



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

AGENDA

Wednesday, April 27, 2022 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Bob Stewart, Claire Wilson, Seth Wormley, and One Vacancy (Na-Au-Say Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from March 23, 2022 Meeting (Pages 3-13)

PUBLIC HEARING

1. **Petition 22 – 09 – Kendall County Regional Planning Commission (Pages 14-26)**
Request: Amendments to the Future Land Use Map in the Kendall County Land Resource Management Plan by Reclassifying the Subject Properties from Rural Residential to Mixed Use Business
PINs: 04-02-400-002, 04-02-400-003, and 04-01-301-005 (South of the Railroad Tracks Only)
Location: North and Southwest of 12565 Fox Road in Fox Township
Purpose: Petitioner Wants to Expand the Mixed Use Business Area North to the Railroad Tracks

PETITIONS

1. **Petition 21 – 49 – Irma Loya Quezada (Pages 27-134)**
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
2. **Petition 22 – 01 – Jose and Silvia Martinez (Pages 3-4, 11-13, and 135-287)**
Request: Special Use Permit for a Landscaping Business, Variance to Section 7:01.D.30.b to Allow a Landscaping Business a Non-State, County, or Collector Highway as Defined by the Kendall County Land Resource Management Plan, and Variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance to Allow a Driveway Zero Feet from the Southern Property Line
PINs: 03-12-100-004 and 03-12-100-013
Location: 1038 Harvey Road, Oswego Township
Purpose: Petitioner Wants to Operate a Landscaping Business at the Subject Property; Property is Zoned A-1
3. **Petition 22 – 05 – Seward Township (Pages 4-6 and 288-317)**
Request: Establishment of a Moratorium on the Acceptance and Processing of Applications for Map Amendments, New Special Use Permits and Variances within Seward Township for a Period of One Year
Purpose: Petitioner Wants a Pause on the Issuance of Map Amendments, New Special Use Permits, and Variances While the Township Prepares a Township Comprehensive Plan

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS:

1. Approval to Initiate Text Amendments to Section 6:06.B.3.b of the Kendall County Zoning Ordinance Regarding Lighting Requirements at Telecommunication Carrier Facilities (Page 318)

OLD BUSINESS:

1. None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. None

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next Regular Meeting May 25, 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 March 23, 2022 - 7:00 p.m.

Vice Chairman Rodriguez called the meeting to order at 7:03 p.m.

ROLL CALL

Members Present: Tom Casey, Dave Hamman (Arrived at 7:06 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bill Ashton and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Scott Gengler, Tim O'Brien, Jillian Prodehl, Pete Fleming, and Suzanne Casey

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. With a voice vote of six (6) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Wormley, to approve the minutes of the of the February 23, 2022, meeting.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier provided an update from activities since the February meeting.

Since the February 23, 2022, Kendall County Regional Planning Commission meeting, the Petitioner moved the chicken coop and other outbuilding on the north side of the property out of the side yard setback. The Petitioners also applied for a deck permit; the Petitioners had not paid for the deck permit.

The Village of Oswego submitted an email requesting the driveway be moved at least five feet (5') from the property. Staff exchanged emails with the Petitioners' Attorney outlining the next steps. The Petitioners' Attorney believed that the driveway was located greater than five feet (5') from the southern property line. Staff requested the measurement of the driveway to the southern property line be added to the plat of survey. As of the date of this memo, this information has not been added to the plat. The above referenced emails were provided.

An inspection of the property occurred on March 16, 2022, and new gravel appeared to have been added to the driveway per the provided picture.

To Staff's knowledge, the Petitioners had not applied for an access permit from the Village of Oswego or a driveway permit from Kendall County.

The minutes of January 26, 2022, Kendall County Regional Planning Commission meeting and the February 28, 2022, Kendall County Zoning Board of Appeals hearing were provided.

Mr. Asselmeier noted that Staff's recommendation and proposed conditions remained unchanged.

Neither the Petitioner nor his Attorney were in attendance.

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

Member Nelson felt that the Petitioners had not provided the Commission with the requested site plan showing the correct location of the southern driveway.

Member Nelson made a motion, seconded by Member Wilson, to continue to table until the Petitioners submitted a site plan showing the access point for the southern driveway on Harvey Road.

The votes were as follows:

Ayes (7): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Ashton and Stewart

Abstain (0): None

The motion carried.

This proposal will be tabled until the requested site plan is submitted. The Kendall County Zoning Board of Appeals will be notified of the tabling.

Petition 22-05 Seward Township

Mr. Asselmeier summarized the request.

The Seward Township Planning Commission is working on amendments to the Township's Comprehensive Plan. The Township would like to incorporate these amendments in the Kendall County Land Resource Management Plan. It is Staff's understanding that the Seward Township Planning Commission is examining shrinking the areas designated as Residential in the Land Resource Management Plan and changing them to Agriculture.

Seward Township submitted an application requesting a moratorium on map amendments, new special use permits, and variances for a period of one (1) year from May 17, 2022, which is the earliest date that the County Board could approve the request.

Staff recommended denial of the requested text amendment for the following reasons:

1. From an economic development perspective, the County should not restrict possible development in the unincorporated area.
2. A moratorium would not prevent property owners from securing annexation agreements with municipalities.
3. It was Staff's understanding that Seward Township was only looking to change the Future Land Use Map and not the text of the Zoning Ordinance. As such, Staff did not see how the Township's work on a Future Land Use Map would be impacted by the issuance of new special use permits.

4. Similar to number 3 above, the Township's work on a Future Land Use Map would not be impacted by the issuance of new variances.
5. From an administrative perspective, the County should be cautious about giving away authority.

Staff originally had concerns regarding a lack of timeline or benchmarks justifying the length of the moratorium. After the original application was filed, Seward Township submitted additional information, including a timeline which was provided.

If the County Board would like to approve the request, Staff suggests that Section 13:01.A.2 of the Kendall County Zoning Ordinance, pertaining to the duties of the Zoning Administrator, be amended as follows:

“n. Withhold the acceptance and processing of applications for map amendments, new special use permits, and variances on properties located within the Township of Seward for a period one (1) year commencing on May 17, 2022, and ending May 17, 2023.”

This proposal was sent to the Townships on February 15, 2022.

ZPAC reviewed this proposal at their meeting on March 1, 2022. It was noted that this was the first time that the County had received this type of request from a township. Discussion occurred regarding setting a precedent. Jillian Prodehl explained the need for a moratorium and the Township's strategy for updating their plan. Jessica Nelson discussed having a holistic examination of Seward Township. Anne Vickery stated that the rural residential areas were creating problems including flooding, unenforced special use provisions existed, efforts were underway to help fund a code enforcement officer, and the Township desired to protect farm land. Staff noted that approximately ten (10) petitions, not including text amendment requests, had been filed in Seward Township over the past year. Mr. Klaas agreed that examining the township's plan was a good idea. However, the future land uses in Seward Township will be determined by nearby municipalities. Mr. Klaas also felt that the request was a policy question and not a technical question, which is ZPAC's normal scope of examination. Mr. Guritz agreed with Mr. Klaas. ZPAC voted to issue a neutral recommendation by a vote of four (4) in favor and two (2) in opposition with four (4) members absent. The minutes of the meeting were provided.

Jillian Prodehl, Acting Chair of the Seward Township Planning Commission, and Pete Fleming, Seward Township Planning Commissioner, explained the reasons for the moratorium. They were not trying to stall development in the Township. They would like time to examine the various pieces of data and research needed to prepare a plan. They noted that the Future Land Use Map was from 2005 and they would like the opportunity to adjust the Future Land Use Map based on current information. It was noted that the Seward Township Planning Commission members were volunteers and the Commission was meeting frequently, including meeting with the Chicago Metropolitan Agency for Planning.

Member Wilson asked if Seward Township had sought a legal opinion regarding having moratorium. Seward Township did not provide a legal opinion. Member Wilson expressed concerns regarding potential litigation coming from instituting a moratorium. Discussion occurred regarding previous moratoriums instituted by the County. Member Wilson discussed the factors courts used to evaluate moratorium requests. Mr. Asselmeier said the issuance of moratorium was at the discretion of the County Board.

Member Nelson expressed concerns about completing and adopting changes to the Land Resource Management Plan within six (6) months; he felt that the timeline seemed fast.

Member Nelson asked if the moratorium was necessary for all categories. Mr. Asselmeier said that, as a volunteer board, if the Seward Township Planning Commission has to stop and review a Petition, the time to review a Petition could not be used to work on the Township Plan, which could delay completion of the planning process.

Member Nelson thought that most of the issues in Seward Township was related to lack of obtaining special use permits. Mr. Fleming discussed map amendment requests as a way to go around the forty (40) acre rule. Ms. Prodehl discussed the floodplains in the area.

Discussion occurred regarding updating the Land Resource Management Plan. Member Nelson noted that a request would be submitted for funds to pay to update the Land Resource Management Plan. Mr. Asselmeier explained the process for securing funding to update the Land Resource Management Plan.

Member Nelson discussed property rights and temporary takings. He felt the project should move forward without a moratorium.

Discussion occurred regarding Chatham zoning and the LaSalle Factors.

Mr. Asselmeier explained the process for updating the Land Resource Management Plan. The process was similar to the process for obtaining a special use permit.

Several Commissioners expressed their support of Seward Township in updating their Plan, but felt that a moratorium was problematic and precedent setting.

Member Rodriguez expressed concerns about businesses being shut down because of the moratorium.

Discussion occurred regarding rescinding the Petition and tabling the request.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to table the proposal.

The votes were as follows:

Ayes (7): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Ashton and Stewart

Abstain (0): None

The motion carried.

The Kendall County Zoning Board of Appeals will be notified that the proposal was tabled.

Tim O'Brien, Seward Township Supervisor, thanked the Commission.

Petition 22-06 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the December 14, 2021, Planning, Building and Zoning Committee meeting, the Planning, Building and Zoning Committee requested Staff to prepare definitions for landscaping businesses and excavating businesses.

For preparing the proposed definition of landscaping business, Staff used the definition found in the North American Industrial Classification System as published by the United States Census Bureau. The proposed definition of landscaping business was as follows:

“LANDSCAPING BUSINESS. A business engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and businesses primarily engaged in providing these services along with the design of landscape plans and/or the construction and installation of walkways, retaining walls, decks, fences, ponds, and similar structures.”

Landscaping businesses are special uses in the A-1, B-3, M-1 and M-2 Districts.

When considering a definition of excavating businesses, the North American Industrial Classification System grouped excavating businesses with other site preparing contractors including dirt movers, trenching, and foundation drilling. Also, the terms “excavating business” and “excavator” do not appear in the Zoning Ordinance. Accordingly, Staff proposed the following definition of excavating business:

“EXCAVATING BUSINESS. A business engaged in site preparation activities including grading, earthmoving, and land clearing and businesses that rent equipment for such purposes. For the purposes of this Ordinance, an excavating business shall be considered a contractors’ office or shop.”

Contractor and Contractor Offices and Shops are conditional uses in the B-2 and B-3 Districts and permitted uses in the M-1 and M-2 Districts. In the B-2 and B-3 Districts, all work and storage must be inside buildings.

On January 25, 2022, the Kendall County Planning, Building and Zoning Committee unanimously voted to initiate a text amendment to the Kendall County Zoning Ordinances adding the above definitions as proposed by Staff.

This proposal was sent to the Townships on February 15, 2022.

ZPAC reviewed this proposal at their meeting on March 1, 2022. ZPAC recommended approval of the request by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Member Wilson asked why businesses that rent excavating equipment were considered excavating businesses. Mr. Asselmeier said that, if a business has the equipment, they might use the equipment and be an excavating business.

Discussion occurred about setting a weight limit for businesses that rent excavating equipment. Equipment weights can be found online.

Discussion occurred regarding businesses that are run out of houses in the designing of landscaping plans business. The belief was that these types businesses would be considered home occupations if they met the home occupation requirements. Companies engaged in designing landscaping only would be allowed on properties with business zoning classifications.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the requested text

amendments with the following amendment:

“EXCAVATING BUSINESS. A business engaged in site preparation activities including grading, earthmoving, and land clearing and businesses that rent equipment **weighing over thirty thousand pounds (30,000 lbs.)** for such purposes. For the purposes of this Ordinance, an excavating business shall be considered a contractors’ office or shop.”

The votes were as follows:

Ayes (7): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (2): Ashton and Stewart
Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on March 28, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Approval to Initiate Amendments to the Future Land Use Map in the Kendall County Land Resource Management Plan by Reclassifying the Properties Located to the North and Southwest of 12565 Fox Road and Identified by the Following Parcel Identification Numbers: 04-02-400-002, 04-02-400-003, and 04-01-301-005 (South of the Railroad Tracks Only) in Fox Township from Rural Residential to Mixed Use Business

Mr. Asselmeier summarized the request and presented a map showing the properties proposed for reclassification.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to initiate the amendment.

The votes were as follows:

Ayes (7): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (2): Ashton and Stewart
Abstain (0): None

The motion carried.

This proposal will go to the Kendall County ZPAC on April 5, 2022, and a public hearing will occur at the Kendall County Regional Planning Commission meeting on April 27, 2022.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 22-03 and 22-04 were approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr Asselmeier reported that, for the April meeting, there will be the public hearing on the changing the Future Land Use Map for the properties near 12565 Fox Road and a requested map amendment rezoning property along Brisbin Road in Seward Township from A-1 to R-1. Petition 22-01 could be on the again, if the requested site plan was submitted.

Mr. Asselmeier said that the Village of Oswego Planning and Zoning Commission will hold a public hearing on April 7, 2022, to consider the annexation of the Hide-A-Way Lakes Campground.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 8:10 p.m.

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

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 23, 2022**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Aem O'Brien</i>		
<i>Pete Fleming</i>		
<i>Jillian Prodehl</i>		



Matt Asselmeier

From: Matt Asselmeier
Sent: Friday, March 18, 2022 1:54 PM
To: Rod Zenner; judd lofchie
Cc: Scott Koepfel; Scott Gengler; Ruben Rodriguez; Faith D. Hook
Subject: RE: [External]Fwd: 1038 Harvey Rd.
Attachments: Attachment 3 Landscaping Plan.pdf

Just so I am clear, the driveway will still be 20 feet in width, but will be no closer than 5 feet to the southern property line, correct? The location is different than the attached, submitted landscaping plan.

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Rod Zenner [mailto:RZenner@oswego.il.org]
Sent: Friday, March 18, 2022 1:48 PM
To: judd lofchie <[REDACTED]>; Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Scott Koepfel <skoepfel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Ruben Rodriguez <rrodriguez@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>
Subject: RE: [External]Fwd: 1038 Harvey Rd.

That sounds correct.

Rod

From: judd lofchie <[REDACTED]>
Sent: Friday, March 18, 2022 9:59 AM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Rod Zenner <RZenner@oswego.il.org>
Cc: Scott Koepfel <skoepfel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Ruben Rodriguez <rrodriguez@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>
Subject: Re: [External]Fwd: 1038 Harvey Rd.

Hi Rod:

The driveway is 5 to 7 feet from the property line. It's not a straight line. So I don't think we will need a variance from Oswego. Am I right Rod?

On Wed, Mar 16, 2022 at 11:39 AM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Judd:





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: 4/18/2022

Subject: Potential Changes to the Future Land Use Map Along the Eldamain Road Corridor

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

The Kendall County Future Land Use Map currently calls for this area to be Rural Residential (Max Density 0.65 DU/Acre) and Mixed Use Business. A copy of the existing Future Land Use Map is attached.

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

Following meetings with property owners in the area in October and December 2021, the Committee decided to limit changes to three (3) properties along the railroad tracks west of Fox Road. Letters to impacted property owners were mailed in mid-December 2021, mid-February 2022, and mid-March 2022.

At their meeting on February 23, 2022, the Comprehensive Land and Ordinance Committee voted to forward the proposal to the Kendall County Regional Planning Commission.

At their meeting on March 24, 2022, the Kendall County Regional Planning Commission voted to initiate the amendment to the Future Land Use Map.

A copy of the updated map is attached.

Petition information will be sent to Fox Township, the Village of Millbrook, and the United City of Yorkville on March 29, 2022. Yorkville will be reviewing this proposal in May and June.

ZPAC reviewed the proposal at their meeting on April 5, 2022. Mr. Klaas felt that no commercial or industrial development would occur on the subject properties unless they were annexed into a municipality. Discussion also occurred regarding the boundary agreements of the municipalities in the area. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting are attached.

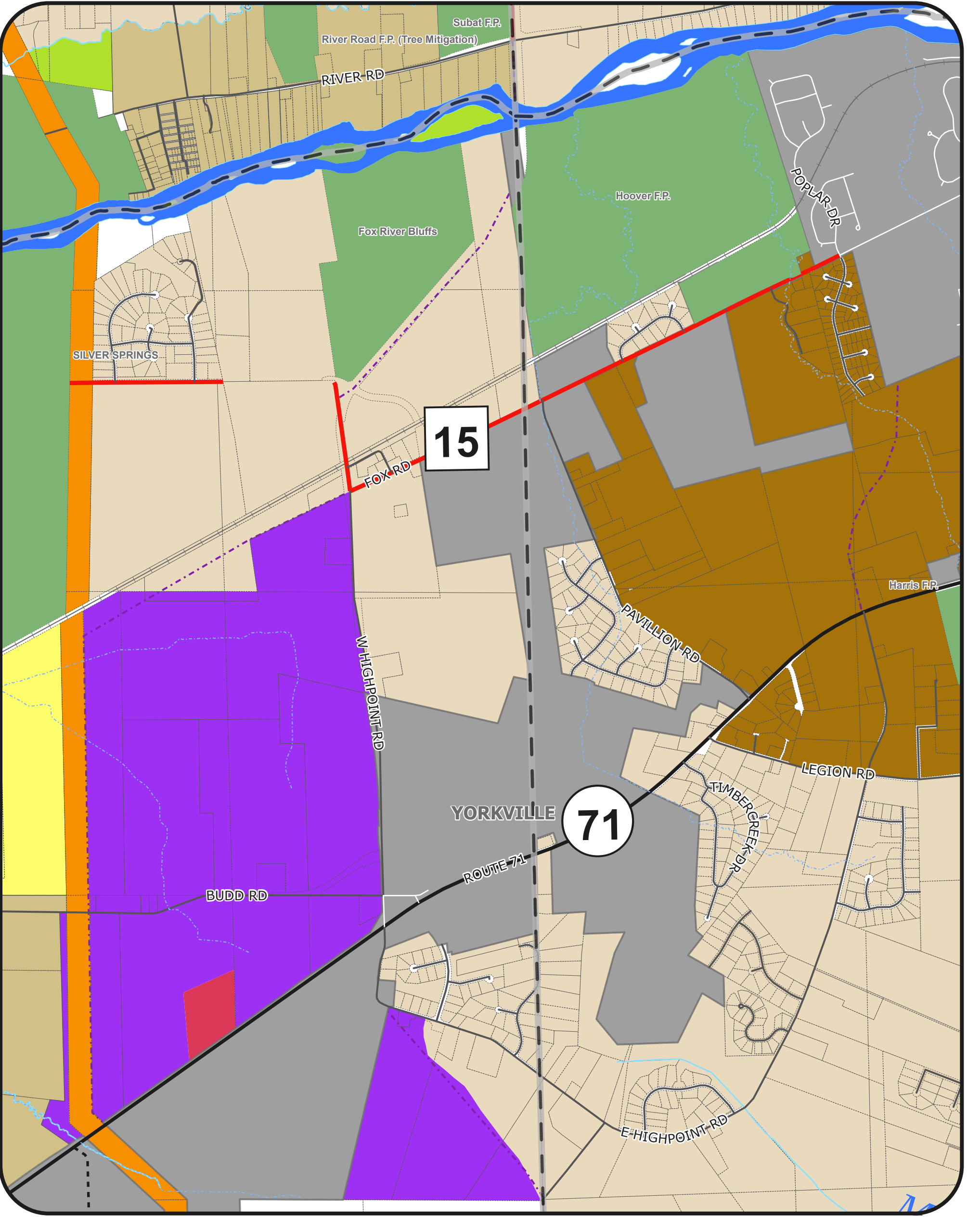
If you have any questions regarding this memo, please let me know.

Thanks,

MHA

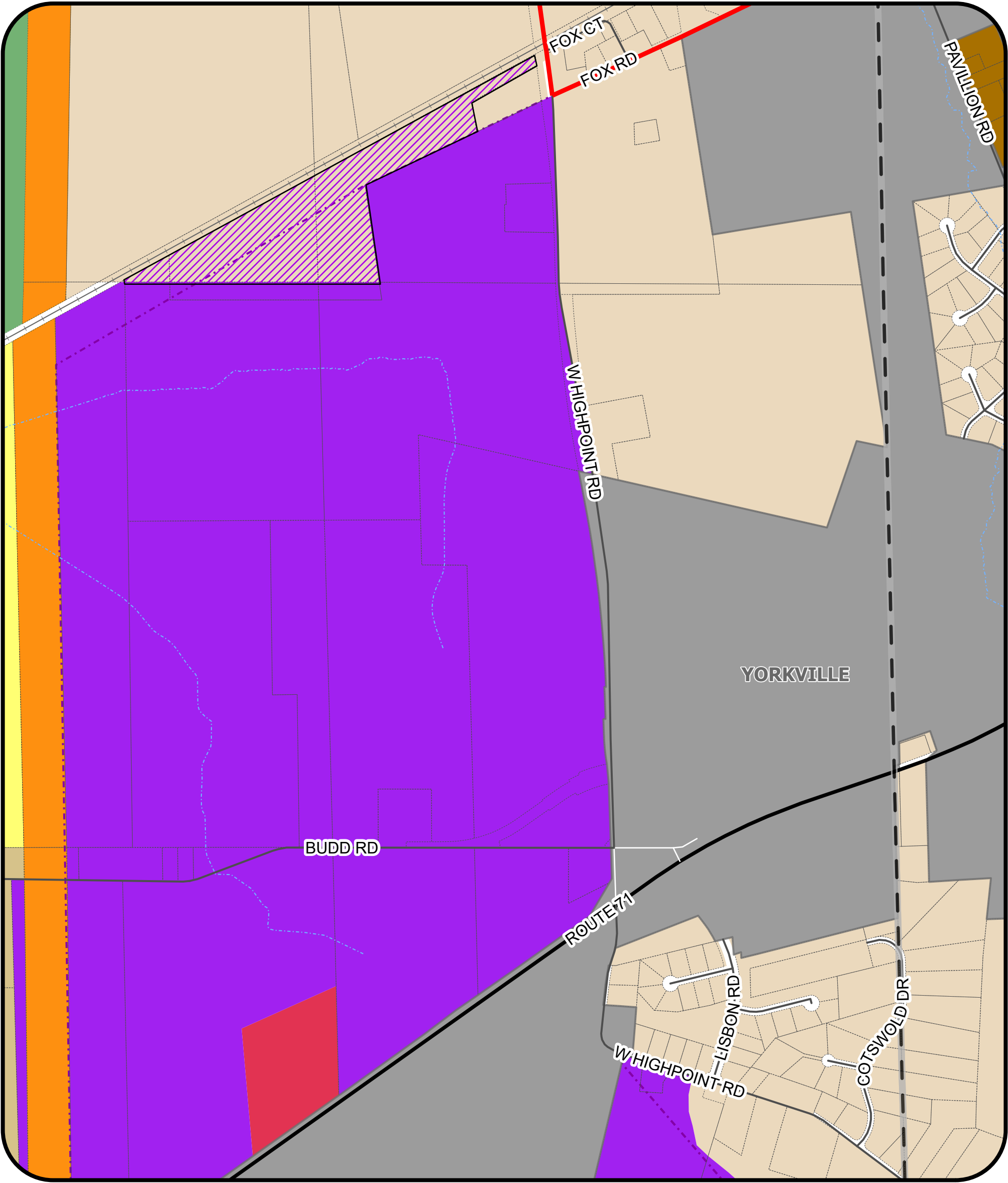
Encs.: Kendall County Future Land Use Map
Proposed Changes to Kendall County Future Land Use Map
United City of Yorkville Future Land Use Map
Village of Millbrook Future Land Use Map
City of Plano Future Land Use Map
April 5, 2022 ZPAC Meeting Minutes (This Petition Only)
April 14, 2022 Yorkville Email

Future Land Use Plan in Kendall County, IL



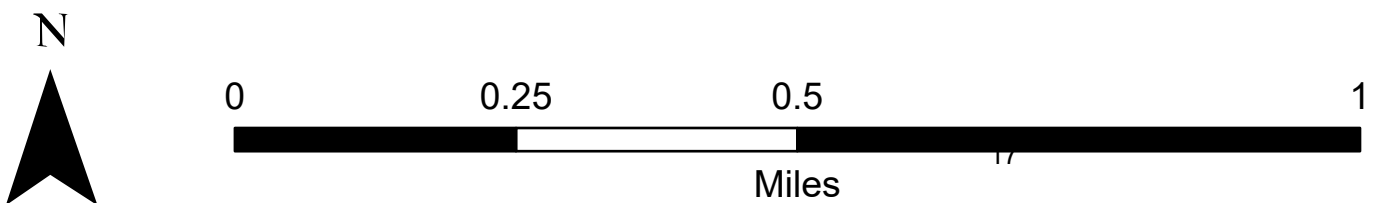
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|---|---|--|---------------------------|-------------------------------|
| TOWNSHIPS | RURAL RESIDENTIAL MAX DENSITY 0.65 DU ACRES | COUNTRYSIDE RESIDENTIAL MAX DENSITY 0.33 DU ACRE | COMMONWEALTH EDISON | AGRICULTURE |
| URBAN AREAS - INCORPORATED | RURAL ESTATE RESEDENTIAL MAX DENSITY 0.45 DU ACRE | COMMERCIAL | TRANSPORTATION CORRIDORS | FOREST PRESERVE/STATE PARKS |
| SUBURBAN | | MIXED USE BUSINESS | MINING | OPEN SPACE |
| RESIDENTIAL - MAX DENSITY 1.00 DU ACRES | | | POTENTIAL MINING DISTRICT | PROPOSED ROADWAY IMPROVEMENTS |
| | | | PUBLIC/ INSTITUTIONAL | |

Proposed Future Land Use Plan



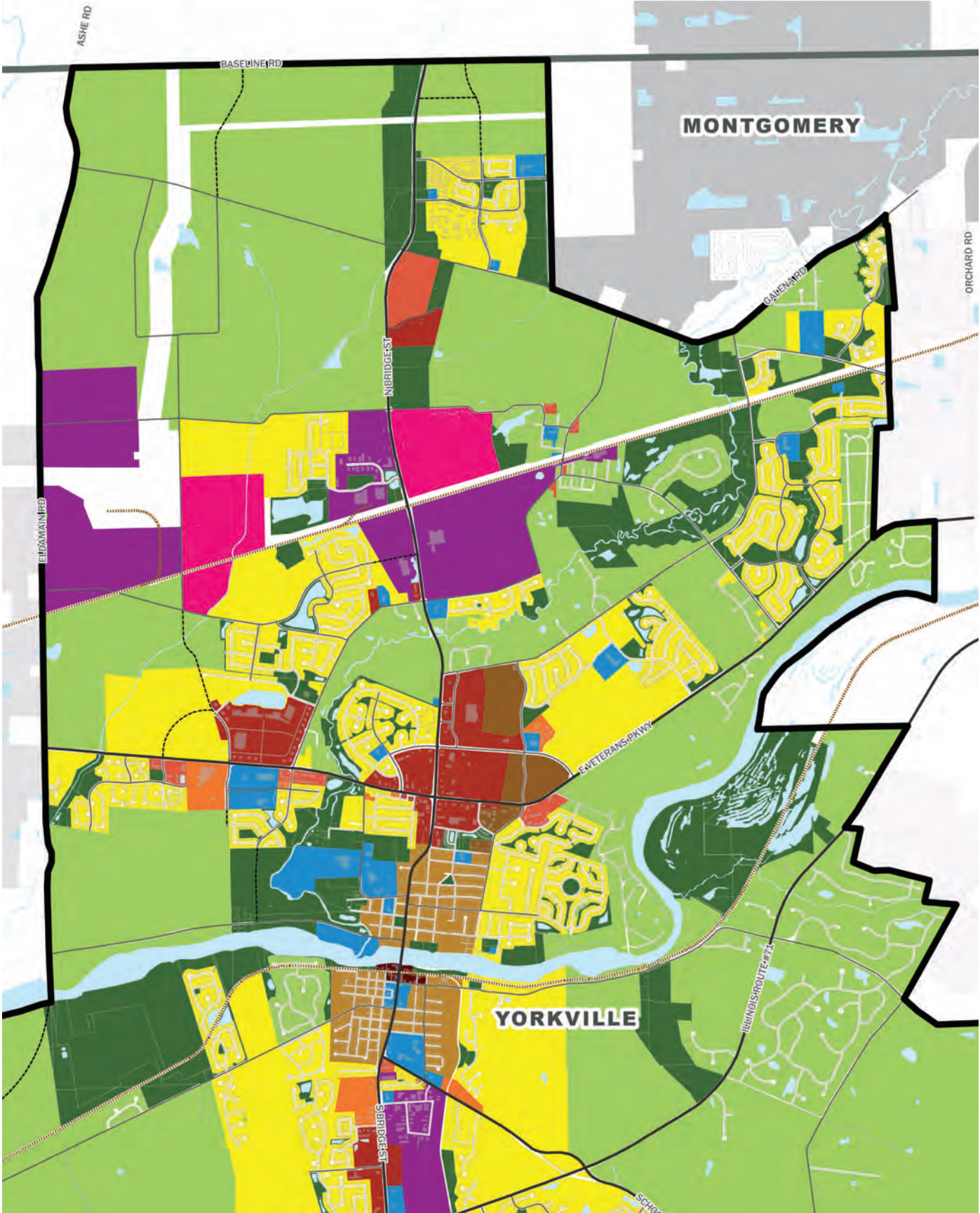
- LAND USE TYPE

 - URBAN AREAS - INCORPORATED
 - SUBURBAN RESIDENTIAL - MAX DENSITY 1.00 DU ACRES
 - RURAL RESIDENTIAL MAX DENSITY 0.65 DU ACRES
- RURAL ESTATE RESEDENTIAL MAX DENSITY 0.45 DU ACRE
 - COUNTRYSIDE RESIDENTIAL MAX DENSITY 0.33 DU ACRE
 - COMMERCIAL
- MIXED USE BUSINESS
 - COMMONWEALTH EDISON
 - PROPOSED ROADWAY IMPROVEMENTS
 - TOWNSHIPS
 - PROPOSED MIXED USE BUSINESS



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560
630.553.4212
Created: 12/27/2021

Figure 4.1: Future Land Uses North of the Fox River



LAND USE CHANGES

The Land Use Strategy and Future Land Use Map presented above describes the distribution of general land use categories (Residential, Commercial, industrial, Open Space and Parks, and so on) that will set the framework for achieving the goals of the Comprehensive Plan. It is not a zoning map but should set the stage for future changes and modifications to the Yorkville Zoning Ordinance. The Land Use Strategy seeks to “re-position” Yorkville’s future land use pattern given current development conditions in Yorkville since the 2008 economic downturn and the unlikelihood that the Prairie Parkway will be constructed within this Plan’s time horizon. Several changes in land use classifications are proposed from those included in the 2008 Comprehensive Plan. Changes in the land use categories are summarized below:

RESIDENTIAL

A Mid-Density Residential land use zone is proposed in order to encourage new multi-family housing types in Yorkville; new housing types could diversify housing opportunities and provide housing at different price points that what is currently offered in Yorkville’s housing market. The Rural Neighborhood land use classification in the 2008 Comprehensive Plan is eliminated given that such residential development is unlikely to occur in the southeastern portions of the Yorkville planning area where there are significant infrastructure and market constraints. The primary infrastructure constraint is the need to construct a lift station along a ridge line, generally located south of Illinois Route 71. In its place, an Estate/Conservation Residential land use category has been created to accommodate large-lot residential development in areas where infrastructure exists and smaller-lot single family residential subdivisions are less likely

to be supported by market demand. Conservation subdivisions should also be encouraged in order to preserve significant environmental and topographical features, provide alternative housing types, and provide opportunities to expand Yorkville’s open space network. A Metra Station TOD zone is also included to plan accordingly for future development even if the Metra Station is years away from construction.

COMMERCIAL

Several new commercial land use categories are suggested in this Comprehensive Plan. A Downtown Mixed-Use Core zone is intended to focus revitalization and redevelopment efforts in Yorkville’s traditional downtown; new mixed-use development is envisioned on various opportunity sites that expand the Downtown’s footprint further to the east on Van Emmon Street with potential residential and commercial development. The need to address particular development design and land use issues within the Downtown necessitates the need for a Downtown-specific land use classification.

The general Commercial land use classification in the 2008 Plan is now designated Destination Commercial to recognize that a high percentage of commercial land in Yorkville accommodates large format and chain store formats, usually located along major transportation thoroughfares. Destination Commercial uses have their own particular physical design and development issues and should be distinguished from commercial uses located in the Downtown and in neighborhood retail areas.

A Commercial Office land use category has been created to accommodate small-scaled office uses in single developments or as part of an office park setting;

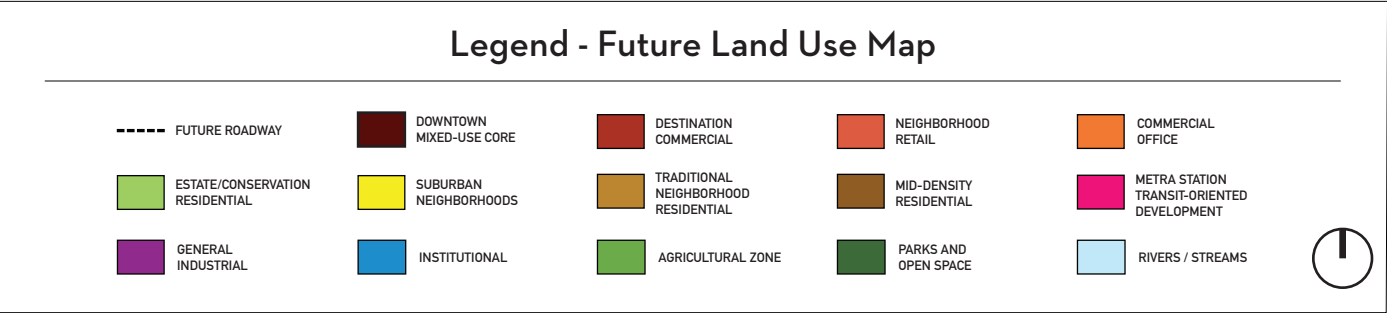


Figure 4.1 - Future Land Uses North of the Fox River

Figure 4.2: Future Land Uses South of the Fox River

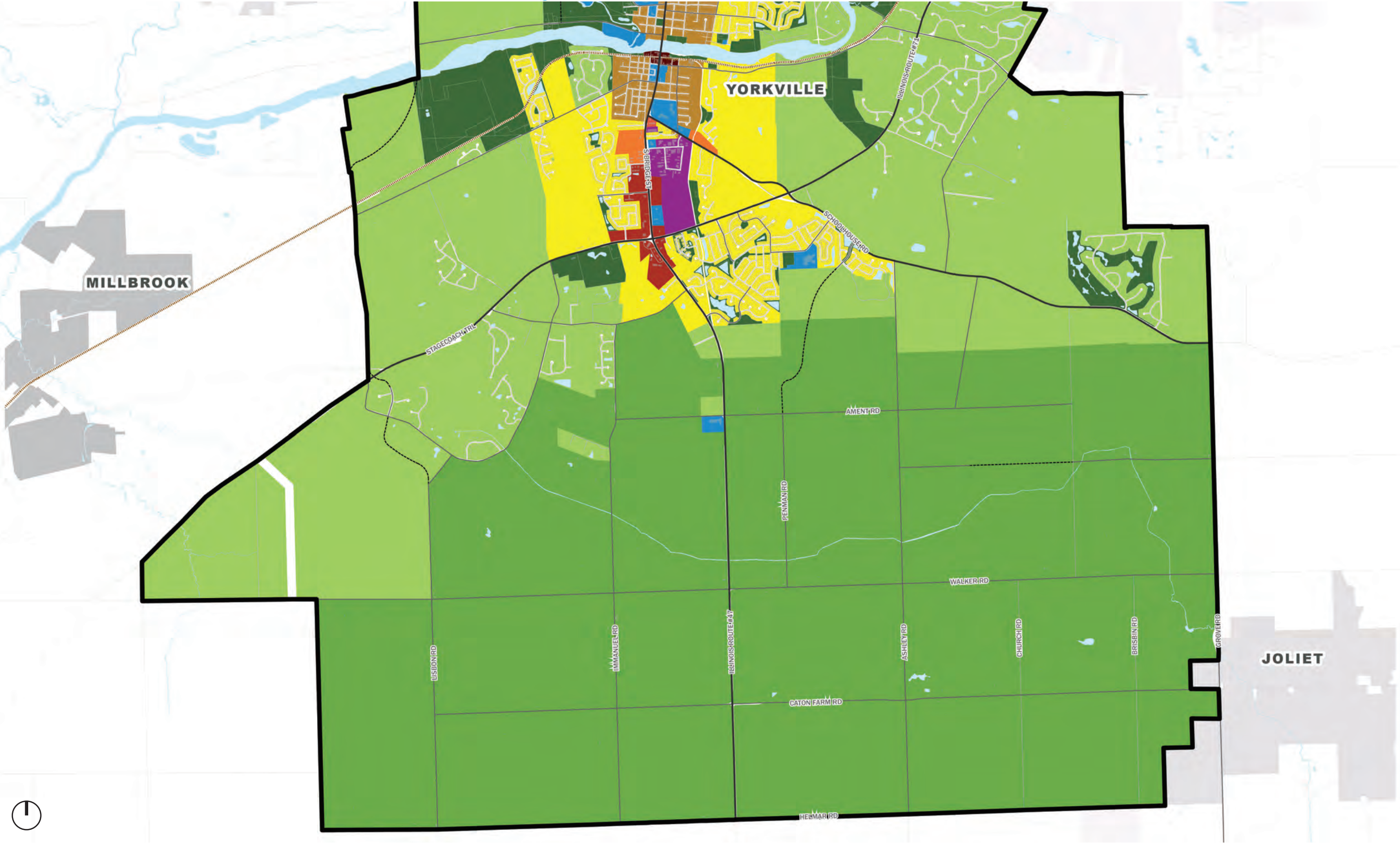
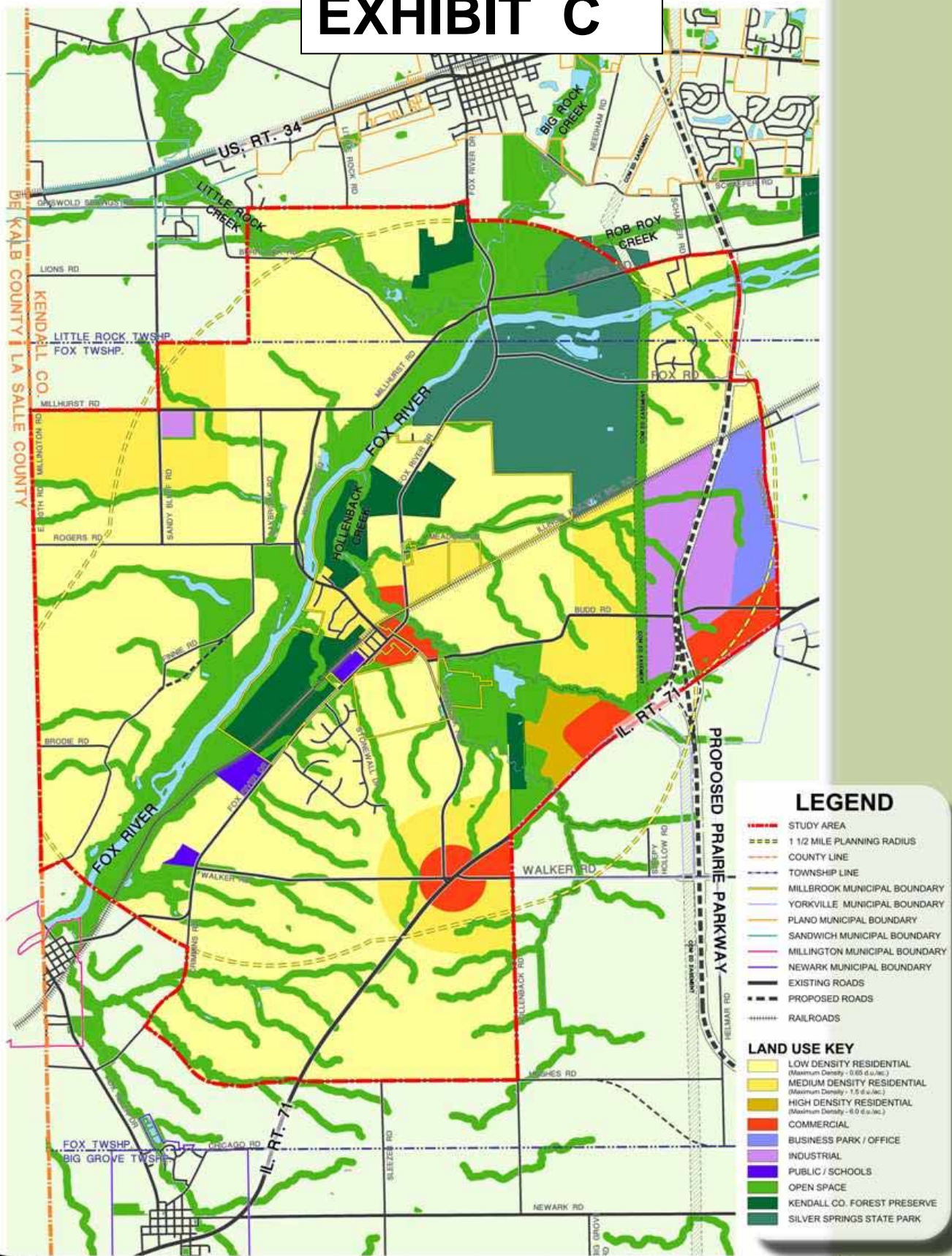


EXHIBIT C



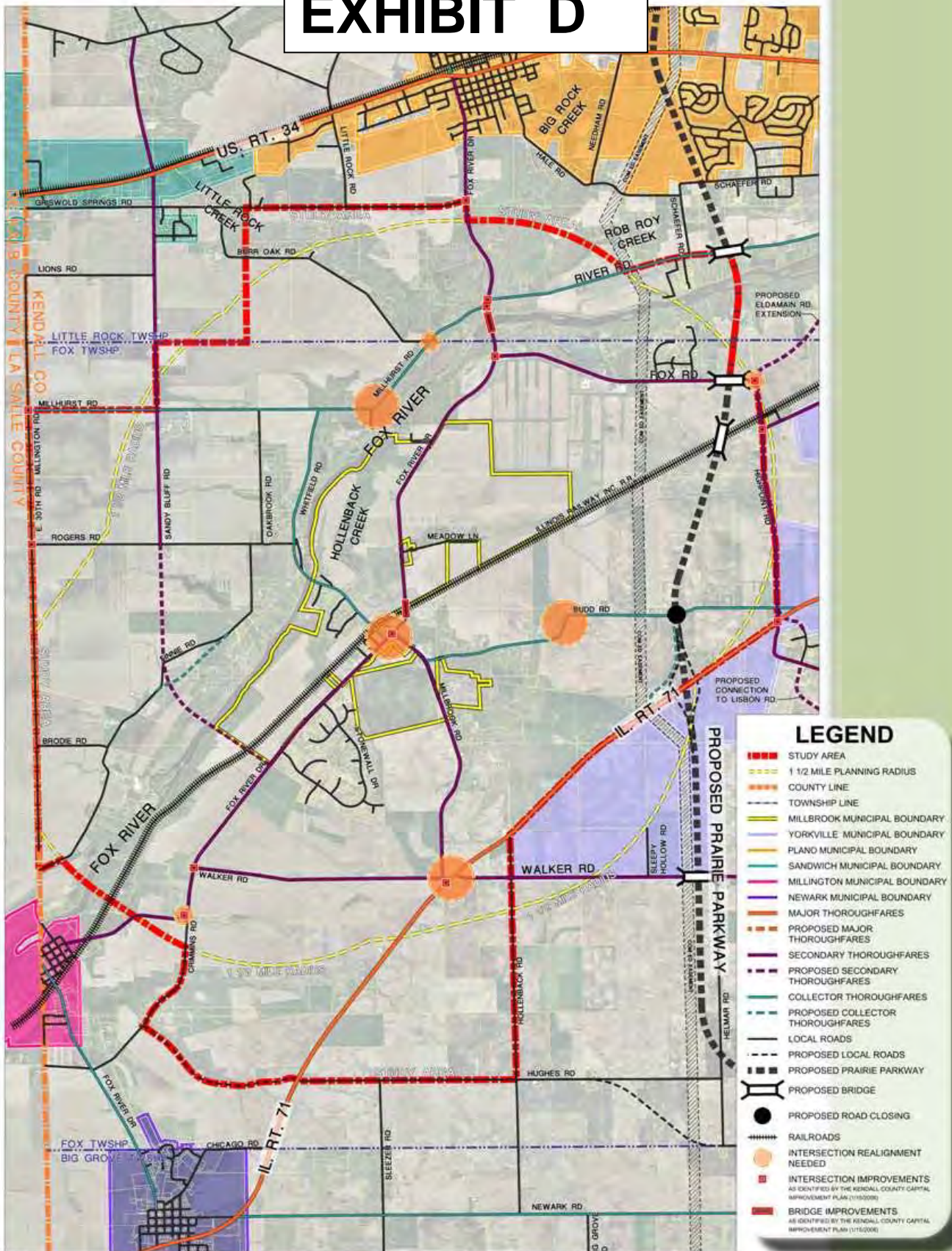
FUTURE LAND USE PLAN - DRAFT

Millbrook Comprehensive Plan | Village of Millbrook



Date: May 16, 2009

EXHIBIT D



TRANSPORTATION PLAN - DRAFT

Millbrook Comprehensive Plan | Village of Millbrook

NORTH
Scale: 1" = 1,320'

Date: March 18, 2009

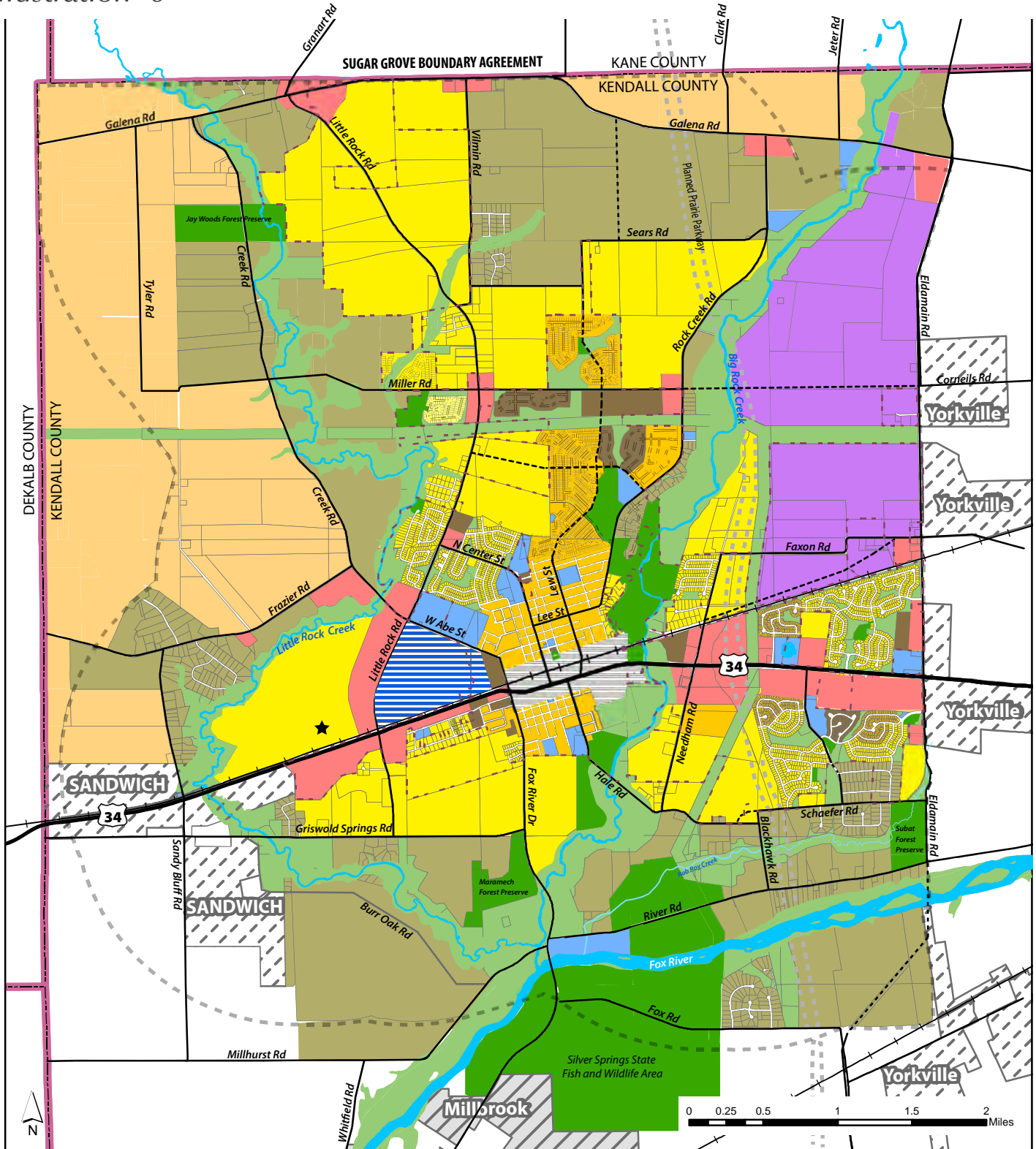
EXHIBIT E



SCENIC CORRIDORS - DRAFT

NORTH
Scale: 1" = 1,320'

Illustration 6



Future Land Use

teska

- | | | |
|---|----------------------------|--|
| Agricultural | Parks | Transit Oriented Development |
| Estate Residential (0 - .8 DU/AC) | Open Space | City Center Mixed Use |
| Low Density Residential (.9 - 2.25 DU/AC) | General Business | Plano Boundary |
| Medium Density Residential (2.26 - 6 DU/AC)* | Institutional/Public | Planning Boundary |
| High Density Residential (>6 DU/AC)* | Industrial/Office/Research | Proposed Roadway |
| *Existing built densities are not planned to increase | | Planned Prairie Parkway |
| | | Alternate Transit Oriented Development |

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 5, 2022 – 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
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Allyse Olson – Soil and Water Conservation District

Audience:

None

PETITIONS

Petition 22-09 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

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

The Kendall County Future Land Use Map currently calls for this area to be Rural Residential (Max Density 0.65 DU/Acre) and Mixed Use Business. A copy of the existing Future Land Use Map was provided.

