and garage area. Because the number of parking spaces was under thirty (30), a photometric plan was not required, but the Petitioners will be required to follow the applicable lighting regulations in the Kendall County Zoning Ordinance.

Though not shown on the site plan or the topographic survey, the Petitioners would like to install one (1) two (2)-faced sign on the east side of the driveway. The sign will not be illuminated.

No fencing is planned.

The topographic survey shows one (1) area south of the employee parking with mulch and evergreens. A second mulch and evergreen area is shown northwest of the metal building. Pictures of the type of vegetation

that would be installed were provided. The plantings will consist of nine (9) eight foot (8') Colorado Blue Spruce and five (5) maple trees between two point five inches and three inches (2.5" and 3") caliber. The plantings would be installed by the end of 2021.

One (1) berm south of the metal building is shown on the topographic survey. The berm will have landscaping and evergreens. The berm shall be two point five feet (2.5') in height and five feet (5') wide.

One (1) gravel mound is shown on the topographic survey. The Petitioners plan to have it leveled by the end of November.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the eighteenth (18th) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact 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 and topographic plan and provided the business plan is followed regarding hours of operation and business related deliveries, 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 Seward 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 be able to use the restroom facilities inside the metal building. 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. The special use shall conform to the applicable regulations of the district and no variances were requested.

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".

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 and topographic survey. A refuse area may be installed north of the metal building. One (1) two (2)-faced sign may be installed east of the driveway. The sign shall not be illuminated.
- 2. The owners of the business allowed by the special use permit shall maintain the parking area and driveway shown on the site plan and in substantially the same locations as depicted on the site plan and topographic survey. The parking area and driveway shall be asphalt grindings.
- 3. 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.
- 4. Any new structures, signs, or lights constructed or installed on the property related to the operations of the business allowed by this special use permit 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 must be stored indoors during non-operational business hours. This condition does not extend to trailers; they may be stored outdoors in the trailer parking area designated on the site plan.
- 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 eight feet (8'), provided a Stormwater Management Permit is issued.
- 9. Nine (9) Colorado Blue Spruce, a minimum of eight feet (8') in height, and five (5) maple trees at least two point five (2.5) caliber at the time of planting shall be planted in the areas identified as landscaping and areas with mulch and evergreens and on the dirt berm as identified in the topographic survey and as visually depicted on the landscaping submitted images. Damaged or dead trees or Colorado Blue Spruces shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The landscaping shall be installed by December 31, 2021. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.

- 10. No landscape waste generated off the property can be burned on the subject property.
- 11. A maximum of ten (10) 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.
- 12. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
- 13. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 6:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
- 14. Deliveries of materials related to the business allowed by the special use permit by semis or tractor trailers shall be restricted to a maximum of three (3) in a seven (7) day period. There shall be no cap on the number of deliveries of materials related to the business allowed by the special use permit by non-semis or non-tractor trailers.
- 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. 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.
- 17. The owners or operators of the business allowed by this special use shall reside at the subject property as their primary place of residence.
- 18. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 19. 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.
- 20. 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.

- 21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 22. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Nelson asked if the Petitioner had any objections to the conditions. Brenda Zeiter, Petitioner, had no objections to the conditions.

Ron and Fran Miller stated that they owned the property north of the subject property. They were concerned about the lack of landscaping on the north side of the subject property. They noted that landscaping was planned on the west and east sides of the subject property. They were concerned about the storage of debris and equipment north of the metal building. They requested a berm and trees north of the metal building. They also provided pictures of tires laying in the field. Ms. Zeiter said that they planned to farm the area north of the metal building beyond the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey. Ms. Zeiter said she would remove the tires by the weekend, weather permitting. Ms. Zeiter was agreeable to the addition of a restriction stating that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only. This line was approximately five hundred fifty feet (550") south of the northern property line. The area north of the northern "Proposed Limit of Landscaping Business" line will be farmed with the exception of the area around the septic field.

The Millers also asked if the special use would be transferred to a future property owner. The special use would run with the land and a future property could operate a landscaping business under the same conditions as approved by the County Board. No other business could go on the property without securing proper zoning; a trucking company could not locate on the property.

Member Wilson noted that the Petitioners transformed the property on Hanson Road into a showcase. She also consulted with the Petitioner on a portion of the application and she was recusing herself on the vote.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the special use permit with the conditions proposed by Staff and the added condition that no storage of any materials or equipment related to the business allowed by this special use permit shall occur north of the northern "Proposed Limit of Landscaping Business" line as shown on the topographic survey and this same area shall be used for agricultural purposes only.

The votes were as follows:

Ayes (6): Ashton, Bledsoe, Casey, Hamman, Nelson, and Wormley

Nays (0): None

Absent (3): McCarthy-Lange, Rodriguez, and Stewart

Abstain/Recused (1): Wilson

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

Petition 21-37 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

KCRPC Meeting Minutes 10.27.21

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act becomes effective January 1, 2022. A copy of Public Act 102-0180 was provided.

Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

Below please find the redlined version of the proposal:

8:02.A Permitted Uses in the R-1

5. Lands and buildings used for horticulture or farm purposes including vegetable gardens as defined by the Garden Act.

8:06.A Permitted Uses in the R-2

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:
- a. Lands and buildings used for horticultural or farm purposes, not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A
- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
- e. b. Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

8:07.A Permitted Uses in the R-3

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:
- a. Lands and buildings used for horticultural or farm purposes, not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A
- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and

e. b. Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts

6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.

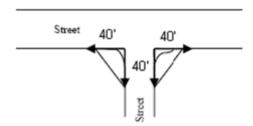
10. Vegetable Gardens as defined by the Garden Act.

Remaining Permitted Uses to be Renumbered.

Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms and vegetable gardens as defined by the Garden Act shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor, zero (0) in opposition, and one (1) present with two (2) members absent. The minutes were provided.

Chairman Ashton asked about having vegetable stands in Boulder Hill. Mr. Asselmeier said yes, if they were located at least ten feet (10') from the right-of-way. The produce would be required to be grown on the property where it was sold. The stands could be on both vacant and improved lots.

Member Nelson asked about the imposition of setbacks for the sale produce. He had concerns regarding the ten foot (10') setback as being too small.

Discussion occurred regarding the location of the right-of-way in Boulder Hill in relation to sidewalks.

Accessory structures would have to follow setback requirements.

Discussion occurred the State's agricultural zoning regulations on lots five (5) acres or less.

Member Nelson made a motion to have Mr. Asselmeier research restricting roadside stands in the front yard and street side yard setbacks in the R-6 and R-7 Districts. The motion was not seconded, but the consensus of the Commission was to Mr. Asselmeier research this item.

The Commission had no objections to the general growing requirements and the requirement restricting growing of gardens in the forty foot (40') sight triangles where two (2) or more public streets meet.

This proposal will go back to the Regional Planning Commission on December 8, 2021.

Petition 21-38 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0492 (formerly House Bill 3650) also known as the Agricultural Experiences Act. A copy of Public Act 102-0492 was provided.

The Agricultural Experiences Act defines an agricultural experience, as ". . . any agricultural-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products." Crucially, the Act forbids a county from requiring conditional use permits, special use permits, or variances for this type of use.

The definition of agricultural experience in State law is similar to the County's definition of seasonal festivals. Seasonal festivals, as defined in the Zoning Ordinance, are defined as follows:

"A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals."

The Agricultural Experiences Act forbids counties from requiring these types of events from obtaining special use permits, conditional use permits, or variances.

Seasonal festivals are conditional uses in the A-1 Agricultural District and are permitted uses in the B-4 Commercial Recreation District. The conditions for seasonal festivals are as follows:

- a) Adequate parking on site shall be provided in such a way that no on-street parking is necessary.
- b) Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
- c) The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
- d) No alcohol shall be sold on the premises.

- e) Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services.
- f) All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- g) Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property.
- h) The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- i) No event activity shall start earlier than 9:00 a.m. any day of the week, and shall end no later than 10:00 p.m., Monday thru Wednesday and no later than 11:30 p.m. Thursday thru Sunday.
- j) Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
- k) Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
- l) Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to produces produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
- m) All signage shall comply with Section 12:00 of the Zoning Ordinance.
- n) All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot candles at any property line.
- o) Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate a text amendment adding seasonal festivals to the list of permitted uses in the A-1 Agricultural District without conditions or restrictions, removing the conditions and restrictions on seasonal festivals in the B-4 Commercial Recreation District, deleting seasonal festivals from the list of conditional uses in the A-1 District, updating Appendix 9 Table of Uses to reflect this text amendment, and correcting citation errors caused by this text amendment.

Presently, three (3) special uses are impacted by the Agricultural Experiences Act. The special use permits for Woody's Orchard (Ordinances 2016-21 and 2021-07), Heap's Giant Pumpkins (Ordinance 2015-11), and Keller Farms (Ordinance 2009-18) contain provisions related to Seasonal Festivals. Staff would like to point out that

some of these properties have special use permits beyond agricultural experiences (i.e. Woody's Orchard and Heap's Giant Pumpkins have special use permits for banquet facilities).

Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of five (5) in favor, two (2) in opposition, and one (1) present with two (2) members absent. The minutes were provided.

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

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

Absent (3): McCarthy-Lange, Rodriguez, and Stewart

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

Petition 21-39 Greg Dady on Behalf of DTG Investments, LLC

Mr. Asselmeier reported that the Petitioner had withdrawn the request. The email stating the withdrawal was provided.

Mr. Asselmeier stated that a request for a major amendment to a special use permit for a landscaping business at 3485 Route 126 had been submitted. The major amendment changes the site plan to have outdoor storage of equipment and materials and changes the number of employees that can report to the property.

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-26, regarding the banquet facility on Crimmin Road was referred back to the Planning, Building and Zoning Committee due to septic issues. The owners had an open septic permit. The septic system was installed October 27, 2021.

Mr. Asselmeier reported that Petitions 21-29, 21-30, 21-31, and 21-33 were approved by the County Board.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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

Exhibits

- 1. Memo on Petition 21-40 Dated October 20, 2021
- 2. Certificate of Publication for Petition 21-40 (Not Included with Report but on file in Planning, Building and Zoning Office)
- 3. Miller Tire Pictures



KENDALL COUNTY REGIONAL PLANNING COMMISSION OCTOBER 27, 2021

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

			E.
NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)	
Rona Fem MILLER			





DEPARTMENT OF PLANNING, BUILDING & ZONING



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

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission From: Matthew H. Asselmeier, AICP, CFM Senior Planner

Date: November 17, 2021

Re: Public Act 102-0180-Garden Act (Petition 21-37)

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act becomes effective January 1, 2022. A copy of Public Act 102-0180 is attached.

Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

Below please find the original redlined version of the proposal:

8:02.A Permitted Uses in the R-1

5. Lands and buildings used for horticulture or farm purposes **including vegetable gardens as defined** by the Garden Act.

8:06.A Permitted Uses in the R-2

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:
- a. Lands and buildings used for horticultural or farm purposes, not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A
- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
- **6.** b. Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

8:07.A Permitted Uses in the R-3

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:
- a. Lands and buildings used for horticultural or farm purposes, not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A
- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
- e. b. Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts

6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet (10') back from the nearest right-of-way line.

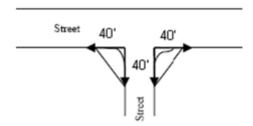
10. Vegetable Gardens as defined by the Garden Act.

Remaining Permitted Uses to be Renumbered.

Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms and vegetable gardens as defined by the Garden Act shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor, zero (0) in opposition, and one (1) present with two (2) members absent. The minutes are attached.

At the October 27, 2021, Kendall County Regional Planning Commission meeting, the consensus of the Commission was to establish a setback larger than ten feet (10') in the front yards and side yards of corner lots for Boulder Hill. The minutes are attached.

The Kendall County Zoning Board of Appeals started their review of the proposal on November 1, 2021. The discussion centered on increased traffic. They noted that existing garage sales, which are not regulated, caused additional traffic and parking issues. The Zoning Board also noted that the size of lots in Boulder Hill will restrict the amount produce available to be sold. The minutes of the hearing are attached.

Per the Zoning Ordinance, the required front yard setbacks in the R-4, R-5, and R-6 Districts are forty feet (40') from the right-of-way from freeway and arterial roads, thirty feet (30') for major and minor collector roads, and twenty-five feet (25') from all other roads. For the R-7 District, the front yard setbacks are fifty feet (50') for freeway and arterial roads, forty feet (40') from major and minor collector roads, and thirty feet (30') from all other roads. The side yard setback for corner lots in the R-4, R-5, R-6, and R-7 Districts is thirty feet (30').

A map showing the areas zoned R-4, R-5, R-6, and R-7 is also attached.

Page 2 of 3

The proposal could be amended to restrict roadside stands from the front yard and side yards of corner lots in the R-4, R-5, R-6, and R-7 Districts with the setbacks as noted in the previous paragraph. This would cause roadside stands to be placed closer to the house, including on porches and inside garages, on smaller lots.

Staff would like to point out that accessory structures are presently not allowed in the front yard or side yards of corner lot setbacks and that lawn furniture can be placed within two point five feet (2.5') of any property line. Staff has also been directed not to strictly enforce setback restrictions related to lemonade and similar stands in residential areas.

If you have any questions, please let me know.

MHA

Encs.: Public Act 102-0180

October 5, 2021 ZPAC Minutes (This Petition Only)

October 27, 2021 Kendall County Regional Planning Commission Minutes (This Petition Only)

November 1, 2021 Kendall County Zoning Board of Appeals Minutes (This Petition Only)

R-4, R-5, R-6, and R-7 Map

AN ACT concerning vegetable garden protection.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Garden Act.

Section 5. Purpose. The Act's purpose is to encourage and protect the sustainable cultivation of fresh produce at all levels of production, including on residential property for personal consumption or non-commercial sharing.

Section 10. Vegetable garden defined. As used in this Act, the term "vegetable garden" means any plot of ground or elevated soil bed on residential property where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants are cultivated.

Section 15. Right to cultivate vegetable gardens. Notwithstanding any other law, any person may cultivate vegetable gardens on their own property, or on the private property of another with the permission of the owner, in any county, municipality, or other political subdivision of this state.

Section 20. Home rule. A home rule unit may not regulate gardens in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 25. State and local regulation still permitted. Section 20 of this Act notwithstanding, this Act does not preclude the adoption of a regulation or local ordinance of general nature that does not specifically regulate vegetable gardens, including, but not limited to, regulations and ordinances relating to height, setback, water use, fertilizer use, or control of invasive or unlawful species, provided that any such regulation or ordinance does not have the effect of precluding vegetable gardens.

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) October 5, 2021 – Unapproved Meeting Minutes

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-37 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

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Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

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- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
- c. b. Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

8:07.A Permitted Uses in the R-3

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

ZPAC Meeting Minutes 10.05.21

- a. Lands and buildings used for horticultural or farm purposes, not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A
- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
- e. b. Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts

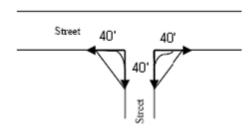
- 6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.
- 10. Vegetable Gardens as defined by the Garden Act.

Remaining Permitted Uses to be Renumbered.

Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms **and vegetable gardens as defined by the Garden Act** shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Mr. Asselmeier was unaware of any complaints against vegetable gardens in Kendall County.

Chairman Gengler asked what happens if the County does not approve this proposal. Mr. Asselmeier said State law supersedes County law. If the County tried to prosecute someone for violating regulation in conflict with State law, the court probably would rule against the County.

Discussion occurred regarding the threshold to meet the agricultural zoning exemption in State law.

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

The votes were as follows:

Yeas (7): Asselmeier, Briganti, Gengler, Holdiman, Lawson, Olson, and Rybski

Nays (0): None Present (1): Klaas

Absent (2): Chismark and Guritz

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ZPAC Meeting Minutes 10.05.21

<u>ADJOURNMENT</u>

Mr. Rybski made a motion, seconded by Mr. Klaas, to adjourn.

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.

KENDALL COUNTY REGIONAL PLANNING COMMISSION

Kendall County Office Building Rooms 209 and 210 111 W. Fox Street, Yorkville, Illinois

Unapproved - Meeting Minutes of October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and

Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

PETITIONS

Petition 21-37 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act becomes effective January 1, 2022. A copy of Public Act 102-0180 was provided.

Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

Below please find the redlined version of the proposal:

8:02.A Permitted Uses in the R-1

5. Lands and buildings used for horticulture or farm purposes including vegetable gardens as defined by the Garden Act.

8:06.A Permitted Uses in the R-2

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:
- a. Lands and buildings used for horticultural or farm purposes, not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A
- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
- e. b. Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

8:07.A Permitted Uses in the R-3

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:
- a. Lands and buildings used for horticultural or farm purposes, not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A
- b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
- **e. b.** Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts

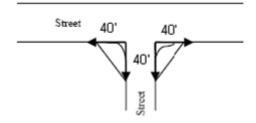
- 6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.
- 10. Vegetable Gardens as defined by the Garden Act.

Remaining Permitted Uses to be Renumbered.

Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms and vegetable gardens as defined by the Garden Act shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor, zero (0) in opposition, and one (1) present with two (2) members absent. The minutes were provided.

Chairman Ashton asked about having vegetable stands in Boulder Hill. Mr. Asselmeier said yes, if they were located at least ten feet (10') from the right-of-way. The produce would be required to be grown on the property where it was sold. The stands could be on both vacant and improved lots.

Member Nelson asked about the imposition of setbacks for the sale produce. He had concerns regarding the ten foot (10') setback as being too small.

Discussion occurred regarding the location of the right-of-way in Boulder Hill in relation to sidewalks.

Accessory structures would have to follow setback requirements.

Discussion occurred the State's agricultural zoning regulations on lots five (5) acres or less.

Member Nelson made a motion to have Mr. Asselmeier research restricting roadside sides in the front yard and street side yard setbacks in the R-6 and R-7 Districts. The motion was not seconded, but the consensus of the Commission was to Mr. Asselmeier research this item.

The Commission had no objections to the general growing requirements and the requirement restricting growing of gardens in the forty foot (40') sight triangles where two (2) or more public streets meet.

