



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, May 25, 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 April 27, 2022 Meeting (Pages 2-30)

PETITIONS

1. **Petition 22 – 01 – Jose and Silvia Martinez (Pages 31-213)**
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

2. **Petition 22 – 10 – Mark Fecht on Behalf of Fecht Brothers, Inc. (Property Owner) and Jeremy and Samantha Dippold on Behalf of Best Budget Tree, LLC (Contract Purchaser) (Pages 214-357)**
Request: Special Use Permit for a Landscaping Business
PINs: 09-15-200-003
Location: North Side of Route 52 Across from 2190 and 2200 Route 52, Minooka in Seward Township
Purpose: Petitioners Want to Operate a Tree Service and Landscaping Business at the Property; Property is Zoned A-1

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS:

1. Recommendation on a Proposal from Teska Associates, Inc. to Update the Kendall County Land Resource Management Plan in Its Entirety (Pages 358-361)

2. Discussion of Oswego Township Junk and Debris Ordinance and Recreational Vehicle and Trailer Parking Ordinance (Pages 362-375)

OLD BUSINESS:

1. None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 22-09 Future Land Use Map Amendment Near 12565 Fox Road in Fox Township

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next Regular Meeting June 22, 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 April 27, 2022 - 7:00 p.m.

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

ROLL CALL

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

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Kramer, Judd Lofchie, Jose Martinez, Tim O'Brien, Michael Eurkaitis, Irma Quezada, Donald Larkin, and Jo Beth Larkin

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Wormley, to approve the minutes of the of the March 23, 2022, meeting. With a voice vote of seven (7) ayes, the motion carried.

PUBLIC HEARING

Petition 22-09 Kendall County Regional Planning Commission

The Kendall County Regional Planning Commission started the review of this Petition and Chairman Ashton opened the public hearing at 7:02 p.m.

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. 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 were provided.

No one from the public testified at the hearing.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the Petition.

The votes were as follows:

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

Nays (0): None

Absent (2): Stewart and Wilson

Abstain (0): None

The motion carried.

This proposal goes to the Kendall County Zoning Board of Appeals on May 2, 2022.

Member Rodriguez made a motion, seconded by Member McCarthy-Lange to adjourn the public hearing. With a voice vote of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission adjourned the public hearing and completed their review of Petition 22-09 at 7:05 p.m.

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

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.

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

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 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 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 provided. On December 27, 2021, the Petitioner's Attorney submitted a response to the actions of the Seward Township Planning Commission; this letter was provided. 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 2022. The objection will require a positive vote of at least eight (8) County Board members in order to approve the requested map amendment.

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

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

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 provided.

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 were provided.

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 were provided. The minutes of the January 31, 2022, meeting were provided. On February 14, 2022, the Petitioner's Attorney submitted a request that the hearing be continued to May 2, 2022. This email was provided. The minutes of the February 28, 2022, hearing were provided.

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.

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 were 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 was 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.

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

Member Wilson asked why the Petitioners were rezoning only the center portion of the lot and leaving a U-shaped area zoned A-1. The Petitioners, responded that the proposed rezoned portions of the property were the best locations for houses because of drainage, per the engineer, Phil Young, that examined the property. They said the second home would be for their son. They will lease the land to farm and they also plan to have horses on the property.

Dan Kramer, Attorney for the Petitioner, explained that the Petitioner still desired to farm a portion of the property. The farming operation would be a small operation. No other business would be run at the property; no landscaping business has been run at the property and no construction or landscaping debris has been placed on the property. The request is consistent with the County's Land Resource Management Plan; Mr. Kramer noted that Seward Township allowed similar rezoning requests recently. He felt that some of the objectors had an implicit bias against the Petitioner. He hoped Seward Township would follow the proper procedures regarding updating a comprehensive plan. Mr. Kramer discussed the LaSalle Factors. He also discussed the *Village of Richton Park v. Sinclair Pipeline* case. He felt the proposed use would be consistent with the neighboring uses because other single-family homes on similar sized lots are located in the area. He distributed an article regarding the Carvana case.

Member Nelson provided a history of why this area was planned to be residential. The proposal is consistent with the Future Land Use Map as the Map currently exists. He urged the Commission to follow the Land Resource Management Plan.

Member Rodriguez expressed his support for the proposal.

Member Casey felt that the Seward Township Planning Commission had a red flag raised and they reacted to it. The concerns have calmed down and he welcomed the Petitioners to the neighborhood. He also expressed concerns about code enforcement of existing regulations.

Member Casey made a motion, seconded by Member Wormley, to recommend approval of the map amendment.

Donald and Jo Beth Larkin own property to the west and south of the property. They have been in Seward Township for fifty-seven (57) years. They expressed concerns about drainage, potential damage to field tile, and the construction of more homes on smaller parcels in the area. Discussion occurred regarding the conditions in the special use permit for Hogan's market. A drain tile survey will be required in order to build a house; the owners have to repair damaged tile by law. Also, a homeowner would not want broken tile on their property because the water would damage their house. Drainage Law is enforced civilly in Illinois. The property is not in a federal designated floodplain. The Larkins were encouraged to work with the Petitioners to maintain the tile; this will be an opportunity to locate and examine the tile.

Tim O'Brien, Seward Township Supervisor, explained that the Seward Township Planning Commission was concerned about water issues.

The votes were as follows:

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

Nays (0): None

Absent (1): Stewart

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on May 2, 2022.

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 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. 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.

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 the that Village of Oswego did not need

to approve the access permit. This email was provided. Staff provided additional emails related to the access permit. An access permit from the Village of Oswego will be required.

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 were provided.

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. The minutes of the February 23, 2022 Kendall County Regional Planning Commission meeting and March 28, 2022 Kendall County Zoning Board of Appeals hearing were also provided.

Updated photos of the property were provided.

Mr. Asselmeier noted that the Petitioners would need to amend the site plan if they desired to construct a building in the future and that the Petitioners were not pursuing stormwater management permit because their piles of materials would be less than three feet (3').

The Petitioners requested that the hours of operation be changed to 6:00 a.m. until 8:00 p.m. seven (7) days per week and that they be allowed to operate year-round.

Judd Lofchie, Attorney for the Petitioners, provided a history of the case and the uses in the area, including another landscaping business. He noted that the Petitioners had cleaned up their property, moved their chicken coop, and secured a deck permit. No neighbors have complained about the property. Discussion occurred regarding the timing of the installation of the gravel along the south property line.

Member Nelson discussed the Petitioners' language barrier.

Member Rodriguez defended the County's pro-business activities and the Planning, Building and Zoning Department's efforts to help the Petitioners gain compliance.

Discussion occurred about the ownership of Harvey Road and the requirement for an access permit from the Village of Oswego. Member Wormley explained the drainage reasons for the necessity of the access permit.

Member McCarthy-Lange expressed frustration that the Petitioners had not done everything required of them.

Member Nelson said the Petitioners could have obtained an updated site plan and access permit from the Village of Oswego within the last two (2) months, if they had completed the Planning Commission's request.

The email from the Village of Oswego requiring an access was re-read. Mr. Lofchie had not challenged the Village of Oswego's previous responses on the subject.

Mr. Lofchie requested that the Petition be moved forward with the condition that the Petitioners secure an access permit from the Village of Oswego. The Planning Commission declined the request on the grounds that a site plan is necessary to approve a special use permit and the submitted site plan would no longer be valid if the south driveway was moved.

Member Wilson did not care about the driveway, but she was not happy that the Petitioners ignored previous requests for compliance.

The Petitioners must submit an access permit and revised site plan by May 18, 2022, in order to be on the May 25, 2022, Planning Commission agenda. The driveway does not have to be installed.

The Petition will remain tabled until an access permit and revised site plan are submitted.

Member Rodriguez encouraged the Petitioners to learn from this experience and to follow the rules.

Petition 22-05 Seward Township

Mr. Asselmeier read an email from Seward Township Supervisor Tim O'Brien requesting that the moratorium be changed from twelve (12) months to six (6) months and that the request be tabled until the County decides on updating the entire Land Resource Management Plan.

Seward Township Supervisor Tim O'Brien said that it was the Township's request that the matter be tabled.

Member Nelson made a motion, seconded by Member Wormley, to table the Petition as requested.

The votes were as follows:

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

Nays (0): None

Absent (1): Stewart

Abstain (0): None

The motion carried.

Member Nelson requested an update on the status of the Seward Township Comprehensive Plan project. Supervisor O'Brien said the Township wanted to keep the six (6) month timeline and, if the County allocates the money to update the Land Resource Management Plan, the Township would withdraw the request. Member Nelson requested that Seward Township keep the Planning Commission updated on their activities.

A Seward Township resident asked about the timeline of the moratorium. The moratorium has been tabled. The original idea was to adopt Seward Township's update until the County updates the entire Land Resource Management Plan.

CITIZENS TO BE HEARD/PUBLIC COMMENT

Jo Beth Larkin asked if Seward Township was going to create their own Township Plan. Chairman Ashton responded that Seward Township already had a Plan and they were trying to update their Plan. She asked if she should attend Township meetings. She was advised to attend Township meetings. A public hearing will occur on the Land Resource Management Plan. Member Nelson invited Ms. Larkin to the February Annual Meeting.

NEW BUSINESS

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

Mr. Asselmeier summarized the request.

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.

Mr. Asselmeier stated that, if the Commission approves initiating the amendment, the proposal will go to ZPAC on June 7, 2022.

Member Nelson discussed the use of white strobes at night.

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

The motion carried.

This proposal will go to the Kendall County ZPAC on June 7, 2022.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

Member Casey reported an occupied trailer on the south side of Route 52 east of Arbeiter Road. Mr. Asselmeier will investigate.

Mr Asselmeier reported there will be a request for a special use permit for a landscaping business on the north side of Route 52 west of Arbeiter Road.

Chairman Ashton reminded Commissioners that a vacancy existed on the Commission from Na-Au-Say Township.

ADJOURNMENT

Member Rodriguez 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 9:03 p.m.

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

Exhibits:

1. Memo on Petition 22-09 Dated April 18, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-09 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
APRIL 27, 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)
Don Krimer		
Jim Bruen		
M. FURKANTS		
Judd Lofchie		
JO BETH LARKIN		

Anyone who is shopping for a car since COVID-19 broke out two years ago knows that conditions for this vital Midwest industry have been anything but normal. And nothing says "abnormal" quite like a giant automobile vending machine going up next to a forest preserve.

Skokie Village Board members could have taken the easy way out and voted "no" to a development plan that prompted heated protests from bird lovers and NIMBY neighbors. Instead, they took a hard look at village zoning rules and did the right thing for economic development in their community, which soon will be home to, *ugh*, a 14-story vending-machine-style tower for selling cars.

This new Carvana used-car dealership will sit uneasily along 1994, between the bird-friendly Harris Woods, the hallowed Illinois Holocaust Museum and Optima, a large residential complex whose inhabitants are boxing themselves for an eyecore.

At a recent Village Board meeting, observers entered the boardroom by stepping past a protester sprawled on the floor in a dead-bird mask. Although Carvana promised mitigations to deter birds from flying into its glass tower, it never stood a chance of winning over the pre-bird crowd. Still, after hearing several hours of public objections, Skokie's trustees set aside good taste and recognized in a 2-1 vote that Carvana had cleared all reasonable land-use and wildlife safety hurdles.

The plan to make a skyscraper downtown the specter of Carvana should not have clouded the property. Were the company to sell well, but given the uncertain state of the auto business, requiring the bond was a prudent step.

In the pandemic's early days, as the nation tanked and millions of cars were parked for weeks at a time, air pollution cleared, accident frequency declined, assembly plants went idle and dealerships were deserted. Sweat formed on the brow of anyone with a financial stake in America's love for the open road.

After the initial damage was done, the industry experienced an unusual turnaround. Americans flush with cash started chasing cars like naughty dogs. Demand soared at the same time automakers were unable to meet it, mostly because of supply-chain problems.

A new, modern car requires dozens of computer chips for everything from cruise control to infotainment systems, and the scarcity of semiconductor manufacturers has been a constant



Carvana's glass tower lights up the night sky near 22nd Street and Interstate 88 in Oak Brook. BRETT JOHNSON / PIONEER PRESS

Automakers responded by shifting production to their most expensive models and dealers by maximizing returns on scant inventory, doubling their average profit per vehicle sold over the past year. The average price of a new car shot to \$45,283 as of December, up more than \$5,000 from June according to the J.D. Power data service. Ford and General Motors recently agreed their dealers to stop selling cars for more than the sticker price, a move critics praise that says they could boost their profits.

The value of used cars soared as well, with the average vehicle selling for more than \$29,000 at the end of last year, up from just \$24,000 at the end of 2019, according to Carfax Kelley Blue Book. Carvana, a fast-growing publicly held company based in Arizona that had been gaining momentum even before the pandemic, saw its stock take off as vehicle demand revived.

The Skokie project is among more than 30 Carvana vending-machine locations across the country, including in suburban Oak Brook and Schaumburg. Customers who buy cars online are given the "fun" option of picking them up at one of the towers by inserting a souvenir token and watching as the vehicle descends from its parking spot in the tall, narrow structure. A photo booth is available to capture the moment for sharing on social media.

Not our idea of a thrill but, hey, different strokes.

Launched in early 2013, Carvana's vending machine is a

wide E-commerce platform for buying and selling cars have proliferated, and Carvana contends online with everything from Carx.com (once partially owned by Tribune) to Vroom. Its pandemic success has caught the attention of even more formidable competitors, notably GM, which recently launched its Carfina online used-car platform.

At some point, maybe later this year, supply-chain problems will ease. Demand will be met and dealers will stop leaving cars in their showrooms and on lots in plain sight. Right now, consumers should be aware of deceptive advertising rules if such a provision policing demand differs from the price you see online. Perhaps anticipating an end to the current flush times, Carvana's stock has lost about half its value since its peak last summer.

At the Skokie Village Board meeting, the company made a strong case for its new tower. Carvana brought in feather-friendly consultants, agreed to install anti-bird-strike markers on its windows and expanded a previous agreement to dim its lights at night. Most convincingly, it pointed out that, under current zoning, the site could be developed into a much larger office, hotel or apartment tower, birds be damned.

To all those carrying "Carva-NO" signs, we sympathize, but in this case, Carvana at least listened to the concerns and tried to be a good neighbor — including to those who think











Matt Asselmeier

From: Fran Klaas
Sent: Tuesday, November 30, 2021 9:17 AM
To: Matt Asselmeier; Jennifer Hughes; Rod Zenner
Cc: Scott Gengler; Scott Koeppel
Subject: RE: [External]RE: Harvey Road Question

Haven't seen any responses to this yet, so thought I'd respond in regard to jurisdiction question. Although the parcel at 1038 Harvey Road is unincorporated, Harvey Road itself at this location would be under the jurisdiction of Village of Oswego. This is because Oswego has annexed the west side of Harvey Road at this location, and so, by law, that annexation would go to the far side (east side) of the right-of-way.

Francis C. Klaas, P.E. Kendall County Engineer 6780 Route 47, Yorkville, IL 60560 (630) 553-7616 fklaas@co.kendall.il.us

From: Matt Asselmeier
Sent: Wednesday, November 24, 2021 9:22 AM
To: Jennifer Hughes <JHughes@oswegoil.org>; Rod Zenner <RZenner@oswegoil.org>
Cc: Fran Klaas <FKlaas@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>
Subject: RE: [External]RE: Harvey Road Question

Jennifer and Rod:

I know that I wrote this before (apparently on June 24, 2020 to be exact), but the County is likely to receive a special use permit for a landscaping business at 1038 Harvey Road.

Does the Village of Oswego control Harvey Road at this address? If yes, would Oswego require an access permit for the southern driveway at this property?

The property owner installed the southern driveway without proper permits from the County.

Does Oswego have any other concerns that they would like the property owner to address as part of the special use permit application?

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: Jennifer Hughes [<mailto:JHughes@oswegoil.org>]
Sent: Wednesday, June 24, 2020 1:19 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Rod Zenner <RZenner@oswegoil.org>
Cc: Fran Klaas <FKlaas@co.kendall.il.us>; Matthew G. Prochaska <mprochaska@co.kendall.il.us>; Scott Koeppel

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Tuesday, April 26, 2022 12:55 PM
To: Matt Asselmeier; Miguel Ángel Fernández; Natural world landscaping
Cc: Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: Re: FW: [External]Re: 1038 Harvey Road Question

Dear Faith, Matt, Scott K. and Scott G.

I am sending this email concerning Matt's last email of April 21, stating that the Regional Planning Commission will not issue a recommendation for our case until we settle our issue with Oswego. Jennifer from Oswego says in her email to Matt that my client's access road must line up with Meadows Court across the street.

In my opinion, Oswego can not force my client to apply for a driveway permit. First, I don't believe the road is under the control of the Village of Oswego. Just because they annexed Brighton Ridge across the street, they would only annex to the middle of Harvey Road and not my client's side of the street.. And because my client's property is not in the Village of Oswego, how could they require him to do anything. I was told by Oswego Highway Supervisor Claude's assistant Jennifer, on March 3rd at 12:33pm that the section of Harvey Road in front of my client's house is in the Township, not the Village of Oswego.

We understand that if we annex into Oswego, we may have issues with the driveway, but we are willing to risk that currently, so we can get approved and not have to start over and move the drive. We will discuss next fall annexing into Oswego and moving the drive after we discuss this with them and my clients.

We hope to be able to move this forward Wednesday night.

Thank you.
Judd Lofchie

On Thu, Apr 21, 2022 at 3:06 PM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Judd:

Please see the following message from the Village of Oswego.

As has been stated previously, the Regional Planning Commission probably will not issue a recommendation unless the access issues with the Village of Oswego are addressed. Addressing these issues (i.e. having the driveway align with Meadows Court) will require changing the site plan and landscaping plan.

However, it appears the Village is offering annexation as an opportunity to avoid changing the alignment.

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: Jennifer Hughes [mailto:JHughes@oswegoil.org]

Sent: Thursday, April 21, 2022 2:51 PM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Rod Zenner <RZenner@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Brian Schiber <BSchiber@oswegoil.org>

Subject: RE: [External]Re: 1038 Harvey Road Question

Matt,

They will need to apply for driveway permit on the Commercial Building permit application. Our commercial driveway detail is attached. The centerline of the drive should align with the centerline of Meadows Court. The driveway should be located off the property line to allow for drainage and any easements that may be along that property line. The ditch line needs to be surveyed to determine if a driveway culvert is required. Culverts will need to be constructed in accordance with Section 8.404B of the Subdivision Regulations.

The Village is not proposing to force annex the property at this time. If they annex, their current operation may violate our ordinances, so they could possibly be grandfathered in to what they have now, but could not expand.

Sincerely,

Jennifer Hughes, P.E., CFM

Public Works Director/Village Engineer



PH: 630.551.2366

Email: jhughes@oswegoil.org

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

Sent: Monday, April 18, 2022 5:30 PM

To: Jennifer Hughes <JHughes@oswegoil.org>; Rod Zenner <RZenner@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: RE: [External]Re: 1038 Harvey Road Question

Correct, but does the Village require an access permit for any driveways installed at the subject property?

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: Jennifer Hughes [<mailto:JHughes@oswegoil.org>]

Sent: Monday, April 18, 2022 4:41 PM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Rod Zenner <RZenner@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: RE: [External]Re: 1038 Harvey Road Question

The road itself is located within the Village limits by virtue of annexation of property on the far (west) side (Brighton Meadows). The subject property, however, is not located within the municipal corporate limits.

Sincerely,

Jennifer Hughes, P.E., CFM

Public Works Director/Village Engineer



PH: 630.551.2366

Email: jhughes@oswegoil.org

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

Sent: Monday, April 18, 2022 8:08 AM

To: Rod Zenner <RZenner@oswegoil.org>; Jennifer Hughes <JHughes@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: RE: [External]Re: 1038 Harvey Road Question

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, April 27, 2022 8:48 AM
To: judd lofchie
Cc: Scott Koepfel; Scott Gengler; Faith D. Hook
Subject: RE: FW: [External]RE: Harvey Road Question

Judd:

Source: https://idot.illinois.gov/Assets/uploads/files/Transportation-System/Manuals-Guides-&-Handbooks/T2/P034_JTGuide.pdf

4-5 ANNEXATIONS BY MUNICIPALITIES Pursuant to 65 ILCS 5/7-1-1, whenever a municipality annexes property: "The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation." When roads under township jurisdiction are annexed by municipalities, these roads automatically become municipal streets under municipal jurisdiction (see the section below entitled 'Townships Cannot Have Jurisdiction in Municipalities' for further discussion). When roads under state or county jurisdiction are annexed by municipalities, these roads remain under state and county jurisdiction; unless a formal agreement is executed that transfers jurisdiction to another highway authority.

4-6 TOWNSHIPS CANNOT HAVE JURISDICTION IN MUNICIPALITIES Pursuant to 605 ILCS 5/6-203, a township highway commissioner has no power or jurisdiction over streets and alleys in municipalities. Therefore, when a municipality annexes property that includes a township road, the annexing municipality automatically assumes jurisdiction of that road. Pursuant to 65 ILCS 5/7-1-1, the municipality is required to notify the affected township when a proposed annexation includes a highway under that township's jurisdiction. Failure to notify the involved township can result in the municipality having to reimburse the township for any losses or liability incurred by the township for the annexed highway when that highway was already the responsibility of the municipality.

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: Tuesday, April 26, 2022 2:43 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Scott Koepfel <skoepfel@kendallcountyil.gov>; Scott Gengler <sgengler@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>
Subject: Re: FW: [External]RE: Harvey Road Question

Thank you for responding Francis. Can you tell me what law that is? I just have never heard of that before.

On Tue, Apr 26, 2022 at 2:36 PM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, April 27, 2022 2:39 PM
To: judd lofchie
Cc: Miguel Ángel Fernández; Natural world landscaping; Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: RE: FW: [External]Re: 1038 Harvey Road Question
Attachments: Sept 2009 Google Map.jpg; July 2017 Google Map.jpg

Judd:

The plat for Brighton Ridge Subdivision was recorded at 12:14 p.m. on February 1st 2005.

Other than memory, does your client have any proof the driveway was in that location in 2002. The aerials do not show a driveway on the property until 2020. The attached images from 2009 and 2017 from Google Maps clearly show no driveway at either of those points in time.

I will bring up the request to change the hours of and season of operation at tonight's meeting.

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, April 27, 2022 2:06 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Miguel Ángel Fernández < [REDACTED] >; Natural world landscaping <naturalworldlandscaping@gmail.com>; Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>
Subject: Re: FW: [External]Re: 1038 Harvey Road Question

Matt: Please change the conditions to year around and that he can be open from 6 am to 8pm 7 days a week (just so he can do snowplowing)

I have done some more research on this matter. Brighton Ridge Subdivision was built in 2007. I am attaching the property tax record for one of the homes. I assume they were all built at the same time.

The gravel driveway at my client's house has been there since 2002. My client used to work for a company in 2000 to 2002 and he saw the gravel driveway there in 2002 (he thinks possibly 2001, but he is sure 2002). So since my client had his driveway first, Oswego can not compel us to get a driveway permit, because to think otherwise, would mean that whenever a property is annexed into Oswego, the owner across the street would have to go apply for a driveway permit. That is not legal. And that is why the Township said they will not get involved, because the gravel driveway has been there for a long time.

So we would like to proceed tonight. I think it's only fair.

We will explore annexing into Oswego, but I don't want to stop this process and start over.

Regards,

Judd Lofchie

On Tue, Apr 26, 2022 at 2:15 PM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Judd:

What would be the earliest that the business would start operations? What would be the latest the business would like to stay open? Please include any necessary time preparing for leaving and putting things away in the hours of operation.

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:judd1299@gmail.com]

Sent: Tuesday, April 26, 2022 2:11 PM

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

Cc: Miguel Ángel Fernández <mafernandezesq@gmail.com>; Natural world landscaping <naturalworldlandscaping@gmail.com>; Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>

Subject: Re: FW: [External]Re: 1038 Harvey Road Question





27

FAX

TO: Matt Asselmeier

FROM: Tim O'Brien

FAX: 630-553-4179

FAX:

PHONE: 630-553-4139

PHONE: [REDACTED]

SUBJECT: Moratorium

DATE: 4/26/2022

COMMENTS Attached are minutes from March 8, 2022 meeting page 3 "D" showing 6 months

04/12/2022**page 3 of 3**

- B. Supervisor O'Brien designated himself as Auditing Official for Seward Township. Motion to approve his designation was made by Trustee Roberts and second by Trustee Fleming. All in favor, motion carried. Action taken as indicated on Agenda
 - C. Trustee Martin directed a question to Clerk Trost regarding her request to appoint a Deputy Clerk and she went on to explain her reasons for such request, sickness, family emergencies, future plans within the Road District to include the initiation of an accounting system to better track expenditures. Discussion within the Board continued and as indicated on the Agenda NO action was taken.
 - D. Duration of the Moratorium was changed from 12 months to 6 months. Motion by Trustee Fleming, second by Trustee Martin. All in favor, motion carried
Motion to be filed at Kendall County. Action taken as indicated on the agenda
 - E. Discussion regarding Staples and no action was taken as indicated on the Agenda.
 - F. Trustee Martin indicated that he and Supervisor O'Brien made a very informal trip to visit a few Bank's to look into doing something different with the accounts. They had a discussion with the township attorney, and his suggestion was to request a proposal. Our current Bank was going to provide information necessary to obtain proposals. Motion to issue a Request for Proposal for Bank Services was made by Trustee Martin, second by Trustee Smith. All in favor, motion carried. Action taken as indicated on the Agenda
 - G. Annual Meeting Agenda, correction to time of meeting is 7:30PM. Regular monthly Meeting of the Board is at 7:00PM. Trustee Roberts questioned the line item to pay the Moderator, and attorney Buck indicated that is standard practice. Motion to approve the agenda with time and date correction was made by Trustee Roberts, second by Trustee Martin. All in favor Trustee Martin, Roberts and Fleming. Trustee Smith voting NO. Motion carried. Action taken as indicated on the Agenda
- (16) EXECUTIVE SESSION:** Tabled as not needed

(17) ADJOURNMENT: Motion to Adjourn was made by Trustee Martin, second by Trustee Fleming ALL IN FAVOR - YES
Meeting adjourned at 8:40 PM

Next meeting of the Seward Township Board on 4/12/2022 at 7:00 PM
Seward Township Annual Meeting to be held on 4/12/2022 at 7:30 PM

APRIL 12, 2022 ATTEST, Sheila A Trost, Clerk Seward Township

Matt Asselmeier

From: Tim O'Brien <sewtow@aol.com>
Sent: Tuesday, April 26, 2022 5:18 PM
To: Matt Asselmeier
Cc: jprodehl@yahoo.com
Subject: [External]Kendall 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.

Matt:

I faxed over a copy of the minutes from the March 2022 meeting showing the change from 12 months to 6 months on the moratorium.

Will you allow this to be tabled until after the county board decides on the updated comp plan?

Please advise.

Thank you.

Tim O'Brien
Supervisor, Seward Township



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 APRIL KENDALL COUNTY REGIONAL PLANNING COMMISSION MEETING

At the April Kendall County Regional Planning Commission meeting, the Petitioners requested that the hours of operation be changed to daily from 6:00 a.m. until 8:00 p.m. and that the business be allowed to operate year-round. Condition 18 has been amended to reflect this change. The Commission also told the Petitioners to submit an access permit application with a revised site plan to the Village of Oswego by May 18, 2022, in order for this topic to be placed on the May 25, 2022, Commission agenda. The minutes this meeting are included as Attachment 21.

The Kendall County Zoning Board of Appeals continued this Petition at their hearing on May 2, 2022. The minutes of this hearing are included as Attachment 22.

The Kendall County Planning, Building and Zoning Committee met on May 9, 2022, and voted to issue citations for the installation of the driveway without a permit. The Committee voted not to issue a citation for operating a landscaping business without a special use permit.

As of the date of this memo, Staff does not know if the Petitioners submitted a complete access permit application to the Village of Oswego by the May 18th deadline.

Staff also updated the proposed Findings of Fact for the variance portion of the request.

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,
RPC Memo – Prepared by Matt Asselmeier – May 19, 2022

Page 1 of 10

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 were 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 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 Single-Family Residential

USE:

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 REGULATIONS: Section 7:01.D.30 – A-1 Special Uses
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 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. The minutes of the March 23, 2022 meeting are included as Attachment 20.

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. The Kendall County Zoning Board of Appeals continued this Petition at their hearing on May 2, 2022.

The minutes of this hearing are included as Attachment 22.

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

The Petitioners would like the business to be open from 6:00 a.m. until 8:00 p.m. everyday throughout the year. 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 around 7:00 p.m. 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. The Petitioner has provided no evidence that the subject driveway is located outside of the required setback. The Petitioner has provided no evidence that the subject driveway cannot be relocated out of the required setback.***

*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 known 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. While the owners were not responsible for the differences in classification for Harvey Road, the owners voluntarily chose to operate a landscaping business at the subject property and, thus, created the hardship.***

*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 daily from 6:00 a.m. until 8:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
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
20. March 23, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)
21. April 27, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)
22. May 2, 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 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 (Rezzone 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

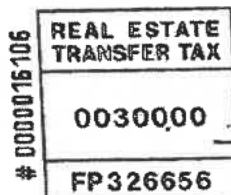
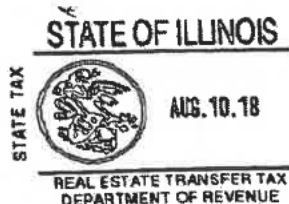
COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX

\$ 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)

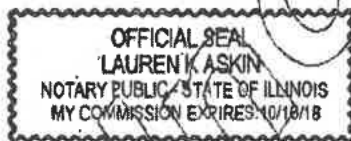
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Bryan J. Pierard, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed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

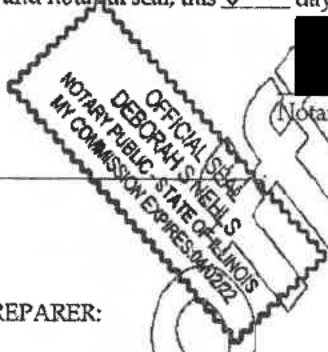
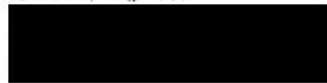
Given under my hand and notarial seal, this 24th day of July, 2018.

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.