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

Following meetings with property owners in the area in October and December 2021, the Committee decided to limit changes to three (3) properties along the railroad tracks west of Fox Road. Letters to impacted property owners were mailed in mid-December 2021, mid-February 2022, and mid-March 2022.

At their meeting on February 23, 2022, the Comprehensive Land and Ordinance Committee voted to forward the proposal to the Kendall County Regional Planning Commission.

At their meeting on March 24, 2022, the Kendall County Regional Planning Commission voted to initiate the amendment to the Future Land Use Map.

A copy of the updated map was provided.

Petition information will be sent to Fox Township, the Village of Millbrook, and the United City of Yorkville on March 29, 2022.

Mr. Klaas asked if Yorkville and Plano had a boundary agreement in this area. Mr. Asselmeier responded that Yorkville's boundary is Highpoint Road and Plano's extraterritorial planning area did not extend to the subject properties. Yorkville did not have a boundary agreement with Millbrook.

Mr. Klaas felt that any commercial and industrial developments in this area would probably be annexed to a municipality.

ZPAC Meeting Minutes 04.05.22

Mr. Asselmeier noted that to reclassify the property to Residential would be easier than to obtain that a Mixed Use Business classification.

Commander Langston asked if the owners of the house at 12565 Fox Road objected to the request. Mr. Asselmeier responded that no objections had been received.

Mr. Rybski clarified the request was for a reclassification on the Future Land Use Map and not the rezoning of the properties.

Mr. Rybski made a motion, seconded by Ms. Briganti, to recommend approval of the requested change to the Future Land Use Map.

With a voice vote of six (6) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on April 27, 2022.

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:27 a.m., adjourned.

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

Matt Asselmeier

From: Jason Engberg <jengberg@yorkville.il.us>
Sent: Thursday, April 14, 2022 9:54 AM
To: Matt Asselmeier
Cc: Krysti Barksdale-Noble
Subject: [External]RE: Kendall County Petition 22-09 Question

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

The tentative schedule is:

- EDC – May 3rd @ 6:00PM
- PZC – June 8th @ 7:00PM
- City Council – June 28th @ 7:00PM

Please let me know if you have any more questions.

Thanks,
Jason

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Thursday, April 14, 2022 8:16 AM
To: Jason Engberg <jengberg@yorkville.il.us>
Cc: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Subject: Kendall County Petition 22-09 Question

Jason:

What are the dates for the Yorkville meetings regarding this Petition?

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



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.

On December 4, 2021, five (5) neighbors submitted a written objection to the map amendment. On January 24, 2022, one (1) additional neighbor submitted an objection. These objections were included as Attachment 4.

On December 7, 2021, the Petitioner's Attorney submitted a request to continue the Petition from the December Kendall County Regional Planning Commission meeting and Kendall County Zoning Board of Appeals hearing. This email was included as Attachment 5.

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
USE Agricultural

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
REGULATIONS Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential (Max 0.45 DU/Acre)	A-1

			(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). The LESA Score was 199 indicating a low level of protection. The NRI Report was included as Attachment 6.

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on November 16, 2021. The Seward Township Planning Commission reviewed this proposal on December 7, 2021. Discussion occurred regarding the Land Resource Management Plan in relation to Seward Township and protecting farmland. Discussion also occurred regarding drainage and illegal dumping on the property. The Seward Township Planning Commission issued a negative recommendation by a vote of four (4) against the proposal and zero (0) in favor of the proposal with one (1) member absent. The minutes were included Attachment 7. On December 27, 2021, the Petitioner's Attorney submitted a response to the actions of the Seward Township Planning Commission; this letter was included as Attachment 8. On January 11, 2022, the Seward Township Board voted to submit a formal objection to the map amendment. Per State law, the objection must be submitted within thirty (30) days after the zoning hearing; Staff anticipates the objection will be filed in May. The objection will require a positive vote of at least eight (8) County Board members in order to approve the requested map amendment.

VILLAGE OF PLATTVILLE

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

LISBON-SEWARD FIRE PROTECTION DISTRICT

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

ZPAC

ZPAC reviewed this proposal at their meeting on December 7, 2021. The Petitioner's Attorney indicated the Petitioner only wanted to build two (2) houses at this time. The Highway Department requested a voluntary right-of-way dedication; the Petitioner's Attorney was agreeable to the request. ZPAC recommended approval of the requested map amendment 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 9.

RPC

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022. Prior to the February 23, 2022, meeting, the Petitioner requested the proposal be laid over to April 27, 2022. The minutes of the February 23, 2022, meeting are included as Attachment 13.

ZBA

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on December 13, 2021. At the Petitioner's request the hearing was continued to January 31, 2022. The hearing was continued again to February 28, 2022. The minutes of the December 13, 2021, meeting are included as Attachment 10. The minutes of the January 31, 2022, meeting are included as Attachment 11. On February 14, 2022, the Petitioner's Attorney submitted a request that the hearing be continued to May 2, 2022. This email is included as Attachment 12. The minutes of the February 28, 2022, hearing are included as Attachment 14.

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.

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
4. Objections of Neighbors (Updated January 24, 2022)
5. December 7, 2021 Dan Kramer Continuation Email
6. NRI Report
7. December 7, 2021 Seward Township Minutes
8. December 27, 2021 Dan Kramer Letter
9. December 7, 2021 ZPAC Meeting Minutes (This Petition Only)
10. December 13, 2021 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
11. January 31, 2022 Kendall County Zoning Board of Appeals Minutes
12. February 14, 2022 Dan Kramer Email
13. February 23, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)
14. February 28, 2022 Kendall County Zoning Board of Appeals 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 Irma Loya Quezada		
CURRENT LANDOWNER/NAME(s) Irma Loya Quezada		
SITE INFORMATION ACRES 10	SITE ADDRESS OR LOCATION Brisbin Road Minooka, IL 60447	ASSESSOR'S ID NUMBER (PIN) part of 09-18-300-018 & 09-18-300-019
EXISTING LAND USE farmland	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezoned to <u>B-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.)
2ENGINEER CONTACT none	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 10/18/2011
FEE PAID:\$ _____ CHECK #: _____		

¹Primary Contact will receive all correspondence from County

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

Last Revised:
12.15.20

Date Stamp Here if
Checklist is Complete

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 existing 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 uses 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 Agricultural 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 density 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 density 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 Land 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 said 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

21LS0184842 1001
WARRANTY DEED

Chicago Title
 THIS 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 person

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 CORNER 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 CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER, 815.23 FEET TO THE SOUTHEAST CORNER 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 NORTH LINE OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 817.41 FEET TO 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

**and Illinois Route #52*

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 4 day of May, 2021.

ERB PROPERTIES, LLC

BY: [REDACTED]

EDWARD J. BALTZ

ITS: MANAGER and as Trustee of the EDWARD J. BALTZ DESCENDANT TRUST

BY: [REDACTED]

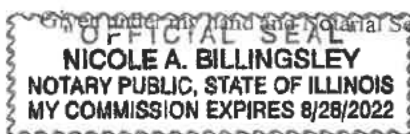
ROBERT D. BALTZ

MANAGER and as Trustee of the ROBERT D. BALTZ DESCENDANT TRUST

[REDACTED]
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.



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 act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.



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, 2021.

[REDACTED]



FUTURE TAXES TO:

IRMA LOYA QUEZADA

[REDACTED]

RETURN THIS DOCUMENT TO:

DANIEL J. KRAMER

[REDACTED] ET

PREPARED BY:

CORTINA MUELLER FROBISH

[REDACTED]

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:

1. 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.
3. 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.
6. 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.
7. 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.

ERB PROPERTIES, LLC

SUBSCRIBED AND SWORN TO

before me this 4 day of March, 2021

"OFFICIAL SEAL"
NICOLE A. BILLINGSLEY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8/28/2022



**Kendall County Soil & Water
Conservation District**

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

 www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Irma Loya Quezada

Address: [REDACTED]

City, State, Zip: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Contact Person: Daniel J. Kramer

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

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 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 Wastewater Treatment septic

Proposed type of Storm Water Management _____

Type of Request

☒ Change in Zoning from A-1 to R-1 to build 2 single family homes

☐ Variance (Please describe fully on separate page)

☐ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall County Planning, Building, & Zoning

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

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

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ 375.00
<u>5</u> Additional Acres at \$18.00 each	\$ 90.00
Total NRI Fee	\$ 465.00

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

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

[Signature]
Petitioner or Authorized Agent

10/18/2021
Date

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

FOR OFFICE USE ONLY

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



Applicant: Irma Loya Quezada

Contact: DANIEL J. Kramer

Address:



Project: Quezada

Address: Brisbin Road, Minooka

IDNR Project Number: 2206967

Date: 11/11/2021

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

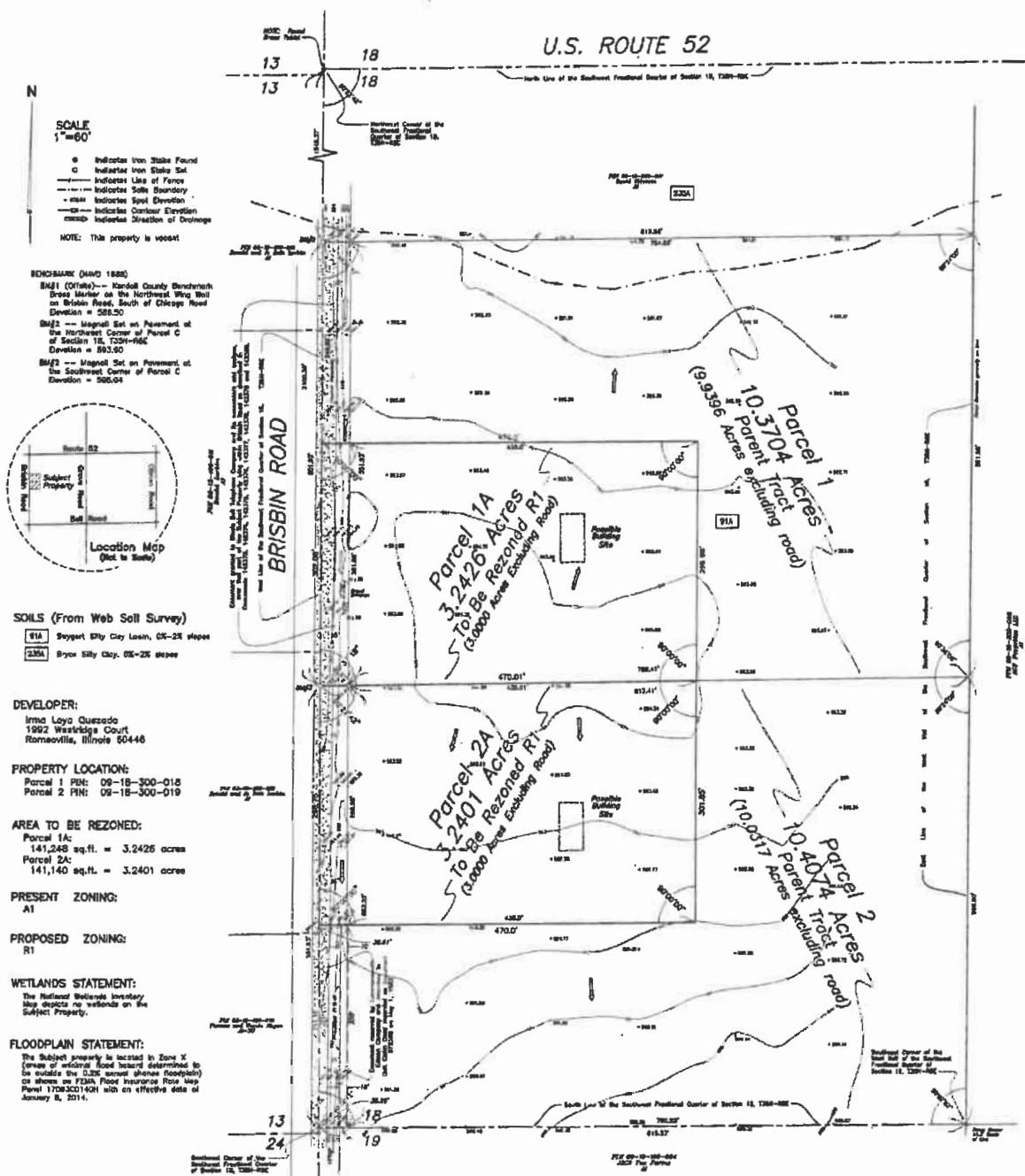
Matt Asselmeier

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.



East Point of the West Half of the Southwest Fractional Quarter of Section 16, Township 38 North, Range 3 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fractional 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, 631.93 feet to the Southwest Corner of said Southwest Fractional Quarter; thence Easterly, along the South Line of said Southwest Fractional Quarter, 658.79 feet to the East Corner of said Southwest Fractional Quarter; thence Northerly, along the East Line of the West Half of said Southwest Fractional Quarter, 658.79 feet to a new point Easterly from the point of beginning, which is parallel to the East Line of said Southwest Fractional Quarter, and 100 feet from said West South Line, 817.43 feet to the point of beginning, in Section Township, Kandiyohi County, State of Minnesota.

The Part of the West Half of the Southeast Fractional Quarter of Section 18, Township 36 North, Range 5 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Southeast Fractional Quarter; thence Southerly, along the West Line of said Southeast Fractional Quarter, 2100.30 feet to the point of beginning; thence Southerly, along said West Line, 288.75 feet; thence Easterly, perpendicular to said West Line, 470.21 feet; thence Northerly, perpendicular to the last described course, 301.91 feet to a line drawn from the point of beginning, which line is parallel to the North Line of said Southeast Fractional Quarter; thence Easterly, parallel with said North Line, 479.21 feet to the point of beginning. In Section Township, Kendall County, Illinois.

That Part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 4 East of the 1st Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fractional Quarter; thence Southerly, along said West Line of said Southwest Fractional Quarter, 1548.37 feet for the pole of a beginning; thence Southerly, along said West Line, 551.63 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, 100.00 feet to the North Line of said Southwest Fractional Quarter; thence Northerly, along said North Line, 618.20 feet to the point of beginning in Section Twenty-two, Township 35 North, Range 4 East of the 1st Principal Meridian, all of which is in the County of Lincoln, State of Kansas.

The West Port of the West Hot of the Southwest Fractional Quarter of Section 18, Township 36 North, Range 8 East of the Principal Meridian overlies the following: Commencing at the Northeast Corner of said Southwest Fractional Quarter, thence Southwesterly, along said West Line of said Southwest Fractional Quarter, 3100.30 feet to the point of beginning; thence Northerly, along said West Line, 302.08 feet; thence Easterly, perpendicular to said West Line, 470.0 feet; thence Southerly, perpendicular to the last described course, 230.95 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line, 470.0 feet; thence Easterly, parallel with said North Line, 470.0 feet to the point of beginning.

JOB NO.	21184
JOB NAME	QUEZADA
DWG FILE	21184
REVISION DATE	November 11, 2021

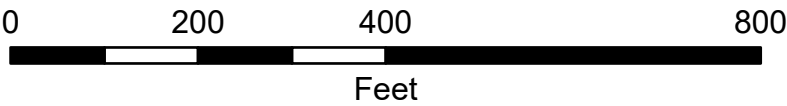
Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

11078 South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580



Legend

- Legal Descriptions
- Parcels



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560
630.553.4212

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

This property has been agricultural for at least a hundred plus years. Let's keep it so. NO, NO, NO to change. We are writing this letter, because some of us may not be able to attend the meetings. This letter should be just as good as being in person.

We are concerned these parcels will be used for bringing landscaping debris. Don Schuck has been dealing with Brian Holdiman from zoning board for four plus years over Nely Landscaping illegally working off his property. He has hauled in landscape material off jobs and has dumped, buried, and burned debris on his property.

We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.



Signature

Amy White Amy White

Print

14625 Brisbin Rd Miroha IL 60147

Address

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Signature

DONALD SCHUCK SR
Print JACQUELINE SCHUCK

14525 BRISBIN RD
14525 Brisbin Rd.

MINOOKA, ILL. 60447
Address minooka, IL. 60447

December 4, 2021

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Signature

JENNIFER E MILLER

Print

3700 US HWY 52MINDOKA, IC 60447

Address

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Signature

Bruce O. Knudson

Print

5765 US Hwy. 52

Minoke, IL. 60447-9672

Address

December 4, 2021

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Thank you for your time and listening to our concerns.



Signature

Dustin Walzer

Print

14550 Brisbin Rd

Minooka IL 60447

Address

1-25-22

Hi Matt:

Sorry Due to Weather
I CAN'T get out of my
Driveway, Hope this is
OK! I thought it wouldn't
get there by 26 via mail!

Thank you
Wanda H.

TO: Kendall County planning commission

Jan. 21, 2022

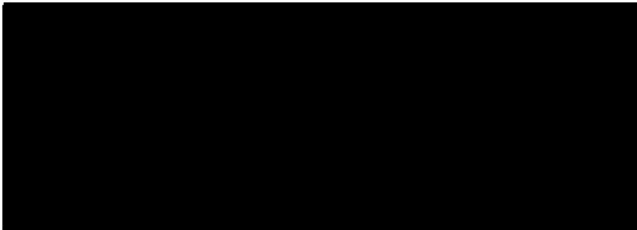
Re: Petition #21-49

As a neighbor on Brisbin Rd. - across the road from said property.

I stand with my neighbors to ask that this petition be denied...we would like A1 to stay A1.

We hope the zoning board will take our wishes into consideration when making their decision.

Sincerely Yours

A large black rectangular redaction box covering the signature area.

Thomas & Wanda Hogan

14975 Brisbin Rd.

Minooka, IL 60447

Matt Asselmeier

From: Real estate <realestate@dankramerlaw.com>
Sent: Tuesday, December 7, 2021 11:28 AM
To: Matt Asselmeier
Subject: [External]Quezada Zoning Petition

Dear Matt:

Can you please continue the Quezada Petition from the December RPC and ZBA to the January RPC and ZBA? [REDACTED]

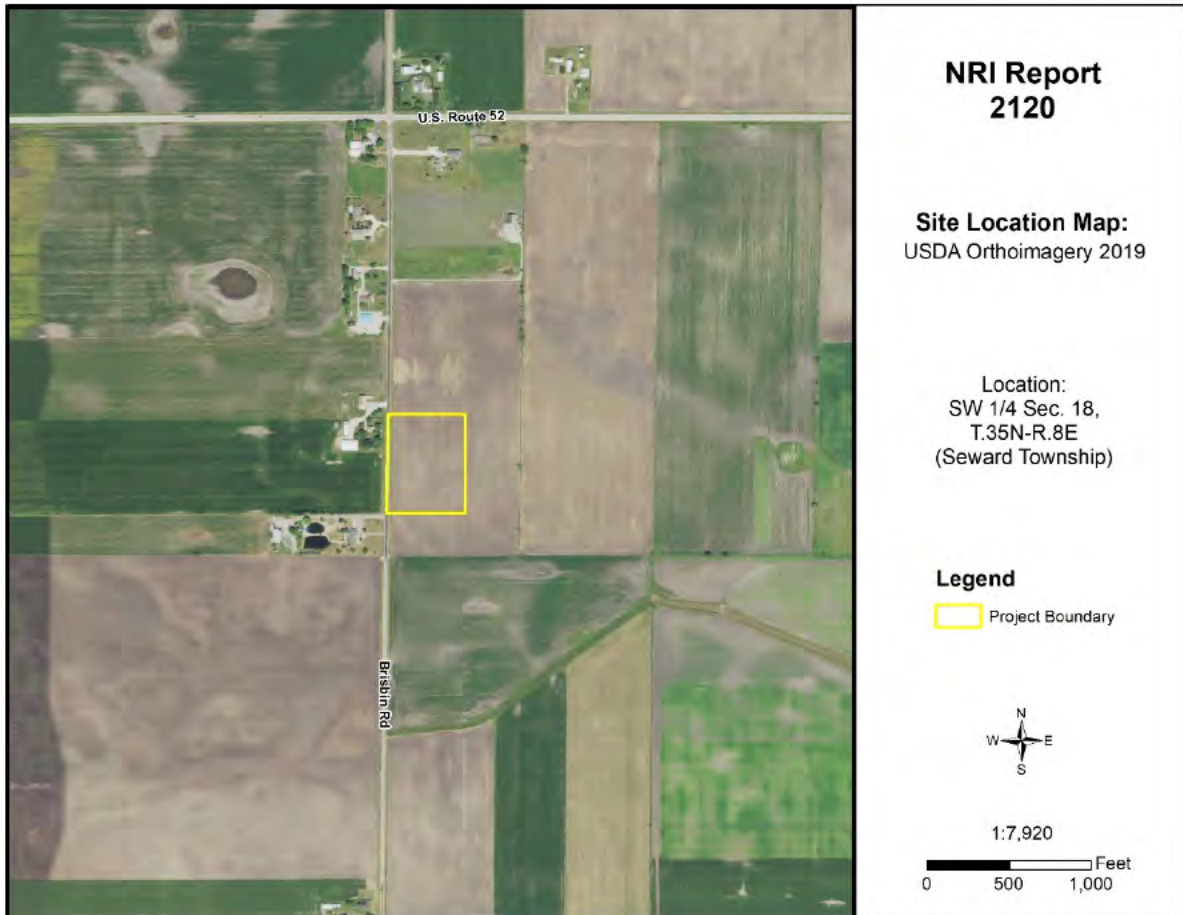
DO NOT RESPOND TO THIS EMAIL PLEASE SEND DIRECT TO: dkramer@dankramerlaw.com

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

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NATURAL RESOURCE INFORMATION (NRI) REPORT: #2120



Dec.
2021

Petitioner: Irma Loya Quezada
Contact: Attorney Daniel J. Kramer

Prepared By:



7775A Route 47
Yorkville, Illinois 60560
Phone: (630) 553-5821 x3
www.kendallswcd.org

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

Natural Resource Information Report Number	2120
Date District Board Reviews Application	December 2021
Applicant's Name	Irma Loya Quezada
Size of Parcel	6.5 acres
Current Zoning & Use	A-1 Agricultural; Cropland
Proposed Zoning & Use	R-1 Residential; Two Single-Family Homes
Parcel Index Number(s)	09-18-300-018 & 09-18-300-019
Contact Person	Attorney Daniel J. Kramer

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

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

PURPOSE AND INTENT

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

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

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

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

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

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

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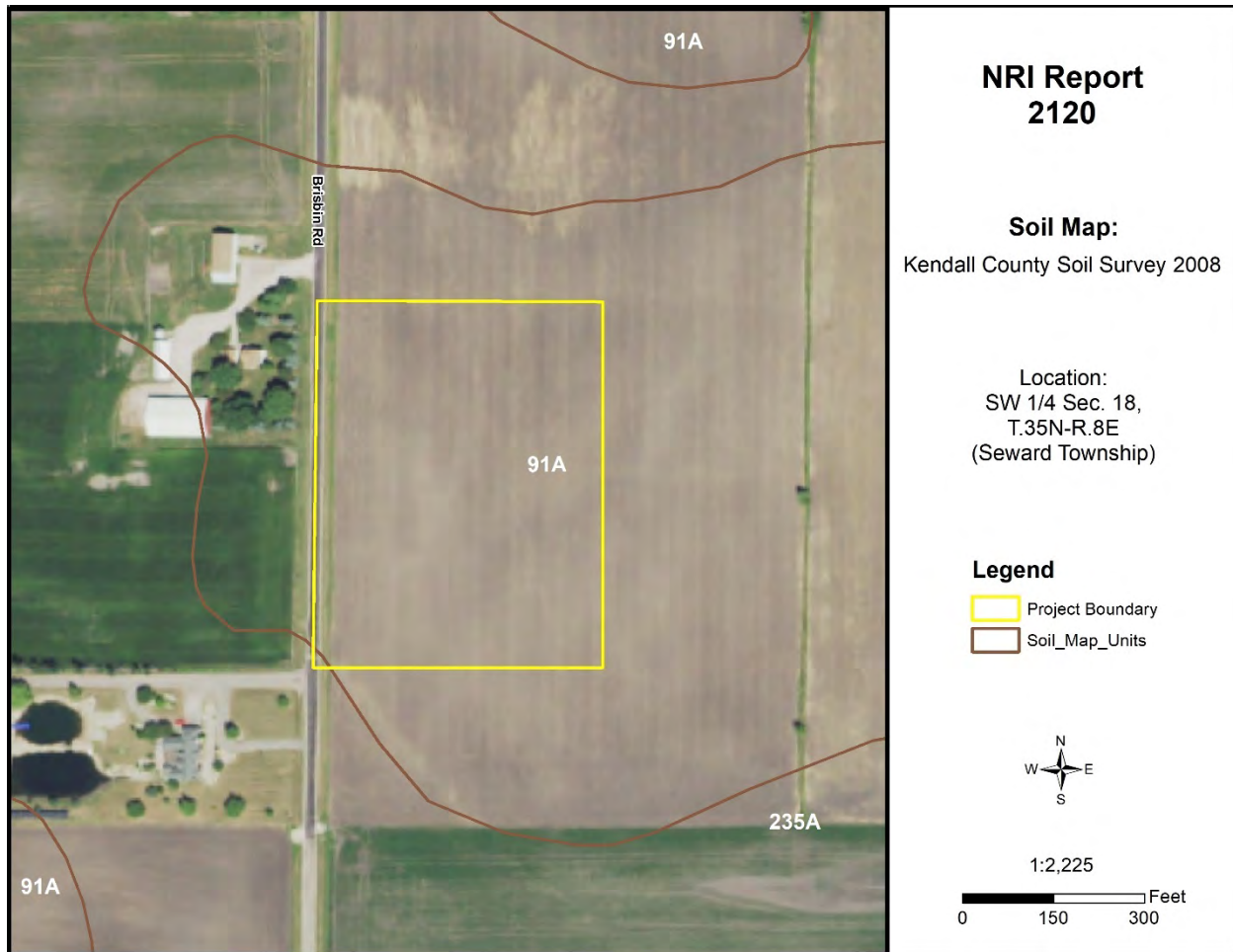
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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2120
Petitioner	Irma Loya Quezada
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 18, Township 35 North, Range 8 East (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Loya Quezada Re-Zoning
Existing Zoning & Land Use	A-1 Agricultural; Cropland
Proposed Zoning & Land Use	R-1 Residential; Two Single-Family Homes
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	6.5 acres
Land Evaluation Site Assessment Score	199 (Land Evaluation: 79; Site Assessment: 120)

NATURAL RESOURCE CONSIDERATIONS**Figure 1: Soil Map****SOIL INFORMATION**

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

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland
235A	Bryce silty clay, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland if drained

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

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

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (235A Bryce silty clay), and the remaining soil is classified as a non-hydric soil with hydric inclusions likely (91A Swygert silty clay loam).

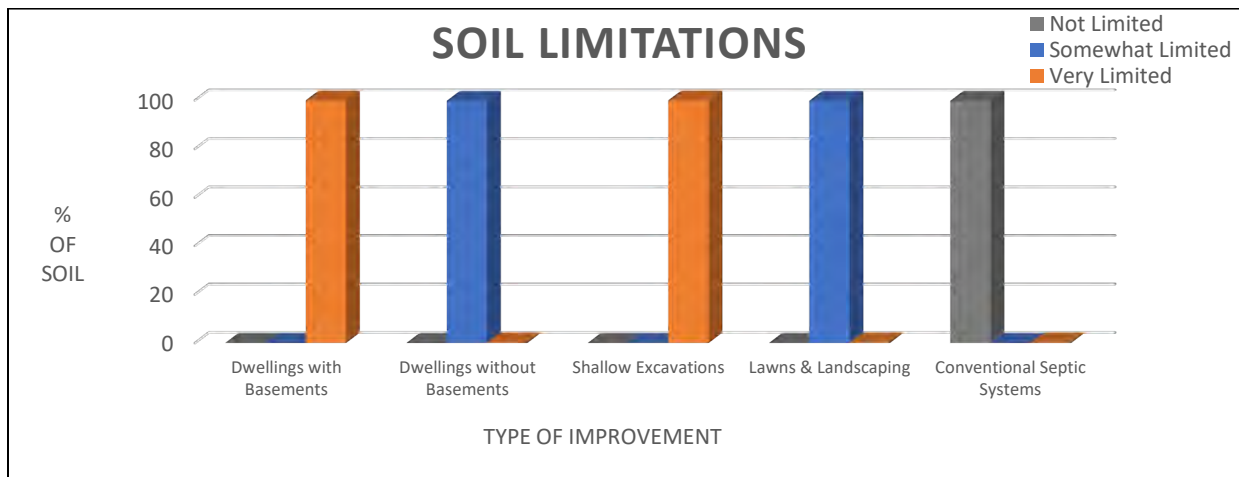
Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, both are designated as prime farmland (91A Swygert silty clay loam and 235A Bryce silty clay). The 235A Bryce silty clay is considered prime farmland if drained.

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings with basements, dwellings without basements, small commercial buildings, shallow excavations, lawns/landscaping, and local roads and streets. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
91A	Very Limited	Somewhat Limited	Very Limited	Somewhat Limited	Suitable/ Not Limited
235A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable/ Very Limited

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

**Figure 2:** Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is **79**, indicating that this site is **not well suited** for agricultural uses.

- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is **120**.

The **LESA Score for this site is 199 out of a possible 300, which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetlands Inventory map **does not indicate** the presence of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0140H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is **not located within** the floodplain or floodway.

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Irma Loya Quezada for the proposed change in zoning from A-1 Agricultural to R-1 Single-Family Residential to construct two single-family homes on parts of two parcels (Parcel Index Numbers 09-18-300-018 & 09-18-300-019) within Seward Township of Kendall County located in the SW ¼ of Section 18, Township 35N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.


The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are classified as prime farmland or prime farmland if drained. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 79 out of a possible 100 points indicating that the soils are not well suited for agricultural uses. The total LESA Score for this site is 199 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for dwellings with basements and shallow excavations and 0.2% are very limited for dwellings without basements and lawns/landscaping. The remaining land is considered somewhat limited for these types of developments/uses. Additionally, 0.2% of the soils are considered unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

For intense use, it is recommended that a drainage tile survey be completed on the parcel to locate the subsurface drainage tile and should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

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


 SWCD Board Representative

 12/16/2021
 Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2120

SW ¼ of Section 18, Township 35 North, Range 8 East (Seward Township) on 6.5 acres. This parcel is located on the east side of Brisbin Road, west of Grove Road, north of Bell Road, and south of U.S. Route 52 in Minooka, IL. The parcel is part of unincorporated Kendall County.

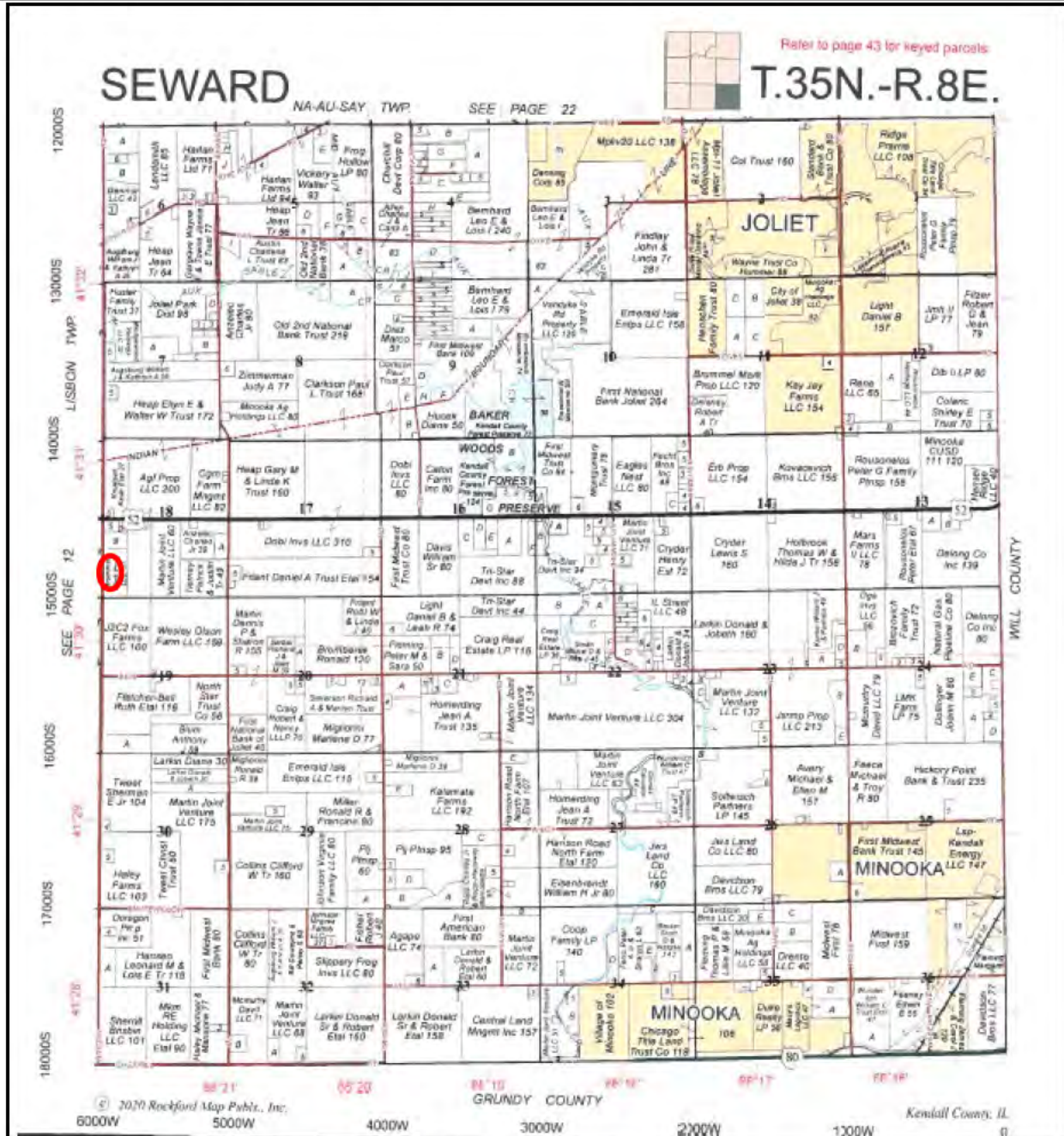


Figure 3: 2021 Plat Map

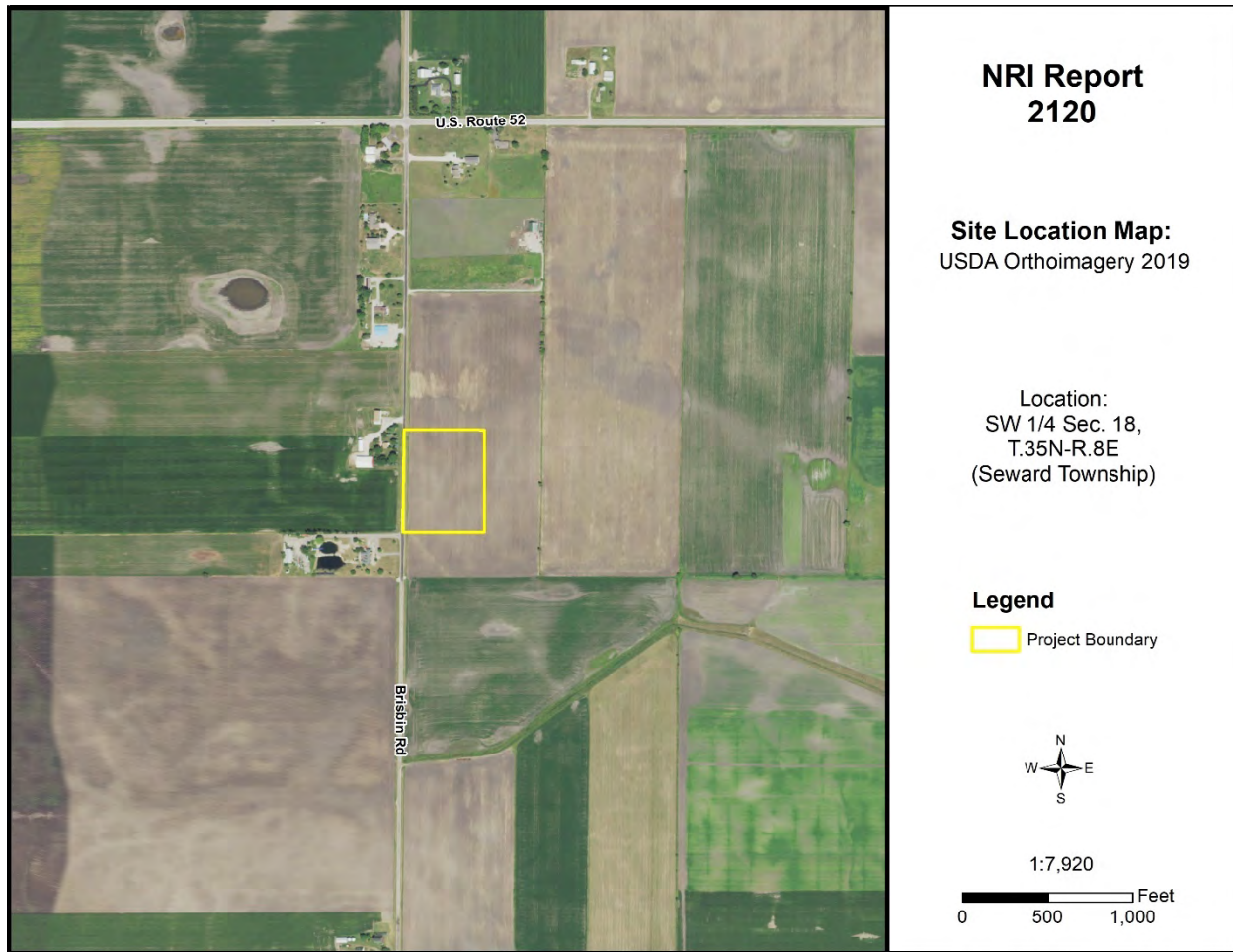


Figure 4: 2019 Aerial Map with NRI Site Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

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

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

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

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

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

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

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

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

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

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

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

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

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

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

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

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

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

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

Office maps indicate that ecologically sensitive area(s) are not located on or near the parcel in question (PIQ).

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

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

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

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

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

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

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

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

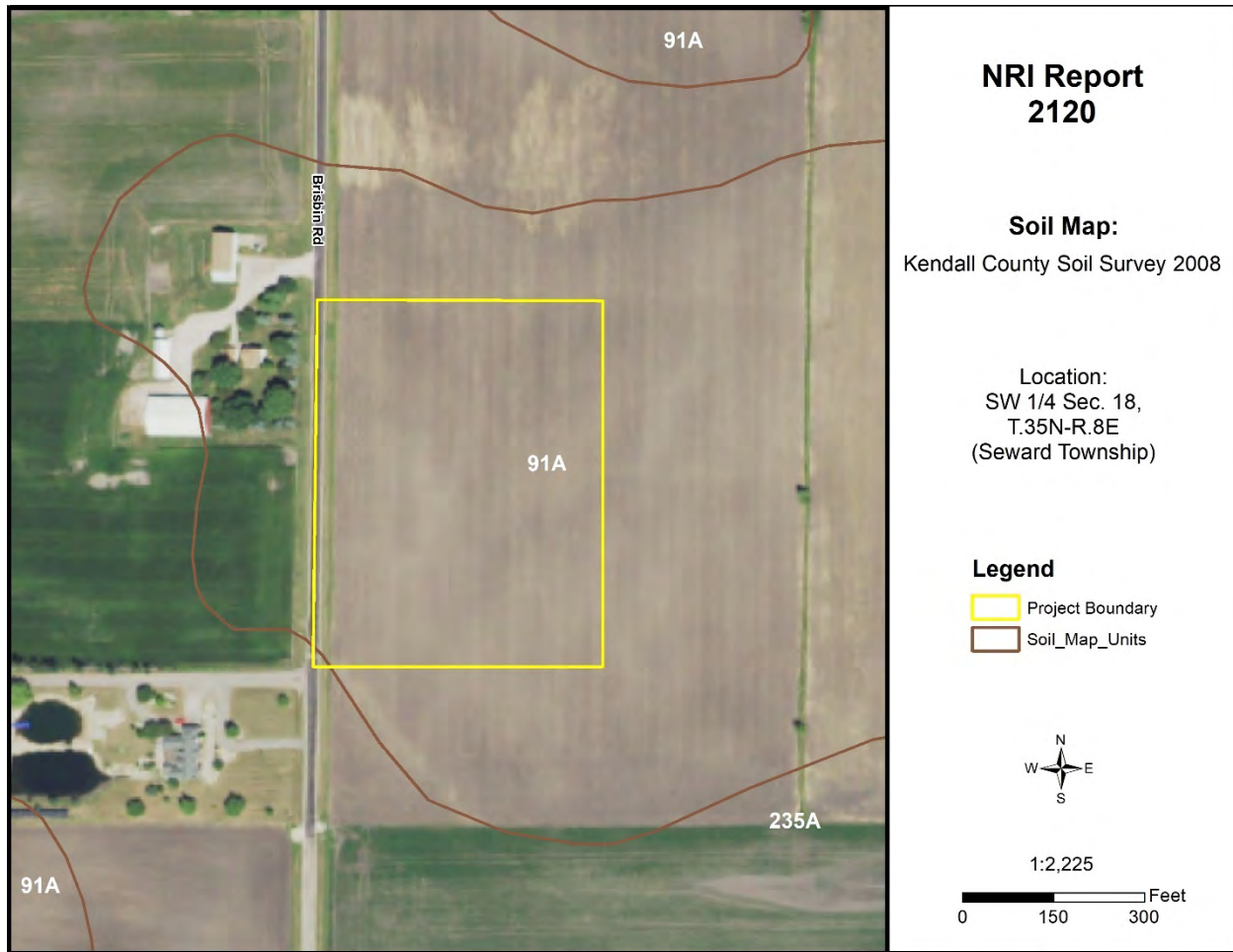


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
91A	Swygert silty clay loam, 0-2% slopes	6.5	99.8%
235A	Bryce silty clay, 0-2% slopes	0.0	0.2%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

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

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

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

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

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

Dwellings with Basements – Ratings are for undisturbed soil for a building structure of less than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Dwellings without Basements – Ratings are for undisturbed soil for a house of three stories or less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

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

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

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

Table 4: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
91A	Very Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Too clayey; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable/Not Limited	6.5	99.8%
235A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Too clayey; Unstable excavation walls; Dusty	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Unsuitable/Very Limited: Wet	0.0	0.2%
% Very Limited	100%	0.2%	100%	0.2%	0.2%		

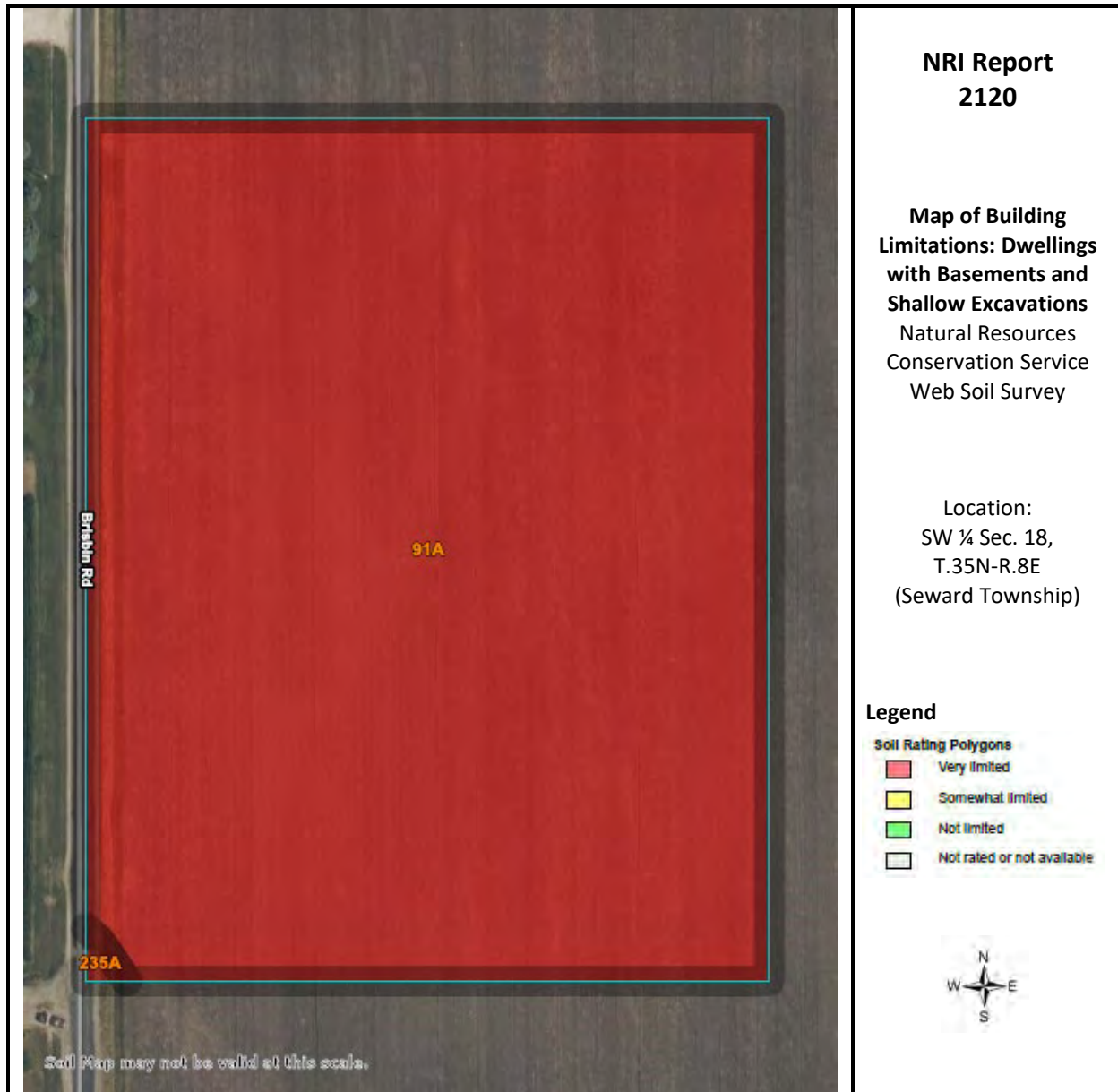


Figure 6A: Map of Building Limitations – Dwellings with Basements and Shallow Excavations

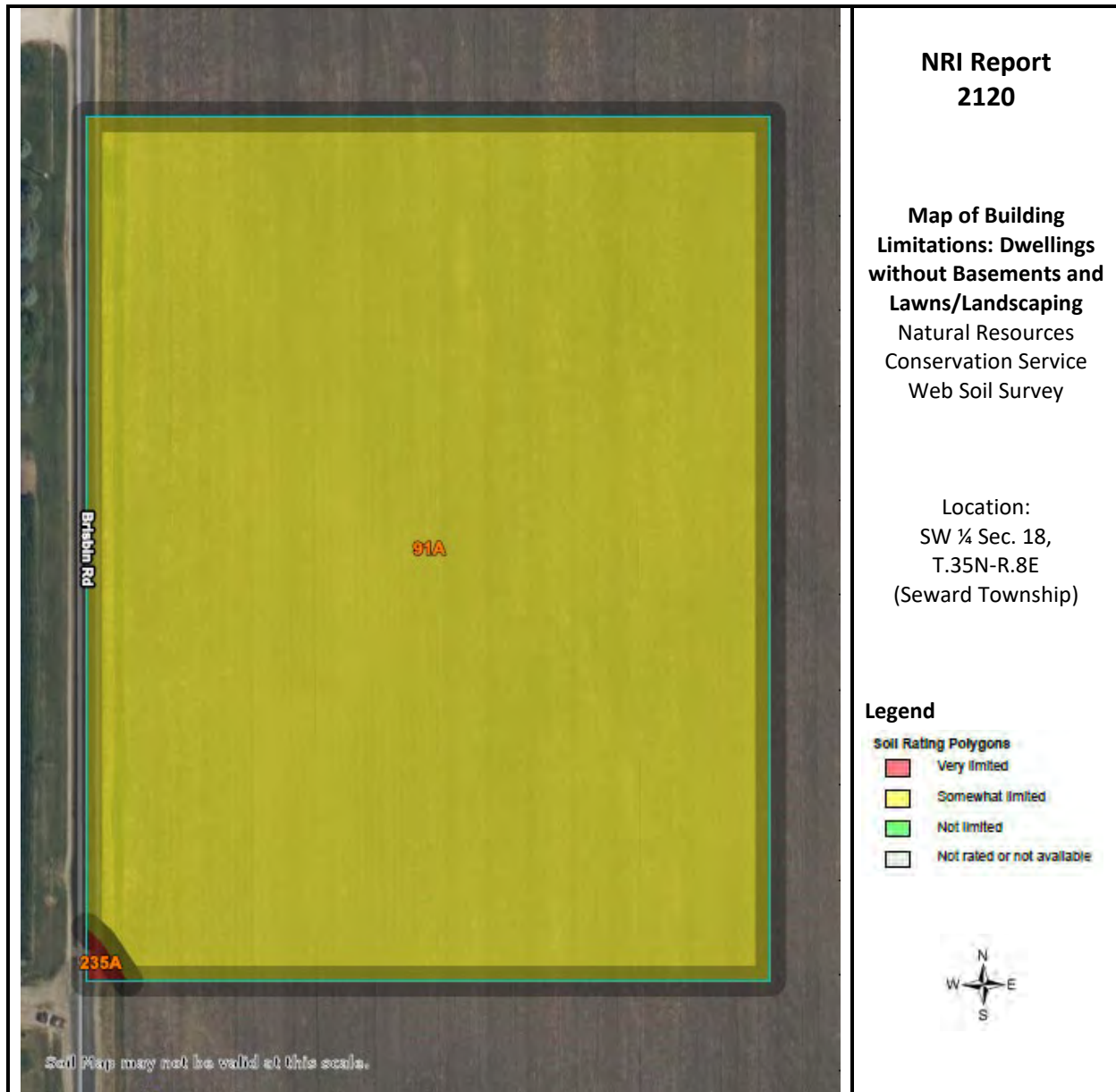


Figure 6B: Map of Building Limitations – Dwellings without Basements and Lawns/Landscaping