This proposal will go back to the Regional Planning Commission on December 8, 2021.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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



KENDALL COUNTY REGIONAL PLANNING COMMISSION OCTOBER 27, 2021

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

NAME	ADDRESS (OPTIONAL)	email address (Optional)
Rona Fem MILLER		

MINUTES – UNOFFICIAL UNTIL APPROVED KENDALL COUNTY

ZONING BOARD OF APPEALS MEETING

111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560

November 1, 2021 - 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

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

Members Absent: Scott Cherry and Karen Clementi

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, and Fran Miller

Chairman Mohr swore in Brenda Zeiter, Boyd Ingemunson, Ron Miller, and Fran Miller.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-37 at 7:33 p.m.

Petition 21 – 37 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to the Illinois

Garden Act and Roadside Stand Regulations

Purpose: Petitioner Wishes Vegetable Gardens and Roadside Stands To Be Permitted Uses on all

Residentially Zoned Properties, Establishes Sight-Line Requirements to Vegetable Gardens, Updates Appendix 9, Table of Uses, and Makes Citation Corrections to the

Zoning Ordinance

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act becomes effective January 1, 2022. A copy of Public Act 102-0180 was provided.

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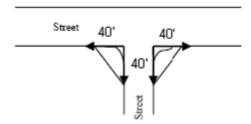
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ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor, zero (0) in opposition, and one (1) present with two (2) members absent. The minutes were provided.

Mr. Asselmeier noted that the Regional Planning Commission reviewed this proposal on October 27, 2021, and voted to lay over the proposal because of concerns regarding roadside stands in Boulder Hill in the front yard and street side yard setback.

Mr. Asselmeier noted that the County does not strictly enforce setbacks related to lemonade stands.

Member Whitfield asked if the setbacks were different for garage sales. Mr. Asselmeier said there was no difference. If people were not allowed to have roadside stands in their front yards, the stands would be moved to garages to porches.

Member Whitfield noted that freewill offer vegetable stands already exist in the County.

Member Whitfield expressed concerns about parking and pedestrians at garage sales.

Chairman Mohr noted that the amount of garden space available on the average parcel in Boulder Hill was small.

Chairman Mohr suggested revisiting the subject, if roadside stands became a nuisance.

Mr. Asselmeier noted that the growing season and season during which people would sell products grown in the garden would not be the entire year.

Member Whitfield concurred that most lots in Boulder Hill lacked space to have large gardens.

Mr. Asselmeier provided a background of the bill.

Mr. Asselmeier has not received a garage sale complaint.

Chairman Mohr noted there were existing produce sales in Yorkville.

Roadside stands would only allow for products grown on the premises.

Member Whitfield said that some kids would plant a garden for 4H or scouting.

Member Thompson questioned the number cars a roadside stand in Boulder Hill would generate.

The proposal will go back to the Kendall County Regional Planning Commission on Wednesday, December 8, 2021.

The Zoning Board of Appeals completed their review of Petitions 21-37 at 7:45 p.m.

PUBLIC COMMENTS

Mr. Asselmeier stated that a request for a major amendment to a special use permit for a landscaping business at 3485 Route 126 had been submitted. The major amendment changes the site plan to have outdoor storage of equipment and materials and changes the number of employees that can report to the property. This item will be on the December 13, 2021, Zoning Board of Appeals agenda. The application deadline for that meeting is November 12, 2021.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Whitfield made a motion, seconded by Member Thompson, to adjourn.

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

The Zoning Board of Appeals meeting adjourned at 7:57 p.m.

The next hearing/meeting will be on December 13, 2021.

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

Exhibits

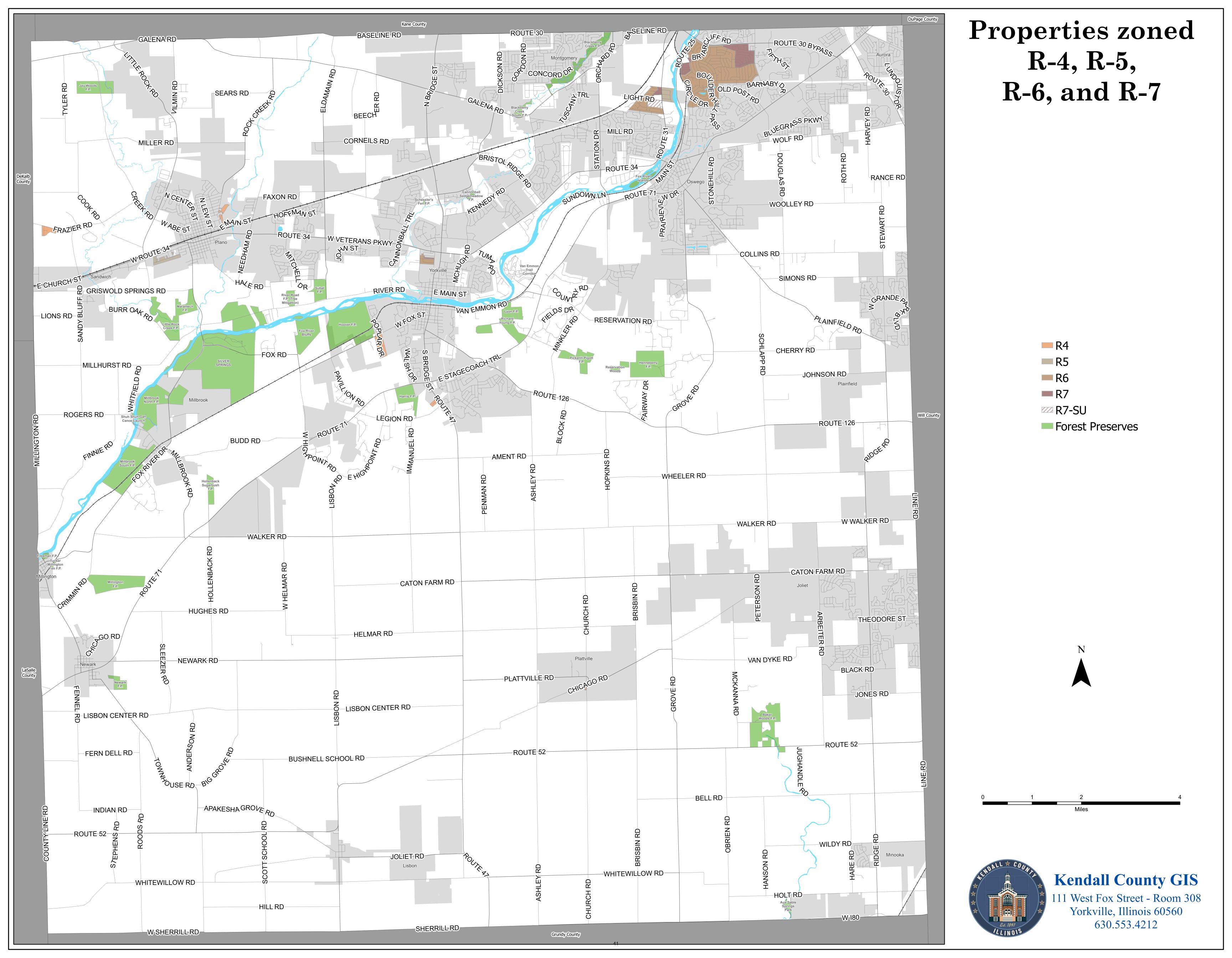
- 1. Memo on Petition 21-37 Dated October 20, 2021
- Certificate of Publication for Petition 21-37 (Not Included with Report but on file in Planning, Building and Zoning Office)



KENDALL COUNTY ZONING BOARD OF APPEALS NOVEMBER 1, 2021

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

but the truth.			
NAME	ADDRESS	SIGNATURE	
NAME Van Mill			
	9,		





DEPARTMENT OF PLANNING, BUILDING & ZONING

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

(630) 553-4141

Fax (630) 553-4179

Petition 21-46 Greg Dady on Behalf of DTG Investments, LLC Major Amendment to a Special Use Permit for a Landscaping Business

INTRODUCTION

Greg Dady, on behalf of DTG Investments, LLC would like to sell the subject property to Baish Excavating. After exploring a text amendment to allow an excavating business on the subject property, the Petitioners decided to pursue a major amendment to the existing special use permit for a landscaping business at the subject property.

The application materials are included as Attachment 1. The aerial of the property is included as Attachment 2. The aerial with the flood zone is included as Attachment 3. The plat of survey is included as Attachment 4. The site plan is included as Attachment 5. The court order regarding a previous excavating business at the property is included as Attachment 14. The special use permit for a landscaping business previously granted by Ordinance 2007-10 is included as Attachment 15.

SITE INFORMATION

PETITIONERS: Greg Dady on Behalf of DTG Investments, LLC

ADDRESS: 3485 Route 126, Oswego

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



TOWNSHIP: Na-Au-Say

PARCEL #: 06-09-400-005

LOT SIZE: 5.6 +/- Acres

EXISTING LAND Former Cleanup and Restoration Business RPC Memo – Prepared by Matt Asselmeier – December 1, 2021

USE:

ZONING: A-1 Agricultural District with Special Use Permits

LRMP:

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

REQUESTED ACTION:

Major Amendment to Special Use Permit for Landscaping Business

APPLICABLE Section 13:08 – Special Use Procedures

REGULATIONS:

SURROUNDING LAND USE

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

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

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

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

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

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated, see Attachment 1, Page 11.

NATURAL RESOURCES INVENTORY

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

ACTION SUMMARY

NA-AU-SAY TOWNSHIP

Petition information was sent to Na-Au-Say Township on October 26, 2021.

VILLAGE OF OSWEGO

Petition information was sent to the Village of Oswego on October 26, 2021. The property is inside Oswego's planning boundary.

VILLAGE OF PLAINFIELD

Petition information was sent to the Village of Plainfield on October 26, 2021. The property is within one point five (1.5) miles of Plainfield.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was sent information on October 26, 2021. The Oswego Fire Protection District submitted an email on October 27, 2021, requesting that fuel tanks be installed, permitted, and inspected per applicable law, storage heights inside the storage bins be capped at twenty-five feet (25') in height, and no miscellaneous storage of vehicles, machinery, or equipment occur in the storage bins. The email was included as Attachment 17. The Petitioners were agreeable to these requests.

ZPAC

ZPAC reviewed this proposal at their meeting on November 2, 2021. The Petitioners stated that only trailers would be parked in the floodplain. No turning lanes off of Route 126 would be required. However, the Illinois Department of Transportation could review the need for turning lanes in the future. The Petitioners were agreeable to setting the maximum number of employees at fifteen (15). ZPAC recommended approval of the request with the conditions proposed by Staff by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were included as Attachment 18.

GENERAL INFORMATION

The subject property has been used as a landscaping business and repair and restoration business. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

- 1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
- 2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
- 3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials, the above conditions have been met.

BUSINESS OPERATIONS

According to the business plan found on pages 2 and 3 of Attachment 1, Baish Excavating, Inc. does excavation, concrete, landscaping, site maintenance, railroad and major pipeline work. Their work takes place offsite within a radius of approximately thirty-five (35) miles of Plainfield. They are relocating from their current location because their existing location has been sold.

The hours of operation are Monday through Friday from 6:00 a.m. until 5:00 p.m. The company operates outside these hours of operation during snowfalls and other emergencies. The company has eleven (11) employees, but this number could rise to fifteen (15) employees. Four (4) or five (5) of these employees work onsite while the remainder of employees work at job sites.

Equipment and trucks would be stored indoors as much as possible, but some equipment would be stored outside. Equipment consists of excavators, loaders, skid steers, track skids, two (2) semi dumps, and dump trailers. The site plan (Attachment 5) shows a sixty foot by one hundred foot (60' X 100') trailer parking area.

According the to the site plan (Attachment 5), the Baish Excavating, Inc. would like to install three (3) fuel tanks on a concrete pad. The area would be twenty feet by thirty feet (20' X 30').

The site plan (Attachment 5) also calls for a twenty foot by sixty foot (20' X 60') outdoor storage bin area. This area would be used to store aggregates and salt in "tents". The "tents" would be a maximum of thirty feet (30') in height. The tents would be enclosed except for one (1) side. A picture of the "tent" is provided as Attachment 16.

EXISTING SPECIAL USE PERMIT

The existing special use permit for a landscaping business was granted on March 20, 2007, and included the following conditions and restrictions:

- 1. The maximum number of employees reporting to the site is 40.
- 2. The development of the site shall be in conformance with the submitted Site Enhancement Plan dated August 18, 2006 with a latest revision of date of March 9, 2007.
- 3. All commercial vehicles used for the special use are to be stored inside an accessory structure when not in use.
- 4. No construction activity can take place on the portion of the subject parcel located in Section 9 of Na-Au-Say Township until such time that a detailed flood plain study has been forwarded to PBZ staff and Strand Associates, to ensure that there are no negative impacts to Aux Sable Creek.
- 5. A site development permit will need to be secured prior to construction of the proposed parking stalls demonstrating that the post construction elevations of that portion of the parking lot located within the flood plain as depicted on the existing FEMA FIRM maps dated July 19, 1982 (Community Map Panel 170341 0100C) will not exceed the existing elevations of the existing grades on the site.
- 6. No construction activity shall take place and no permits (building, occupancy or site development) shall be issued for the subject property located in Section 9 of Na-Au-Say Township until such time that the required 15 foot Regional Trail easement, and the additional ROW along Route 126 per the previous Agreed Court Order, has been supplied and recorded.
- 7. All renovations to existing structures must conform to a commercial standard per the provisions of the Kendall County Building Code, including handicapped accessibility of the structures.
- 8. Other than the outside storage of non-growing landscaping materials, no outside storage shall be allowed on the site.
- 9. Occupancy in the existing residence will be restricted to an employee of the petitioner, for use as a caretaker's residence, and his/her immediate family members.
- 10. No composting will be done on-site. All grass clippings will be stored temporarily in a bin or dumpster and be hauled off the site periodically when the bin becomes full.

The Petitioner is requesting that conditions 1, 2, 3, and 8 be amended or repealed. Conditions 4, 6, and 7 have previously been met. The FEMA FIRM maps have been updated since the original special use permit was granted in 2007.

BUILDINGS AND BUILDING CODES

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

Any new structures would require applicable building permits.

ENVIRONMENTAL HEALTH

The property is served by well and septic.

STORMWATER

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

On October 26, 2021, the Petitioners and their engineer met with the Senior Planner, a representative of WBK, and the Planning, Building and Zoning Committee Chairman at the property. The Petitioners agreed that no hazardous or flammable materials would be stored in the floodway. The Kendall County Stormwater Management Ordinance forbids the storage of such materials in the floodway.

ACCESS

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

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 5), a parking area is shown north of the metal building. The parking area is gravel.

LIGHTING

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

SIGNAGE

There is one (1) existing four foot by eight foot (4'X8') freestanding sign. A light exists next to the sign. A picture of the sign is included as Attachment 10.

SECURITY

There is an existing wooden fence around the property and a single gate east of the metal building.

LANDSCAPING

A berm and several mature trees are between the metal building and Route 126. Pictures of the landscaping are included as Attachments 11 and 12.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No new odors are foreseen by the proposed use.

FINDINGS OF FACT

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

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

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in

question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

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

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 because the Petitioners are not asking for any variances.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 10-11 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents."

RECOMMENDATION

Staff recommends approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

- 1. Conditions 1 (pertaining to number of employees), 2 (pertaining to the site plan), 3 (pertaining to outside storage of commercial vehicles), and 8 of Ordinance 2007-10 shall be repealed. The remaining conditions and restrictions in Ordinance 2007-10 shall remain in force and valid.
- 2. The site shall be developed substantially in accordance with the attached site plan (Attachment 5). The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, wood frame machine shed, and corn crib without amending the site plan.
- 3. The owners of the business allowed by the special use permit shall maintain the parking areas shown on the site plan and in substantially the same location as depicted on the attached site plan (Attachment 5). The parking area north of the building shall be gravel and the parking lot south of the building shall be asphalt. Any expansions of either parking lots shall require an amendment to the special use permit.
- 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 on the subject property and shall promptly clean up the site if leaks occur.
- 5. Any new structures 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 outdoor storage bins as shown on the attached site plan (Attachment 5). The maximum height of the bins or "tents" shall be thirty feet (30') and shall look substantial like the structures shown in Attachment 16. The maximum storage heights inside the storage bins shall be capped at twenty-five feet (25'). No miscellaneous storage of vehicles, machinery, or equipment shall occur in the storage bins.
- 10. One (1) maximum four foot by eight foot (4' X 8') freestanding sign may be located on the subject property. The sign may be illuminated.
- 11. No landscape waste generated off the property can be burned on the subject property.
- 12. A maximum of fifteen (15) 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.
- 13. No retail 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.
- 14. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 5:00 p.m. Business operations may occur outside the hours of operation in the event of bad weather and snow removal. 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. 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.
- 17. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 18. The conditions and restrictions contained in Ordinance 2014-29 shall be separate and enforceable from the conditions and restrictions contained in Ordinance 2007-10 and this major amendment to an existing special use permit.
- 19. 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, including but not limited, the public health protection standards for properties in the floodplain contained in the Kendall County Stormwater Management Ordinance.
- 20. 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.