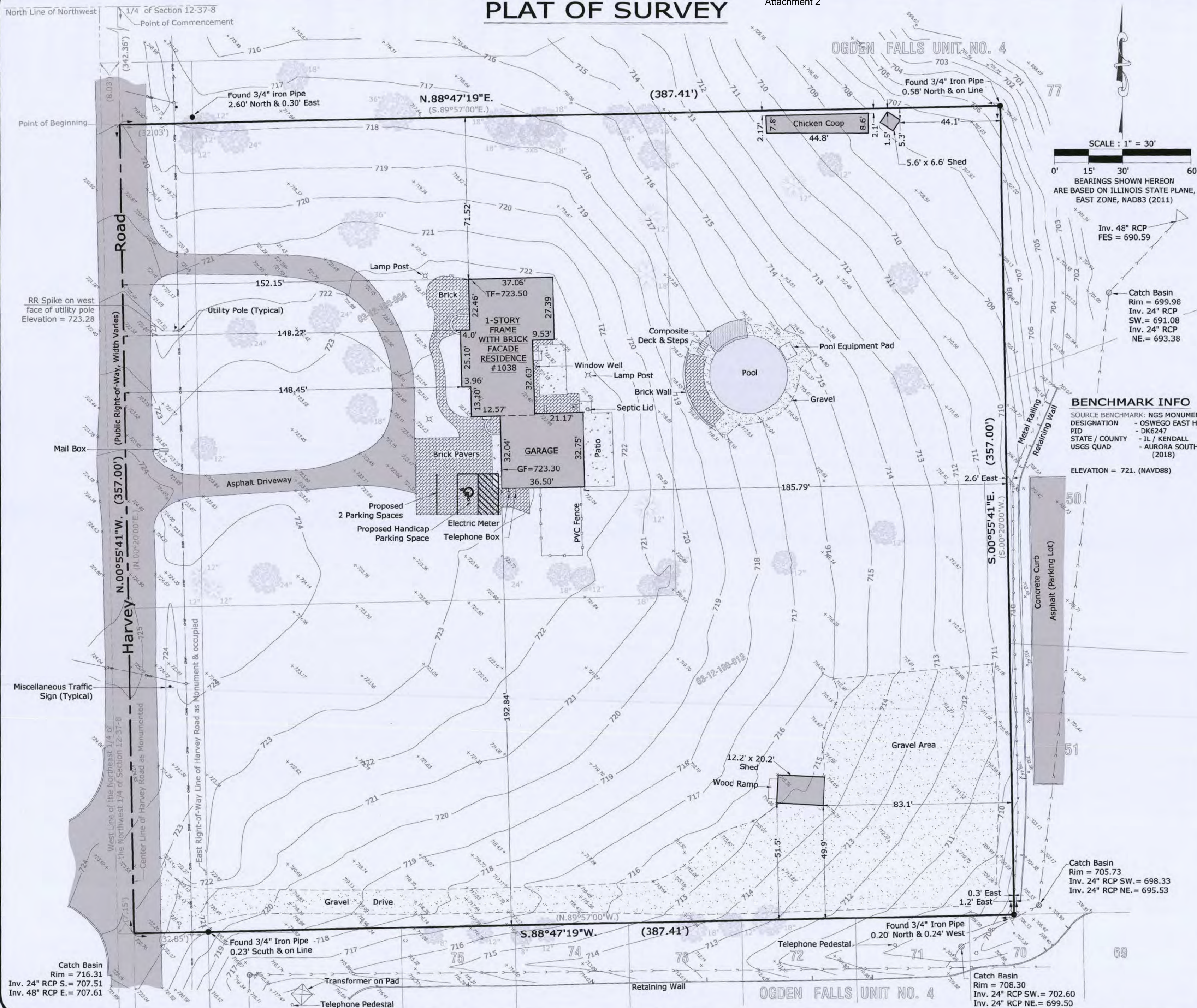
The driveway leading to the rear of the property was already in place when the owner purchased the property.

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

PROJECT NO.
557022

SHEET NUMBER

PLAT

DRAWN BY: PS CHECKED BY: SVK

CHECKED BY: SV

SHEET 1 OF 1



PREPARED BY:



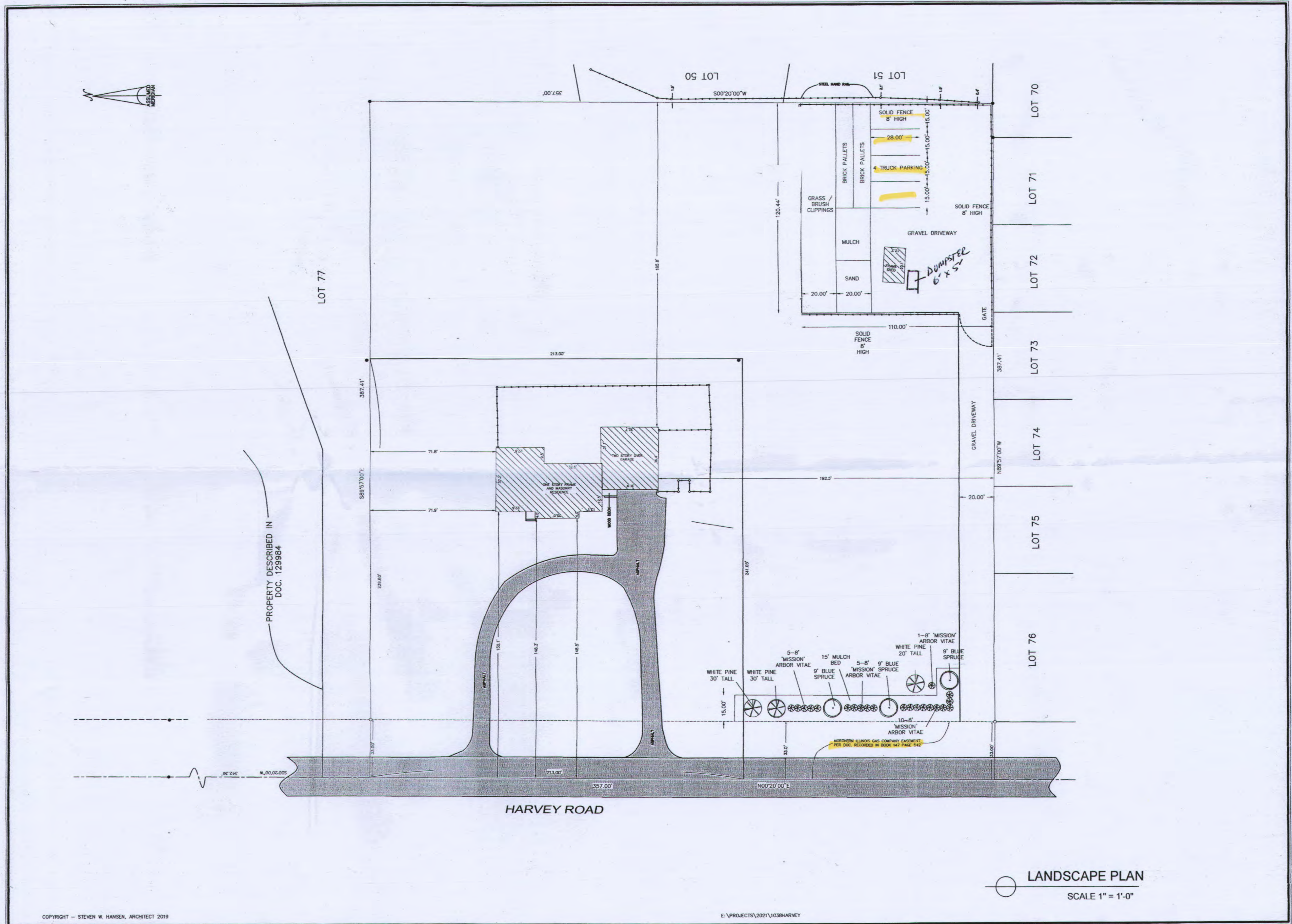
ASM Consultants, Inc.
16 E Wilson St, Batavia IL 60510
Tel (630) 879-0200 Fax (630) 454-3774
advanced@advct.com

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

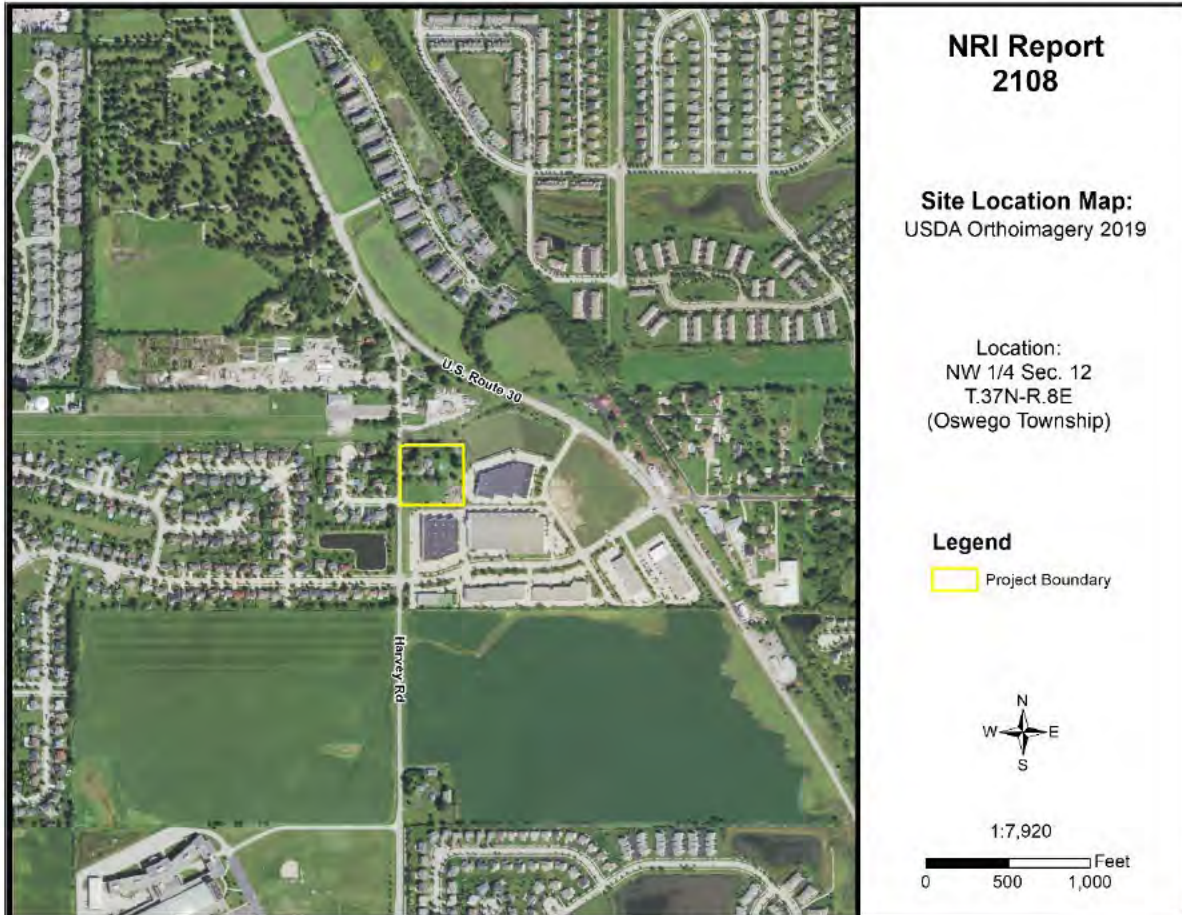
LEGEND

- | | | | | |
|-----------|----------------------|-----|--------------------------|---------------------------------------|
| ● | Found 3/4" Iron Pipe | ○ | Utility Pole | Non-Deciduous Tree and size in inches |
| — | Boundary Line | ○ | Utility Pedestal | 6" |
| --- | Lot Line | ⊞ | Air Condition Unit | Deciduous Tree and size in inches |
| —+— | Center Line | —+— | Metal Railing | 8" |
| —+— | Section Line | —○— | Center Line of PVC Fence | 723 |
| XXX.XX' | Measured | — | Storm Line | Spot Elevation |
| (XXX.XX') | Record | | | Contour Line |
| | | | 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



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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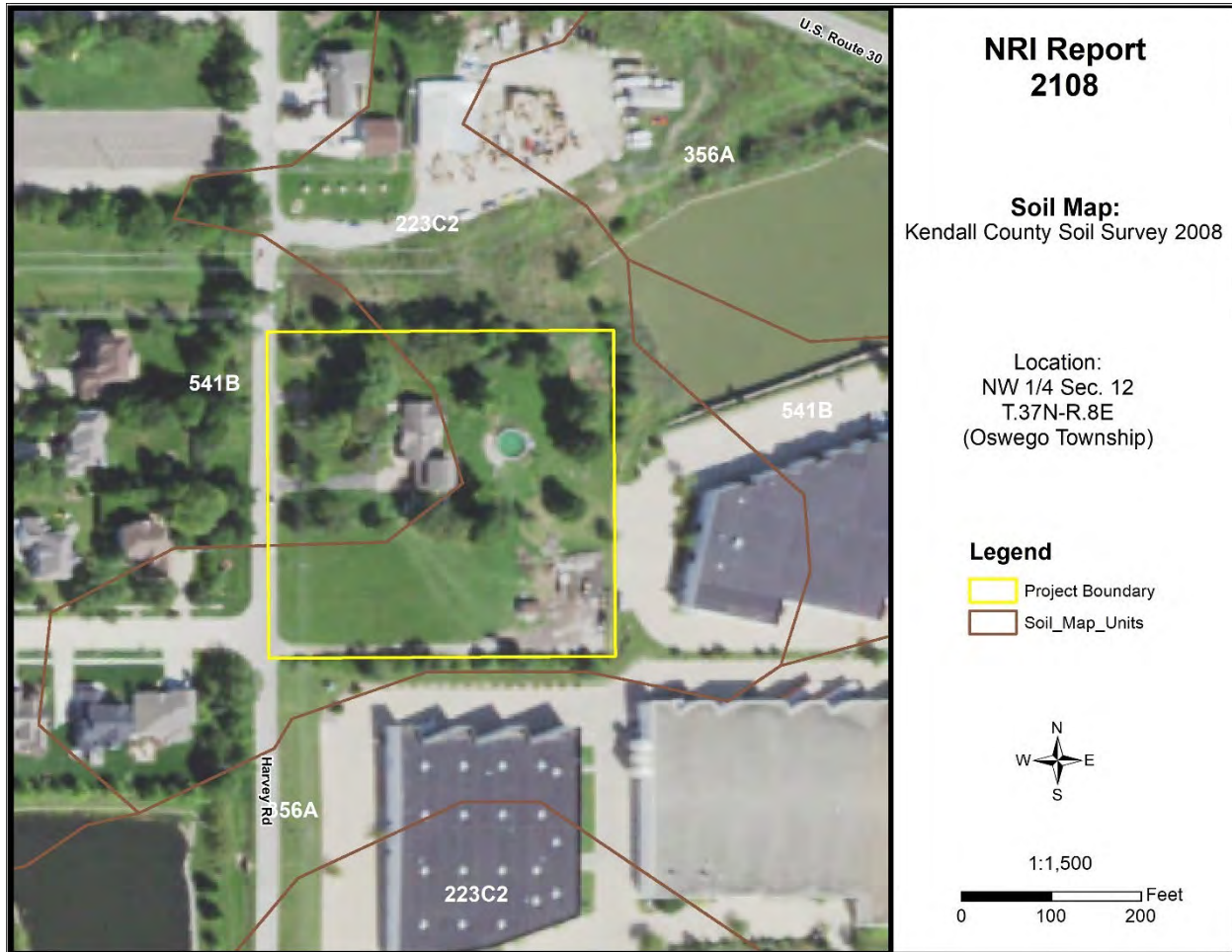
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EXECUTIVE SUMMARY

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).

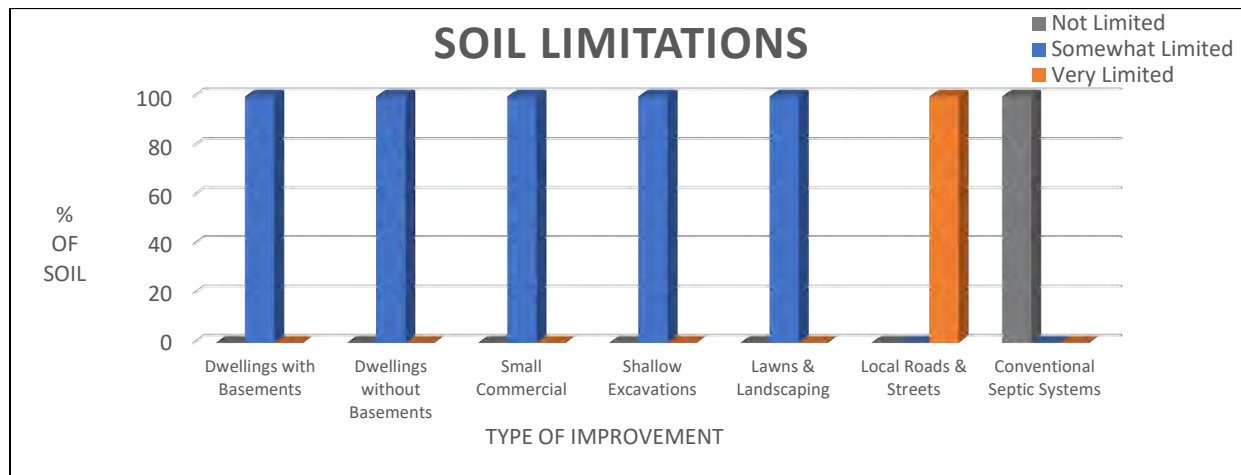
Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, 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
 

7/12/2021

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.

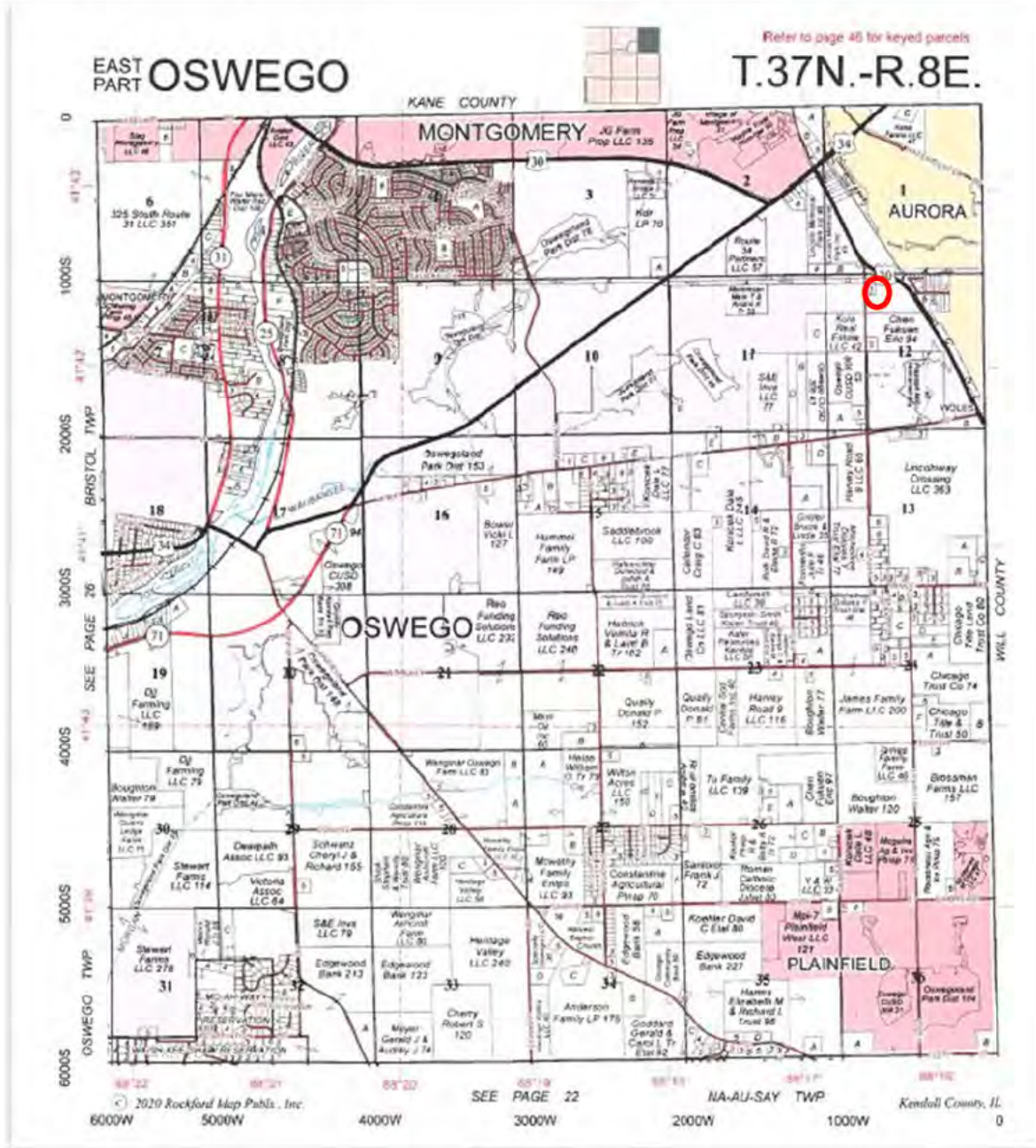


Figure 3: 2021 Plat Map

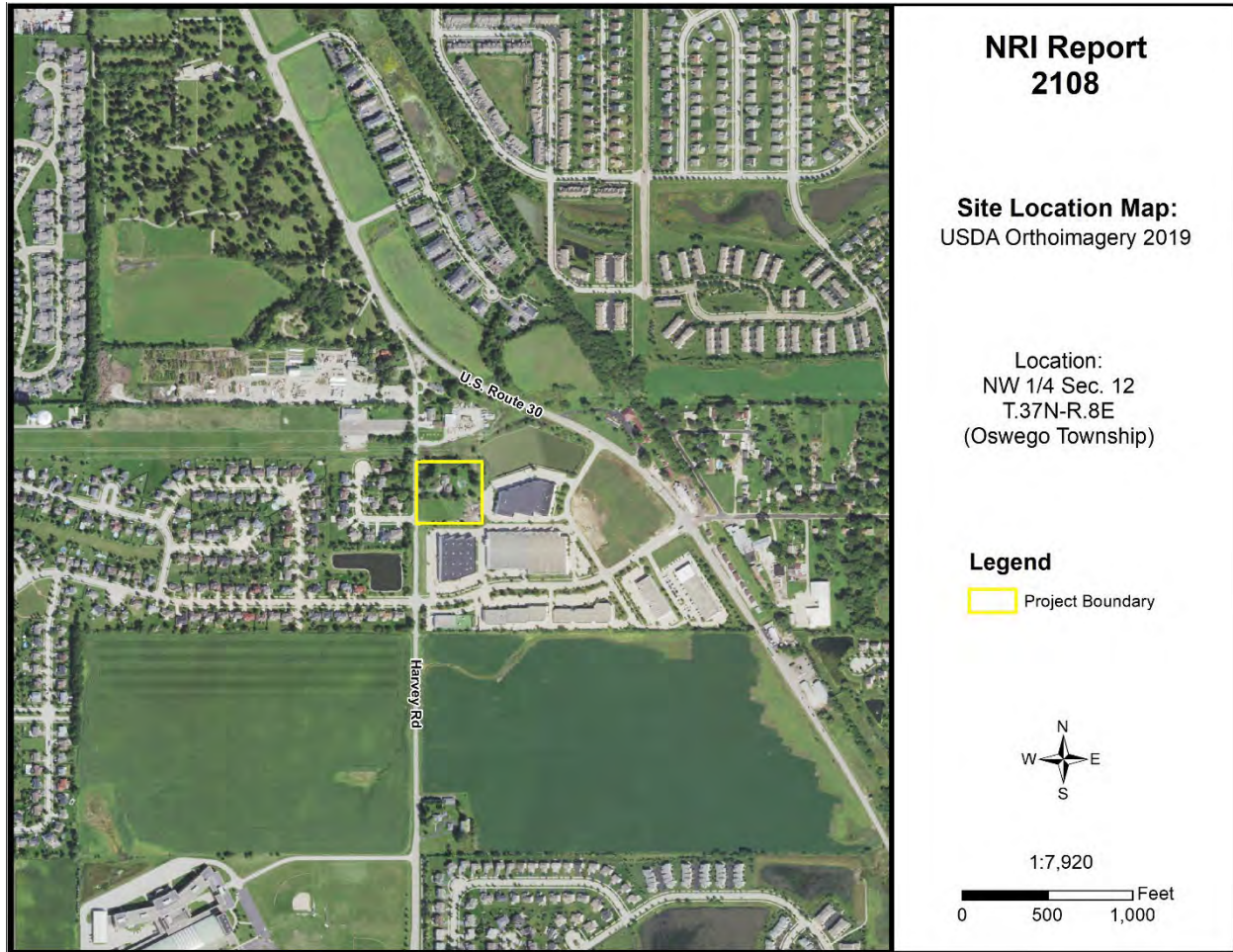


Figure 4: 2019 Aerial Map with NRI Site Boundary

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.

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.

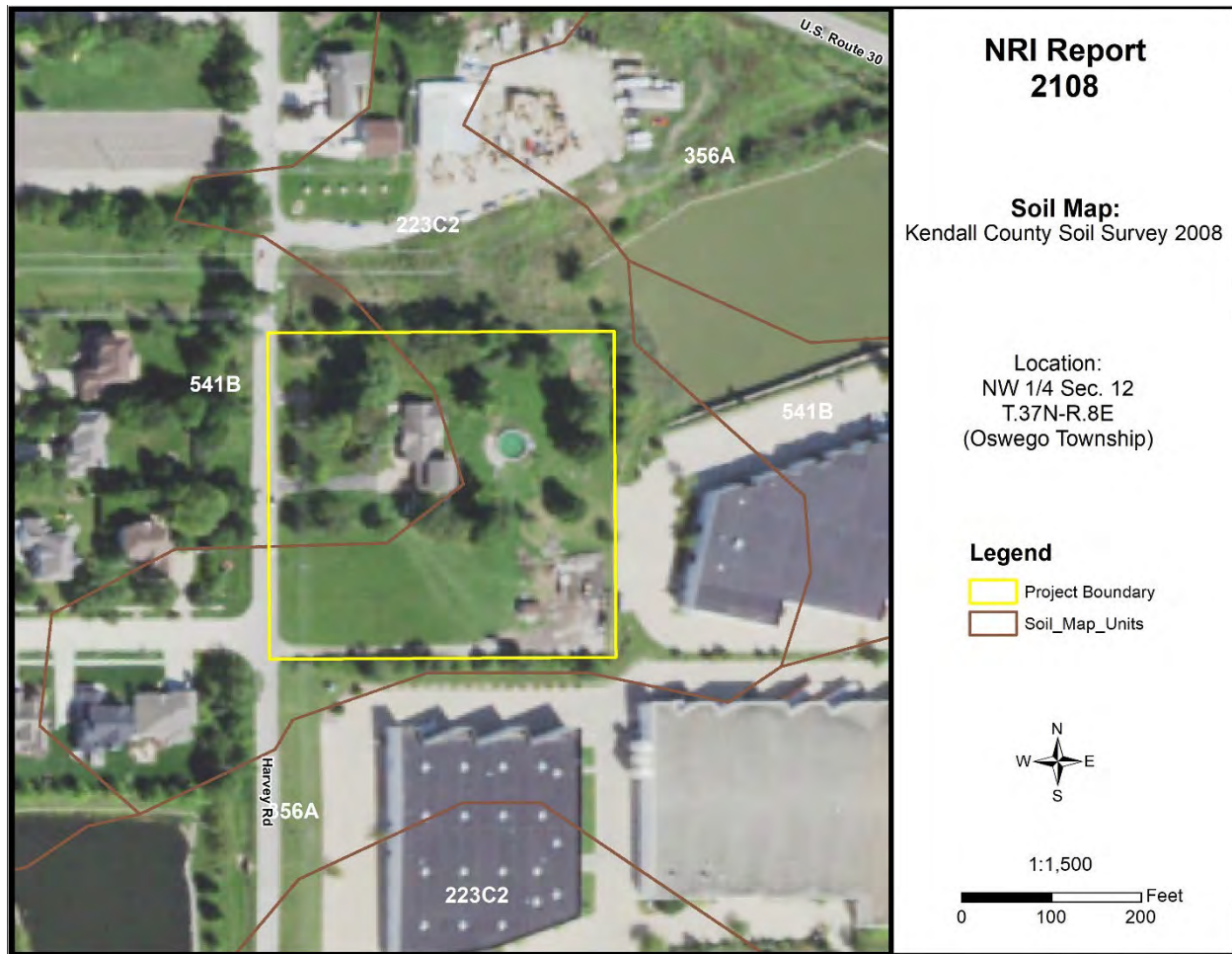


Figure 5: Soil Map

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

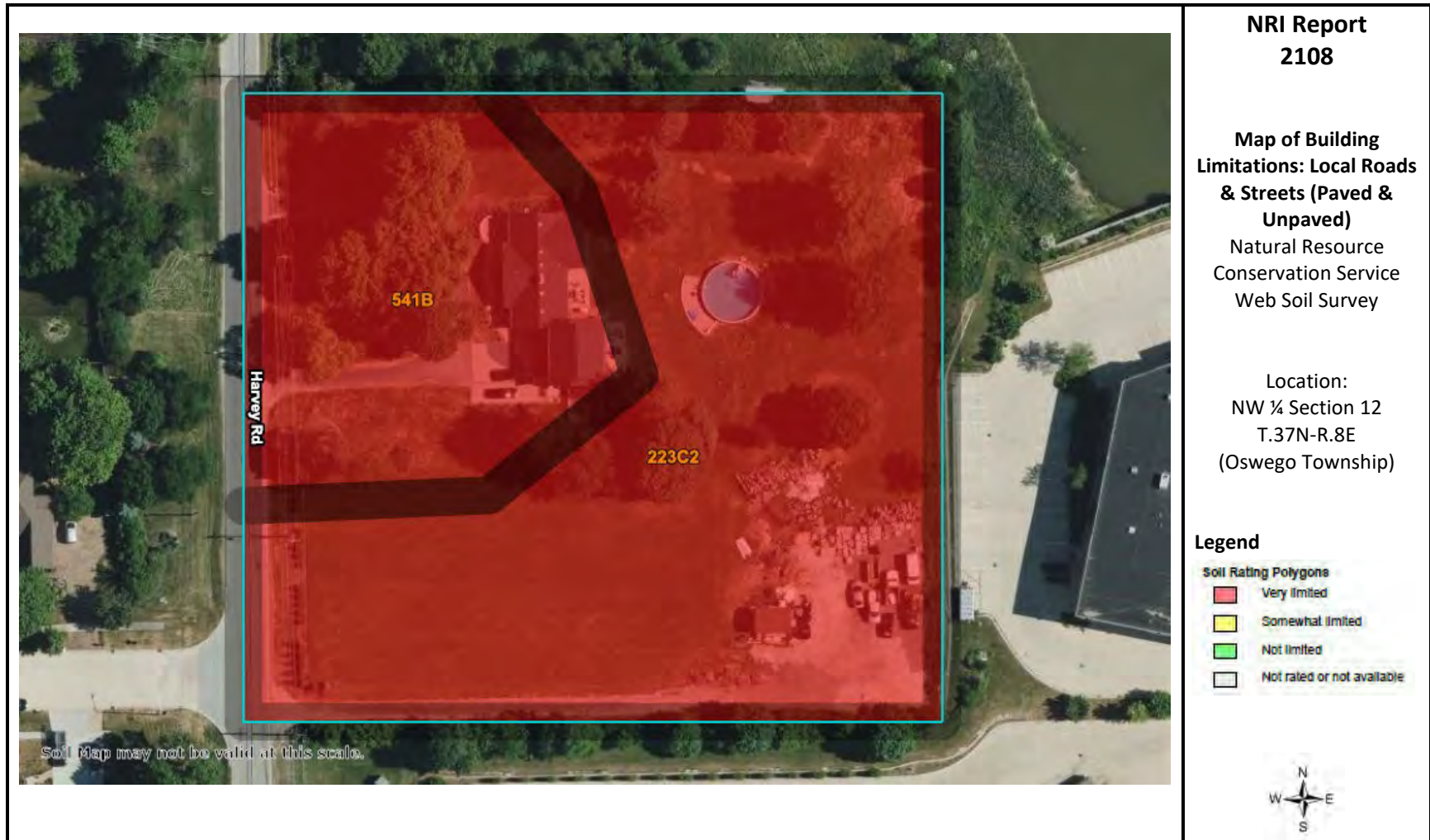


Figure 6B: Map of Building Limitations – Local Roads & Streets (Paved & Unpaved)