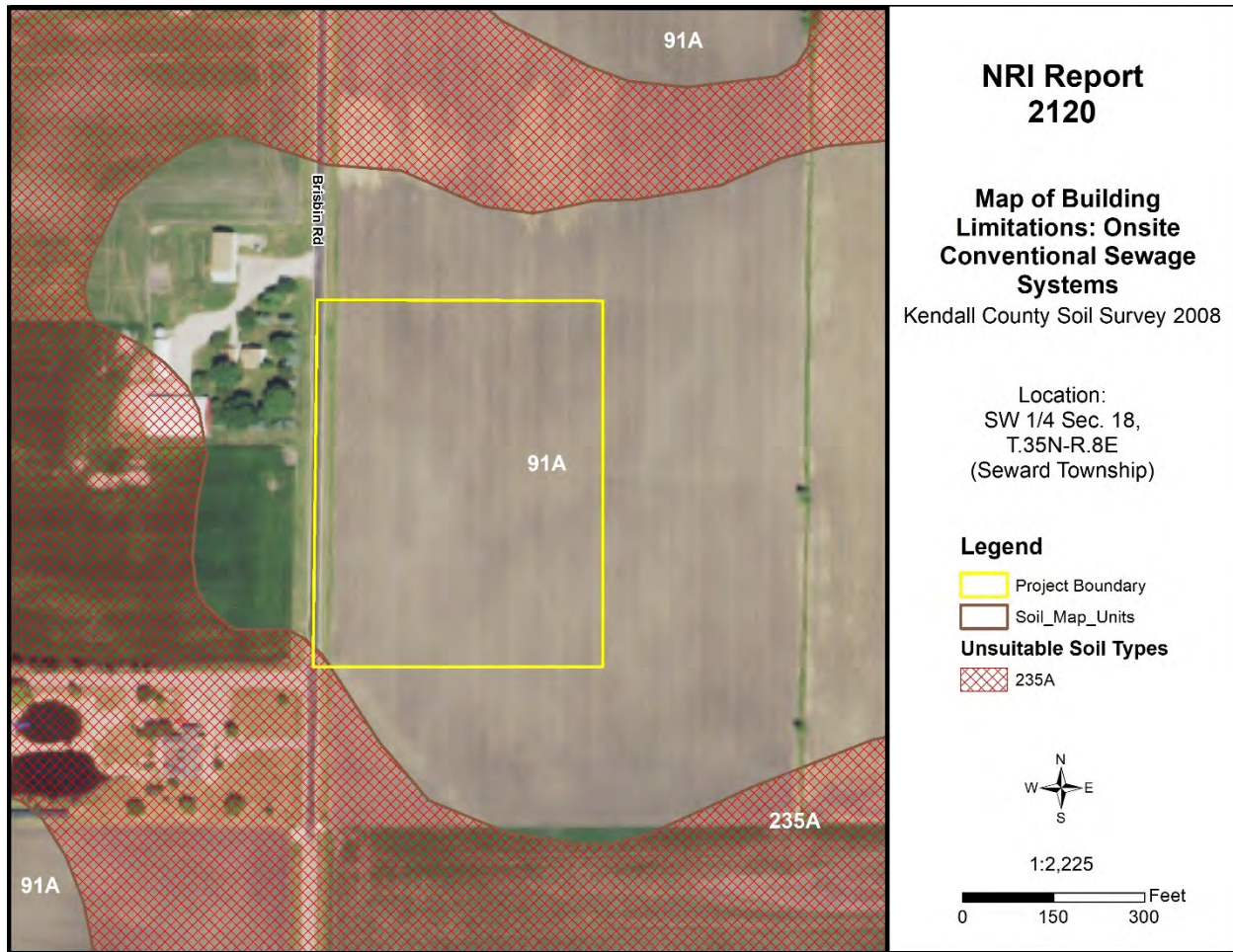


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

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

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

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

Note: If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

SURFACE RUNOFF – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

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

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

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

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

FLOODING – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

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

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

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
91A	C/D	Medium	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8' <u>December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
235A	C/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper Limit: -- Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None

SOIL EROSION AND SEDIMENT CONTROL

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

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

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

The general principles of erosion and sedimentation control measures include:

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

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

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

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
91A	0-2%	Slight	6.5	99.8%
235A	0-2%	Slight	0.0	0.2%

PRIME FARMLAND SOILS

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

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

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
91A	Prime Farmland	6.5	99.8%
235A	Prime Farmland if drained	0.0	0.2%
% Prime Farmland	100%		

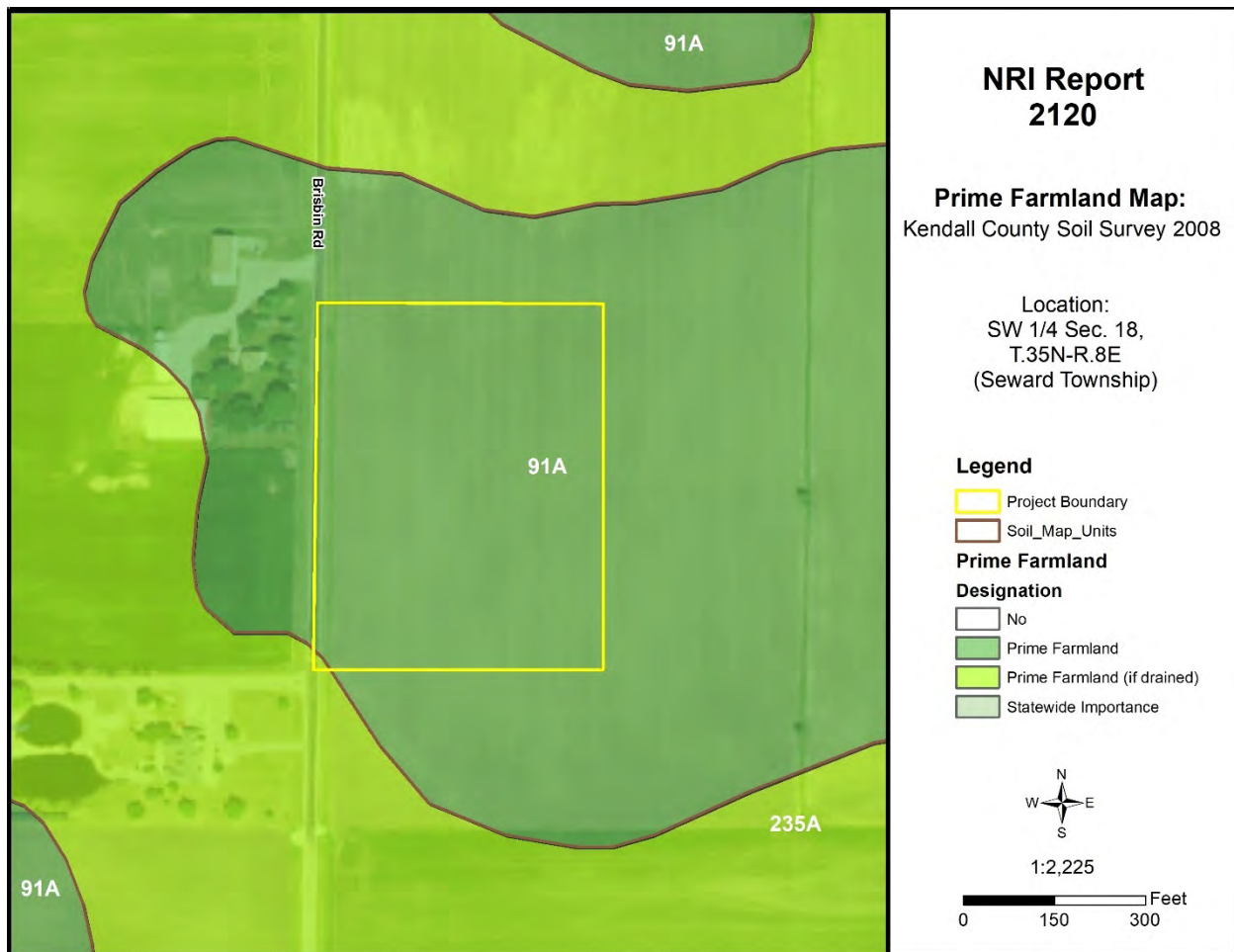


Figure 7: Map of Prime Farmland Soils

LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

LAND EVALUATION (LE)

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA)

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

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

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
91A	4	79	6.5	513.5
235A	3	87	0.0	0
Totals			6.5	513.5
LE Calculation			(Product of relative value / Total Acres) 513.5 / 6.5 = 79	
LE Score			LE = 79	

The Land Evaluation score for this site is 79, indicating that this site is not well suited for agricultural uses considering the Land Evaluation score is below 80.

Table 8B: 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 land 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)	20
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
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)	15
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	120

The Site Assessment score for this site is 120. The Land Evaluation value (79) is added to the Site Assessment value (120) to obtain a LESA Score of 199. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

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

Land Evaluation Value: 79 + Site Assessment Value: 120 = LESA Score: 199

The LESA Score for this site is 199 which indicates a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

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

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

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

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

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

WHAT IS A WATERSHED?

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

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

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

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

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

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

IMPORTANCE OF FLOOD INFORMATION

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

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

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

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

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

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

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

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

This parcel is located on minimal topography (slopes 0 to 2%) with an elevation of approximately 594' above sea level. According to the FIRM map, the parcel in question does not contain floodway or floodplain. The parcel drains predominantly south/southeast.

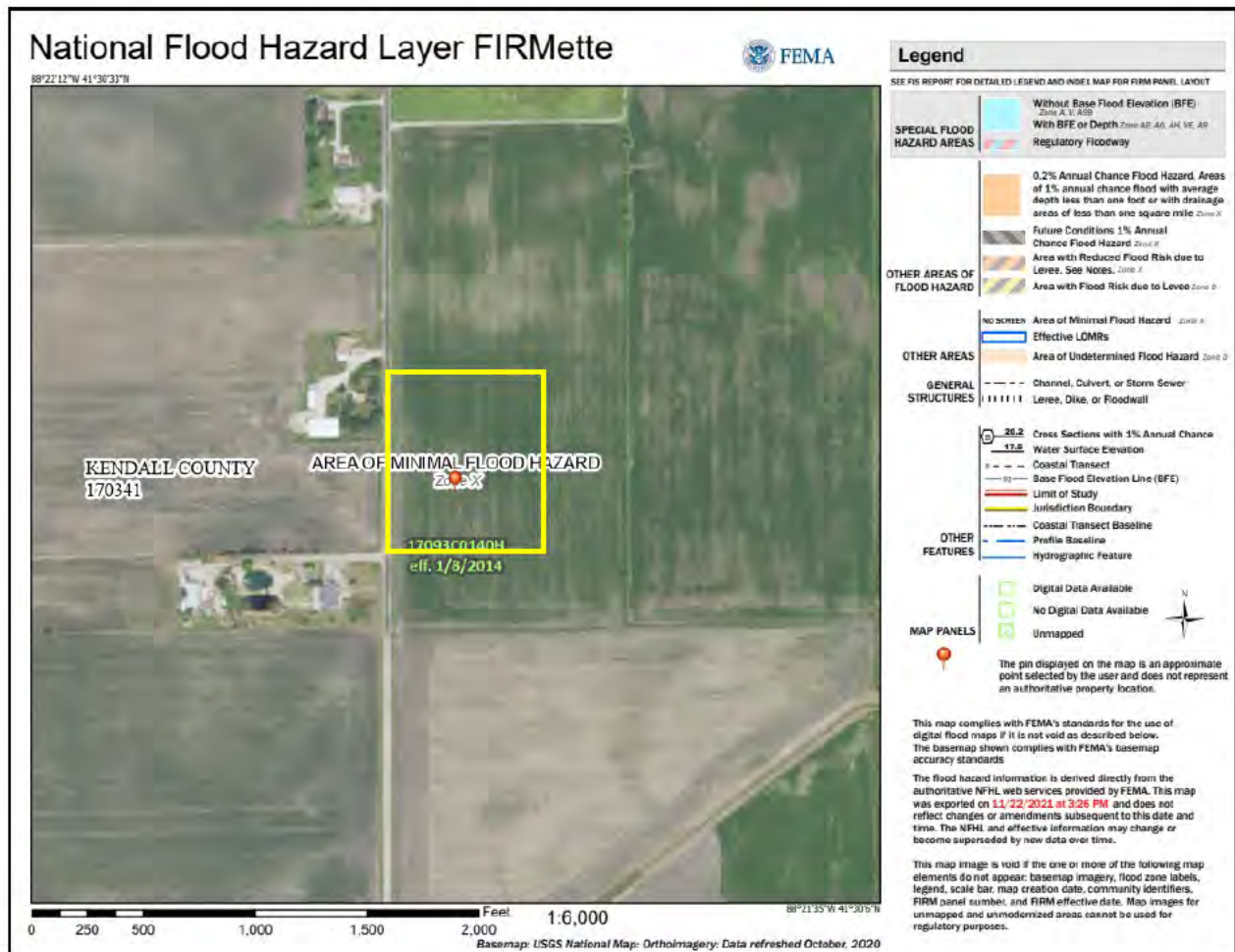
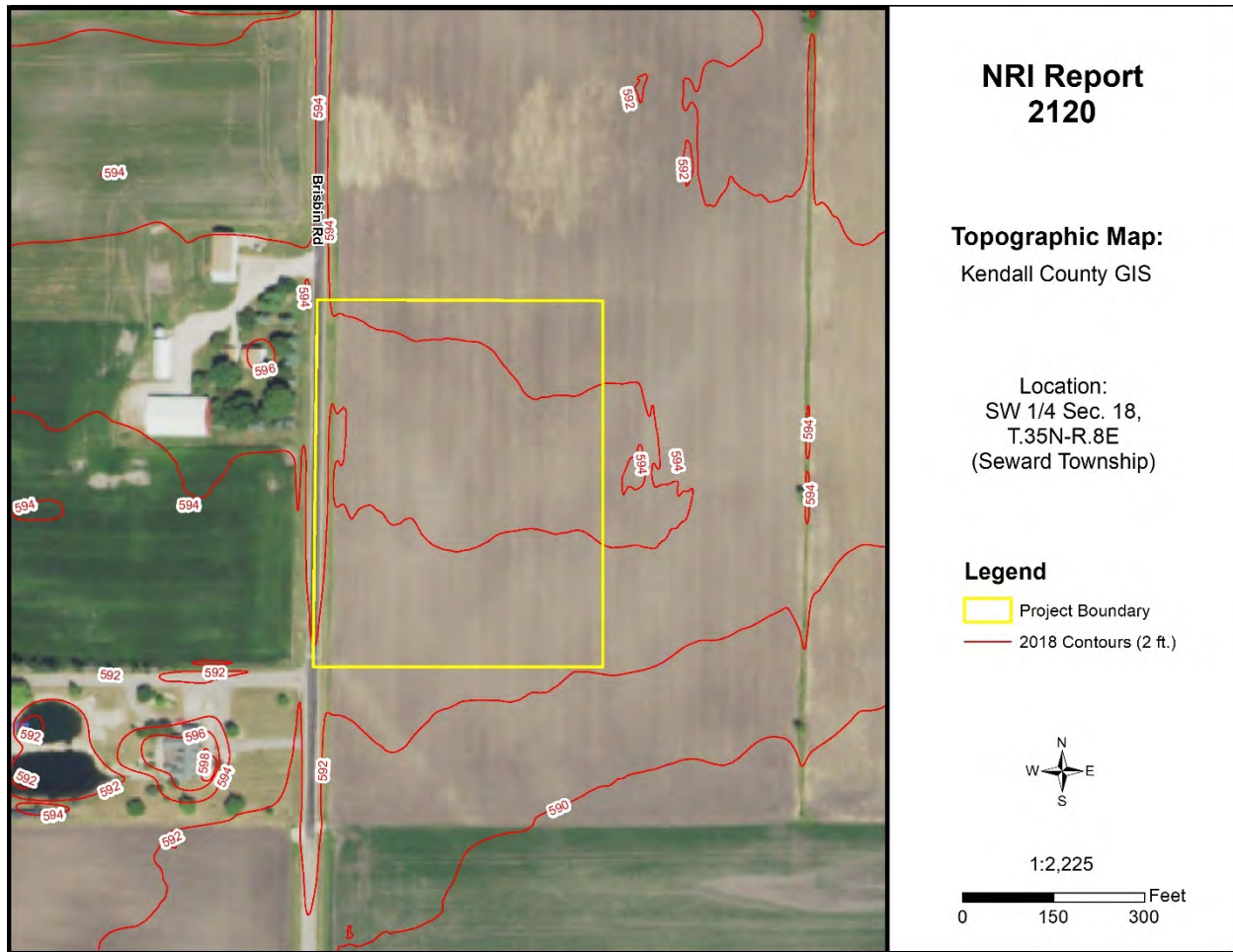


Figure 8: FEMA Floodplain Map

**Figure 9: Topographic Map**

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

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

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

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

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

<p>This parcel is located within the Upper Illinois River Watershed and the Minooka Branch Aux Sable Creek Sub Watershed.</p>
--

WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

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

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

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

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

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

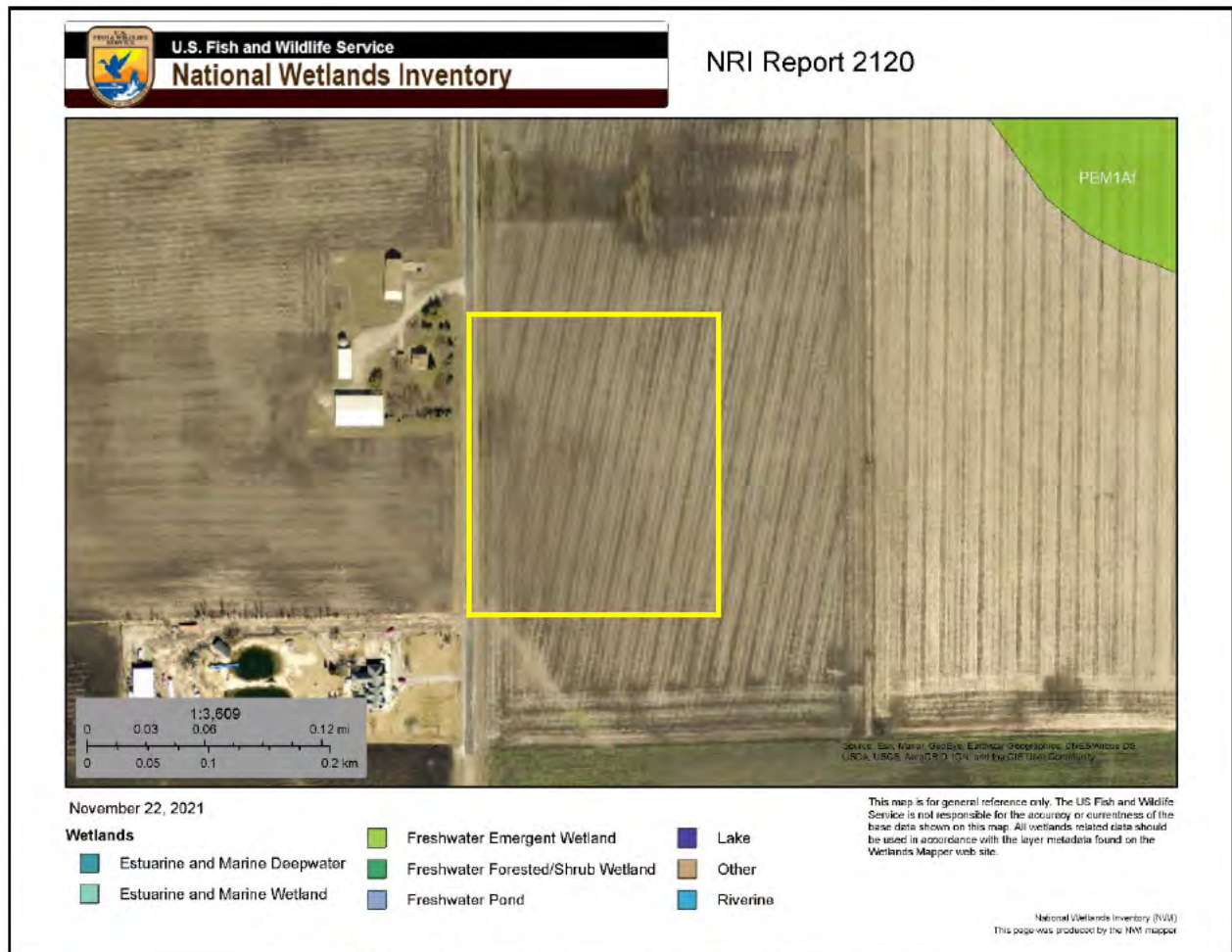


Figure 10: Wetland Map – USFWS National Wetland Inventory

Office maps indicate that mapped wetlands are not present on the parcel in question (PIQ).

HYDRIC SOILS

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

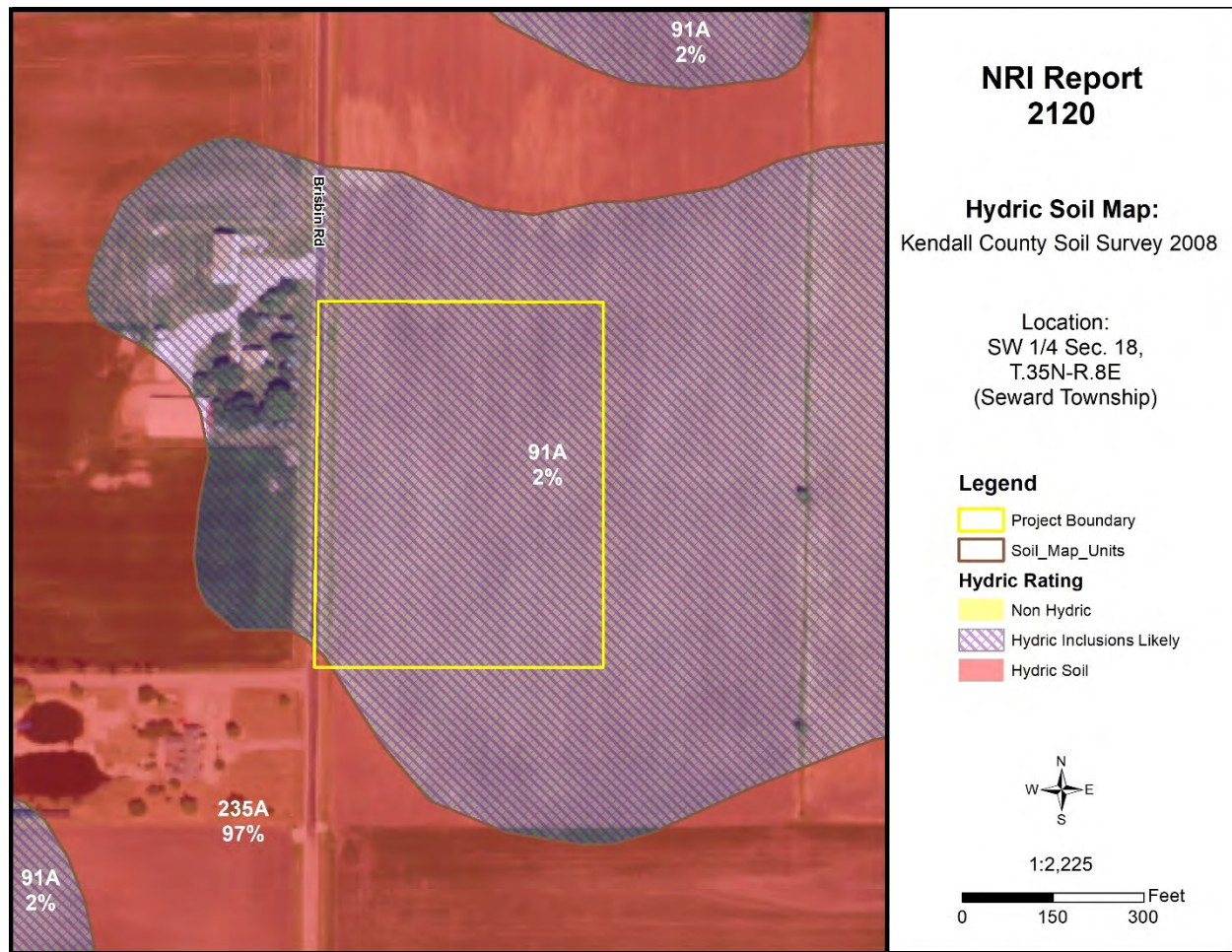
It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

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

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

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
91A	Somewhat Poorly Drained	Non-Hydric	Yes	6.5	99.8%
235A	Poorly Drained	Hydric	No	0.0	0.2%

**Figure 11: Hydric Soil Map**

WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY?

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

REGULATORY AGENCIES

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

COORDINATION

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PALUSTRINE - Name given to inland freshwater wetlands.

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

PIQ - Parcel in question

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

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

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

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

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

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

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

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

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

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

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

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

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

REFERENCES

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

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

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

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

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Illinois Urban Manual. Association of Illinois Soil & Water Conservation Districts, 2020.

Kendall County Land Atlas and Plat Book. 21st Edition, 2021.

Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service National Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110).

Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.

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

SEWARD TOWNSHIP PLAN COMMISSION MINUTES

December 7, 2021

The Seward Township Plan Commission met on December 7, 2021 at 6:00 p.m. at the Seward Town Hall. Members present included Jessica Nelsen, Anne Vickery, Joan Soltwisch, and Suzanne Casey. Jill Prodehl was unable to attend, but sent a prepared statement to be read on her behalf. Tim O'Brien, Seward Township Board was present, as well as Tom Casey, Regional Plan Commission. Following the pledge to the flag, the minutes of the September 7, 2021 were read aloud by Suzanne Casey, and approved.

Under new business, Dan Kramer was present to represent Irma Quezada/Loya's Petition 21-49 on Parcels 09-18-300-018 and -019, requesting rezoning from A-1 to R-1. Dan described the petitioner's request to build two single family lots on a 40 acre parcel on the east side of Brisbin Road, just south of Route 52. He stated there is no intent to operate any business from the property, and the request is for residential purposes. Audience members included residents surrounding this property, as well as residents of Seward Township at large, who stated concerns about the future of that property, as well as Seward Township property going forward. Dan noted that ZPAC had unanimously passed the petition earlier that day.

Discussion included references to the Land Resource Management Plan for Seward/Lisbon Township. Statements from both the audience members, as well as the Plan Commission membership, expressed great concern about the future of Seward Township. Suzanne Casey read a statement from Jill Prodehl referencing the Kendall County Land Use Management Plan, expressing concern for the protection of farmland going forward in the township, as well as the requirement for 1 home per 40 acres. Joan Soltwisch commented on the poor quality of the soils on the parcel and drainage concerns that would be present. Following an active audience participation, a vote was taken of the Plan Commission members present. Following considerable discussion, Jessica Nelsen moved approval and Joan Soltwisch seconded the motion. All Plan Commission members voting "no" to approval. Dan Kramer announced that due to his health and long Regional Plan Commission agenda on Wednesday, December 8, he would be rescheduling the request to the RPC meeting in January at the 26th meeting.

Ongoing discussion within the Commission, as well as with and from the audience ensued. Residents present expressed their gratitude more than once for the considerable consideration given to the future of Seward Township. In other expressed matters, comments were made about the rezoning process, including the presence of large utility structures throughout the township, and property clarification regarding those.

Finally, several strategies were considered for future petitions coming forward, as well as the future planning for Seward Township. These included legal action, moratorium requests, and incorporating. The Plan Commission had, in fact, held a planning session last summer to begin work on a Vision and Mission statement for the future of Seward Township. This was and is felt to be critical for future planning, as well as development of this Township. A planning process

will continue by the Plan Commission over the winter, with the goal of completing this work by Spring, so that going forward, the Township will have a clear template against which to compare future requests. To allow this work to be completed and perhaps the Land Resource Plan to be updated, if necessary, the Seward Commission would request a moratorium on requests until Spring, 2022.

The strong recommendation from this Commission is that our Township Board look carefully at this proposal, as well as the future of our Township. The Seward Plan Commission does not recommend approval of this request.

Suzanne moved adjournment at 7:20, and Joan Soltwisch seconded the motion.

Minutes submitted by Suzanne Casey

December 8, 2021

DANIEL J. KRAMER

LAW OFFICES
OF
Daniel J. Kramer
1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

KELLY A. HELLAND
D.J. KRAMER

December 27, 2021

Matt Asselmeier
Hand Delivered

RE: Loya Quezada Residential Zoning Request

Dear Matt:

Following up what were really painful meetings at Seward Township who are normally on the mark, I wanted to get these photographs to you.

I remember you said you had gotten a letter from surrounding neighbors complaining about the fact that they had burned construction and landscaping materials on the subject property which is being sought to be rezoned by Mrs. Quezada, and that they were objecting to the rezoning purely for that reason.

I am enclosing color panoramic drawings of her entire holding on Brisbin road which show that the entire property had corn stubble and a crop on during the 2021 growing season which was just concluded.

She has owned the property for less than a year and there has never been any burning of landscape or construction materials, nor has there any concrete construction debris on the site, nor has there been any.

One of the neighbors got up at the Plan Commission at Seward Township and again renewed that objection for that reason. We then contacted our Client who assured us that it was not case. She did inform us that the parcel immediately to the North of hers has in fact had construction debris and burning taking place ever since she bought the property and when she had looked at buying her property. So it is obviously a case of mistaken identity.

The Township failed to recognize, I believe, both the Plan Commission and the Township Board meeting even though we tried to gently point it out to them that the prevailing law under the Village of Sinclair Pipeline v. Village of Richton Park that the Illinois Supreme Court has grafted two very important elements on the older LaSalle six factor case. That is does the Governmental body have a plan, and if the Governmental has a plan and they don't follow it then the Courts will no longer be bound by that Plan. Those two elements are crucial to the Township in my view in that they

said they want to create a new Comprehensive Plan embodying their Township vision of the future development of Seward Township, but they have not enacted any plan as of this date. I told them that they risk a real danger, not just on this particular zoning, but if a future user came in with a use that the Township really didn't like the courts will hammer them for not following their plan in the past via this particular Zoning Petition.

Obviously it was to no avail Susan Casey who is the Chairman of that Plan Commission got in touch with me after the meeting and frankly was quite distraught at the failure of the Township to follow the Law as she understood it, but likewise indicated she is only one vote that could not convince the Board or the Plan Commission otherwise.

I thought it important to point out the reasoning for their vote, and the fact that there has never been any violations reported or not reported for debris or burning on my Clients site.

Frankly I got the impression that the underlying reason was some bias thinking that because she was Hispanic it was going to turn into a Landscaping business. She does not own or operate any business and solely wants to use the two lots for she and an adult son who is full time employed to build a home just like the neighbors who are objecting and surrounding her.

Very truly yours

A black rectangular redaction box covering the signature of Daniel J. Kramer.

Daniel J. Kramer
Attorney at Law

DJK:rg
Enclosures



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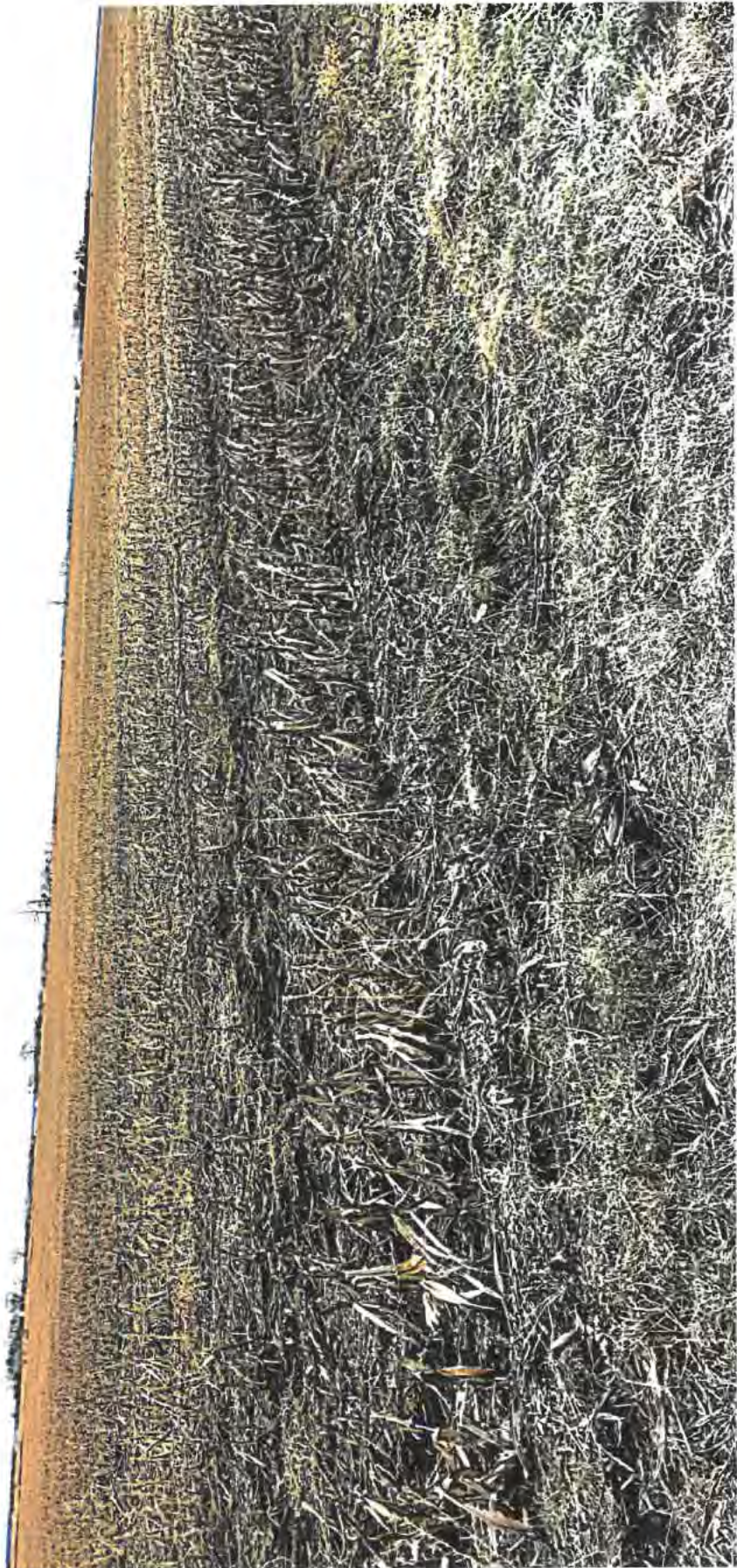
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**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 7, 2021 – Approved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Fran Klaas – Highway Department

Undersheriff Bobby Richardson – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Brian Holdiman – PBZ Department
Alyse Olson – Soil and Water Conservation District

Audience:

Rick Porter, Chris Lannert, James Kohoot, Dan Morgan, JoAnn Willingham, Shabbir Shamsuddin, Gerald Chase, DM Studler, Boyd Ingemunson, Scott Koeppel, Dan Kramer, and John Tebrugge

PETITIONS

Petition 21-49 Irma Loya Quezada

Mr. Asselmeier summarized the request.

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, plat of survey and aerial of the property were provided.

The properties are on the east side of Brisbin Road across from 14859 and 14975 Brisbin Road.

The current land use is Agricultural.

The future land use is Rural Estate Residential (Max 0.45 Du/Acre).

Brisbin Road is a Township Maintained Major Collector. There are no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural, Farmstead, and Hogan's Market.

The adjacent properties and properties within one half (1/2) of a mile were zoned A-1 and A-1 SU.

The Kendall County Future Land Use Map called for the to be Rural Estate Residential. The Plattville Future Land Use Map called for the property to the north of the subject property to be Low Density Residential.

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).

EcoCat submitted on November 11, 2021, and consultation was terminated.

NRI application submitted on October 18, 2021. The draft LESA Score was 199 indicating a low level of protection.

Seward Township was emailed information on November 16, 2021.

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

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

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

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

No public or private utilities are onsite.

The property fronts Brisbin Road. Staff has no concerns regarding the ability of Brisbin 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 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.

ZPAC Meeting Minutes 12.07.21

Mr. Asselmeier read the neighbors' opposition letters.

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

Chairman Gengler asked if the remaining portions of the property would be used for farmland. Mr. Asselmeier responded yes.

Mr. Guritz asked about the landscape waste. Dan Kramer, Attorney for the Petitioner, said the Petitioner bought the property in the summer of 2021. His client does not run a landscaping business. He noted that the trend in the area was low density residential.

Mr. Klaas asked if the Petitioner might seek to rezone additional portions of the property in the future. Mr. Kramer responded that the Petitioner knew when she bought the property that no allocations were available. His clients' plan was to build just the two (2) homes.

Mr. Klaas noted that the division was not a formal subdivision. He requested land for a right-of-way dedication. Mr. Kramer agreed. It was noted that the right-of-way dedication could not be made a condition of the map amendment.

Chairman Gengler made a motion, seconded by Mr. Guritz, to recommend approval of the map amendment.

The votes were follows

Ayes (8):	Asselmeier, Briganti, Chismark, Gengler, Guritz, Klaas, Richardson, and Rybski
Nays (0):	None
Abstain (0):	None
Absent (2):	Holdiman and Olson

The motion carried.

Mr. Kramer requested that the proposal be continued to the January Regional Planning Commission meeting; he will submit a formal letter stating that request.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Undersheriff Richardson, to adjourn.

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

The ZPAC, at 10:35 a.m., adjourned.

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

Encs

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
DECEMBER 7, 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)
RICK PORTER		R Porter @ Hines/Han-Ken, Co.
JAMES KAHOO-		James Kahoot
Dan Moya		
JOHN WILLINGHAM		
SHABIR SHAMSUDIN		
Gerald Chase		
DM Stutler		
Don K...		

JOHN TEBBIDGE

Matt Asselmeier

From: Alyse Olson <aolson.kcswcd@gmail.com>
Sent: Friday, December 3, 2021 9:32 AM
To: Matt Asselmeier
Subject: [External]Re: December 7 ZPAC Packet

Hi Matt,

I will not be able to attend Tuesday's ZPAC meeting. I have prepared comments for each petition. They are listed below.

Petition 21-48: Brian Henrichs on Behalf of Baka Properties, LLC (NRI Report 2119)

- A draft of the NRI report is complete but still needs to be approved by the Kendall County Soil & Water Conservation (SWCD) Board. Once approved it will be sent to the petitioner, township, & county.
- The site does not contain mapped wetlands or floodplain. The Fox River, however, is located a few hundred feet south of the parcel. The petitioner should consult with the Illinois Department of Natural Resources Office of Water Resources (IDNR OWR) and the U.S. Army Corps of Engineers to determine if any permits are needed prior to construction.
- The SWCD recommends having a soil erosion and sediment control plan in place for protecting nearby waters/wetlands during construction. If construction is an acre or more in size, the petitioner should obtain the proper NPDES permit from the Illinois Environmental Protection Agency (IEPA) for construction activities.
- About 93% of the parcel contains hydric soils, which can lead to building limitations. Most of the site is classified as very limited for dwellings with basements, dwellings without basements, shallow excavations, and lawns/landscaping. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support the development.

Petition 21-49: Irma Loya Quezada (NRI Report 2120)

- A draft of the NRI report is complete but still needs to be approved by the Kendall County Soil & Water Conservation (SWCD) Board. Once approved it will be sent to the petitioner, township, & county.
- The SWCD recommends having a soil erosion and sediment control plan in place for protecting nearby waters/wetlands during construction. If construction is an acre or more in size, the petitioner should obtain the proper NPDES permit from the IEPA for construction activities.
- The whole site contains soils that are classified as very limited for constructing dwellings with basements and for shallow excavations. This does not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support the development.

Petition 21-50: Tim Raymond on Behalf of TMF Plastic Solutions, LLC

- The site does not contain mapped wetlands or floodplain. Big Rock Creek, however, is located a couple hundred feet west of the parcel. The petitioner should consult with the Illinois Department of Natural Resources Office of Water Resources (IDNR OWR) and the U.S. Army Corps of Engineers to determine if any permits are needed.
- The SWCD recommends having a soil erosion and sediment control plan in place for protecting nearby waters/wetlands during construction.

December 4, 2021

To Whom It May Concern:

To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

This property has been agricultural for at least a hundred plus years. Let's keep it so. NO, NO, NO to change. We are writing this letter, because some of us may not be able to attend the meetings. This letter should be just as good as being in person.

We are concerned these parcels will be used for bringing landscaping debris. Don Schuck has been dealing with Brian Holdiman from zoning board for four plus years over Nely Landscaping illegally working off his property. He has hauled in landscape material off jobs and has dumped, buried, and burned debris on his property.

We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.



Signature

ARROY White Amy White

Print

14625 Brisbin Rd Moline IL 60447

Address

December 4, 2021

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To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

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Thank you for your time and listening to our concerns.

Signature 

DONALD SCHUCK SR

Print JACQUELINE SCHUCK

14525 BRISBIN RD

14525 BRISBIN RD.

MINOOKA, ILL. 60447

Address

MINOOKA, IL. 60447

December 4, 2021

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Thank you for your time and listening to our concerns.



Signature

JENNIFER E MILLER

Print

3700 US HWY 52MINDOKA, IC 60447

Address

December 4, 2021

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To the chairpersons concerning the public hearing Dec. 8th, 2021 and Dec. 13th, 2021. The people on Brisbin Road are voicing our disapproval to change the zoning from A1 to R1. This zoning change is in regards to properties bought by Irma Loya Quezada.

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We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.



Signature

Bruce O. Knudson

Print

5765 US Hwy. 52

Minoke, IL 60447-9672

Address

December 4, 2021

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We would like signed receipts of this letter to each person who signed it, by the chairperson of the committees.

Thank you for your time and listening to our concerns.


Signature

Dustin Walzer

Print

14550 Brisbin Rd

Minooka IL 60447

Address

**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
December 13, 2021 – 7:00 p.m.**

CALL TO ORDER

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

ROLL CALL:

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

Members Absent: None

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

Others Present: Gregg Ingemunson, Dan Koukol, Brian Henrichs, and Rick Porter

Chairman Mohr requested that the agenda be amended by moving Petition 21-37 to after Petition 21-48. He also announced that Petition 21-49 would be continued to the January 31, 2022, hearing. Member Vickery made a motion, seconded by Member LeCuyer, to amend the agenda as requested. With a voice vote (7) ayes, the motion carried.

PUBLIC COMMENTS

Mr. Asselmeier stated a special use permit and variance for landscaping business at 1038 Harvey Road and Petition 21-49 would be on the agenda on January 31, 2022.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:55 p.m.

The next hearing/meeting will be on January 31, 2022.

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

Exhibits

1. December 7, 2021 Email from Dan Kramer RE: Quezada Zoning Petition
2. Certificate of Publication and Certified Mail Receipts for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)

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
January 31, 2022 – 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, Anne Vickery, and Dick Whitfield

Members Absent: Scott Cherry

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

Others Present: None

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the December 13, 2021, hearing/meeting.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-49, 22-01, 22-03, and 22-04 at 7:00 p.m.

Petition 21 – 49 – Irma Loya Quezada

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

Petition 22 – 01 – Jose and Silvia Martinez

Request: Special Use Permit for a Landscaping Business, Variance to Section 7:01.D.30.b to Allow a Landscaping Business a Non-State, County, or Collector Highway as Defined by the Kendall County Land Resource Management Plan, and Variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance to Allow a Driveway Zero Feet from the Southern Property Line
PINs: 03-12-100-004 and 03-12-100-013
Location: 1038 Harvey Road, Oswego Township
Purpose: Petitioner Wants to Operate a Landscaping Business at the Subject Property; Property is Zoned A-1

Petition 22 – 03 – Executive Pastor Sean Mabee on Behalf of Grace Bible Church of Shorewood and Fire Chief Andrew Doyle on Behalf of the Troy Fire Protection District

Request: Special Use Permit for a Governmental Building or Facility (Fire Station) and the Revocation of a Special Use Permit for a Church Granted by Ordinance 2004-24

PIN: 09-12-300-017

Location: 748 Jones Road, Seward Township

Purpose: Petitioners Want to Operate a Fire Station and Remove the Special Use Permit for a Church at the Subject Property; Property is Zoned A-1

Petition 22 – 04 – John and Laura Gay

Request: Major Amendment to an Existing Special Use Permit for a Kennel Granted by Ordinance 2019-33 by Changing the Site Plan

PIN: 03-28-100-004

Location: 3601 Plainfield Road, Oswego Township

Purpose: Petitioner Wants to Change the Orientation of the Building, Change the Access Point on Plainfield Road, Move the Parking Area, and Change the Layout of the Turnaround Area; Property is Zoned A-1

Mr. Asselmeier stated a quorum was not present at the January 26, 2022, Kendall County Regional Planning Commission meeting. He requested the hearings for the Petitions be continued to February 28, 2022, at 7:00 p.m.

Member Vickery made a motion, seconded by Member LeCuyer, to continue the hearings for Petitions 21-49, 22-01, 22-03, and 22-04 to February 28, 2022, at 7:00 p.m.

The votes were as follows:

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

Nays (0): None

Abstain (0): None

Absent (1): Cherry

The motion passed.

The Zoning Board of Appeals completed their review of Petitions 21-49, 22-01, 22-03, and 22-04 at 7:01 p.m.

NEW BUSINESS/OLD BUSINESS

Kendall County Regional Planning Commission Annual Meeting-February 5, 2022 at 9:00 A.M.

Mr. Asselmeier reported the date and time of the Annual Meeting.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 21-37, 21-38, 21-40, 21-41, and 21-46 were approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported there were no additional Petitions for the February hearing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:02 p.m.

The next hearing/meeting will be on February 28, 2022.

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

Exhibits

1. Memo on Petitions 21-49, 22-01, 22-03, and 22-04 Dated January 27, 2022
2. Certificate of Publication for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Certificate of Publication and Certified Mail Receipts for Petition 22-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
4. Certificate of Publication and Certified Mail Receipts for Petition 22-03 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Certificate of Publication and Certified Mail Receipts for Petition 22-04 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: January 27, 2022
Re: Petitions 21-49, 22-01, 22-03, and 22-04

The Kendall County Regional Planning Commission did not have a quorum for their January 26, 2022, meeting. As such, the Commission was unable to review at issue recommendations on the subject Petitions.

Accordingly, Staff requests that the Kendall County Zoning Board of Appeals meets as scheduled on January 31, 2022, and votes to continue the hearings on the subject Petitions to February 28, 2022, at 7:00 p.m.

As of the date of this memo, the subject Petitions would be the only Petitions on the February 28th agenda.

If you have any questions regarding this memo, please let me know.

MHA

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Monday, February 14, 2022 12:57 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel
Cc: Scott R. Gryder
Subject: RE: [External]Loya Zoning

May 2, 2022.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

NOTICE: This communication is covered by the Electronic Communications Privacy Act found at 18 USC 2510 et. seq. and is intended to remain confidential and is subject to the applicable attorney/client and or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments if you are not the intended recipient.

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Monday, February 14, 2022 11:55 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>
Cc: Scott R. Gryder <sgryder@co.kendall.il.us>
Subject: RE: [External]Loya Zoning

Dan:

Do you want the request continued to March 28th or May 2nd?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Daniel J Kramer [<mailto:dkramer@dankramerlaw.com>]
Sent: Monday, February 14, 2022 10:09 AM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>

Cc: Scott Gryder <sgryder@nntg.com>

Subject: [External]Loya Zoning

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen: We have this matter up for the Feb Regional Plan Commission. It was originally scheduled for Jan. First time I can recall in over four decades that there was not a Quorum of the Plan Commission available. It has gotten a bit controversial, which is surprising since it fully complies with the LRMP. That discussion is for another day. In any event we are good with the Regional Plan Commission Date; but hereby request that the Zoning Board of Appeals Hearing be continued to the April Agenda. I am going to be out-of-State on February 28, 2022 and not back until the first week of April, 2022. Normally Kelly could cover for me on Feb. 28 but she likewise is gone then. I wanted to get this request to you early.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

NOTICE: This communication is covered by the Electronic Communications Privacy Act found at 18 USC 2510 et. seq. and is intended to remain confidential and is subject to the applicable attorney/client and or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments if you are not the intended recipient.

Attachment 13, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Meeting Minutes of February 23, 2022 - 7:00 p.m.

Vice Chairman Rodriguez called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson (Arrived at 7:03 p.m.), and Seth Wormley

Members Absent: Bill Ashton

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Miguel Angel Fernandez, Larson Family, Rusty Kamp, Robert Schwartz, Aaron Klima, Patti Bernhard, and Tom Green

PETITIONS

Petition 21 – 49 – Irma Loya Quezada

Mr. Asselmeier read a letter from Attorney Dan Kramer requesting the proposal be laid over to the April 27, 2022, meeting.

Member Stewart made a motion, seconded by Member Nelson, to lay over the request until the April 27, 2022, meeting.

The votes were as follows:

Ayes (8): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): Ashton

Abstain (0): None

The motion carried.

This proposal will be on the April 27, 2022, Commission's agenda.

CITIZENS TO BE HEARD/PUBLIC COMMENT

A representative of the Larson Family requested to know the time of the April 27, 2022, Commission meeting. The meeting will be at 7:00 p.m.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 8:45 p.m.

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


Enc.

KCRPC Meeting Minutes 02.23.22

Page 1 of 1

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
FEBRUARY 23, 2022**

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)
Tom Green		
Patti Bernhad		
Miguel Angel Fernandez		
Lamar Family		
Kathy Kemp		

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

KELLY A. HELLAND
D.J. KRAMER

February 22, 2022

Matt Asselmeier
Hand Delivered

RE: Loya Quezada Residential Zoning Request Petition #21-49
Regional Plan Commission Hearing February 23, 2022

Dear Matt:

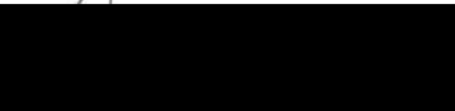
Per our discussion on Tuesday February 22, 2022 I have unfortunately undergone a heart procedure which worked temporarily but has run into problems. I am currently wearing a heart monitor for a few weeks and the Doctor is not quite sure what course of action he is going to take for corrective action.

He has strongly recommended that I refrain from any trial work and any type of contested hearings during the next month to 6 weeks in order to see what course of treatment he can render.