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

ATTACHMENTS

- 1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
- 2. Aerial
- 3. Flood Zone Aerial
- 4. Plat of Survey
- 5. Site Plan
- 6. NRI Report
- 7. Building East Southside
- 8. Building West Southside
- 9. Storage Bin Area
- 10. Sign
- 11. Berm and Trees One
- 12. Berm and Trees Two
- 13. Looking South
- 14. May 8, 2001 Order
- 15. Ordinance 2007-10
- 16. Storage Tent
- 17. October 27, 2021 Oswego Fire Protection District Email
- 18. November 2, 2021 ZPAC Meeting Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

	PROJECT NAME		FILE #:
NAME OF APPLICANT			
Baish Excavating, Inc. / F	Robert A. Baish		
CURRENT LANDOWNER/NAM	E(s)		
DTG Investments, LLC			
SITE INFORMATION ACRES SITE	ADDRESS OR LOCATION		ASSESSOR'S ID NUMBER (PIN)
5 348	5 State Route 126		06-09-400-005
EXISTING LAND USE	CURRENT ZONING		SIFICATION ON LRMP
X	A-1	Rural Res	didential
REQUESTED ACTION (Check	All That Apply):		
SPECIAL USE	MAP AMENDMENT (F	Rezone to)	VARIANCE
ADMINISTRATIVE VARIA	NCE A-1 CONDITIONAL U	SE for:	SITE PLAN REVIEW
TEXT AMENDMENT	RPD (Concept;	Preliminary; Final)	ADMINISTRATIVE APPEAL
PRELIMINARY PLAT	FINAL PLAT		OTHER PLAT (Vacation, Dedication, etc.)
X AMENDMENT TO A SPE	CIAL USE (XMajor; Min	or)	
¹PRIMARY CONTACT	DOWNER OF THE PERSON NAMED IN COLUMN 1	AU INC ADDRESS	PRIMARY CONTACT EMAIL
Robert Baish			
PRIMARY CONTACT PHONE	PRIMARY CONTACT F	AX#	PRIMARY CONTACT OTHER #(Cell, etc.)
² ENGINEER CONTACT	ENGINEER MAILING A	DDRESS	FNGINEER EMAIL
Michael Cook			
ENGINEER PHONE #	ENGINEER FAX #		ENGINEER OTHER # (Cell, etc.)
			815.715.6217
COUNTY STAFF & BOA	RD/ COMMISSION MEMBER	IS THROUGHOUT 1	Y IN QUESTION MAY BE VISITED BY THE PETITION PROCESS AND THAT CORRESPONDANCE ISSUED BY THE
LOERTIEY THAT THE IN	FORMATION AND EXHIBIT:	S SUBMITTED ARE	TRUE AND CORRECT TO THE
BEST OF MY KNOWLED ABOVE SIGNATURES.	GE AND THAT LAM TO FILE	THIS APPLICATION	ON AND ACT ON BEHALF OF THE
SIGNATURE OF APPLIC	CANT		1606/1/01 STAD
	FEE PAID	:\$	
	CHECK #:		

Last Revised: 12.15.20

Major Amendment to a Special Use

¹Primary Contact will receive all correspondence from County

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

Baish Excavating, Inc. P.O. Box 193 25712 W. 143rd St. Plainfield, Illinois 60544



Phone: 815-577-1515 Fax: 815-609-2929

E-mail: bbaish@baishexcavating.com www.baishexcavating.com

August 30, 2021

To Whom It May Concern,

Baish Excavating, Inc. is an union construction company that has been doing business locally, for over 30 years. Although the company name has "excavation" in it, the company has expanded into many aspects of construction work in order to continue to prosper and keep its employees employed. The company does excavation, concrete work, landscaping, site maintenance, works with rail roads, as well as major pipelines. Baish tends to do more general construction services than anything anymore, and excavation has become the smallest part of our daily work. All of it's work takes place off site and somewhere in approximately a 35 mile radius of Plainfield. Baish has been in the Plainfield area for the majority of its time in business and has been at its current location for almost 9 years. The only reason for looking to relocate is because the property has been sold for other purposes. During all those years Baish has prided itself with being a good neighbor and a enjoys that a large portion of our employees are from the local area as well.

Baish's main hours of operation are 6 AM—5 PM, Monday through Friday. Due to contracts to do emergency repairs for local municipalities, as well as snow plowing when Mother Nature dictates, there are other times that employees may need to mobilize, but those are usually isolated incidents. The average daily amount of employees that come and go is 11. 4-5 of those people work full time on site and the rest are grabbing equipment to take to the jobs they are working on.

All equipment and trucks will be stored inside, but some equipment may be stored on site. The amount will change depending on the work loads. There may be excavators and / or loaders on site if in between jobs or getting ready to mobilize for snow removal. No specific piece is on site for long. Skid steers and track skids tend to be in yard the most but are leaving daily to work on job sites. We have two semi dumps that the dump trailers might be parked outside when not being used, but the intent is to keep as much as possible stored inside the buildings. We will have three fuel tanks, on a concrete pad, on site which we will be guided by Feece Oil and the State Fire Marshall as to proper placement. They will be surrounded by concrete block and illuminated by a light station. We have started discussion with them already and they have stated that we will be well below allowed limits for this type of site. They have provided pictures, which are attached, showing the basic layout for the install, as well as the spec sheet for their tanks.

We would like to also have a few material bins on site, which would be for the purpose of storing extra aggregates for emergency repairs and salt during times which snow removal is taking place. We have attached reference pictures of these as well. We are entertaining putting these under a roof upon completing them.

Other than the fuel tanks and aggregate bins, we have no intention of changing anything to how the

Attachment 1, Page 3

property currently is.

We truly hope that you will consider allowing us to conduct business at this site under the special use currently in place, and the major amendment requested. The location feels like a perfect fit to us and as it is within 5 miles of our current location, it allows us to continue working in an area with which we have been for more than 3 decades and have called home as well as our place of business.



October 18, 2021

To Whom It May Concern,

I support Baish Excavating's application for a special use permit to lease my property at 3485 Rt. 126 in Oswego. I believe that their use of the property is ideal and that their company will be an asset to the community. If you have any further questions, please contact me.

Sincerely,

Greg Dady

Owner, DTG Properties, LLC

EXHIBIT A

LEGAL DESCRIPTION

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

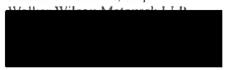
(PERMANENT INDEX NUMBER 06-09-400-005-0000)

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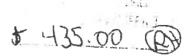
PREPARED BY:

Donald J. Manikas, Esq.



AFTER RECORDATION

ETURN TO:



Mile

201400017091

DEBRIE GILLETTE KENDALL COUNTY, 1L

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

SEND SUBSEQUENT TAX

STATE OF ILLINOIS



SEND SUBSEQUENT TAX
BILLS TO:
DTG Investments, LLC 3485 Route 126

SPECIAL WARRANTY DEED

THIS INDENTURE, is made as of this 29th day of October, 2014 between TRIPLE B SOUTH, LLC, an Illinois limited liability company, as party of the first part, and DTG INVESTMENTS, LLC 3485 ROUTE 126, an Illinois series limited liability company, as party of the second part. THIS INDENTURE, is made as of this 29th day of October, 2014 between TRIPLE B SOUTH, LLC, an Illinois limited liability company, as party of the first part, and DTG INVESTMENTS,

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

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

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

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

. : -: ::

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

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

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

TRIPLE B SOUTH, LLC an Illinois limited liability company By: Managing Member
State of Illinois) SS. County of COOK)
I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY, that WILLIAM F. ADELLET , as Managing Member of Triple B South, LLC, an Illinois limited liability company, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and coluntary act, for the uses and purposes therein set forth.
Given under my hand and official seal, this 24th day of October, 2014.
Commission expires 1 grembil 20, 2016.
"OFFICIAL SEAL" Melissa Y March Notary Public, State of Hiroin

My Commission Expires 11/20/2016

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS

COUNTY OF KENDALL

Robert L. Adulizzi being duly swom on oath, and further states that:

(please check the appropriate box)

- That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or A. exchange is of an entire tract of land not being a part of a larger tract of land; or
- That the attached deed is not in violation of 765 ILSC 205/1(b) for one of the following reasons: (please circle the appropriate number)
 - 1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
 - 2. The division of lots or blocks of less than one (1) acres in any recorded subdivision which does not involve any new streets or easements of access;
 - 3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
 - The conveyance of parcels of land or interest therein for use as right of way for railroads 4. or other public utility facilities and other pipe lines which does not involve any new streets or easements of access:
 - 5 The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
 - The conveyance of land for highway or other public purposes or grants or conveyances 6. relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
 - 7. Conveyances made to correct descriptions in prior conveyances;
 - The sale or exchange of parcels or tracts of land following the division into not more than 8. two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access:
 - 9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
 - 10. This conveyance is of land described in the same manner as title was taken by grantor(s).

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

SUBSCRIBED AND SWORN TO BEFORE ME

Signature of Affiant

This 29*11 day of October, 2014.

Signature of Notary Public

'OFFICIAL SEAL' Melissa Y March Notary Public, State of Illi My Commission Expires 11/20/2016

(File: 00887800 DOCX /)

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

Ł	Applicant Gr	eg Dady - DTG	nvestments, LL	С			
	Address						
	<i>a</i> .			4 12. 4	21		
	City			State	Zip		
2	Nature of Ben	efit Sought					
3.	Natur Corpo Land Trust X Partne	licant: (Please chec lal Person (a) oration (b) Trust/Trustee(c) Trustee (d) ership (e) Venture (f)	ck one)				
4.	If applicant is applicant:	an entity other than	n described in Sec	ction 3, briefly star	te the nature and cha	racteristics of the	
5.	person or entit trust, a joint ve	y who is a 500 shar	eholder in case o f a joint venture,	f a corporation, a	dentify by name and a beneficiary in the cas has proprietary inter	se of a trust or land est, interest in	
	Greg Dady -				50		
	Tia Dady -				50		
		9					
6.	Name, address	and capacity of p	erson making this	s disclosure on bel	half of the applicant:		
	Gma I	MA 15 -	y and	, ADMA			
	<u> </u>	AUUM IS	The Cast	LCD/O			
G	on Dr	0,0	VERIFIC				
nak ine	this disclosure	on hebalf of the and			sworn under oath that make the disclosure		
					contained therein are		
	e and fact.		20 0	A 1			
Subscrit	ed and sworn to	o before me this	day of (apper	. A.D.	2019	_
(seal)							
Constanting	OFFIC LAURA L TI NOTARY PUELIC MY COMMISSION	IAL SEAL OMSA-BLACK - STATE OF ILLINOIS N EXPIRES:04/04/22			y any ruone	3)	

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1.	Applicant Baish Excavating, Inc.	_
	Address	
	City State Zip	
2.	Nature of Benefit Sought	_
3.	Nature of Applicant: (Please check one) Natural Person (a)	
	× Corporation (b)	
	Land Trust/Trustee(c) Trust/Trustee (d)	
	Partnership (e)	
	Joint Venture (f)	
4.	If applicant is an entity other than described in Section 3, briefly state the nature applicant:	and characteristics of the
5.	If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by nar person or entity who is a 5% shareholder in case of a corporation, a beneficiary in trust, a joint venture in the case of a joint venture, or who otherwise has proprieta profits and losses or right to control such entity:	the case of a trust or land
		INTEREST
	Robert Baish	100%
6.	Name, address, and capacity of person making this disclosure on behalf of the ap	nlicant:
0.		pheant.
	Robert Baish	
	VERIFICATION	
Ι	, being first duly sworn under	
the abo	g this disclosure on behalf of the applicant, that I am duly authorized to make the discove and foregoing Disclosure of Beneficiaries, and that the statements contained the nee and fact>	rein are true in both
	d s	A.D. 2021
Bubsen	day or	11.5.
(seal)	Notary P	ublic
NOTA MY (OFFICIAL SEAL ROBERT W DEHM ARY PUBLIC - STATE OF ILLINOIS COMMISSION EXPIRES:10/05/22	done





Applicant

DTG Investments, LLC

Contact Address Greg Dady

Aliemale Number

Date

IDNR Project Number

2005266 01/03/2020

2004942

Project Address Rt 126 Truck Parking 3485 Rt. 126, Oswego

Description to obtain a special use permit for existing property

Natural Resource Review Results

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

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

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

Location

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

County. Kendall

Township, Range, Section 36N, 8E, 9 36N, 8E, 16

IL Department of Natural Resources Contact

Adam Rawe 217-785-5500 Division of Ecosystems & Environment

Government Jurisdiction Kendall County Planning Building and Zoning Matthew Asselmeier 111 West Fox Street

Yorkville, Illinois 60560 -1498

Disclaimer

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

Attachment 1, Page 12

Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a special use. They are as follows: That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general Special use will not affect the public health, safety, morals, comfort or general welfare. That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Special use will not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. All of the above have been provided. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals Special use will conform with all the above That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

Special use is consistent with the Land Resource Management Plan and adopted County plans and policies

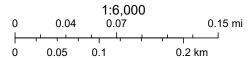


January 30, 2020

Coning A1-SU

A1-SU

Street Centerlines





January 30, 2020

Kendall County FEMA FIRM Panels

Street Centerlines

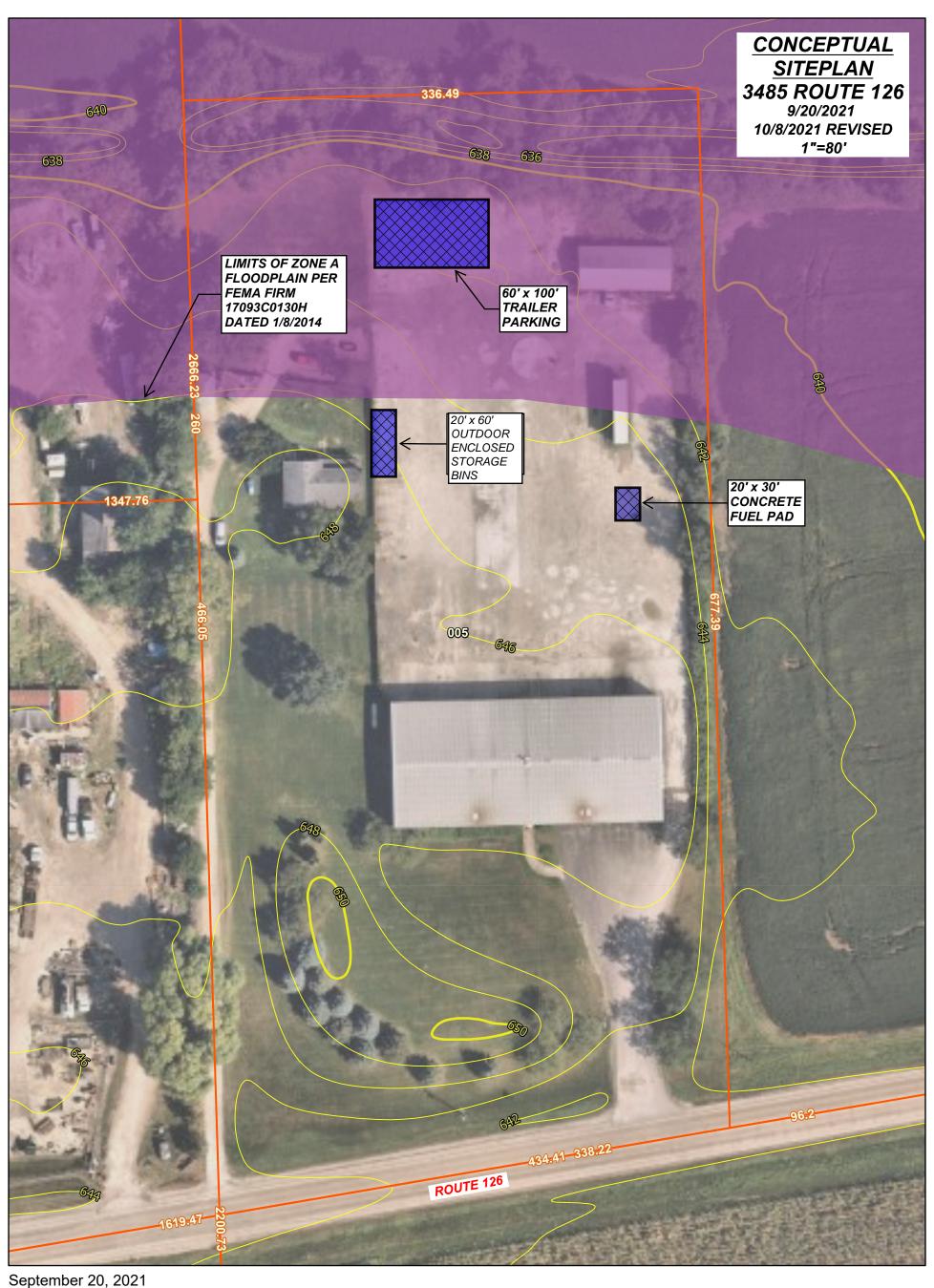
Ownership Parcels

USA Flood Hazard Areas

0.03 0.01 0.05 mi 0.02 0.04 0.08 km

1% Annual Chance Flood Mazard





Parcel Lines
Parcels

Ownership Parcel

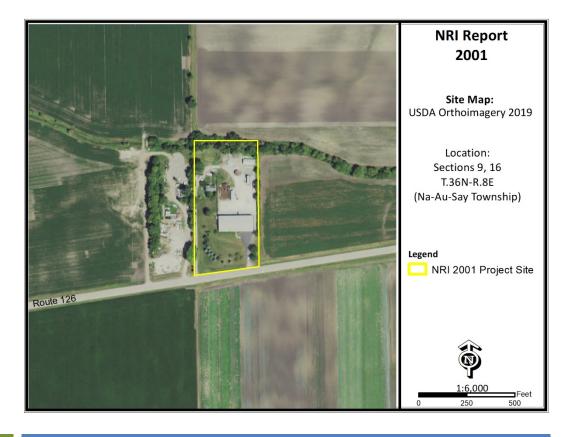
USA Flood Hazard Areas

1% Annual Chance Flood Hazard

1:960 0 0.01 0.01 0.03 mi 0 0.01 0.03 0.05 km

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NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 2001



January 2020

Petitioner: DTG Investments, LLC

Contact: Greg Dady

Prepared by:



Kendall County Soil & Water Conservation District

7775A Route 47 • Yorkville, Illinois 60560 Phone: (630)553-5821 x3 • Fax: (630)553-7442

www.kendallswcd.org

2001 Executive Summary January 2020

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

County or Municipality the petition is filled with: Kendall County

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

Kendall Co., IL

Project or Subdivision Name: N/A

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

Proposed Zoning & Land Use: A-1 Special Use

Proposed Water Source: Well

Proposed Type of Sewage Disposal System: Septic

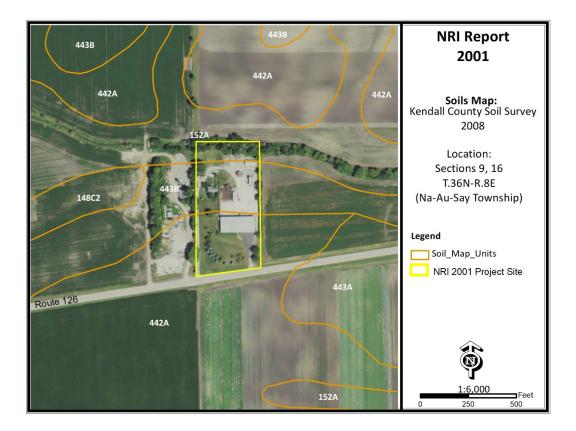
Proposed Type of Storm Water Management: Not Provided

Size of Site: 5.0 acres

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

Natural Resource Considerations

Soil Map:



SOIL INFORMATION:

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

Table 1:

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

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

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

<u>Hydric Soils</u>: A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, one soil, 152A Drummer silty clay loam, is classified as a hydric soil and one, 442A Mundelein silt loam, is designated as having the potential for hydric inclusions.