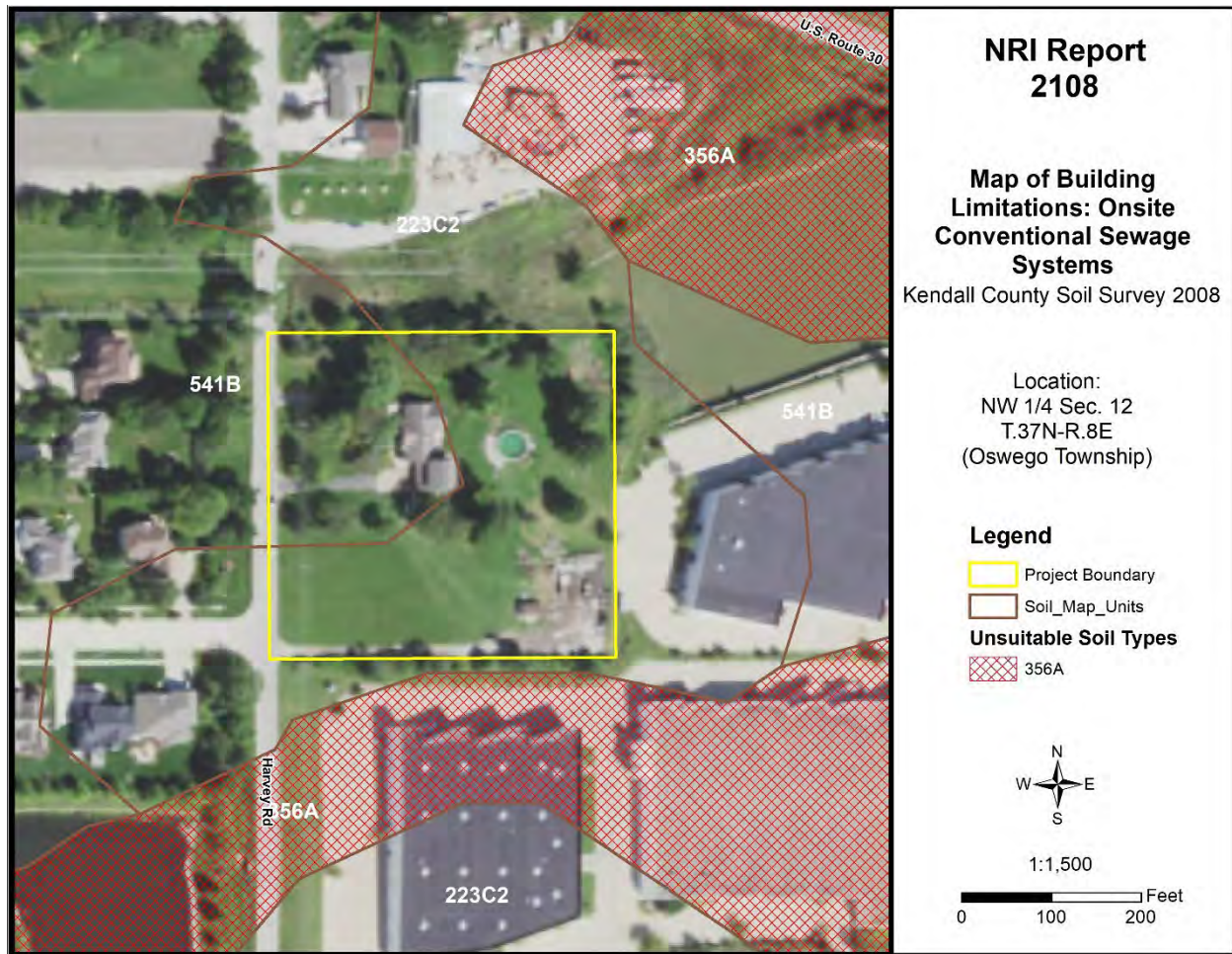


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

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%		

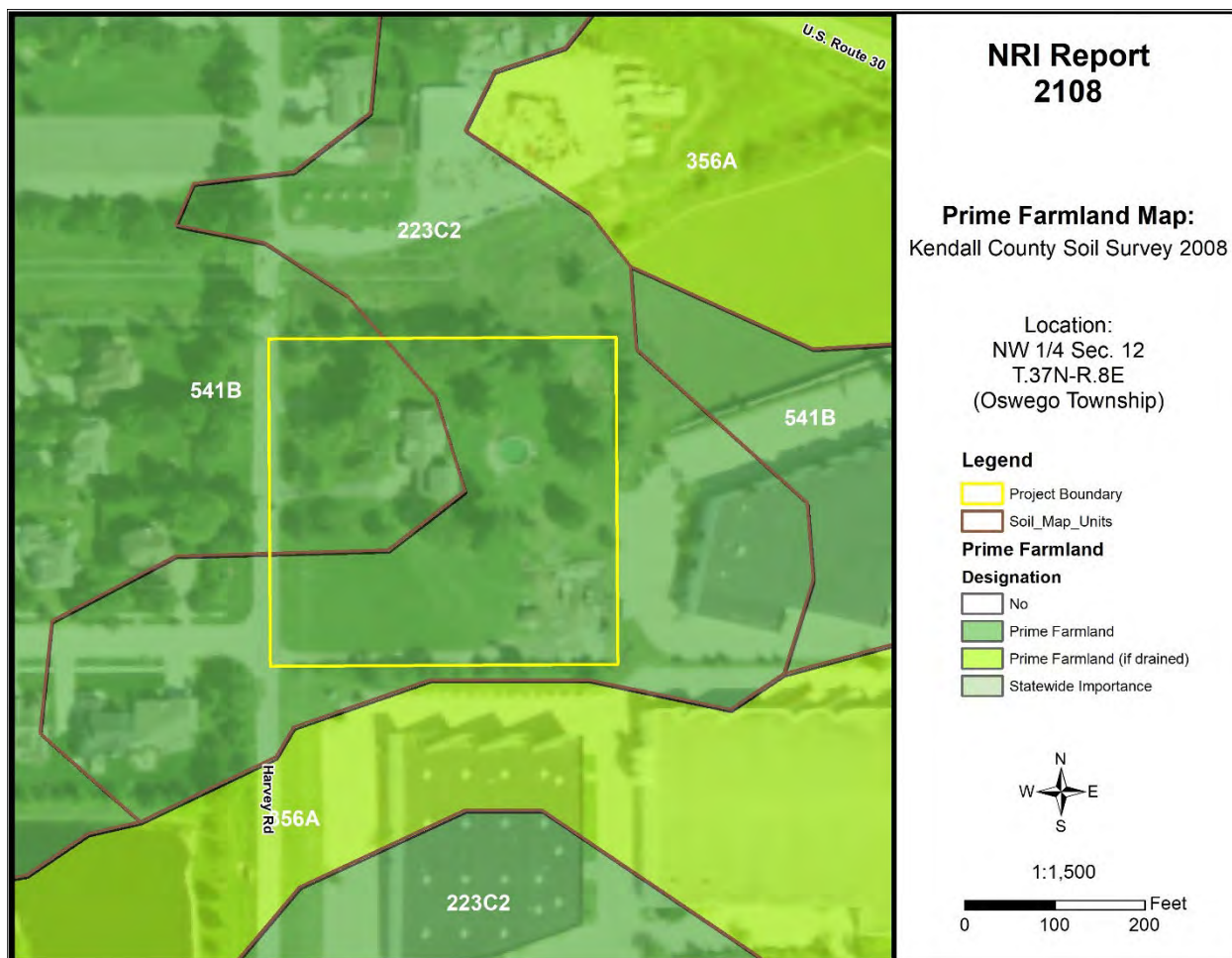


Figure 7: Map of Prime Farmland Soils

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.

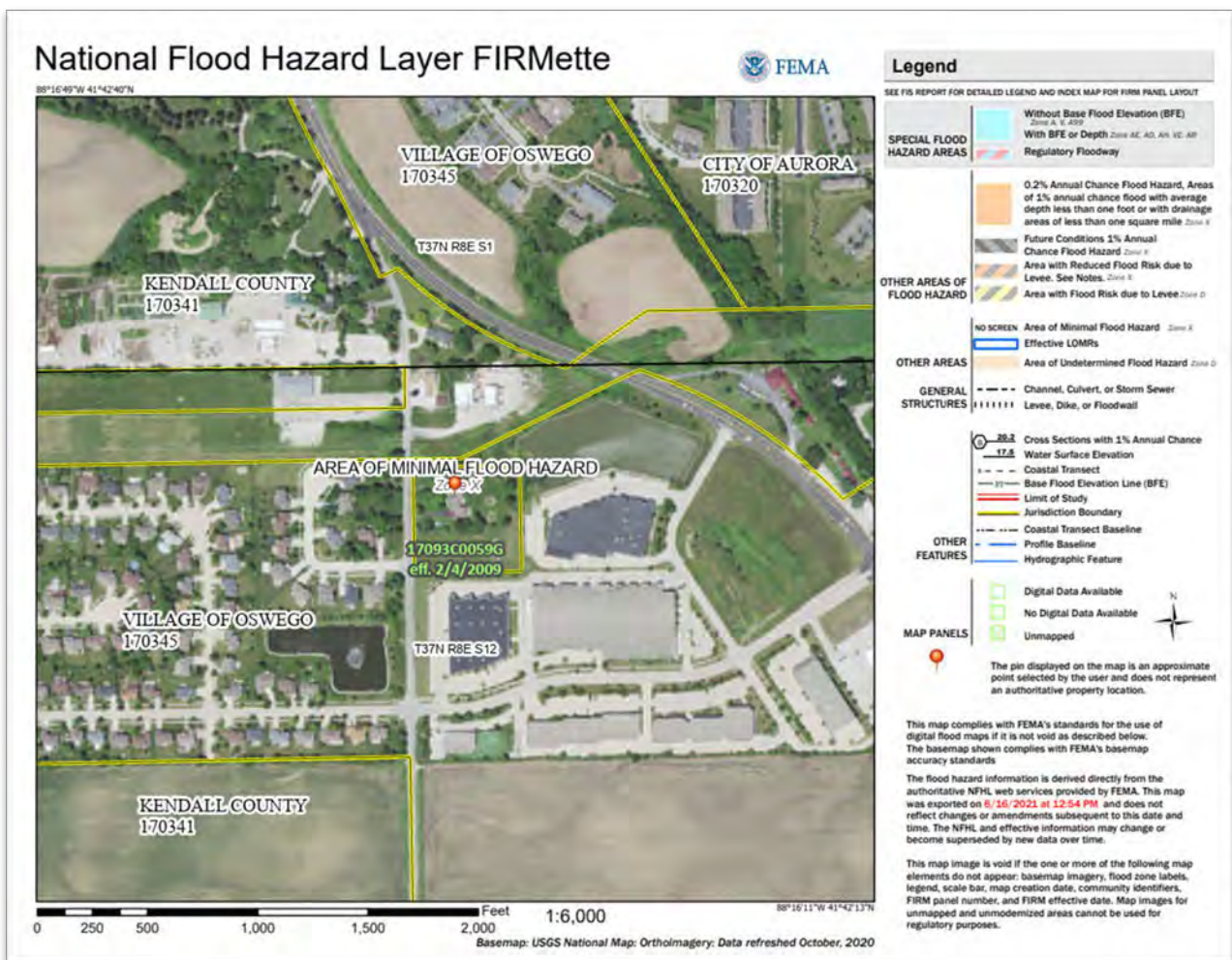


Figure 8: FEMA Floodplain Map

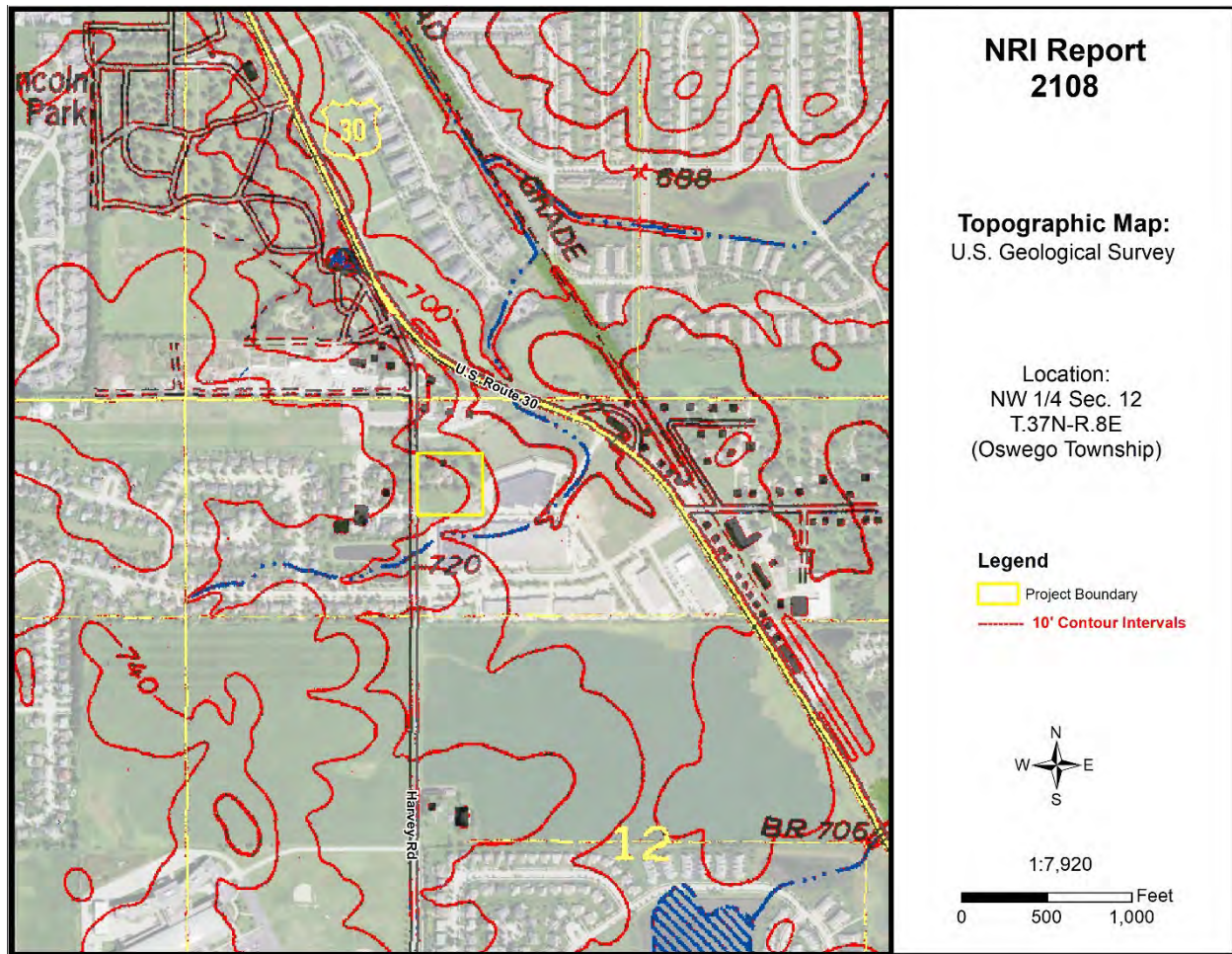


Figure 9: USGS Topographic Map

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."*

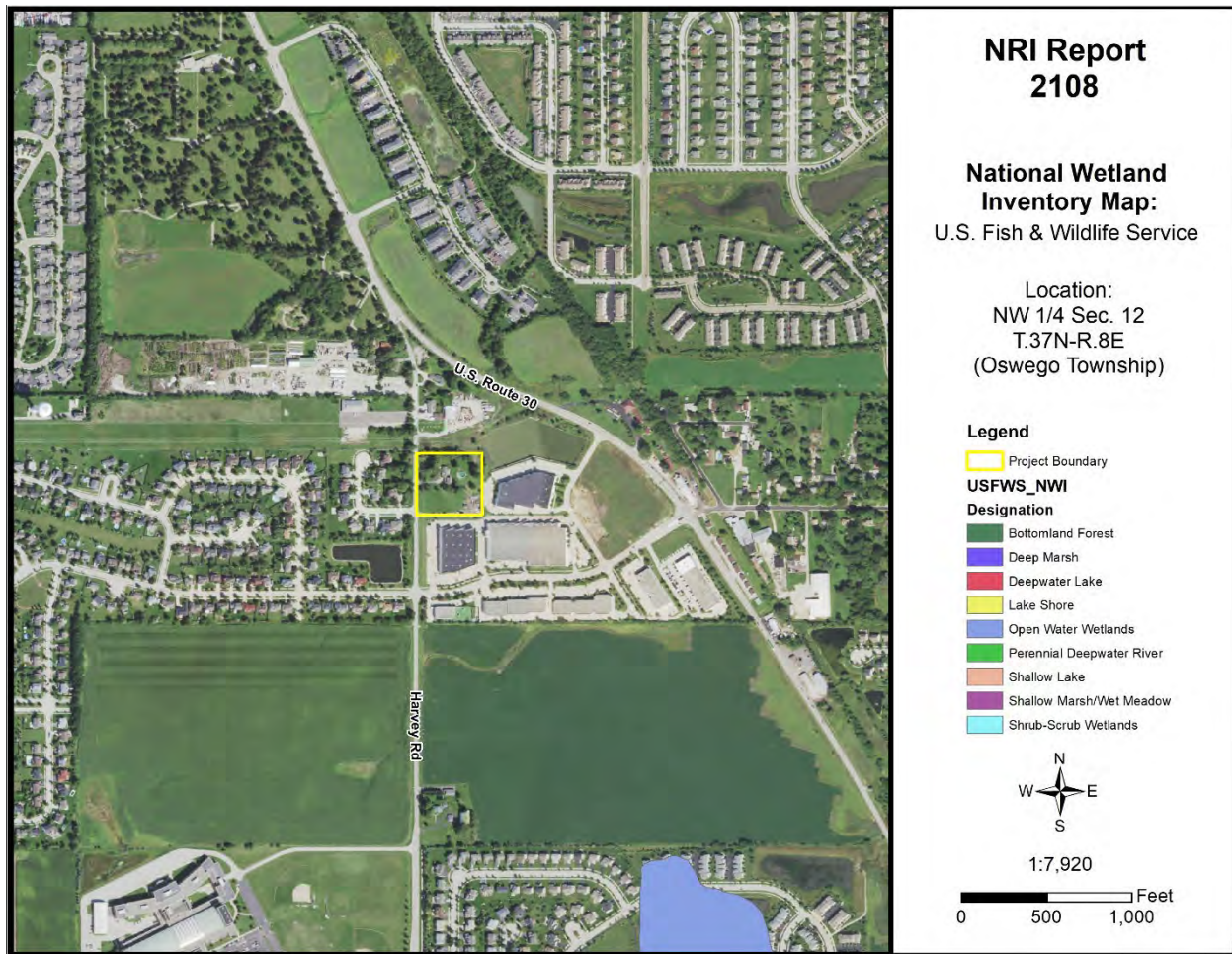


Figure 10: Wetland Map – USFWS National Wetland Inventory

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%

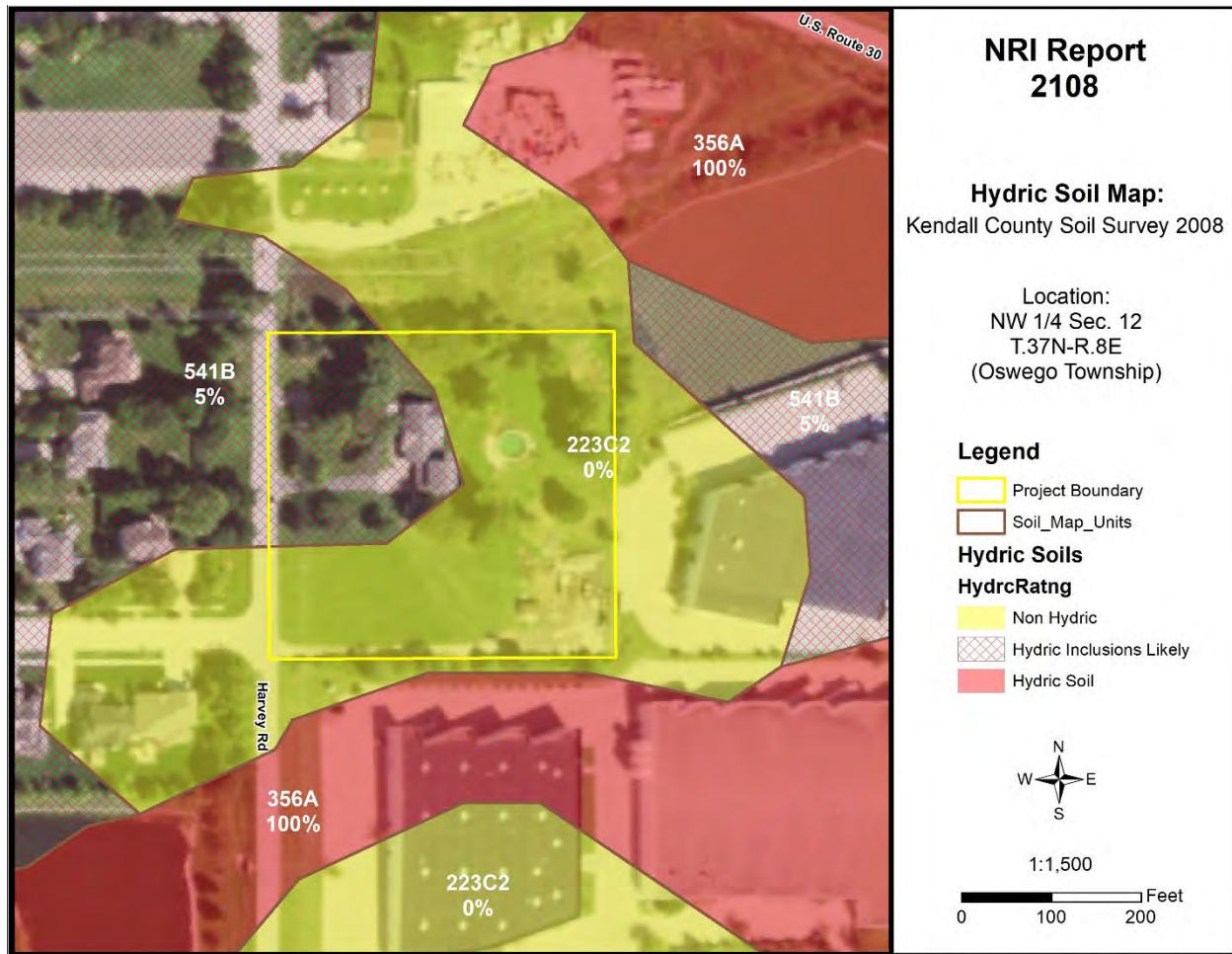


Figure 11: Hydric Soil Map

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.

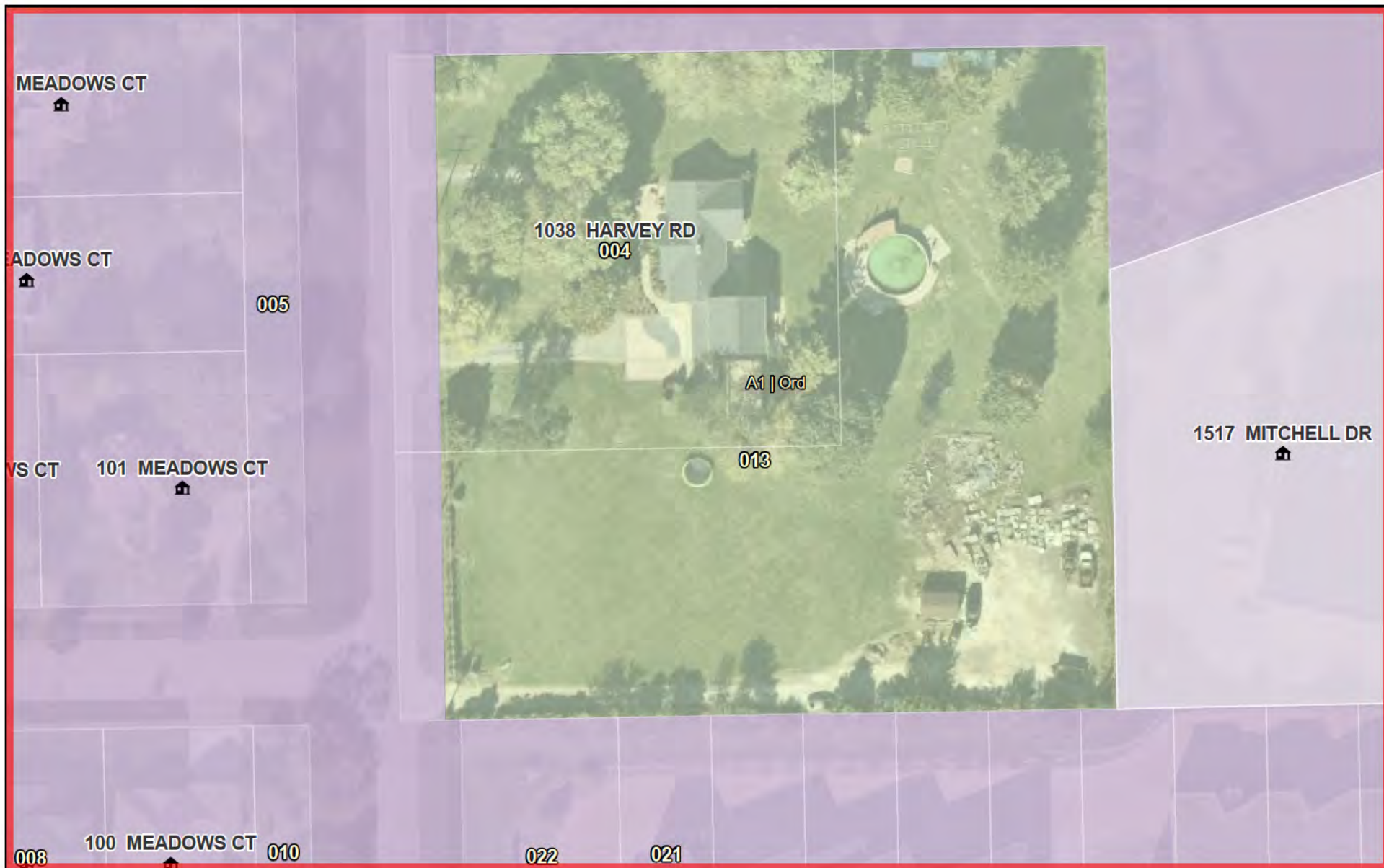
Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

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

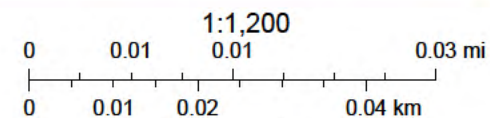


November 30, 2021

 Kendall County Address Points
 Parcels
 Ownership Parcel

Condominium Unit
 Kendall County Zoning
 A1

 Municipal
 Incorporated Areas
 Oswego



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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

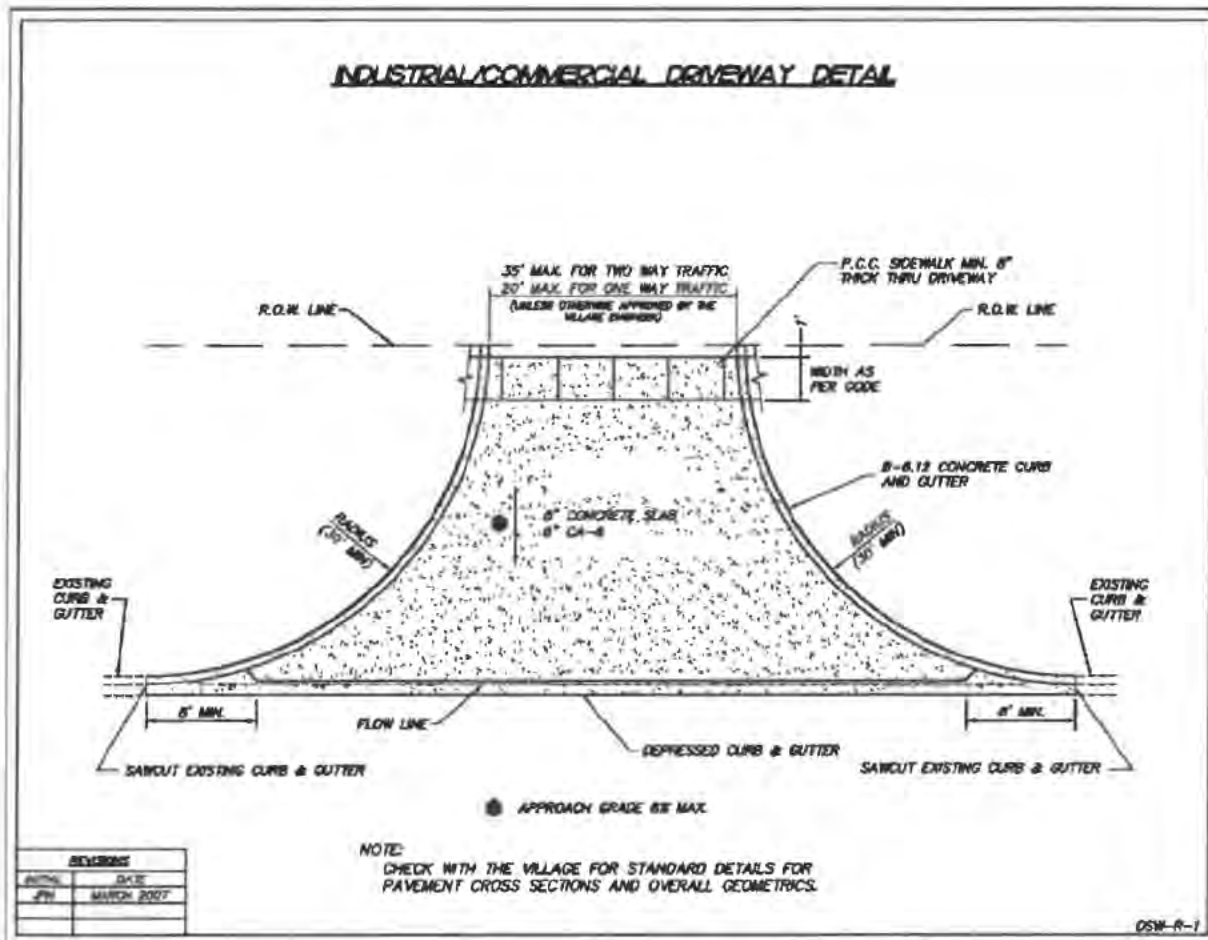
Matt Asselmeier

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	pabti@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.

KCRPC Meeting Minutes 02.23.22

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.

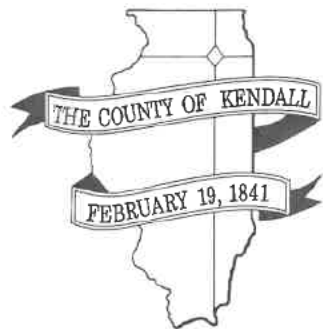
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

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.