Wishing to continue in going in health I have over my many years, I am respectfully requesting we continue the Regional Plan commission Hearing on the above-referenced zoning matter to April 27, 2022. By that time it should shake out whether I have to undergo any additional procedures or if I am able to control the issue by medication.

I am religious about following my Cardiologist recommendations in the he had quadruple bypass about 12 years ago and I have been better ever since until suffering the current setback as a result of a COVID illness.

Very truly yours



Daniel J. Kramer
Attorney at Law

DJK:cth

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
February 28, 2022 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, and Anne Vickery

Members Absent: Dick Thompson and Dick Whitfield

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

Others Present: Andrew Doyle and Patti Bernhard

Chairman Mohr swore in Andrew Doyle and Patti Bernhard prior to the start of the public hearings.

PETITIONS

Without objections, Chairman Mohr continued Petition 21-49 until May 2, 2022, and Petition 22-01 until after the Petitioner resolved the access permit issues with the Village of Oswego.

PUBLIC COMMENTS

For the March hearing, there will be a request from Seward Township for a moratorium on certain applications and a request from the Kendall County Planning, Building and Zoning Committee adding definitions of landscaping businesses and excavating businesses to the Zoning Ordinance.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

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

The Zoning Board of Appeals meeting adjourned at 8:19 p.m.

The next hearing/meeting will be on March 28, 2022.

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

Exhibits

1. Memo on Petition 21-49 Dated February 14, 2022
2. Certificate of Publication for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)

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

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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: February 14, 2022
Re: Petition 21-49

As noted in the attached email, the Attorney for this Petition requested that the hearing be continued to May 2, 2022.

If you have any questions regarding this memo, please let me know.

MHA

Enc. February 14, 2022 Email from Dan Kramer

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Monday, February 14, 2022 12:57 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel
Cc: Scott R. Gryder
Subject: RE: [External]Loya Zoning

May 2, 2022.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

NOTICE: This communication is covered by the Electronic Communications Privacy Act found at 18 USC 2510 et. seq. and is intended to remain confidential and is subject to the applicable attorney/client and or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments if you are not the intended recipient.

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Monday, February 14, 2022 11:55 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>
Cc: Scott R. Gryder <sgryder@co.kendall.il.us>
Subject: RE: [External]Loya Zoning

Dan:

Do you want the request continued to March 28th or May 2nd?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Daniel J Kramer [<mailto:dkramer@dankramerlaw.com>]
Sent: Monday, February 14, 2022 10:09 AM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>

Cc: Scott Gryder <sgryder@nntg.com>

Subject: [External]Loya Zoning

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen: We have this matter up for the Feb Regional Plan Commission. It was originally scheduled for Jan. First time I can recall in over four decades that there was not a Quorum of the Plan Commission available. It has gotten a bit controversial, which is surprising since it fully complies with the LRMP. That discussion is for another day. In any event we are good with the Regional Plan Commission Date; but hereby request that the Zoning Board of Appeals Hearing be continued to the April Agenda. I am going to be out-of-State on February 28, 2022 and not back until the first week of April, 2022. Normally Kelly could cover for me on Feb. 28 but she likewise is gone then. I wanted to get this request to you early.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

NOTICE: This communication is covered by the Electronic Communications Privacy Act found at 18 USC 2510 et. seq. and is intended to remain confidential and is subject to the applicable attorney/client and or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments if you are not the intended recipient.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 22-01**Jose and Silvia Martinez****A-1 Special Use Permit for Landscaping Business****Variance to Allow a Landscaping Business on a Non-State,
County, or Collector Highway****Variance to Allow Driveway within Five Feet of a Side Yard Property Line****UPDATE FROM FEBRUARY KENDALL COUNTY REGIONAL PLANNING COMMISSION MEETING**

Since the February 23, 2022, Kendall County Regional Planning Commission meeting, the Petitioners moved the chicken coop and other outbuilding on the north side of the property out of the side yard setback. The Petitioners also applied for and received a deck permit.

The Village of Oswego submitted an email requesting the driveway be moved at least five feet (5') from the property. Staff exchanged emails with the Petitioners' Attorney outlining the next steps. The Petitioners' Attorney believed that the driveway was located greater than five feet (5') from the southern property line. Staff requested the measurement of the driveway to the southern property line be added to the plat of survey (Attachment 2). As of the date of this memo, this information has not been added to the plat. The above referenced emails are included as Attachments 14 and 15.

An inspection of the property occurred on March 16, 2022, and new gravel appeared to have been added to the driveway per the picture included as Attachment 16.

As of the date of this memo, the Petitioners have not applied for an access permit from the Village of Oswego or a driveway permit from Kendall County. The Petitioners' Attorney submitted an email stating that the Village of Oswego did not need to approve the access permit. This email is included as Attachment 19. As of the date of this memo, Staff was waiting for the Village of Oswego to confirm the information in the Petitioners' Attorney's email.

On April 11, 2022, the Kendall County Planning, Building and Zoning Committee met to discuss issuing new, additional citations at the property. The consensus of the Committee was to not have the Department issue new citations related to the operation of the landscaping business or the placement of the driveway. The Petitioners were given ten (10) days to clean up and organize the property. Updated photos will be provided at the April 27, 2022, meeting.

The minutes of January 26, 2022, Kendall County Regional Planning Commission meeting and the February 28, 2022, Kendall County Zoning Board of Appeals hearing are included as Attachments 12 and 13 respectively. The minutes of the February 23, 2022 Kendall County Regional Planning Commission meeting and March 28, 2022 Kendall County Zoning Board of Appeals hearing are included as Attachments 17 and 18 respectively.

INTRODUCTION

In 2018, the Planning, Building and Zoning Department started investigating a landscaping business operating at the subject property without a special use permit. On February 23, 2021, the court imposed a fine of Thirty-Two Thousand, Eight Hundred Dollars (\$32,800) against the Petitioners for operating a landscaping business without a special use permit, installing the southern driveway without a permit, Junk and Debris Ordinance violations, and related court costs. The discovery of assets portion of the case has been continued with the hope that the Petitioners will apply for the applicable special use permit and variance.

The Petitioners purchased the property in 2018.

On December 9, 2021, the Petitioner submitted the necessary application for a special use permit for a
RPC Memo – Prepared by Matt Asselmeier – April 18, 2022

Page 1 of 9

landscaping business, a variance to allow a landscaping business on a non-State, County or Collector roadway as defined by the Kendall County Land Resource Management Plan, and a variance to allow the southern driveway to be within five feet (5') of the side yard property line.

The application materials are included as Attachment 1. The survey of the property is included as Attachment 2. The landscaping plan is included as Attachment 3. The NRI Report is included as Attachment 4. The aerial of the property is included as Attachment 5.

SITE INFORMATION

PETITIONERS: Jose and Silvia Martinez

ADDRESS: 1038 Harvey Road, Oswego

LOCATION: Approximately 0.9 Miles North of Wolf Road on the East Side of Harvey Road



TOWNSHIP: Oswego

PARCEL #s: 03-12-100-004 and 03-12-100-013

LOT SIZE: 3.0 +/- Acres

EXISTING LAND USE: Single-Family Residential

ZONING: A-1

LRMP:	Future Land Use	Suburban Residential (Max 1.00 DU/Acre) (County) Light Industrial (Oswego)
	Roads	Harvey Road is classified as a Collector by the Village of Oswego in this area and is not classified as such in the Land Resource Management Plan.
	Trails	There are no trails planned in the area.
	Floodplain/ Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business
Variance to Allow a Landscaping Business on a Non-State, County, or Collector Highway
Variance to Allow Driveway within Five Feet (5') of Side Yard Property Line

APPLICABLE Section 7:01.D.30 – A-1 Special Uses
 REGULATIONS: Section 11:02.F.7.b – Driveways in Side Yards on A-1 Zoned Property
 Section 13:04 – Variance Procedures
 Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Comed Right-of-Way	M-2 (Oswego)	Agricultural (Oswego)	A-1 and A-1 SU (County) R-4, B-3, and M-2 (Oswego)
South	Industrial (Oswego)	M-1 and M-2 (Oswego)	Light Industrial (Oswego)	A-1 (County) R-1, R-2, R-4, M-1, and M-2 (Oswego)
East	Industrial/Stormwater Pond (Oswego)	M-2 (Oswego)	Light Industrial (Oswego)	R-1, R-3, B-3, B-3 SU, and M-1 (County) B-3 and M-2 (Oswego)
West	Single-Family Residential	R-2 (Oswego)	Single-Family Residential (Oswego)	R-2 (Oswego)

Oswego East High School is located within one half (1/2) mile of the property.

The A-1 special use permits to the north are for a landscaping business and a cemetery. The B-3 special use permit to the east is for a watchman's quarters.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on December 9, 2021, and consultation was terminated, see Attachment 1, Page 7.

NATURAL RESOURCES INVENTORY

The LESA Score was 124 indicating a low level of protection. The NRI Report is included as Attachment 4.

ACTION SUMMARY

OSWEGO TOWNSHIP

Petition information was sent to Oswego Township on December 22, 2021.

VILLAGE OF OSWEGO

Petition information was sent to the Village of Oswego on December 22, 2021. The Village of Oswego
 RPC Memo – Prepared by Matt Asselmeier – April 18, 2022

submitted an email requesting the southern driveway be moved at least five feet (5') north of the southern property line. The email was included as Attachment 14.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to the Oswego Fire Protection District on December 22, 2021.

ZPAC

ZPAC reviewed the proposal on January 4, 2022. The Petitioners' Attorney requested the start date for the business to be changed from April 1st to March 1st of each year. Discussion occurred regarding annexing the property into the Village of Oswego; the Petitioners' Attorney did not know why the Petitioners had not pursued annexation. The Petitioners' Attorney reiterated that no members of the public would be invited onto the property and no retail sales of landscaping materials would occur. Discussion occurred regarding the reasons why the Petitioner had not applied for proper zoning despite citation and court action. The Petitioners' Attorney indicated the Petitioners were agreeable to the proposed conditions provided the start dates was moved to March 1st. ZPAC recommended approval of the special use permit with the conditions proposed by Staff with an amendment to move the start of the operating season to March 1st by a vote of five (5) in favor and two (2) in opposition with three (3) members absent. The minutes of the meeting were included as Attachment 10.

RPC

The Kendall County Regional Planning Commission did not have quorum for their meeting on January 26, 2022. The minutes of this meeting were included as Attachment 12. At their meeting on February 23, 2022, the Commission voted to layover this proposal until issues related to the access permit for the southern driveway were resolved with the Village of Oswego by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of this meeting are included as Attachment 17. The Petitioners did not attend the March 23, 2022, Kendall County Regional Planning Commission meeting and the proposal remained tabled.

ZBA

The Kendall County Zoning Board of Appeals started a public hearing on this proposal on January 31, 2022. The hearing was continued to February 28, 2022. The hearing was continued again until the driveway access permit issues were resolved. The minutes of the January 31, 2022, meeting were included as Attachment 11 and the minutes of the February 28, 2022, meeting were included as Attachment 13. Due to the Petitioners' lack of attendance at the March 23, 2022, Kendall County Regional Planning Commission meeting, the hearing was continued at the March 28, 2022, Kendall County Zoning Board of Appeals hearing. The minutes of this hearing are included as Attachment 18.

GENERAL INFORMATION

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned 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 and the variance to the requirement to be located on a State, County or Collector Highway, the above conditions have been met.

BUSINESS OPERATIONS

According to the business plan found on page 2 of Attachment 1, the business has four (4) employees. Employees arrive at the property at approximately 6:30 a.m., go to work sites, and return to the property and leave to go home by 7:00 p.m. No information was provided regarding days of operation. The business would operate between March 1st and Thanksgiving. Business equipment presently consists of three (3) trucks.

The landscaping business area on the southeast corner of the site will be of gravel and will be approximately thirteen thousand, two hundred fifty (13,250) square feet in size. If there is a motor vehicle or equipment related leak, the area impacted gravel will be removed and replaced with clean gravel.

BUILDINGS AND BUILDING CODES

One (1) one (1) story, approximately two thousand nine hundred (2,900) square foot house, constructed in 1955 with a two (2) story garage is located on the property. There is also one (1) approximately two hundred forty-five (245) square foot shed frame shed on the property near the landscaping storage area. There is also one (1) chicken coop and one (1) additional shed on the northeast corner of the property not associated with the landscaping business. The picture of the house is included as Attachment 7.

According to the landscaping plan (Attachment 3), the Petitioners plan to install open storage areas, one (1) for grass and brush clippings at twenty feet wide by approximately one hundred twenty feet in depth (20' X 120'), one (1) for mulch, and one (1) for sand. There would also be storage areas for brick pallets. No information was provided on the dimensions for the storage areas for mulch, sand, and brick pallets. There would also be four (4) truck storage areas measured at fifteen feet wide by twenty-eight feet in depth (15' X 28'). According to the business plan, no piles of materials would exceed three feet (3') in height.

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

ENVIRONMENTAL HEALTH

Per the site survey (Attachment 2), the property is served by a septic system. No information was provided regarding a well.

No employees or customers would use restroom or water facilities on the property.

One six foot by five foot (6' X 5') dumpster was shown on the landscaping plan in the landscaping business area.

STORMWATER

The property drains to the southeast and northeast.

ACCESS

Per the survey (Attachment 2) and landscaping plan (Attachment 3), the house is served by an existing driveway with two (2) access points off of Harvey Road. One (1) twenty foot (20') wide gravel driveway provides access from the landscaping storage area to Harvey Road; this access was installed without proper permits and will need to secure applicable permits. The southern driveway is also too close to the side yard property line and will need a variance. A picture of the southern driveway is included as Attachment 8.

The Village of Oswego provided information regarding driveway standards; this information is included as part of an email included as Attachment 6.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the plat of survey (Attachment 2), the Petitioners plan to have two (2) parking spaces and one (1) handicapped accessible parking space to the west of the garage. The parking spaces will be of brick pavers.

LIGHTING

The plat of survey (Attachment 2) shows two existing light poles. Existing lighting is used for residential purposes only. The Petitioners are not proposing any additional lighting.

SIGNAGE

The Petitioners are not proposing any business related signage.

SECURITY

The landscaping plan (Attachment 3) shows one (1) solid fence eight feet (8') in height along the east, west, and south sides of the landscaping business area. One (1) security gate is also shown on the landscaping plan.

LANDSCAPING

The landscaping plan (Attachment 3) shows three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property. No information was provided regarding the vegetation along the southern property line. A picture of the landscaping is included as Attachment 9. The vegetation along the southern property line can be seen in the picture of the southern driveway (Attachment 8). The Village of Oswego also requested landscaping in their email included as Attachment 6, but did not provide details on type or nature of landscaping.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No new odors are foreseen by the proposed use.

RELATION TO OTHER SPECIAL USES

If approved, this would be the nineteenth (19th) special use permit for a landscaping business in unincorporated Kendall County.

FINDINGS OF FACT-SPECIAL USE PERMIT

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

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the driveway, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. Conditions may be placed in the special use permit ordinance to address hours and seasons of operation.***

*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 the Village of Oswego approves the new access point for the southern driveway and if a variance is granted for the location of the southern driveway, then adequate points of ingress and egress will be provided. The owners of the business allowed by the special use permit have agreed not pile materials in excess of three feet (3') in height.***

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

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

FINDINGS OF FACT-VARIANCE

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. There are no topographic conditions or other outstanding conditions not caused by the Petitioner that created a particular hardship or difficulty upon the owner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It is unknown the exact number of A-1 zoned properties that could ask for similar variances. There are no unique conditions that caused the driveway to be located on the southern property line. The Village of Oswego defines Harvey Road as a Collector while the Kendall County Land Resource Management Plan does not define Harvey Road as a Collector; it is unique to have this difference in classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners created the hardship by installing the driveway without proper permits and operating the business at the subject property. The owners were not responsible in the differences in classification for Harvey Road.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, provided the Village of Oswego grants access to Harvey Road at the location shown on the landscaping plan.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the driveway to be on the property line and allowing the business to operate on a non-State, County, or Collector Highway will not impair any of the above items.

RECOMMENDATION

Staff believes that a landscaping business could operate at the subject property with reasonable restrictions. However, Staff has concerns, given the Petitioners' previous behavior, that reasonable restrictions will be followed. Staff believes the following conditions and restrictions are necessary for the operation of a special use permit at the subject property:

1. The site shall be developed substantially in accordance with the attached plat of survey (Attachment 2) and landscaping plan (Attachment 3).
2. The existing house, garage, chicken coop, deck, swimming pool, and shed located on the northwest corner of the property shall be used for residential purposes only and shall be exempt from the site development conditions of the special use permit. The locations of these structures may change without requiring an amendment to the special use permit.
3. A variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance shall be granted allowing off-street parking and southern driveway to be no closer than zero feet (0') from the southern property line as shown on the landscaping plan (Attachment 3). The driveway shall be a maximum of twenty feet (20') in width and shall be gravel.

4. A variance to Section 7:01.D.30.b of the Kendall County Zoning Ordinance shall be granted allowing the operation of a landscaping business at a property not located on and not having direct access to a State, County, or Collector highway as designed in the County's Land Resource Management Plan.
5. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the attached plat of survey (Attachment 2). The parking area shall be brick pavers.
6. The owners of the business allowed by the special use permit shall maintain the landscaping business area on the southeast corner of the site as depicted on the attached landscaping plan (Attachment 3). This area shall be gravel.
7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. Any new structures constructed or installed related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
9. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
10. 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.
11. 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.
12. 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 attached landscaping plan (Attachment 3). The maximum height of the piles of landscaping related material shall be less than three feet (3') in height.
13. No signage advertising or promoting the business shall be installed on the subject property. The owner of the business allowed by this special use permit may install appropriate handicapped parking signs and other directional signs within the fenced landscaping business area as shown on the attached landscaping plan (Attachment 3).
14. Three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property shall be installed and maintained on the property in substantially the locations shown on the attached landscaping plan (Attachment 3). Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
15. No landscape waste generated off the property can be burned on the subject property.
16. A maximum of four (4) 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.
17. 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.
18. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:30 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation. The business allowed by this special use permit may operate at the subject property starting March 1st and ending November 30th of each year.

19. 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.

20. 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.
21. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
22. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. 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.
24. 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.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
26. 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. Plat of Survey
3. Landscaping Plan
4. NRI
5. Aerial
6. November 30, 2021 Village of Oswego Email
7. Picture of House and Front Parking Area
8. Picture of Southern Driveway
9. Existing Landscaping
10. January 4, 2022 ZPAC Minutes (This Petition Only)
11. January 31, 2022 Kendall County Zoning Board of Appeals Minutes
12. January 26, 2022 Kendall County Regional Planning Commission Minutes
13. February 28, 2022 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
14. March 15, 2022 Email from the Village of Oswego
15. March 15 and 16, 2022 Emails with the Petitioners' Attorney
16. March 16, 2022 Driveway Picture
17. February 23, 2022, Kendall County Regional Planning Commission Minutes (This Petition Only)
18. March 28, 2022 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
19. April 11, 2022 Lofchie Email



DEPARTMENT OF PLANNING, BUILDING & ZONING
 111 West Fox Street • Yorkville, IL • 60560
 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME 1038 Harvey Rd. **FILE #:** _____

NAME OF APPLICANT		
JOSE A. MARTINEZ		
CURRENT LANDOWNER/NAME(s)		
JOSE A. MARTINEZ		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES <u>3.175</u>	<u>1038 Harvey Rd., Oswego, IL 60543</u>	<u>03-12-100-004 & 013</u>
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Special Use Permit and Variance		
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezoned to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
<u>Judd Lofchie, Attorney</u>	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
<u>N/A</u>		
2ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE <u>6/15/21</u>
[REDACTED]		

FEE PAID: \$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

PROJECT: JOSE MARTINEZ, 1038 Harvey Rd., Oswego, IL - Kendall County

Petitioner needs a special use permit to operate his business and a variance to allow him to park along the east edge of his property.

Jose Martinez is the owner of the property located at 1038 Harvey Rd in Oswego. He lives there and runs a small landscaping company. He has 4 employees and works from April second week to November (months). His property is surrounded by businesses on all sides. His lot is 3.175 acres and he uses a portion of the back to store mulch, brick pavers, and firewood. None of his piles exceed 3 feet in height. He operates his business between the hours of 6:30 am and 7pm. He does not burn any trees or brush. He has a family of 3 children who live in the house with him.

When he moved into the home, he promptly planted a slew of evergreens along the front of the property to block any view of the rear of his property. Install a fence in the NEC He has about 20 customers he services.

He needs a special use permit to operate his landscape business from the home and a variance to allow him to park along the east edge of his property. The adjacent property owners are all commercial but there are 3 homes across the street.

Jose has 4 employees but only operates his business from about April 15 until Thanksgiving (weather permitting). He does not make much noise at all. The house and lot have about 8 parking spaces total, plus Jose has a 2 car garage.

LEGAL DESCRIPTION:

THAT PART OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST ¼ WITH THE CENTERLINE OF HARVEY ROAD, THENCE SOUTH 00 DEGREES, 20 MINUTES, 00 SECONDS WEST ALONG SAID CENTERLINE 342.36 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 89 DEGREES, 57 MINUTES, 00 SECONDS EAST ALONG THE NORTH LINE OF A TRACT OF LAND CONVEYED TO JAMES W. CADWELL AND HELEN G. CADWELL BY DEED RECORDED AS DOCUMENT 76-1116, AND SAID NORTH LINE EXTENDED, A DISTANCE OF 387.41 FEET, THENCE SOUTH 00 DEGREES, 20 MINUTES, 00 SECONDS WEST, 357.0 FEET, THENCE NORTH 89 DEGREES, 57 MINUTES, 00 SECONDS WEST TO SAID CENTERLINE, THENCE NORTH 00 DEGREES, 20 MINUTES 00 SECONDS, EAST ALONG SAID CENTER LINE, 357.00 FEET TO THE POINT OF BEGINNING, IN OSWEGO, KENDALL COUNTY, ILLINOIS.



WARRANTY DEED
Joint Tenancy

MAIL TO:

JOSE A. MARTINEZ
SILVIA MARTINEZ

NAME & ADDRESS OF TAXPAYER:

JOSE A. MARTINEZ
SILVIA MARTINEZ

201800011479

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

RECORDED: 8/10/2018 02:36 PM
WD: 39.00 RHPSP FEE: 10.00
STATE TAX: 300.00
COUNTY TAX: 150.00
PAGES: 4

THE GRANTOR(S) Bryan J. Pierard and Sheridan E. Pierard, husband and wife, of Oswego, Illinois for and in consideration of Ten and no/100 (\$10.00) DOLLARS and other good and valuable considerations in hand paid CONVEY AND WARRANT to Jose A. Martinez* and Silvia Martinez,**
_____, Illinois, not as Tenants in Common, but as Joint Tenants, all interest in the following described Real Estate situated in the County of Kendall, in the State of Illinois to wit:

* A MARRIED MAN
** AN UNMARRIED WOMAN

THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST 1/4 WITH THE CENTERLINE OF HARVEY ROAD, THENCE SOUTH 00 DEGREES, 20 MINUTES, 00 SECONDS WEST ALONG SAID CENTERLINE 342.36 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 57 MINUTES, 00 SECONDS EAST ALONG THE NORTH LINE OF A TRACT OF LAND CONVEYED TO JAMES W. CADWELL AND HELEN G. CADWELL BY DEED RECORDED AS DOCUMENT 76-1116, AND SAID NORTH LINE EXTENDED, A DISTANCE OF 387.41 FEET, THENCE SOUTH 00 DEGREES 20 MINUTES 00 SECONDS WEST, 357.0 FEET, THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS WEST TO SAID CENTERLINE, THENCE NORTH 00 DEGREES 20 MINUTES 00 SECONDS, EAST ALONG SAID CENTER LINE, 357.00 FEET TO THE POINT OF BEGINNING, IN OSWEGO, KENDALL COUNTY, ILLINOIS

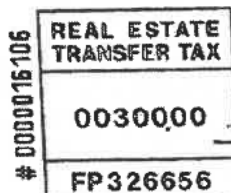
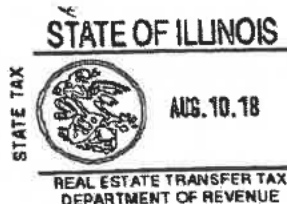
COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX

\$ 150.00 JM

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. TO HAVE AND TO HOLD said premises not in tenancy in common, but in joint tenancy forever.

Permanent Index Number(s): 03-12-100-004 and 03-12-100-013

Property Address: 1038 Harvey Road
Oswego, Illinois 60543



FIRST AMERICAN TITLE
FILE # 2920553

DATED this 16 day of July, 2018.



(SEAL)

Bryan J. Pierard

STATE OF ILLINOIS)
) SS
COUNTY OF DuPage)

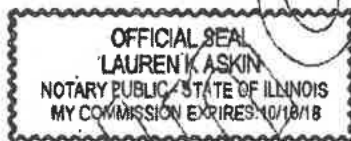
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Bryan J. Pierard, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed 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 16th day of July, 2018.



Notary Public

My commission expires on 10/16/18



DATED this 24 day of July, 2018.



(SEAL)

Sheridan E. Pierard

STATE OF ILLINOIS)
COUNTY OF DuPage) SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Sheridan E. Pierard, 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 she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

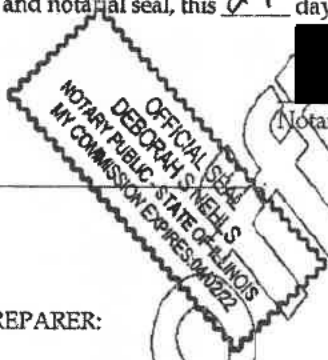
Given under my hand and notarial seal, this 24th day of July, 2018.

Notary Public

My commission expires on _____

NAME AND ADDRESS OF PREPARER:

Christina Lass Moore
Lass Moore, P.C.





Applicant: Jose Martinez
 Contact: Judd Lofchie
 Address: [REDACTED]

IDNR Project Number: 2207697
 Date: 12/09/2021

Project: 1038 Harvey, Oswego
 Address: 1038 Harvey Rd., Oswego

Description: We need a variance and special use permit from the County to operate a small landscaping business on a 1 acre(aprox) parcel.

Natural Resource Review Results

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

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

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

Location

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

County: Kendall

Township, Range, Section:
 37N, 8E, 12



IL Department of Natural Resources
Contact
 Kyle Burkwald
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 Kendall County
 Judd Lofchie
 [REDACTED]

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.

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. _____

The property is surrounded by large commercial buildings. It is a small landscap business. _____

And there already is a large landscape company within a block or so, Twin Oaks Lanscaping. _____

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.

Along the lines of the answer above, there are already commercial businesses and properties nearby. _____

And the applicant is proposing to put up a solid 8-foot fence. There is no proposed lighting or signage that could bother any neighbors _____

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

This is true. See landscape plan and survey _____

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 _____

So represented _____

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.

So represented _____

Please fill out the following findings of fact to the best of your capabilities. § 13:04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

There already is a large commercial landscaping company about a block or 2 away, Twin Oaks Landscaping. This business is much larger than the applicants. So there already is some precedent for this type of variance.

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

The variance asked for is very minimal and consistent with the other similar business down the street. The owner is going to put up fencing to block any negative views.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

The other properties in the area are already developed into commercial or nice new residential. It is doubtful that there would be any reason for any of these property owners to ask for a similar variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

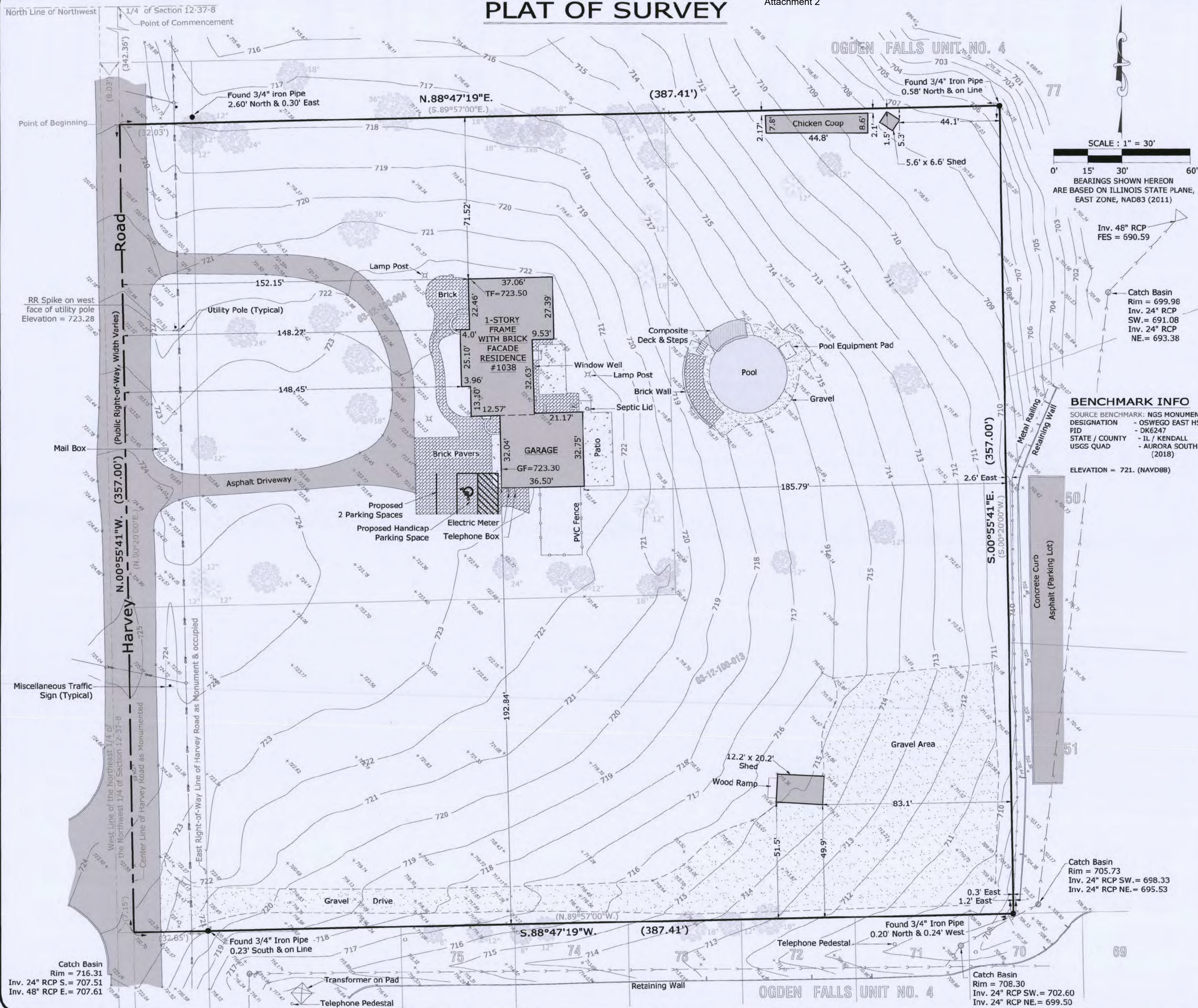
The driveway leading to the rear of the property was already in place when the owner purchased the property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

There are many commercial uses in the area including next door

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

No lighting or signage is being added so this will not bother the neighbors. The traffic is minimal coming in and out of the property. If the variance is granted, it will not impair property values.



LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST 1/4 WITH THE CENTERLINE OF HARVEY ROAD; THENCE SOUTH 00 DEGREES 20 MINUTES 00 SECONDS WEST ALONG SAID CENTERLINE 342.36 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 57 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF A TRACT OF LAND CONVEYED TO JAMES W. CADWELL AND HELEN G. CADWELL BY DEED RECORDED AS DOCUMENT 79-1116 AND SAID NORTH LINE EXTENDED, A DISTANCE OF 387.41 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 00 SECONDS WEST, 357.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS WEST TO SAID CENTERLINE; THENCE NORTH 00 DEGREES 20 MINUTES 00 SECONDS EAST ALONG SAID CENTER LINE, 357.00 FEET TO THE POINT OF BEGINNING, IN OSWEGO, KENDALL COUNTY, ILLINOIS.

SURVEY NOTES

THE SURVEYOR EXPRESSES NO OPINION AS TO THE ACCURACY OF ANY UNDERGROUND UTILITIES WHEN NOT READILY VISIBLE FROM THE SURFACE. IT IS RECOMMENDED THAT THE APPROPRIATE GOVERNMENTAL AGENCY, MUNICIPALITY AND/OR UTILITY COMPANY BE CONTACTED FOR VERIFICATION.

BUILDING TIES ARE TO THE FOUNDATION CORNERS.

THE PERMANENT PARCEL INDEX NUMBERS FOR THE PROPERTY DESCRIBED
HEREON ARE 03-12-100-004 AND 03-12-100-013.

THE PROPERTY DESCRIBED HEREON CONTAINS
138,303 SQ. FT. OR 1.175 ACRES, MORE OR LESS.

THE FLOOD INSURANCE RATE MAP SHOWS THAT THE PROPERTY DESCRIBED HEREON IS FALLING WITHIN ZONE "X", ACCORDING TO THE COMMUNITY NUMBER 170341, KENDALL COUNTY, FOUND ON MAP NUMBER 17093C0059G, KENDALL COUNTY, ILLINOIS AND INCORPORATED AREAS, EFFECTIVE DATE OF FEBRUARY 4, 2009.

ZONE "X" IS AREA OF MINIMAL FLOOD HAZARD.

A CURRENT TITLE REPORT WAS NOT FURNISHED TO US FOR OUR USE IN PREPARING THIS SURVEY. THEREFORE THERE MAY BE ADDITIONAL EASEMENTS AND/OR SERVITUDES EFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

LOCATION MAP



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS

I, SHAWN R. VanKAMPEN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON, BEING COMPLETED IN THE FIELD ON 09/23/2021 IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED AT AND UNDER MY DIRECTION.

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR
LAND BOUNDARY AND TOPOGRAPHICAL SURVEYS SET FORTH BY
ILLINOIS STATE LAW.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 19TH DAY OF OCTOBER,
A.D. 2021.

SHAWN R. VanKAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO.
LICENSE EXPIRES 11/30/2022

PREPARED FOR: Jose & Silvia Martinez

SITE DESIGNATION INFORMATION:

1038 HARVEY ROAD
OSWEGO, IL 60543

DRAWN BY: PS CHECKED BY: SVK

PROJECT NO.
557022

SHEET NUMBER

PLAT

SHEET 1 OF 1









PREPARED BY:



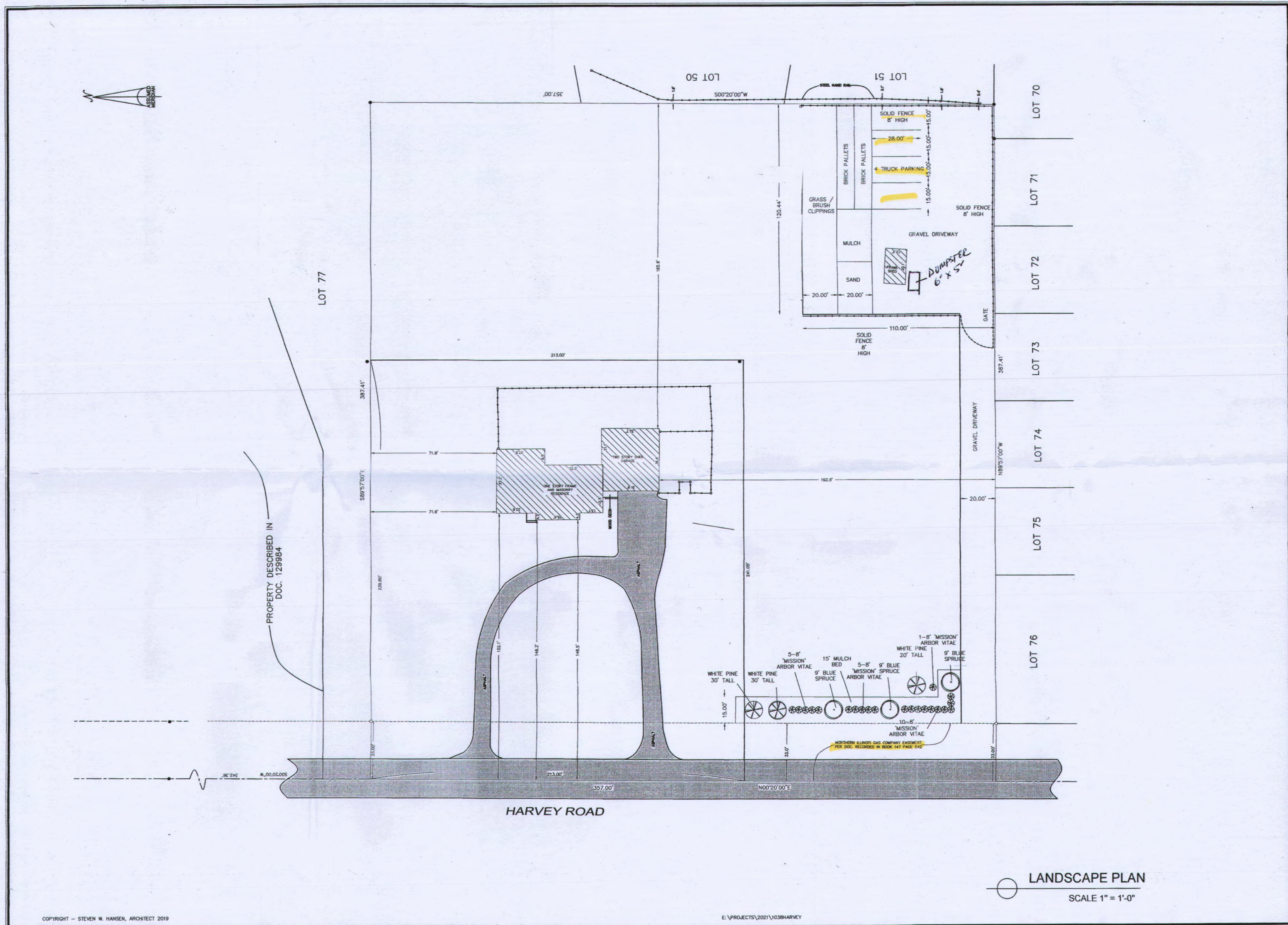
ASM Consultants, Inc.
16 E Wilson St, Batavia IL 60510
Tel (630) 879-0200 Fax (630) 454-3774
advanced@advct.com

Professional Design Firm #184-006014 expires 4/30/2023

LEGEND

- | | | | | | |
|-----------|--|-----|--|---|---|
| ● | Found 3/4" Iron Pipe | ○ | Utility Pole |  | Non-Deciduous Tree and size in inches |
| — | Boundary Line | ○ | Utility Pedestal |  | Deciduous Tree and size in inches |
| --- | Lot Line | ⊗ | Air Condition Unit | 204.8' | Spot Elevation |
| —+— | Center Line | —+— | Metal Railing | 723 | Contour Line |
| —+— | Section Line | —+— | Center Line of PVC Fence | | |
| XXX.XX' | Measured | —C— | Storm Line | | |
| (XXX.XX') | Record | | | | |
| |  Building | |  Concrete | |  Asphalt |
| | | | | |  Brick Paver |

NO.	DATE	REVISION
1.	9/23/2021	FIELD WORK COMPLETED
2.	10/19/2021	FINAL SURVEY COMPLETED
3.	11/9/2021	ISSUED PRELIM. TO ADD PROP. PARKING SPACE
2.	11/15/2021	FINAL SURVEY COMPLETED

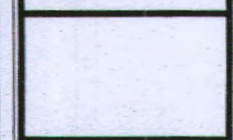


NEW LANDSCAPING FOR:
MR. JOSE *****
1038 HARVEY RD
OSWEGO, ILLINOIS

STEVEN W. HANSEN
ARCHITECT
800 LONGVIEW CT.
SUGAR GROVE, IL
630-466-8021 - 60554

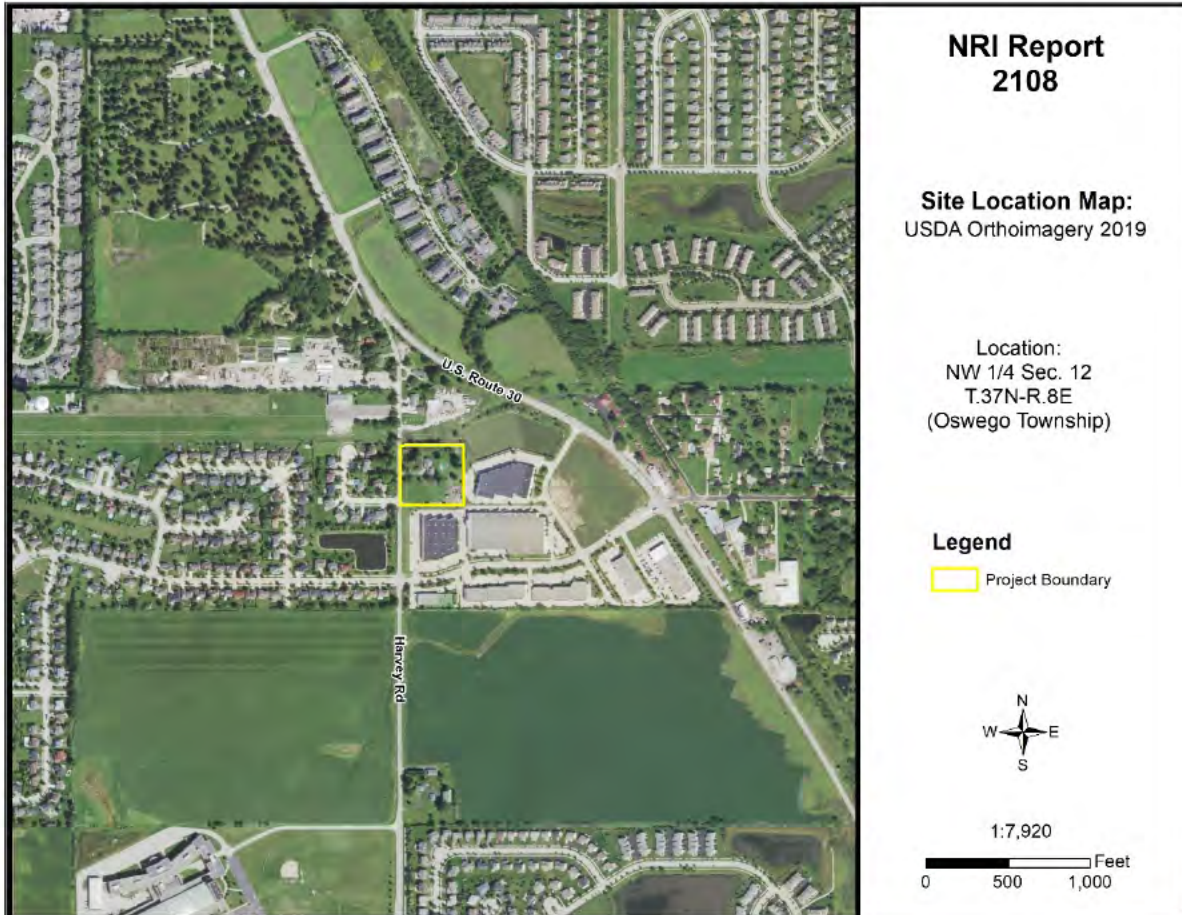
DATE	DESCRIPTION
1 08-04-2021	PRELIMINARY - OWNER REVIEW

PROJECT NO. 2019-1038



SP1.0

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2108



July
2021

Petitioner: Natural World Landscaping – Jose Martinez
Contact: Attorney Judd Lofchie

Prepared By:



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

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

Natural Resource Information Report Number	2108
Date District Board Reviews Application	July 2021
Applicant's Name	Natural World Landscaping – Jose Martinez
Size of Parcel	(+/-) 3.175 acres
Current Zoning & Use	A-1 Agricultural; Residence & Landscaping Business
Proposed Zoning & Use	A-1 Special Use & Variance; Residence & Landscaping Business
Parcel Index Number(s)	03-12-100-004 and 03-12-100-013
Contact Person	Attorney Judd Lofchie

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

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

PURPOSE AND INTENT

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

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

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

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

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

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

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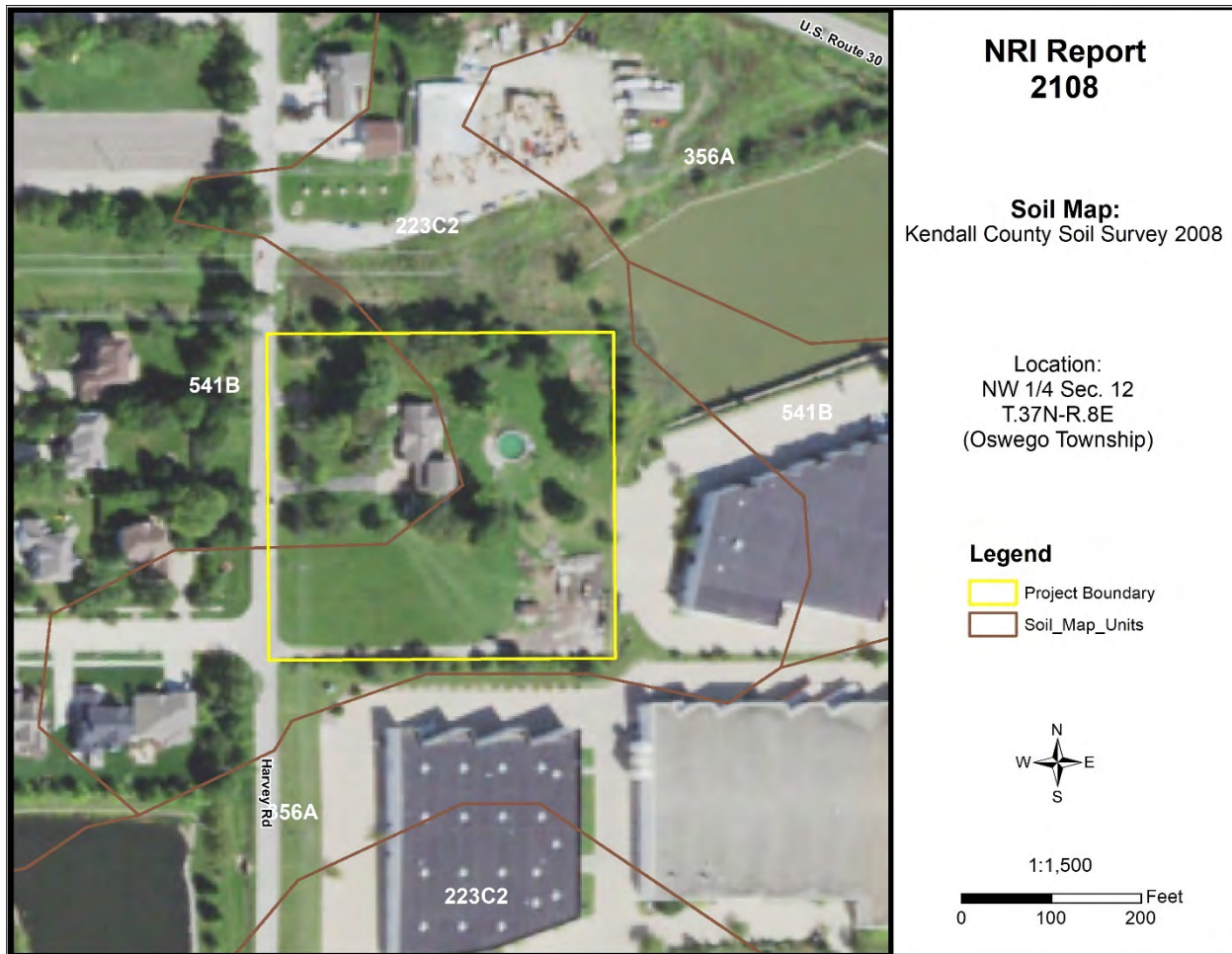
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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2108
Petitioner	Natural World Landscaping – Jose Martinez
Contact Person	Attorney Judd Lofchie
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NW ¼ of Section 12, Township 37 North, Range 8 East (Oswego Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Natural World Landscaping
Existing Zoning & Land Use	A-1 Agricultural; Residence & Landscaping Business
Proposed Zoning & Land Use	A-1 Special Use & Variance; Residence & Landscaping business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 3.175 acres
Land Evaluation Site Assessment Score	124 (Land Evaluation: 84; Site Assessment: 40)

NATURAL RESOURCE CONSIDERATIONS**Figure 1: Soil Map****SOIL INFORMATION**

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

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
223C2	Varna silt loam, 4-6% slopes, eroded	Moderately Well Drained	C	Non-Hydric	Prime Farmland
541B	Graymont silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric	Prime Farmland

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

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

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as non-hydric (223C2 Varna silt loam) and the other is a non-hydric soil that likely contains hydric inclusions (541B Graymont silt loam).

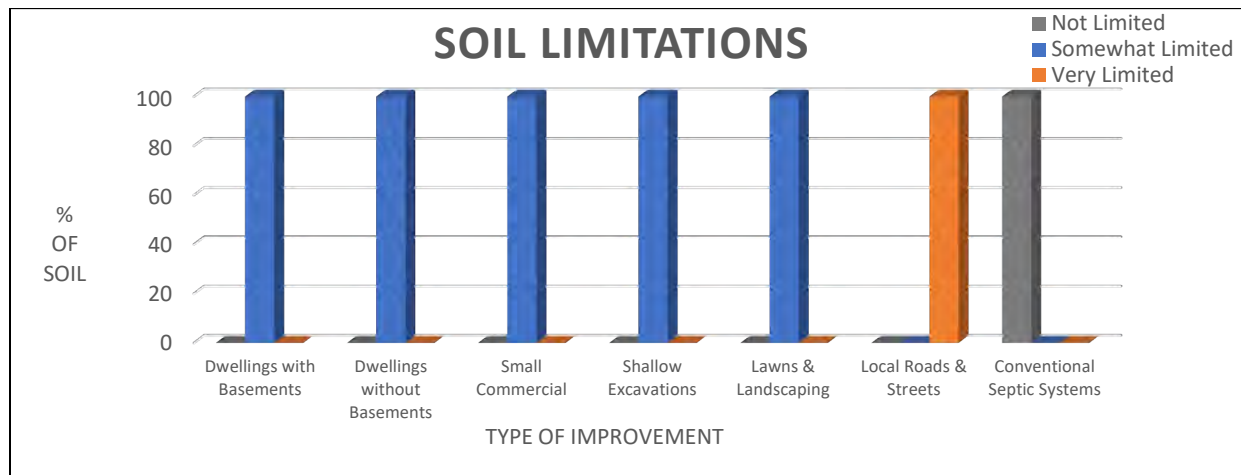
Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, both are designated as prime farmland (223C2 Varna silt loam and 541B Graymont silt loam).