<u>Prime Farmland</u>: Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, all are designated as prime farmland.

Table 2:

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

<u>Surface Runoff</u>: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).

Attachment 6, Page 4

<u>Ponding</u>: Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

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

SOIL LIMITATIONS:

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

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

Conventional Septic System Rating Criteria:

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

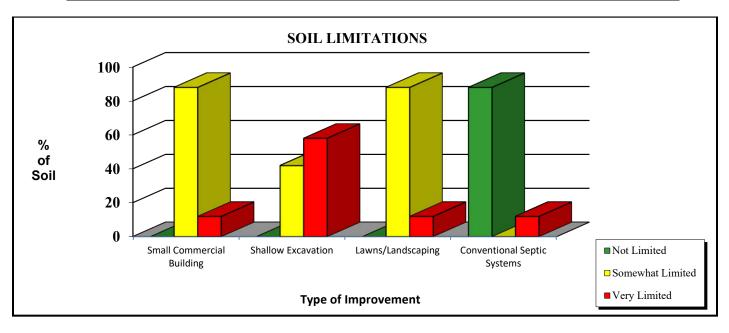
Limitations are listed below for dwellings with basements, dwellings without basements, small commercial building, and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County,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

Table 3a: Building Limitations

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

Table 3b: Building Limitations

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



Building Limitations Maps:

Figure 2a: Small Commercial Building

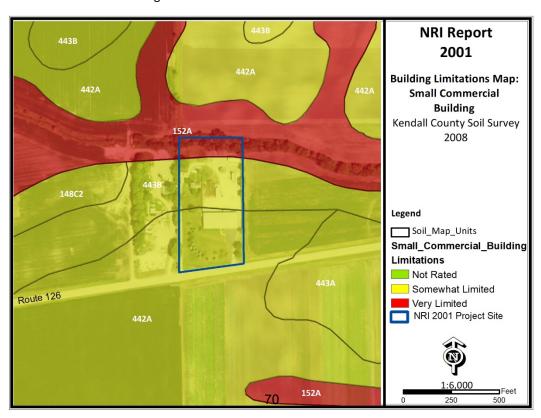


Figure 2b: Shallow Excavations

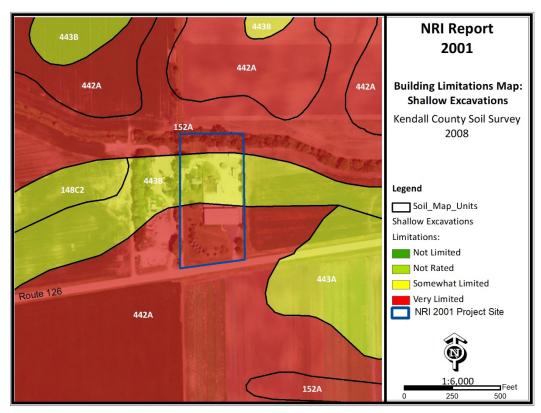
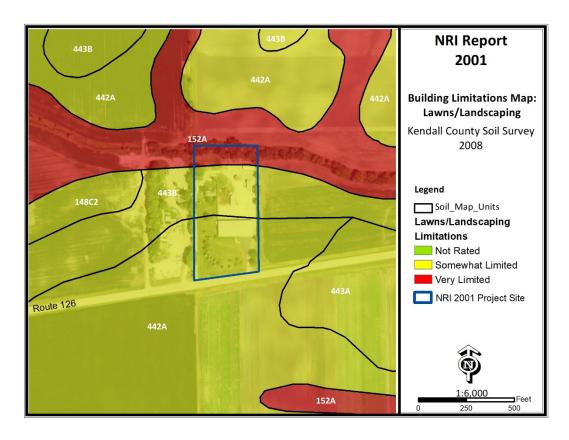


Figure 2c: Lawns/Landscaping



Kendall County Land Evaluation and Site Assessment (LESA):

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

- ➤ LAND EVALUATION (LE) The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- ➤ SITE ASSESSMENT (SA) The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4a: Land Evaluation Computation

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

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

Table 4b: Site Assessment Computation

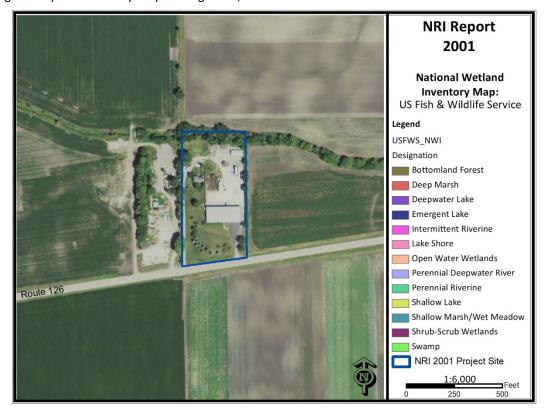
A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
В.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

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

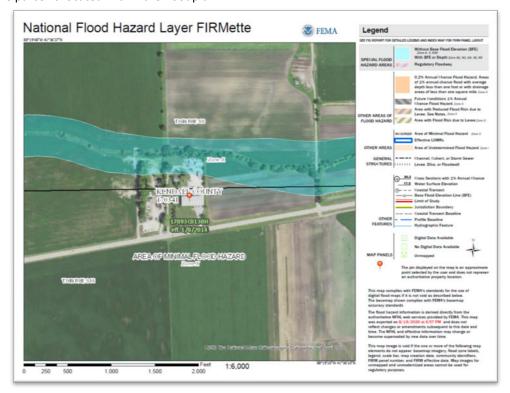
LESA SCORE	LEVEL OF PROTECTION
<mark>0-200</mark>	<mark>Low</mark>
201-225	Medium
226-250	High
251-300	Very High

The **LESA Score for this site is 189 which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

<u>Wetlands:</u> The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate** the potential presence of a wetland on the project site. If a wetland is present and will be impacted by the project, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.



Floodplain: The parcel is located within the floodplain.



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

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner DTG Investments, LLC at the request of their contact Greg Dady for the proposed A-1 Special Use petition. This parcel is located in Sections 9 & 16 of Na-Au-Say Township (T.36N.-R.8E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel; the soils on this parcel scored an 92 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. The overall LESA Score for this site is 189 which indicates a low level of protection for the proposed project site. Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production and is an important resource to Kendall County; of the three soil types identified onsite, all are designated as prime farmland. A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile; one of the soil types found onsite, is designated as a hydric soil and one soil type has the potential to have hydric inclusions.

For proposed land uses, soils can have potential limitations. This report indicates, if the following uses were to be included as part of future site development or expansion, that for soils located on the parcel, 58% are very limited for shallow excavations and 12% are unsuitable for onsite conventional septic systems, small commercial building, and lawns/landscaping. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Illinois River Watershed.

If development should occur onsite, a soil erosion sediment control plan should be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

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

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (III. Complied Statues, Ch. 70, Par 405/22.02a).

	January 6, 2020
SWCD Board Representative	Date















FILED
MAY 0-8 2001
SHIRLEY R. LEE Circuit Clerk Kendali Co.
EENTH JUDICIAL CIRCUIT ILLINOIS
)
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) GEN. NO. 99-OV-18
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AGREED ORDER

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

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

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

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

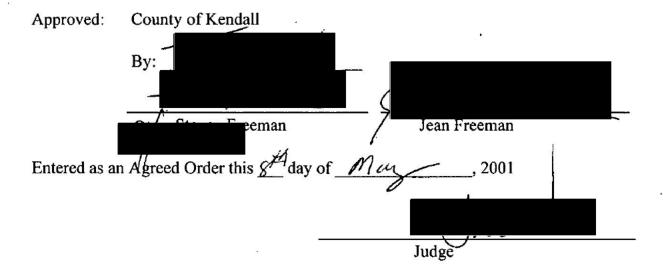
which permits the continued use of the building by the Defendants, subject, however, to the terms and restrictions contained in this Order.

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

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

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

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



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

State of Illinois County of Kendall 06-09-400-00)

Zoning Petition #06-32

ORDINANCE NUMBER 2007 - 10

GRANTING A SPECIAL USE 3485 ROUTE 126 COUNTRYSIDE LANDSCAPE SUPPLY

<u>WHEREAS</u>. Triple B South d/b/a Countryside Industries, filed a petition for a Special Use within the A-1 district, for property located at 3485 Route 126 in Na-Au-Say Township; and

<u>WHEREAS</u>, said petition is to allow for the usage of the parcel for a wholesale landscape supply and contracting business; and

<u>WHEREAS</u>, said property is zoned A-1 Agricultural and the request is allowable upon issuance of a Special Use Permit per § 7.01.D.17 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as follows:

That part of the west ½ of the southeast ¼ of Section 9 and part of the west ½ of the northeast ¼ of section 16 all in Township 36N, Range 8 east of the Third principal meridian, lying northerly of the centerline of Illinois Route No. 126 described as follows: beginning at the southwest corner of said southeast ¼ of Section 9; thence north 01 degrees, 36minutes, 40 seconds west along the west line of said southeast ¼, 260 feet; thence north 88 degrees, 44 minutes, 53 seconds east, 335 feet; thence south 01 degrees, 39 minutes, 11 seconds east, 677.39 feet to the centerline of said road; thence south 80 degrees, 28 minutes, 31 seconds, west along said centerline, 338.17 feet to the west line of said northeast 1/4; thence north 01 degrees, 40 minutes, 39 seconds west along said west line, 466.05 feet to the point of beginning, in the Township of NA-AU-SAY, Kendall County, Illinois (PIN 06-09-400-005)

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

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

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby grants approval of a Special Use zoning permit for the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Enhancement Plan included as Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:

- 1. The maximum number of employees reporting to the site is 40.
- 2. The development of the site shall be in conformance with the submitted Site Enhancement Plan dated August 18, 2006 with a latest revision date of March 9, 2007.
- 3. All commercial vehicles used for the special use are to be stored inside an accessory structure when not in use.

State of Illinois County of Kendall

Zoning Petition #06-32

- 4. No construction activity can take place on the portion of the subject parcel located in Section 9 of Na-Au-Say Township until such time that a detailed flood plain study has been forwarded to PBZ staff and Strand Associates, to ensure that there are no negative impacts to Aux Sable Creek.
- 5. A site development permit will need to be secured prior to construction of the proposed parking stalls demonstrating that the post construction elevations of that portion of the parking lot located within the flood plain as depicted on the existing FEMA FIRM maps dated July 19, 1982 (Community Map Panel 170341 0100 C) will not exceed the existing elevations of the existing grades on the site.
- 6. No construction activity shall take place and no permits (building, occupancy or site development) shall be issued for the subject parcel located in Section 9 of Na-Au-Say Township until such time that the required 15 foot Regional Trail easement, and the additional ROW along Route 126 per the previous Agreed Court Order, has been supplied and recorded.
- 7. All renovations to existing structures must conform to a commercial standard per the provisions of the Kendall County Building Code, including handicapped accessibility of the structures.
- 8. Other than the outside storage of non-growing landscaping materials, no outside storage shall be allowed on the site.
- 9. Occupancy in the existing residence will be restricted to an employee of the petitioner, for use as a caretaker's residence, and his/her immediate family members.
- 10. No composting will be done on-site. All grass clippings will be stored temporarily in a bin or dumpster and be hauled off the site periodically when the bin becomes full.

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

IN WITNESS OF, this ordinance has been enacted on March 20, 2007.

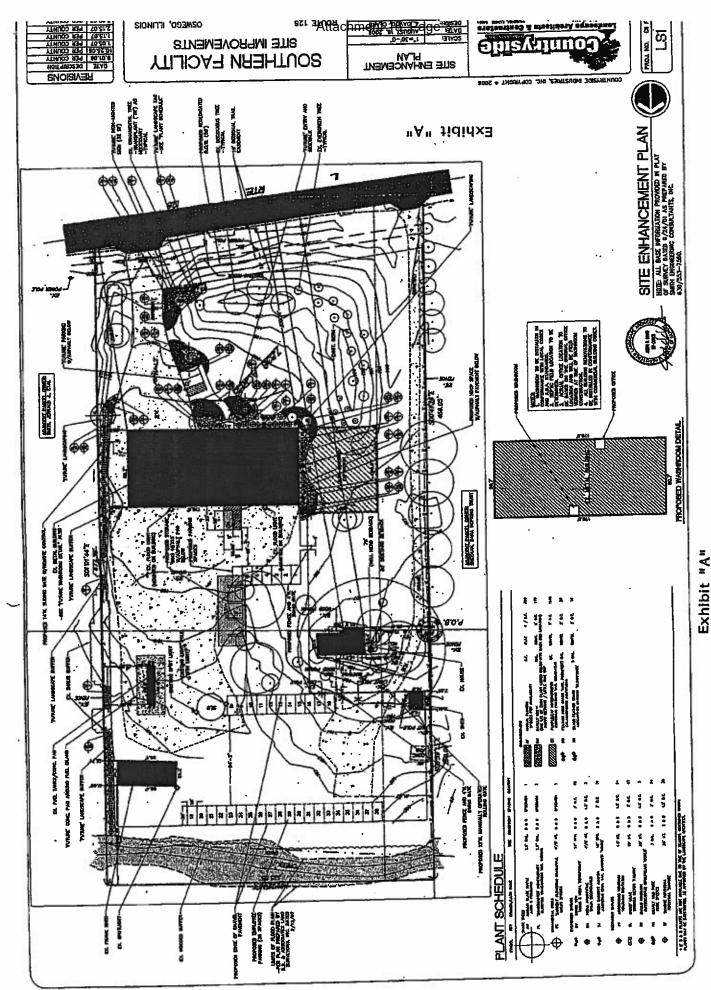
Attest:

John A. Church

Kendall County Board Chairman

Paul Anderson

Kendall County Clerk





Matt Asselmeier

From: Sent:

Alec Keenum <akeenum@oswegofire.com>

Wednesday, October 27, 2021 9:47 AM

To:

Matt Asselmeier

Subject:

[External]RE: Kendall County Zoning Petition 21-46

Matt,

- Fuel tanks additions of fuel tanks shall be as per Office of the State Fire Marshal (OSFM) with applicable obtained permits, inspections, and approvals from the State
- Outside storage bins storage heights of any wood chips, or other combustible materials shall be limited in height to 25' as per the International Fire Code (IFC 2015) section 2808.3
- Outside storage bins shall not be used for miscellaneous storage of vehicles, machinery, equipment, etc.

Regards,

Capt. Alec J Keenum Fire Marshal Oswego Fire Protection District



Capt. Alec J. Keenum-Fire Marshal

Central Station #1 3511 Woolley Road Oswego, Illinois 60543

Phone 630 905-ofpd Phone 630 554-2110

akeenum@oswegofire.com

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

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve (Arrived 9:03 a.m.)
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC Commander Jason Langston – Sheriff's Department

Audience:

Sergiu Tugutchi, Gregg Ingemunson, and Greg Dady

PETITIONS

<u>Petition 21-46 Greg Dady on Behalf of DTG Investments, LLC and Robert Baish on Behalf of Baish Excavating, Inc.</u>

Mr. Asselmeier summarized the request.

Greg Dady, on behalf of DTG Investments, LLC would like to sell the subject property to Baish Excavating. After exploring a text amendment to allow an excavating business on the subject property, the Petitioners decided to pursue a major amendment to the existing special use permit for a landscaping business at the subject property.

The application materials, aerial of the property, aerial with the flood zone, plat of survey, site plan, the court order regarding a previous excavating business at the property, and the special use permit for a landscaping business previously granted by Ordinance 2007-10 were provided.

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

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

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

The adjacent uses are agricultural or agricultural related.

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

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

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

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

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

Pictures of the property and area were provided.

EcoCAT Report submitted and consultation was terminated.

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

Petition information was sent to Na-Au-Say Township on October 26, 2021.

Petition information was sent to the Village of Oswego on October 26, 2021. The property is inside Oswego's planning boundary.

Petition information was sent to the Village of Plainfield on October 26, 2021. The property is within one point five (1.5) miles of Plainfield.

The Oswego Fire Protection District was sent information on October 26, 2021. The Oswego Fire Protection District submitted an email on October 27, 2021, requesting that fuel tanks be installed, permitted, and inspected per applicable law, storage heights inside the storage bins be capped at twenty-five feet (25') in height, and no miscellaneous storage of vehicles, machinery, or equipment occur in the storage bins. The Petitioners were agreeable to these requests.

The subject property has been used as a landscaping business and repair and restoration business. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

According to the business plan, Baish Excavating, Inc. does excavation, concrete, landscaping, site maintenance, railroad and major pipeline work. Their work takes place offsite within a radius of approximately thirty-five (35) miles of Plainfield. They are relocating from their current location because their existing location has been sold.

The hours of operation are Monday through Friday from 6:00 a.m. until 5:00 p.m. The company operates outside these hours of operation during snowfalls and other emergencies. The company has eleven (11) employees, but this number could rise to fifteen (15) employees. Four (4) or five (5) of these employees work onsite while the remainder of employees work at job sites.

Equipment and trucks would be stored indoors as much as possible, but some equipment would be stored outside. Equipment consists of excavators, loaders, skid steers, track skids, two (2) semi dumps, and dump trailers. The site plan shows a sixty foot by one hundred foot (60' X 100') trailer parking area.

According the to the site plan, the Baish Excavating, Inc. would like to install three (3) fuel tanks on a concrete pad. The area would be twenty feet by thirty feet (20' X 30').

The site plan also calls for a twenty foot by sixty foot (20' X 60') outdoor storage bin area. This area would be used to store aggregates and salt in "tents". The "tents" would be a maximum of thirty feet (30') in height. The tents would be enclosed except for one (1) side. A picture of the "tent" was provided.