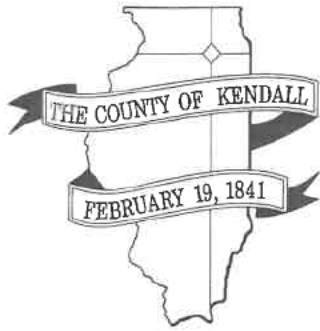
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

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.**

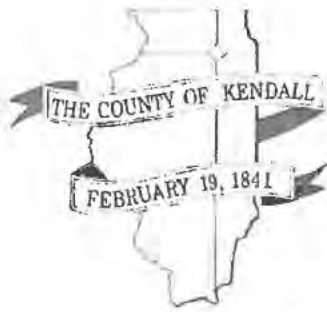
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

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: [REDACTED]

Contact Info: _____

Inspector BLH Date 5/13/19

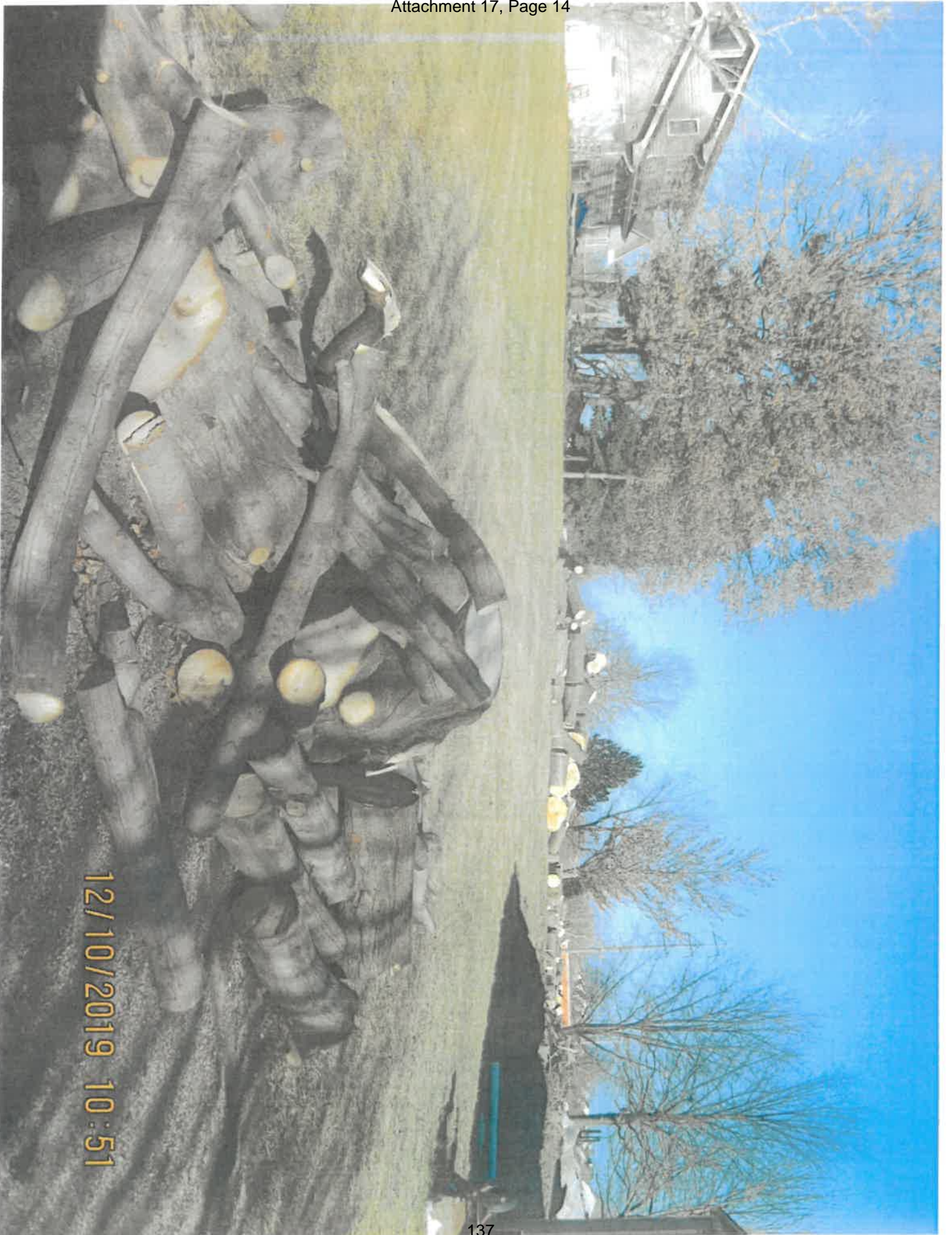
Field Notes Driveway + Parking Area - No Permit (Ordinance 2014-07)
Landscape Business Prohibited in A-7 zone Special Use Permit Required
(2015 Ordinance 7.01)
Junk + Debris (Ordinance)

Photos Taken? ☒ Yes ☐ No

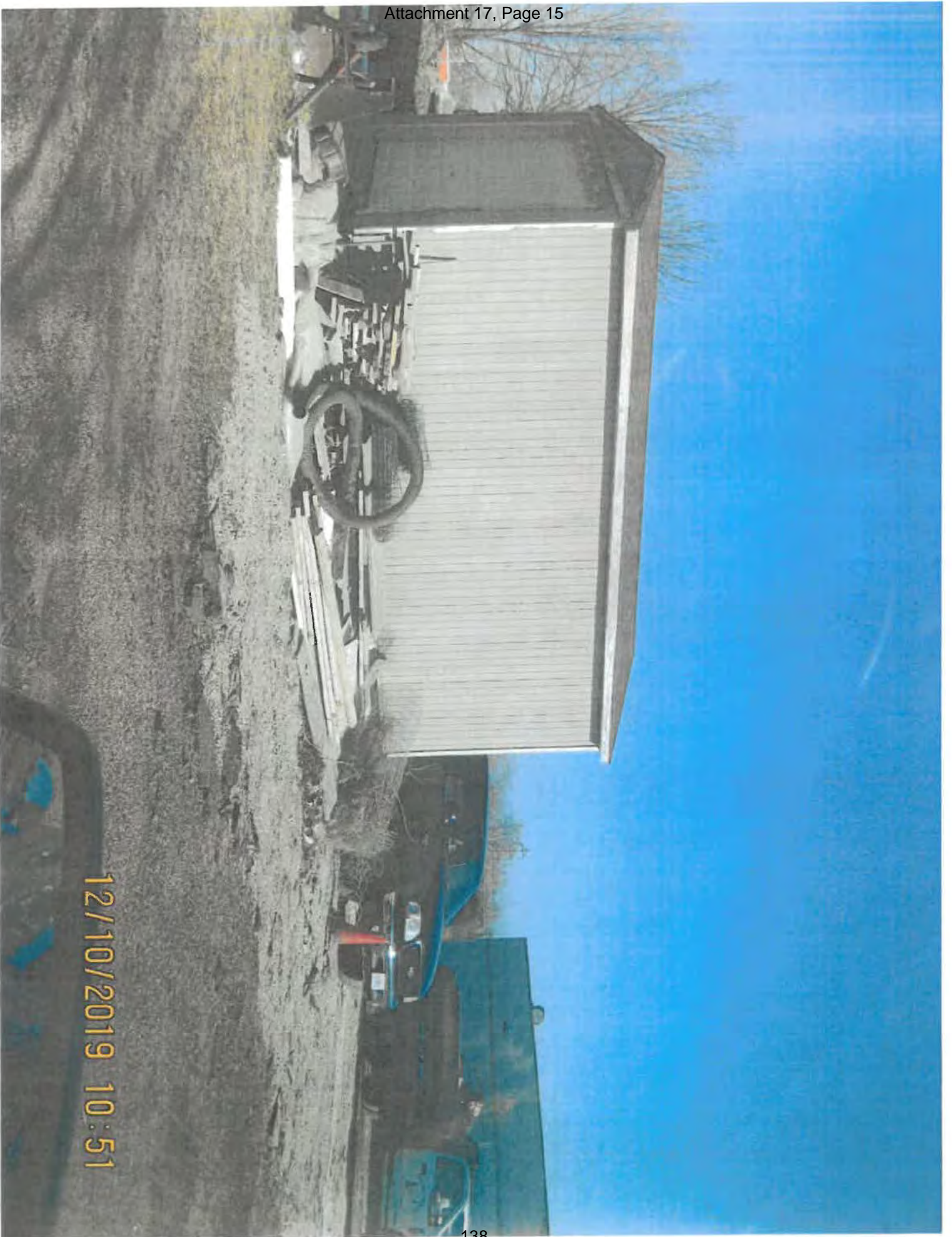
Section of Applicable Code (see Field Notes)

NOTES: 1st Notice 5/14/19 9/17/19 Left Message
2nd Notice 6/3/19
F/U 8/1/19

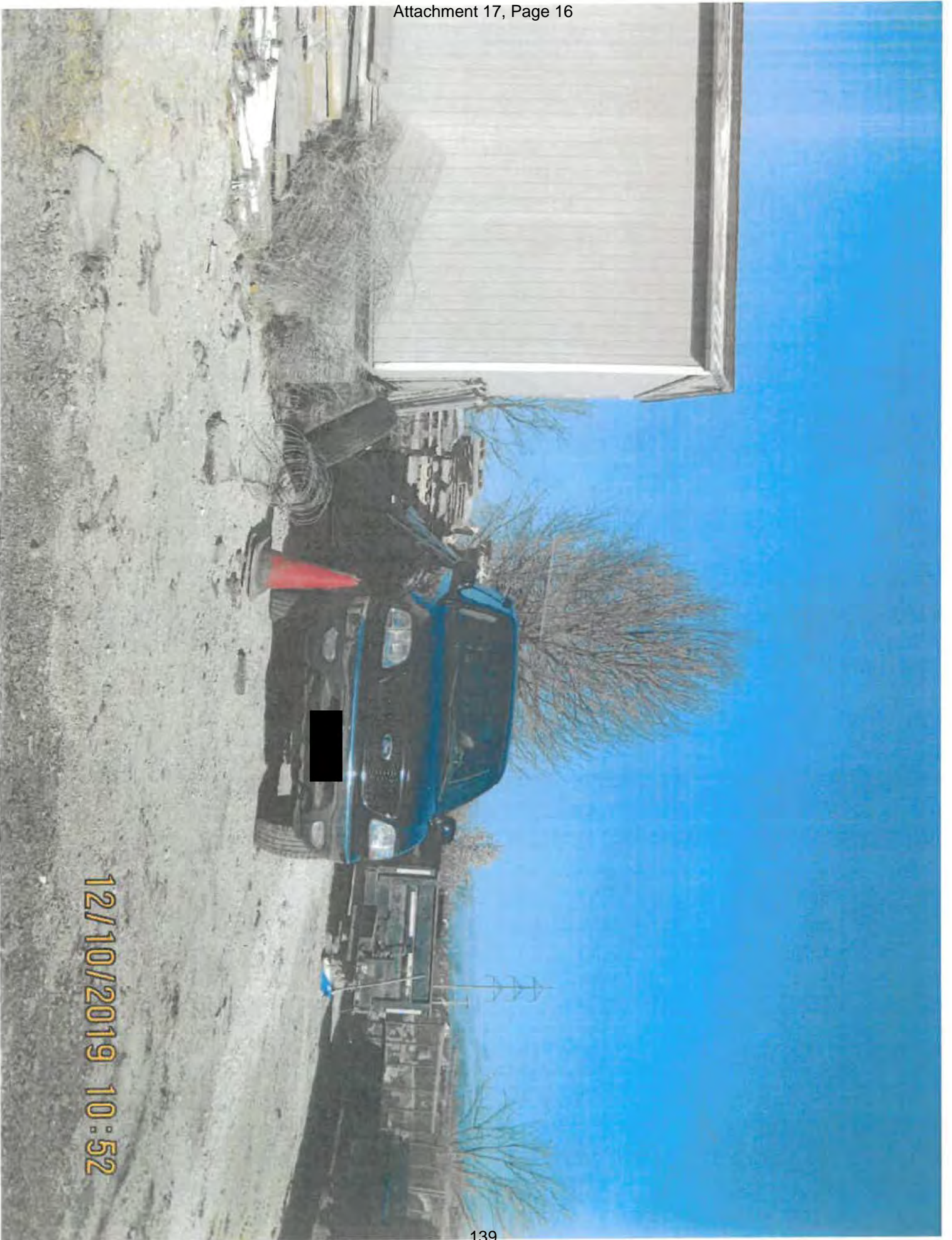
DATE CLOSED: _____

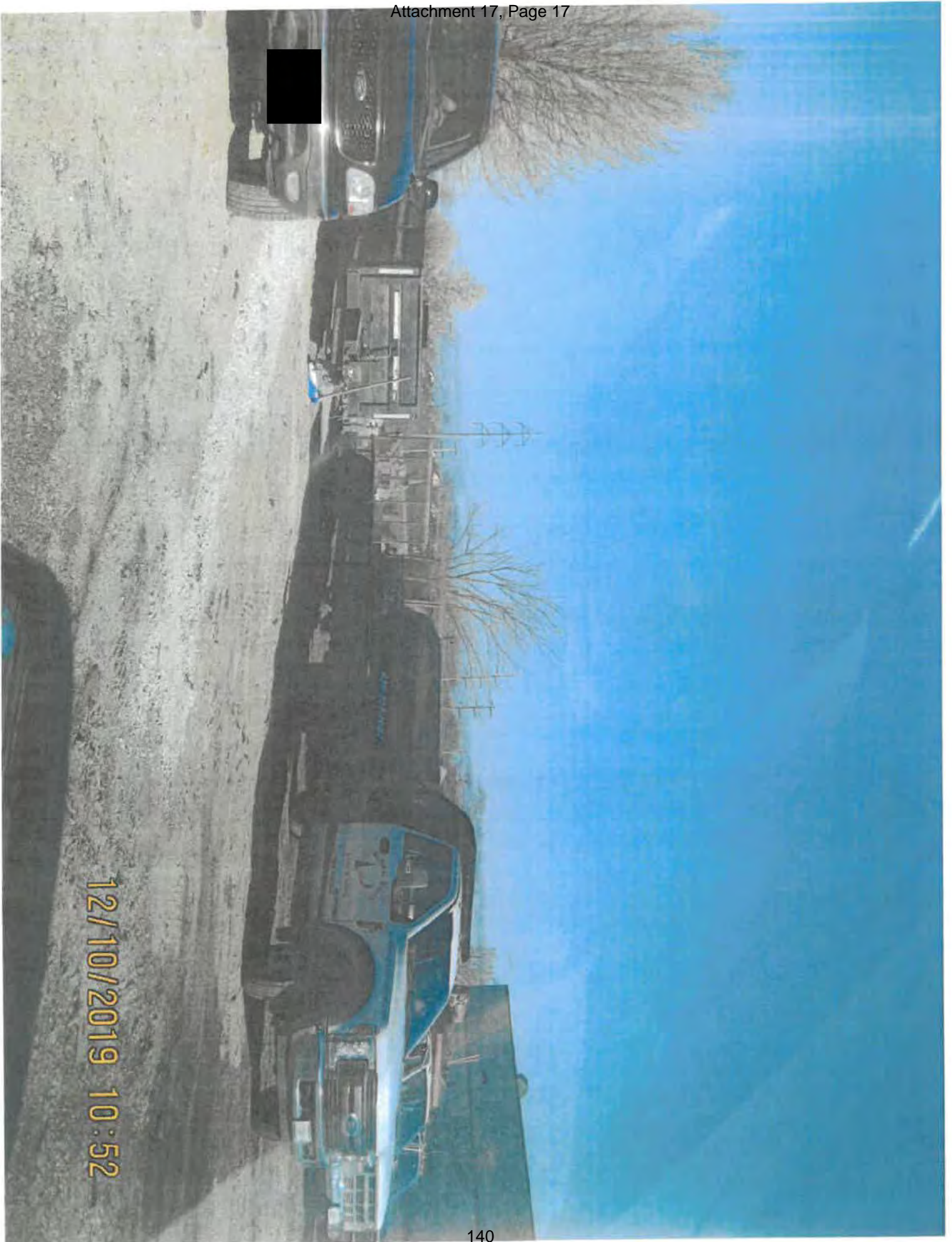


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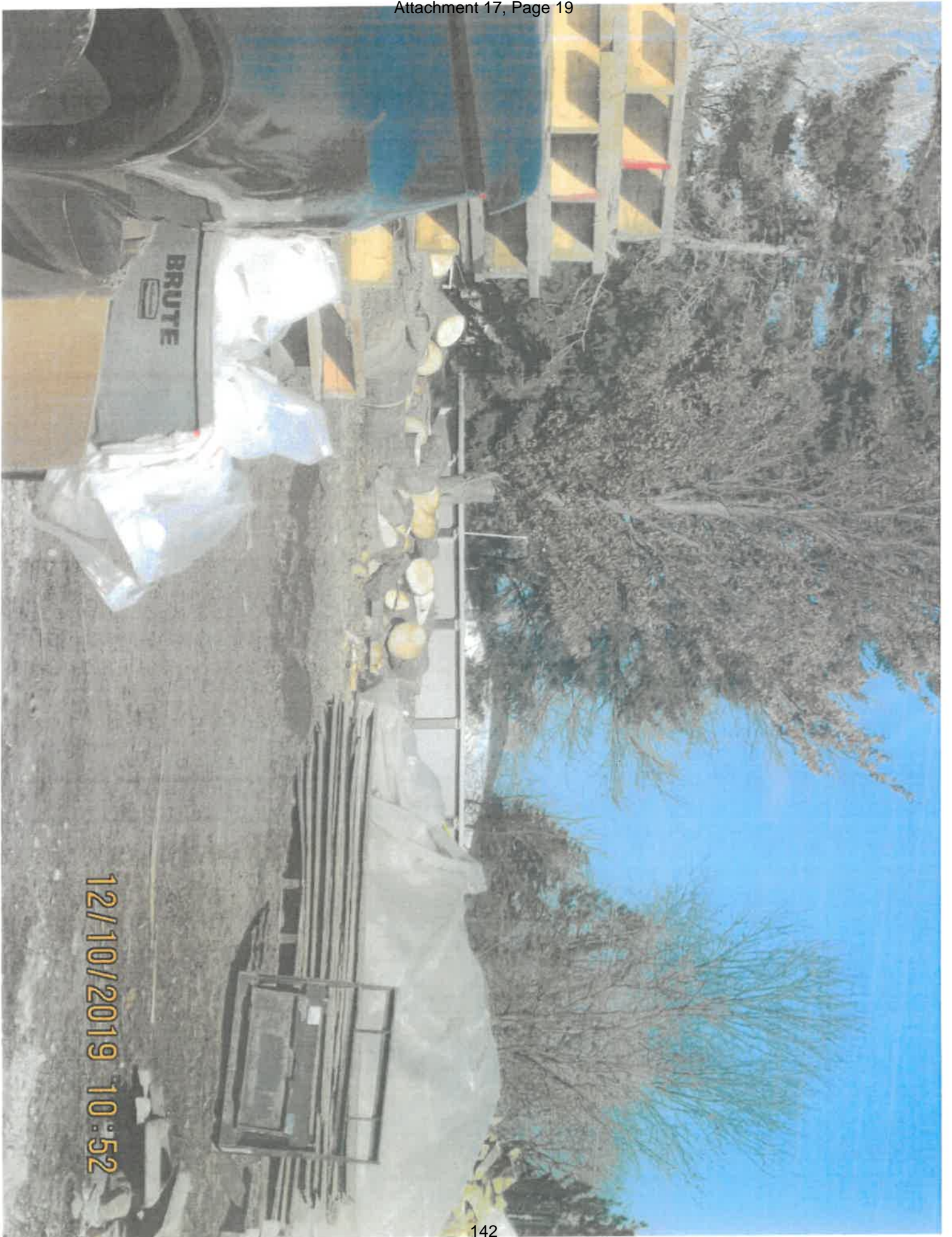
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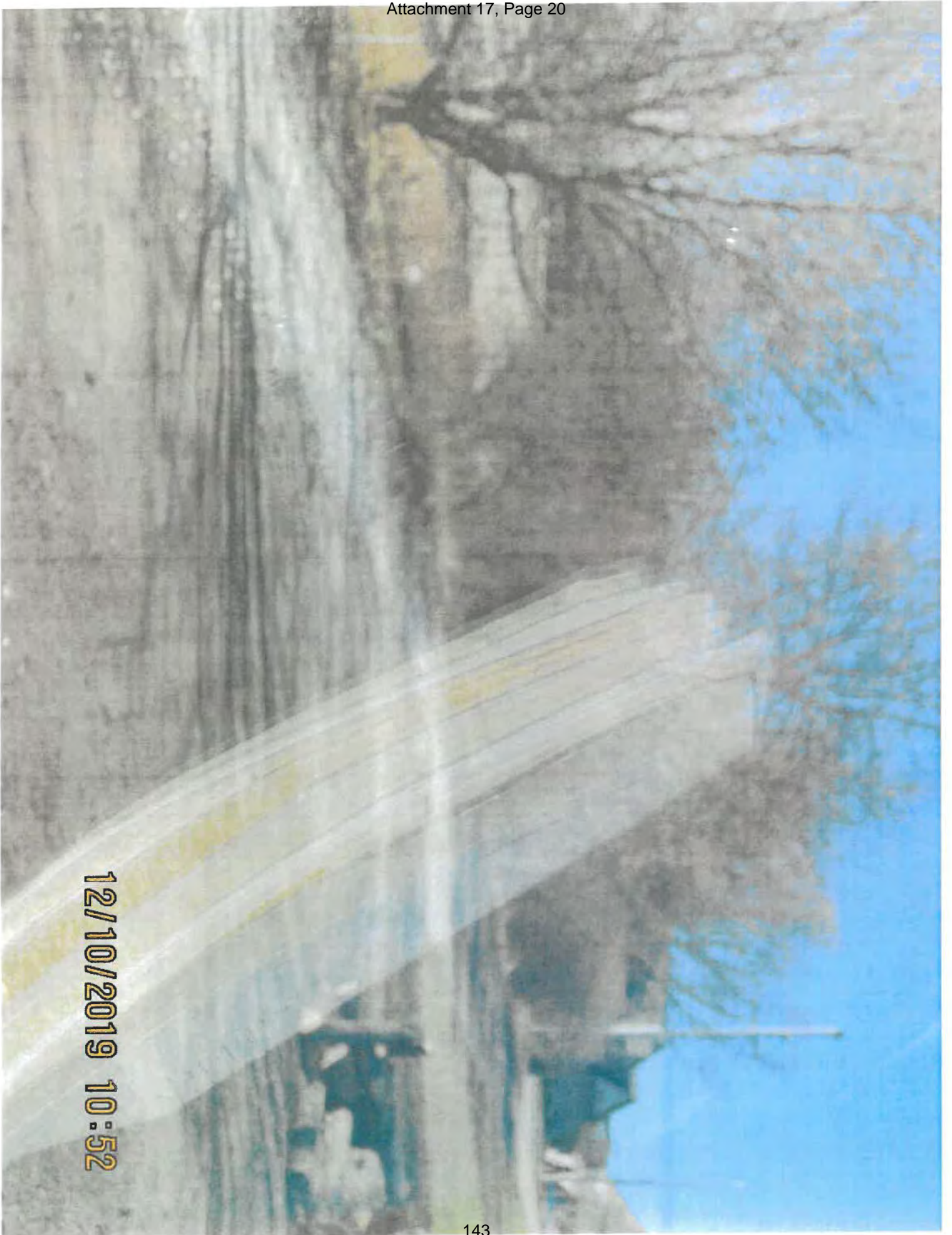






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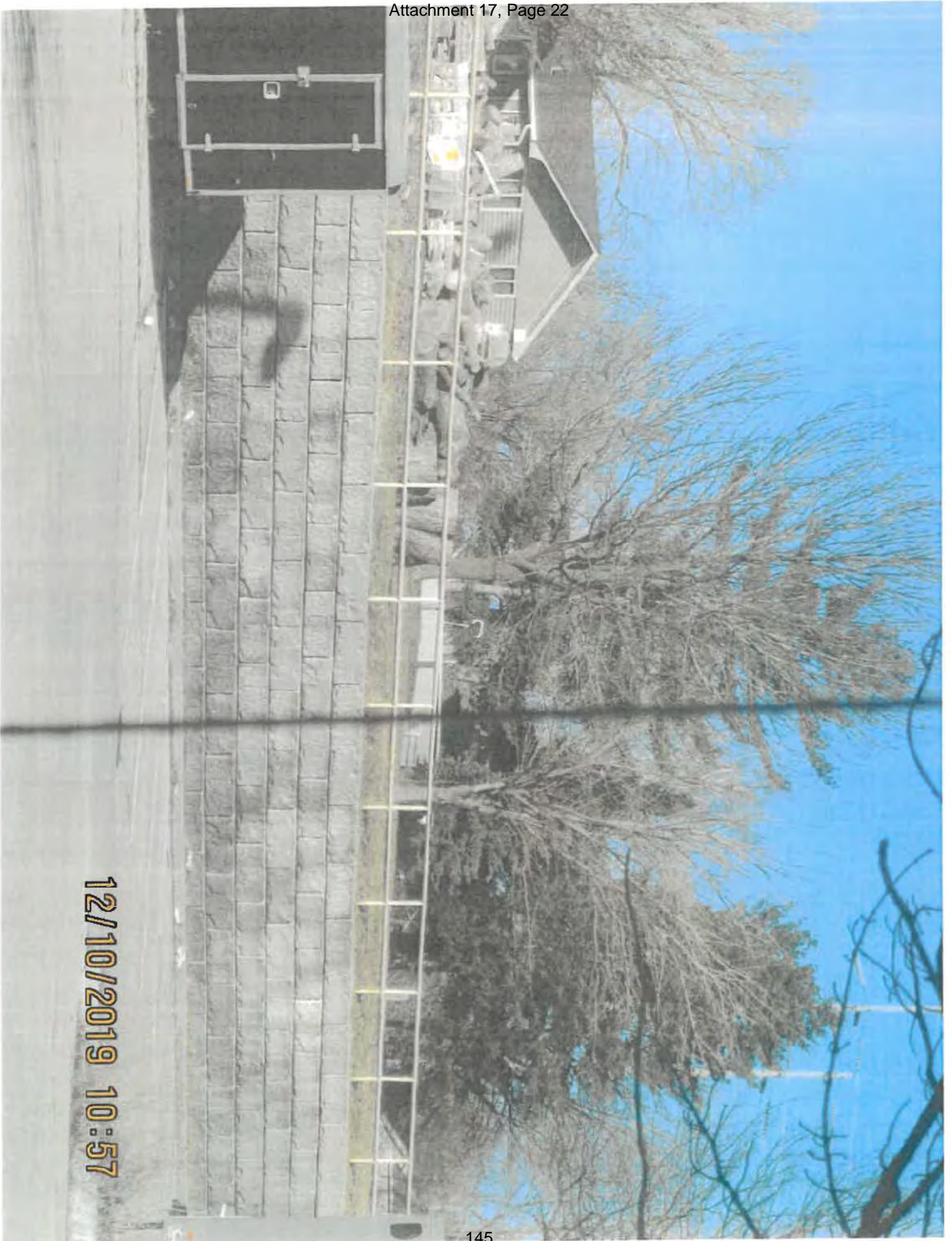




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09/19/2019 10:21

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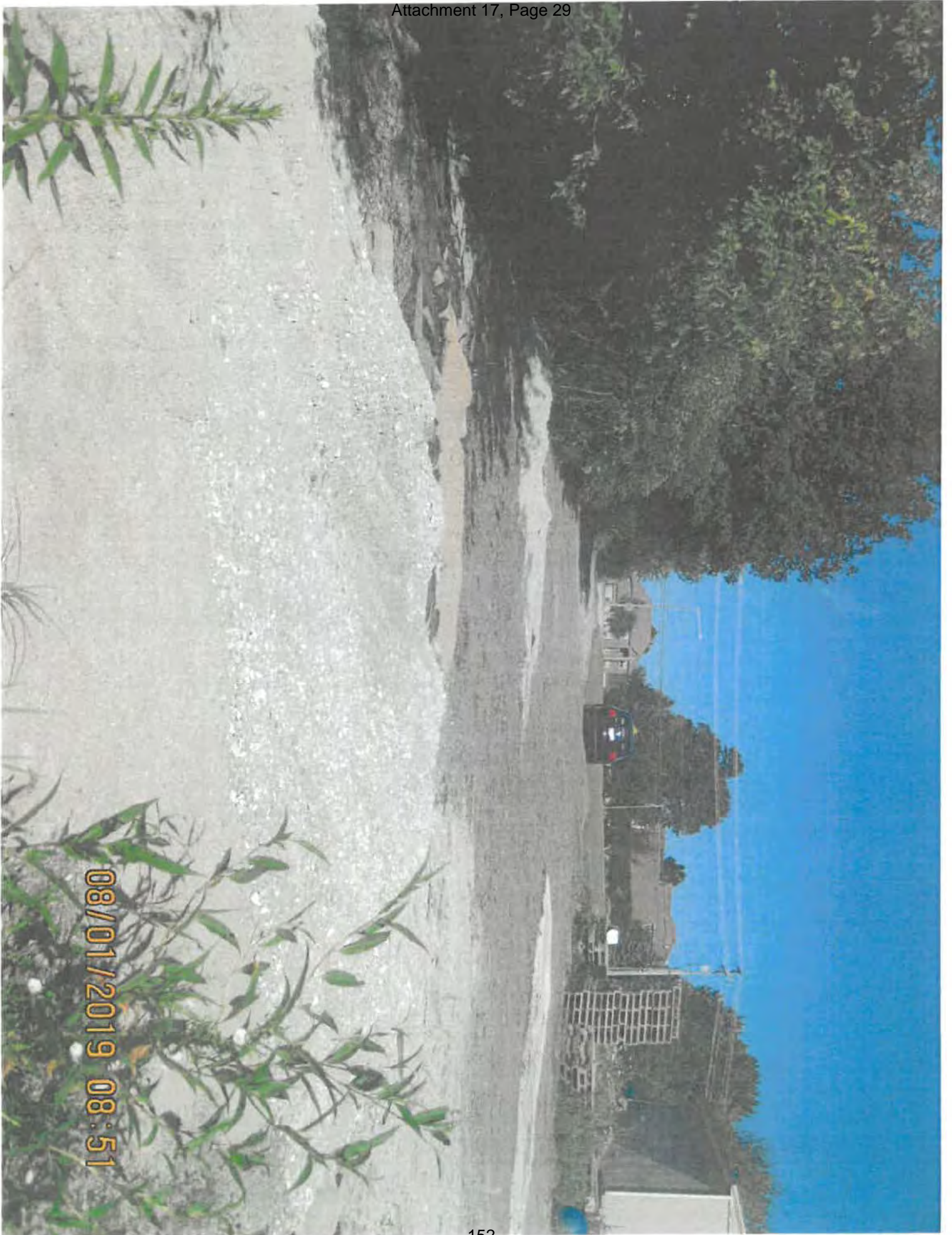
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09/19/2019 10:17