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings with basements, dwellings without basements, small commercial buildings, shallow excavations, lawns/landscaping, and local roads and streets. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Local Roads & Streets	Conventional Septic Systems
91A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable/Not Limited
235A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Very Limited	Suitable/Not Limited

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

**Figure 2:** Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is **84**, indicating that this site is **well suited** for agricultural uses.

- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is **40**.

The **LESA Score for this site is 124 out of a possible 300, which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map **does not indicate the presence** of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0059G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel **is not located within** the floodplain or floodway.

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Jose Martinez with Natural World Landscaping for the proposed landscaping business (A-1 Special Use permit and variance request) within Oswego Township of Kendall County located in the NW ¼ of Section 12, Township 37N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are classified as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored an 84 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 124 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for local roads & streets and 100% are somewhat limited for dwellings with basements, dwellings without basements, small commercial buildings, shallow excavations, and lawns/landscaping. Additionally, 100% of the soils are considered suitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

For intense use, it is recommended that a drainage tile survey be completed on the parcel to locate the subsurface drainage tile and should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

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



SWCD Board Representative



Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2108

NW ¼ of Section 12, Township 37 North, Range 8 East (Oswego Township) on 3.175 acres. This parcel is located on the east side of Harvey Road, south of U.S. Route 30, and north of Treasure Drive in Oswego, IL. The parcel is part of unincorporated Kendall County.

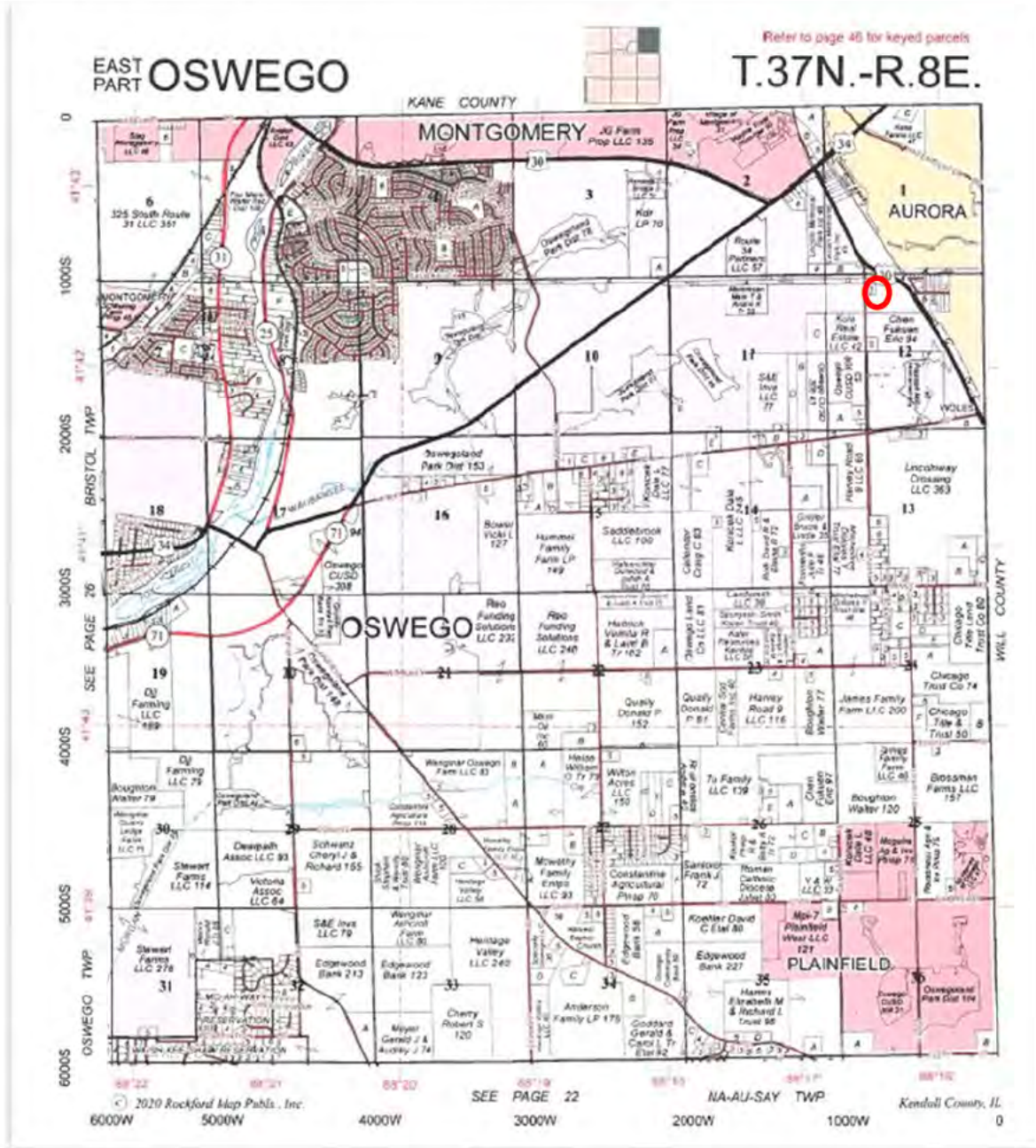
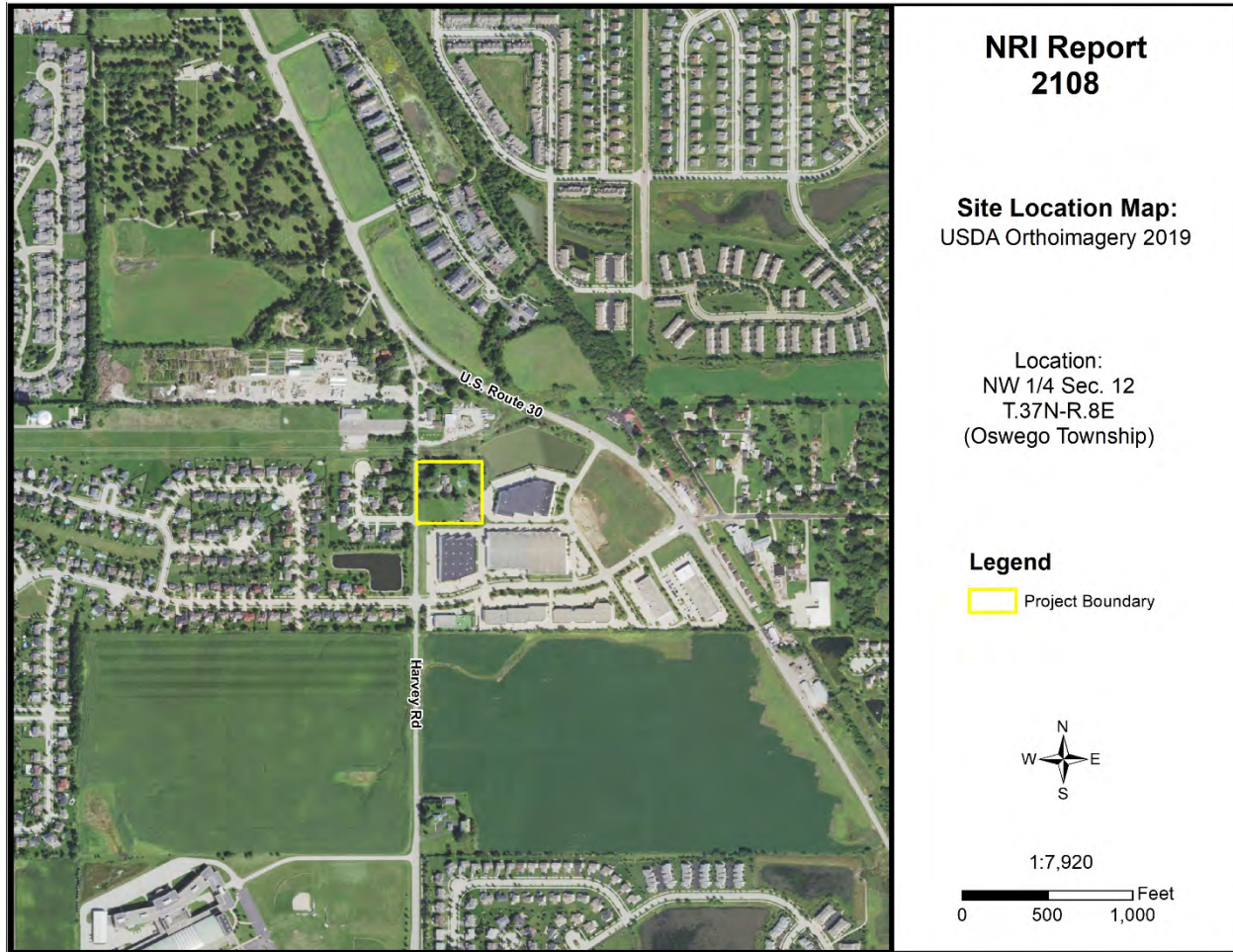


Figure 3: 2021 Plat Map



ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

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

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

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

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

The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

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

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

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

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

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

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

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

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

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

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

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

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

Office maps indicate that ecologically sensitive area(s) are not located near the parcel in question (PIQ).

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

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

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

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

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

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

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

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

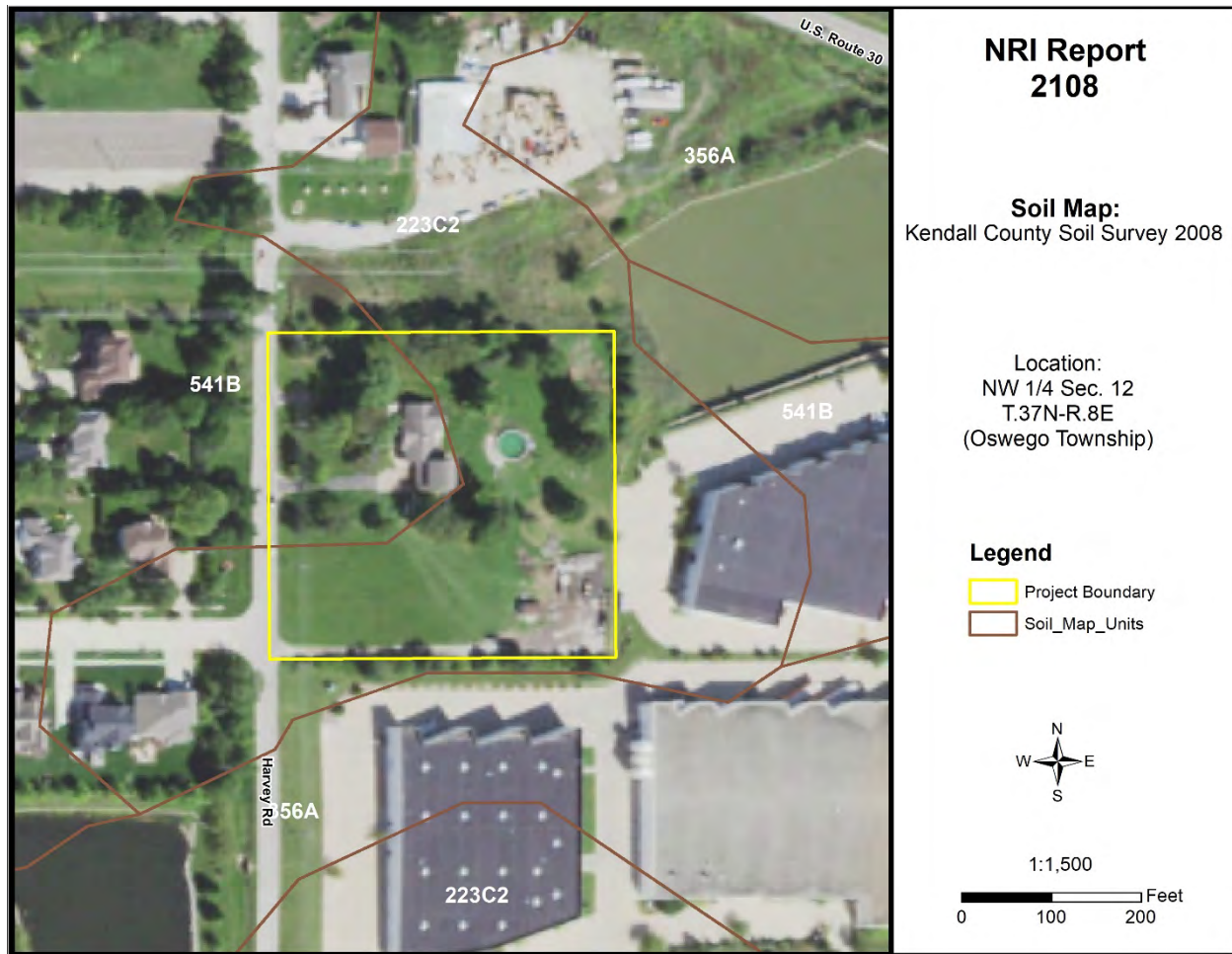


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
223C2	Varna silt loam, 4-6% slopes, eroded	2.2	69%
541B	Graymont silt loam, 2-5% slopes	1.0	31%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

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

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

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

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

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

Dwellings with Basements – Ratings are for undisturbed soil for a building structure of less than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Dwellings without Basements – Ratings are for undisturbed soil for a house of three stories or less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

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

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

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

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

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features

considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

Table 4: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems	Acres	%
223C2	Somewhat Limited: Depth to saturated zone	Somewhat Limited: Shrink-swell	Somewhat Limited: Slope; Shrink-swell	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Low strength; Frost action; Shrink-swell	Suitable:	2.2	69%
541B	Somewhat Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Shrink-swell	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Frost action; Low strength; Shrink-swell	Suitable:	1.0	31%
% Very Limited	0%	0%	0%	0%	0%	100%	0%		



Figure 6A: Map of Building Limitations – Dwellings with Basements, Dwellings without Basements, Small Commercial Buildings, Shallow Excavations, and Lawns/Landscaping

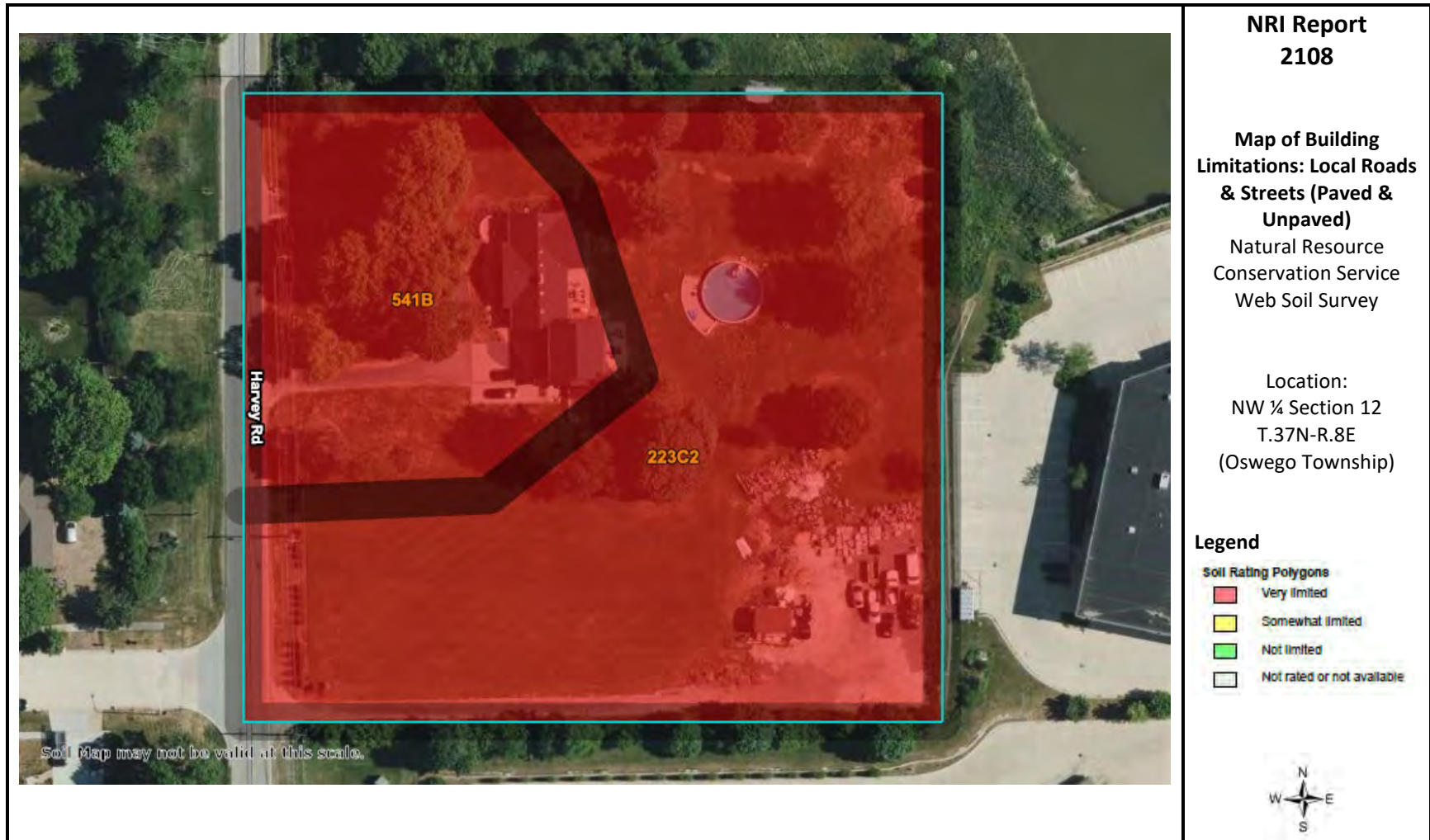


Figure 6B: Map of Building Limitations – Local Roads & Streets (Paved & Unpaved)

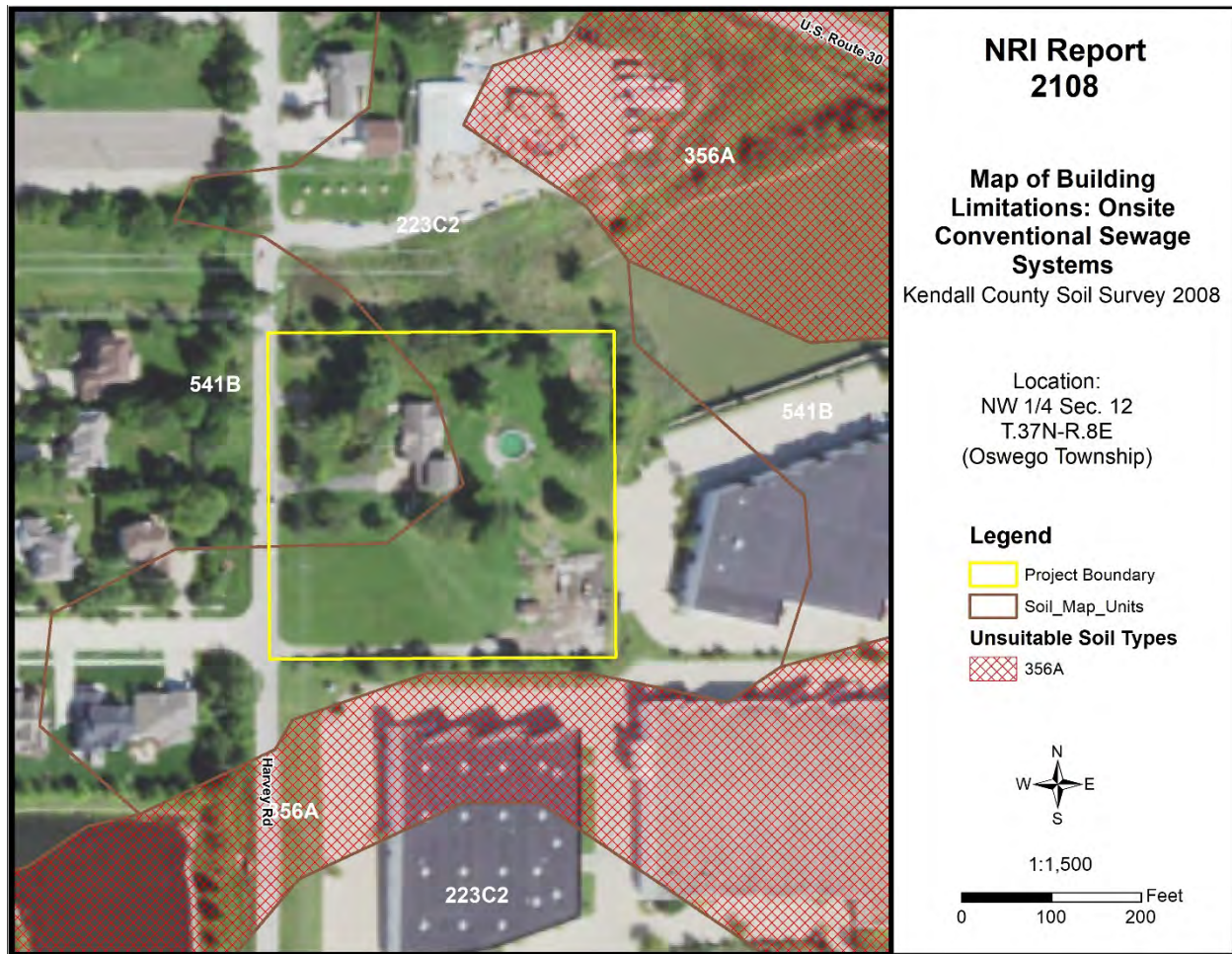


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

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

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

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

Note: If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

SURFACE RUNOFF – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

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

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

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

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

FLOODING – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

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

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

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
223C2	C	High	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-5.5' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
541B	C	Low	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.3' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None

SOIL EROSION AND SEDIMENT CONTROL

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

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

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

The general principles of erosion and sedimentation control measures include:

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

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

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

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
223C2	4-6%	Moderate	2.2	69%
541B	2-5%	Slight	1.0	31%

PRIME FARMLAND SOILS

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

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

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
223C2	Prime Farmland	2.2	69%
541B	Prime Farmland	1.0	31%
% Prime Farmland	100%		

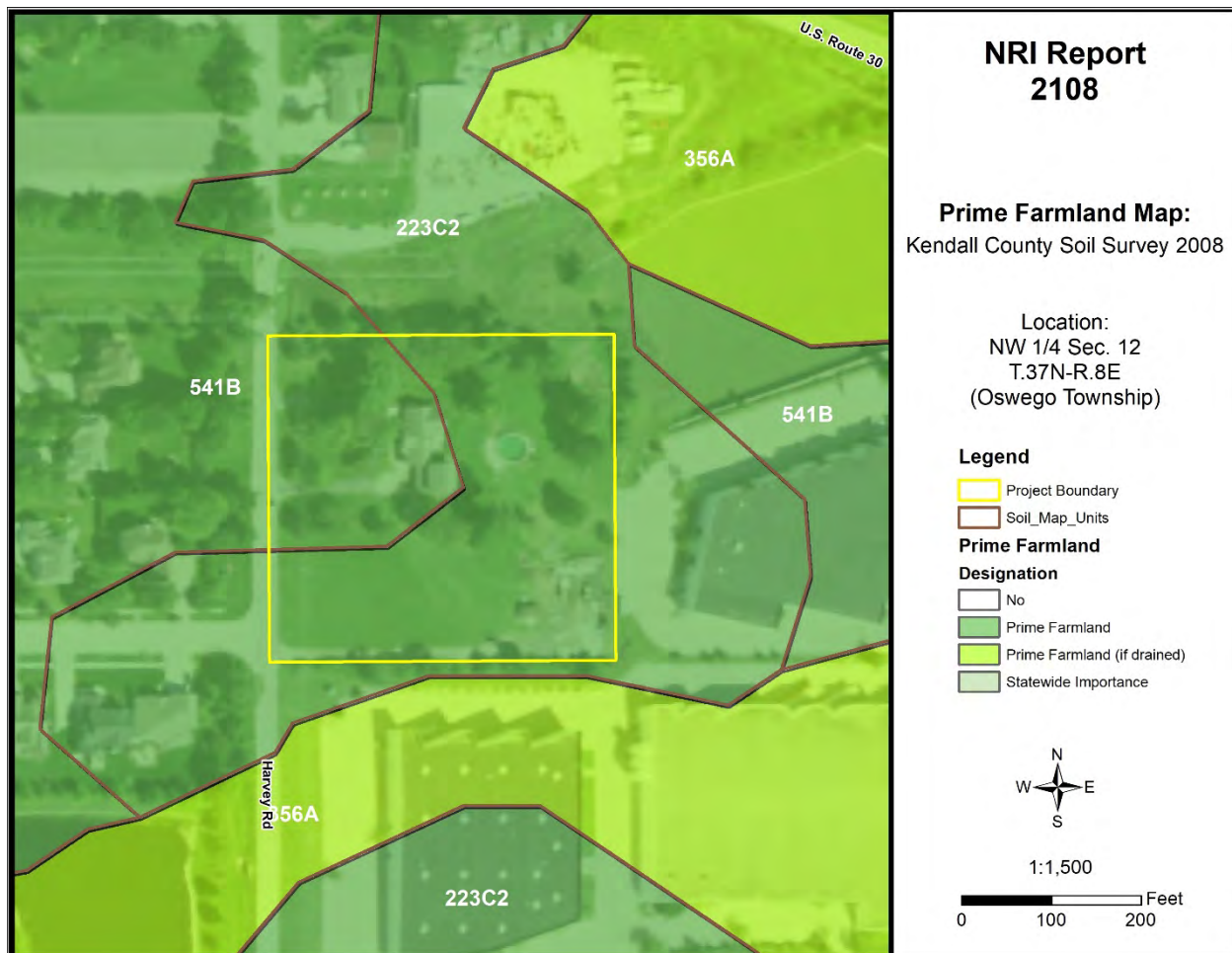


Figure 7: Map of Prime Farmland Soils

LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

LAND EVALUATION (LE)

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA)

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

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

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
223C2	4	79	2.2	173.8
541B	2	94	1.0	94
Totals			3.2	267.8
LE Calculation			(Product of relative value / Total Acres) 267.8 / 3.2 = 83.7	
LE Score			LE = 84	

The Land Evaluation score for this site is 84, indicating that this site is designated as prime farmland that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 8B: 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)	5
	2. Current land use adjacent to site. (30-20-15-10-0)	0
	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
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	0
	2. Availability of public water system. (10-8-6-0)	0
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	40

The Site Assessment score for this site is 40. The Land Evaluation value (84) is added to the Site Assessment value (40) to obtain a LESA Score of 124. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

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

Land Evaluation Value: 84 + Site Assessment Value: 40 = LESA Score: 124

The LESA Score for this site is 124 which indicates a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

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

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

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

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

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

WHAT IS A WATERSHED?

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

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

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

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

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

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

IMPORTANCE OF FLOOD INFORMATION

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

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

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

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

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

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

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

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

This parcel is located on gradual topography (slopes 2 to 6%) with an elevation of approximately 720' above sea level. According to the FIRM map, the parcel in question does not contain floodway or floodplain. The parcel drains east/northeast towards an adjacent retention pond.

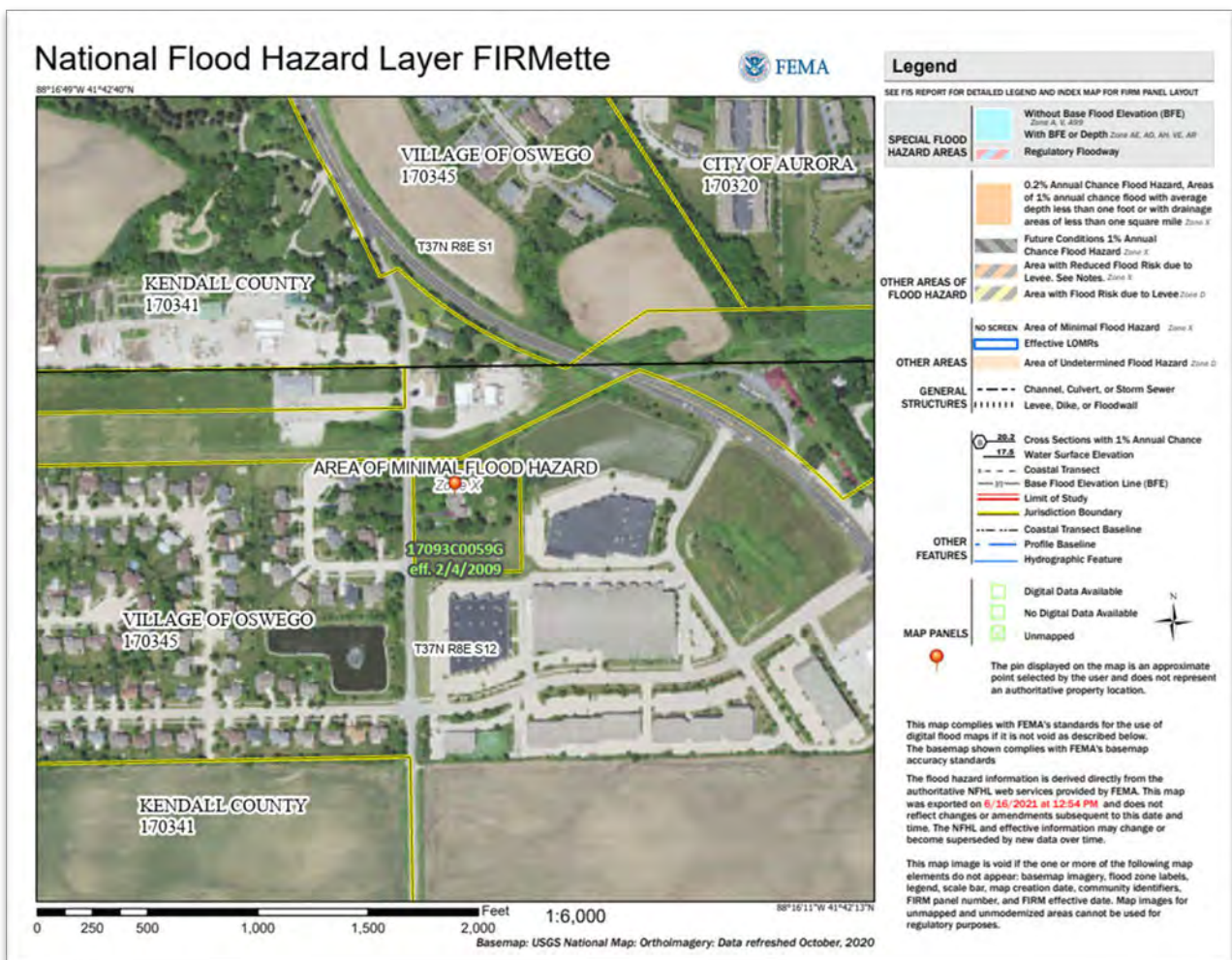


Figure 8: FEMA Floodplain Map

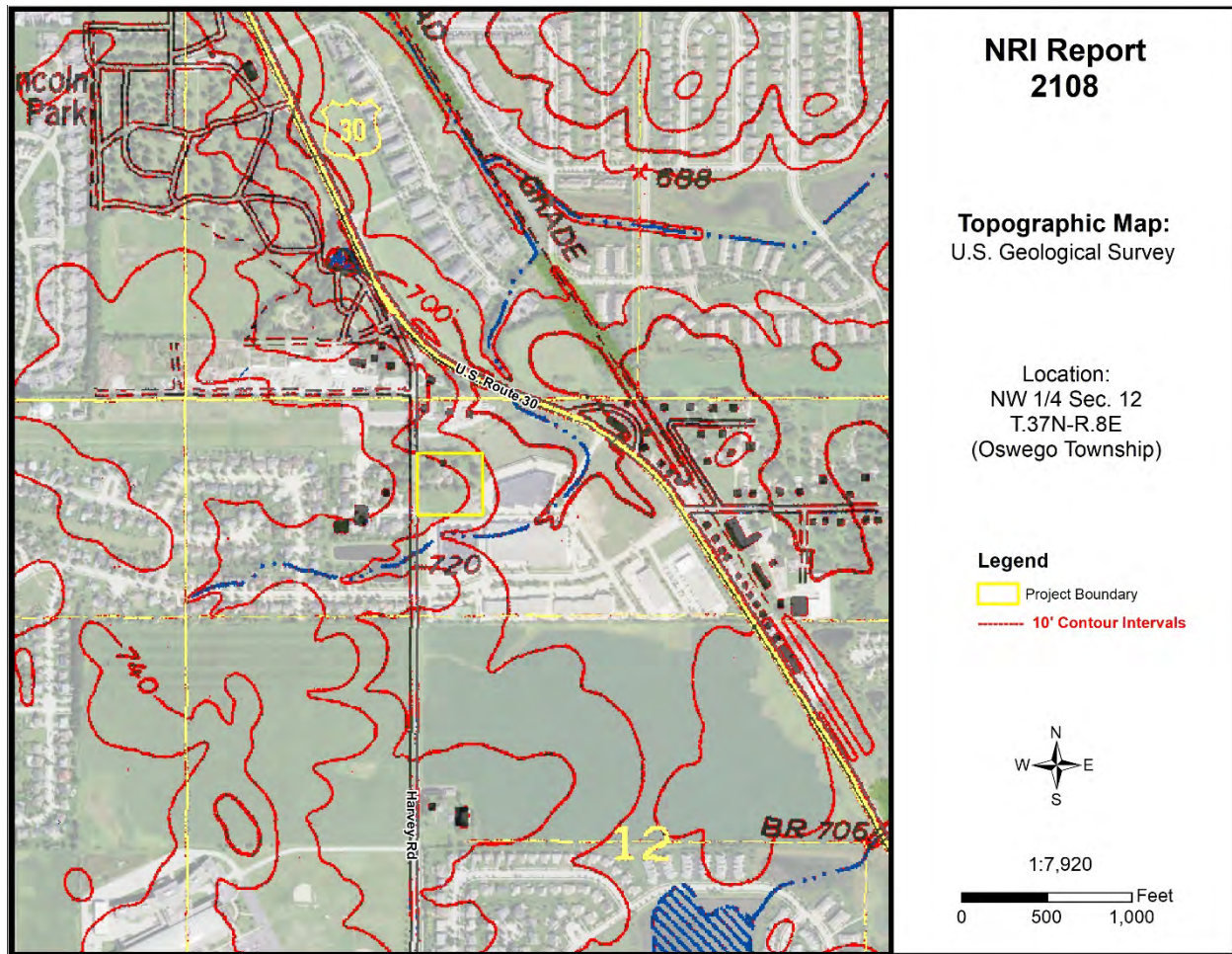


Figure 9: USGS Topographic Map

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

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

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

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

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

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

IMPORTANCE OF WETLAND INFORMATION

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

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

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

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

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

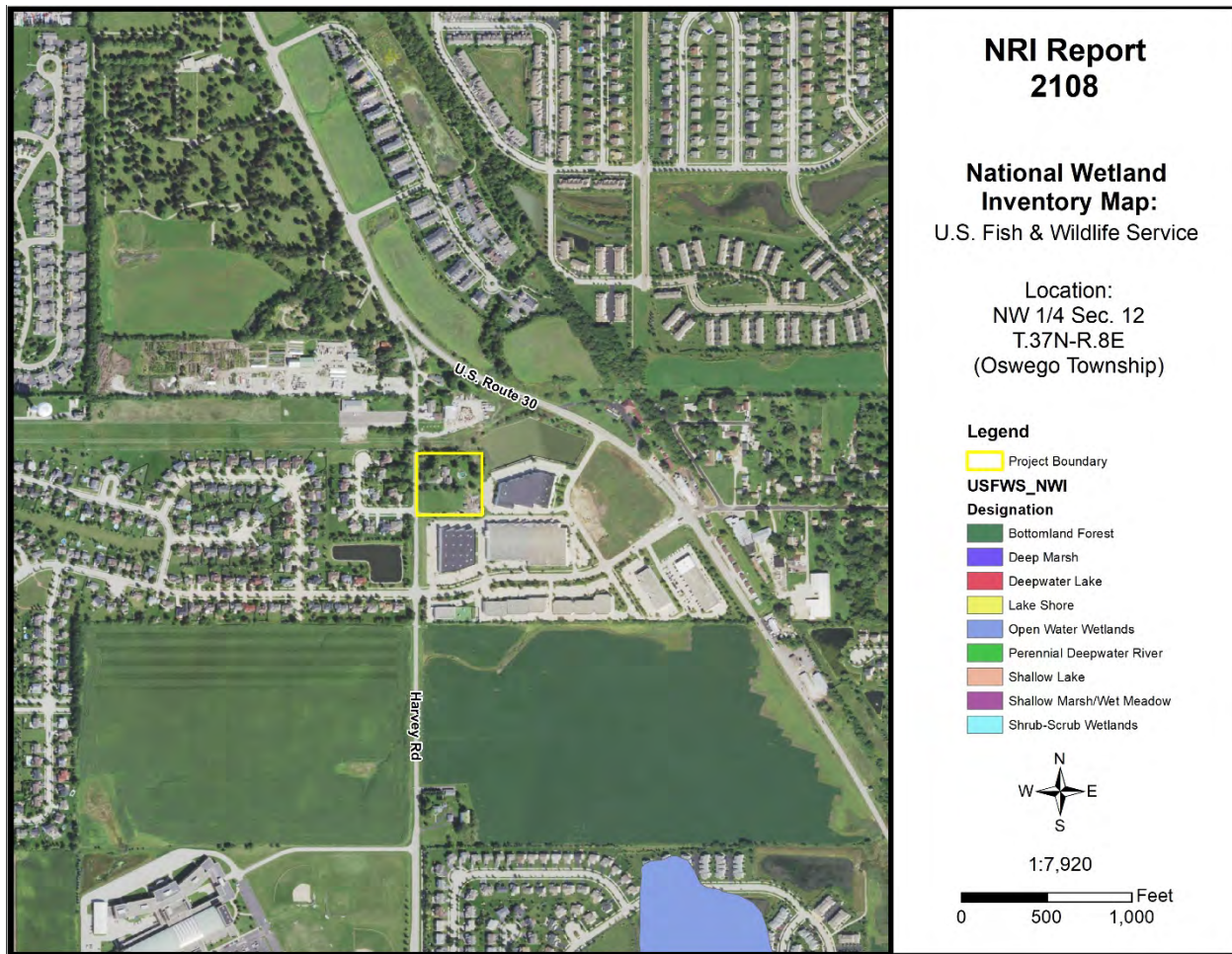


Figure 10: Wetland Map – USFWS National Wetland Inventory

Office maps indicate that mapped wetlands are not present on the parcel in question (PIQ).

HYDRIC SOILS

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

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

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

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

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
223C2	Moderately Well Drained	Non-Hydric	No	2.2	69%
541B	Moderately Well Drained	Non-Hydric	Yes	1.0	31%

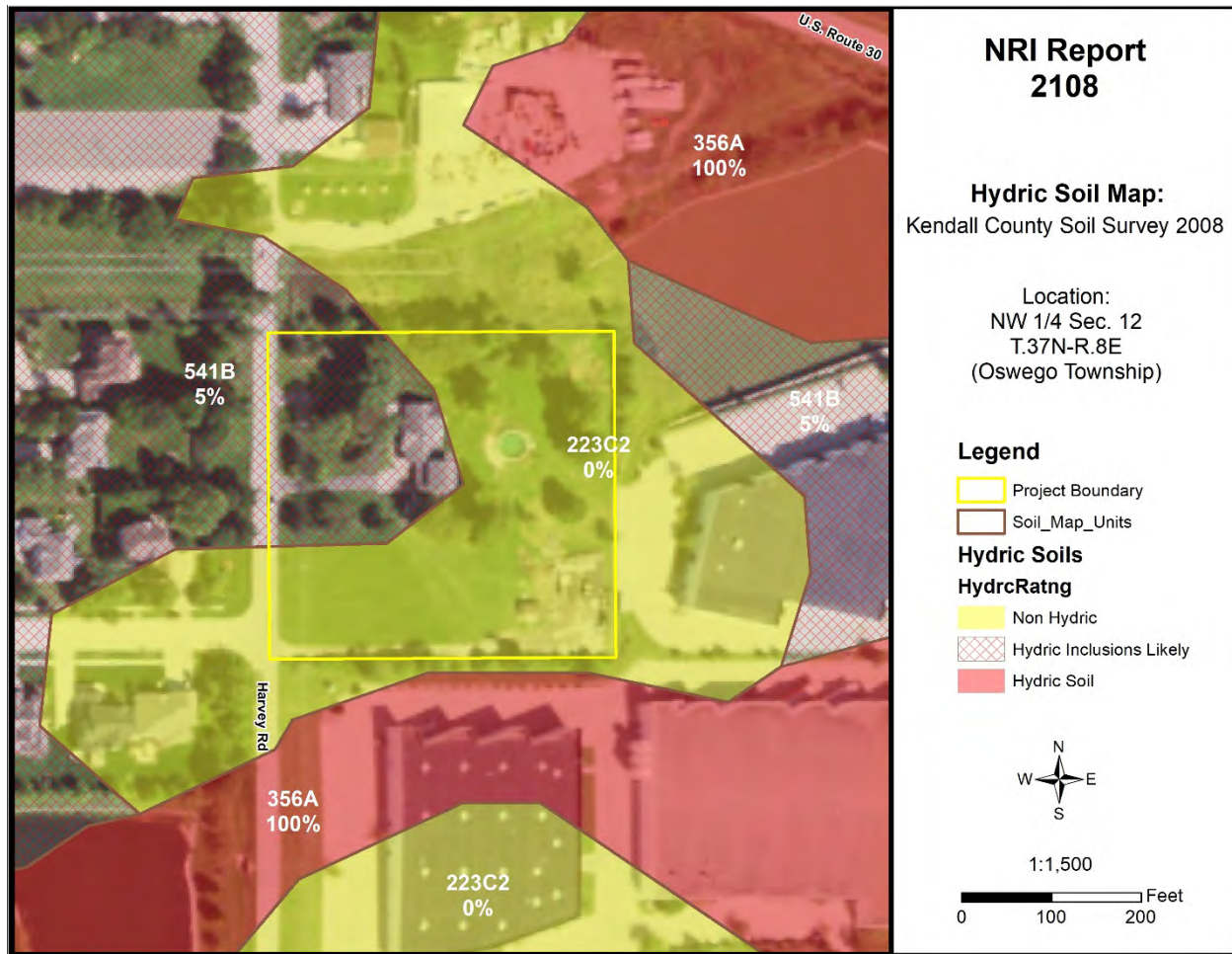


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY?

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

REGULATORY AGENCIES

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

COORDINATION

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

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

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PALUSTRINE - Name given to inland freshwater wetlands.

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

PIQ - Parcel in question

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

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

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

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

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

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

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

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

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

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

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

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

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

REFERENCES

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

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

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

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

Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.

Illinois Urban Manual. Association of Illinois Soil & Water Conservation Districts, 2020.

Kendall County Land Atlas and Plat Book. 21st Edition, 2021.

Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service National Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110).


Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.



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



Attachment 5

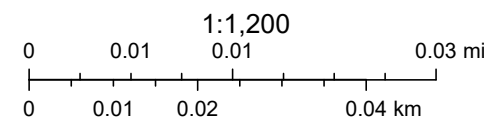


November 30, 2021

 Kendall County Address Points
 Parcels
 Ownership Parcel

 Condominium Unit
 Kendall County Zoning
 A1

 Municipal
 Incorporated Areas
 Oswego



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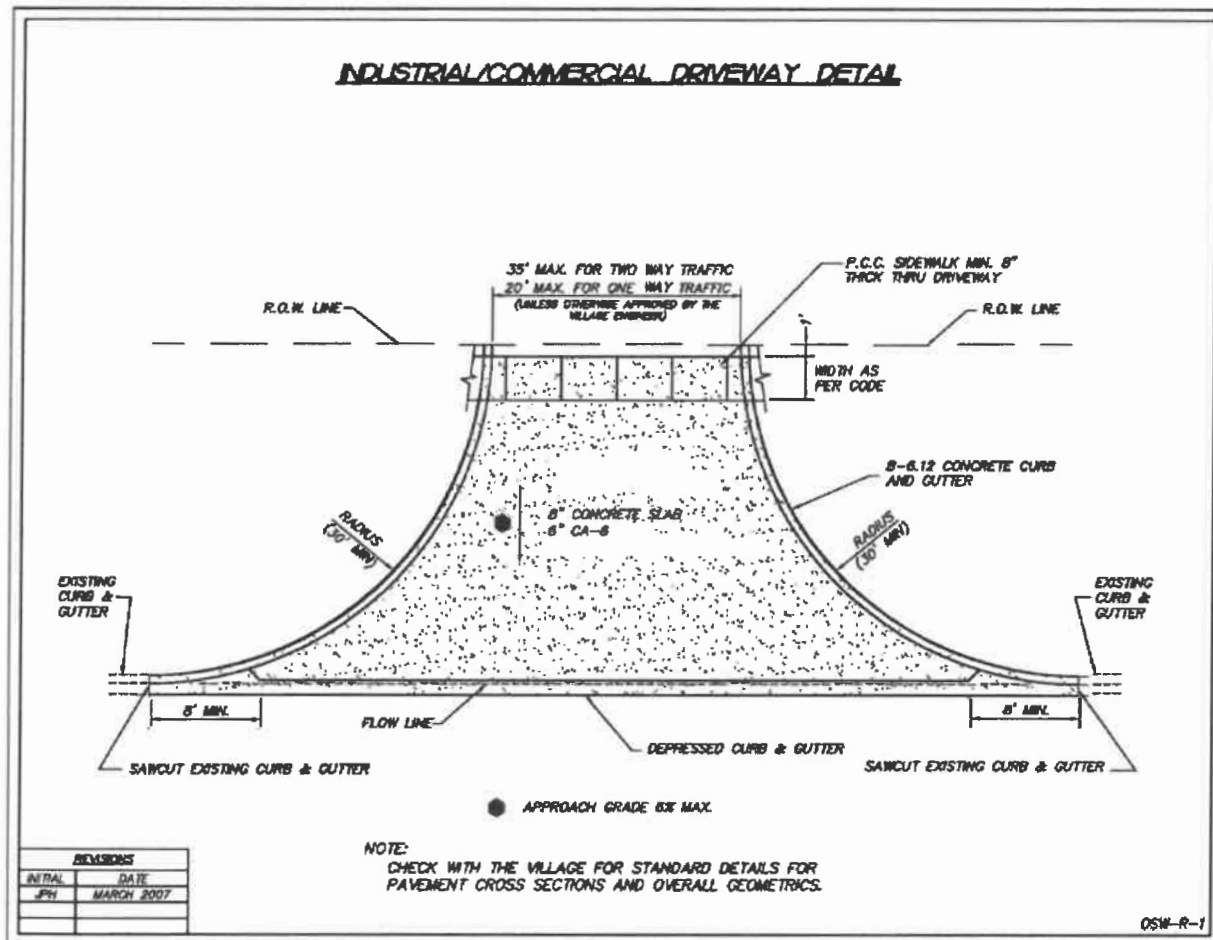
Matt Asselmeier

From: Jennifer Hughes <JHughes@oswegoil.org>
Sent: Tuesday, November 30, 2021 1:45 PM
To: Fran Klaas; Matt Asselmeier; Rod Zenner
Cc: Scott Gengler; Scott Koepfel; Dan Di Santo
Subject: RE: [External]RE: Harvey Road Question

Good afternoon,

The property is shown as industrial on the future land use plan. The Village requests nice screening (landscape or fence) along Harvey Road to screen the activity from the Village residents across Harvey Road to the west.

In addition, the driveway shall comply with our Industrial/Commercial Driveway Detail. More information can be found in our [Subdivision Regulations](#).



Sincerely,

Jennifer Hughes, P.E., CFM
 Public Works Director/Village Engineer

Attachment 7 Existing House and Front Parking Area



12/17/2021 09:57



12/17/2021 09:57



12/17/2021 09:57

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 4, 2022 – Unapproved Meeting Minutes**

PBZ Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Undersheriff Bobby Richardson – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve

Audience:

Judd Lofchie, Andrew Doyle, Kelley Chrisse, Patti Bernhard, and Tom Green

PETITIONS

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier summarized the request.

In 2018, the Planning, Building and Zoning Department started investigating a landscaping business operating at the subject property without a special use permit. On February 23, 2021, the court imposed a fine of Thirty-Two Thousand, Eight Hundred Dollars (\$32,800) against the Petitioners for operating a landscaping business without a special use permit, installing the southern driveway without a permit, Junk and Debris Ordinance violations, and related court costs. The discovery of assets portion of the case has been continued with the hope that the Petitioners will apply for the applicable special use permit and variance.

The Petitioners purchased the property in 2018.

On December 9, 2021, the Petitioner submitted the necessary application for a special use permit for a landscaping business, a variance to allow a landscaping business on a non-State, County or Collector roadway as defined by the Kendall County Land Resource Management Plan, and a variance to allow the southern driveway to be within five feet (5') of the side yard property line.

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

The property is located at 1038 Harvey Road.

The property is approximately three (3) acres.

The existing land use is Single-Family Residential.

The Future Land Use Map calls for the area to be Suburban Residential (Max 1.0 DU/Acre). Oswego's Future Land Use Map calls for the area to be Industrial.

Harvey Road is classified as a Collector by the Village of Oswego in this area and is not classified as such in the Land Resource Management Plan.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land use are Comed Right-of-Way, Industrial, Stormwater Pond, and Single-Family Residential.

The adjacent properties are zoned R-2, M-1, and M-2 by the Village of Oswego.

Oswego's Future Land Use Map calls for the area to be Agricultural, Single-Family Residential, and Light Industrial.

The zoning districts within one half (1/2) mile are A-1, A-1 SU, R-1, R-3, B-3, B-3 SU, and M-1 in the County and R-1, R-2, R-4, B-3, M-1, and M-2 inside the Village of Oswego.

ZPAC Meeting Minutes 01.04.22

Oswego East High School is located within one half (1/2) mile of the property.

The A-1 special use permits to the north are for a landscaping business and a cemetery. The B-3 special use permit to the east is for a watchman's quarters.

EcoCAT Report was submitted on December 9, 2021, and consultation was terminated.

The LESA Score was 124 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2021.

Petition information was sent to the Village of Oswego on December 22, 2021.

Petition information was sent to the Oswego Fire Protection District on December 22, 2021.

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned 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 and the variance to the requirement to be located on a State, County or Collector Highway, the above conditions have been met.