The existing special use permit for a landscaping business was granted on March 20, 2007, and included the following conditions and restrictions:

- 1. The maximum number of employees reporting to the site is 40.
- 2. The development of the site shall be in conformance with the submitted Site Enhancement Plan dated August 18, 2006 with a latest revision of date of March 9, 2007.
- 3. All commercial vehicles used for the special use are to be stored inside an accessory structure when not in use.
- 4. No construction activity can take place on the portion of the subject parcel located in Section 9 of Na-Au-Say Township until such time that a detailed flood plain study has been forwarded to PBZ staff and Strand Associates, to ensure that there are no negative impacts to Aux Sable Creek.
- 5. A site development permit will need to be secured prior to construction of the proposed parking stalls demonstrating that the post construction elevations of that portion of the parking lot located within the flood plain as depicted on the existing FEMA FIRM maps dated July 19, 1982 (Community Map Panel 170341 0100C) will not exceed the existing elevations of the existing grades on the site.
- 6. No construction activity shall take place and no permits (building, occupancy or site development) shall be issued for the subject property located in Section 9 of Na-Au-Say Township until such time that the required 15 foot Regional Trail easement, and the additional ROW along Route 126 per the previous Agreed Court Order, has been supplied and recorded.

- 7. All renovations to existing structures must conform to a commercial standard per the provisions of the Kendall County Building Code, including handicapped accessibility of the structures.
- 8. Other than the outside storage of non-growing landscaping materials, no outside storage shall be allowed on the site.
- 9. Occupancy in the existing residence will be restricted to an employee of the petitioner, for use as a caretaker's residence, and his/her immediate family members.
- 10. No composting will be done on-site. All grass clippings will be stored temporarily in a bin or dumpster and be hauled off the site periodically when the bin becomes full.

The Petitioner is requesting that conditions 1, 2, 3, and 8 be amended or repealed. Conditions 4, 6, and 7 have previously been met. The FEMA FIRM maps have been updated since the original special use permit was granted in 2007.

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

Any new structures would require applicable building permits.

The property is served by well and septic.

There is floodplain as part of the Little Slough Creek on the property. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway.

On October 26, 2021, the Petitioners and their engineer met with the Senior Planner, a representative of WBK, and the Planning, Building and Zoning Committee Chairman at the property. The Petitioners agreed that no hazardous or flammable materials would be stored in the floodway. The Kendall County Stormwater Management Ordinance forbids the storage of such materials in the floodway.

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

According to the site plan, a parking area is shown north of the metal building. The parking area is gravel.

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

There is one (1) existing four foot by eight foot (4'X8') freestanding sign. A light exists next to the sign. A picture of the sign was provided.

There is an existing wooden fence around the property and a single gate east of the metal building.

A berm and several mature trees are between the metal building and Route 126. Pictures of the landscaping were provided.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

The proposed Findings of Fact were as follows:

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

the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and Kendall County Stormwater Management Ordinance, and related ordinances.

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

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

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 because the Petitioners are not asking for any variances.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 10-11 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents."

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

- 1. Conditions 1 (pertaining to number of employees), 2 (pertaining to the site plan), 3 (pertaining to outside storage of commercial vehicles), and 8 of Ordinance 2007-10 shall be repealed. The remaining conditions and restrictions in Ordinance 2007-10 shall remain in force and valid.
- 2. The site shall be developed substantially in accordance with the site plan. The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, wood frame machine shed, and corn crib without amending the site plan.
- 3. The owners of the business allowed by the special use permit shall maintain the parking areas shown on the site plan and in substantially the same location as depicted on the site plan. The parking area north of the building shall be gravel and the parking lot south of the building shall be asphalt. Any expansions of either parking lots shall require an amendment to the special use permit.
- 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 on the subject property and shall promptly clean up the site if leaks occur
- 5. Any new structures 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 outdoor storage bins as shown on the site plan. The maximum height of the bins or "tents" shall be ZPAC Meeting Minutes 11.02.21

thirty feet (30') and shall look substantial like the structures shown in the provided picture.

- 10. One (1) maximum four foot by eight foot (4' X 8') freestanding sign may be located on the subject property. The sign may be illuminated.
- 11. No landscape waste generated off the property can be burned on the subject property.
- 12. A maximum of fifteen (15) 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.
- 13. No retail 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.
- 14. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 5:00 p.m. Business operations may occur outside the hours of operation in the event of bad weather and snow removal. 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. 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.
- 17. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 18. The conditions and restrictions contained in Ordinance 2014-29 shall be separate and enforceable from the conditions and restrictions contained in Ordinance 2007-10 and this major amendment to an existing special use permit.
- 19. 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, including but not limited, the public health protection standards for properties in the floodplain contained in the Kendall County Stormwater Management Ordinance.
- 20. 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.
- 21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 22. 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 number of people onsite will be decreasing.

Attachment 18, Page 6

Ms. Olson asked what types of equipment would be parked in the floodplain area. Gregg Ingemunson, Attorney for the Petitioner, said that only trailers would be parked in the floodplain area.

Chairman Gengler asked Mr. Klaas, if Route 126 got improved, would turning lanes be installed at the property. Mr. Klaas responded the State would do the evaluation. No immediate plans to widen Route 126 exist at this time.

The trail easement has been recorded.

The Petitioner was comfortable with having fifteen (15) employees.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the amendment to an existing special use permit with the conditions proposed by Staff.

With a voice vote of eight (8) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on December 8, 2021.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 9:23 a.m., adjourned.

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

Enc.

Matt Asselmeier

From: Sent: Alec Keenum <akeenum@oswegofire.com> Wednesday, October 27, 2021 9:47 AM

To:

Matt Asselmeier

Subject:

[External]RE: Kendall County Zoning Petition 21-46

Matt,

- Fuel tanks additions of fuel tanks shall be as per Office of the State Fire Marshal (OSFM) with applicable obtained permits, inspections, and approvals from the State
- Outside storage bins storage heights of any wood chips, or other combustible materials shall be limited in height to 25' as per the International Fire Code (IFC 2015) section 2808.3
- Outside storage bins shall not be used for miscellaneous storage of vehicles, machinery, equipment, etc.

Regards,

Capt. Alec J Keenum Fire Marshal Oswego Fire Protection District



Capt. Alec J. Keenum Fire Marshal

Central Station #1 3511 Woolley Road Oswego, Illinois 60543

Phone 630 900-ofpd Phone 610 554-2110

akeenum@oswegofire.com



KENDALL COUNTY ZONING & PLATTING ADVISORY COMMITTEE NOVEMBER 2, 2021

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Grey Insemma		
		f



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

Petition 21-48 Brian Henrichs on Behalf of Baka Properties, LLC Map Amendment Rezoning Property from A-1 to R-3

INTRODUCTION

The Petitioner is requesting a map amendment rezoning the subject property from A-1 Agricultural District to R-3 One Family Residential District.

The Petitioner plans to submit preliminary and final plats dividing the property into two (2) parcels in order to construct one (1) house on each new parcel.

The application materials are included as Attachment 1. The plat of survey is included as Attachment 2. The topographic survey of the property is included as Attachment 3. The aerial of the property is included as Attachment 4.

55 ILCS 5/5-12014(b)(B) allows for written protests signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned. In such cases, a three quarters (3/4) vote of the entire County Board is necessary to approve the map amendment. On November 30, 2021, this type of written protest was submitted to the County; the protest is included as Attachment 7.

SITE INFORMATION

PETITIONER Brian Henrichs on Behalf of Baka Properties, LLC

ADDRESS 55 Riverside Street, Yorkville (Lot 183 Fox River Gardens)

LOCATION Intersection of Riverside Street and Yorkville Road



TOWNSHIP Bristol

PARCEL # 02-34-130-004

LOT SIZE 2.7 +/- Acres

EXISTING LAND Vacant (Former Horse Pasture Site)

USE

ZONING A-1 Agricultural District

LRMP

Current	Vacant (Former Horse Pasture Site)
Land Use	
Future	Suburban Residential (Max 1.00 Du/Acre) (County)
Land Use	Estate/Conservation Residential (Yorkville)
Roads	Riverside Street and Yorkville Road are Private Streets.
Trails	None
Floodplain/	There is floodplain on the property, see Attachments 5 and 6.
Wetlands	There are no wetlands on the property.

REQUESTED

ACTION Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE Section 13:07 – Map Amendment Procedures REGULATIONS

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent	Land Resource	Zoning within ½ Mile
North	Single-Family	Zoning A-1 and R-3	Management Plan Suburban Residential	A-1 SU and R-3
	Residential		(Max 1.00 DU/Acre)	(County)
			(County)	R-2 and OS-2
			Estate/Conservation Residential	(Yorkville)
			(Yorkville)	
South	Single-Family Residential	A-1	Suburban Residential (County)	A-1 and R-3
			Estate/Conservation Residential	
			(Yorkville)	
East	Single-Family	A-1	Suburban Residential	A-1 and R-2
	Residential		(County)	
			Estate/Conservation Residential	
			(Yorkville)	
West	Single-Family Residential	A-1	Suburban Residential (County) Estate/Conservation	A-1, R-1, R-2, and R-3

Residential	
(Yorkville)	

The A-1 special use to the north is for a campground (Hide-A-Way Lakes).

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on November 10, 2021. Protected resources may be in the vicinity, but adverse impacts were unlikely and consultation was terminated (see Attachment 1, Page 7).

NATURAL RESOURCES INVENTORY

NRI application submitted on November 12, 2021 (see Attachment 1, Page 6).

ACTION SUMMARY

BRISTOL TOWNSHIP

Bristol Township was emailed information on November 16, 2021.

UNITED CITY OF YORKVILLE

The United City of Yorkville was emailed information on November 16, 2021. The Yorkville Economic Development Committee will review this proposal on December 7, 2021, and the Yorkville Planning and Zoning Commission will review this proposal on December 15, 2021.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

The Bristol-Kendall Fire Protection District was emailed information on November 16, 2021.

ZPAC

ZPAC will review this proposal at their meeting on December 7, 2021. The minutes of the meeting will be distributed at the December 8th Regional Planning Commission meeting.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to subdivide the property into (2) parcels and construct one (1) house on each of the two (2) new parcels created for a total of two (2) new houses.

Section 8:07.H of the Kendall County Zoning Ordinance does not allow properties larger than ten (10) acres in size to rezone to the R-3 One Family Residential District. The subject property is less than ten (10) acres in size.

The minimum lot size in the R-3 One Family Residential District is forty-five thousand (45,000) square feet.

BUILDING CODES

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

According to the Plat of Survey (Attachment 2), there is one (1) existing steel and frame pole building and one (1) frame stable on the property.

UTILITIES

No public or private utilities are onsite. Electricity is at Yorkville Road and Riverside Street.

ACCESS

The property fronts Yorkville Road and Riverside Street, two (2) private roads.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

Any fencing, landscaping, or screening would be for residential purposes.

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

FINDINGS OF FACT

§13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

Existing uses of property within the general area of the property in question. The surrounding properties are used for used for single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or R-3.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The property is less than forty (40) acres and does not qualify for any agricultural housing allocations. No new single-family homes can be constructed on the subject property without a map amendment.

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 single-family residential uses found in rural settings with wooded lots.

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 Suburban Residential. The maximum density for the Suburban Residential classification is one density unit per acre (1.00 DU/Acre). The minimum lot size for R-3 One Family Residential District zoned land is slightly over one (1) acre at forty-five thousand (45,000) square feet. Accordingly, the R-3 One Family Residential District is consistent with the Suburban Residential classification.

RECOMMENDATION

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

ATTACHMENTS

- 1. Application Materials
- 2. Plat of Survey
- 3. Topographic Survey
- 4. Aerial
- 5. November 13, 2021, WBK Email

- 6. Approximate Floodplain Aerial7. Written Protest



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

ILLINOIS OF 1841	PROJECT NAME	FILE #: 21-48
NAME OF APPLICANT		v.
BRIAN HENRICHS		
CURRENT LANDOWNER/NAME	E(s)	
BRIAN AND KELLEY	HENRICHS	
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
2.7 AC	YORKVILLE ROAD	02-34-130-004
EXISTING LAND USE	CURRENT ZONING	LAND CŁASSIFICATION ON LRMP SUBURBAN RESIDENTIAL - MAX
AGRICULTURE	A-1	DENSITY 1.00 DU ACRES
REQUESTED ACTION (Check A	II That Apply):	
SPECIAL USE	X MAP AMENDMENT (Rezone	to R-3)VARIANCE
ADMINISTRATIVE VARIANC	E A-1 CONDITIONAL USE for:_	SITE PLAN REVIEW
TEXT AMENDMENT	RPD (Concept; Prelin	minary; Final) · ADMINISTRATIVE APPEAL
PRELIMINARY PLAT	FINAL PLAT	OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIA		G ADDRESS PRIMARY CONTACT EMAIL
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING	G ADDRESS PRIMARY CONTACT EMAIL
BRIAN HENRICHS	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	·
² ENGINEER CONTACT	ENGINEER MAILING ADDRE	SS ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
COUNTY STAFF & BOAR	D/ COMMISSION MEMBERS TH	THE PROPERTY IN QUESTION MAY BE VISITED BY IROUGHOUT THE PETITION PROCESS AND THAT JECT TO ALL CORRESPONDANCE ISSUED BY THE
LCERTIEY THAT THE INF	ORMATION AND EXHIBITS SU	BMITTED ARE TRUE AND CORRECT TO THE
BEST OF MY KNOWLED	GE AND THAT I AM TO FILE TH	IS APPLICATION AND ACT ON BEHALF OF THE
ABOVE SIGNATURES.	2	
SIGNATURE OF APPLICA	ANT	DATE
		11/10/2021
	FEE DAID:\$	GNO CE

Last Revised: 12.15.20

CHECK #: 1440

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

Attachment 1, Page 2

Please fill out the following findings of fact to the best of your capabilities. § 13:07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any map amendment request. They are as follows:

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

RESIDENTIAL USE / SINGLE FAMILY

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

EXISTING ZONING IS A-1 WANT TO REZONE TO R-3 IN WHICH THE WHOLE NORTHERN PORTION OF THE SUBDIVISION IS ZONE R-3

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

EXISTING USE IS A-1 WAS USED AS A HORSE PASTURE, HORSES ARE GONE NOW

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 WHOLE NORTHERN PORTION (75+ HOMES) ZONED R-3 AND WE MEET YOUR FUTURE ZONING

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

Attachment 1, Page 3

Legal Description

Lot 183 in Fox River Gardens in Bristol Township, Kendall County, Illinois

QUIT CLAIM DEED (Illinois Statutory)

After Recording Mail To Joshua A Nesser Lavelle Law, Ltd 180 N LaSalle #2503 Chicago, IL 60601

Send Subsequent Tax Bills To Baka Properties, LLC – Series 5 55 Riverside St Yorkville, IL 60560 Attachment 1, Page 4



201600006850

GILLETTE KENDALL COUNTY, IL

RECORDED: 5/17/2016 9:05 AM QCD: 49.00 RHSPS FEE: 10.00 PAGES: 2

THE GRANTORS, BRIAN A HENRICHS AND KELLEY J HENRICHS, husband and wife, as joint tenants, of 55 Riverside Street, City of Yorkville, County of Kendall, State of Illinois, for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY and QUIT CLAIM to BAKA PROPERTIES, LLC – SERIES 5, an Illinois series limited liability company, all interest in the following described Real Estate situated in Kendall County, Illinois, to wit

Legal Description attached

Permanent Real Estate Index Number. 02-34-130-003
Address of Real Estate Vacant Lot 183, Yorkville Road, Yorkville, IL 60560

SUBJECT TO General real estate taxes not due and payable at the time of Closing, covenants, conditions and restrictions of record, and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate

Brian A. Henrichs

Kelley J. Henrichs

Dated this 22 day of Aduc, 2016

Dated this 22 day of April, 2016

Matthew D. Baier

Notary Public, State of Illinois ty Computation Resires October 17, 2018

STATE OF ILLINOIS, COUNTY OF COOK, SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Brian A. Henrichs and Kelley J. Henrichs, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

(SEAL)

Given under my hand and official seal, this 22nd day of April . 2016

NOTARY PUBLIC

State of Illinois

DEPARTMENT OF REVENUE

STATEMENT OF EXEMPTION UNDER REAL ESTATE TRANSFER TAX ACT

I hereby declare that the attached deed represents a transaction exempt under provisions of paragraph e, Section 4, of the real Estate Transfel Pax Act Dated this 22. day of April . 2016

Signature of Buyer-Seller or their Representative

Prepared by Levelle Law, Ltd., 180 N. LaSalle #2503, Chicago, iL 60601

S 17751 80007795 601 Corp Formation/Quit Claim DecasiQCD Los 183 Bake 5 doc

LEGAL DESCRIPTION

LOT 183 IN FOX RIVER GARDENS IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS

"OFFICIAL SEAL"
Matthew D. Beier
Notary Public, State of Illinois
My Communical Expires Oceder 17 2018

2/2



Kendall County Soil & Water Conservation District

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



NATURAL RESOURCE INFO	RMATION (NRI) REPORT APPLICATION
Petitioner: Brian Henrichs	Contact Person:
Address:	copy of the NRI Report? ⊠ Email □ Mail
Site Location & Proposed Use Township NameBRISTOL. Parcel Index Number(s)02-34-130-004 Project or Subdivision NameFOX RIVER GARDENS Current Use of SiteFIELD Proposed Number of Lots2 Proposed Water SupplyWELL Proposed type of Storm Water ManagementN/A	Township37NN, RangeR7EE, Section(s)34
Type of Request ☐ Change in Zoning from A1 to	e page)
☐ If available: topography map, field tile map, copy of s NRI fee (Please make checks payable to Kendall Cour The NRI fees, as of July 1, 2010, are as follows: Full Report: \$375.00 for five acres and under, plus	scription and property measurements ts, buildings, roads, stormwater detention, open areas, etc. soil boring and/or wetland studies
Fee for first five acres a Additional Acre Total NRI Fee	sand under \$ 375.00 es at \$18.00 each \$ 0 \$ 375.00
NOTE: Applications are due by the 1 st of each month to be application is submitted, please allow 30 days for inspect	e on that month's SWCD Board Meeting Agenda. Once a completed ion, evaluation and processing of this report.
I (We) understand the filing of this application allows the Conservation District (SWCD) to visit and conduct an every expiration date will be 3 years after the date reported. Petitioner or Authorized Age	e authorized representative of the Kendall County Soil and Water aluation of the site described above. The completed NRI report
FOR OFFICE USE ONLY NRI# Date initially rec'd Date all	rec'dBoard Meeting
Fee Due \$ Fee Paid \$ Check #	Over/Under PaymentRefund Due