08/01/2019 08:51



08/01/2019 08:51



08/01/2019 08:51

06/27/2019 12:38

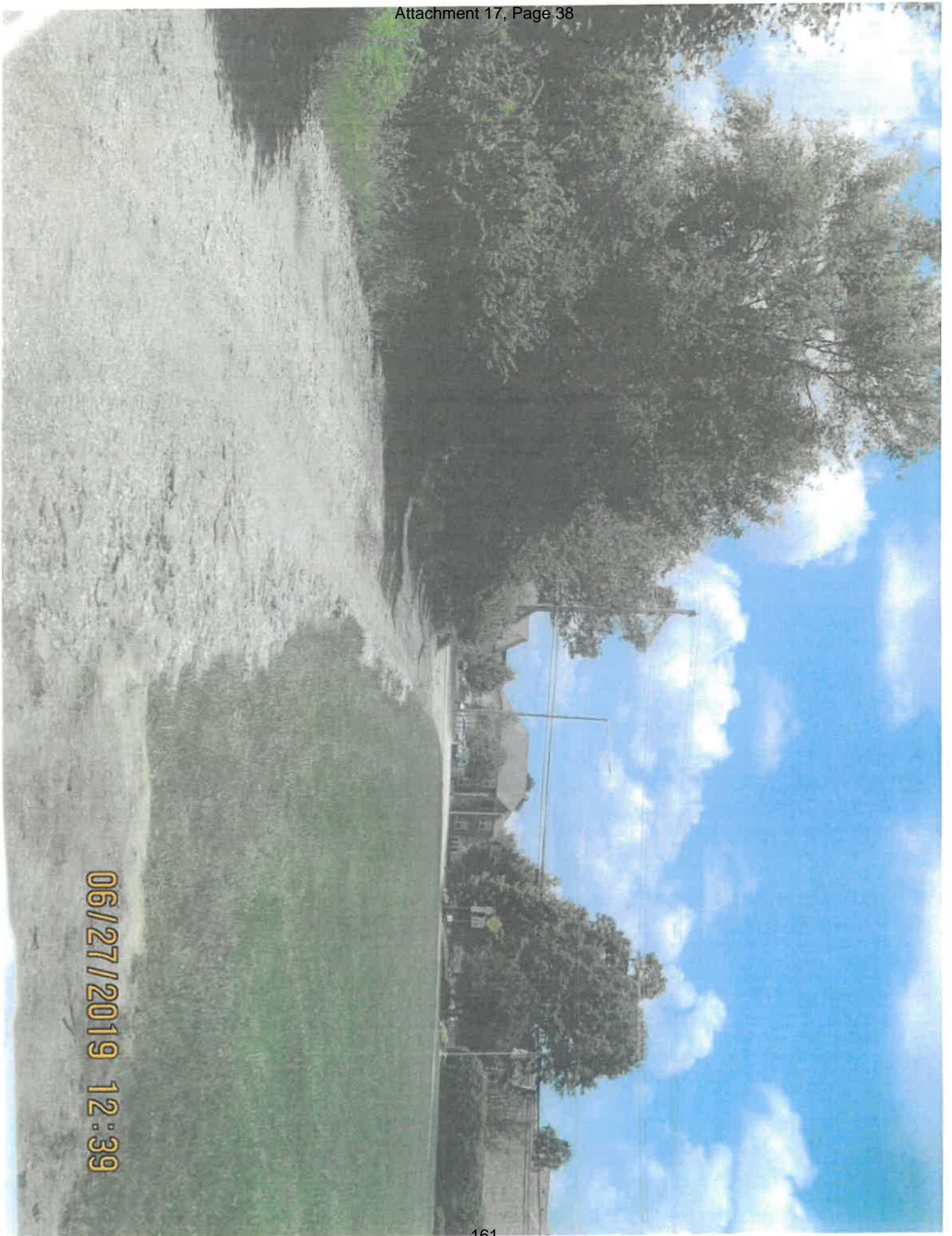


06/27/2019 12:38

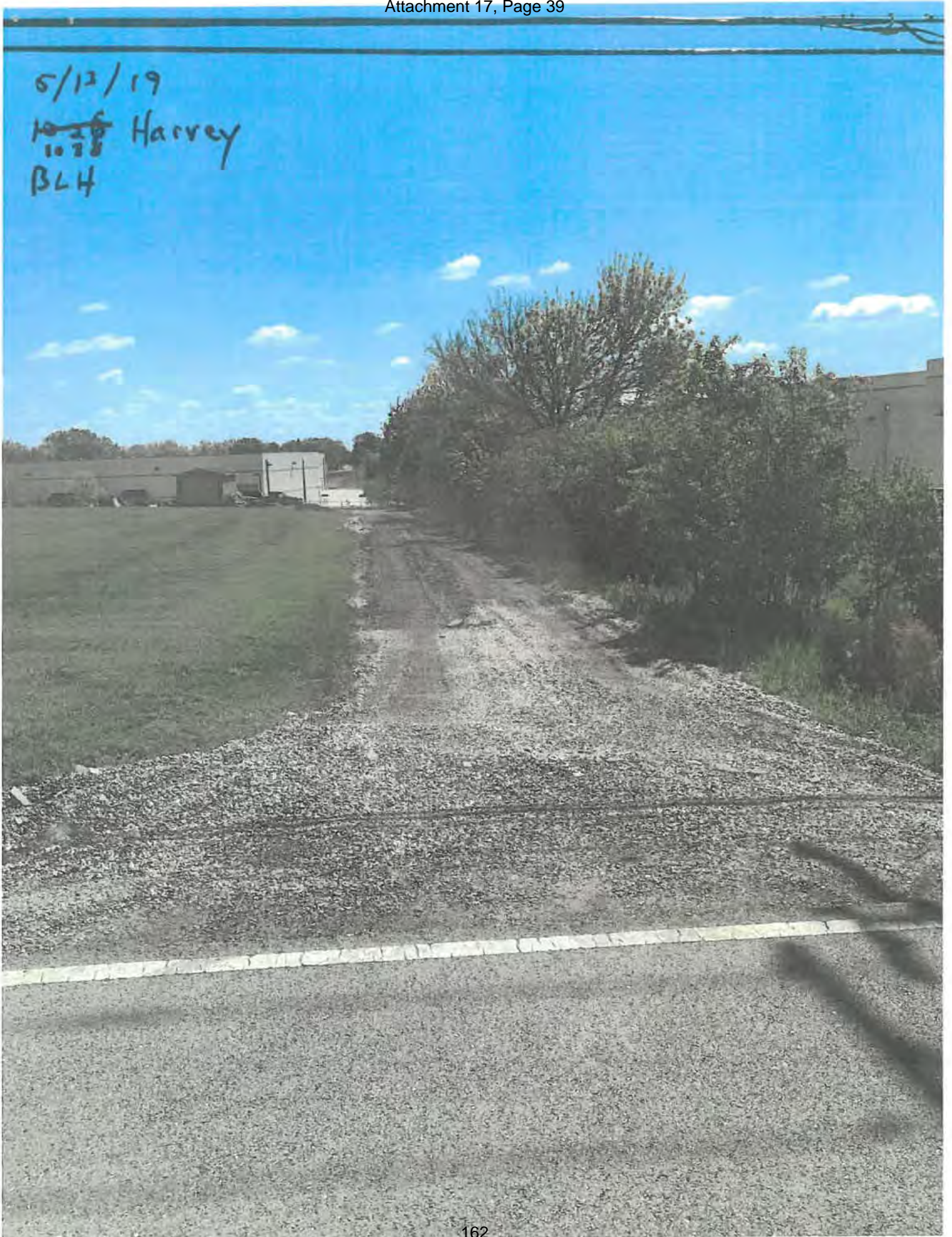




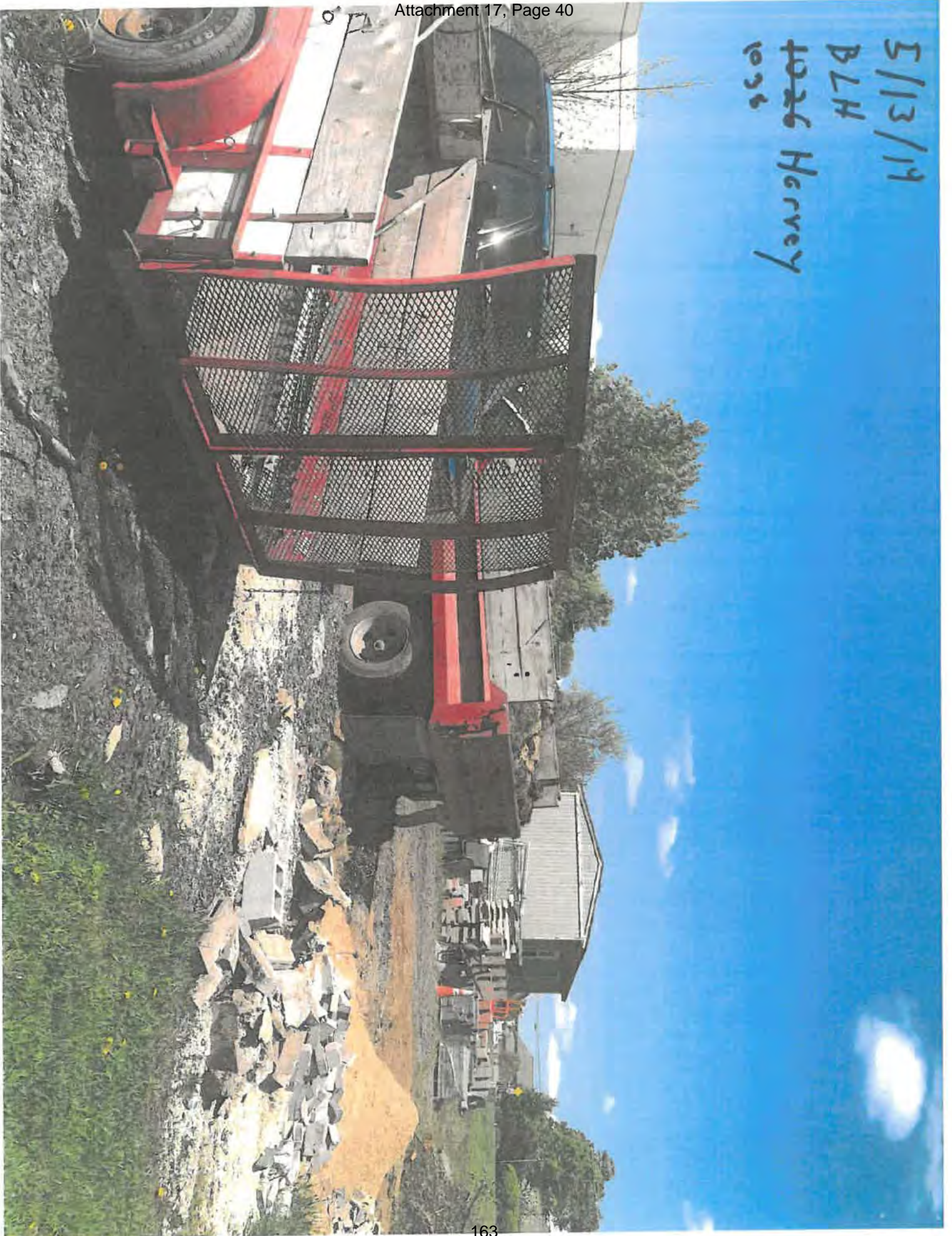


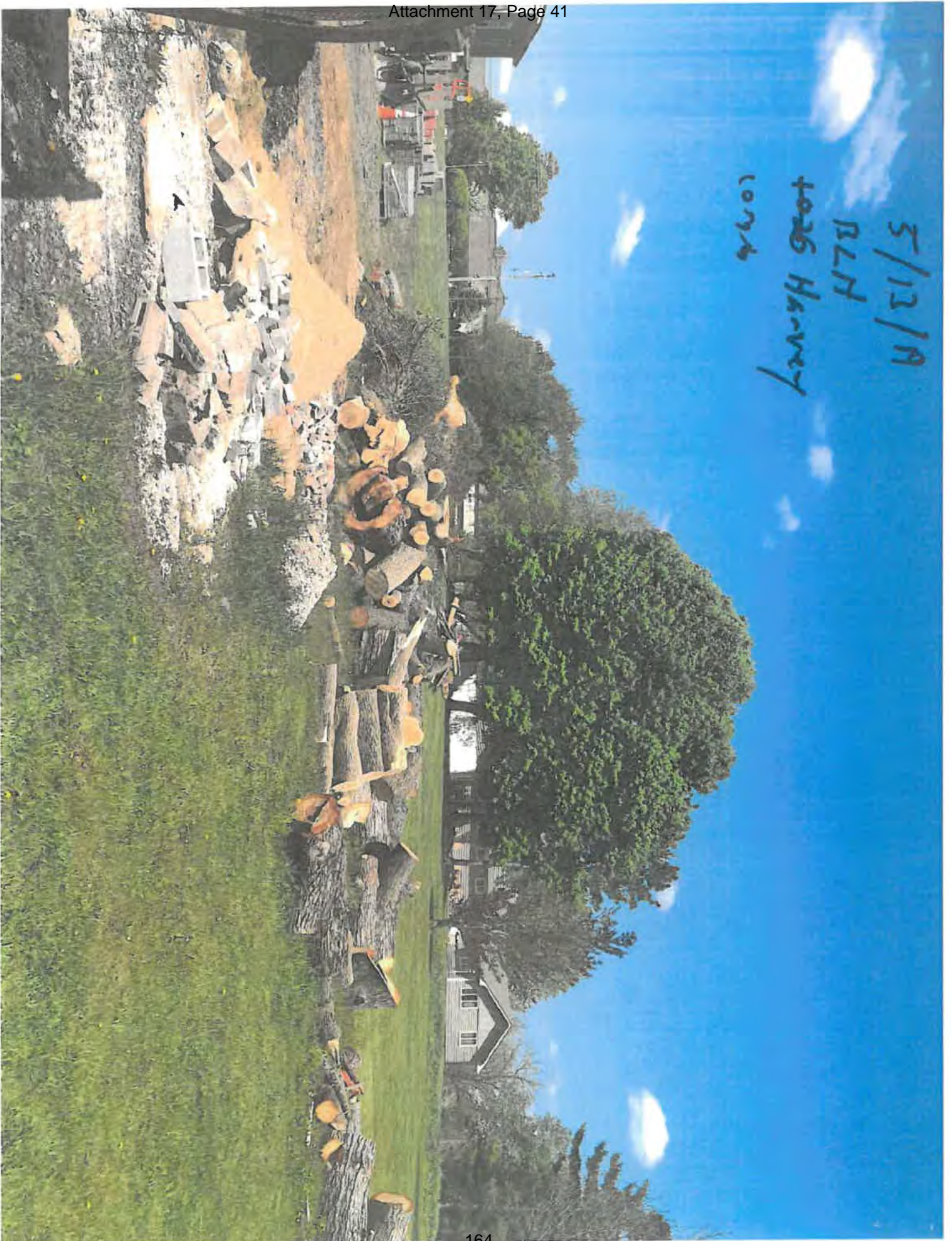


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5/13/19
BLH
~~1026~~ Hervey
1036

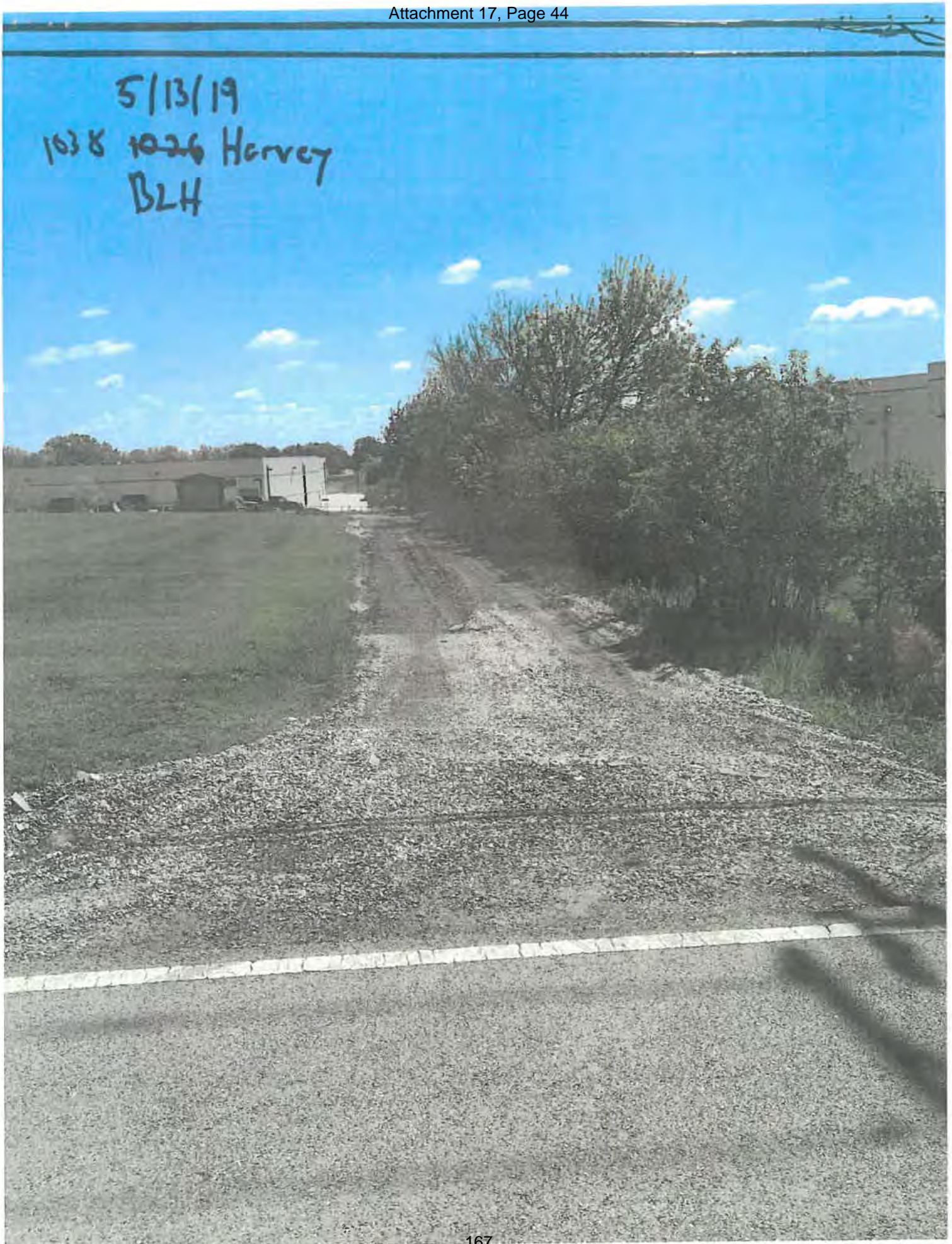




5/12/19
BLH
4026 Harvey
10m4







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 61102-1408
(630) 553-4141 • FAX (630) 553-4139

June 18, 2019

Jose A and Silvia Martinez

1038 Harvey Road

Oswego IL 60543

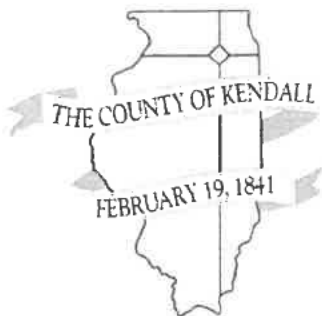
RE: Final Notice of Violations #19-049 and #18-077

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:

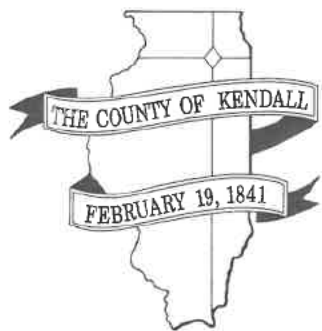
- Driveway and Parking pad installed without required permit
- Above ground swimming pool installed without required permit
- Storage of Junk & Debris
- Landscape Business operating on site without a Special Use Permit

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	Date(s) of Violation:	5/13/2019-2/26/2020	
	03-12-100-013			

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
--------------------	--	---------------------	--

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 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:	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
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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:
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

POBEN INGLETONSON
CLERK OF CIRCUIT CLERK KENDALL CO.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

This e-mail message, including any attachments, contains information that is confidential, may be protected by the attorney/client or other applicable privileges, and may constitute non-public information. This message is intended to be conveyed only to the designated recipients. If you are not the intended recipient of this message, do not read it; please immediately notify the sender that you have received this message in error and delete this message. Unauthorized use, disclosure, dissemination, distribution or reproduction of this message or the information contained in this message or the taking of any action in reliance on it is strictly prohibited and may be unlawful. Thank you for your cooperation.

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.

179



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 Koeppel; 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 Koeppel; 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,

Attachment 20, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

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

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.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

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>Ann O'Brien</i>		
<i>Pete Fleng</i>		
<i>Jilligan 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@oswegoil.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@oswegoil.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:



Attachment 21, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of April 27, 2022 - 7:00 p.m.

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

ROLL CALL

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

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Kramer, Judd Lofchie, Jose Martinez, Tim O'Brien, Michael Eurkaitis, Irma Quezada, Donald Larkin, and Jo Beth Larkin

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 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. 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.

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 the that Village of Oswego did not need to approve the access permit. This email was provided. Staff provided additional emails related to the access permit. An access permit from the Village of Oswego will be required.

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 were provided.

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. The minutes of the February 23, 2022

Kendall County Regional Planning Commission meeting and March 28, 2022 Kendall County Zoning Board of Appeals hearing were also provided.

Updated photos of the property were provided.

Mr. Asselmeier noted that the Petitioners would need to amend the site plan if they desired to construct a building in the future and that the Petitioners were not pursuing stormwater management permit because their piles of materials would be less than three feet (3').

The Petitioners requested that the hours of operation be changed to 6:00 a.m. until 8:00 p.m. seven (7) days per week and that they be allowed to operate year-round.

Judd Lofchie, Attorney for the Petitioners, provided a history of the case and the uses in the area, including another landscaping business. He noted that the Petitioners had cleaned up their property, moved their chicken coop, and secured a deck permit. No neighbors have complained about the property. Discussion occurred regarding the timing of the installation of the gravel along the south property line.

Member Nelson discussed the Petitioners' language barrier.

Member Rodriguez defended the County's pro-business activities and the Planning, Building and Zoning Department's efforts to help the Petitioners gain compliance.

Discussion occurred about the ownership of Harvey Road and the requirement for an access permit from the Village of Oswego. Member Wormley explained the drainage reasons for the necessity of the access permit.

Member McCarthy-Lange expressed frustration that the Petitioners had not done everything required of them.

Member Nelson said the Petitioners could have obtained an updated site plan and access permit from the Village of Oswego within the last two (2) months, if they had completed the Planning Commission's request.

The email from the Village of Oswego requiring an access was re-read. Mr. Lofchie had not challenged the Village of Oswego's previous responses on the subject.

Mr. Lofchie requested that the Petition be moved forward with the condition that the Petitioners secure an access permit from the Village of Oswego. The Planning Commission declined the request on the grounds that a site plan is necessary to approve a special use permit and the submitted site plan would no longer be valid if the south driveway was moved.

Member Wilson did not care about the driveway, but she was not happy that the Petitioners ignored previous requests for compliance.

The Petitioners must submit an access permit and revised site plan by May 18, 2022, in order to be on the May 25, 2022, Planning Commission agenda. The driveway does not have to be installed.

The Petition will remain tabled until an access permit and revised site plan are submitted.

Member Rodriguez encouraged the Petitioners to learn from this experience and to follow the rules.

CITIZENS TO BE HEARD/PUBLIC COMMENT

Jo Beth Larkin asked if Seward Township was going to create their own Township Plan. Chairman Ashton

responded that Seward Township already had a Plan and they were trying to update their Plan. She asked if she should attend Township meetings. She was advised to attend Township meetings. A public hearing will occur on the Land Resource Management Plan. Member Nelson invited Ms. Larkin to the February Annual Meeting.

ADJOURNMENT

Member Rodriguez 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 9:03 p.m.

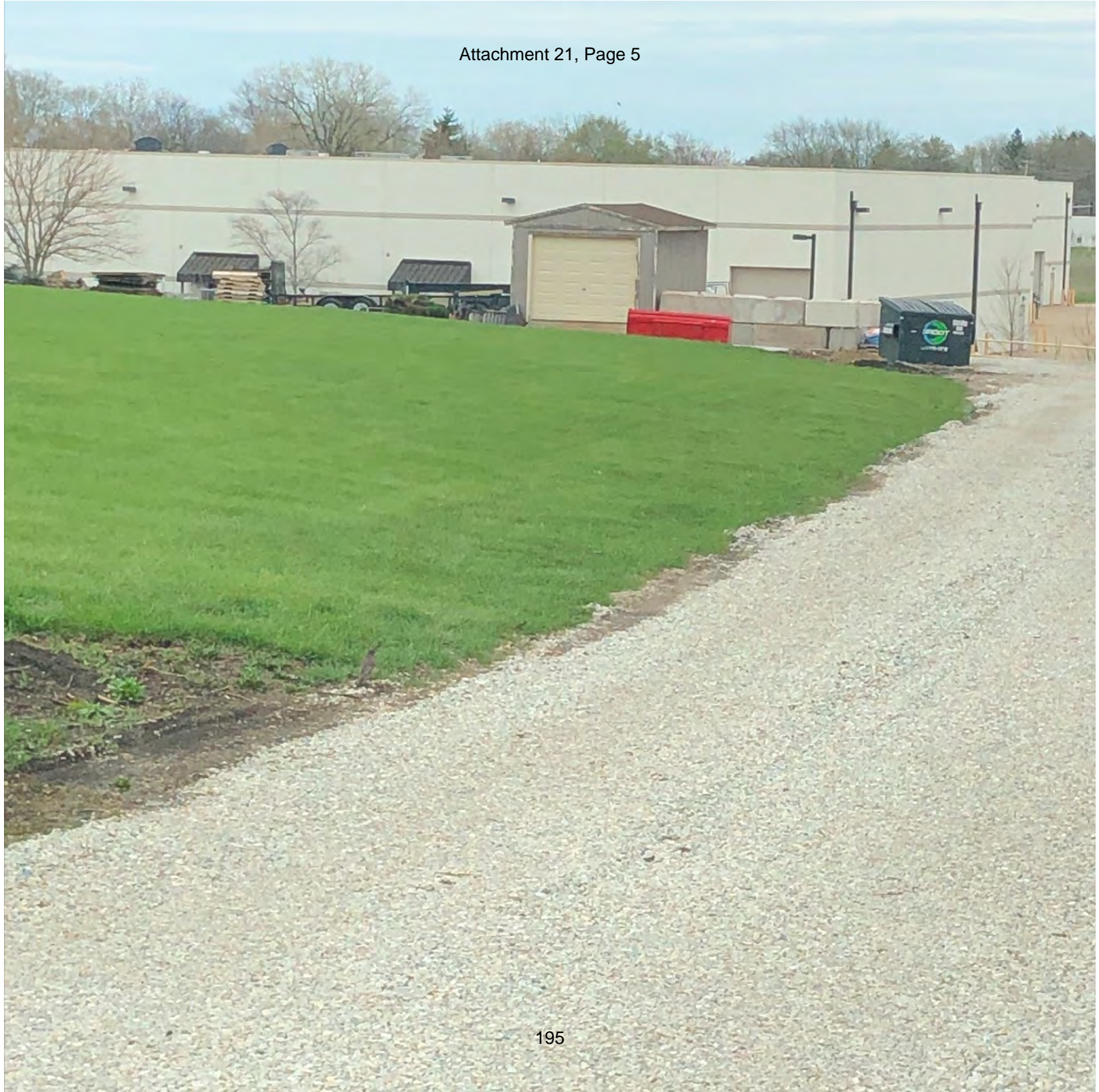
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
APRIL 27, 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)
Don Krimer		
Jim Bruen		
M. FURKANTS		
Judd Lofchie		
JO BETH LARKIN		











Matt Asselmeier

From: Fran Klaas
Sent: Tuesday, November 30, 2021 9:17 AM
To: Matt Asselmeier; Jennifer Hughes; Rod Zenner
Cc: Scott Gengler; Scott Koeppel
Subject: RE: [External]RE: Harvey Road Question

Haven't seen any responses to this yet, so thought I'd respond in regard to jurisdiction question. Although the parcel at 1038 Harvey Road is unincorporated, Harvey Road itself at this location would be under the jurisdiction of Village of Oswego. This is because Oswego has annexed the west side of Harvey Road at this location, and so, by law, that annexation would go to the far side (east side) of the right-of-way.

Francis C. Klaas, P.E. Kendall County Engineer 6780 Route 47, Yorkville, IL 60560 (630) 553-7616 fklaas@co.kendall.il.us

From: Matt Asselmeier
Sent: Wednesday, November 24, 2021 9:22 AM
To: Jennifer Hughes <JHughes@oswegoil.org>; Rod Zenner <RZenner@oswegoil.org>
Cc: Fran Klaas <FKlaas@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@co.kendall.il.us>
Subject: RE: [External]RE: Harvey Road Question

Jennifer and Rod:

I know that I wrote this before (apparently on June 24, 2020 to be exact), but the County is likely to receive a special use permit for a landscaping business at 1038 Harvey Road.

Does the Village of Oswego control Harvey Road at this address? If yes, would Oswego require an access permit for the southern driveway at this property?

The property owner installed the southern driveway without proper permits from the County.

Does Oswego have any other concerns that they would like the property owner to address as part of the special use permit application?

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: Jennifer Hughes [<mailto:JHughes@oswegoil.org>]
Sent: Wednesday, June 24, 2020 1:19 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Rod Zenner <RZenner@oswegoil.org>
Cc: Fran Klaas <FKlaas@co.kendall.il.us>; Matthew G. Prochaska <mprochaska@co.kendall.il.us>; Scott Koeppel

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Tuesday, April 26, 2022 12:55 PM
To: Matt Asselmeier; Miguel Ángel Fernández; Natural world landscaping
Cc: Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: Re: FW: [External]Re: 1038 Harvey Road Question

Dear Faith, Matt, Scott K. and Scott G.

I am sending this email concerning Matt's last email of April 21, stating that the Regional Planning Commission will not issue a recommendation for our case until we settle our issue with Oswego. Jennifer from Oswego says in her email to Matt that my client's access road must line up with Meadows Court across the street.

In my opinion, Oswego can not force my client to apply for a driveway permit. First, I don't believe the road is under the control of the Village of Oswego. Just because they annexed Brighton Ridge across the street, they would only annex to the middle of Harvey Road and not my client's side of the street.. And because my client's property is not in the Village of Oswego, how could they require him to do anything. I was told by Oswego Highway Supervisor Claude's assistant Jennifer, on March 3rd at 12:33pm that the section of Harvey Road in front of my client's house is in the Township, not the Village of Oswego.

We understand that if we annex into Oswego, we may have issues with the driveway, but we are willing to risk that currently, so we can get approved and not have to start over and move the drive. We will discuss next fall annexing into Oswego and moving the drive after we discuss this with them and my clients.

We hope to be able to move this forward Wednesday night.

Thank you.
Judd Lofchie

On Thu, Apr 21, 2022 at 3:06 PM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Judd:

Please see the following message from the Village of Oswego.

As has been stated previously, the Regional Planning Commission probably will not issue a recommendation unless the access issues with the Village of Oswego are addressed. Addressing these issues (i.e. having the driveway align with Meadows Court) will require changing the site plan and landscaping plan.

However, it appears the Village is offering annexation as an opportunity to avoid changing the alignment.

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: Jennifer Hughes [mailto:JHughes@oswegoil.org]

Sent: Thursday, April 21, 2022 2:51 PM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Rod Zenner <RZenner@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Brian Schiber <BSchiber@oswegoil.org>

Subject: RE: [External]Re: 1038 Harvey Road Question

Matt,

They will need to apply for driveway permit on the Commercial Building permit application. Our commercial driveway detail is attached. The centerline of the drive should align with the centerline of Meadows Court. The driveway should be located off the property line to allow for drainage and any easements that may be along that property line. The ditch line needs to be surveyed to determine if a driveway culvert is required. Culverts will need to be constructed in accordance with Section 8.404B of the Subdivision Regulations.

The Village is not proposing to force annex the property at this time. If they annex, their current operation may violate our ordinances, so they could possibly be grandfathered in to what they have now, but could not expand.

Sincerely,

Jennifer Hughes, P.E., CFM

Public Works Director/Village Engineer



PH: 630.551.2366

Email: jhughes@oswegoil.org

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

Sent: Monday, April 18, 2022 5:30 PM

To: Jennifer Hughes <JHughes@oswegoil.org>; Rod Zenner <RZenner@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: RE: [External]Re: 1038 Harvey Road Question

Correct, but does the Village require an access permit for any driveways installed at the subject property?

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: Jennifer Hughes [<mailto:JHughes@oswegoil.org>]

Sent: Monday, April 18, 2022 4:41 PM

To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Rod Zenner <RZenner@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: RE: [External]Re: 1038 Harvey Road Question

The road itself is located within the Village limits by virtue of annexation of property on the far (west) side (Brighton Meadows). The subject property, however, is not located within the municipal corporate limits.

Sincerely,

Jennifer Hughes, P.E., CFM

Public Works Director/Village Engineer



PH: 630.551.2366

Email: jhughes@oswegoil.org

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

Sent: Monday, April 18, 2022 8:08 AM

To: Rod Zenner <RZenner@oswegoil.org>; Jennifer Hughes <JHughes@oswegoil.org>

Cc: Jay Hoover <JHoover@oswegoil.org>; Scott Koeppel <skoeppeel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: RE: [External]Re: 1038 Harvey Road Question

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, April 27, 2022 8:48 AM
To: judd lofchie
Cc: Scott Koepfel; Scott Gengler; Faith D. Hook
Subject: RE: FW: [External]RE: Harvey Road Question

Judd:

Source: https://idot.illinois.gov/Assets/uploads/files/Transportation-System/Manuals-Guides-&-Handbooks/T2/P034_JTGuide.pdf

4-5 ANNEXATIONS BY MUNICIPALITIES Pursuant to 65 ILCS 5/7-1-1, whenever a municipality annexes property: "The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation." When roads under township jurisdiction are annexed by municipalities, these roads automatically become municipal streets under municipal jurisdiction (see the section below entitled 'Townships Cannot Have Jurisdiction in Municipalities' for further discussion). When roads under state or county jurisdiction are annexed by municipalities, these roads remain under state and county jurisdiction; unless a formal agreement is executed that transfers jurisdiction to another highway authority.