According to the business plan, the business has four (4) employees. Employees arrive at the property at approximately 6:30 a.m., go to work sites, and return to the property and leave to go home by 7:00 p.m. No information was provided regarding days of operation. However, the business originally planned to operate from April 15th until Thanksgiving. Mr. Asselmeier read an email requesting that the business be allowed to open for the season on March 1st. Business equipment presently consists of three (3) trucks.

The landscaping business area on the southwest corner of the site will be of gravel and will be approximately thirteen thousand, two hundred fifty (13,250) square feet in size. If there is a motor vehicle or equipment related leak, the area impacted gravel will be removed and replaced with clean gravel.

One (1) one (1) story, approximately two thousand nine hundred (2,900) square foot house, constructed in 1955 with a two (2) story garage is located on the property. There is also one (1) approximately two hundred forty-five (245) square foot shed frame shed on the property near the landscaping storage area. There is also one (1) chicken coop and one (1) additional shed on the northeast corner of the property not associated with the landscaping business. The picture of the house was provided.

According to the landscaping plan, the Petitioners plan to install open storage areas, one (1) for grass and brush clippings at twenty feet wide by approximately one hundred twenty feet in depth (20' X 120'), one (1) for mulch, and one (1) for sand. There would also be storage areas for brick pallets. No information was provided on the dimensions for the storage areas for mulch, sand, and brick pallets. There would also be four (4) truck storage areas measured at fifteen feet wide by twenty-eight feet in depth (15' X 28'). According to the business plan, no piles of materials would exceed three feet (3') in height.

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

Per the site survey, the property is served by a septic system. No information was provided regarding a well.

No information was provided regarding whether or not employees or customers would use restroom or water facilities on the property.

One six foot by five foot (6' X 5') dumpster was shown on the landscaping plan in the landscaping business area.

The property drains to the southeast and northeast.

Per the survey and landscaping plan, the house is served by an existing driveway with two (2) access points off of Harvey Road. One (1) twenty foot (20') wide gravel driveway provides access from the landscaping storage area to Harvey Road; this access was installed without proper permits and will need to secure applicable permits. The southern driveway is also too close to the side yard property line and will need a variance. A picture of the southern driveway was provided.

The Village of Oswego provided information regarding driveway standards; this information was provided.

According to the plat of survey, the Petitioners plan to have two (2) parking spaces and one (1) handicapped accessible parking space to the west of the garage. The parking spaces will be of brick pavers. It was unclear if the parking spaces serve employees, customers or both employees and customers.

The plat of survey shows two existing light poles. Existing lighting is used for residential purposes only. The Petitioners are not proposing any additional lighting.

The Petitioners are not proposing any business related signage.

The landscaping plan shows one (1) solid fence eight feet (8') in height along the east, west, and south sides of the landscaping business area. One (1) security gate is also shown on the landscaping plan.

The landscaping plan shows three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property. No information was provided regarding the vegetation along the southern property line. A picture of the landscaping was provided. The vegetation along the southern property line can be seen in the picture of the southern driveway. The Village of Oswego also requested landscaping, but did not provide details on type or nature of landscaping.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

If approved, this would be the nineteenth (19th) special use permit for a landscaping business in unincorporated Kendall County.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the driveway, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. Conditions may be placed in the special use permit ordinance to address hours and seasons of operation.

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 the Village of Oswego approves the new access point for the southern driveway and if a

variance is granted for the location of the southern driveway, then adequate points of ingress and egress will be provided. The owners of the business allowed by the special use permit have agreed not pile materials in excess of three feet (3') in height.

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

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

The proposed Findings of Fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. There are no topographic conditions or other outstanding conditions not caused by the Petitioner that created a particular hardship or difficulty upon the owner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It is unknown the exact number of A-1 zoned properties that could ask for similar variances. There are no unique conditions that caused the driveway to be located on the southern property line. The Village of Oswego defines Harvey Road as a Collector while the Kendall County Land Resource Management Plan does not define Harvey Road as a Collector; it is unique to have this difference in classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners created the hardship by installing the driveway without proper permits and operating the business at the subject property. The owners were not responsible in the differences in classification for Harvey Road.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, provided the Village of Oswego grants access to Harvey Road at the location shown on the landscaping plan.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the driveway to be on the property line and allowing the business to operate on a non-State, County, or Collector Highway will not impair any of the above items.

Staff believed that a landscaping business could operate at the subject property with reasonable restrictions. However, Staff had concerns, given the Petitioner's previous behavior, that reasonable restrictions will be followed. Staff believed the following conditions and restrictions were necessary for the operation of a special use permit at the subject property. The Petitioner had not agreed to these conditions prior to the meeting:

1. The site shall be developed substantially in accordance with the plat of survey and landscaping plan.
2. The existing house, garage, chicken coop, swimming pool, and shed located on the northwest corner of the property shall be used for residential purposes only and shall be exempt from the site development conditions of the special use permit. The locations of these structures may change without requiring an amendment to the special use permit.
3. A variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance shall be granted allowing off-street parking and southern driveway to be no closer than zero feet (0') from the southern property line as shown on the landscaping plan. The driveway shall be a maximum of twenty feet (20') in width and shall be gravel.
4. A variance to Section 7:01.D.30.b of the Kendall County Zoning Ordinance shall be granted allowing the operation of a landscaping business at a property not located on and not having direct access to a State, County, or Collector

highway as designed in the County's Land Resource Management Plan.

5. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the plat of survey. The parking area shall be brick pavers.
6. The owners of the business allowed by the special use permit shall maintain the landscaping business area on the southwest corner of the site as depicted on the landscaping plan. This area shall be gravel.
7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. Any new structures constructed or installed related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
9. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
10. 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.
11. 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.
12. 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 landscaping plan. The maximum height of the piles of landscaping related material shall be less than three feet (3') in height.
13. No signage advertising or promoting the business shall be installed on the subject property. The owner of the business allowed by this special use permit may install appropriate handicapped parking signs and other directional signs within the fenced landscaping business area as shown on the landscaping plan.
14. Three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property shall be installed and maintained on the property in substantially the locations shown on the landscaping plan. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
15. No landscape waste generated off the property can be burned on the subject property.
16. A maximum of four (4) 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.
17. 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.
18. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:30 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation. The business allowed by this special use permit may operate at the subject property starting March 1st and ending November 30th of each year.
19. 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.

20. 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.
21. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
22. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. 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.
24. 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.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
26. 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.

Mr. Klaas asked if the Village of Oswego submitted any comments. Mr. Asselmeier responded that they submitted an email regarding access standards, landscaping, and screening. Mr. Klaas questioned why the property would not be annexed into Oswego.

Mr. Rybski asked if a change of use process would occur; the septic system would have to be evaluated. No customers would be invited onsite and workers onsite would not use restroom facilities onsite.

Mr. Asselmeier asked if the County has reviewed a special use permit where the Petitioner had started a business without proper zoning, been found guilty by the court, fined by the court, and then applied for a special use permit after the fact. Nobody on the Committee had ever seen a case like this one (1). Mr. Asselmeier expressed concerns that the Petitioner would follow through with the conditions.

Judd Lofchie, Attorney for Petitioner, said the Petitioner had difficulty finding a Spanish speaking zoning attorney. He noted the Petitioner lived at the site. There would no members of the public invited onto the property and no retail sales of landscaping materials would occur. Mr. Lofchie did not know why the Petitioner had pursued annexation to Oswego. The Petitioner has been responsive since he started working with Mr. Lofchie. The Petitioner was agreeable to the proposed conditions as amended to allow operations to start on March 1st. The business is presently closed.

Mr. Holdiman asked about the revocation process for the special use permit. Mr. Asselmeier explained the process.

Mr. Klaas made a motion, seconded by Undersheriff Richardson, to recommend approval of the special use permit and variances with the conditions proposed by Staff as amended to allow the business to start operating on March 1st.

The votes were follows

Ayes (5):	Briganti, Klaas, Olson, Richardson, and Rybski
Nays (2):	Asselmeier and Holdiman
Abstain (0):	None
Absent (3):	Chismark, Gengler, and Guritz

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on January 26, 2022.

PUBLIC COMMENT

Mr. Asselmeier reported that the Kendall County Regional Planning Commission Annual Meeting will be Saturday, February 5, 2022, at 9:00 a.m.

ADJOURNMENT

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

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 10:16 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
JANUARY 4, 2022**

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)
Judd Lofchie	1999 W. Galena	Judd1299@gmail.com
Andrew Doyle	700 Cottage St Shorewood, IL	adoyle@trayfpd.com
Kelley Chrissie	One Towne Center Blvd. Shorewood, IL	kchrissie@vil.shorewood.il.us
Patrick A. Bernhard	122 Aurora Ave Naperville, IL	patrick@rw-attorneys.com
Tom Green		tgreen@cecinc.com

Matt Asselmeier

From: judd lofchie <judd1299@gmail.com>
Sent: Tuesday, January 4, 2022 8:06 AM
To: Matt Asselmeier
Subject: [External]Re: Natural World

Hey Matt

Just heard from my client who is out of the country. He is ok with your conditions but said he would like the right to start his business March 1 instead of April 1. He said with the warming temperatures, he might be able to start earlier. Hope we can amend this.

See you soon.

JUDD

On Mon, Jan 3, 2022 at 2:58 PM judd lofchie <judd1299@gmail.com> wrote:
Hey Matt

Received info on your questions.

1. Pool was in place when my client bought the house, and its an above-ground removable pool, so hopefully he does not need a permit
2. He is registered with the IL Sec of State. See attached.
3. He will get a deck permit upon return

See you tomorrow a.m.

Judd Lofchie, LLM, P.C.
Attorneys at Law
1999 W. Galena Blvd.
Aurora, IL 60506
fax 630-236-3525
630-236-3600
www.AuroraPropertyLaw.com

Judd Lofchie is a Rotarian and the founder of StreetWise Magazine in Chicago; please buy it, take it, read it, share it, and leave it on your work coffee table. Thank you!

**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
January 31, 2022 – 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, Anne Vickery, and Dick Whitfield

Members Absent: Scott Cherry

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

Others Present: None

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the December 13, 2021, hearing/meeting.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-49, 22-01, 22-03, and 22-04 at 7:00 p.m.

Petition 21 – 49 – Irma Loya Quezada

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

Petition 22 – 01 – Jose and Silvia Martinez

Request: Special Use Permit for a Landscaping Business, Variance to Section 7:01.D.30.b to Allow a Landscaping Business a Non-State, County, or Collector Highway as Defined by the Kendall County Land Resource Management Plan, and Variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance to Allow a Driveway Zero Feet from the Southern Property Line
PINs: 03-12-100-004 and 03-12-100-013
Location: 1038 Harvey Road, Oswego Township
Purpose: Petitioner Wants to Operate a Landscaping Business at the Subject Property; Property is Zoned A-1

Petition 22 – 03 – Executive Pastor Sean Mabee on Behalf of Grace Bible Church of Shorewood and Fire Chief Andrew Doyle on Behalf of the Troy Fire Protection District

Request: Special Use Permit for a Governmental Building or Facility (Fire Station) and the Revocation of a Special Use Permit for a Church Granted by Ordinance 2004-24

PIN: 09-12-300-017

Location: 748 Jones Road, Seward Township

Purpose: Petitioners Want to Operate a Fire Station and Remove the Special Use Permit for a Church at the Subject Property; Property is Zoned A-1

Petition 22 – 04 – John and Laura Gay

Request: Major Amendment to an Existing Special Use Permit for a Kennel Granted by Ordinance 2019-33 by Changing the Site Plan

PIN: 03-28-100-004

Location: 3601 Plainfield Road, Oswego Township

Purpose: Petitioner Wants to Change the Orientation of the Building, Change the Access Point on Plainfield Road, Move the Parking Area, and Change the Layout of the Turnaround Area; Property is Zoned A-1

Mr. Asselmeier stated a quorum was not present at the January 26, 2022, Kendall County Regional Planning Commission meeting. He requested the hearings for the Petitions be continued to February 28, 2022, at 7:00 p.m.

Member Vickery made a motion, seconded by Member LeCuyer, to continue the hearings for Petitions 21-49, 22-01, 22-03, and 22-04 to February 28, 2022, at 7:00 p.m.

The votes were as follows:

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

Nays (0): None

Abstain (0): None

Absent (1): Cherry

The motion passed.

The Zoning Board of Appeals completed their review of Petitions 21-49, 22-01, 22-03, and 22-04 at 7:01 p.m.

NEW BUSINESS/OLD BUSINESS

Kendall County Regional Planning Commission Annual Meeting-February 5, 2022 at 9:00 A.M.

Mr. Asselmeier reported the date and time of the Annual Meeting.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 21-37, 21-38, 21-40, 21-41, and 21-46 were approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported there were no additional Petitions for the February hearing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:02 p.m.

The next hearing/meeting will be on February 28, 2022.

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

Exhibits

1. Memo on Petitions 21-49, 22-01, 22-03, and 22-04 Dated January 27, 2022
2. Certificate of Publication for Petition 21-49 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Certificate of Publication and Certified Mail Receipts for Petition 22-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
4. Certificate of Publication and Certified Mail Receipts for Petition 22-03 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Certificate of Publication and Certified Mail Receipts for Petition 22-04 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: January 27, 2022
Re: Petitions 21-49, 22-01, 22-03, and 22-04

The Kendall County Regional Planning Commission did not have a quorum for their January 26, 2022, meeting. As such, the Commission was unable to review at issue recommendations on the subject Petitions.

Accordingly, Staff requests that the Kendall County Zoning Board of Appeals meets as scheduled on January 31, 2022, and votes to continue the hearings on the subject Petitions to February 28, 2022, at 7:00 p.m.

As of the date of this memo, the subject Petitions would be the only Petitions on the February 28th agenda.

If you have any questions regarding this memo, please let me know.

MHA

Attachment 12
**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of January 26, 2022 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:10 p.m.

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Claire Wilson, and Seth Wormley

Members Absent: Roger Bledsoe, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Kramer, Anne Vickery, Pete Fleming, Laruin Family, Dustin Walzer, Jim Martin, Judd Lofchie, Andrew Doyle, Patti Bernhard, Lee Bryan, and Tom Green

ADJOURNMENT

Due to an absence of a quorum, the Kendall County Regional Planning Commission meeting adjourned at 7:10 p.m.

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

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
February 28, 2022 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, and Anne Vickery

Members Absent: Dick Thompson and Dick Whitfield

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

Others Present: Andrew Doyle and Patti Bernhard

Chairman Mohr swore in Andrew Doyle and Patti Bernhard prior to the start of the public hearings.

PETITIONS

Without objections, Chairman Mohr continued Petition 21-49 until May 2, 2022, and Petition 22-01 until after the Petitioner resolved the access permit issues with the Village of Oswego.

PUBLIC COMMENTS

For the March hearing, there will be a request from Seward Township for a moratorium on certain applications and a request from the Kendall County Planning, Building and Zoning Committee adding definitions of landscaping businesses and excavating businesses to the Zoning Ordinance.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

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

The Zoning Board of Appeals meeting adjourned at 8:19 p.m.

The next hearing/meeting will be on March 28, 2022.

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

Exhibits

1. Memo on Petition 22-01 Dated February 24, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-01 (Not Included with Report but on file in Planning, Building and Zoning Office)

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

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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: February 24, 2022
Re: Petition 22-01 Request for a Special Use Permit and Variances for a Landscaping Business at 1038 Harvey Road in Oswego Township

At their meeting on February 23, 2022, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent, voted to table Petition 22-01 until the Petitioner secured an access permit from the Village of Oswego for the southern driveway at the property or amended their site plan to remove the driveway, if the access permit was denied.

Accordingly, Staff requests that the Kendall County Zoning Board of Appeals vote to continue the public hearing on this Petition until such time as either the Petitioner submits an approved access permit from the Village of Oswego or the Petitioner submits an amended site plan showing the southern driveway removed from the property.

If you have any questions regarding this memo, please let me know.

MHA

Matt Asselmeier

From: Rod Zenner <RZenner@oswegoil.org>
Sent: Tuesday, March 15, 2022 9:26 AM
To: Matt Asselmeier; Jay Hoover
Cc: Jennifer Hughes
Subject: RE: [External]Fwd: 1038 Harvey Rd.

Matt, we have discussed this issue. We would prefer that the driveway is at least 5 feet from the property line. This is what we typically require of properties in the Village. They could apply for a variance, but they do not meet any hardships for a variance.

Thanks
Rod

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Thursday, March 10, 2022 9:58 AM
To: Jay Hoover <JHoover@oswegoil.org>
Cc: Jennifer Hughes <JHughes@oswegoil.org>; Rod Zenner <RZenner@oswegoil.org>
Subject: RE: [External]Fwd: 1038 Harvey Rd.

Jay:

Any update on this one?

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, March 16, 2022 11:39 AM
To: judd lofchie
Cc: Scott Koeppel; Scott Gengler; Ruben Rodriguez; Faith D. Hook
Subject: RE: [External]Fwd: 1038 Harvey Rd.
Attachments: Attachment 2 Plat of Survey_Redacted.pdf; Attachment 3 Landscaping Plan.pdf

Judd:

The survey and the landscaping plan have the driveways at different locations (see attachments). Given the comments at the previous meeting, my guess is the Regional Planning Commission will want clarity on the location of the driveway. Would it be possible to get the measurement of the distance from the driveway to the southern property line added to the plat of survey?

Has your client applied for an access permit from the Village of Oswego?

Please keep in mind that the concern exists that the County Board could approve the special use permit, but that you client could have to alter the site plan per the Village of Oswego's requirements. In such a case, you client could have to go through this entire process again and pay most of, if not all, of the fees again.

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: judd lofchie [mailto: [REDACTED]]
Sent: Wednesday, March 16, 2022 11:27 AM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Ruben Rodriguez <rrodriguez@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>
Subject: Re: [External]Fwd: 1038 Harvey Rd.

Hey Matt

It looks on the survey that the driveway is at least 5 feet from the property line. So we can keep going please.

On Wed, Mar 16, 2022 at 8:20 AM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Judd:

Have you had an opportunity to discuss the next steps with your client? If yes, have you determined which avenue you would like to pursue?

Also, per the attached picture, when was the new gravel placed on the property?

Thanks,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Matt Asselmeier

Sent: Tuesday, March 15, 2022 9:40 AM

To: judd lofchie <[REDACTED]>

Cc: Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Ruben Rodriguez <rrodriguez@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>

Subject: FW: [External]Fwd: 1038 Harvey Rd.

Judd:

Please see the following message from Rod Zenner from the Village of Oswego.

Based on Rod's email, your client has a couple options if they still want to pursue the special use permit:

1. Submit an amended application dropping the request for a variance for the driveway location. This would also require the submittal of a revised site plan showing the new location of the driveway outside of the required setback.
2. Submit a variance request to the Village of Oswego for the driveway location. While I can't speak for the Regional Planning Commission, based on the comments stated at the February meeting, my educated guess is that they (the Regional Planning Commission) would want to wait with reviewing this Petition until the Village of Oswego either approved or denied the variance request.
3. Continue to move forward with the application "as is" with the knowledge that the Village of Oswego might not grant an access permit for the driveway. If the special use permit is approved by the County Board and your client decides to move the driveway location after approval, a major amendment to the special use permit would be required and your client would have to go through this entire process again (and pay most of the same fees again).

Since the Village of Oswego has a large amount of control regarding the access and, indirectly, the uses at this property, your client might want to consider pursuing annexation to the Village of Oswego and negotiating a favorable annexation agreement.

Please advise as to how you would like to proceed.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Rod Zenner [<mailto:RZenner@oswegoil.org>]

Sent: Tuesday, March 15, 2022 9:26 AM



Attachment 17, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Meeting Minutes of February 23, 2022 - 7:00 p.m.

Vice Chairman Rodriguez called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson (Arrived at 7:03 p.m.), and Seth Wormley

Members Absent: Bill Ashton

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Miguel Angel Fernandez, Larson Family, Rusty Kamp, Robert Schwartz, Aaron Klima, Patti Bernhard, and Tom Green

PETITIONS

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier summarized the request.

In 2018, the Planning, Building and Zoning Department started investigating a landscaping business operating at the subject property without a special use permit. On February 23, 2021, the court imposed a fine of Thirty-Two Thousand, Eight Hundred Dollars (\$32,800) against the Petitioners for operating a landscaping business without a special use permit, installing the southern driveway without a permit, Junk and Debris Ordinance violations, and related court costs. The discovery of assets portion of the case has been continued with the hope that the Petitioners will apply for the applicable special use permit and variance.

The Petitioners purchased the property in 2018.

On December 9, 2021, the Petitioner submitted the necessary application for a special use permit for a landscaping business, a variance to allow a landscaping business on a non-State, County or Collector roadway as defined by the Kendall County Land Resource Management Plan, and a variance to allow the southern driveway to be within five feet (5') of the side yard property line.

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

The property is located at 1038 Harvey Road.

The property is approximately three (3) acres.

The existing land use is Single-Family Residential.

The Future Land Use Map calls for the area to be Suburban Residential (Max 1.0 DU/Acre). Oswego's Future Land Use Map calls for the area to be Industrial.

Harvey Road is classified as a Collector by the Village of Oswego in this area and is not classified as such in the Land Resource Management Plan.

There are no trails planned in the area.

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There are no floodplains or wetlands on the property.

The adjacent land use are Comed Right-of-Way, Industrial, Stormwater Pond, and Single-Family Residential.

The adjacent properties are zoned R-2, M-1, and M-2 by the Village of Oswego.

Oswego's Future Land Use Map calls for the area to be Agricultural, Single-Family Residential, and Light Industrial.

The zoning districts within one half (1/2) mile are A-1, A-1 SU, R-1, R-3, B-3, B-3 SU, and M-1 in the County and R-1, R-2, R-4, B-3, M-1, and M-2 inside the Village of Oswego.

Oswego East High School is located within one half (1/2) mile of the property.

The A-1 special use permits to the north are for a landscaping business and a cemetery. The B-3 special use permit to the east is for a watchman's quarters.

EcoCAT Report was submitted on December 9, 2021, and consultation was terminated.

The LESA Score was 124 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2021.

Petition information was sent to the Village of Oswego on December 22, 2021.

Petition information was sent to the Oswego Fire Protection District on December 22, 2021.

ZPAC reviewed the proposal on January 4, 2022. The Petitioners' Attorney requested the start date for the business to be changed from April 1st to March 1st of each year. Discussion occurred regarding annexing the property into the Village of Oswego; the Petitioners' Attorney did not know why the Petitioners had not pursued annexation. The Petitioners' Attorney reiterated that no members of the public would be invited onto the property and no retail sales of landscaping materials would occur. Discussion occurred regarding the reasons why the Petitioner had not applied for proper zoning despite citation and court action. The Petitioners' Attorney indicated the Petitioners were agreeable to the proposed conditions provided the start dates was moved to March 1st. ZPAC recommended approval of the special use permit with the conditions proposed by Staff with an amendment to move the start of the operating season to March 1st by a vote of five (5) in favor and two (2) in opposition with three (3) 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 zoned 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 and the variance to the requirement to be located on a State, County or Collector Highway, the above conditions have been met.

According to the business plan, the business has four (4) employees. Employees arrive at the property at approximately 6:30 a.m., go to work sites, and return to the property and leave to go home by 7:00 p.m. No information was provided regarding days of operation. The business would operate between March 1st and Thanksgiving. Business equipment presently consists of three (3) trucks.

The landscaping business area on the southwest corner of the site will be of gravel and will be approximately thirteen thousand, two hundred fifty (13,250) square feet in size. If there is a motor vehicle or equipment related leak, the area impacted gravel will be removed and replaced with clean gravel.

One (1) one (1) story, approximately two thousand nine hundred (2,900) square foot house, constructed in 1955 with a two (2) story garage is located on the property. There is also one (1) approximately two hundred forty-five (245) square foot frame shed on the property near the landscaping storage area. There is also one (1) chicken coop and one (1) additional shed on the northeast corner of the property not associated with the landscaping business. The picture of the house was provided.

According to the landscaping plan, the Petitioners plan to install open storage areas, one (1) for grass and brush clippings at twenty feet wide by approximately one hundred twenty feet in depth (20' X 120'), one (1) for mulch, and one (1) for sand. There would also be storage areas for brick pallets. No information was provided on the dimensions for the storage areas for mulch, sand, and brick pallets. There would also be four (4) truck storage areas measured at fifteen feet wide by twenty-eight feet in depth (15' X 28'). According to the business plan, no piles of materials would exceed three feet (3') in height.

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

Per the site survey, the property is served by a septic system. No information was provided regarding a well.

No employees or customers would use restroom or water facilities on the property.

One six foot by five foot (6' X 5') dumpster was shown on the landscaping plan in the landscaping business area.

The property drains to the southeast and northeast.

Per the survey and landscaping plan, the house is served by an existing driveway with two (2) access points off of Harvey Road. One (1) twenty foot (20') wide gravel driveway provides access from the landscaping storage area to Harvey Road; this access was installed without proper permits and will need to secure applicable permits. The southern driveway is also too close to the side yard property line and will need a variance. A picture of the southern driveway was provided.

The Village of Oswego provided information regarding driveway standards; this information is included as part of an email which was provided.

According to the plat of survey, the Petitioners plan to have two (2) parking spaces and one (1) handicapped accessible parking space to the west of the garage. The parking spaces will be of brick pavers.

The plat of survey shows two existing light poles. Existing lighting is used for residential purposes only. The Petitioners are not proposing any additional lighting.

The Petitioners were not proposing any business related signage.

The landscaping plan shows one (1) solid fence eight feet (8') in height along the east, west, and south sides of the landscaping business area. One (1) security gate is also shown on the landscaping plan.

The landscaping plan shows three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property. No information was provided regarding the vegetation along the southern property line. A picture of the landscaping was provided. The vegetation along the southern property line can be seen in the picture of the southern driveway. The Village of Oswego also requested landscaping in their email, but did not provide details on type or nature of landscaping.

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

If approved, this would be the nineteenth (19th) special use permit for a landscaping business in unincorporated Kendall County.

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the site is developed in accordance with the submitted site plan and provided a variance is granted regarding the location of the driveway, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. Conditions may be placed in the special use permit ordinance to address hours and seasons of operation.

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 the Village of Oswego approves the new access point for the southern driveway and if a variance is granted for the location of the southern driveway, then adequate points of ingress and egress will be provided. The owners of the business allowed by the special use permit have agreed not pile materials in excess of three feet (3') in height.

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

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

The proposed Findings of Fact for the variances were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. There are no topographic conditions or other outstanding conditions not caused by the Petitioner that created a particular hardship or difficulty upon the owner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It is unknown the exact number of A-1 zoned properties that could ask for similar variances. There are no unique conditions that caused the driveway to be located on the southern property line. The Village of Oswego defines Harvey Road as a Collector while the Kendall County Land Resource Management Plan does not define Harvey Road as a Collector; it is unique to have this difference in classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners created the hardship by installing the driveway without proper permits and operating the business at the subject property. The owners were not responsible in the differences in classification for Harvey Road.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, provided the Village of Oswego grants access to Harvey Road at the location shown on the landscaping plan.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Allowing the driveway to be on the property line and allowing the business to operate on a non-State, County, or Collector Highway will not impair any of the above items.

Staff believed that a landscaping business could operate at the subject property with reasonable restrictions. However, Staff had concerns, given the Petitioners’ previous behavior, that reasonable restrictions will be followed. Staff believed the following conditions and restrictions are necessary for the operation of a special use permit at the subject property:

1. The site shall be developed substantially in accordance with the plat of survey and landscaping plan.
2. The existing house, garage, chicken coop, deck, swimming pool, and shed located on the northwest corner of the property shall be used for residential purposes only and shall be exempt from the site development conditions of the special use permit. The locations of these structures may change without requiring an amendment to the special use permit.
3. A variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance shall be granted allowing off-street parking and southern driveway to be no closer than zero feet (0') from the southern property line as shown on the landscaping plan. The driveway shall be a maximum of twenty feet (20') in width and shall be gravel.
4. A variance to Section 7:01.D.30.b of the Kendall County Zoning Ordinance shall be granted allowing the operation of a landscaping business at a property not located on and not having direct access to a State, County, or Collector highway as designed in the County's Land Resource Management Plan.
5. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the plat of survey. The parking area shall be brick pavers.
6. The owners of the business allowed by the special use permit shall maintain the landscaping business area on the southeast corner of the site as depicted on the landscaping plan. This area shall be gravel.
7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. Any new structures constructed or installed related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
9. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
10. 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.
11. 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.
12. 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 landscaping plan. The maximum height of the piles of landscaping related material shall be less than three feet (3') in height.
13. No signage advertising or promoting the business shall be installed on the subject property. The owner of the business allowed by this special use permit may install appropriate handicapped parking signs and other directional signs within the fenced landscaping business area as shown on the landscaping plan.
14. Three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property shall be installed and maintained on the property in substantially the locations shown on the landscaping plan. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

15. No landscape waste generated off the property can be burned on the subject property.
16. A maximum of four (4) 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.
17. 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.
18. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:30 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation. The business allowed by this special use permit may operate at the subject property starting March 1st and ending November 30th of each year.
19. 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.
20. 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.
21. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
22. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. 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.
24. 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.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

26. 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.

Miguel Angel Fernandez, Attorney for the Petitioner, requested that the special use permit and variances be approved.

Member Nelson asked why the Petitioner waited with applying for a special use permit. Mr. Fernandez responded that the Petitioner had heard from other landscaping businesses that a special use permit was not required and other landscaping businesses were operating without such permits. Mr. Asselmeier requested the names and addresses of the landscaping businesses operating without special use permits. Mr. Fernandez was unable to provide this information.

Mr. Fernandez noted that the Petitioner was not fluent in English and had tried to get a Spanish speaking zoning attorney. The Petitioner used a different attorney previously.

Member Nelson requested a history of the investigation at the property. Mr. Asselmeier provided a history of the investigation at the property.

Member Wilson asked why the Petitioner had not attended court when the fine was set. Mr. Fernandez did not know why the Petitioner was absent from court.

Vice-Chairman Rodriguez told a story about getting bitten by a dog as child. He also discussed his interactions with another landscaping business that had gone through the special use process.

Member Nelson expressed concerns about the Petitioner not following the conditions in the special use permit. He felt that County resources would be wastefully spent if the special use permit was approved and if the County had to constantly take the Petitioner to court.

Discussion occurred the need for an access permit from the Village of Oswego for the southern driveway. Member Nelson expressed concerns that the Village could require the driveway location be altered and the could cause the Petitioner to have to seek an amendment to the special use permit in the future. Mr. Fernandez stated that the Petitioner had not been aware of this requirement until the previous day. Mr. Asselmeier noted that the email from the Village of Oswego had been in the packet for the ZPAC meeting.

Discussion occurred about requiring the Petitioner to pay a bond or portion of the fine prior to the issuance of the special use permit. The consensus was that this type of requirement was not allowed by law.

Member Nelson made a motion, seconded by Member Wilson, to table the Petition until the Petitioner provided proof of approval of an access permit by the Village of Oswego and, if necessary, provided an updated site plan showing changes to the driveway as required by the Village of Oswego in order to obtain the access permit.

The votes were as follows:

Ayes (8): Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley
Nays (0): None
Absent (1): Ashton
Abstain (0): None

The motion carried.

This proposal will return to the Commission's agenda after the requested documents are provided.

CITIZENS TO BE HEARD/PUBLIC COMMENT

A representative of the Larson Family requested to know the time of the April 27, 2022, Commission meeting. The meeting will be at 7:00 p.m.

ADJOURNMENT

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


The Kendall County Regional Planning Commission meeting adjourned at 8:45 p.m.

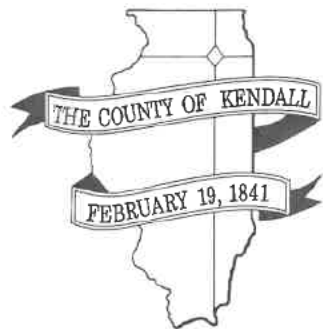
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
FEBRUARY 23, 2022**

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)
Tom Green		
Patti Bernhad		
Miguel Angel Fernandez		
Lamar Family		
Kathy Kemp		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

October 11, 2018

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 1038 Harvey Road, Oswego, IL (P.I.N. #: 03-12-100-004). It has come to our attention that you are operating a landscaping business at the subject property which is zoned A-1 Agricultural District under the Kendall County Zoning Ordinance.

According to Section 7.01.D.28 of the Kendall County Zoning Ordinance, landscaping businesses require a special use permit to operate in the A-1 Agricultural District and landscaping businesses are required to be located on a State, County, or Collector Highway as defined by the Kendall County Land Resource Management Plan. Harvey Road does not meet this criteria.

Please consider this your thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of applying for a special use permit and variance to lawfully operate a landscaping business at the subject property or ceasing operations of a landscape business at the subject property. Applications for a special use permit and variance are attached to this letter. Please respond to this letter in writing by the **November 10, 2018** deadline.

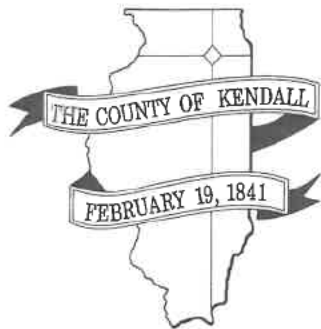
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Encs.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

November 14, 2018

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

You should have received a letter dated October 11, 2018, on this topic. According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 1038 Harvey Road, Oswego, IL (P.I.N. #: 03-12-100-004). It has come to our attention that you are operating a landscaping business at the subject property which is zoned A-1 Agricultural District under the Kendall County Zoning Ordinance.

According to Section 7.01.D.28 of the Kendall County Zoning Ordinance, landscaping businesses require a special use permit to operate in the A-1 Agricultural District and landscaping businesses are required to be located on a State, County, or Collector Highway as defined by the Kendall County Land Resource Management Plan. Harvey Road does not meet this criteria.

Please consider this your second thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of applying for a special use permit and variance to lawfully operate a landscaping business at the subject property or ceasing operations of a landscape business at the subject property. Applications for a special use permit and variance are attached to this letter. Please respond to this letter in writing by **December 14, 2018**. **Please be advised that failure to respond to this letter by the deadline date could result in additional legal action against you.**

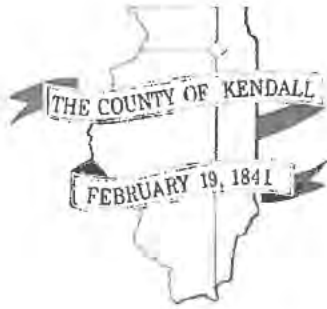
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Encs.



CODE ENFORCEMENT INVESTIGATION REPORT
DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Date

5/13/19

Violation #

19-049

Address of Violation:

1038 Harvey Road

City & Zip:

Oswego 60543

Subdivision:

Unit

Lot

Parcel Number:

03-12-100-004

Zoning:

A7

Owner or Tenant:

Jose + Silvia Martinez

"

Description of Complaint:

Junk + Debris

Driveway + Parking Area - No Permit
 Operation of a Landscape business

Complainant's Name



Contact Info:

Inspector

BLH

Date 5/13/19

Field Notes

Driveway + Parking Area - No Permit (Ordinance 2014-07)

Landscape Business Prohibited in A-7 zone Special Use Permit Required (2013 Ordinance 7.01)

Junk + Debris (Ordinance)

Photos Taken?

☒ Yes

No

Section of Applicable Code

(See Field Notes)

NOTES:

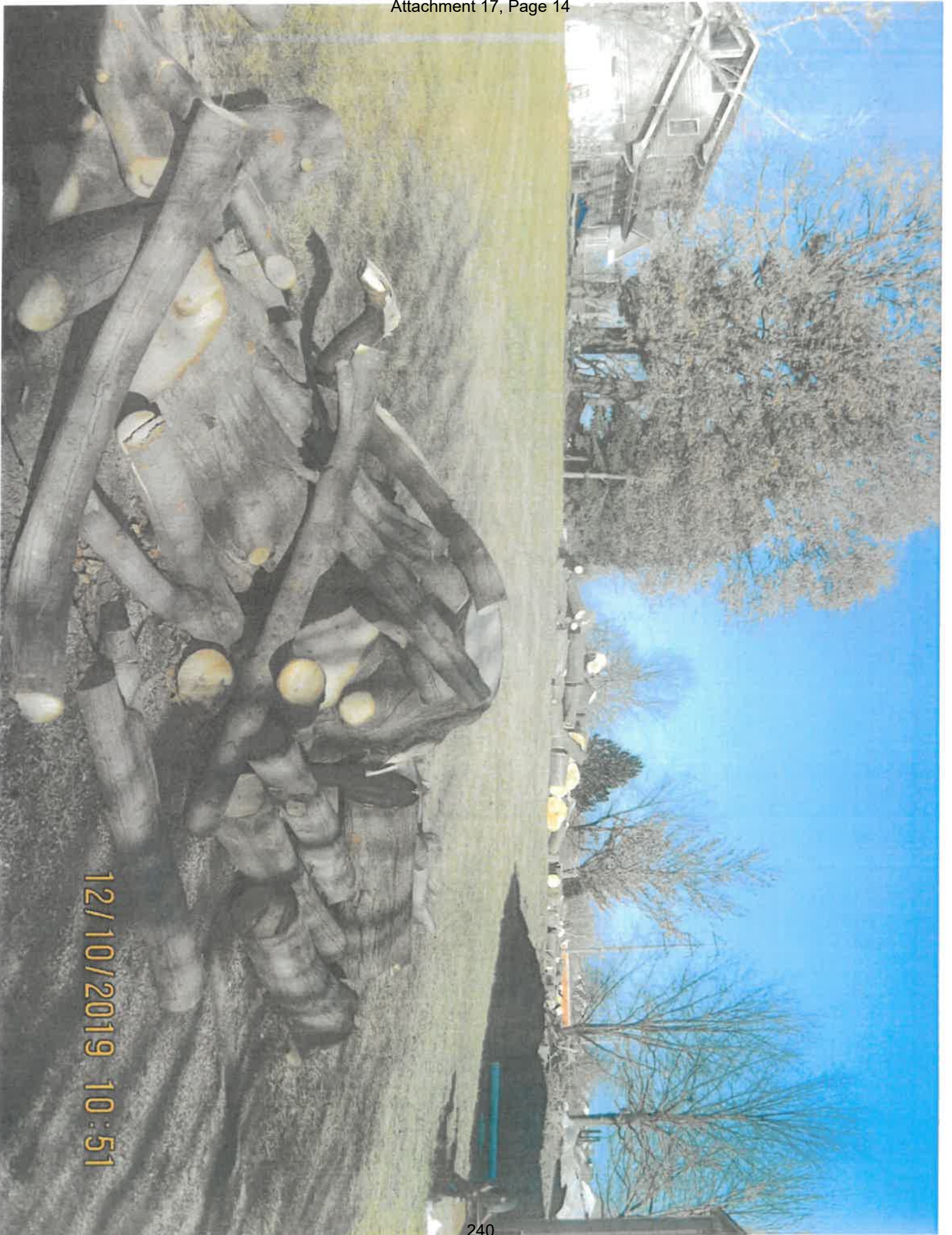
1st Notice 5/14/19

9/17/19 Left Message

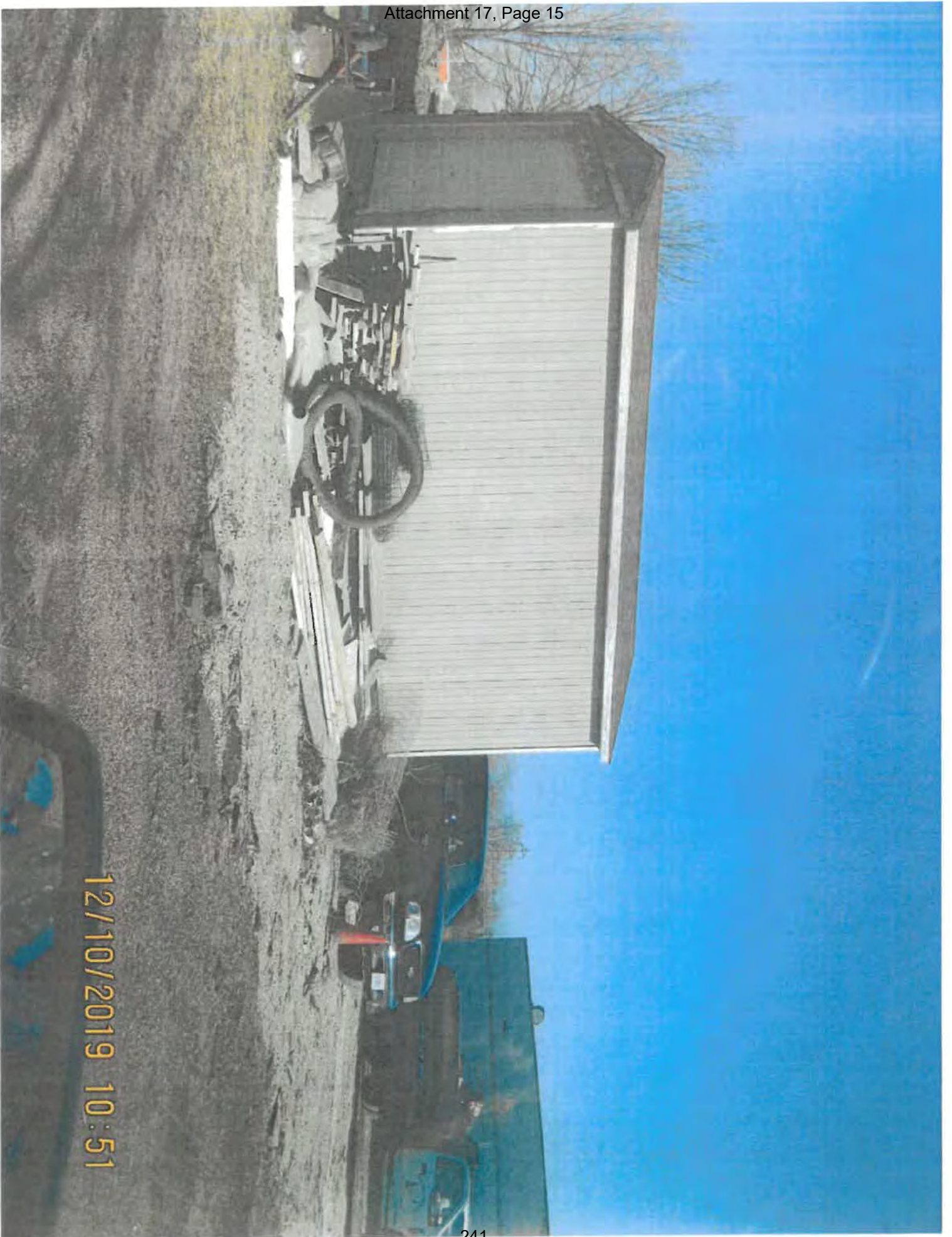
2nd Notice 6/3/19

F/U 8/1/19

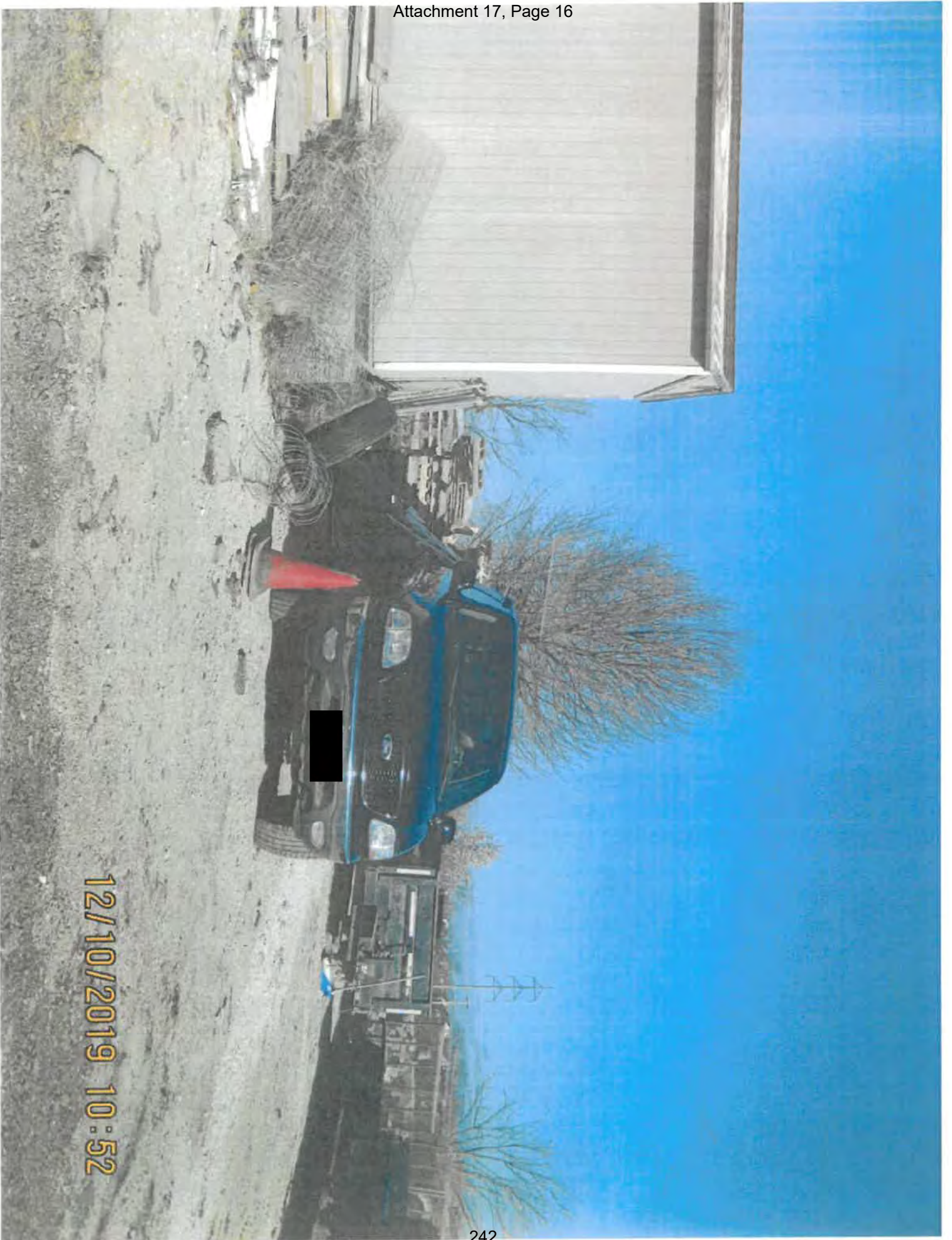
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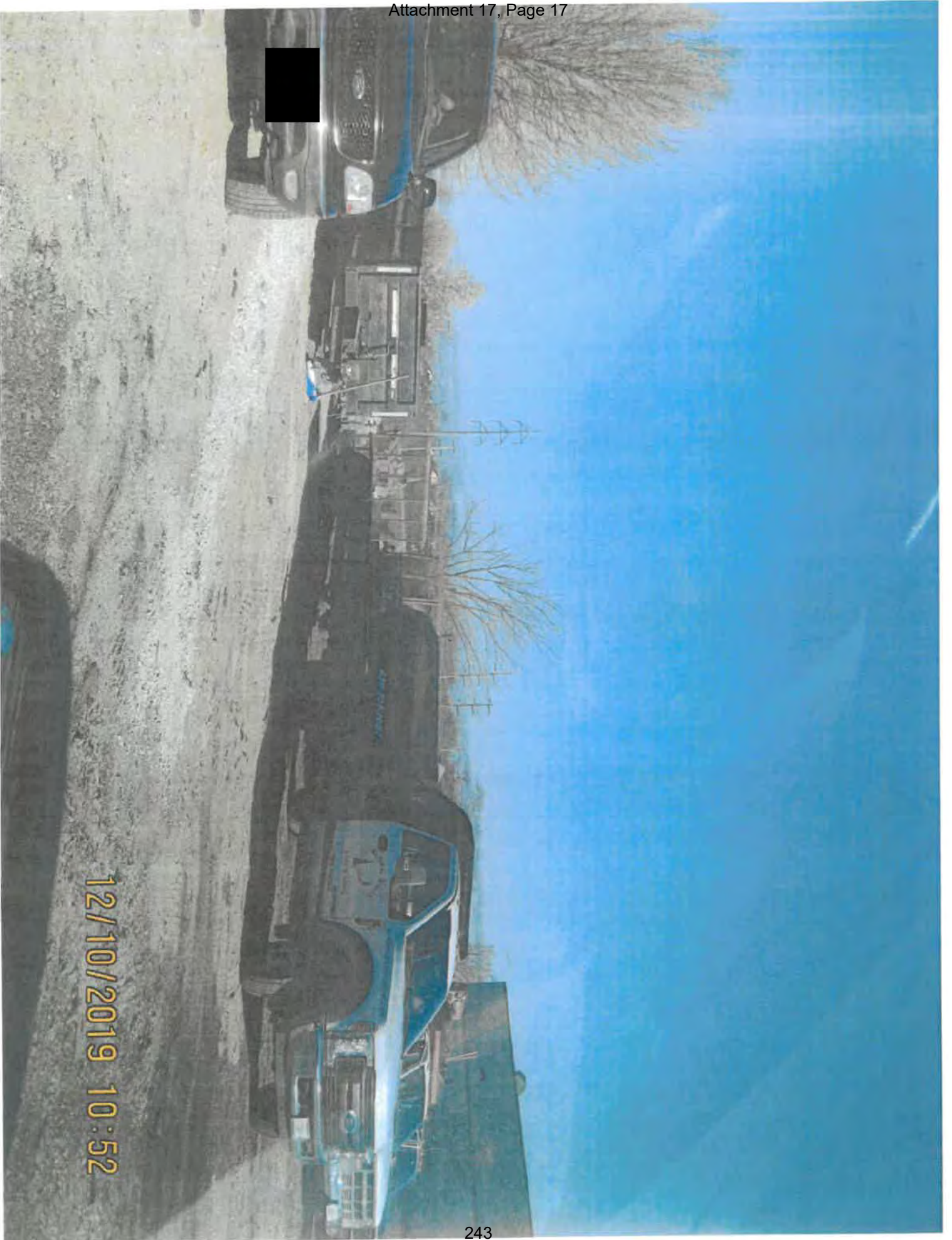
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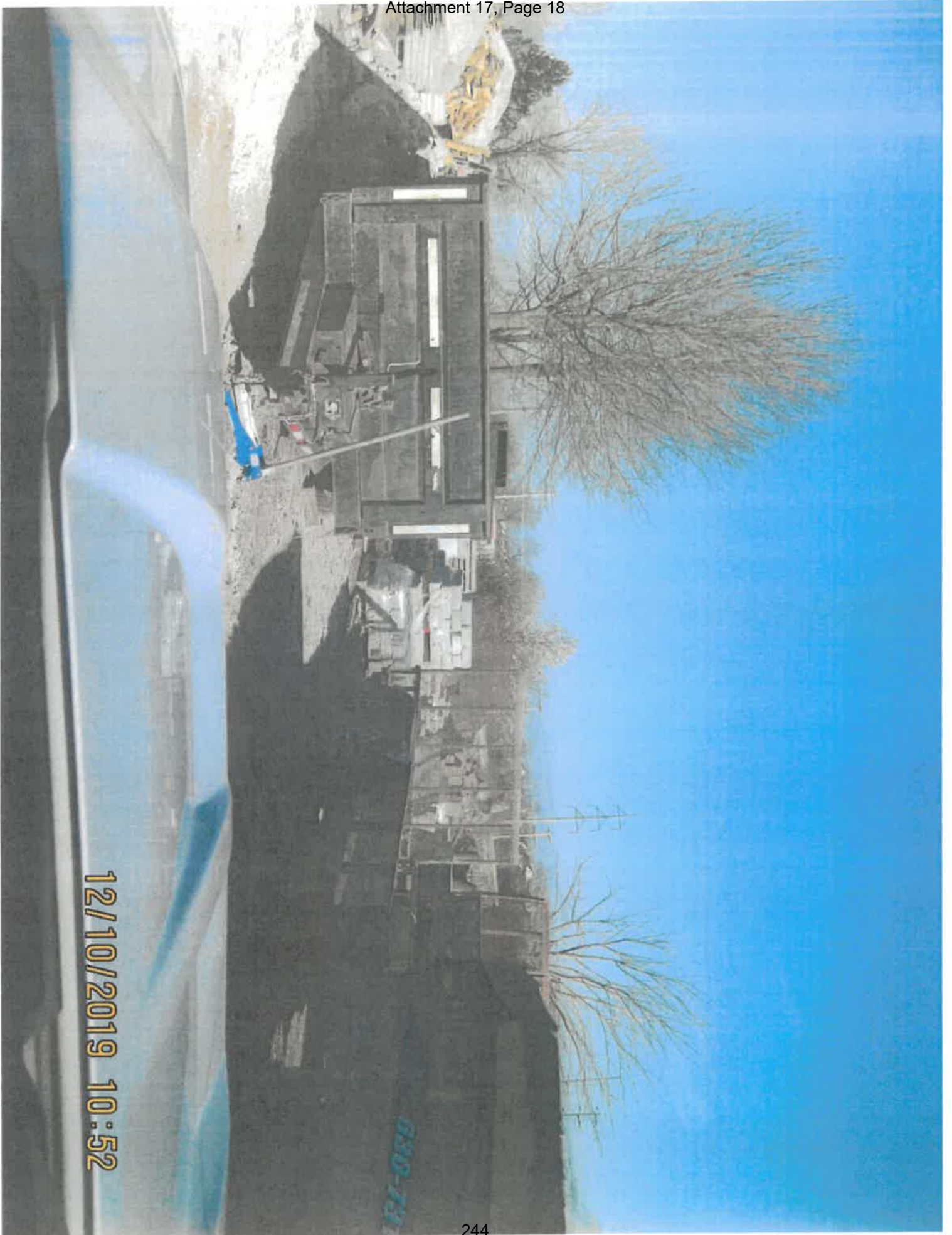