JB Pritzker, Governor

Colleen Callahan, Director

November 10, 2021

Brian Henrichs brian henrichs

RE: lot 183 fox river gardens subdivision Project Number(s): 2206927 [001]

County: Kendall

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

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

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

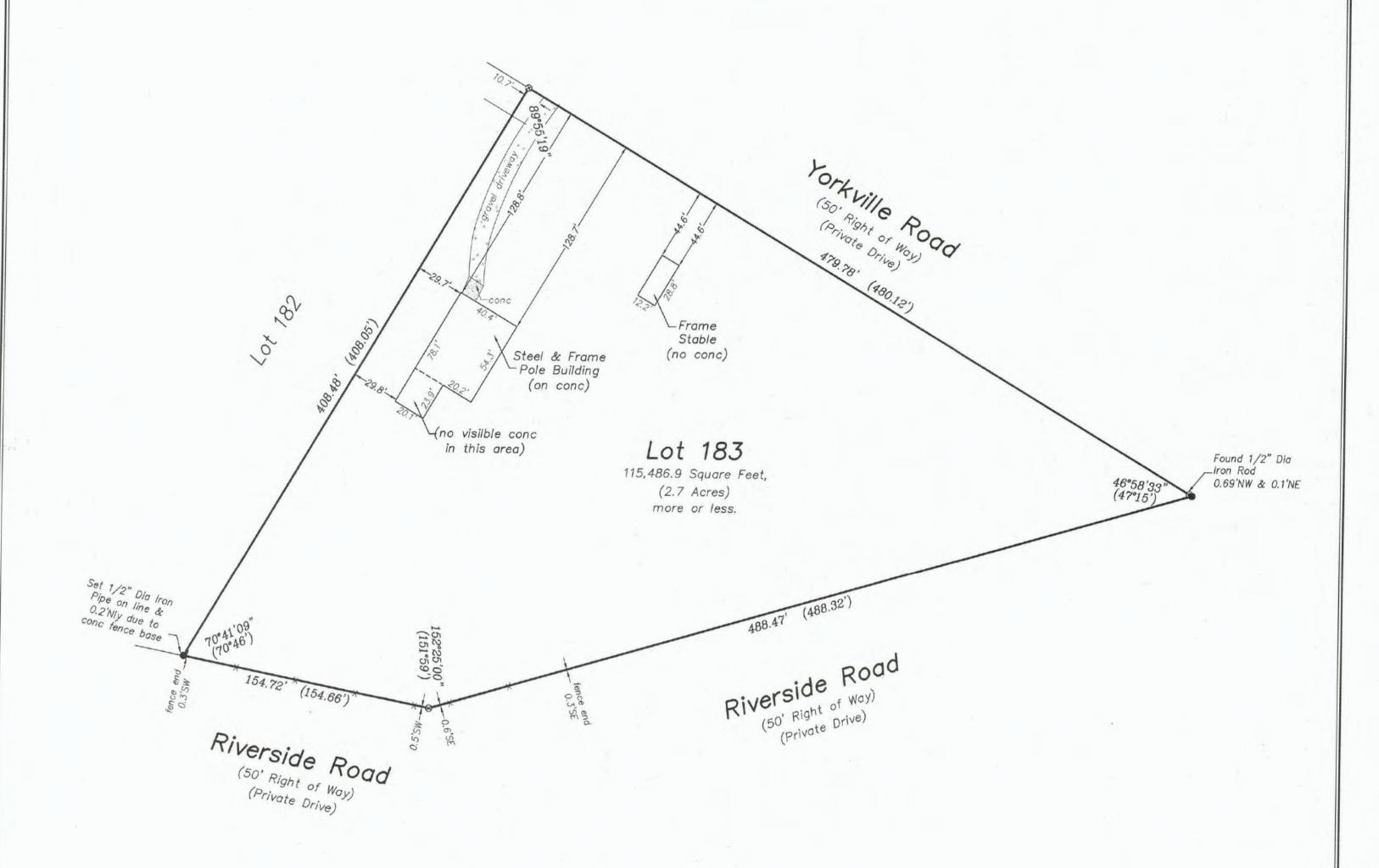
Kyle Burkwald

Division of Ecosystems and Environment

217-785-5500

PLAT OF SURVEY

LOT 183 IN FOX RIVER GARDENS, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS. COMMONLY KNOWN AS: 55 RIVERSIDE ROAD, YORKVILLE, ILLINOIS.



STATE OF ILLINOIS

) SS COUNTY OF KENDALL)

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON NOVEMBER 03, 2021.



Scale: 1" = 50'

⊗=Found 1/2" Dia. Iron Pipe ● =Set Iron Pipe 1/2" Dia. x 24" (XX.XX')= Record Distance XX.XX'= Measured Distance N= North E= East S= South W= West X X X = Fence = Concrete/Asphalt

Michel C. Ensalaco, P.L.S. Eric C. Pokorny, P.L.S.

Exp. 11/30/2022 Exp. 11/30/2022

Professional Land Surveying Services "Cornerstone Surveying PC" 759 John Street, Suite D Yorkville, IL 60560 Phone: 630-892-1309 Fax: 630-892-5544

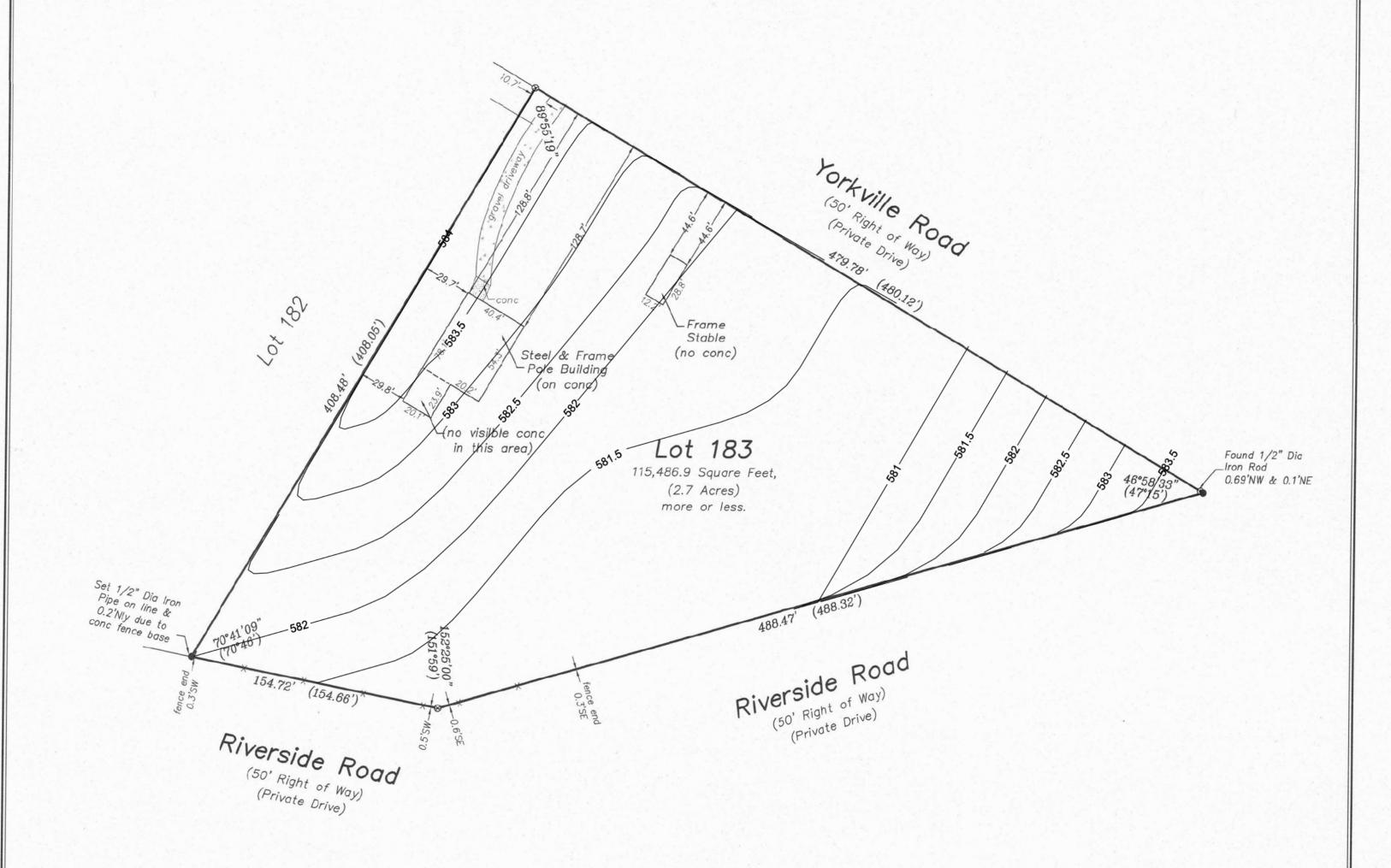
Survey is only valid if original seal is shown in red.

Reference:	heets Drawn By: JLH.JJH Plat #: 175
Field Work	Completed: 11/02/2021
Rev. Date	Rev. Description
-	
Project Nu	imber:

PLAT OF SURVEY

LOT 183 IN FOX RIVER GARDENS, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

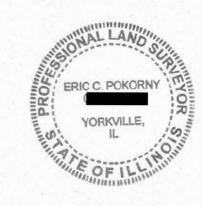
COMMONLY KNOWN AS: 55 RIVERSIDE ROAD, YORKVILLE, ILLINOIS.



STATE OF ILLINOIS)
COUNTY OF KENDALL)

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DATED AT YORKVILLE, ILLINOIS ON NOVEMBER 03, 2021.





⊗=Found 1/2" Dia. Iron Pipe ■ =Set Iron Pipe 1/2" Dia. x 24" (XX.XX')= Record Distance

Scale: 1" = 50'

 Michel C. Ensalaco, P.L.S. Eric C. Pokorny, P.L.S.

Exp. 11/30/2022 Exp. 11/30/2022

TODD SURVEYING

Professional Land Surveying Services
"Cornerstone Surveying PC"
759 John Street, Suite D
Yorkville, IL 60560
Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

BAKA Properties

Book #: sheets Drawn By. JLH. JJH | Plat #: 1751
Reference:
Field Work Completed: 11/02/2021
Rev. Date Rev. Description

Project Number:

2021—1486

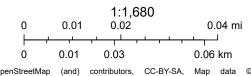
Attachment 4



November 12, 2021

Kendall County Address Points Parcels

Ownership Parcel



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Attachment 5

Matt Asselmeier

From: Greg Chismark < gchismark@wbkengineering.com>

Sent: Saturday, November 13, 2021 4:29 PM

To: Matt Asselmeier

Subject: RE: [External]RE: Unincorporated Kendall County

Yes, I have a comment.

The base flood elevation of the Fox River in proximity to this lot is 582. The County GIS contours indicates there is hydraulic connectivity from the Fox River to the property. The survey submitted shows elevations lower than 582 which documents floodplain exists on the property.

Unless the petitioner can provide a survey that depicts ground elevation at or above 582 between the lot and the Fox River, my opinion is that there is floodplain on the lot. Let me know if you need anything formal on this.

Greg

Greg Chismark, PE

President

Direct: (630) 338-8527 | Main: (630) 443-7755

gchismark@wbkengineering.com

WBK Engineering, LLC

116 W. Main Street, Suite 201, St. Charles, IL 60174

Part of Bodwé Professional Services

From: Matt Asselmeier <masselmeier@co.kendall.il.us>

Sent: Friday, November 12, 2021 8:49 AM

To: Greg Chismark <gchismark@wbkengineering.com>
Subject: RE: [External]RE: Unincorporated Kendall County

Greg:

The owner of Lot 183 in Fox River Gardens is submitting an application to rezone the property R-3 in order to build 2 houses.

The Petitioner submitted the attached topographic survey and is claiming no floodplain and no BFE on the property.

Do you have any comments on this?

Thanks,

Matthew H. Asselmeier, AICP, CFM Senior Planner Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560-1498

PH: 630-553-4139 Fax: 630-553-4179



November 28, 2021

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

Subject: Lot 183 Fox River Gardens (WBK Project 19-102)

Dear Mr. Asselmeier:

We have reviewed the topographic survey dated November 3, 2021 prepared by Todd Surveying. The Kendall County Stormwater Management Ordinance identifies how floodplain is determined in Section 401 Floodplain, Regulatory Floodplain, Base Flood Elevation (BFE) and Regulatory Floodway Locations. "The BFE shall be delineated onto the site topography to establish the Regulatory Floodplain area limits for regulation under this Ordinance." The base flood elevation of the Fox River in proximity to this lot is 582 based on FEMA regulatory documents. The survey submitted depicts elevations lower than 582. It is our opinion that any area within the lot lower than elevation 582 is considered regulatory floodplain in accordance with the Kendall County Stormwater ordinance.

If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,

WBK Engineering, LLC



ATTORNEYS AT LAW

151 North Franklin Street Suite 2500 Chicago, IL. 60606

www.hinshawlaw.com

312-704-3000 312-704-3001 (fax) Dean E. Parker 312-704-3117 dparker@hinshawlaw.com

November 29, 2021

VIA UPS OVERNIGHT

Matt Asselmeir, AICP, CFM, Senior Planner Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560

> Re: Petition Submitted to the County Board Objecting to Rezoning Petition 21-48 Gerald Chase, John Willingham, DM Studler, David Morgan and Kent Hanna

Dear Mr. Asselmeir:

Attached please find an original executed Petition.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

HINSHAW & CULBERTSON LLP



Dean E. Parker

DEP:gar

cc: Debbie Gillette, Kendall County Clerk

Michael P. Adams Donald L. Mrozek

PETITION SUBMITTED TO THE COUNTY BOARD OF THE COUNTY OF KENDALL, STATE OF ILLINOIS, SUBMITTED PURSUANT TO SECTION 13.07 G.2 OF THE KENDALL COUNTY ZONING ORDINANCE

The undersigned have been advised that that BAKA Properties LLC – Series 5 the owner of the property commonly known as Lot 183 Fox River Gardens (tax parcel number 02-34-130-004), (the "Development Parcel"), in unincorporated Kendall County, Illinois, pursuant to Petition 21-48, has requested that Kendall County pass a map amendment ordinance changing the zoning applicable to the Development Parcel from Ag-1 to R-3. The undersigned, being more than twenty percent of the owners of the frontage immediately adjoining or across an alley, street or public right-of-way from the Development Parcel, wish to notify the County Board of the County of Kendall that they protest and object to the rezoning of the Development Parcel from its existing zoning classification of Ag-1.

1	Howar your	(Signature)
	Gerald Chase FOR S150, LLC	
	Print Name	
	40 Riverside St.	
	Address	
	Tax Parcel Number 02-34-204-005	
2.		(Signature)
	JoAnn M. Willingham	
	Print Name	
	56 Riverside St.	
	Address	
	Tax Parcel Number 02-34-204-002	
		(0:
3	9001	(Signature)
	DM Studler	
	Print Name	
	34 Riverside St.	
	Address	
	Tax Parcel Number 02-34-176-003	

The undersigned have been advised that that BAKA Properties LLC – Series 5 the owner of the property commonly known as Lot 183 Fox River Gardens (tax parcel number 02-34-130-004), (the "Development Parcel"), in unincorporated Kendall County, Illinois, pursuant to Petition 21-48, has requested that Kendall County pass a map amendment ordinance changing the zoning applicable to the Development Parcel from Ag-1 to R-3. The undersigned, being more than twenty percent of the owners of the frontage immediately adjoining or across an alley, street or public right-of-way from the Development Parcel, wish to notify the County Board of the County of Kendall that they protest and object to the rezoning of the Development Parcel from its existing zoning classification of Ag-1.

10 40 110 h	(Signa
David A. Morgan	
Print Name	
16 Yorkville Road	
Address	
Tax Parcel Number 02-34-130-005	
	(Signa
SEUT HANNA	
Print Name	
15 YORKVILLE ST.	
Address	
Tax Parcel Number 02-34-129-006	
	(Signa
Print Name	
Time ivalue	
Address	
Tax Parcel Number 02-34	



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

Petition 21-49 Irma Loya Quezada Map Amendment Rezoning Property from A-1 to R-1

INTRODUCTION

The Petitioner is requesting a map amendment rezoning two (2) approximately three point two-four (3.24) acre parcels from A-1 Agricultural District to R-1 One Family Residential District in order to construct one (1) house on each parcel.

The Petitioner plans to use Plat Act exemptions to divide the subject areas proposed for rezoning from the larger parcels.

The agricultural building permits for the parcels were used in 2003 and 2004. The only way houses can be constructed on the subject parcels is by obtaining the requested map amendment.

The application materials are included as Attachment 1. The plat of survey is included as Attachment 2. The aerial of the property is included as Attachment 3.

SITE INFORMATION

PETITIONER Irma Loya Quezada

ADDRESS Across from 14859 and 14975 Brisbin Road

LOCATION East Side of Brisbin Road Approximately 0.5 Miles South of Route 52



TOWNSHIP Seward

PARCEL #s 09-18-300-018 and 09-18-300-019

LOT SIZE 20.7 Acres-Total of Both Parcels; 6.48 Acres-Total Proposed Rezoned Area

EXISTING LAND Agricultural

USE

ZONING A-1 Agricultural District

LRMP

Current Land Use	Agricultural
Future Land Use	Rural Estate Residential (Max 0.45 Du/Acre)
Roads	Brisbin Road is a Township Maintained Major Collector.
Trails	None
Floodplain/ Wetlands	None

REQUESTED

ACTION Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE Section 13:07 – Map Amendment Procedures REGULATIONS

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential	A-1
			(Max 0.45 DU/Acre)	
			(County)	
			Low Density Residential	
			(Plattville)	
South	Agricultural	A-1	Rural Estate Residential and Agricultural	A-1
East	Agricultural	A-1	Rural Estate Residential	A-1
West	Agricultural/Farmstead/Hogan's Market	A-1 and A-1 SU	Rural Estate Residential	A-1 and A-1 SU

The A-1 special use to the west is for the sale of agricultural products, art, pottery, and home décor not produced on the premises (Hogan's Market).