4-6 TOWNSHIPS CANNOT HAVE JURISDICTION IN MUNICIPALITIES Pursuant to 605 ILCS 5/6-203, a township highway commissioner has no power or jurisdiction over streets and alleys in municipalities. Therefore, when a municipality annexes property that includes a township road, the annexing municipality automatically assumes jurisdiction of that road. Pursuant to 65 ILCS 5/7-1-1, the municipality is required to notify the affected township when a proposed annexation includes a highway under that township's jurisdiction. Failure to notify the involved township can result in the municipality having to reimburse the township for any losses or liability incurred by the township for the annexed highway when that highway was already the responsibility of the municipality.

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: Tuesday, April 26, 2022 2:43 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Scott Koepfel <skoepfel@kendallcountyil.gov>; Scott Gengler <sgengler@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>
Subject: Re: FW: [External]RE: Harvey Road Question

Thank you for responding Francis. Can you tell me what law that is? I just have never heard of that before.

On Tue, Apr 26, 2022 at 2:36 PM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, April 27, 2022 2:39 PM
To: judd lofchie
Cc: Miguel Ángel Fernández; Natural world landscaping; Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: RE: FW: [External]Re: 1038 Harvey Road Question
Attachments: Sept 2009 Google Map.jpg; July 2017 Google Map.jpg

Judd:

The plat for Brighton Ridge Subdivision was recorded at 12:14 p.m. on February 1st 2005.

Other than memory, does your client have any proof the driveway was in that location in 2002. The aerials do not show a driveway on the property until 2020. The attached images from 2009 and 2017 from Google Maps clearly show no driveway at either of those points in time.

I will bring up the request to change the hours of and season of operation at tonight's meeting.

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, April 27, 2022 2:06 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Miguel Ángel Fernández < [REDACTED] >; Natural world landscaping <naturalworldlandscaping@gmail.com>; Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>
Subject: Re: FW: [External]Re: 1038 Harvey Road Question

Matt: Please change the conditions to year around and that he can be open from 6 am to 8pm 7 days a week (just so he can do snowplowing)

I have done some more research on this matter. Brighton Ridge Subdivision was built in 2007. I am attaching the property tax record for one of the homes. I assume they were all built at the same time.

The gravel driveway at my client's house has been there since 2002. My client used to work for a company in 2000 to 2002 and he saw the gravel driveway there in 2002 (he thinks possibly 2001, but he is sure 2002). So since my client had his driveway first, Oswego can not compel us to get a driveway permit, because to think otherwise, would mean that whenever a property is annexed into Oswego, the owner across the street would have to go apply for a driveway permit. That is not legal. And that is why the Township said they will not get involved, because the gravel driveway has been there for a long time.

So we would like to proceed tonight. I think it's only fair.

We will explore annexing into Oswego, but I don't want to stop this process and start over.

Regards,

Judd Lofchie

On Tue, Apr 26, 2022 at 2:15 PM Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Judd:

What would be the earliest that the business would start operations? What would be the latest the business would like to stay open? Please include any necessary time preparing for leaving and putting things away in the hours of operation.

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:judd1299@gmail.com]

Sent: Tuesday, April 26, 2022 2:11 PM

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

Cc: Miguel Ángel Fernández <mafernandezesq@gmail.com>; Natural world landscaping <naturalworldlandscaping@gmail.com>; Scott Koeppel <skoeppeel@kendallcountyil.gov>; Scott Gengler <sgengler@co.kendall.il.us>; Faith D. Hook <fhook@co.kendall.il.us>

Subject: Re: FW: [External]Re: 1038 Harvey Road Question

Attachment 21, Page 18

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Attachment 21, Page 19

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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
May 2, 2022 – 7:00 p.m.

CALL TO ORDER

Vice-Chairman Tom LeCuyer called the Zoning Board of Appeals meeting to order at 7:05 p.m.

ROLL CALL:

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

Members Absent: Randy Mohr

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

Others Present: Dan Kramer and Dustin Walzer

The Zoning Board of Appeals started their review of Petition 22-01 at 7:31 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 reported that, at their meeting on April 27, 2022, the Kendall County Regional Planning Commission asked that the Petitioner submit an access permit to the Village of Oswego and related site plan. If the Petitioner submitted an access permit application and related site plan by May 18, 2022, the proposal would be on the Planning Commission's May 25, 2022 agenda. Staff requested the proposal to be continued until May 31, 2022.

Member Thompson made a motion, seconded by Member Fox, to continue the public hearing on this Petition. Without objection, the proposal was continued.

The proposal will be on the May 31, 2022, Zoning Board of Appeals agenda.

The Zoning Board of Appeals completed their review of Petition 22-01 at 7:33 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that, for the May 31st hearing, there will be a Petition requesting a special use permit for a landscaping business on the north side of Route 52 west of Arbeiter Road in Seward Township.

Mr. Asselmeier also reported that he was recently elected President of the Illinois Association of County Zoning Officials.

Mr. Asselmeier also reported that Hide-A-Way Lakes was annexed in the Village of Oswego.

The County received a price quote from Teska Associates to update the Land Resource Management Plan. This will quote will be reviewed by the Regional Planning Commission at their May meeting.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Whitfield 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 8:12 p.m.

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

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

Exhibits

1. Memo on Petition 22-01 Dated April 28, 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.

[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: April 28, 2022
Re: Petition 22-01 Request for a Special Use Permit and Variances for a Landscaping Business at 1038 Harvey Road in Oswego Township

This Petition remained tabled at the April 27, 2022, Kendall County Regional Planning Commission meeting. The Petitioner was advised to submit an access permit application to the Village of Oswego including an updated site plan. If the Petitioner submitted an access permit and an updated site plan reflecting the new driveway location by May 18, 2022, the Petition would be placed on the May Kendall County Regional Planning Commission agenda.

Accordingly, Staff requests that the Kendall County Zoning Board of Appeals vote to continue the public hearing on this Petition.

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

MHA



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 22-10**Mark Fecht on Behalf of Fecht Brothers, Inc. and Jeremy and
Samantha Dippold on Behalf of Best Budget Tree, LLC
A-1 Special Use Permit for Landscaping Business****INTRODUCTION**

Best Budget Tree, LLC would like to purchase the subject property from Fecht Brothers Inc. in order to operate a tree and landscaping business at the property.

Best Budget Tree, LLC has been in existence for over ten (10) years.

The application materials are included as Attachment 1. The site plan is included as Attachment 2. The landscaping plan is included as Attachment 3. The stormwater plans are included as Attachment 4. The renderings of the proposed building are included as Attachment 5.

SITE INFORMATION

PETITIONERS: Mark Fecht on Behalf of Fecht Brothers, Inc. (Property Owner)
Jeremy and Samantha Dippold on Behalf of Best Budget Tree, LLC
(Contract Purchaser)

ADDRESS: None Assigned (Across Route 52 from 2190 and 2200 Route 52, Minooka)

LOCATION: Approximately 0.1 Miles West of Arbeiter Road on the North Side of Route 52



TOWNSHIP: Seward

PARCEL #: 09-15-200-003

LOT SIZE: 48.3 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1

LRMP:	Future Land Use	Rural Residential (Max 0.65 DU/Acre) (County) Residential and Commercial (Shorewood)
	Roads	Route 52 is a State maintained Arterial.
	Trails	Joliet has a trail planned along Route 52, but Joliet does not want a right-of-way dedication at this time, see Attachment 6.
	Floodplain/ Wetlands	There are no floodplains on the property. There is a wetland near the northwest corner of the property.

REQUESTED ACTION: Special Use Permit for a Landscaping Business

APPLICABLE REGULATIONS: Section 7:01.D.30 – A-1 Special Uses
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Residential (Max 0.65 Du/Acre) (County) Residential (Joliet)	A-1
South	Agricultural/Single-Family Residential	A-1	Rural Residential and Commercial (County) Residential and Commercial (Shorewood)	A-1
East	Agricultural/Single Family-Residential	A-1 and R-3	Suburban Residential (Max 1.00 Du/Acre) (County) Residential and Commercial (Shorewood)	A-1 and R-3

West	Agricultural	A-1	Rural Residential (County) Residential (Shorewood)	A-1, A-1 SU, and R-1
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The A-1 special use permit to the west is for the sale of agricultural products not grown on the premises.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on April 15, 2022, and indicated the following protected resources:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

The Illinois Department of Conservation determined that negative impacts were unlikely and consultation was terminated on April 18, 2022, see Attachment 1, Pages 25-28.

NATURAL RESOURCES INVENTORY

The application for NRI was submitted April 21, 2022, see Attachment 1, Page 30. The LESA Score was 210 indicating a medium level of protection. The NRI Report is included as Attachment 7.

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on April 25, 2022. The Seward Township Planning Commission reviewed the proposal in May 2022. They expressed concerns about the location of lighting with respect to the adjacent homes. The Seward Township Planning Commission recommended approval of the request. An email to that effect is included as Attachment 8.

VILLAGE OF SHOREWOOD

Petition information was sent to the Village of Shorewood on April 25, 2022. On May 4, 2022, the Village of Shorewood submitted an email saying they did not want to request a right-of-way dedication for a biking/walking trail. This email is included as Attachment 9.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on April 25, 2022. On May 5 and 6, 2022, the Minooka Fire Protection District submitted a letter and email requesting a fire alarm system that meets applicable codes, no smoking signs near the mulch pile, a dry fire hydrant, and signage properly marking the address of the property. The letter and email are included as Attachment 10. The Petitioners were agreeable to this request.

ZPAC

The Kendall County ZPAC reviewed this Petition at their meeting on May 3, 2022. Mr. Klaas asked if the six inch (6") pipe shown on the plans went to Route 52. John Tebrugge, Petitioners' Engineer, said the pipe goes almost to Route 52. The Petitioners had not received final access approval from the Illinois Department of Transportation; they will not get final approval until they (the Dippolds) own the property. The Petitioners understood that any buildings constructed on the property would not be eligible for agricultural building permit exemptions. Based on the information provided, the well would not be a non-community well. The Petitioners were advised to design the septic system for maximum load. The Petitioners were advised to identify on the site plan where lights would be placed. The Petitioners had no plans to use the access off of Arbeiter Road. The land comes with building allocations. 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 are included as Attachment 11.

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 seventy-three thousand, two hundred eighty pounds (73,280 lbs.), unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

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

BUSINESS OPERATIONS

According to the business plan found on pages 3 and 4 of Attachment 1, the business currently operates two (2) four (4) employee crews in April through October and one (1) four (4) employee crew in November through March. The Petitioners plan to hire four (4) additional employees, if business increases. Employees arrive at the property at approximately 7:30 a.m., go to work sites, and return to the property between 3:30 p.m. and 4:00 p.m. Employees unload equipment and materials and leave between 4:30 p.m. and 5:00 p.m. The business operates on Monday through Fridays with an occasional Saturday.

Business equipment presently consists of two (2) bucket trucks, two (2) wood chippers, two (2) one (1) ton pickup trucks, two (2) utility trailers, two (2) spare pick-up trucks, and one (1) wheel loader tractor. When not in operation, the Petitioners plan to house vehicles and equipment inside the proposed approximately nine thousand six hundred (9,600) square foot building. Mulch and firewood piles would be placed on the gravel area as shown on the site plan and landscaping plan (Attachments 2 and 3) and would be piled a maximum twelve feet (12') in height. The Petitioners do not plan to store stone, brick, or rock at the property. Per the site plan (Attachment 2), the gravel area is approximately ten point five (10.5) acres in size. If there is a motor vehicle or equipment related leak, the impacted gravel will be removed and replaced with clean gravel.

No retail services will be available at the property and retail customers will not be invited onto the property.

If approved, the Petitioners plan to start operations as quickly as possible.

BUILDINGS AND BUILDING CODES

One (1) approximately nine thousand six hundred (9,600) square foot building is proposed for the site in the location depicted on the site plan and landscaping plan (Attachments 2 and 3). The building will look substantially like the rendering provided in Attachment 5. The walls will be approximately sixteen feet (16') feet tall and the doors will be fourteen feet (14') in height. The peak of the building will be a maximum twenty-four feet (24').

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

ENVIRONMENTAL HEALTH

No well or septic system presently exists on the property. No other utilities are located on the property.

One (1) ten foot by ten foot (10' X 10') dumpster enclosure was shown on the site plan and landscaping plan east of the vehicle parking area.

STORMWATER

The property drains to the south.

There is one (1) wetland located near the northwest corner of the property.

The site plan and landscaping plan (Attachments 2 and 3) show a proposed seventy-three thousand, nine

RPC Memo – Prepared by Matt Asselmeier – May 19, 2022

hundred eighty-four (73,984) square foot wet bottom pond. At the deepest point, the pond will be sixteen feet (16') deep. The stormwater plan information is included as Attachment 4.

WBK Engineering submitted comments on the proposal. This letter is included as Attachment 12. These comments will have to be addressed prior to the issuance of a stormwater management permit.

ACCESS

Per the site plan and landscaping plan (Attachments 2 and 3), the Petitioners plan to install one (1) thirty foot (30') wide gravel driveway. The driveway will be approximately forty-eight feet (48') from the western property line.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to site plan and landscaping plan (Attachments 2 and 3), the Petitioners plan to install two (2) parking areas. One (1) parking area is planned south of the building and the other parking area is planned west of the building. The total number of parking spaces is twenty-one (21) including one (1) handicapped accessible parking space.

EASEMENTS

Three (3) pipeline easements exist on the property.

LIGHTING

No existing lighting is located on the property.

At the time of the ZPAC meeting and Seward Township Planning Commission meeting, the Petitioners had not submitted a lighting plan. The lighting plan shows one (1) free standing light near the south parking lot and six (6) lights on the building. Based on the photometrics provided, no light would cross the property lines. The lighting plan is included as Attachment 13.

Per Section 11:02.F.12.e, of the Kendall County Zoning Ordinance, the maximum height for the freestanding light is twenty feet (20').

SIGNAGE

According to the site plan and landscaping plan (Attachments 2 and 3), one (1) non-illuminated sign is proposed between the gravel driveway and the western property line. No information was provided regarding sign dimensions or height. Per Section 12:08.A. of the Kendall County Zoning Ordinance, the total maximum allowable signage is thirty-two (32) square feet of gross surface area.

SECURITY

No security information was provided.

LANDSCAPING

The landscaping plan (Attachment 3) shows one hundred fifty (150) white pines along the perimeter of the property. The white pines will be three (3') feet at the time of planting and will grow to between fifty feet (50') and eighty feet (80'). Ten (10) deciduous trees are planned along the perimeter of the pond. The trees will be one and one half inches (1.5") at the time of planting. The landscaping plan also calls for a seed mix of Kentucky blue grass and turf type perennial grass around the pond and along the gravel driveway. Vegetation will be installed after the gravel and pond are installed.

The portion of the property not used for storage, building, driveway, or the pond will remain farmed. Most of the property will be farmed in 2022, which will delay the installation of the landscaping until 2023.

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 landscaping plan, 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 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, lighting, 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 a stormwater management permit is issued based on the submitted materials, drainage should not be an issue. If the Illinois Department of Transportation approves the access, ingress and egress should not be an issue. Utilities will need to be extended and/or installed on the property.**

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **This is true. No variances are required.**

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents”. Also, the Kendall County Future Land Use Map and the Village of Shorewood’s Future Land Use Map call for commercial uses near the intersection of Route 52 and Arbeiter Road.**

RECOMMENDATION

Staff recommends approval of the special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 2), landscaping plan (Attachment 3), and lighting plan (Attachment 13) **(amended after ZPAC)**.
2. The gravel area shown on the attached site plan (Attachment 2) and landscaping plan (Attachment 3) shall not exceed ten point five (10.5) acres in size. The owners of the business allowed by this special use permit may reduce the amount of acreage covered by gravel.
3. 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.

4. One (1) approximately nine thousand six hundred (9,600) square foot building may be installed on the subject property in substantially the location shown on the site plan (Attachment 2). The building shall look substantially like the building depicted in the attached rendering (Attachment 5). The maximum height of the building shall be twenty-four feet (24').
5. 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.
6. No business operations may commence at the subject property until an occupancy permit is issued for the building shown on the attached site plan (Attachment 2). No business operations may commence at the subject property until the parking stalls, dumpster enclosure, and wet bottom pond shown on the attached site plan (Attachment 2) are installed. Business operations may commence at the subject property prior to the installation of vegetation shown on the attached landscaping plan (Attachment 3).
7. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property during the hours the business is open and shall be stored indoors during non-business hours.
8. 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.
9. 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.
10. All landscape related materials shall be stored indoors or on the gravel area depicted on the site plan (Attachment 2). The maximum height of the piles of landscaping related material shall be twelve feet (12') in height, unless otherwise restricted by a stormwater management permit. Stone, brick, and rock shall not be stored outdoors.
11. The size and depth of the wet bottom pond shall be governed by the stormwater management permit issued for the subject property.
12. One (1) two (2) sided non-illuminated sign may be installed on the location depicted on the attached site plan (Attachment 2).
13. At least two (2) no smoking signs shall be installed near the piles of landscaping related materials. **(added after ZPAC)**
14. One hundred fifty (150) white pines shall be installed in substantially the locations shown on the attached landscaping plan (Attachment 3). The white pines shall be a minimum of three feet (3') in height at the time of planting. The white pines shall be installed by June 30, 2023. Damaged or dead white pines shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the white pines.
15. Ten (10) deciduous trees shall be installed in substantially the locations shown on the attached landscaping plan (Attachment 3). The deciduous trees shall be a minimum one point five inches (1.5") in diameter at the time of planting. The deciduous trees shall be installed by June 30, 2023. Damaged or dead deciduous trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the deciduous trees.
16. The seed mix called for in the attached landscaping plan (Attachment 3) shall be installed by June 30, 2023. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the seed mix.
17. No landscape waste generated off the property can be burned on the subject property.

18. A maximum of twenty (20) 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.
19. No retail customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
20. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 7:30 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
21. 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.
22. 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.
23. One dry hydrant shall be placed on the property **(added after ZPAC)**.
24. The maximum height of the light pole shown in the lighting plan (Attachment 13) shall be twenty feet (20') **(added after ZPAC)**.
25. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
26. 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.
27. 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.
28. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
29. 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. Site Plan
3. Landscaping Plan
4. Stormwater Plans
5. Building Renderings

6. April 21, 2022 Joliet Email
7. NRI Report
8. May 9, 2022 Seward Township Planning Commission Email
9. May 4, 2022 Village of Shorewood Email
10. May 5 and 6, 2022 Minooka Fire Protection District Letter and Email
11. May 3, 2022 ZPAC Meeting Minutes
12. May 4, 2022 WBK Engineering Letter
13. Lighting Plan



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME Best Budget Tree Site Plan

FILE #: _____

NAME OF APPLICANT		
Best Budget Tree Service - Jeremy & Samantha Dippold		
CURRENT LANDOWNER/NAME(s)		
Fecht Brothers, Inc.		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
48.59	2195 US Highway 52, Minooka, IL	09-15-200-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
AG	A1	
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE _____ MAP AMENDMENT (Rezone to _____) _____ VARIANCE _____ ADMINISTRATIVE VARIANCE _____ A-1 CONDITIONAL USE for: _____ _____ SITE PLAN REVIEW _____ TEXT AMENDMENT _____ RPD (____ Concept; ____ Preliminary; ____ Final) _____ ADMINISTRATIVE APPEAL _____ PRELIMINARY PLAT _____ FINAL PLAT _____ OTHER PLAT (Vacation, Dedication, etc.) _____ AMENDMENT TO A SPECIAL USE (____ Major; ____ Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Jeremy Dippold	22419 W Renwick Rd, Plainfield, IL 60544	bestbudgettree@yahoo.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
815-685-2444		
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
John Tebrugge	410 E Church St, Ste A, Sandwich, IL 60548	info@tebruggeengineering.com
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
815-786-0195		
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 4-19-22

FEE PAID: \$1155
 CHECK #: 1064

¹Primary Contact will receive all correspondence from County

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

FECHT BROTHERS, INC.
1708 Albert Hall Court
Naperville, IL 60564

April 18, 2022

Kendall County
Planning, Building & Zoning Department
Attn: Matt Asselmeier, Senior Planner
111 West Fox Street
Yorkville, IL 60560

Re: Special Use Permit Application

To the Kendall County Planning, Building & Zoning Department:

Fecht Brothers, Inc. is the current owner of the property located at 48 US Highway 52, Minooka, Kendall County, IL 60447 (the "Property"). Fecht Brothers, Inc. is under contract to sell the Property to Jeremy and Samantha Dippold ("Dippolds"). It is our understanding that the Dippolds are seeking a special use permit to the Property's zoning. Fecht Brothers, Inc. supports and approves the Dippold's application for a special use permit for a landscaping company.

Please find the enclosed title policy dated March 7, 2022 from Fidelity National Title Insurance Company referencing our ownership and the Dippolds as the proposed insured.

Thank you for the opportunity to be of assistance.

Sincerely,

 Sec. (sign)

Print Name: Mark Fecht Secretary
Fecht Brothers, Inc.

Proposed Use and Business Plan

The Petitioners are requesting a special use permit to operate a landscaping company at the Property. The Petitioners have operated Best Budget Tree Service, LLC for over ten years. The primary purpose of the landscaping company is the removal of trees, processing mulch, spreading mulch and processing trees into firewood for delivery to customers.

A. Employees:

The Petitioners operate the following crews during the following months:

April through October

There are two crews (4 employees each) that cut down and remove trees. Additionally, there is a full-time employee who maintains the property grounds and processes the tree branches into firewood. In addition, the Petitioners also work for the landscaping company.

November through March

There is one crew (4 employees) that cut down and remove trees. Additionally, there is a full-time employee who maintains the property grounds and processes the tree branches into firewood. In addition, the Petitioners also work for the landscaping company.

There are currently no plans to hire additional employees at this time. However, if the demand for their landscaping services should increase in the future, the Petitioners would likely hire and form a third crew (4 employees each).

B. Hours of Operation:

The Petitioners will operate between the hours of 8:00am to 4:30pm Monday through Friday. On some occasions, the crew will run their operations on Saturday. Employees usually arrive onsite by 7:30am, load the equipment and materials, get the day's schedule and are on the road by 8:00am. Employees typically arrive back at the Property approximately 3:30-4:00pm. The employees unload all equipment, unload branches, mulch, firewood into the appropriate areas, clean and maintain the work vehicles and leave between 4:30-5:00pm.

If approved, the Petitioners plan to start operations upon a successful purchase and closing of the property.

C. Vehicles in Use:

The Petitioners own and utilize the following vehicles: 2 bucket trucks, 2 wood chippers, 2 oneton pick-up trucks, 2 utility trailers, 2 spare pick-up trucks, and 1 wheel loader tractor.

D. Improvements:

The Petitioners plan on building a metal building to house the vehicles and equipment as well as their general office. The Petitioners plan to store the processed mulch and firewood in large areas in the rear of the site to keep everything organized and clean. Mulch and firewood piles would be about 12' in height.

E. Materials:

The Petitioners only plan to store branches, mulch and firewood on the Property and to deliver to the customer. The Petitioners do not store stone, brick or rock.

F. Site Plan:

The Petitioners shall develop the property in accordance with the Site Plan submitted with the Application.

G. Not Retail

The Petitioners do not intend this landscaping business to be open to the public for retail purchases. The Property will be used to house the business operations, equipment and materials.



TEBRUGGE ENGINEERING

410 E. CHURCH ST.—SUITE A
SANDWICH, IL 60548

PHONE: (815) 786-0195
EMAIL: INFO@TEBRUGGEENGINEERING.COM
WEBSITE: WWW.TEBRUGGEENGINEERING.COM

April 18, 2022

Mr. Matt Asselmeier
Kendall County Planning, Building and Zoning Department
111 W Fox St
Room 204
Yorkville, IL 60560-1498

Re: Best Budget Tree Site Plan
2195 US Highway 52
Minooka, IL

Dear Mr. Asselmeier,

We have received your email dated April 18, 2022, and have the following comments / corrections.

1. How far from the western property will the gravel driveway be located?
Response: The drive will be 48' from the western property line and the parking area will be 30'. Additional dimensions will be added.
2. Would they have any objections to setting the maximum number of employees at 20, including the owners of the business allowed by the special use permit?
Response: No objections, there are not more than 20 employees currently.
3. Who actually owns the property? Do Fecht Brothers own the property?
Response: The current owners are Fecht Brothers but Best Budget Tree is in the process of purchasing and within their due diligence period currently.
4. The business plan mentions having several stalls to house landscaping materials. Do you have a description of these stalls (i.e. height, width, etc.)?
Response: There will not be stalls for material storage. Mulch and firewood stockpiles are too wide for stalls to be utilized.
5. Please add the location of the stalls to a site plan or landscaping plan.
Response: No stalls are proposed.
6. What is the maximum height of the materials that will be placed inside the stalls?
Response: Approximately 12' height of stockpiles
7. Are there any structures presently located on the property?
Response: There are no structures on the property, currently it is farmed land only.
8. Are there any structures located on adjacent properties within 100 feet of the property line of this property?
Response: There are barns located within the 100' adjacent to the east of the site, these have been located on the plans.
9. Are there any utilities presently located on the property?

Response: There are no utilities on the site.

10. Other than the pipeline easements, are there any other easements located on the property?

Response: No other easements are located on the plat for the property.

11. Does the existing easements for the pipelines allow non-agricultural vehicles to cross the easements? Do the pipelines have any objections to having this use going over their easements?

Response: Currently the pipelines run under US Highway 52. We will maintain the existing cover over the pipelines

12. The Kendall County GIS shows a wetland on the northwest corner of the property. Could that be added to the landscaping plan or site plan?

Response: The approximate wetlands have been added to the property per the Kendall County GIS.

13. Please provide the present zoning classifications and PINs for the subject property and adjacent properties. This information could be added to a site plan or landscaping plan or provided on a separate sheet.

Response: The PINS, property owners and current zoning has been added to the Final Plan.

14. The civil plans reference the Kane County GIS. Did you use the Kane County information or the Kendall County information?

Response: The Kendall County 2' contour map was used, this has been corrected on the plan set. A topographic survey will be conducted when conditions allow.

15. There was also some language regarding drains connecting to the sanitary sewer. Is this information correct?

Response: This might be in our standard notes. No sanitary sewer lines are in the area, this site will utilize septic and well.

16. What are the dimensions of the pond?

Response: The pond dimensions are 272' X 272'. This has been added to the plan.

17. How deep will the pond be?

Response: The pond will be 16' deep total. There is a 10' deep area for fish per the ordinance. The underwater contours have been dashed to show the wet bottom area.

18. Do the Petitioners plan to install signage on the property? If yes, please add this information to the site plan or landscaping plan.

Response: Yes, a standard sign located outside of the pipeline easement on US Highway 52, the location has been added to the plan. It will not be a lit up sign and no electric will go to it.

19. Do the Petitioners plan to install lights on the property? If yes, please state where the new lights will be located.

Response: The only lights on the property will be wall packs on the building.

20. Will there be an outdoor refuse area? If yes, please add this information to the site plan or landscaping plan.

Response: A fenced area for a small dumpster has been added to the plans.

21. The landscaping plan references a seed mix of Kentucky blue grass and turf type perennials. Where will these be planted on the property? Could the locations of these plantings be added to the landscaping plan?

Response: The mesic prairie mix will be in the detention pond. There is a note located on sheet 2 of the landscape plan. All areas outside the improvements will continue to be farmed.

22. How tall will the Colorado blue spruce be at full growth?

Response: The owner has requested White Pines instead and the height fully grown would be 50'-80'

23. What is the timeline for planting the vegetation referenced in the landscaping plan?

Response: The tree plantings will happen after the detention pond and gravel area is constructed.

24. How tall will the 80 x 120 building be?

Response: 16' walls and 14' doors.

If you have any additional questions, please contact us.

Sincerely,

Tebrugge Engineering



John Tebrugge

LEGAL DESCRIPTION

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE NORTH 1043.62 FEET OF THE EAST 417.40 FEET THEREOF AND ALSO EXCEPT THE SOUTH 417.42 FEET OF THE EAST 417.42 FEET THEREOF, AND ALSO EXCEPT THAT PART OF THE EAST 417.40 FEET LYING NORTH OF THE NORTH LINE OF THE SOUTH 417.42 FEET AND LYING SOUTH OF THE SOUTH LINE OF THE NORTH 1109.62 FEET THEREOF, AND ALSO EXCEPT THE WEST 402 FEET OF THE EAST 819.42 FEET OF THE SOUTH 417.42 FEET THEREOF, AND ALSO EXCEPT THE WEST 402.02 FEET OF THE EAST 819.42 FEET OF THE NORTH 341.07 FEET OF THE SOUTH 758.49 FEET THEREOF), IN THE TOWNSHIP OF SEWARD, IN KENDALL COUNTY, ILLINOIS.

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:


Fidelity National Title
Insurance Company

Commitment Number:

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Fidelity National Title Insurance Company

By:

Michael J. Nolan, President

Countersigned By:

Attest:

Marjorie Nemzura, Secretary

 Authorized Officer or Agent

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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ALTA Commitment for Title Insurance (08/01/2016)



FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT****Transaction Identification Data for reference only:**

ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Fidelity National Title Company, LLC 674 Veterans Pkwy, Unit C Yorkville, IL 60560 Main Phone: (630)553-3041 Email: ilyorkville@fnf.com	Fidelity National Title Company, LLC 674 Veterans Pkwy, Unit C Yorkville, IL 60560 Main Phone: (630)553-3041 Main Fax: (630)553-3047

Name and Address of Title Insurance Agent: John Robert Felton
2804 Breckenridge Circle
Aurora, IL 60504

Order Number: [REDACTED]

Property Ref.: 48 US Highway 52, Minooka, IL 60447

SCHEDULE A

1. Commitment Date: March 7, 2022
2. Policy to be issued:
 - (a) ALTA Owner's Policy 2006
Proposed Insured: Jeremy Dippold and Samantha Dippold
Proposed Policy Amount: \$607,425.00
 - (b) ALTA Loan Policy 2006
Proposed Insured: Lender with a contractual obligation under a loan agreement with the Proposed Insured for an Owner's Policy, its successors and/or assigns as their respective interests may appear
Proposed Policy Amount: \$485,940.00
3. The estate or interest in the Land described or referred to in this Commitment is:
Fee Simple
4. The Title is, at the Commitment Date, vested in:
Fecht Brothers, Inc.
5. The Land is described as follows:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

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ALTA Commitment for Title Insurance (08/01/2016)



EXHIBIT "A"
Legal Description

The East 1/2 of the Northeast 1/4 of Section 15, Township 35 North, Range 8 East of the Third Principal Meridian, (except the North 1043.62 feet of the East 417.40 feet thereof and also except the South 417.42 feet of the East 417.42 feet thereof, and also except that part of the East 417.40 feet lying North of the North Line of the South 417.42 feet and lying South of the South Line of the North 1109.62 feet thereof and also except the West 402 feet of the East 819.42 feet of the South 417.42 feet thereof and also except the West 402.02 feet of the East 819.42 feet of the North 341.07 feet of the South 758.49 feet thereof), in the Township of Seaward, in Kendall County, Illinois.