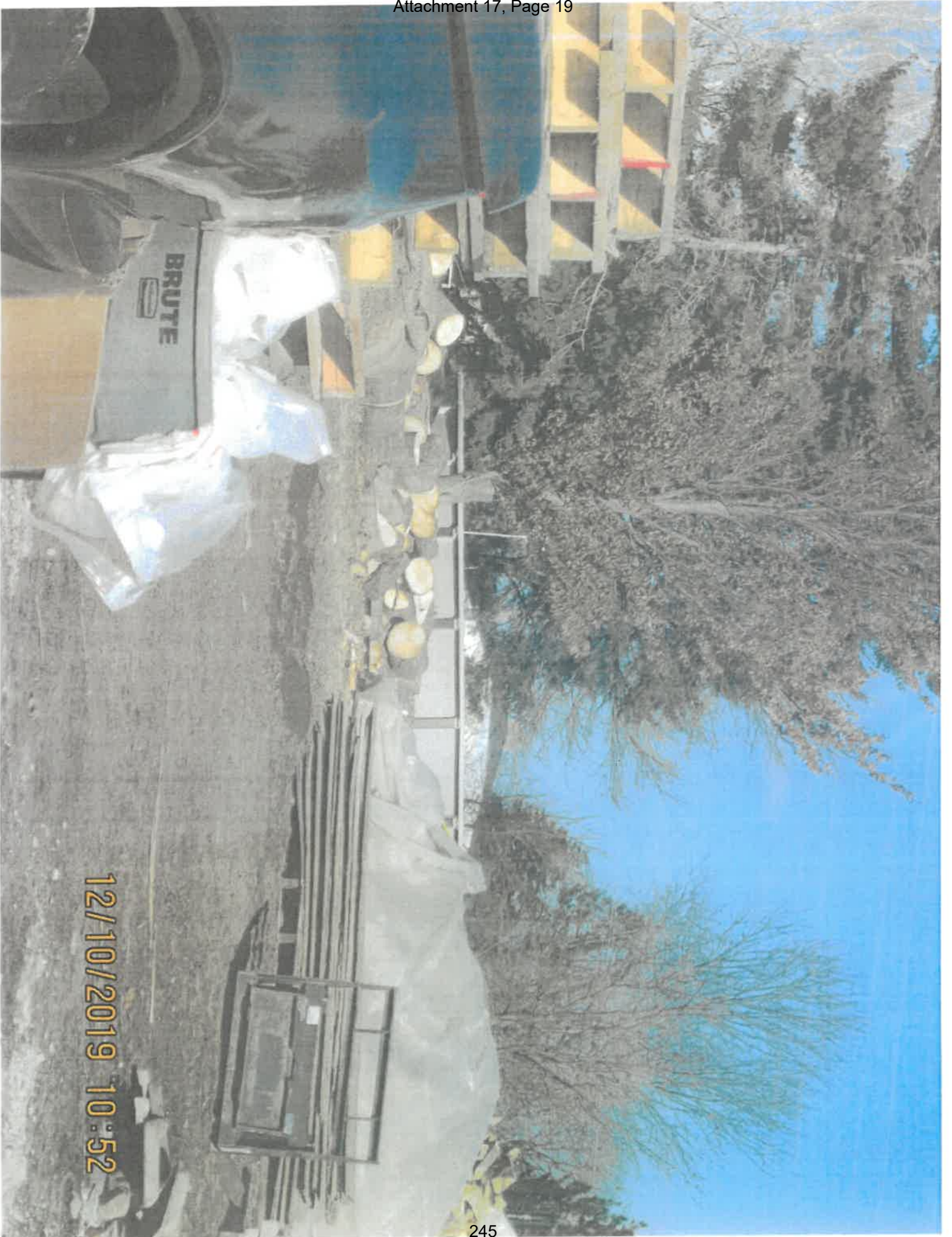
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12/10/2019 10:52





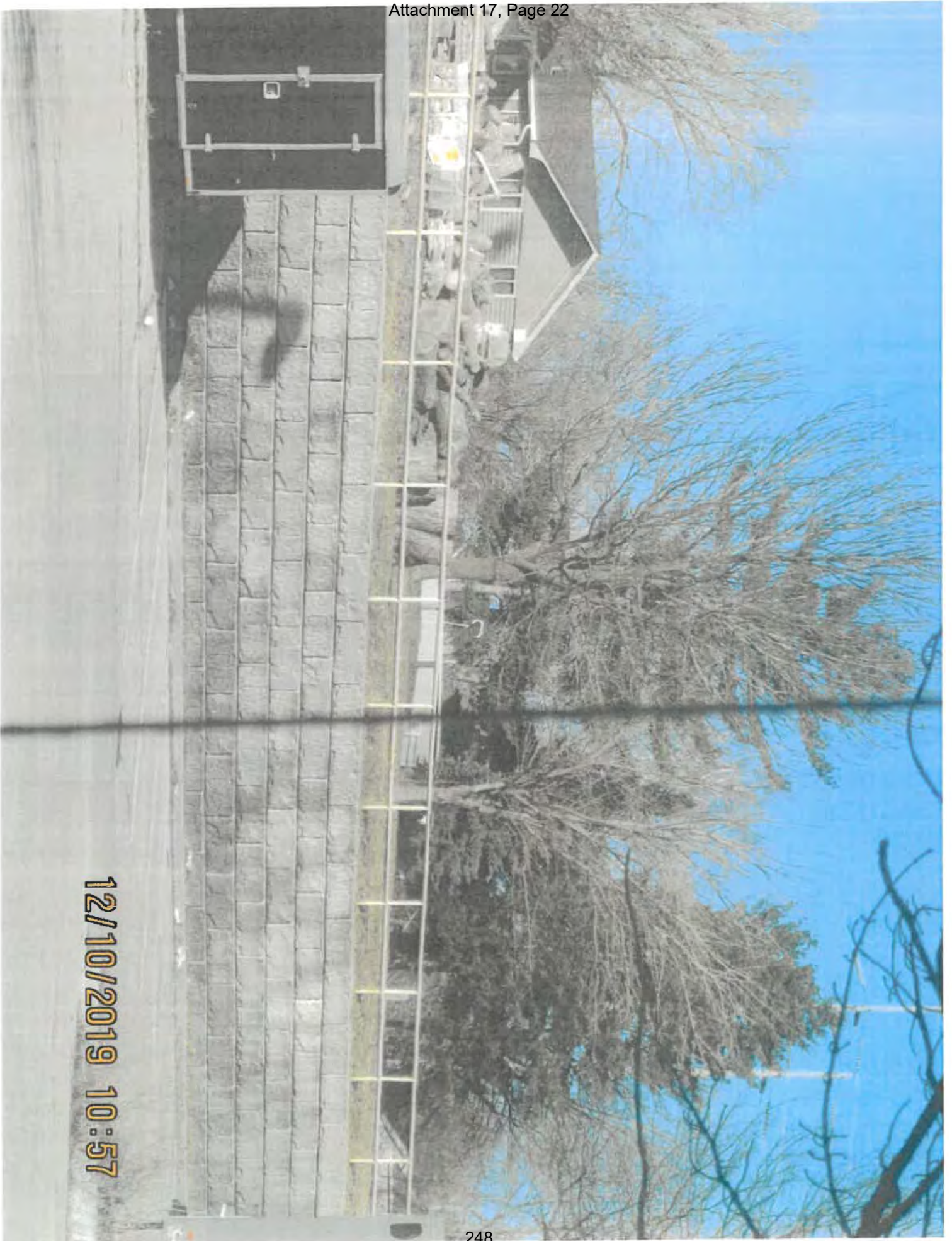




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09/19/2019 10:21

09/19/2019 10:21





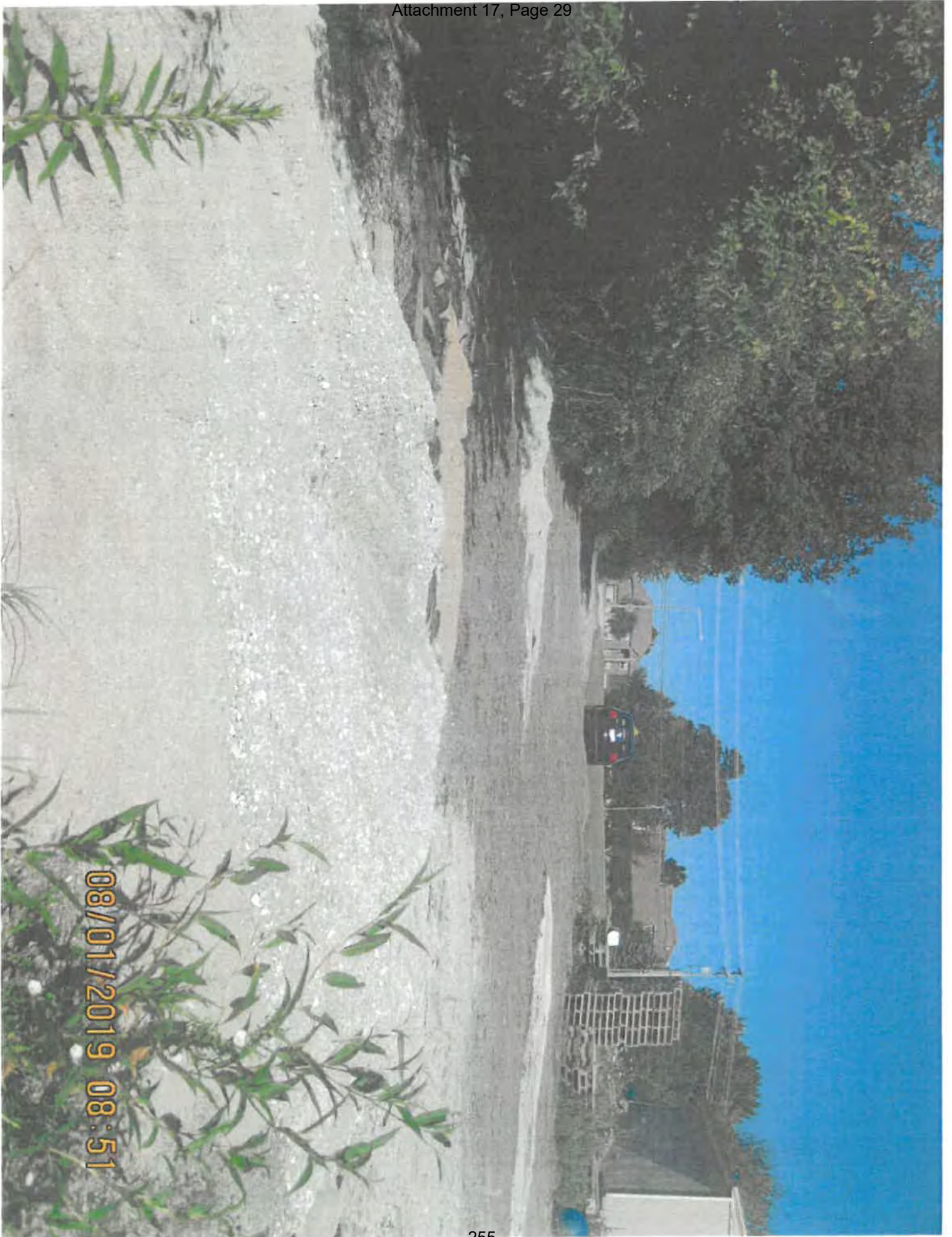
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09/19/2019 10:19



09/19/2019 10:17



08/01/2019 08:51



08/01/2019 08:51



08/01/2019 08:51



08/01/2019 08:51

06/27/2019 12:38



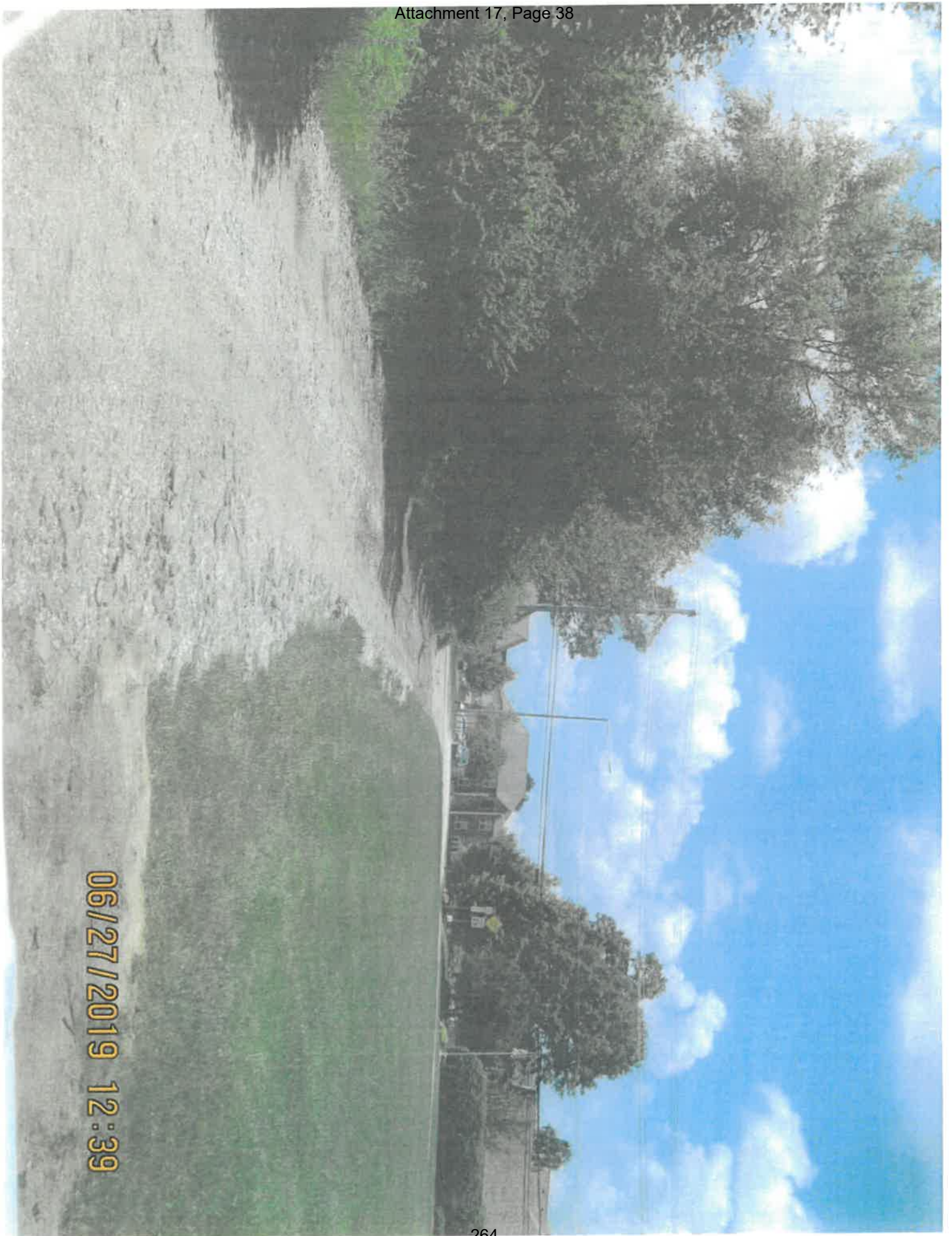
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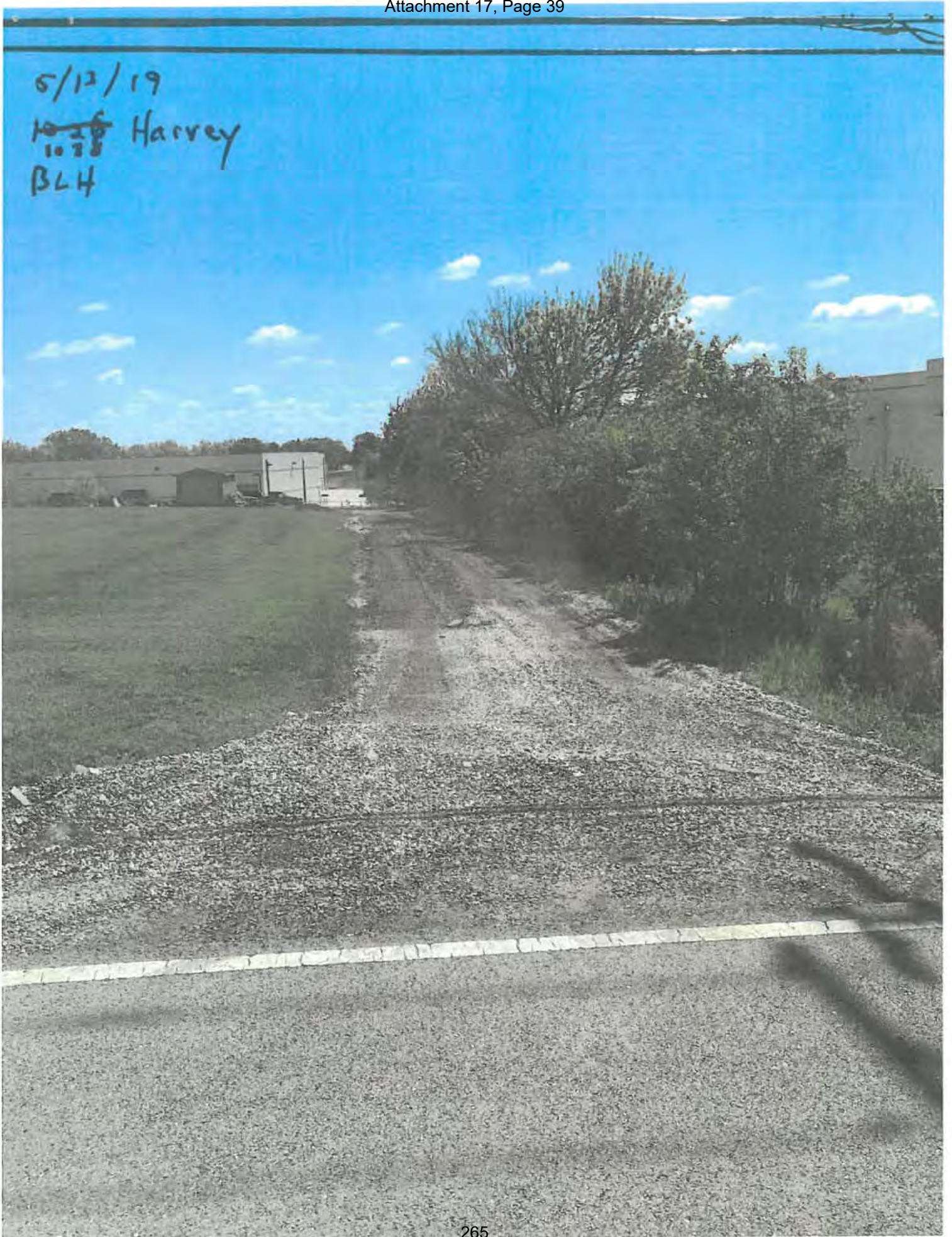
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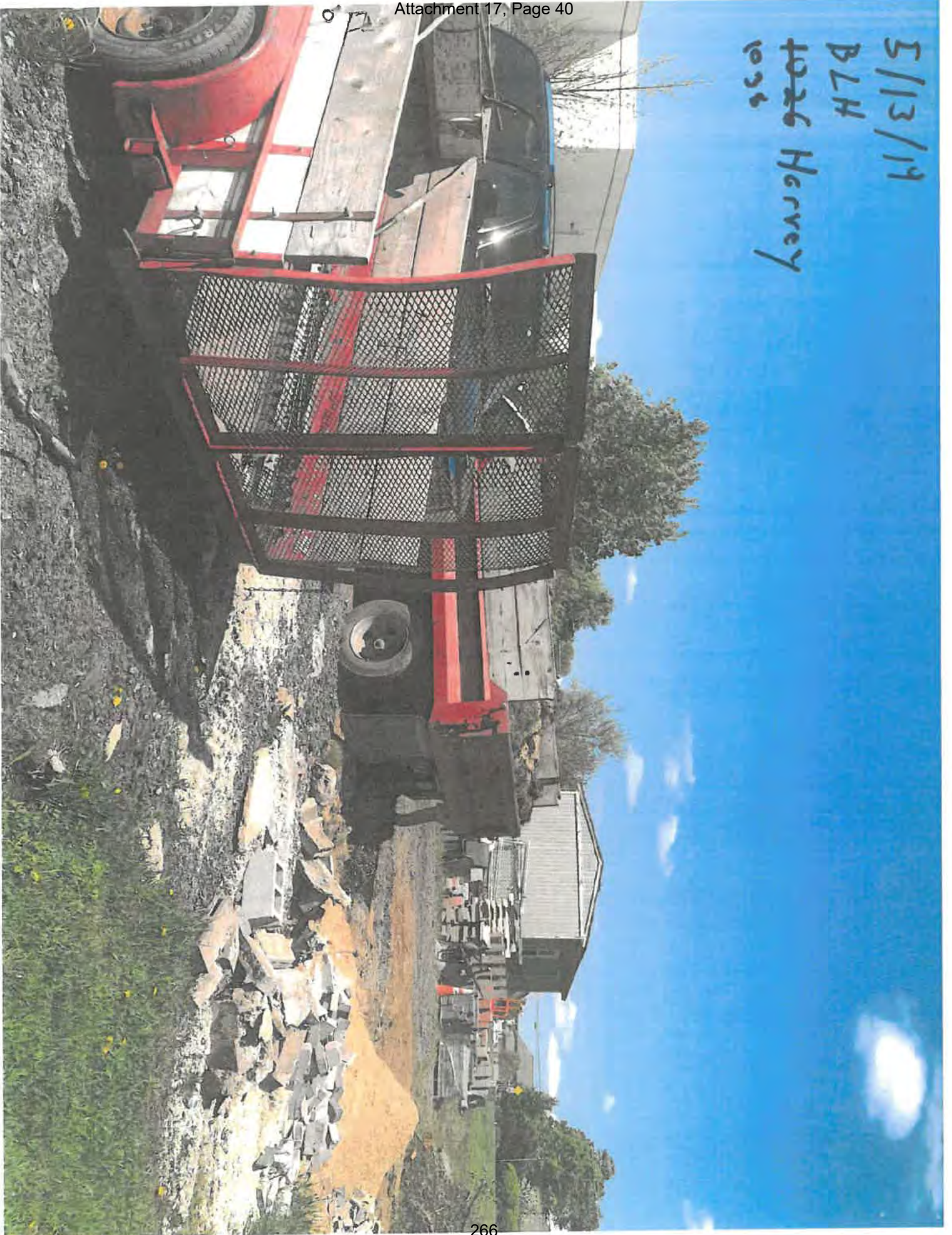


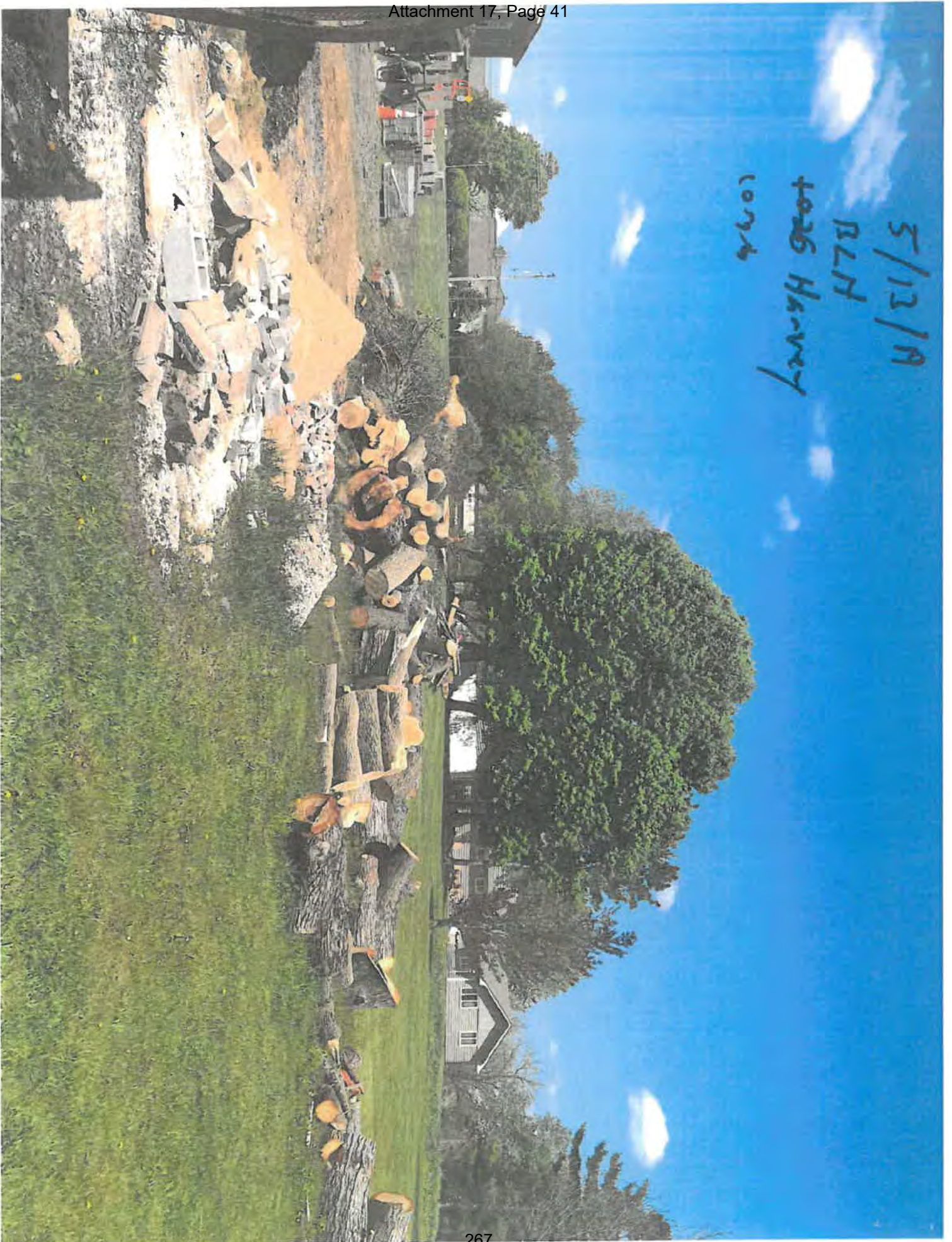


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5/13/19
BLH
~~1026~~ Hervey
1036



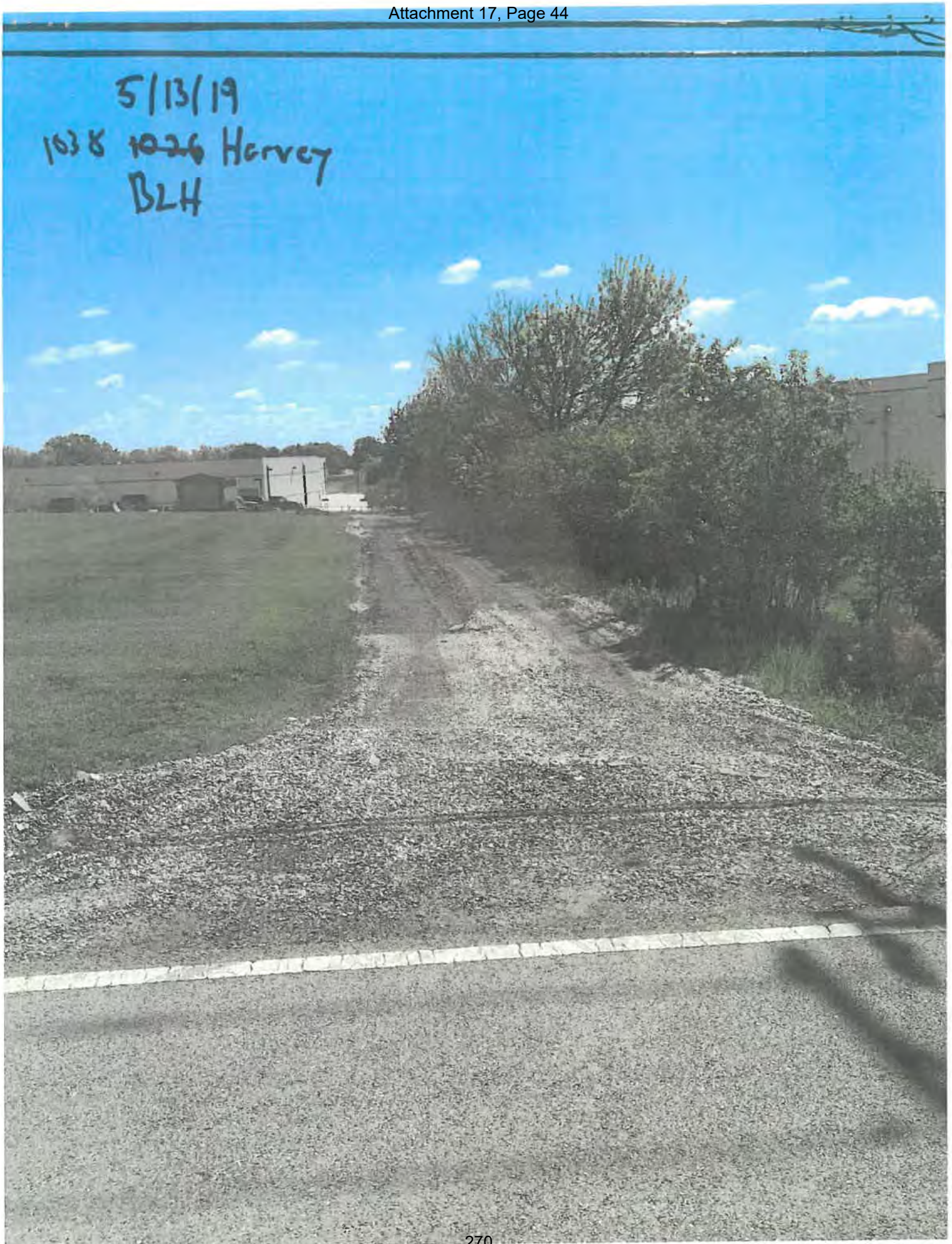


5/12/19
BLH
4026 Harvey
10074



5/12/19
1038 10-26 Henry
BLH





Attachment 17, Page 45
Kendall County Planning, Building and Zoning

(630) 553-4141

05/15/2019

MARTINEZ JOSE A & SILVIA
1038 HARVEY RD
OSWEGO, IL 60543-

Violation # 19049

Parcel # 03-12-100-004
1038 HARVEY RD
OSWEGO, IL 60543 -

It is often easy in our busy schedule to overlook the condition of our property. We sometimes do not even realize that an ordinance requiring safety procedures may be in effect.

In an effort to prevent problems, your County Board Members have passed ordinances which require certain procedures to be followed in an effort to protect the well being and health of the citizens of Kendall County. An Inspection of your property conducted as of this date revealed the following violation:

MULTIPLE ZONING VIOLATIONS:

DRIVEWAY AND PARKING AREA - NO PERMIT - ORDINANCE 2014-07
LANDSCAPE BUSINESS PROHIBITED IN A-1 ZONING - ORDINANCE 7.01
SPECIAL USE PERMIT REQUIRED

Since most residents are not aware of such code violations, the County allows the property owner a fourteen (14) day period in which to correct this situation. Please contact our office by Wednesday, May 29, 2019.

Kendall County can only continue to prosper through its citizen's positive attitude towards home, neighborhood, and community. Your prompt attention and cooperation in this matter would be appreciated. Should you have any questions, please contact this office at the above number.

If said violation is not corrected, this matter will be forwarded to the Kendall County States Attorney's Office for prosecution and the possible imposition of fines.

Sincerely,



Kendall County Planning, Building & Zoning

Attachment 17, Page 46
Kendall County Planning, Building and Zoning

(630) 553-4141

06/04/2019

MARTINEZ JOSE A & SILVIA
1038 HARVEY RD
OSWEGO, IL 60543-

Violation # 19049

Parcel # 03-12-100-004
1038 HARVEY RD
OSWEGO, IL 60543 -

The attached letter was sent to you recently. As of today's date, the following violation still exists:

MULTIPLE ZONING VIOLATIONS:
DRIVEWAY AND PARKING AREA - NO PERMIT - ORDINANCE #2014-07
LANDSCAPE BUSINESS PROHIBITED IN A-1 ZONING - ORDINANCE #7.01
SPECIAL USE PERMIT REQUIRED
JUNK & DEBRIS VIOLATION - ORDINANCE #19-12

Failure to correct this violation will require us to refer this violation to the Kendall County States Attorney's Office for the appropriate legal action. Please contact our office on or before Friday, June 14, 2019.

Sincerely,



Kendall County Planning, Building & Zoning



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROCKFORD, ILLINOIS 61101-1495
(630) 553-4141 • FAX (630) 553-4179

June 18, 2019

Jose A and Silvia Martinez

1038 Harvey Road

Oswego IL 60543

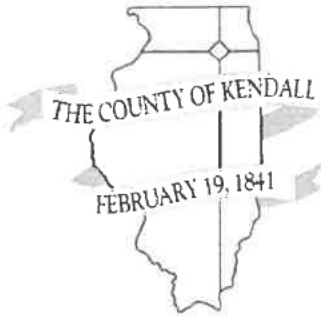
RE: Final Notice of Violations #19-049 and #18-077

Please call (630)553-4134 to schedule an inspection or a request for prosecution will be sent to the Kendall County Planning, Building and Zoning Committee.

Respectfully,

Brian Holdiman

Kendall County Code Official



PLANNING, BUILDING & ZONING DEPARTMENT

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

630-553-4141 • FAX 630-553-4179

October 23, 2019

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL. 60543

Re: Violation #: V19-049
Parcel #: 03-12-100-004

You were notified on 5/15/2019, 6/4/2019 and 6/18/2019 of the following violations on your property:

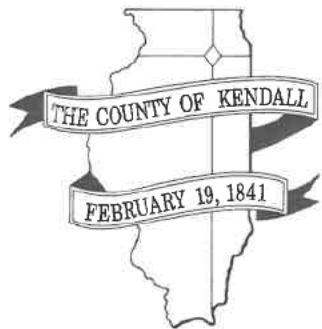
- Driveway and Parking pad installed without required permit
- Above ground swimming pool installed without required permit
- Storage of Junk & Debris
- Landscape Business operating on site without a Special Use Permit

This matter has been referred to the Kendall County Planning, Building and Zoning Committee with request to the Kendall County States' Attorney for prosecution and collection of fines and/or penalties. We will notify you of the date of the meeting that this issue will be discussed. If you want to achieve compliance voluntarily, please contact our office and apply for required permits.

Respectfully,

A black rectangular box redacting the signature of Brian Holdiman.

Brian Holdiman
Kendall County Code Official



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

January 8, 2020

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

The Kendall County Planning, Building and Zoning Committee will be discussing an alleged violation to the County's Zoning Ordinance on your property at 1038 Harvey Road at their meeting on January 13, 2020, at 6:30 p.m., in the County Board Room at 111 W. Fox Street in Yorkville. The Committee could refer this matter to the Kendall County State's Attorney's Office for further legal action.

You can avoid additional action on this case by resolving the violations stated in the October 23, 2019, June 18, 2019, June 4, 2019, and May 5, 2019, letters to you.

Please direct any correspondence on this matter to me at 630-553-4139 or masselmeier@co.kendall.il.us. Thank you in advance for your cooperation in this matter.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Approval to Forward to the State's Attorney's Office Violations of the Building Code (Driveway and Parking Pad Installed Without a Permit and Above Ground Swimming Pool Installed Without a Permit) and Violation of the Zoning Ordinance (Operating a Landscaping Business on A-1 Zoned Property Without a Special Use Permit) at 1038 Harvey Road (PIN 03-12-100-004) in Oswego Township

Mr. Asselmeier provided information on this case.

Member Gilmour made a motion, seconded by Member Kellogg, to approve forwarding the case to the State's Attorney's Office. With a voice vote of four (4) ayes, the motion carried.

Update on 45 Cheyenne Court

The Committee reviewed updated pictures of the property and requested Staff to push the State's Attorney's Office for enforcement on this case.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier stated the Historic Preservation Commission was accepting nominations for historic preservation awards and the Commission would hold a meeting with other historic preservation groups on February 19th at Chapel on the Green. The Commission continues to review the Historic Preservation Ordinance.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

Mr. Asselmeier reported that the United City of Yorkville was considering changing their Future Land Use Map for properties along Eldamain Road.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Kellogg made a motion, seconded by Member Gengler, to adjourn. With a voice vote of four (4) ayes, the motion carried. Chairman Prochaska adjourned the meeting at 7:28 p.m.

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

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF KENDALL

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

COUNTY OF KENDALL, ILLINOIS,

Plaintiff,

vs.

Gen. No.

20 CV 3

JOSE A. MARTINEZ and SILVIA MARTINEZ,

Defendants.

COMPLAINT &

NOTICE TO APPEAR

ORDINANCE VIOLATION CHARGING DOCUMENT1. **Prosecuting Entity:** Kendall County State's Attorney Office.2. **Defendant Information:**

Name:	Jose A. Martinez and Silvia Martinez			
Address:	Street	City	State	Zip
	1038 Harvey Road	Oswego	IL	60543

3. **Time and Location of Violation:**

Location:	Street	City	State	Zip
	1038 Harvey Road	Oswego	IL	60543
Property P.I.N.: (if applicable)	03-12-100-004 03-12-100-013	Date(s) of Violation:	5/13/2019-2/26/2020	

4. **Ordinance Violation:**

Alleged Violation:	Constructing a driveway and parking area without obtaining the required permit	Ordinance Citation:	Kendall County, Ill. Building Code Ordinance 2014-07
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5. **Factual Allegations:**

On or about May 13, 2019 and February 26, 2020, the Kendall County Planning, Building, and Zoning Department ("Department") conducted an inspection of the above-identified property. At that time, the Department discovered a violation of the above-identified Ordinance ("Violation"). Specifically, the Department observed the following:

Defendants allowed the construction of a driveway and parking area on their property without obtaining a permit from the Department.

6. **Prayer for Relief:** Wherefore, the County of Kendall prays for the following:

- Defendant be found Guilty of the above-identified ordinance violation;
- A judgment be entered in an amount up to \$1,000.00 for the initial violation and up to \$1,000.00 for each day the violation continues beyond the initial violation, plus all applicable court costs and fees; and
- All other relief the Court deems just and proper.

7. **Notice to Defendant:**

You are required to **APPEAR IN COURT** on March 24, 2020, at 8:30 a.m. in courtroom 114 of the Kendall County Courthouse, 807 W. John Street, Yorkville, Illinois 60560. You may demand a jury trial by filing a jury demand and paying a jury demand fee when entering your appearance, plea, answer to the charge, or other responsive pleading. A **default judgment** in the amount up to \$1,000.00 for the initial violation and up to \$1,000.00 for each day the violation continues beyond the initial violation may be entered in the event you fail to appear in court or answer the charge made on the date set for your court appearance or any date to which the case is continued. An **arrest warrant** may issue if you fail to appear at any hearing.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


 Brian Holdiman
 Code Official

Kendall County Planning, Building, and Zoning Department

Date: 2/27/20

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF KENDALL

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT

COUNTY OF KENDALL, ILLINOIS,

Plaintiff,

vs.

Gen. No. 20 CV 4

JOSE A. MARTINEZ and SILVIA MARTINEZ,

Defendants.

COMPLAINT &
NOTICE TO APPEAR**ORDINANCE VIOLATION CHARGING DOCUMENT**1. **Prosecuting Entity:** Kendall County State's Attorney Office.2. **Defendant Information:**

Name:	Jose A. Martinez and Silvia Martinez			
Address:	Street 1038 Harvey Road	City Oswego	State IL	Zip 60543

3. **Time and Location of Violation:**

Location:	Street 1038 Harvey Road	City Oswego	State IL	Zip 60543
Property P.I.N.: (If applicable)	03-12-100-004 03-12-100-013	Date(s) of Violation:	5/13/2019-2/26/2020	

4. **Ordinance Violation:**

Alleged Violation:	Operating a landscaping business in Agricultural zoned property without a special use permit in violation of the Kendall County Zoning Ordinance	Ordinance Citation:	Kendall County, Ill. Zoning Ordinance Section 7.01D
--------------------	--	---------------------	---

5. **Factual Allegations:**

On or about May 13, 2019 and February 26, 2020, the Kendall County Planning, Building, and Zoning Department ("Department") conducted an inspection of the above-identified property. At that time, the Department discovered a violation of the above-identified Ordinance ("Violation"). Specifically, the Department observed the following:
At all relevant times, Defendants' property has been located in a district zoned Agricultural. Defendants allowed the operation of a landscaping business and the storage of related equipment on the property without obtaining a special use permit.

FEB 28 2020

6. **Prayer for Relief:** Wherefore, the County of Kendall prays for the following:

- Defendant be found Guilty of the above-identified ordinance violation;
- A judgment be entered in an amount up to \$500.00 for the initial violation and up to \$500.00 for each week the violation continues beyond the initial violation, plus all applicable court costs and fees; and
- All other relief the Court deems just and proper.

7. **Notice to Defendant:**

You are required to **APPEAR IN COURT** on March 24, 2020, at 8:30 a.m. in courtroom 114 of the Kendall County Courthouse, 807 W. John Street, Yorkville, Illinois 60560. You may demand a jury trial by filing a jury demand and paying a jury demand fee when entering your appearance, plea, answer to the charge, or other responsive pleading. A **default judgment** in the amount up to \$500.00 for the initial violation and up to \$500.00 for each week the violation continues beyond the initial violation may be entered in the event you fail to appear in court or answer the charge made on the date set for your court appearance or any date to which the case is continued. An **arrest warrant** may issue if you fail to appear at any hearing.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


 Brian Holdiman

Code Official

Kendall County Planning, Building, and Zoning Department

Date: 2/27/20

Brian Holdiman

From: James Webb
Sent: Wednesday, February 24, 2021 8:35 AM
To: Brian Holdiman
Cc: Scott Koeppel; Matt Asselmeier
Subject: RE: OV19-049 Martinez

The fines imposed were \$32,800 (\$9,350 for the driveway, \$9,350 for junk and debris, \$14,000 for the special use violation, and \$100 court costs). Because the sentence was imposed by default (i.e., Mr. Martinez failed to appear in court), he has 30 days to ask the court to vacate the fines and conduct a new sentencing hearing. Therefore, our office won't consider further collection action until that 30-day window has lapsed.

James A. Webb
Assistant State's Attorney
Kendall County, Illinois
807 W. John Street
Yorkville, Illinois 60560
630-553-4157

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From: Brian Holdiman
Sent: Wednesday, February 24, 2021 7:33 AM
To: James Webb <jwebb@co.kendall.il.us>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Matt Asselmeier <masselmeier@co.kendall.il.us>
Subject: OV19-049 Martinez

Jim,

I plan to close this ordinance violation case and then reinvestigate in 30 days if the owner has not applied for the driveway permit, special use permit or removed the junk and debris. Will you please send me the amount of the fines that were levied yesterday?

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

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
March 28, 2022 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

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

Members Absent: Scott Cherry

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

Others Present: Andrew R. Smith, Jeremy Dippold, and Mark Fecht

PETITIONS

The Zoning Board of Appeals started their review of Petition 22-01 at 7:10 p.m.

Petition 22 – 01 – Jose and Silvia Martinez

Request: Special Use Permit for a Landscaping Business, Variance to Section 7:01.D.30.b to Allow a Landscaping Business a Non-State, County, or Collector Highway as Defined by the Kendall County Land Resource Management Plan, and Variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance to Allow a Driveway Zero Feet from the Southern Property Line

PINs: 03-12-100-004 and 03-12-100-013

Location: 1038 Harvey Road, Oswego Township

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

Mr. Asselmeier provided a history of the Petition. The Kendall County Regional Planning requested a revised site plan showing the location of the southern driveway and documentation from the Village of Oswego approving the access point on Harvey Road. Neither the Petitioners nor their Attorney attended the March 23, 2022, Kendall County Regional Planning Commission meeting and the Kendall County Regional Planning Commission voted to continue the tabling of the Petition. Mr. Asselmeier discussed the impact of an involuntary annexation of the subject property. The next court date for this case is April 12, 2022.

Discussion occurred regarding the impact of annexation or the issuance of the special use permit on the fines.

Member Vickery made a motion, seconded by Member Whitfield, to table the Petition.

With a voice vote of six (6) ayes, the motion carried.

If the Petitioners submit the revised site plan and access approval from the Village of Oswego, the proposal will go back to the Kendall County Regional Planning Commission on April 27, 2022, and will return to the Zoning Board of Appeals on May 2, 2022.

The Zoning Board of Appeals completed their review of Petition 22-01 at 7:14 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that, for the May hearing, there will be a Petition regarding changing the Future Land Use Map for the properties near 12565 Fox Road and a requested map amendment rezoning property along Brisbin Road in Seward Township from A-1 to R-1. The Seward Township moratorium and special use permit request for 1038 Harvey could also be on the agenda.

Mr. Asselmeier also reported that the County Board will recognize Karen Clementi at their meeting on April 5, 2022, at 6:00 p.m.

Mr. Asselmeier said the Village of Oswego Planning and Zoning Commission will hold a public hearing on April 7, 2022, at 7:00 p.m., to consider annexing the Hide-A-Way Lakes Campground.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:46 p.m.

The next hearing/meeting will be on May 2, 2022.

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

Exhibits

1. Memo on Petition 22-01 Dated March 24, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-01 (Not Included with Report but on file in Planning, Building and Zoning Office)

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.

282



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: March 24, 2022
Re: Petition 22-01 Request for a Special Use Permit and Variances for a Landscaping Business at 1038 Harvey Road in Oswego Township

At their meeting on February 23, 2022, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent, voted to table Petition 22-01 until the Petitioner secured an access permit from the Village of Oswego for the southern driveway at the property or amended their site plan to remove the driveway, if the access permit was denied.

To date, the Petitioners have not provided proof that the Village of Oswego would approve the access permit and the Petitioners have not provided a site plan showing the location of the driveway in relation to the southern property line.

Neither the Petitioners nor their Attorney attended the March 23, 2022, Kendall County Regional Planning Commission and the Kendall County Regional Planning Commission voted to continue keeping the item on the table by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent.

The Petitioners' Attorney claimed that they were unaware of the March 23rd Kendall County Regional Planning Commission. Staff informed the Petitioners' Attorney on March 17th of the Kendall County Regional Planning Commission meeting. The related emails are attached.

Accordingly, Staff requests that the Kendall County Zoning Board of Appeals vote to continue the public hearing on this Petition until such time as either the Petitioners submit an approved access permit from the Village of Oswego or the Petitioners submits an amended site plan showing the southern driveway removed from the property or the Petitioners submit a site plan showing the location of the southern driveway in relation to the southern property line.

If you have any questions regarding this memo, please let me know.