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on November 11, 2021, and consultation was terminated (see Attachment 1, Page 9).

NATURAL RESOURCES INVENTORY

NRI application submitted on October 18, 2021 (see Attachment 1, Page 8).

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on November 16, 2021. The Seward Township Planning Commission will review this proposal on December 7, 2021.

VILLAGE OF PLATTVILLE

The Village of Plattville was emailed information on November 16, 2021.

LISBON-SEWARD FIRE PROTECTION DISTRICT

The Lisbon-Seward Fire Protection District was emailed information on November 16, 2021.

ZPAC

ZPAC will review this proposal at their meeting on December 7, 2021. The minutes will be distributed at the December 8th Regional Planning Commission meeting.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to build one (1) house on each of the two (2) new parcels created for a total of two (2) new houses.

BUILDING CODES

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

UTILITIES

No public or private utilities are onsite.

ACCESS

The property fronts Brisbin Road. Staff has no concerns regarding the ability of Brisbin Road to support the proposed map amendment.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

Any fencing, landscaping, or screening would be for residential purposes.

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

FINDINGS OF FACT

§13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses.

RPC Memo – Prepared by Matt Asselmeier – December 1, 2021

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or A-1 SU for the sale of agricultural products, art, pottery, and home décor not produced on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The agricultural housing allocations for the subject property have already been used and no new single-family homes can be constructed on the subject property without a map amendment.

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 single-family residential uses found in rural settings.

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 Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

RECOMMENDATION

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

ATTACHMENTS

- 1. Application Materials
- 2. Plat of Survey
- 3. Aerial

PROJECT NAME



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

FILE#:_

(630) 553-4141

APPLICATION

Contract of the Contract of th			
NAME OF APPLICANT			
Irma Loya Quezada	ı		
CURRENT LANDOWNE	ER/NAME(s)		
Irma Loya Quezada	3		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION		5 ID NUMBER (PIN)
10	Brisbin Road Minooka, IL 60447		18-300-018 & 09-18-300-019
EXISTING LAND USE	CURRENT ZONING	LAND CLASS	SIFICATION ON LRMP
farmland	A-1		
REQUESTED ACTION	(Check All That Apply):		
SPECIAL USE	X MAP AMENDMENT (Rezone to	2-1	VARIANCE
ADMINISTRATIVE	VARIANCE A-1 CONDITIONAL USE for:		SITE PLAN REVIEW
TEXT AMENDMEN	T RPD (Concept; Prelimin	ary; Final)	ADMINISTRATIVE APPEAL
PRELIMINARY PLA			OTHER PLAT (Vacation, Dedication, etc.)
. AMENDMENT TO	A SPECIAL USE (Ma'or; Minor)		DEBINARY CONTACT EMAN
¹PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING	DDRESS	
PRIMARY CONTACT P	PHONE # PRIMARY CONTACT FAX #		PRIMARY CONTACT OTHER #(Cell, etc.)
ZENGINEER CONTACT	T ENGINEER MAILING ADDRESS	1	ENGINEER EMAIL
none			
ENGINEER PHONE #	ENGINEER FAX#		ENGINEER OTHER # (Cell, etc.)
COUNTY STAFF &	THAT BY SIGNING THIS FORM, THAT TH & BOARD/ COMMISSION MEMBERS THR ONTACT LISTED ABOVE WILL BE SUBJE	CT TO ALL	CORRESPONDANCE ISSUED BY THE
I CERTIFY THAT BEST OF MY KNO ABOVE SIGNATU	THE INFORMATION AND EXHIBITS SUBI DWLEDGE AND THAT I AM TO FILE THIS IRES.	APPLICATION	TRUE AND CORRECT TO THE ON AND ACT ON BEHALF OF THE
SIGNATURE OF	ADDI ICANT		DATE
SIGNAM UNE CASA	ALL PIONIT		10/18/2011
,00	FEE PAID:\$		1
	CHECK#:		

Last Revised: 12.15,20

Date Stamp Here If Checklist Is Complete

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

Attachment 1, Page 2 Quezada Zoning Project

Please fill out the following findings of fact to the best of your capabilities. § 13:07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any map amendment request. They are as follows:

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

There is a mix of exiting uses of real property in the subject area of the Petitioner. They consist of A1 Agricultural Use. A1 Special Use and various residential classifications. The actual usesages in the area are a combination of Single Family large Lot Residential under Kendall County R-1 Zoning and Building Permits issued under various County Agricultrual Ordinances including Farm Allocations.

The Zoning classification of property within the general area of the property in question. Same answer as to existing uses.

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

The subject property is suitable for pasture, or low denisty agricultural uses, but because of its smaller size is not considered a prime agricultural use with the modern farm machinery where fields are desired to be of much greater size. The property is perfect for construction of two residential units as well as having low denisity agricultural uses such as pasture for horses.

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.

There is a moderate trend for development of large lot rural single family residential in the area.

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

The proposed use of 2 Residential R-1 Building lots is consistent with the Lane Resource Management Plan of Kendall County in that the Land Resource Management Plan calls for low density Single Family Country Residential District type development.

REspectfully Submitted,

Daniel J. Kramer, 11/12/21

Legal Descriptions

Parcel 1A

That Part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Northerly along said West Line, 302.08 feet; thence Easterly, perpendicular to said West Line, 470.00 feet; thence Southerly, perpendicular to the last ascribed course 298.98 feet to a line drawn Easterly from the point of beginning which is parallel to said North Line; thence Westerly parallel with said North Line, 470.01 feet to the point of beginning in Seward Township, Kendall County, Illinois.

Parcel 2A

That Part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of sad Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Southerly, along said West Line 298.75 feet; thence Easterly, perpendicular to said West Line, 470.0 feet; thence Northerly, perpendicular to the last described course, 301.85 feet to a line drawn Easterly from the point of beginning, which is parallel with the North Line of said Southwest Fractional Quarter; thence Westerly, parallel with said North Line, 470.01 feet to the point of beginning, in Seward Township, Kendall County, Illinois.

202100012771

DEBBIE GILLETTE

RECORDER - KENDALL COUNTY, IL

RECORDED: 5/18/2021 3:47 PM

REC FEE: 57.00 RHSPS: 10.00

STATE TAX: 200.00

COUNTY TAX: 100.00 PAGES: 4

ALSOITH THE LODI

Chicago Third INDENTURE WITNESSETH,
That the Grantor.

ERB PROPERTIES, LLC, an Illinois Limited Liability Company, as to an undivided 70.45% interest, and Mark Brummel, as to an undivided 29.55% interest.

of the Village of Minooka in the County of Kendall and State of Illinois for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, CONVEY and WARRANT to:

IRMA LOYA QUEZADA, A Single DERSON

whose address is

the following described real estate to-wit:

PARCEL 1: THAT PART OF THE WEST HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST COMER OF SAID SOUTHWEST FRACTION QUARTER; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 1548.37 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY, ALONG SAID WEST LINE, 551.93 FEET; THENCE EASTERLY, PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 817.41 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE NORTHERLY, ALONG SAID EAST LINE, 551.95 FEET TO A LINE DRAWN EASTERLY FROM THE POINT OF BEGINNING WHICH IS PARALLEL WITH SAID NORTH LINE; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 819.55 FEET TO THE POINT OF BEGINNING IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE WEST HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST FRACTION QUARTER; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 2100.30 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY, ALONG SAID WEST LINE, 551.93 FEET TO THE SOUTHWEST COMER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 815.23 FEET TO THE SOUTHEAST COMER OF THE WEST HALF OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE NORTHERLY, ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST FRACTIONAL QUARTER, 558.79 FEET TO A LINE DRAWN EASTERLY FROM THE POINT OF BEGINNING WHICH IS PARALLEL WITH THE NORTL LINE OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 817.41 FEET TC THE POINT OF BEGINNING IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.

SUBJECT TO covenants, conditions and restrictions of record, public and utility easements, general taxes for the tax year 2020 and 2021.
PIN #: 09-18-300-018 & 09-18-300-019 COMMON ADDRESS: 21 acres, Brisbon Road; Minooka, IL 60447
situated in Kendall County, Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.
Dated this day of May , 2021 .
ERB PROPERTIES, LLC
BY: EDWARD J. BALTZ
ITS: MANAGER and as Trustee of the FDWARD J. BALTZ DESCENDANT TRUST
BY:
MANAGER and as Trustee of the ROBERT D. BALTZ DESCENDANT TRUST
MARK BRUMMEL
STATE OF ILLINOIS) COUNTY OF GRUNDY)
I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT EDWARD J. BALTZ, MANAGER OF ERB PROPERTIES, LLC AND TRUSTEE OF THE EDWARD J. BALTZ DESCENDANT TRUST, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead. NICOLE A. BILLINGSLEY NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 8/28/2022 NOTARY PUBLIC.
STATE OF ILLINOIS) COUNTY OF GRUNDY)
I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT ROBERT D. BALTZ, MANAGER OF ERB PROPERTIES, LLC AND TRUSTEE OF THE ROBERT D. BALTZ DESCENDANT TRUST, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary actions and the same person in set forth, including the release and waiver of the right of homests id. NICOLE A. BILLINGSLEY NOTARY PUBLIC, STATE OF ILLINOIS (Alveromatics significant and Separate

STATE OF ILLINOIS COUNTY OF GRUNDY

I, the undersigned, a Notary Public, in and for said County and State aforesaid, DO HEREBY CERTIFY THAT MARK BRUMMEL, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this

4 day of May , 20 2.

"OFFICIAL SEAL"
NICOLE A. BILLINGSLEY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8/29/2022

FUTURE TAXES TO:

IRMA LOYA QUEZADA

RETURN THIS DOCUMENT TO:

DANIEL J. KRAMER

ЕТ

PREPARED BY:

CORTINA MUELLER FROBISH

Attachment 1, Page 7

RECORDER OF DEEDS AFFIDAVIT - METES AND BOUNDS

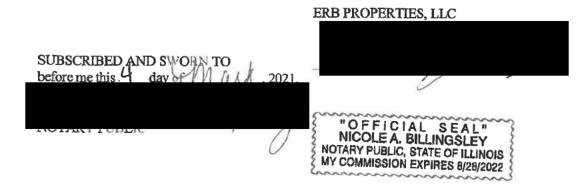
STATE OF ILLINOIS)
) SS.
COUNTY OF KENDALL)

ERB PROPERTIES, LLC being duly sworn on oath, states that he is the property owner of the real estate whose legal description is attached. The attached deed is not in violation of Section 1 of Chapter 109 of the Illinois Revised Statutes for one of the following reasons:

- The division of subdivision of land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
- 2. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
- The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
- 4. The conveyance is of parcels of land or interest therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
- 5. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
- The conveyance is of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- The conveyance is made to correct descriptions in prior conveyances.
- 8. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing in July 17, 1959 and not involving any new streets or easements of access.
- 9. The sale is of a single lot of less than five acres from a large tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973 and a survey of said single lot having been made by a registered land surveyor.
- 10. The conveyance is of land described in the same manner as title was taken by grantor(s).

THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

AFFIANT further states that he makes this Affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.





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



Conservation District	www.kendallswcd.org
NATURAL RESOURCE IN	FORMATION (NRI) REPORT APPLICATION
Petitioner: Irma Loya Quezada Address:	Contact Person: Daniel J. Kramer
City, State, Zip:	
Phone Email	2
	eive a copy of the NRI Report?
Site Location & Proposed Use Township Name Seward	Township 35 N, Range 8 E, Section(s) 18
Parcel Index Number(s) part of pins 09-18-300-018	3 ad 09-18-300-019
Project or Subdivision Name	Number of Acres 10
Current Use of Site farmland	Proposed Use 2 single family homes
Proposed Number of Lots 2	Proposed Number of Structures 2
Proposed Water Supply well Proposed type of Storm Water Management	Proposed type of Wastewater Treatment Septic
Variance (Please describe fully on separate page	arate page) g filed with: Kendall County Planning, Building, & Zoning ase including the following to ensure proper processing: al description and property measurements ed lots, buildings, roads, stormwater detention, open areas, etc. ey of soil boring and/or wetland studies County SWCD) plus \$18.00 per acre for each additional acre or any fraction thereof over five. D staff will determine when a summary or full report will be necessary.)
Fee for first five ac <u>5</u> Additional Total NRI Fee	res and under \$ 375.00. Acres at \$18.00 each \$ 90.00 \$ 465.00
NOTE: Applications are due by the 1 st of each month application is submitted, please allow 30 days for ins	to be on that month's SWCD Board Meeting Agenda. Once a completed spection, evaluation and processing of this report.
Conservation District (SWCD) to visit and conduct a expiration date will be 3 years after the date report Petitioner or Authorized	
FOR OFFICE USE ONLY NRI# Date initially rec'd Dat Fee Due \$ Fee Paid \$ Che	e all rec'd Board Meeting ck # Over/Under Payment Refund Due





11/11/2021

IDNR Project Number: 2206967

Applicant: Irma Loya Quezada

Contact: Address: DANIEL J. Kramer

Project: Quezada

Address: Brisbin Road, Minooka

Description: Rezone property to build two single family homes

Natural Resource Review Results

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

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

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

Location

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

County: Kendall

Township, Range, Section:

35N, 8E, 18

IL Department of Natural Resources Contact Kyle Burkwald

217-785-5500 Division of Ecosystems & Environment

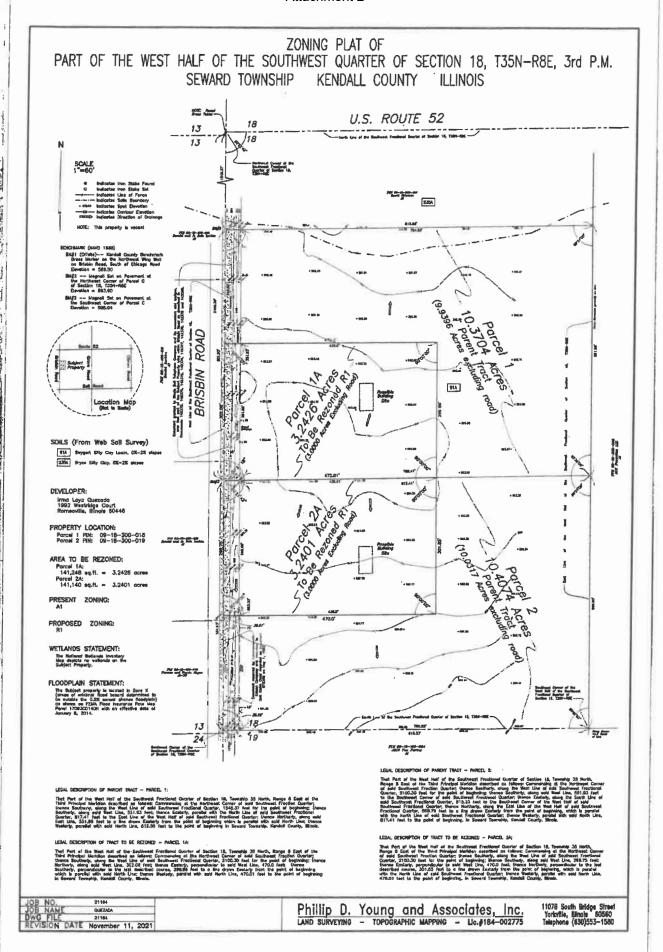
Government Jurisdiction

Kendall County Planning, Building, & Zoning

Matt Asselmeier 111 W Fox Street Yorkville, Illinois 60560

Disclaimer

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





Legend

Legal Descriptions

Parcels





Group Type	Name	Organization	Position	Email
стоир гурс	Dr. Edward Boswell	Newark High School District #18	Superintendent	eboswell@nchs18.org
	Mrs. Demetra Turman	Newark Grade School District #66	Superintendent/Principal	dturman@ngsd66.org
	Melanie Elias	Lisbon School District #90	Superintendent	melias@lisbon.k12.il.us
	Mr. Tim Shimp	Yorkville Community Unit School District #115	Superintendent	tshimp@y115.org
	Dr. John Sparlin	Oswego School District #308	Superintendent	Superintendent@sd308.org
	Dr. Lane Abrell	Plainfield School District #202	Superintendent	LAbrell@psd202.org
School Districts	Dr. Kenneth Lee	Minooka Community Unit School District #111 Education Center	Superintendent	klee@mchs.net
	Mr. Rick Schmitt	Sandwich School District #430 720 S. Wells	Superintendent	rschmitt@sandwich430.org
	Mr. Tony Baker	Plano School Community Unit School District #88	Superintendent	adminoffice@plano88.org
	Dr. Kris Monn	Minooka School District #201	Superintendent	kmonn@min201.org
	Dr. Travis McGuire	Hinckley-Big Rock School District #429	Superintendent	tmcguire@hbr429.org
	Dr. Craig Ortiz	Morris School District #101	Superintendent	cortiz@morrishs.org
	Mr. Richard Zielke	Oswegoland Park District Prairie Point Center	Executive Director	rzielke@oswegolandpd.org
	Mr. Jim Pilmer	Fox Valley Park District Cole Center	Executive Director	jpilmer@fvpd.net
ark/Forest Preserve Districts	Mr. Carlo Capalbo	Plainfield Park District	Executive Director	capalbo@plfdparks.org
ark/Forest Freserve Districts	Mr. Bill Novicki	Sandwich Park District	Executive Director	bill.novicki.spd@gmail.com
	Mr.Brad Staab	Joliet Park District	Executive Director	bstaab@iolietpark.org
	Mr. Greg Witek	Little Rock-Fox FPD	Chief	gwitek@lrffpd.com
	Mr. James Bateman	Bristol-Kendall FPD	Chief	Jbateman@BKFire.org
	Mr. John Cornish	Oswego FPD	Chief	firechief@oswegofire.com
	Mr. Derek Hagerty	Sandwich FPD	Chief	dhagerty@sandwichfd.org
	Mr. Jeff Mathre	Newark FPD	Chief	ieffmathre@yahoo.com
	Mr. Jon Stratton	Plainfield FPD	Chief	plfd_fire@plainfieldfpd.com
Fire Districts	Mr. Tim Wallace	Lisbon-Seward FPD	Chief	lsfpd202@aol.com
	Mr. Thomas P. Meyers, Jr.	Montgomery-Countryside FPD	Chief	Chiefmeyers@montgomeryfire.org
	Mr. Gary Krienitz	Aurora Fire Department	Chief	fire@aurora-il.org
	Mr. Al Yancey, Jr	Minooka FPD	Chief	yanceya@minookafire.com
	Mr. Andy Doyle	Troy FPD	Chief	adoyle@troyfpd.com
	Mr. Greg Blaskey	City of Joliet Fire Department	Chief	gblaskey@jolietcity.org
	Mr. John Purcell	United City of Yorkville	Mayor	jpurcell@yorkville.il.us
	Mr. Bart Olson	United City of Yorkville	Administrator	bolson@yorkville.il.us
	Ms. Krysti Barksdale-Noble	United City of Yorkville	Community Development Director	knoble@yorkville.il.us
	Mr. Bob O'Dekirk	City of Joliet	Mayor	ROdekirk@jolietcity.org
	Mr. James Capparelli	City of Joliet	City Manager	jcapparelli@jolietcity.org
	Ms. Eva-Marie Tropper	City of Joliet	Community Development Director	etropper@joliet.gov
	Mr. Jim Torri	City of Joliet	Planning Division Director	jtorri@joliet.gov
	Ms. Jayne Bernhard	City of Joliet	Planner II	jbernhard@jolietcity.org
	Mr. Troy Parlier	Village of Oswego	President	tparlier@oswegoil.org
	Mr. Daniel Di Santo	Village of Oswego	Administrator	DDiSanto@oswegoil.org
	Mr. Rod Zenner	Village of Oswego Village of Plainfield	Community Development	rzenner@oswegoil.org
	Mr. John Argoudelis Ms. Traci Pleckham	Village of Plainfield Village of Plainfield	President Administrator	jargoudelis@goplainfield.com tpleckham@goplainfield.com
	Mr. Jonathan Proulx	Village of Plainfield Village of Plainfield	Director of Planning	inrouly@coplainfield.com
	Ms. Jacqueline Kowalksi	Village of Millbrook	President Praining	ikowalski@thevillageofmillbrook.com
	Mr. Doug Holley	Village of Millington	Mayor	JKOWAISKI@thevillageofffillibrook.com
	Mr. Paul Pope	Village of Lisbon	Mayor	v-lisbon@att.net
	Mr. Ric Offerman	Village of Minooka	President	ric.offerman@minooka.com
	Mr. Dan Duffy	Village of Minooka	Administrator	dan.duffy@minooka.com
	Mr. Steve Thornton	Village of Minooka	Building & Zoning Officer	steve.thornton@minooka.com
Municipalities	Mr. Jim Davis	Village of Newark	Mayor	Sdavisfamily@aol.com
	Ms. June McCord	Village of Plattville	President	jlmccord6835@aol.com
	Mr. Todd Latham	City of Sandwich	Mayor	mayor@sandwich.il.us
	Vacant	City of Sandwich	City Engineer	city.engineer@sandwich.il.us
	Mr. Todd Steffens	City of Sandwich	City Building Official	tsteffens@sandwich.il.us
	Mr. Matt Brolley	Village of Montgomery	President	brolley@ci.montgomery.il.us
	Ms. Sonya Abt	Village of Montgomery	Director of Community Development	sabt@ci.montgomery.il.us
	Mr. Jeff Zoephel	Village of Montgomery	Administrator	jzoephel@ci.montgomery.il.us
	Mr. Mike Rennels	City of Plano	Mayor	mrennels@cityofplanoil.org
	Mr. Jeff Sobotka	City of Plano	Planning, Building & Zoning Director	tkarpus@cityofplanoil.org
	Mr. Richard C. Irvin	City of Aurora	Mayor	Mayorsoffice@aurora-il.org
	Mr. John Curley	City of Aurora	Chief Development Services Officer	jcurley@aurora-il.org
	Ms. Maria Lindsay	City of Aurora	Mayor's Office Coordinator	mlindsay@aurora-il.org
	Mr. Ed Sieban	City of Aurora	Zoning Administrator	ESieben@aurora-il.org
	Ms. Danielle Marion	Village of Sugar Grove	Planning and Zoning Adminstrator	dmarion@sugargroveil.gov
	Ms. Danielle Marion Mr. Clarence DeBold	Village of Shorewood	Mayor	cdebold@vil.shorewood.il.us
	Ms. Danielle Marion			

1	Mr. Aaron Klima	Village of Shorewood	Administrator	aklima@vil.shorewood.il.us
	Ms. Kelly Chrisse	Village of Shorewood	Community Development Director	kchrisse@vil.shorewood.il.us
	Mr. Mark Vankerkhoff	Kane County	Director of Development & Community Services	vankerkhoffmark@co.kane.il.us
	Ms. Corrine Pierog	Kane County	Chairman	cpierog@kanecoboard.org
	Mr. Paul Hoss	DuPage County	Planning and Zoning Adminstrator	Paul.Hoss@dupageco.org
	Mr. Don Jensen	LaSalle County	Chairman	djensen@lasallecounty.org
	Mr. Brian A. Gift	LaSalle County	Director of Environmental Services & Land Use	bgift@lasallecounty.org
	Ms. Jennifer Bertino-Tarrant	Will County	County Executive	countyexec@willcountyillinois.com
	Ms. Mimi Cowan	Will County	County Board Speaker	mcowan@willcountyillinois.com
	Mr. David Dubois	Will County	Land Use Director	DDubois@willcountyillinois.com
	Mr. Brian Gregory	DeKalb County	Administrator	bgregory@dekalbcounty.org
	Mr. John Frieders	DeKalb County	Chairman	jfrieders@dekalbcounty.org
	Mr. Derek Hiland	DeKalb County	Director of PBZ	dhiland@dekalbcounty.org
	Ms. Heidi Miller	Grundy County	Director of PBZ	hmiller@grundyco.org
	Mr. George Gray	Grundy County	County Administrator	ggray@grundyco.org
	Mr. Chris Balkema	Grundy County	Chairman	cbalkema@grundyco.org
	Mr. Bryan Gay	Invest Aurora	President of Invest Aurora	Bryan@InvestAurora.org
	Ms. Charlene Coulombe-Fiora	Montgomery EDC	Director	char@montgomery-illinois.org
	Ms. Lynn Dubajic	Yorkville EDC	EC	lynn@dlkllc.com
	Mr. Paul Borek	DeKalb County EDC	Director of DCEDC	borek@dcedc.org
Economic Development	Mr. Jake Melrose	Village of Plainfield	Economic Development Manager	jmelrose@goplainfield.com
	Mr. Rich Healy	City of Plano Economic	E	planoedc.org@gmail.com
	Mr. Scott McMaster	Village of Swego	Economic Development Director	smcmaster@oswegoil.org
	Mr. Walter Magdziarz Need Contact	Village of Sugar Grove	Director of Community Development	wmagdziarz@sugargroveil.gov_
	Mr. Jim Teckenbrock	Waubonsee Community College Sandwich Economic Development Corporation	Executive Director	JimTeckenbrock@gmail.com
	Mr. Derek Conley	City of Joliet	Economic Development Specialist	dconlev@ioliet.gov
	Unknown	Little Rock Twp	Economic Development Specialist	deomey e joner.gov
	No Planning Commission	Bristol Twp	Plan Commission	N/A
	Mr. Len Was	Oswego Twp.	Plan Commission Chairman	wcginc@aol.com
	Mr. Steve Knutson	Fox Twp.	Plan Commission Chairman	srk1234@sbcglobal.net
Township Plan Commissions		Kendall Twp.	Plan Commission Chairman	hirschdmh@aol.com
	Ms. Pam Wynne	Na-Au-Say Twp.	Plan Commisson Chairman	pswynne626@gmail.com
	No Planning Commission	Big Grove Twp.	Plan Commisson Chairman	N/A
	Mr. Dave Smith	Lisbon Twp.	Plan Commission Chairman	dmjarsmith@aol.com
	Ms. Jessica Nelsen	Seward Twp.	Plan Commisson Chairman	Jessicanelsen73@yahoo.com
	Jen Thornburg	Illinois American Water	Senior Manager of Field Operations	jen.thornburg@amwater.com
	Kevin Hillen		Senior Operations Manager-Northern Illinois	Kevin.Hillen@amwater.com
Water/Sanitary District	Kevin Hillen David Lynde	Illinois American Water	Senior Operations Manager-Northern Illinois	Kevin.Hillen@amwater.com David.lynde@amwater.com
Water/Sanitary District	David Lynde	Illinois American Water Illinois American Water		David.lynde@amwater.com
Water/Sanitary District	David Lynde Mr. Cyrus W McMains	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District	Executive Director	
Water/Sanitary District	David Lynde	Illinois American Water Illinois American Water		David.lynde@amwater.com cyrus@ybsd.org
Water/Sanitary District	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation	Executive Director Manager	David.lynde@amwater.com <u>cyrus@ybsd.org</u> <u>tmuth@foxmetro.org</u>
Water/Sanitary District	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau	Executive Director Manager Manager	David.lynde@amwater.com cyrus@bsd.org imuth@foxmetro.org manager@kendaligrundyfb.com
Water/Sanitary District	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh Mr. Brook McDonald Mr. Tony Manno Mr. David Broviak	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau The Conservation Foundation	Executive Director Manager Manager	David.lynde@amwater.com cyrus@bsd.org tmuth@foxmetro.org manager@kendaligrundyfb.com
Water/Sanitary District Other	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh Mr. Brook McDonald Mr. Tony Manno Mr. David Broviak Ms. Lisa DiChiera	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau The Conservation Foundation CMAP	Executive Director Manager Manager President	David.lynde@amwater.com cyrus@vbsd.org tmuth@foxmetro.org manager@kendallgrundvfb.com info@theconservationfoundation.org amanno@cmap.illinois.gov
Water/Sanitary District Other	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh Mr. Brook McDonald Mr. Tony Manno Mr. David Broviak	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau The Conservation Foundation CMAP IDOT – Region 2, District 3	Executive Director Manager Manager President Engineer	David.lynde@amwater.com cyrus@bd.org tmuth@foxmetro.org manager@kendaligrundyfb.com info@theconservationfoundation.org amanno@cmap.illinois.gov David.Broviak@illinois.gov
Water/Sanitary District Other	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh Mr. Brook McDonald Mr. Tony Manno Mr. David Broviak Ms. Lisa DiChiera	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau The Conservation Foundation CMAP IDOT – Region 2, District 3	Executive Director Manager Manager President Engineer	David.lynde@amwater.com cyrus@bd.org tmuth@foxmetro.org manager@kendaligrundyfb.com info@theconservationfoundation.org amanno@cmap.illinois.gov David.Broviak@illinois.gov
Water/Sanitary District Other	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh Mr. Brook McDonald Mr. Tony Manno Mr. David Broviak Ms. Lisa DiChiera Mr. Michael Hoffman	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau The Conservation Foundation CMAP IDOT – Region 2, District 3	Executive Director Manager Manager President Engineer	David.lynde@amwater.com cyrus@bd.org tmuth@foxmetro.org manager@kendaligrundyfb.com info@theconservationfoundation.org amanno@cmap.illinois.gov David.Broviak@illinois.gov
Water/Sanitary District Other ZPAC KCRPC	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh Mr. Brook McDonald Mr. Tony Manno Mr. David Broviak Ms. Lisa DiChiera Mr. Michael Hoffman	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau The Conservation Foundation CMAP IDOT – Region 2, District 3	Executive Director Manager Manager President Engineer	David.lynde@amwater.com cyrus@bd.org tmuth@foxmetro.org manager@kendaligrundyfb.com info@theconservationfoundation.org amanno@cmap.illinois.gov David.Broviak@illinois.gov
Water/Sanitary District Other ZPAC KCRPC ZBA	David Lynde Mr. Cyrus W McMains Mr. Thomas Muth Ms. Victoria Lundh Mr. Brook McDonald Mr. Tony Manno Mr. David Broviak Ms. Lisa DiChiera Mr. Michael Hoffman	Illinois American Water Illinois American Water Yorkville-Bristol Sanitary District Fox Metro Water Reclamation Kendall County Farm Bureau The Conservation Foundation CMAP IDOT – Region 2, District 3	Executive Director Manager Manager President Engineer	David.lynde@amwater.com cyrus@bd.org tmuth@foxmetro.org manager@kendaligrundyfb.com info@theconservationfoundation.org amanno@cmap.illinois.gov David.Broviak@illinois.gov
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November 16, 2021

Via Hand-Delivery

Mr. Scott Gryder Kendall County Board Chair Kendall County Clerk's Office 111 West Fox Street Yorkville, IL 60560

Board of Trustees

Village President

Clarence C. DeBold

Village of Shorewood Extra-Territorial Jurisdiction RE:

Stevan A. Brockman

Dear Mr. Gryder, Donald C. Carroll

Richard E. Chapman

The Village of Shorewood is in receipt of Correspondence dated September 24, 2020 from William Ashton as Chairman of the Kendall County Barbara J. Kirkland Regional Planning Commission, and received by the Village of Shorewood on

September 22, 2021.

Diane M. Lambert

Anthony M. Luciano

Village Clerk

Lona R. Jakaitis

The letter addressed to former Village President Richard Chapman is attached for your consideration.

Village Administrator

(Interim) Aaron G. Klima

Mr. Ashton's correspondence expresses the Planning Commission's displeasure with respect to the Village's review of the Go Pro Sports and Four Season Storage Facilities.

The Commission suggests that Village requirements are excessive and provide a disincentive to development and suggests that the Village's costly requirements hamper economic development. To address these concerns rather than attempt to describe the nature and quality of development in the Village of Shorewood, it may be more efficient for the members of the Planning Commission to tour the Village of Shorewood to view first-hand the quality and quantity of development that has occurred. This development has occurred not only in spite of, but because the Village requires quality and well-planned development.

Mr. Ashton's letter raises issues with respect to roadway improvements and states that the Village imposed the improvements which are not required by the Township, IDOT, or a traffic study. The improvements required by the Village are on County Line Road which is in no manner regulated by IDOT. To our knowledge, the Township Highway Commissioner did not require a traffic study prior to concluding that no improvements were required on County Line Road. The Village, in the course of its public safety due diligence, did require a traffic study that was performed by the Developer. No roadway

improvements are required by the Village, consistent with the recommendation by the Developer's traffic consultant.

Additionally, because much of the traffic from the development will be heading towards the dangerous intersection of Rt. 52 and County Line Road, the Village required that the traffic study be shared with IDOT to assist IDOT with studying traffic safety issues at and near this intersection.

Mr. Ashton's letter further suggests that if the Village desires to exercise more control over development in the unincorporated area that the Village should utilize those powers pursuant to a "Chatham" annexation. You should be aware that the Village does not have any power or authority to unilaterally implement a Chatham annexation. A Chatham annexation can only be accomplished through agreement. The Village on several occasions suggested a Chatham annexation for the Go Pro and Four Seasons Storage. However, the property owners through their attorney would not agree to a Chatham annexation.

The Village recognizes that the County has zoning authority in unincorporated areas of the County. However, the County should also recognize that the Village has adopted a Comprehensive Plan which provides for how land is intended to be developed from the Village' perspective. This Plan has been recorded in Kendall County. Because the Village has adopted and recorded this Land Plan, the Village has substantial authority over the subdivision and development of property within one- and one-half miles of its corporate limits [See, 65 ILCS 5/11-12-12]. Any development within the 1 ½ mile area is subject to the provisions of the Village subdivision ordinance.

Further, case law provides that the control of the municipality is not limited to situations when property is actually subdivided but also with respect to developments where a statutory subdivision is not required. The courts have reached this conclusion based upon recognizing that the municipality has a legitimate interest in regulating the development of land near its borders. See eg. *Village of Lake Bluff v. Jacobson*, 118 Ill. App. 3d 102.

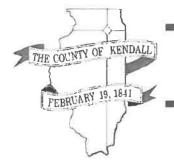
You should be aware that every requirement placed upon these owners of the Go Pro and Four Seasons Storage was agreed to by the owners in an annexation agreement.

Unfortunately, after the Village and the owners of the Property worked together and agreed to everything, the Planning Commission has, rather than discussing its concerns with the Village, sent a letter over a year later criticizing the Village's process.

As the Village continues its westward growth, more land in Kendall County will either be annexed to the Village and/or subject to the Village's extra-territorial jurisdiction. I hope that we can develop a collaborative working environment with a mutual understanding of the rights and goals of the other.

Very truly yours

Clarence C. DeBold, Mayor Village of Shorewood



KENDALL COUNTY REGIONAL PLANNING COMMISSION

111 West Fox Street • Room 204 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

September 24, 2020

Mayor Richard Chapman Village of Shorewood 1 Town Center Blvd Shorewood, IL 60404

RE: Go Pro Sports Subdivision

Dear Mayor Richard Chapman:

The members of the Kendall County Regional Planning Commission would like to express our displeasure over the Village of Shorewood's recent reviews of the Go Pro Sports and Four Seasons Storage facilities.

While we certainly understand that review of proposed new developments is necessary for the successful growth of our community, requiring detailed engineering information in addition to the information already required by the County is excessive. Also, requiring additional traffic lanes when a traffic study, the local township, or the Illinois Department of Transportation does not require additional lanes seems like an intentional, costly barrier to development. Did receiving or not receiving this information really impact the Village's decision on these projects? In future, if the Village wishes to impose strict information requirements for development, we encourage you to exercise the powers granted to the Village and do a Chatham annexation.

The Kendall County Regional Planning Commissions wishes to work with all government boards to promote sound economic development throughout Kendall County. We believe that excessive development requirements will create a disincentive for people and businesses wishing to invest in our County. We hope that the Village will re-examine their development requirements and will work with businesses and residents to remove costly barriers that hamper quality economic development.

We would appreciate an opportunity to discuss this matter with the Village before a similar situation arises in the future. We invite the Village to contact the Kendall County Senior Planner, Matt Asselmeier, to schedule such a discussion.

If you have any questions regarding this letter, please contact Mr. Asselmeier at 630-553-4134 or masselmeier@co.kendall.il.us.

Sincerely

William Ashton, Chairman Kendall County Regional Planning Commission