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ALTA Commitment for Title Insurance (08/01/2016)



FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT NO** [REDACTED]

Name and Address of Title Insurance Agent: John Robert Felton
 2804 Breckenridge Circle
 Aurora, IL 60504

**SCHEDULE B, PART I
 REQUIREMENTS**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. The "Good Funds" section of the Title Insurance Act (215 ILCS 155/26) is effective January 1, 2010. This Act places limitations upon our ability to accept certain types of deposits into escrow. Please contact your local Fidelity National Title office regarding the application of this new law to your transaction.
6. Payment of real estate taxes affecting the land that may be due or payable prior to closing (or as may be required by a lender to be insured). Schedule B tax exception will be amended accordingly based on a later date search and payment as noted herein.
7. For all mortgages and liens referenced below, we should be furnished with proper payoff figures, authorizations, funds and documents sufficient to pay off and release said liens at or prior to closing.
8. We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically.
9. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.
10. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
11. The Company should be provided a statement from the borrower(s) relative to any mortgage identified in Schedule B disclosing whether the borrower(s) have entered into any forbearance or loan modification agreement with the lender relative to delayed or postponed payments or other restructuring of the debt secured by the mortgage.
12. A mortgage to secure an indebtedness as shown below
 Amount: \$500,000.00
 Dated: March 30, 2020

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

Mortgagor: Fecht Brothers, Inc.
 Mortgagee: Compeer Financial, PCA
 Recording Date: April 9, 2020
 Recording No: 202000005551

(Affects land and other property)

13. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance by the corporation named below:

Name of Corporation: Fecht Brothers, Inc.

- a) A Copy of the corporation By-laws and Articles of Incorporation
- b) An original or certified copy of a resolution authorizing the transaction contemplated herein
- c) If the Articles and/or By-laws require approval by a 'parent' organization, a copy of the Articles and By-laws of the parent
- d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

- 14. The Company should be furnished a statement that there is no property manager employed to manage the Land, or, in the alternative, a final lien waiver from any such property manager.
- 15. The Land described in Schedule A either is unsubdivided property or constitutes part of a subdivided lot. As a result, a Plat Act Affidavit should accompany any conveyance to be recorded. In the alternative, compliance should be had with the provisions of the Plat Act (765 ILCS 205/1 et seq.)
- 16. For each policy to be issued as identified in Schedule A, Item 2; the Company shall not be liable under this commitment until it receives a designation for a Proposed Insured, acceptable to the Company. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, additional exceptions or requirements after the designation of the Proposed Insured.
- 17. The Company will require a survey of the subject Land, which is in compliance with minimum technical standards, prepared by a duly registered and licensed surveyor. If the owner of the Land the subject of this transaction is in possession of a survey, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be submitted to the Company for examination. In order to prevent delays, please furnish the survey at least 10 days prior to the close of this transaction.

If an existing survey is to be relied upon, an affidavit from the seller(s)/mortgagor(s) must be furnished to the Company stating that no improvements have been made on the Land the subject of this transaction or adjacent

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

thereto subsequent to the survey presented to the Company.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

18. Note for Information regarding endorsement requests:

All endorsements requests should be made prior to closing to allow ample time for the Company to examine required documentation.

END OF SCHEDULE B, PART I

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FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT NO. Y [REDACTED]**

Name and Address of Title Insurance Agent: John Robert Felton
 2804 Breckenridge Circle
 Aurora, IL 60504

**SCHEDULE B, PART II
 EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

GENERAL EXCEPTIONS

1. **Rights or claims of parties in possession not shown by Public Records.**
2. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
3. **Easements, or claims of easements, not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
6. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
- A 7. Taxes for the years 2021 and 2022.

 Taxes for the years 2021 and 2022 are not yet due or payable.

 Permanent Tax No.: 09-15-200-003-0000

 Note: Taxes for the year 2020 amounting to \$1,357.62 are paid of record.
- H 8. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
- B 9. Rights of Way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.

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SCHEDULE B, PART II
EXCEPTIONS
 (continued)

- C 10. Rights of the public, the State of Illinois and the municipality in and to that part of the Land, if any, taken or used for road purposes, including, but not limited to that part thereof falling within Route 52 and that part thereof falling within Arbeiter Road.
- D 11. Easement in favor of the Commonwealth Edison Company, and its/their respective successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the Land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the grant recorded/filed as Document No. 81-3521, affecting that part of the Land falling within the road on the Southerly line.
- E 12. Grant dated July 23, 1949 and recorded August 29, 1949 in book 107 of deeds, page 62 made by Clifford Findlay and Dortha Findlay, his wife to Michigan-Wisconsin Pipeline Company, a Delaware, Corporation, its successors and/or assigns, of the right to lay, maintain, operate and remove a pipe line for the transportation of oil, gas, petroleum or any of its products with the right of ingress and egress to and from the same, on, over and through a strip of Land 75 feet in width extending in a Southeasterly direction across the Southwest 1/4 of the Land, and a grant dated February 4, 1960 and recorded February 29, 1960 for a new pipe line to be constructed two feet below the existing tile or at the same depth of the presently existing pipe line.
- F 13. Easement in favor of Lakehead Pipe Line Company for the purpose of an exclusive right-of-way and perpetual easement to construct, operate, maintain, inspect (including aerial patrol), remove, abandon in place, replace and reconstruct a pipeline, together with valves, fittings, protective apparatus and all other equipment and appurtenances, as may be convenient in connection therewith for the transportation of crude petroleum and any product, by-product and derivatives thereof, whether liquid or gaseous, or any material or substance which can be conveyed through a pipeline on, over under and across a strip of Land, recorded/filed June 12, 1998 as Document No. 9807782, and the terms and provisions contained therein. See Document for exact location.
- G 14. Easement in favor of Guardian pipeline, LLC for the purpose of an exclusive perpetual easement in, through, upon and over a strip of Land 50 feet in width to lay, construct, test, operate, inspect, maintain, patrol, replace, repair, reconstruct, alter, relocate, enlarge and remove a pipeline with any associated valves, connections and appurtenances for the transmission of gas and associated condensates in, through, upon and over said Strip of Land, together with the right of ingress and egress to said Strip of Land at convenient points recorded/filed June 21, 2002 as Document No. 200200014405, and the terms and provisions contained therein. See Document for exact location.
- I 15. Note: The only conveyance(s) affecting said Land recorded within 24 months of the date of this commitment are as follows:
- Grantor: Alan Leupold, as Trustee under Trust Agreement dated June 22, 2006 and known as the Wayne Leupold Revocable Trust
 Grantee: Fecht Brothers, Inc.
 Recording Date: May 2, 2011
 Recording No: 201100007151

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FIDELITY NATIONAL TITLE INSURANCE COMPANY

COMMITMENT NO. Y [REDACTED]

**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

END OF SCHEDULE B, PART II

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ALTA Commitment for Title Insurance (08/01/2016)



FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT NO. Y** [REDACTED]**COMMITMENT CONDITIONS****1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT NO. Y** [REDACTED]

(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is Two Million And No/100 Dollars (\$2,000,000.00) or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

END OF CONDITIONS**1031 EXCHANGE SERVICES**

If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information, or to set-up an Exchange, please call Scott Nathanson at (312)223-2178 or Anna Barsky at (312)223-2169.

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Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do **NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective January 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's [Opt Out Page](#) or contact us by phone at (888) 934-3354 or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

Fidelity National Title Company, LLC
 674 Veterans Pkwy, Unit C
 Yorkville, IL 60560
 Phone: (630)553-3041 Fax: (630)553-3047

INITIAL FEE QUOTE

John Robert Felton
 2804 Breckenridge Circle
 Aurora, IL 60504

Order Number: [REDACTED]

Invoice Date:
Invoice Number: [REDACTED]

Delivered:

Buyer/Borrower(s): Jeremy Dippold and
 Samantha Dippold
Lender: Lender with a contractual
 obligation under a loan
 agreement with the Proposed
 Insured for an Owner's Policy

Seller(s): Fecht Brothers, Inc

Property Description (1):

48 US Highway 52, Minooka, IL 60447
 Parcel ID(s): 09-15-200-003-0000

Policies Applied For: ALTA Loan Policy 2006 \$485,940.00
 ALTA Owner's Policy 2006 \$607,425.00

Description	Seller Charge	Buyer Charge
Owner's Policy (Coverage \$607,425.00) (ALTA Owner's Policy 2006)	2,695.00	0.00
Loan Policy (Coverage \$485,940.00) (ALTA Loan Policy 2006)	0.00	525.00
ALTA 8.1-06 - Environmental Protection Lien (CLTA 110.9-06)	0.00	175.00
ALTA 9-06 - Restrictions, Encroachments, Minerals	0.00	175.00
SE 32-06 - Homeowner's Inflation Protection (Residential)	0.00	175.00
Extended Coverage Endorsement	0.00	0.00
Escrow Fees - Borrower	0.00	2,000.00
CPL Fee to Buyer	0.00	25.00
CPL Fee to Seller	50.00	0.00
CPL Fee to Lender	0.00	25.00
Overnight Delivery & Handling	50.00	50.00
Recording Fees (Deed, Mortgage/Deed of Trust)	0.00	134.00
County Transfer Tax (Deed)	303.75	0.00
State Transfer Tax	607.50	0.00
Recording Service Fee	0.00	15.00
Commitment Update Fee	150.00	0.00
Policy Update Fee	0.00	150.00
Chain of Title 24 Month	0.00	250.00
State of Illinois Policy Registration Fee	3.00	3.00
Email Package Service Fee	0.00	50.00
Tax Paying Agent Fees	50.00	0.00
Wire Transfer Service Fee	50.00	50.00
TOTALS:	\$3,959.25	\$3,802.00
GRAND TOTAL:		\$7,761.25

Invoice Notes: 1. Recording Fees are an estimate. Please refer to www.FNTiweb.com for actual recording fees.
 2. Settlement Agent License ID: TA.13.1303663
 3. Preliminary Fee Quote includes an estimated Tax Paying Agent Fee in the event Fidelity is paying taxes at closing.



Applicant: Best Budget Tree Service

Contact: Jeremy Dippold

Address: 22419 W Renwick Rd
Plainfield, IL 60544

IDNR Project Number: 2212088

Date: 04/15/2022

Project: Best Budget Tree Site Plan

Address: 2195 US Highway 52, Minooka

Description: Construct an entry drive, commercial building, gravel storage area and detention pond for a Tree Business

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Aux Sable Creek INAI Site

Greater Redhorse (*Moxostoma valenciennesi*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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

County: Kendall

Township, Range, Section:

35N, 8E, 10

35N, 8E, 15



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.

Terms of Use

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

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

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

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

Privacy

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

**EcoCAT Receipt****Project Code** 2212088**APPLICANT****DATE**

Best Budget Tree Service
 Jeremy Dippold
 22419 W Renwick Rd
 Plainfield, IL 60544

4/15/2022

DESCRIPTION**FEE****CONVENIENCE FEE****TOTAL PAID**

EcoCAT Consultation

\$ 125.00

\$ 2.81

\$ 127.81

TOTAL PAID**\$ 127.81**

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



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Colleen Callahan, Director

April 18, 2022

Jeremy Dippold
Best Budget Tree Service
22419 W Renwick Rd
Plainfield, IL 60544

RE: Best Budget Tree Site Plan
Project Number(s): 2212088
County: Kendall

Dear Applicant:

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

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

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

Please contact me if you have questions regarding this review.



Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500

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.

True. The Petitioner has submitted a site plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort or general welfare.

The Petitioner agrees to follow all applicable public health and public safety related laws.

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.

True. Conditions are proposed that will regulate hours of operation and site layout. The site plan makes provisions for landscaping, lighting, open spaces and improvements to ensure the proposed use will not adversely impact adjacent uses and is compatible with the surrounding area and County.

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

True. The property will have adequate utilities, access to the property and only one point of ingress and egress off of Route 52.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals

True. No variances have been requested.

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

True. The proposed use is consistent with an objective found on Pages 3-5 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial use that provide a broad range of job opportunities, a healthy tax base and improved quality of services..."



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: Best Budget Tree Service

Address: 22419 W Renwick Rd

City, State, Zip: Plainfield, IL 60544

Phone Number: () 815-685-2444

Email: bestbudgettree@yahoo.com

Contact Person: Jeremy Dippold

22419 W Renwick Rd

Plainfield, IL 60544

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

Site Location & Proposed Use

Township Name Seward **Township** 35N **N, Range** 8E **E, Section(s)** 15

Parcel Index Number(s) 09-15-200-003

Project or Subdivision Name Best Budget Tree Site Plan **Number of Acres** 48.59

Current Use of Site A1 **Proposed Use** A1-SU

Proposed Number of Lots 1 **Proposed Number of Structures** 1

Proposed Water Supply Well **Proposed type of Wastewater Treatment** Septic

Proposed type of Storm Water Management Wet Bottom Detention Pond

Type of Request

☒ Change in Zoning from A1 to A1-SU

☐ 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

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

44 Additional Acres at \$18.00 each \$ 792

Total NRI Fee \$ 1167

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

4.19.22
Date

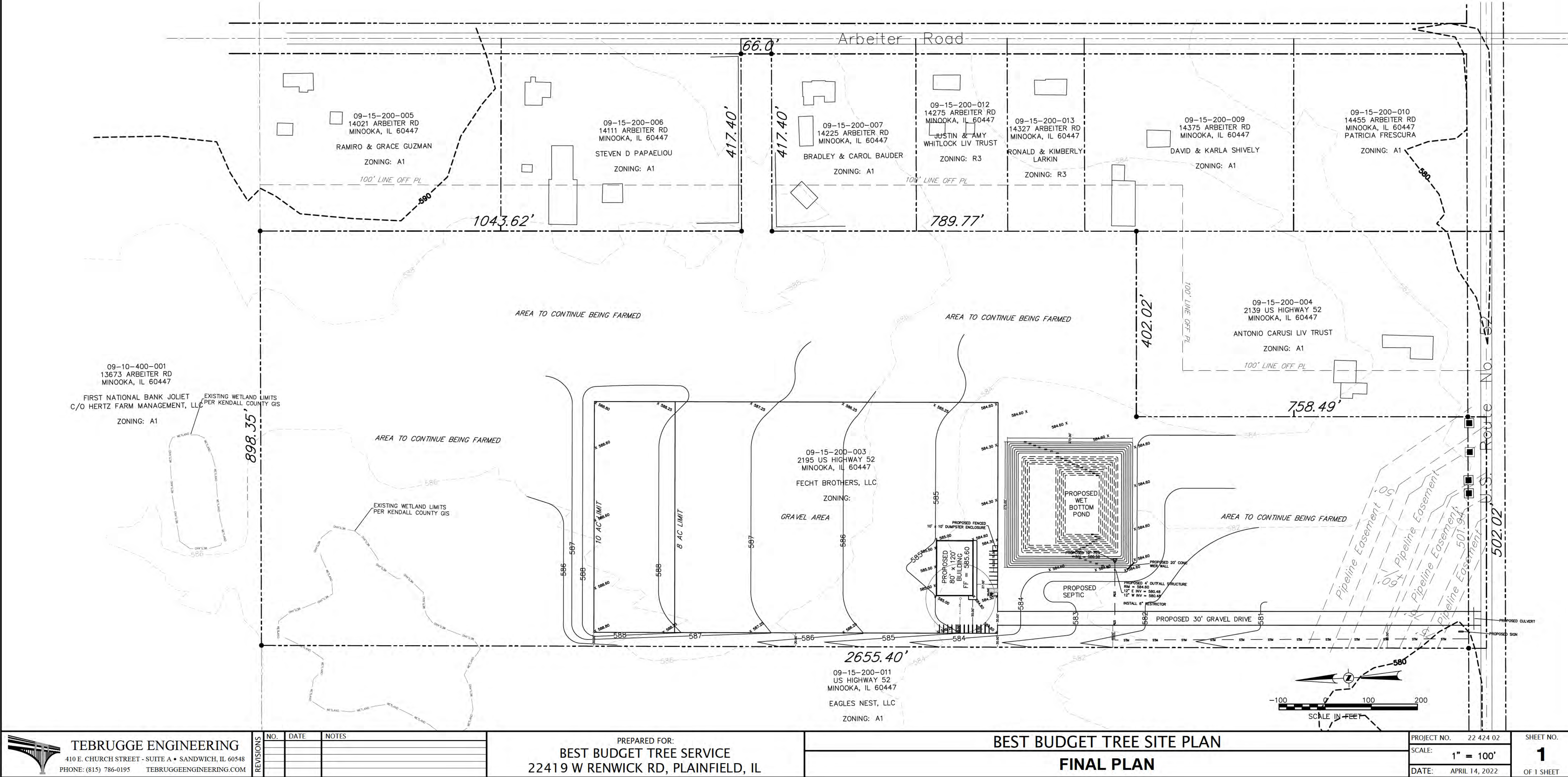
This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

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 _____

SITE DATA:	
Total Site Area:	48.59 ac.
Current Zoning:	A1
Proposed Zoning:	A1-SU
Current Land Use:	Agriculture
Proposed Land Use:	Improved Agricultural
PARKING:	
Provided Parking Stalls	21 stalls
Required Parking Stalls	20 stalls
Provided Handicap Stalls	1 stalls
Required Handicap Stalls	1 stalls

IMPERVIOUS AREA TABLE:	
Total Site Area:	48.59 ac. 2,116,580 sf
Existing Impervious:	0 s.f.
Existing Landscape:	2,116,580 s.f.
Proposed Building:	10,704 s.f.
Proposed Gravel:	457,781 s.f.
Total Impervious:	468,485 s.f.
Total Landscape:	1,648,095 s.f.
Percent Impervious Coverage:	22.1%
Percent Landscape Coverage:	77.9%





TEBRUGGE ENGINEERING
410 E. CHURCH STREET - SUITE A • SANDWICH, IL 60548
PHONE: (815) 786-0195 TEBRUGGEENGINEERING.COM

NO.	DATE	NOTES

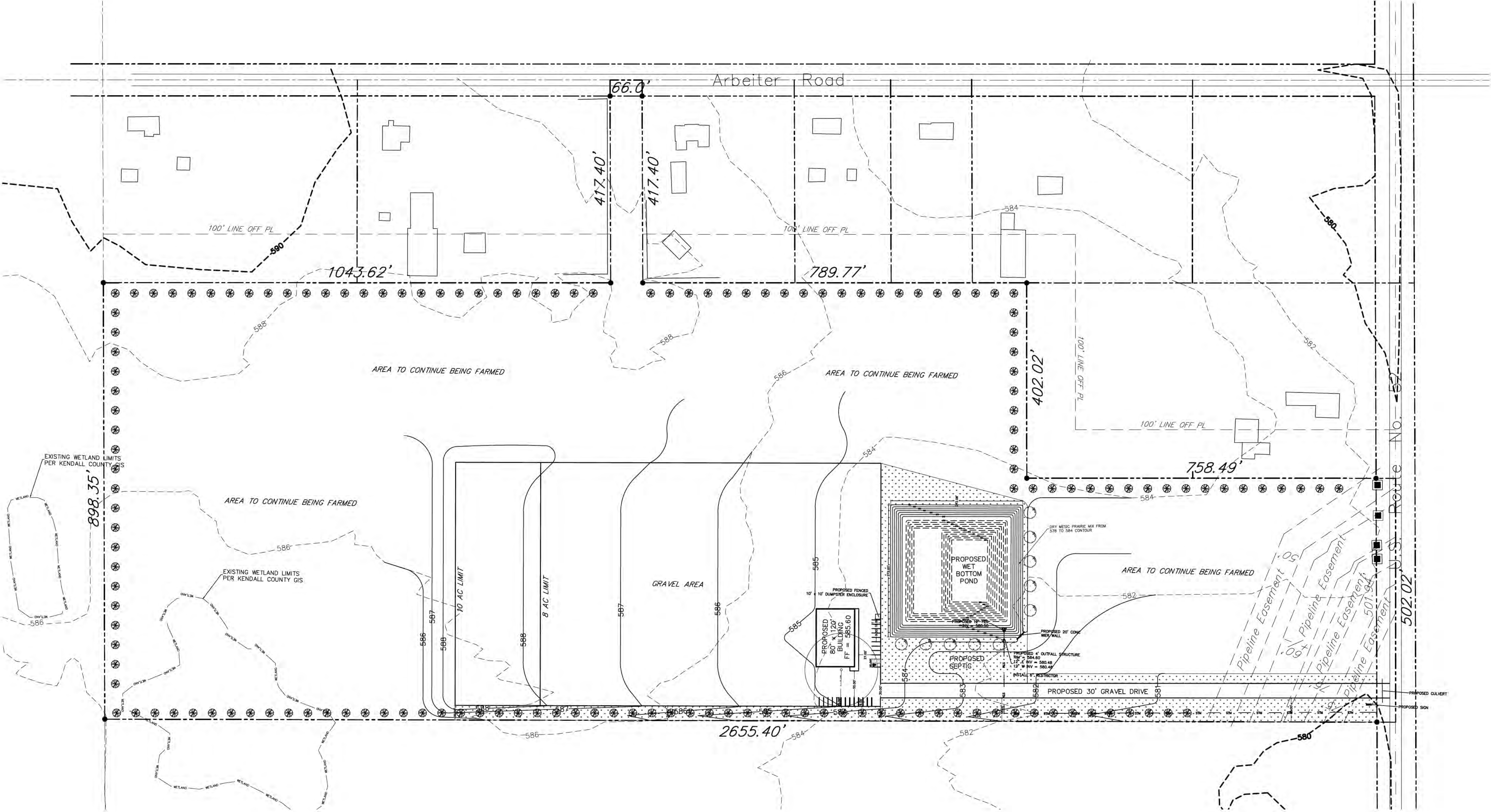
PREPARED FOR:
BEST BUDGET TREE SERVICE
22419 W RENWICK RD, PLAINFIELD, IL

BEST BUDGET TREE SITE PLAN
FINAL PLAN

PROJECT NO.	22 424 02
SCALE:	1" = 100'
DATE:	APRIL 14, 2022

SHEET NO.
1
OF 1 SHEET

LANDSCAPE PLAN FOR BEST BUDGET TREE



NO.	DATE	NOTES

LANDSCAPE NOTES

PART 1 – GENERAL

1.01 DESCRIPTION

A. PROVIDE TURF, TREES, SHRUBS, AND GROUND COVER AS SHOWN AND SPECIFIED. THE WORK INCLUDES:

1. SOIL PREPARATION
2. FERTILIZATION
3. SEEDING
4. TREES, SHRUBS, AND GROUND COVERS
5. MULCH AND PLANT ACCESSORIES
6. MAINTENANCE AND GUARANTEE
7. CLEANING UP WORK AREAS

1.02 QUALITY ASSURANCE

- COMPLY WITH APPLICABLE LOCAL REGULATIONS.
- SOD: COMPLY WITH AMERICAN SOD PRODUCERS ASSOCIATION (ASPA) CLASSES OF SOD MATERIAL.
- PLANT NAMES INDICATED COMPLY WITH "STANDARD PLANT NAMES" AS ADOPTED BY THE LATEST EDITION OF THE AMERICAN JOINT COMMITTEE OF HORTICULTURAL NOMENCLATURE, NAMES OF VARIETIES NOT LISTED CONFORM GENERALLY WITH NAMES ACCEPTED BY THE NURSERY TRADE. PROVIDE STOCK TRUE TO BOTANICAL NAME AND LEGALLY TAGGED.
- COMPLY WITH SIZING AND GRADING STANDARDS OF THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK". A PLANT SHALL BE DIMENSIONED AS IT STANDS IN ITS NATURAL POSITION.
- ALL PLANTS SHALL BE NURSERY GROWN UNDER CLIMATIC CONDITIONS SIMILAR TO THOSE IN THE LOCALITY OF THE PROJECT FOR A MINIMUM OF 2 YEARS.

1.03 SUBMITTALS

- SEED: SUBMIT SEED VENDOR'S CERTIFICATION FOR REQUIRED GRASS SEED MIXTURE, INDICATING PERCENTAGE BY WEIGHT, AND PERCENTAGES OF PURITY, GERMINATION, AND WEED SEED FOR EACH GRASS SPECIES.
- SOD: SUBMIT SOD GROWER'S CERTIFICATION OF GRASS SPECIES. IDENTIFY SOURCE.
- MULCH
- STRAW BLANKET

1.04 DELIVERY, STORAGE, AND HANDLING

- SEED: DELIVER SEED AND FERTILIZE MATERIALS IN ORIGINAL UNOPENED CONTAINERS, SHOWING WEIGHT, ANALYSIS, AND NAME OF MANUFACTURER. STORE IN MANNER TO PREVENT WETTING AND DETERIORATION.
- SOD: DELIVER AND INSTALL SOD CUT WITHIN 48-HOUR PERIOD.
- DELIVER FERTILIZER MATERIALS IN ORIGINAL, UNOPENED, AND UNDAMAGED CONTAINERS SHOWING WEIGHT, ANALYSIS, AND NAME OF MANUFACTURER. STORE IN MANNER TO PREVENT WETTING AND DETERIORATION.
- TAKE ALL PRECAUTIONS CUSTOMARY IN GOOD TRADE PRACTICE IN PREPARING PLANTS FOR MOVING. WORKMANSHIP THAT FALLS TO MEET THE HIGHEST STANDARDS WILL BE REJECTED. DIG, PACK, TRANSPORT, AND HANDLE PLANTS WITH CARE TO ENSURE PROTECTION AGAINST INJURY. INSPECTION CERTIFICATES REQUIRED BY LAW SHALL ACCOMPANY EACH SHIPMENT INVOICE OR ORDER TO STOCK AND ON ARRIVAL. THE CERTIFICATE SHALL BE FILLED WITH THE LANDSCAPE ARCHITECT. PROTECT ALL PLANTS FROM DYING OUT. IF PLANTS CANNOT BE PLANTED IMMEDIATELY UPON DELIVERY, PROPERLY PROTECT THEM WITH SOIL, OR MULCH. WATER HEELED-IN PLANTINGS REGULARLY.
- COVER PLANTS TRANSPORTED ON OPEN VEHICLES WITH A PROTECTIVE COVERING TO PREVENT WINDBURN, WHEN IN LEAF.

1.05 PROJECT CONDITIONS

- CONFIRM THAT THE QUALITY AND DEPTH OF TOPSOIL IS SATISFACTORY PRIOR TO BEGINNING FINE GRADING.
- FINE GRADING MUST BE APPROVED BY OWNER PRIOR TO START OF SEEDING OR SODDING.
- PERFORM GRASSING WORK ONLY AFTER PLANTING AND OTHER WORK AFFECTING GROUND SURFACE HAS BEEN COMPLETED.
- INSTALL SEED UNDER FAVORABLE WEATHER CONDITIONS UNLESS APPROVED BY THE OWNER'S REPRESENTATIVE. THE GENERALLY ACCEPTED TIMES FOR SEEDING ARE:

SPRING – APRIL 1ST TO MAY 31ST
FALL – AUGUST 15TH TO SEPTEMBER 30TH

1.06 GUARANTEE

- GUARANTEE ALL WORK FOR ONE YEAR FOLLOWING THE DATE OF INSTALLATION.
- AT THE END OF THE GUARANTEE PERIOD, RESEED AND RESED AREAS WITH SPECIFIED MATERIALS, WHICH FAIL TO PROVIDE A UNIFORM STAND OF GRASS.
- REPLACE, IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS, ALL PLANTS THAT ARE DEAD OR, AS DETERMINED BY THE LANDSCAPE ARCHITECT, ARE IN AN UNHEALTHY OR UNSIGHTLY CONDITION.
- GUARANTEE SHALL NOT INCLUDE DAMAGE OR LOSS OF TREES, PLANTS, GROUND COVERS, OR TURF CAUSED BY FIRES, FLOODS, FREEZING RAINS, LIGHTNING STORMS, OR WINDS OVER 75 MILES PER HOUR, WINTER KILL CAUSED BY EXTREME COLD AND SEVERE WINTER CONDITIONS NOT TYPICAL OF PLANTING AREA; OR ACT OF VANDALISM.

PART 2 – PRODUCTS

2.01 MATERIALS

- SEED/SOD FERTILIZER:
 1. GRANULAR, 10-10-10. ALL PURPOSE AT A RATE OF 1LBS N-P-K PER 1,000 S.F.
- PLANT FERTILIZER:
 1. PROVIDE A GRANULAR COMMERCIAL FERTILIZER WITH AN ANALYSIS OF 10-10-10.
- SEED:
 1. LAWN SEED: FRESH, CLEAN SEED FROM MOST RECENTLY HARVESTED CROP WHICH COMPLIES WITH ALL LOCAL, STATE, AND FEDERAL SEED AND WEED LAWS IS FREE FROM POA ANNUAL, BENT GRASS AND NOXIOUS WEEDS.
 2. BLEND: PERCENT BY WEIGHT:

FIELD OF DREAMS RESEEDER MIX, (AS AVAILABLE FROM NATURAL SEED, DOWNERS GROVE, IL)

2 – NAMED KENTUCKY BLUE GRASSES 50%
2 – NAMED TURF TYPE PERENNIAL GRASSES 50%
 3. BOTTOM OF STORM WATER MANAGEMENT BASINS TO BE OVER SEEDED WITH RED TOP SEED AT A RATE OF 50 LBS PER ACRE.
- PLANTS: PROVIDE PLANTS TYPICAL OF THEIR SPECIES OR VARIETY WITH NORMAL, DENSELY DEVELOPED BRANCHES AND VIGOROUS, FIBROUS ROOT SYSTEMS. PROVIDE ONLY SOUND, HEALTHY PLANTS FREE FROM DEFECTS, SUN SCALD INJURIES, FROST CRACKS, ABRASIONS OF THE BARK, PLANT DISEASE, INSECT EGGS, BORERS, AND ALL FORMS OF INFESTATION. ALL PLANTS SHALL HAVE A FULL DEVELOPMENT FORM.
 1. DIG BALLED AND BURLAPPED PLANTS WITH FIRM, NATURAL BALLS OR EARTH. PROVIDE BALL SIZES COMPLYING WITH THE LATEST EDITION OF THE "AMERICAN STANDARD FOR NURSERY STOCK".
 2. PROVIDE SHADE AND EVERGREEN TREE SPECIES WITH A SINGLE MAIN TRUNK UNLESS OTHERWISE SPECIFIED OR ACCEPTED.
 3. PROVIDE PLANTS MATCHED IN FORM WHEN ARRANGED IN GROUPS.
 4. PROVIDE EVERGREEN TREES BRANDED TO THE GROUND UNLESS OTHERWISE SPECIFIED OR ACCEPTED.
 5. PROVIDE SHRUBS AND SMALL PLANTS MEETING THE REQUIREMENTS FOR SPREAD AND HEIGHT INDICATED IN THE PLANT LIST.
 - a. THE MEASUREMENTS FOR HEIGHT SHALL BE TAKEN FROM THE GROUND LEVEL TO THE AVERAGE HEIGHT OF THE TOP OF THE PLANT AND NOT THE LONGEST BRANCH.

PART 3 – EXECUTION

3.01 INSPECTION

- EXAMINE FINISH SURFACE GRADES, TOPSOIL QUALITY, DEPTH, AND CONDITIONS OF INSTALLATIONS.

3.02 PREPARATION

- LOOSEN TOPSOIL OF LAWN AREAS TO MINIMUM DEPTH OF 2". REMOVE STONES OVER 1" IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND EXTRANEOUS MATTER.
- GRADE LAWN AREAS TO SMOOTH, FREE DRAINING AND EVEN SURFACE WITH A LOOSE, UNIFORMLY FINE TEXTURE. MECHANICALLY OR MANUALLY RAKE; REMOVE RIDGES AND FILL DEPRESSIONS AS REQUIRED TO DRAIN.
- RESTORE PREPARED AREAS TO SPECIFIED CONDITION IF ERODED, SETTLED, OR OTHERWISE DISTURBED AFTER FINE GRADING AND PRIOR TO SEEDING OR SODDING.
- TIME OF PLANTING:
 1. EVERGREEN MATERIAL: PLANT EVERGREEN MATERIALS BETWEEN SEPTEMBER 2ND AND NOVEMBER 1ST OR IN SPRING BEFORE NEW GROWTH BEGINS.
 2. DECIDUOUS MATERIAL: PLANT DECIDUOUS MATERIALS IN A DORMANT CONDITION OR PRE-DIG AND HEAL UNTIL SITE IS READY.
- LOCATE PLANTS AS INDICATED AND APPROVED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
- ROTTOTILL ALL GROUND COVER BEDS.
- PROVIDE SHRUB PITS AT LEAST 8" GREATER THAN THE DIAMETER OF THE ROOT SYSTEM AND 12" GREATER FOR TREES.