MHA

Encs.: Meeting Notification Emails

Matt Asselmeier

From: Matt Asselmeier
Sent: Thursday, March 24, 2022 12:09 PM
To: judd lofchie
Cc: Scott Koeppe; Scott Gengler; Ruben Rodriguez; Faith D. Hook
Subject: FW: March 23rd Kendall County Regional Planning Commission Meeting

Judd:

Please see the following email that was sent to you on March 17th.

The subject heading clearly states the meeting will be March 23rd. Also, the first page of the linked document clearly states the meeting is March 23rd at 7:00 p.m.

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Matt Asselmeier
Sent: Thursday, March 17, 2022 11:40 AM
To: judd lofchie <[REDACTED]>
Subject: FW: March 23rd Kendall County Regional Planning Commission Meeting

Judd:

The following email was sent to the Kendall County Regional Planning Commission this morning.

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Matt Asselmeier
Sent: Thursday, March 17, 2022 11:35 AM
To: Bill Ashton; Bob Stewart; Claire Wilson; Dave Hamman; Karin McCarthy-Lange; Larry Nelson; Ruben Rodriguez; Scott Gengler; Scott Koeppe; Seth Wormley; Tom Casey
Subject: March 23rd Kendall County Regional Planning Commission Meeting

Members of the Kendall County Regional Planning Commission:

Here is the link to the packet for the March 23rd meeting,
<https://www.co.kendall.il.us/home/showpublisheddocument/23364>.

For Petition 22-01, the updates since the February meeting are on page 85 and the site plan is on pages 103 and 104.

For the item of new business, the subject properties are highlighted on the map on page 204.

Please let me know if you will be in attendance for the meeting.

If you have any questions, please let me know.

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

Matt Asselmeier

From: judd lofchie <[REDACTED]>
Sent: Thursday, March 24, 2022 12:01 PM
To: Matt Asselmeier
Subject: Fwd: [External]Fwd: 1038 Harvey Rd.

You had a meeting last night? We thought it was next Monday per your email below. Please advise.

Judd

----- Forwarded message -----

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Date: Fri, Mar 11, 2022 at 12:14 PM
Subject: RE: [External]Fwd: 1038 Harvey Rd.
To: judd lofchie <[REDACTED]>
Cc: Scott Koeppel <skoepfel@co.kendall.il.us>, Scott Gengler <sgengler@co.kendall.il.us>

Judd:

I have been instructed to put this special use permit request on the March 28th Kendall County Zoning Board of Appeals agenda.

If the issue with the Village of Oswego has not been resolved by the 28th, the hearing will be continued again.

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

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Monday, April 11, 2022 1:45 PM
To: Matt Asselmeier; Miguel Ángel Fernández
Cc: Scott Koeppel; Scott Gengler
Subject: [External]Re: 1038 Harvey Road Question

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes please. How much is the permit and does he make the check out to? Kendall County?

Also, I reviewed all of my notes and on March 2nd, I spoke to Jay Hoover, the Building & Zoning Manager from Oswego. He said that Oswego does not need to approve the curb cut for the gravel road. And I just double checked and called Oswego and spoke to Amy Bates in the Development Services/Building & Zoning Dept and she confirmed that the road is outside the Village limits so they have no authority to grant any permit for this property.

And I just called the Oswego Road District and they are supposed to call me back, but the woman I spoke to said that they rarely get involved with these types of issues especially if the drive is in existence and has been. She said she or Claude (Road Commissioner) will call me back.

So if neither the Village or Oswego Township are needed to approve the permit, we would like to proceed to RPC.

Also, we would like to speak tonight.

Regards,

Judd Lofchie

On Mon, Apr 11, 2022 at 8:32 AM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Judd:

Mr. Martinez has not picked up or paid for his deck permit. Do you want me to bring the permit to the meeting tonight?

Thanks,



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

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: April 18, 2022
Re: Seward Township Moratorium

The Seward Township Planning Commission is working on amendments to the Township's Comprehensive Plan. The Township would like to incorporate these amendments in the Kendall County Land Resource Management Plan. It is Staff's understanding that the Seward Township Planning Commission is examining shrinking the areas designated as Residential in the Land Resource Management Plan and changing them to Agriculture.

Seward Township submitted the attached application requesting a moratorium on map amendments, new special use permits, and variances for a period of one (1) year from May 17, 2022, which is the earliest date that the County Board could approve the request.

Staff recommends denial of the requested text amendment for the following reasons:

1. From an economic development perspective, the County should not restrict possible development in the unincorporated area.
2. A moratorium would not prevent property owners from securing annexation agreements with municipalities.
3. It is Staff's understanding that Seward Township is only looking to change the Future Land Use Map and not the text of the Zoning Ordinance. As such, Staff does not see how the Township's work on a Future Land Use Map would be impacted by the issuance of new special use permits.
4. Similar to number 3 above, the Township's work on a Future Land Use Map would not be impacted by the issuance of new variances.
5. From an administrative perspective, the County should be cautious about giving away authority.

Staff originally had concerns regarding a lack of timeline or benchmarks justifying the length of the moratorium. After the original application was filed, Seward Township submitted additional information, including a timeline which is attached.

If the County Board would like to approve the request, Staff suggests that Section 13:01.A.2 of the Kendall County Zoning Ordinance, pertaining to the duties of the Zoning Administrator, be amended as follows:

"n. Withhold the acceptance and processing of applications for map amendments, new special use permits, and variances on properties located within the Township of Seward for a period one (1) year commencing on May 17, 2022, and ending May 17, 2023."

This proposal was sent to the Townships on February 15, 2022.

ZPAC reviewed this proposal at their meeting on March 1, 2022. It was noted that this was the first time that the County had received this type of request from a township. Discussion occurred regarding setting a precedent. Jillian Prodehl explained the need for a moratorium and the Township's strategy for updating their plan. Jessica Nelson discussed having a holistic examination of Seward Township. Anne Vickery stated that the rural residential areas were creating problems including flooding, unenforced special use provisions existed, efforts were underway to help fund a code enforcement officer, and the Township desired to protect farm land. Staff noted that approximately ten (10) petitions, not including text amendment requests, had been filed in Seward Township over the past year. Mr. Klaas agreed that examining the township's plan was a good idea. However, the future land uses in Seward Township will be determined by nearby municipalities. Mr. Klaas also felt that the request was a policy question and not a technical question, which is ZPAC's normal scope of examination. Mr. Guritz agreed with Mr. Klaas. ZPAC voted to issue a neutral recommendation by a vote of four (4) in favor and two (2) in opposition with four (4) members absent. The minutes of the meeting were attached.

The Kendall County Regional Planning Commission started reviewing the proposal at their meeting on March 23, 2022. Discussion occurred regarding the need for the moratorium. Several Commissioners expressed support for Seward Township in updating their plan, but had concerns regarding the need and precedence of having a moratorium. Some discussion occurred regarding Seward Township withdrawing the proposal. The Commission voted to table the proposal by a vote seven (7) in favor and zero (0) in opposition with two (2) members absent.

The Kendall County Zoning Board of Appeals started a public hearing on March 28, 2022. The hearing was continued. The minutes of the hearing are attached.

Following the March County meetings, Seward Township submitted an email indicating that they would continue pursuing the moratorium and authorized Jillian Prodehl to speak on behalf of the Township on the proposal. The related emails are attached.

If you have any questions regarding this memo, please let me know.

Thanks,

MHA

Encs. Application

Seward Township Information Dated February 20, 2022.

March 1, 2022 ZPAC Minutes (This Petition Only)

March 28, 2022 Kendall County Zoning Board of Appeals Minutes (This Petition)

April 6, 2022 Seward Township Emails

NEW BUSINESS

A. Motion to approve the submission of a moratorium application to Kendall County in order for the Township Board to prepare a comprehensive plan for future development in Seward Township. *✓ APPROVE THE EXPENSE OF \$500 FOR THE APPLICATION.*

B. Motion to approve the legal objection for Petition 21-49, Irma Quezada, Parcels 09-18-300-018 and 09-18-300-019 requesting rezoning from A-1 to R1.

Scanned with CamScanner

**Seward Township
14719 O'Brien Road
Minooka, Illinois 60447**

Tim O'Brien – Supervisor

Tom Fleming - Trustee

Sheila Trost – Clerk

Jim Martin - Trustee

Scott Cryder – Highway Commissioner

Dan Roberts - Trustee

Sharleen Smith - Trustee

January 11, 2022

To: Kendall County Board

From: Seward Township

Re: Legal Objection

At the January 11, 2022 meeting of Seward Township the Township Board of Trustees reviewed the moratorium.

On January 11, 2022 the Seward Township Board of Trustees voted unanimously to approve the moratorium.

If you have further questions, please feel free to me.



Tim O'Brien

Supervisor

Attest:



Sheila Trost

Clerk

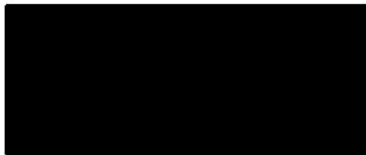
Seward Township Board Recommendation

The Seward Township Board of Trustees unanimously voted to approve the moratorium on January 11, 2022.

Dated January 11, 2022



Jim Martin – Trustee



Dan Roberts – Trustee



Sharleen Smith – Trustee



Tom Fleming - Trustee

Matt Asselmeier

From: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>
Sent: Monday, February 14, 2022 3:04 PM
To: Matt Asselmeier; Tim O'Brien
Cc: scasey1948@sbcglobal.net (Seward Planning Commission); Scott Koeppel; Scott Gengler; Carl Buck
Subject: RE: [External]RE: Seward Township Moratorium

Matt,

The Township would request that the moratorium be in effect for a period of up to one year from May 17, 2022.

Thank you,
Lorien

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Tuesday, February 8, 2022 2:53 PM
To: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>; Tim O'Brien <sewtow@aol.com>
Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Carl Buck <cbuck@rcklawfirm.com>
Subject: RE: [External]RE: Seward Township Moratorium

Lorien:

Below please find the proposed text that will be inserted into the Kendall County Zoning Ordinance, if the moratorium is approved. I am putting the moratorium under the duties of the Zoning Administrator

While the Planning, Building and Zoning Department has not yet taken an official position on this request, I will be advocating that the term of the moratorium be more clearly defined.

Please let me know if you are agreeable to the following language.

Thanks,

Amended Text: Section 13:01.A.2 is amended by adding the following text:

“n. Withhold the acceptance and processing of applications for map amendments, new special use permits, and variances on properties located within the Township of Seward for a period commencing on May 17, 2022, and ending X months from that date.”

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

Matt Asselmeier

From: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>
Sent: Friday, February 4, 2022 4:35 PM
To: Matt Asselmeier; Tim O'Brien
Cc: scasey1948@sbcglobal.net (Seward Planning Commission); Scott Koeppel; Scott Gengler; Carl Buck
Subject: RE: [External]RE: Seward Township Moratorium

Matt,

Following up on your email, the Township does want applications for new SUPs, amendments, and variances to be subject to the moratorium.

Thank you,
Lorien

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Monday, January 31, 2022 4:08 PM
To: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>; Tim O'Brien <sewtow@aol.com>
Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Carl Buck <cbuck@rcklawfirm.com>
Subject: RE: [External]RE: Seward Township Moratorium

Lorien:

So, no rezoning will occur during the moratorium.

Applications for new special use permits, amendments to existing special use permits, and variances will not be subject to the moratorium, correct?

The moratorium will last until the Seward Township Planning Commission submits a proposed Comprehensive Plan to the Township Board, correct?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Lorien E. Schoenstedt [<mailto:lschoenstedt@rcklawfirm.com>]
Sent: Monday, January 31, 2022 4:00 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Tim O'Brien <sewtow@aol.com>
Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Carl Buck <cbuck@rcklawfirm.com>
Subject: [External]RE: Seward Township Moratorium

Matt,

As a follow up to our call, Seward Township would like the moratorium on rezoning agricultural property to apply to residential, commercial, and industrial.

Lorien

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

Sent: Thursday, January 20, 2022 8:20 AM

To: Tim O'Brien <sewtow@aol.com>; Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>

Cc: scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: Seward Township Moratorium

Tim and Lorien:

Attached please find the information that the County has received thus far related to the Seward Township moratorium request.

As noted on the first page of the attachment in letter A, the Seward Township Board approved "... the submission of a moratorium application (emphasis added) to Kendall County ...". The moratorium would also be in place until Seward Township prepares (emphasis added) a comprehensive plan. It should be noted the motion uses the word "prepares" and not the word "adopts." On page five of the attachment, the moratorium application says the moratorium is on map amendments rezoning agricultural property to residential.

Based on the written information contained in the attachment, my interpretation is that this an application for a moratorium on rezoning agricultural property to residential only. Other map amendment applications (i.e. rezoning agricultural property to commercial or industrial) would still be processed. Also, other zoning related requests (i.e. new special use permits, amendments to existing special use permits, variances, etc.) would also still be processed. The moratorium would be in place until the Seward Township Planning Commission issues a recommendation on the comprehensive plan (at that point, the plan has been "prepared" and is an official proposal for the Township Board's consideration).

Is the above interpretation the intent of the Seward Township Board?

I am still waiting to see if we will process this request for the February meetings or the March meetings.

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

**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 Seward Township		
CURRENT LANDOWNER/NAME(s) Irma Loya Quezada		
SITE INFORMATION ACRES 6.48	SITE ADDRESS OR LOCATION Across from 14859 and 14975 Brisbin Rd	ASSESSOR'S ID NUMBER (PIN) 09-18-300-018 & 09-18-300-19
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP Agricultural
REQUESTED ACTION (Check All That Apply): <input type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input checked="" type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT Tim O'Brien	PRIMARY CONTACT MAILING ADDRESS 14719 Obrien Rd, Minooka IL 60447	PRIMARY CONTACT EMAIL sewtow@aol.com
PRIMARY CONTACT PHONE # 815-791-2290	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE 1-19-2022

FEE PAID: \$ 500.00
CHECK #: 1023

¹Primary Contact will receive all correspondence from County

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

PUBLIC NOTICE
KENDALL COUNTY
****KENDALL COUNTY REGIONAL PLANNING COMMISSION****
****KENDALL COUNTY ZONING BOARD OF APPEALS****

Notice is hereby given that the Kendall County Regional Planning Commission will hold a public meeting on _____ at 7:00 p.m. and the Zoning Board of Appeals will
(Day, Date, Year)
hold a public hearing on _____ at 7:00 p.m. at the Kendall County Office
(Day, Date, Year)
Building, Room 209 & 210 at 111 West Fox Street, Yorkville, IL.

The purpose of this meeting and hearing is to consider comments and make a recommendation regarding Petition # 21-49
(Application #)

Seward Township
(Name(s) of Applicant)

is/are seeking a text amendment to

place a moratorium on a map amendment rezoning agricultural property to residential

(Description of Request)

This petition and related documents may be reviewed at the Planning, Building and Zoning Department, Room 203, 111 West Fox Street, Yorkville, IL 60560 or the Kendall County Website: <http://www.co.kendall.il.us/planning-building-zoning/petitions>. Questions can be directed to the same department at phone number (630) 553-4139.

All interested persons may attend and be heard. Written testimony should be directed to the Department but shall only be entered as part of the record at the discretion of the Kendall County Regional Planning Commission and Kendall County Zoning Board of Appeals.

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.



(Name(s) of Applicant)

(ATTACH LEGAL DESCRIPTION ON A SEPARATE PAGE)

SEWARD TOWNSHIP

CURRENT STATUS

And

DEFINITION OF PROCESS

IN THE

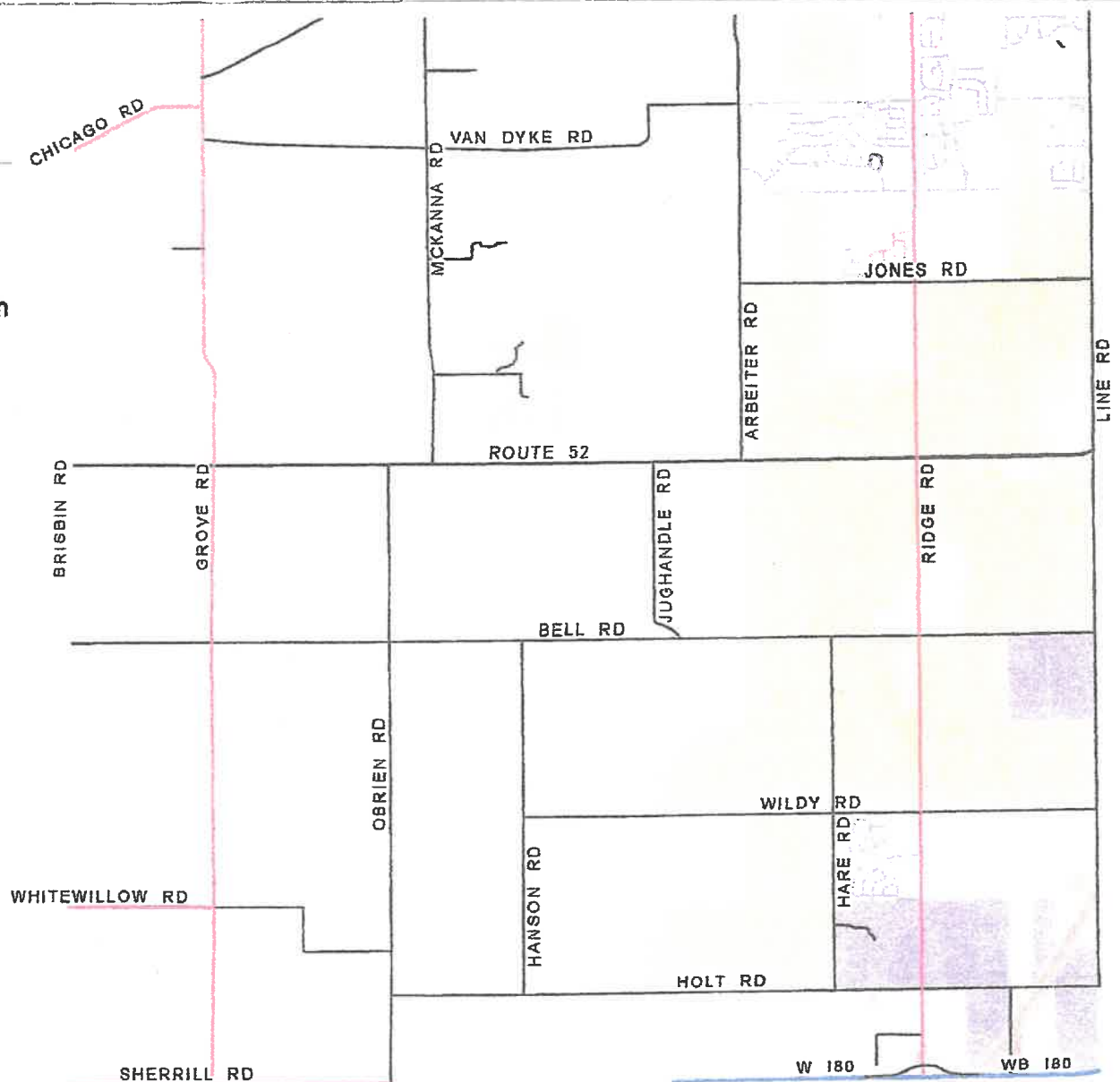
DEVELOPMENT OF

A COMPREHENSIVE PLAN

FOR THE FUTURE

Future Land Use

- Agriculture
- Commercial
- Commonwealth Edison
- Countryside Res
- Forest Preserve
- Mining
- Mixed Use Business
- Open Space
- Potential Mining
- Public/Institutional
- Rural Estate Res
- Rural Residential
- Suburban Residential
- Trans Corridors
- Unknown
- Urban Areas



February 20, 2022

TIMELINE FOR RESEARCH AND DEVELOPMENT
OF THE SEWARD TOWNSHIP
LAND REVIEW
COMPREHENSIVE PLAN RECOMMENDATIONS

2022

Land Review Meetings to Date:

February 9, 2022

February 16, 2022

February 23, 2022 (rescheduled to attend County Meeting)

Current Process:

- Individual committee members are researching and attending other village meetings to collect data, while also collecting data within the township.
- A Facebook page specific to the Plan Commission work has been created for Seward Township Plan Commission updates, including invitations for input.
- Meetings are routinely posted several days prior to meetings at the Township Hall, inviting the public to participate. These invitations will be more vigorously extended as a plan has developed.
- Intended timeline for completion of a Draft Township Land Review, with comprehensive plan recommendations is August, 2022.

Timelines:

The Seward Township Plan Commission is a volunteer committee, with the intention to review all relevant data that is available, by May, 2022. At that time, the data that applies to the production of a Comprehensive Plan for the Township is planned to have been received. The work that will follow will involve the organization of the data and the production of a final plan, which may include additional research that is revealed as the summary is completed. The committee believes that they will begin the assembly and research of any additional needed data, and plan to complete their “DRAFT” Comprehensive Plan recommendations for Board consideration no later than August, 2022. Should any additional research or writing be needed, those dates could change.

Seward Township/Kendall County Draft Vision and Mission

1/12/2022

Prior to initiating a review of the data, The Plan Commission drafted a vision and mission statement as follows:

VISION STATEMENT: (Draft)

Our vision is for a well-balanced community in the Township, that is reflective of the most desired use of the land.

MISSION STATEMENT: (Draft)

Our mission is to design a township map for Seward Township, (through the Land Resource Management Plan Process), that provides a balanced community of family, businesses and daily living, while respecting the land and the history of the land.

***PLEASE NOTE:** The Seward Township vision and mission statements will be revised and/or enhanced as the planning process proceeds. Details will be included as they are identified. The above statements are working drafts developed in January and confirmed at our first meeting.

Seward Plan Commission Members

Jessica Nelsen, Chair

Suzanne Casey, Secretary

Jill Prodehl

Joan Soltwisch

SEWARD TOWNSHIP LAND RESOURCE PLAN OF REVIEW 2022 (currently unfolding)

The Committee is currently involved in the following work.

- **Reviewing the most recent Land Resource Management Plan for Seward Township from 2005, the Township is including an analysis of similar categories for drawing conclusions on future land use categories.(Municipalities, Agricultural, Planned Rural Estate Residential, and Planned Rural Residential, (.45 and .65 dwelling units per gross buildable acres).**
- **Reviewing the recently completed and adopted Village of Minooka Comprehensive Plan. (Oct, 2021).**
- **Monitoring the currently initiated Shorewood Comprehensive Plan Process, (attended their visioning session in February, 2022).**
- **Gathering data and analyzing similar factors as both Villages have done.**
- **Completing a detailed review of the current status of what exists in Seward Township. (on-site visits, reviews, and data analysis on what has been observed.) This includes residential, commercial, and recreational facilities, as well as future major road plans that cross the Township.**
- **Completing onsite and narrative reviews of the AuxSable Creek Watershed, and other drainage issues related to the Township.**
- **Reviewing Planned Rural Estate Residential, (.45 dwelling units per gross buildable acre) and Planned Rural Residential,(not to exceed .65 dwelling units per gross buildable acre.)**
- **Reviewing Suburban Residential (1.0 dwelling units per gross buildable acres).**
- **Reviewing Commercial, Mixed Use, Public/Institutional and Public Recreation/Parks.**
- **Identifying and defining Open Space.**
- **Conservation Design, (protecting open space), will be recommended.**

SUMMARY STATEMENT

LAND USE REVIEW

SEWARD TOWNSHIP

2022

The following data was collected via three methods: Direct visual inspection by driving the Township, study of photographs taken of properties, as well as study of Google maps to confirm observations. It is believed that the collected data is 95% correct, allowing for any recording errors.

Following are some summary statements regarding the collected data.

- **Most Densely Populated roads in the Township:**
Density is strongest for residences on McKanna and Jughandle Roads. This is a separate density from the PUD's that exist in the Eastern half of the township, particularly along the Ridge Road corridor.
- **Least Densely Populated areas of the Township:**
Density is significantly less in the Southwest portion of the following roads in the Township.
(Bell, Hansen, O'Brien, Whitewillow and Sherrill Roads.)
- **Concentration of Agricultural Land:**
The approximate 20,097.7 acres of agricultural or agricultural farmstead is located throughout the Township, and can be viewed as open space, and/or between or behind housing/farm houses.
- **Areas of Concern to watch in the future: (for density, annexation, further housing expansion)**
County Line Road
Ridge Road
McKanna Road
Jughandle Road
- **Kendall Power Plant**
The Power Plant, just as any other business/property in the Township might be, has been annexed into neighboring Minooka.
- **Pre-annexation agreements with Shorewood**
Pre-annexation agreements are already in place for the Storage Units and Gro-Pro Sports Dome at County Line Road, as well as the Grace Bible Church on Jones Road.
- **Watershed**
The Watershed comprises .14 square miles or .40% water.
- **Size**
The township has a total area of 35.11 square miles, of which 34.97 square miles is land and 0.14 square miles is water.

TOP 10 PRIORITIES

The following table identifies the Village's top 10 priorities for implementation from the Minooka Comprehensive Plan. These priorities were selected due to their high levels of impact with near term timeframes. Each have been matched with related Key Recommendations of the Plan for reference.

#	Top 10 Priorities	Chapter	Related Goals and Key Recommendations	Key Recommendation
1	Prioritize infill development to develop pockets of undeveloped areas inside Minooka.	Housing and Neighborhoods	1.2	Support infill opportunities with context-sensitive higher density residential development.
		Economic Development	1.4	Prioritize future residential development in targeted growth areas near existing infrastructure.
2	Increase utility capacity north of I-80.	Community Facilities and Infrastructure	2.1	Prioritize infill development of industrial and other employment-generating uses where land has been platted and prepared with infrastructure.
			2.2	Proactively plan for the Village's water infrastructure in coordination with regional partners and existing plans; and studies to accommodate current residents and facilitate new growth.
			2.4	In coordination with existing plans and studies, evaluate the Village's sanitary infrastructure to meet current and future demands.
			2.5	Explore public-private partnerships and cost-share incentives to help off-set the cost on the Village's end for future infrastructure improvements/expansions.
3	Widen Ridge Road south to Route 6.	Transportation and Mobility	1.1	As new roadways are constructed and the existing network is expanded to support future growth, ensure proper functional classification, design, and traffic control.
		Housing and Neighborhoods	1.5	Promote the use of conservation design and low impact development strategies to protect the Village's natural resources, provide a variety of recreational amenities for all ages.
4	Continue open space preservation and park land acquisition throughout the Village.	Parks, Agriculture, and Natural Areas	1.1	Continue to maintain and enhance existing parks, updating aging facilities as necessary and exploring opportunities to provide a variety of recreational amenities for all ages.
			1.2	Ensure new residential growth areas have access to park facilities.
			1.4	Improve long-term funding for the management of parks including considering the establishment of a local park tax levy or partnering with the Channahon Park District.
			1.5	Promote the preservation of natural areas including the tree canopy during the site design and approval process, to integrate these features as amenities for residents or employees.
			1.6	Protect the Village's water resources by enforcing sustainable development controls and working with regional partners to improve water quality.
		Economic Development	1.3	Reinforce existing commercial areas along Ridge Road to increase local commercial businesses.
			2.2	"Proactively prepare for industrial expansion in Minooka's future growth areas. As Minooka's"
5	Annex unincorporated land surrounding the Briabin Road interchange to encourage development in the far west growth area.	Transportation and Mobility	1.1	As new roadways are constructed and the existing network is expanded to support future growth, ensure proper functional classification, design, and traffic control.
		Community Facilities and Infrastructure	2.3	Explore partnering with Channahon to provide water and sewer services in the far west area surrounding the Briabin interchange.

#	Top 10 Priorities	Chapter	Related Goals and Key Recommendations	Key Recommendation
6	Purchase land for the new waste water treatment plant west and build the batch plant.	Community Facilities and Infrastructure	1.4	In coordination with existing plans and studies, evaluate the Village's sanitary infrastructure to meet current and future demands.
7	Provide a spectrum of affordable housing for current and future residents	Housing and Neighborhoods	1.3	Foster greater housing diversity in new residential development.
8	Identify future municipal water source.	Community Facilities and Infrastructure	1.2	Proactively plan for the Village's water infrastructure in coordination with regional partners and existing plans and studies to accommodate current residents and facilitate new growth.
9	Continue to expand Minooka's trail system to support alternative modes of transportation (e.g., DuPage River Walk).	Parks, Agriculture, and Natural Areas	1.3	Invest in the expansion of Minooka's trail network to ensure the park system is highly connected and accessible for all residents.
		Transportation and Mobility	2.2	Expand and connect the trail network throughout the Village.
			2.3	Establish development ordinances that further non-motorized modes of transportation.
10	Protect the 100 feet buffer along the Aux Sable Creek to create the Aux Sable Creek Greenway.	Parks, Agriculture, and Natural Areas	1.5	Promote the preservation of natural areas including the tree canopy during the site design and approval process to integrate these features as amenities for residents or employees.

THE PAST, THE PRESENT AND THE FUTURE....



1900



AUXSABLE

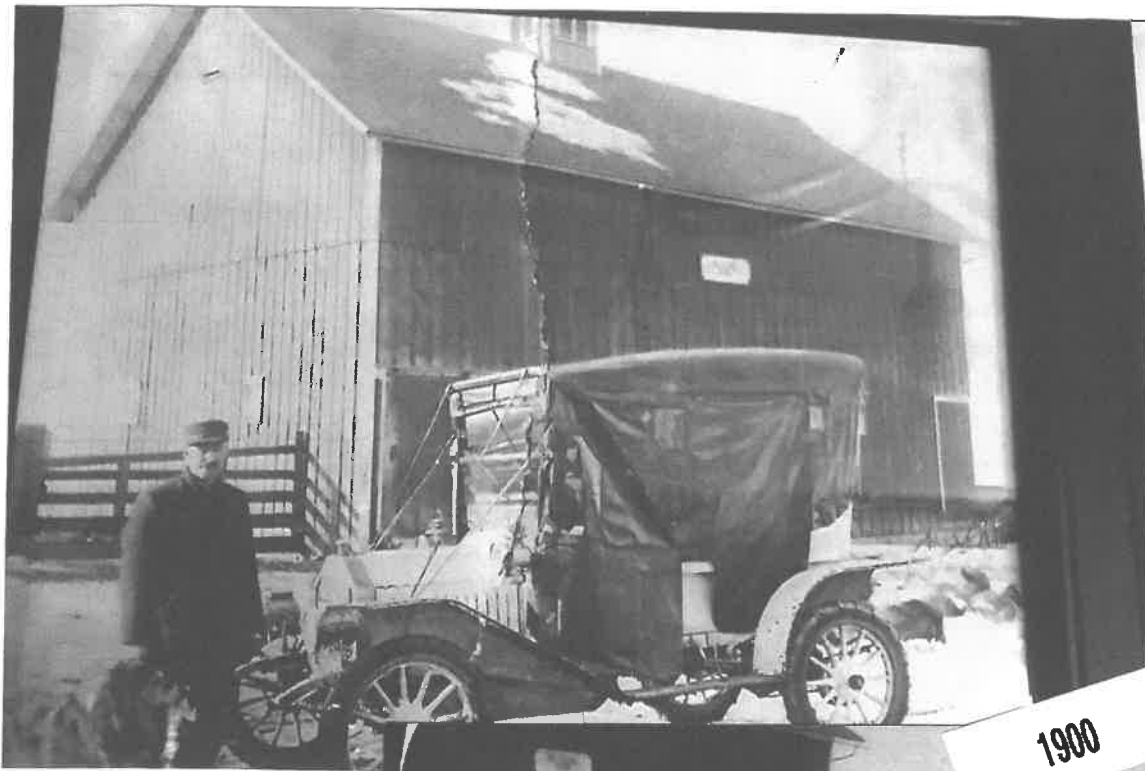
CREEK

1950'S



1970'S

"Planning the future by preserving the present and learning from the past."



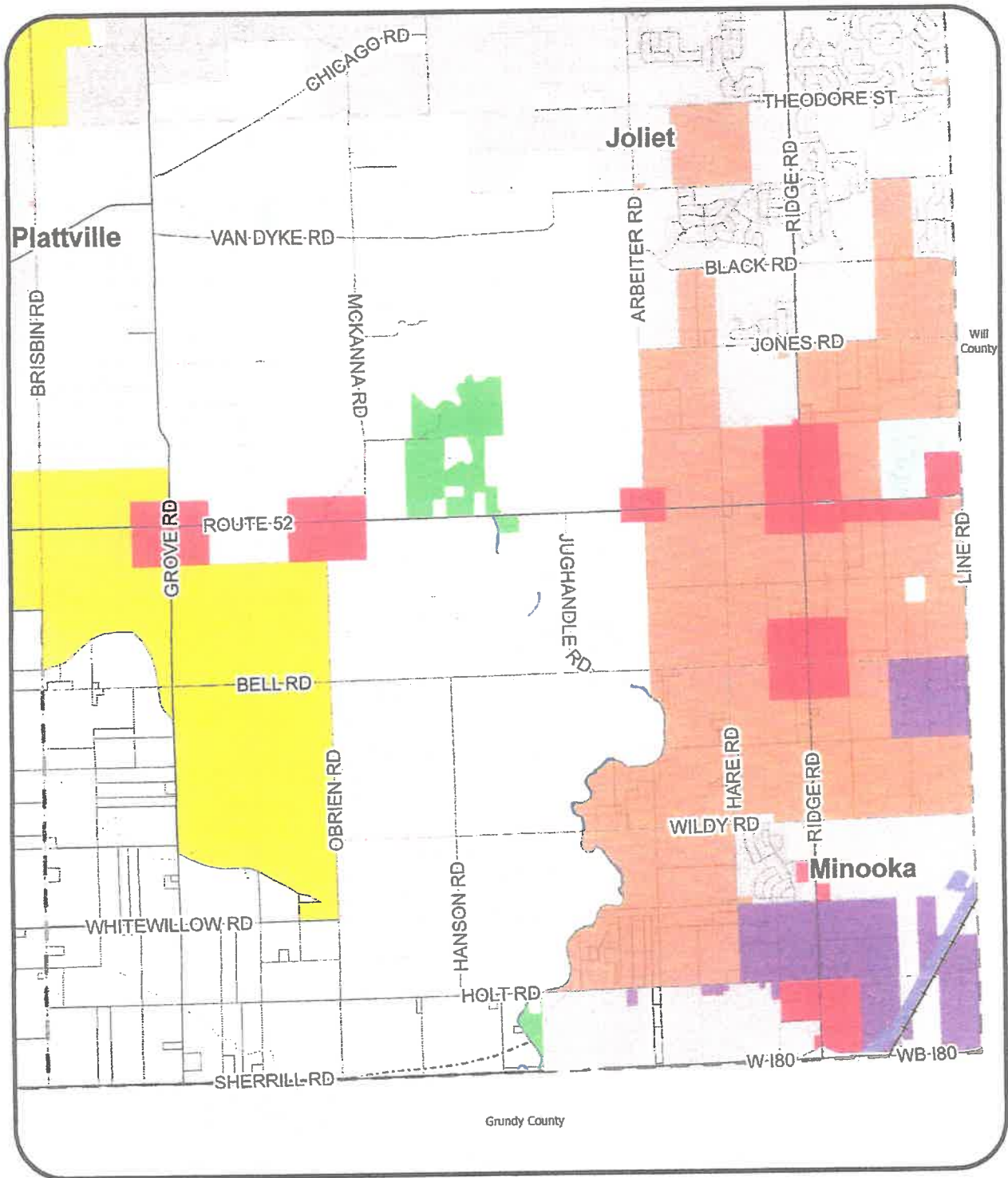
1900



**THE PEOPLE AND
THE BUILDINGS CHANGE,
BUT THE LAND REMAINS...**

2022

Future Land Use Plan



- PROPOSED ROADWAY IMPROVEMENTS
- TOWNSHIPS
- SUBURBAN RESIDENTIAL - MAX DENSITY 1.00 DU ACRES
- RURAL RESIDENTIAL MAX DENSITY 0.65 DU ACRES

- RURAL ESTATE RESIDENTIAL MAX DENSITY 0.45 DU ACRE
- COMMERCIAL
- MIXED USE BUSINESS
- COMMONWEALTH EDISON PUBLIC/INSTITUTIONAL

- AGRICULTURE
- FOREST PRESERVES
- URBAN AREAS - INCORPORATED
- UNKNOWN
- INACTIVE



ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
March 1, 2022 – Unapproved Meeting Minutes

PBZ Senior Planner Matt Asselmeier called the meeting to order at 9:02 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District

Absent:

Greg Chismark – WBK Engineering, LLC
Scott Gengler – PBZ Committee Chair
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department

Audience:

Tim O'Brien, Jillian Prodehl, Jessica Nelson, and Anne Vickery

PETITIONS

Petition 22-05 Seward Township

Mr. Asselmeier summarized the request.

The Seward Township Planning Commission is working on amendments to the Township's Comprehensive Plan. The Township would like to incorporate these amendments in the Kendall County Land Resource Management Plan. It is Staff's understanding that the Seward Township Planning Commission is examining shrinking the areas designated as Residential in the Land Resource Management Plan and changing them to Agriculture.

Seward Township submitted an application requesting a moratorium on map amendments, new special use permits, and variances for a period of one (1) year from May 17, 2022, which is the earliest date that the County Board could approve the request. The application was provided.

Staff recommended denial of the requested text amendment for the following reasons:

1. From an economic development perspective, the County should not restrict possible development in the unincorporated area.
2. A moratorium would not prevent property owners from securing annexation agreements with municipalities.
3. It is Staff's understanding that Seward Township is only looking to change the Future Land Use Map and not the text of the Zoning Ordinance. As such, Staff does not see how the Township's work on a Future Land Use Map would be impacted by the issuance of new special use permits.
4. Similar to number 3 above, the Township's work on a Future Land Use Map would not be impacted by the issuance of new variances.
5. From an administrative perspective, the County should be cautious about giving away authority.
6. At the time of application submittal, the Township had not submitted information, like a timeline, explaining why one (1) year is necessary for a moratorium. The Township has since submitted information stating they hoped to have a proposal to the Township Board by August 2022.

If the County Board would like to approve the request, Staff suggested that Section 13:01.A.2 of the Kendall County Zoning Ordinance, pertaining to the duties of the Zoning Administrator, be amended as follows:

“n. Withhold the acceptance and processing of applications for map amendments, new special use permits, and variances on properties located within the Township of Seward for a period one (1) year commencing on May 17, 2022, and ending May 17, 2023.”

This proposal was sent to the Townships on February 15, 2022. To date, no township has submitted comments.

Mr. Asselmeier asked if the County had previously approved a moratorium similar to the one requested by Seward Township. Mr. Klaas responded, not to his knowledge.

Mr. Asselmeier asked if another Township had requested to update their Township Plan in the last thirty (30) or so years. The consensus was that no other Township had submitted a previous request recently.

Mr. Guritz asked about giving away authority. Mr. Asselmeier noted that other townships could ask for similar moratoriums. Mr. Asselmeier noted that townships are not required to review applications; they have a right to review certain requests.

Jillian Prodehl, Seward Township Planning Commissioner, and Jessica Nelson, Seward Township Planning Commission Chairwoman explained the need for the request. Ms. Prodehl said the Commission was researching and gathering information for the plan update; the Commission has met several times to review information. Ms. Prodehl also noted that Planning Commissioners attended meetings with Shorewood and they were reviewing the plans of Minooka and the existing Land Resource Management Plan for Seward Township. Ms. Prodehl discussed the Commission's research of drainage issues in Seward Township and community engagement strategies. The intended completion date is August 2022.

Mr. Asselmeier discussed the potential changes to the Future Land Use Map. He noted that, if the moratorium was approved, new applications subject to the moratorium would be put on hold until the expiration of the moratorium. Completed applications that were submitted prior to the approval of the moratorium would still be processed. The moratorium would only apply to Seward Township.

Ms. Prodehl stated that no conclusions related to possible changes to the Future Land Use Map. The Commission would like the plan to remain static while the Commission completed its research because changes to the plan would slow down the Commission's work and could delay the completion of the project. The Commission's intent was not to block growth.

Property owners could still do annexation agreements with municipalities.

Ms. Nelson noted the Commission wanted to look at the Township holistically.

Ms. Briganti asked how many petitions occurred in Seward Township in recent years. Mr. Asselmeier responded that, in the past year, there were ten (10) petitions, not including text amendments, that occurred in Seward Township. A special use permit normally takes two to three (2-3) months to obtain approval. Mr. Asselmeier listed the types of petitions that have occurred in Seward Township.

Mr. Klaas asked when the last rural residential subdivision occurred in Seward Township. Mr. Asselmeier responded 2016 for a five (5) lot subdivision.

Mr. Asselmeier asked why a moratorium was needed for variances. Ms. Prodehl said a variance request or any request could cause take the Commission's focus off of the plan and slow down the process.

Anne Vickery, Seward Township Resident, said the Planning Commission was not trying to stop annexations. The Township Planning Commission wanted to re-engage with the County and the Regional Planning Commission. She said that rural residential areas were creating problems including flooding, unenforced special use provisions, efforts to help fund a code enforcement officer, and protecting farm land. She also noted that Seward Township had the largest percentage increase in population of any township in Kendall County.

Mr. Klaas agreed that examining the township's plan was a good idea. However, the future land uses in Seward Township will be determined by nearby municipalities.

Mr. Klaas felt that the request was a policy question and not a technical question, which is ZPAC's normal scope of examination. Mr. Guritz agreed with Mr. Klaas.

Mr. Guritz made a motion, seconded by Mr. Klaas, to issue a neutral recommendation of the requested text amendment.

The votes were follows

Ayes (4): Briganti, Klaas, Olson, and Guritz

Nays (2): Asselmeier and Holdiman

Abstain (0): None

Absent (4): Chismark, Gengler, Langston, and Rybski

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 23, 2022.

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:36 a.m., adjourned.

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

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
March 28, 2022 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

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

Members Absent: Scott Cherry

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

Others Present: Andrew R. Smith, Jeremy Dippold, and Mark Fecht

The Zoning Board of Appeals started their review of Petition 22-05 at 7:01 p.m.

PETITIONS

Petition 22 – 05 – Seward Township

Request: Establishment of a Moratorium on the Acceptance and Processing of Applications for Map Amendments, New Special Use Permits and Variances within Seward Township for a Period of One Year

Purpose: Petitioner Wants a Pause on the Issuance of Map Amendments, New Special Use Permits, and Variances While the Township Prepares a Township Comprehensive Plan

Discussion occurred regarding the length of time of the moratorium requested by Seward Township as Petition 22-05. The question was if the moratorium was for one (1) year or six (6) months. Clarification will be sought from Seward Township regarding their request. The proposal was tabled at the March 23, 2022, Kendall County Regional Planning Commission meeting.

Discussion occurred regarding the impact of the moratorium on an application for a special use permit for a landscaping business in Seward Township.

Mark Fecht asked if there was precedence for having such a moratorium. The response was that the County has approved moratoria on other, specific issues. The details on the Seward Township moratorium need to be clarified.

Andrew R. Smith requested clarification on the earliest the moratorium would start. The earliest the moratorium could become effective is June 21, 2022. Completed applications submitted prior to the June date would be process under current rules.

Chairman Mohr stated that Petition 22-05 was tabled at the request of the Kendall County Regional Planning Commission.

This matter will go to the Kendall County Regional Planning Commission on April 27, 2022, and return to the Zoning Board of Appeals on May 2, 2022.

The Zoning Board of Appeals completed their review of Petition 22-05 at 7:09 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that, for the May hearing, there will be a Petition regarding changing the Future Land Use Map for the properties near 12565 Fox Road and a requested map amendment rezoning property along Brisbin Road in Seward Township from A-1 to R-1. The Seward Township moratorium and special use permit request for 1038 Harvey could also be on the agenda.

Mr. Asselmeier also reported that the County Board will recognize Karen Clementi at their meeting on April 5, 2022, at 6:00 p.m.

Mr. Asselmeier said the Village of Oswego Planning and Zoning Commission will hold a public hearing on April 7, 2022, at 7:00 p.m., to consider annexing the Hide-A-Way Lakes Campground.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Vickery, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:46 p.m.

The next hearing/meeting will be on May 2, 2022.

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

Exhibits

1. Memo on Petition 22-05 Dated March 24, 2022
2. Certificate of Publication for Petition 22-05 (Not Included with Report but on file in Planning, Building and Zoning Office)

[illegible]



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: March 24, 2022
Re: Seward Township Moratorium

This proposal was tabled at the Kendall County Regional Planning Commission on March 23, 2022, by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The consensus of the Commission was that the Commission supported the Seward Township Planning Commission's efforts, but had concerns about the legalities, precedent, and need for a moratorium. The minutes of the meeting are attached.

Following the Kendall County Regional Planning Commission meeting, Staff sent an email to the Seward Township Supervisor requesting guidance regarding whether or not the Township wanted to pursue the moratorium request.

The Seward Township Planning Commission is working on amendments to the Township's Comprehensive Plan. The Township would like to incorporate these amendments in the Kendall County Land Resource Management Plan. It is Staff's understanding that the Seward Township Planning Commission is examining shrinking the areas designated as Residential in the Land Resource Management Plan and changing them to Agriculture.

Seward Township submitted the attached application requesting a moratorium on map amendments, new special use permits, and variances for a period of one (1) year from May 17, 2022, which is the earliest date that the County Board could approve the request.

Staff recommends denial of the requested text amendment for the following reasons:

1. From an economic development perspective, the County should not restrict possible development in the unincorporated area.
2. A moratorium would not prevent property owners from securing annexation agreements with municipalities.
3. It is Staff's understanding that Seward Township is only looking to change the Future Land Use Map and not the text of the Zoning Ordinance. As such, Staff does not see how the Township's work on a Future Land Use Map would be impacted by the issuance of new special use permits.
4. Similar to number 3 above, the Township's work on a Future Land Use Map would not be impacted by the issuance of new variances.
5. From an administrative perspective, the County should be cautious about giving away authority.

Staff originally had concerns regarding a lack of timeline or benchmarks justifying the length of the moratorium. After the original application was filed, Seward Township submitted additional information, including a timeline which is attached.

If the County Board would like to approve the request, Staff suggests that Section 13:01.A.2 of the Kendall County Zoning Ordinance, pertaining to the duties of the Zoning Administrator, be amended as follows:

“n. Withhold the acceptance and processing of applications for map amendments, new special use permits, and variances on properties located within the Township of Seward for a period one (1) year commencing on May 17, 2022, and ending May 17, 2023.”

This proposal was sent to the Townships on February 15, 2022.

ZPAC reviewed this proposal at their meeting on March 1, 2022. It was noted that this was the first time that the County had received this type of request from a township. Discussion occurred regarding setting a precedent. Jillian Prodehl explained the need for a moratorium and the Township's strategy for updating their plan. Jessica Nelson discussed having a holistic examination of Seward Township. Anne Vickery stated that the rural residential areas were creating problems including flooding, unenforced special use provisions existed, efforts were underway to help fund a code enforcement officer, and the Township desired to protect farm land. Staff noted that approximately ten (10) petitions, not including text amendment requests, had been filed in Seward Township over the past year. Mr. Klaas agreed that examining the township's plan was a good idea. However, the future land uses in Seward Township will be determined by nearby municipalities. Mr. Klaas also felt that the request was a policy question and not a technical question, which is ZPAC's normal scope of examination. Mr. Guritz agreed with Mr. Klaas. ZPAC voted to issue a neutral recommendation by a vote of four (4) in favor and two (2) in opposition with four (4) members absent. The minutes of the meeting were attached.

If you have any questions regarding this memo, please let me know.

Thanks,

MHA

Encs.: Application

Seward Township Information Dated February 20, 2022.

March 1, 2022 ZPAC Minutes (This Petition Only)

March 23, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)

Matt Asselmeier

From: Tim O'Brien <sewtow@aol.com>
Sent: Wednesday, April 6, 2022 10:01 AM
To: Matt Asselmeier
Cc: lschoenstedt@rcklawfirm.com; cbuck@rcklawfirm.com; Scott Koeppel; Scott Gengler; jprodehl@yahoo.com
Subject: [External]Re: Seward Township Moratorium

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning:

Seward Township plans on continuing to move forward with the approval process.

Thank you.

Tim O'Brien
Supervisor, Seward Township

-----Original Message-----

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
To: Tim O'Brien <sewtow@aol.com>
Cc: Lorien E. Schoenstedt <lschoenstedt@rcklawfirm.com>; Carl Buck <cbuck@rcklawfirm.com>; Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>
Sent: Thu, Mar 24, 2022 8:27 am
Subject: Seward Township Moratorium

Tim:

Given what occurred at last night's meeting, could the Seward Township Board vote to concur with tabling the proposal (i.e. withdrawing the proposal) or vote to continue moving the request through the approval process?

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

Matt Asselmeier

From: Tim O'Brien <sewtow@aol.com>
Sent: Wednesday, April 6, 2022 10:22 AM
To: Matt Asselmeier
Cc: lschoenstedt@rcklawfirm.com; Scott Koeppel; Scott Gengler; jprodehl@yahoo.com
Subject: Re: [External]Re: Seward Township Items

Good morning:

The designated speaker will be Jillian Prodehl.

Tim O'Brien
Supervisor, Seward Township

-----Original Message-----

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
To: Tim O'Brien <sewtow@aol.com>
Cc: lschoenstedt@rcklawfirm.com <lschoenstedt@rcklawfirm.com>; Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>
Sent: Mon, Apr 4, 2022 1:11 pm
Subject: RE: [External]Re: Seward Township Items

The designated speaker should be authorized to speak for the Township; the Township Board is the applicant.

Is Seward Township considering withdrawing the moratorium request at their meeting in April?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Tim O'Brien [mailto:sewtow@aol.com]
Sent: Monday, April 4, 2022 1:07 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: lschoenstedt@rcklawfirm.com; Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>
Subject: [External]Re: Seward Township Items

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Matt:

The Code enforcement will be on the Agenda for the Regular meeting in the month of April.

I will let you know the outcome.



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: 3/24/2022

Subject: Communication Tower Lighting Requirements

On March 3, 2022, the County received a complaint regarding lights not working on the tower at Legion and Immanuel Roads. The tower owner agreed to fix the matter.

Upon additional discussions, the suggestion was made to change the present language contained in Section 6:06.B.3.b, pertaining to design guidelines (lighting requirements) of telecommunication carrier facilities as follows:

“Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, **which shall be conventional red lighting at night and may be white strobe during the day (unless required by the FAA or FCC to be white strobe at night)** all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.”

At their meeting on March 23, 2022, the Kendall County Comprehensive Land Plan and Ordinance Committee voted to forward a request to the Kendall County Regional Planning Commission to initiate a text amendment to the Zoning Ordinance as described in the above paragraph.

If you have any questions regarding this memo, please let me know.

Thanks,

MHA