3.03 SEED INSTALLATION

- TURF AREAS:
 1. SEED IMMEDIATELY AFTER PREPARATION OF BED.
 2. PERFORM SEEDING OPERATIONS WHEN THE SOIL IS DRY AND WHEN WINDS DO NOT EXCEED 20 MILES PER HOUR VELOCITY.
- SOW SEED AT 300 LBS. PER ACRE.
 - a. CONVENTIONAL SEEDING:
 - 3.a.1. APPLY SEED WITH A ROTARY OR DROP TYPE DISTRIBUTOR. SEED EVENLY.
 - 3.a.2. AFTER SEEDING, RAKE SOIL SURFACE LIGHTLY TO INCORPORATE SEED.
 4. WITHIN 24 HOURS, PLACE STRAW BLANKET OVER ALL SEEDED AREAS. PLACE BLANKET PERPENDICULAR TO CONTOUR LINES AND FASTEN IN PLACE PER MANUFACTURER'S RECOMMENDATIONS.

3.04 PLANT INSTALLATION

- TREES AND SHRUBS:
 1. SET PLANT MATERIAL IN THE PLANTING PIT TO PROPER GRADE AND ALIGNMENT. DO NOT FILL AROUND TRUNKS OR STEMS.
 2. AFTER BALLED OR BURLAPPED PLANTS ARE SET, FILL ALL VOIDS.
 3. MIX APPROVED COMMERCIAL FERTILIZER AT 10 LBS. PER CUBIC YARD OF BACKFILL.
- GROUND COVERS:
 1. WHERE GROUND COVERS ARE SPECIFIED ON THE PLANS, ROTO TILL ENTIRE PLANT BED TO 6" DEPTH USING AMENDED TOPSOIL. INCORPORATE COMMERCIAL 10-10-10 FERTILIZER INTO PREPARED SOIL MIXTURE AT AN APPROPRIATE RATE OF 1 LB. PER SQUARE YARD.
- MULCHING:
 1. MULCH TREE AND SHRUB PLANTING PITS AND SHRUB BEDS WITH REQUIRED MULCHING MATERIAL 3" DEEP IMMEDIATELY AFTER PLANTING. THOROUGHLY WATER MULCHED AREAS. AFTER WATERING, RAKE MULCH TO PROVIDE A UNIFORM FINISHED SURFACE.
- WRAPPING:
 1. INSPECT TREES FOR INJURY TO TRUNKS, EVIDENCE OF INSECT INFESTATIONS, AND IMPROPER PRUNING BEFORE WRAPPING.
 2. WRAP TRUNKS OF ALL TREES SPIRALLY FROM BOTTOM TO TOP WITH SPECIFIED TREE WRAP AND SECURE IN PLACE. WRAPPING IS AT THE DISCRETION OF THE CONTRACTOR.

E. PRUNING:

1. PRUNE BRANCHES OF DECIDUOUS STOCK, AFTER PLANTING, TO PRESERVE THE NATURAL CHARACTER APPROPRIATE TO THE PARTICULAR PLANT REQUIREMENTS. IN GENERAL, REMOVE APPROXIMATELY ¼ OF THE LEAF BEARING BUDS. REMOVE OR CUT BACK BROKEN, DAMAGED, AND UNSYMMETRICAL GROWTH OF NEW WOOD.
2. MULTIPLE LEADER PLANTS: PRESERVE THE LEADER WHICH WILL BEST PROMOTE THE SYMMETRY OF THE PLANT. CUT BRANCHES FLUSH WITH THE TRUNK OR MAIN BRANCH, AT DIAMETER OF THE SUPPORTING BRANCH. MAKE CUT ON AN ANGLE.
3. PRUNE EVERGREENS ONLY TO REMOVE BROKEN OR DAMAGED BRANCHES.

3.05 FINAL COMPLETION, INSPECTION, AND ACCEPTANCE

- UPON COMPLETION INSPECTION OF ALL WORK WILL BE MADE BY THE OWNER OR HIS REPRESENTATIVE. AT THAT TIME IF ALL WORK IS SATISFACTORY, THAT WILL CONSTITUTE FINAL ACCEPTANCE.
- SEEDED AREAS WILL BE INSPECTED AT COMPLETION OF THE INSTALLATION AND ACCEPTED SUBJECT TO COMPLIANCE WITH SPECIFIED MATERIALS AND INSTALLATION REQUIREMENTS.
 1. SEEDED AREAS WILL BE ACCEPTABLE PROVIDED ALL REQUIREMENTS, HAVE BEEN COMPLIED WITH.
 2. NO SEEDED AREAS SHALL HAVE BARE SPOTS OR UNACCEPTABLE COVER TOTALING MORE THAN 2% OF THE INDIVIDUAL AREAS, IN AREAS REQUESTED TO BE INSPECTED.
- INSPECTION OF ALL WORK SHALL BE MADE UPON REQUEST OF CONTRACTOR. AT THAT TIME, IF ALL WORK IS SATISFACTORY, THAT WILL CONSTITUTE FINAL ACCEPTANCE.
- PLANTS THAT HAVE DIED OR ARE IN UNHEALTHY OR BADLY IMPAIRED CONDITION UPON INSPECTION SHALL BE TREATED OR REPLACED AT NO ADDITIONAL COST TO OWNER.
- REPLACE REJECTED PLANTS IN THE SEASON THAT IS MOST FAVORABLE FOR RESETTING KINDS OF PLANTS REQUIRED.

3.06 CLEANING

- PERFORM CLEANING DURING INSTALLATION OF THE WORK AND UPON COMPLETION OF THE WORK. REMOVE FROM SITES ALL EXCESS MATERIALS, SOIL, DEBRIS, AND EQUIPMENT.

4.01 MISC. NOTES

- ALL GRADES TO BE ESTABLISHED TO MEET ENGINEERING DRAWINGS BY OTHERS.
- BASIN BOTTOMS SEED, BLOW WITH STRAW MULCH AND CRIMP STRAW IN PLACE, AS NOTED ON PLANS.
- SEED AND INSTALL STRAW BLANKET ALL OTHER TURF AREAS.
- ALL DISTURBED AREAS THAT ARE NOT MULCHED SHALL BE SEED.

PROPOSED LANDSCAPING MATERIAL

CODE:	DESCRIPTION:	UNIT OF MEASURE	QTY
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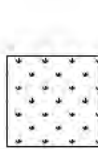
EVERGREEN TREES

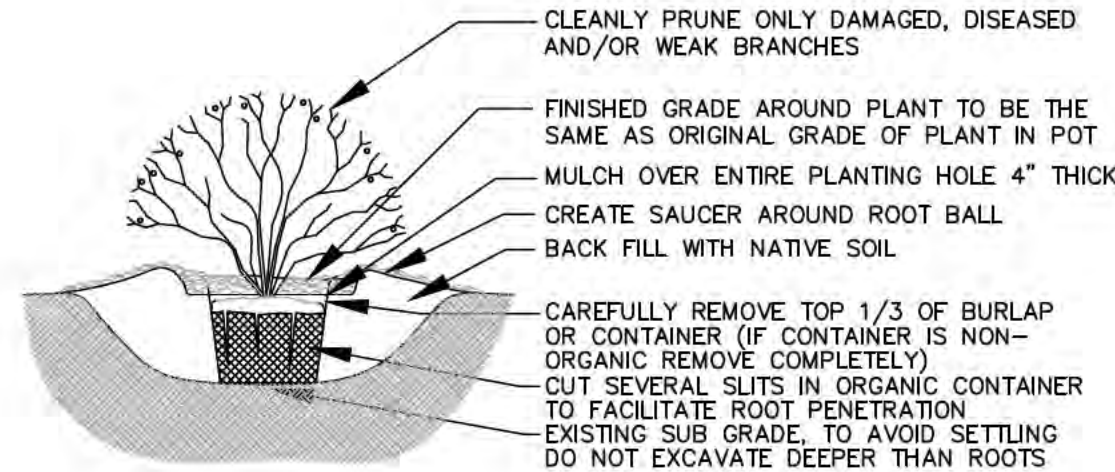
	WHITE	WHITE PINES	PINUS STROBUS	3'	150
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DECIDUOUS TREES

	LIND	LITTLE LEAF LINDEN	TILIA CORDATA	1 1/2"	10
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TURF

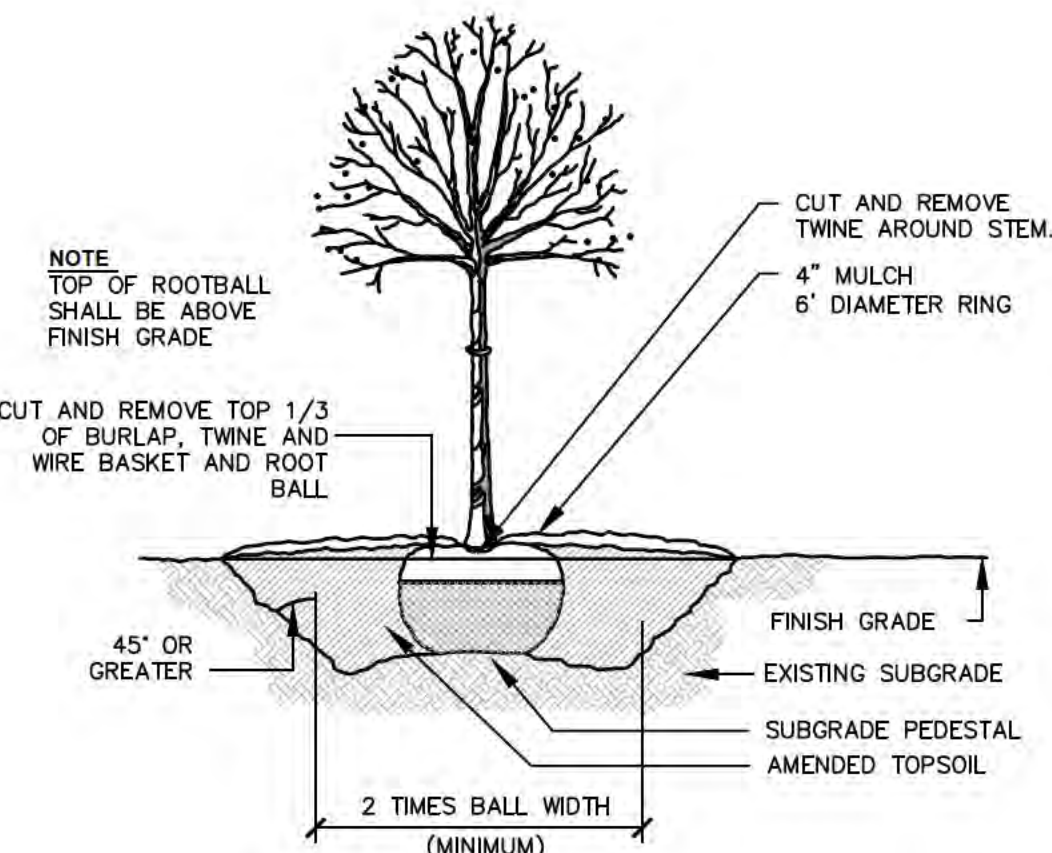
	CLASS 1 IDOT SEED MIX –	ALL DISTURBED AREA THAT ARE NOT MULCHED OR FARMED SHALL BE SEED			
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NOTES:

1. WATER THOROUGHLY AFTER INSTALLATION.
2. USE EXISTING SOIL AS BACK FILL. IF DIRECTED BY OWNER, AMEND WITH 1/3 COMPOST.
3. ALL SHRUBS TO BE MULCH OVER ENTIRE PLANTING HOLE

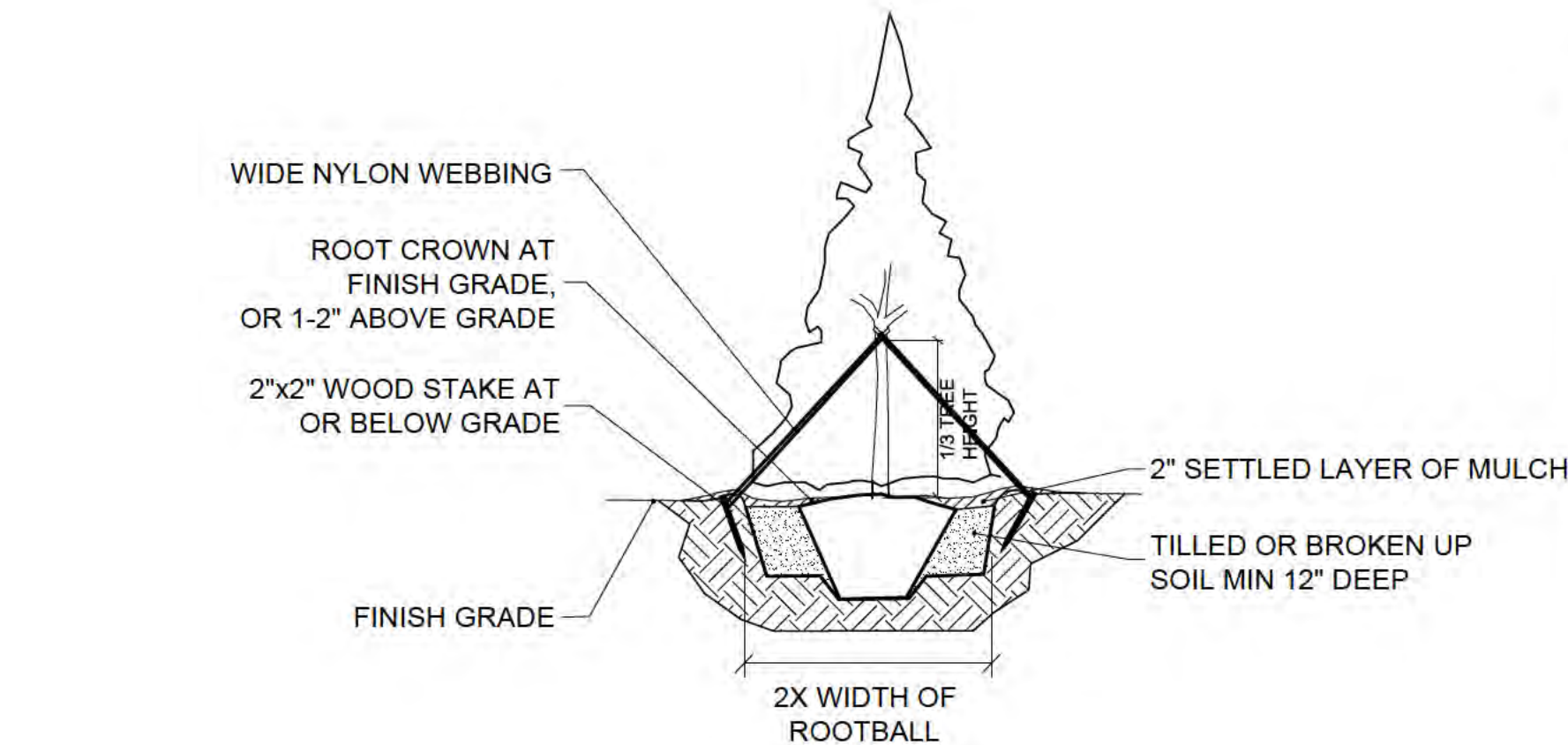
SHRUB DETAIL – CONTAINER OR B&B



TREE DETAIL

N.T.S.

DETENTION POND SHALL HAVE 6" OF PULVERIZED TOPSOIL AND INSTALL DRY MESIC PRAIRIE MIX & EROSION CONTROL BLANKET UP TO THE HIGH WATER LINE



EVERGREEN TREE PLANTING

NOT TO SCALE

For Trees no more than three of the same species shall be clustered together. And the goal should be that no Family shall account for more than 30%, no Genus shall account for more than 20%, and no Species shall account for more than 10% of any Planting Material Type.

STORMWATER MANAGEMENT PERMIT

Attachment A Page 1
PERMIT APPLICATION #

Conformance with all Federal, State, and County Regulations is required. Applicants are encouraged to the Countywide Stormwater Management Ordinance and consider a pre-application meeting with Department staff prior to submittal. See attached highlights of regulations.

Property: Name Best Budget Tree Service - Jeremy & Samantha Dippold
Owner Address 22419 W Renwick Rd, Plainfield, IL 60544
Phone 815-685-2444
Agent: Name John Tebrugge - Tebrugge Engineering
Address 410 E Church St, Ste A, Sandwich, IL 60548
Phone 815-786-0195
Site: Address or Location 2195 US Highway 52, Minooka, IL 60447
Tax Parcel # 09-15-200-003
Zoning/Land Use/Acres A1/Agricultural/48.59

Proposed Development:

Construct a 10,700 s.f. building and a gravel area for materials storage. Construct a gravel entry drive and a wet bottom detention pond for stormwater.

Attachments: Plat X Construction Plans X
Soils _____ Landscaping X
Grading X Phasing _____
Other _____

Fees \$ 50 Processing Fee (\$50.00)
\$ 1200 Engineering Review Deposit (\$1,200.00 or 2% of estimated cost of the proposed improvements, whichever is greater.)
TOTAL \$ 1250 One check is acceptable made out to the Kendall County Treasurer

Staff will contact Applicant regarding schedule and reviews.

I hereby certify that the information on this application, on the documents attached, and on other submittals made during the review process is true and correct; that I am authorized to file this application; and that I agree to conform to all requirements set forth by the County and all conditions of the County Stormwater Management Ordinance. I understand that by signing this form, that the property in question may be visited by County Staff and County Engineers throughout the permit and construction process. I also understand that I am responsible for all costs associated with this application.

Owner's Signature _____ Date 4-19-22

Agent's Signature _____ Date 4/19/22

Kendall County Planning, Building, & Zoning Department

111 West Fox Street, Room 203

Yorkville, Illinois 60560

Phone: (630) 553-4139, Fax (630) 553-4179

www.co.kendall.il.us

ENGINEERING PLANS FOR BEST BUDGET TREE SITE PLAN

SECTION 15, TOWNSHIP 35 NORTH , RANGE 8 EAST
2195 US HIGHWAY 52
MINOOKA, IL 60447
KENDALL COUNTY
APRIL, 2022

LEGEND

	PROPERTY BOUNDARY															
	EXISTING CONTOUR LINE															
	EXISTING STORM SEWER															
	EXISTING SANITARY SEWER LINE															
	EXISTING WATERMAIN															
	EXISTING UNDERGROUND ELECTRIC															
	EXISTING OVERHEAD ELECTRIC															
	EXISTING GAS SERVICE															
	EXISTING TELEPHONE															
	PROPOSED CONTOUR LINE															
	PROPOSED WATERMAIN															
	PROPOSED STORM SEWER															
	PROPOSED SANITARY SEWER LINE															
	PROPOSED GREASE SERVICE LINE															
	PROPOSED VENT LINE															
	EXISTING FENCELINE															
	PROPOSED SILT FENCE															
x 686.00	EXISTING SPOT SHOT															
x 686.00	PROPOSED SPOT GRADE															
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		VALVE VAULT														
STORM:	<table><tr><td>EXIST</td><td>PROP</td><td></td></tr><tr><td></td><td></td><td>INLET-CURB</td></tr><tr><td></td><td></td><td>INLET OR MANHOLE</td></tr><tr><td></td><td></td><td>FLARED END SECTION</td></tr></table>	EXIST	PROP				INLET-CURB			INLET OR MANHOLE			FLARED END SECTION			
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EXIST	PROP															
		CLEANOUT														
		MANHOLE														
	R.O.W. MONUMENT		UTILITY POLE													
	PROPERTY PIN		GUY WIRE LOC.													
	P.K. NAIL		UTIL. CABINET													
	CHISELED MARK		UTIL. PEDESTAL													
	BENCHMARK		LIGHT POLE													
	HUB & TACK		TRAFFIC SIGNAL													
	SOIL BORING		ELECTRIC VAULT													
	OVERLAND RELIEF		GAS VALVE													
	FLOW DIRECTION															



Know what's below.
Call before you dig.

Contractor and or sub-contractors shall verify locations of all underground utilities prior to digging. Contact J.U.L.I.E. (Joint Utility Locating for Excavators) at 1-800-892-0123 or dial 811.

UTILITY STATEMENT

THE UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD EVIDENCE AND EXISTING DRAWINGS, MAPS AND RECORDS SUPPLIED TO SURVEYOR. THE SURVEYOR MAKES NO GUARANTEES THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM AVAILABLE INFORMATION. THE SURVEYOR HAS PHYSICALLY LOCATED VISIBLE STRUCTURES; HOWEVER, HE HAS NOT PHYSICALLY LOCATED THE UNDERGROUND LINES.

TOPOGRAPHY STATEMENT

EXISTING TOPOGRAPHY SHOWN REPRESENTS SITE CONDITIONS AS PREPARED BY TEBRUGGE ENGINEERING. CONTRACTOR SHALL FIELD CHECK EXISTING HORIZONTAL AND VERTICAL SITE FEATURES AND CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.

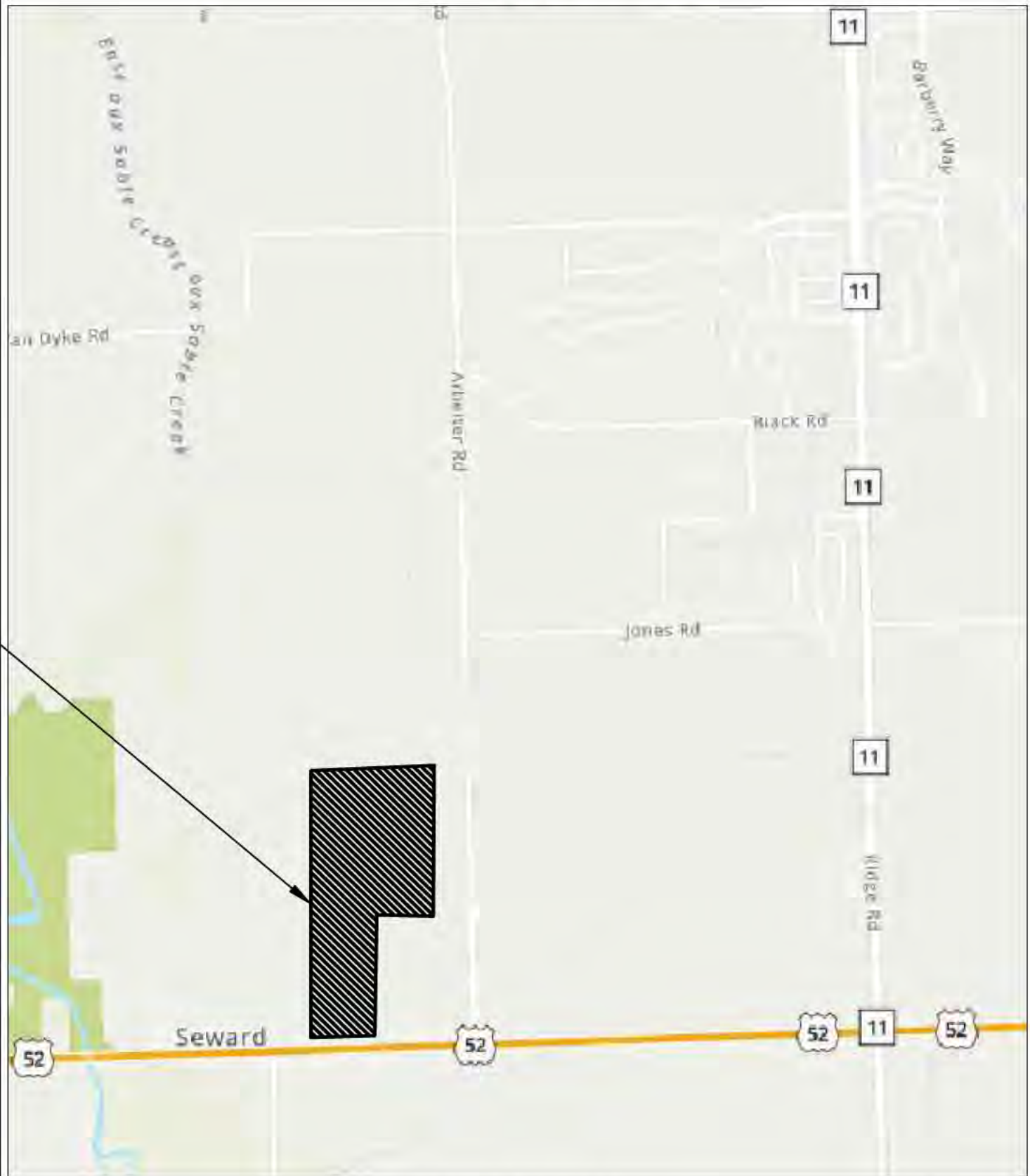
INDEX TO SHEETS

1. COVER SHEET
2. EXISTING CONDITIONS & DEMOLITION PLAN
3. STORMWATER POLLUTION & PREVENTION PLAN 1
4. STORMWATER POLLUTION & PREVENTION PLAN 2
5. OVERALL CIVIL SITE PLANS
6. CIVIL SITE PLAN I
7. CIVIL SITE PLAN II
8. GENERAL NOTES & DETAILS

PROJECT
LOCATION

LOCATION MAP

N.T.S.



BENCHMARKS:

1. KENDALL COUNTY GIS 2' CONTOUR MAPS

PLANS PREPARED FOR:

BEST BUDGET TREE SERVICE
22419 W RENWICK RD
PLAINFIELD, IL 60544
PHONE: (815) 685-2444
EMAIL: BESTBUDGETTREE@YAHOO.COM

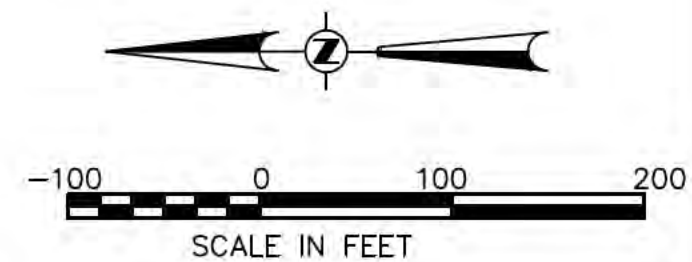
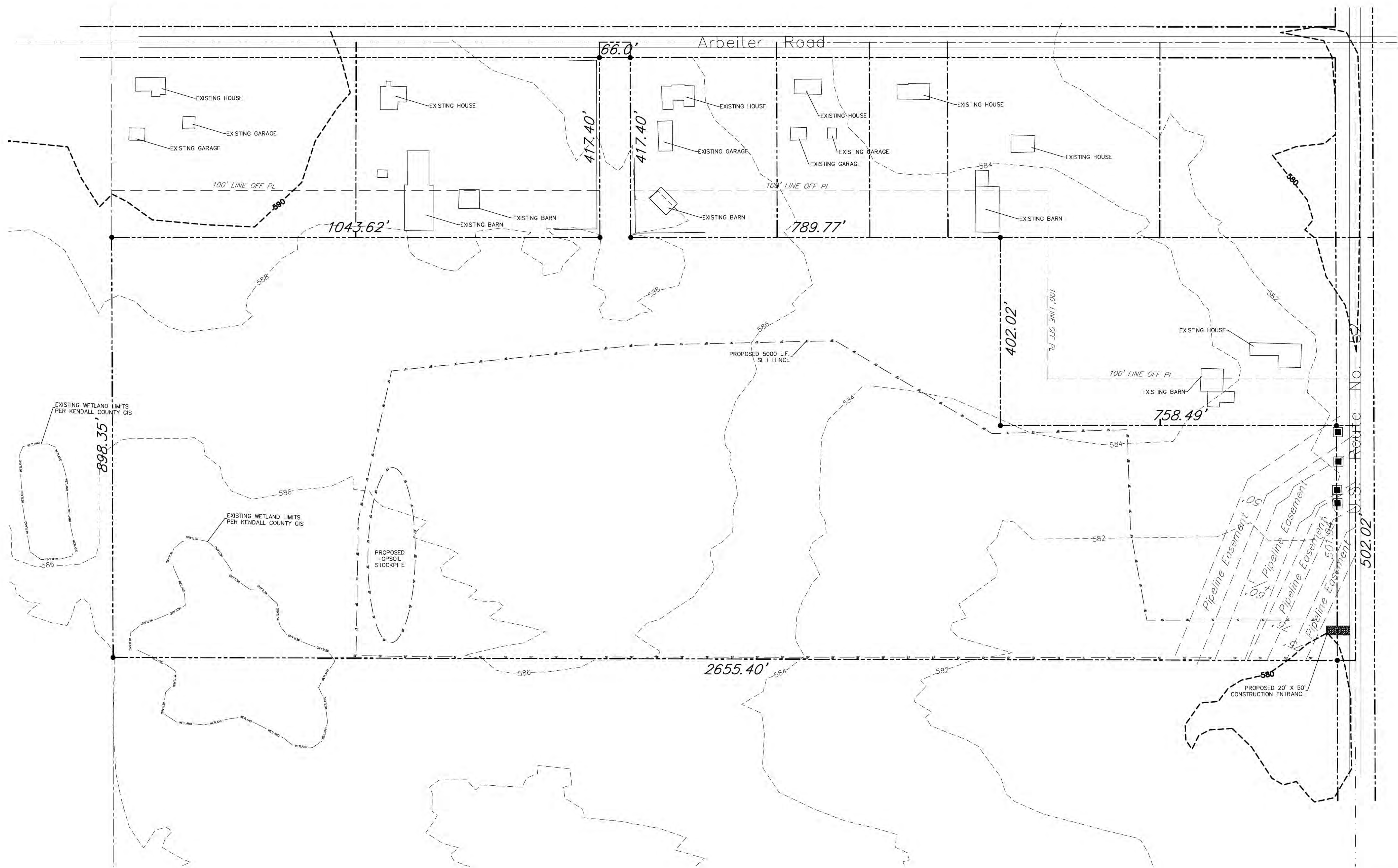
CIVIL ENGINEER:

TEBRUGGE ENGINEERING
410 E CHURCH ST - SUITE A
SANDWICH, ILLINOIS 60548
(815) 786-0195

INFO@TEBRUGGEENGINEERING.COM
WWW.TEBRUGGEENGINEERING.COM

PRELIMINARY
NOT FOR CONSTRUCTION

REVISIONS	NO.	DATE	NOTES



REVISIONS	NO.	DATE	NOTES

1) CONTRACTOR SHALL UPDATE THE TABLE BY SHADING OR DATING THE APPLICABLE ACTIVITIES AS PROJECT PROGRESSES.

2) TIME SCHEDULE MUST COINCIDE WITH SEQUENCE OF CONSTRUCTION.

C - Spring Oats - 100 lbs/acre
D - Wheat or Cereal Rye - 150 lbs/acre
E - Sod
F - Straw Mulch - 2 tons/acre
** Water for 2-3 weeks after sodding

weeks after sodding

1

1. GENERAL NOTES & DESCRIPTIONS

The Storm Water Pollution Prevention Plan (SWPPP) includes, but is not limited to the Erosion and Demolition Plan included in the Engineering Plans with the Detail Sheet, the Notice of Intent, Permit Authorization, General Permit, Notice of Termination, all records of inspection and activities which are created during the course of the project, and other documents as may be included by reference to this SWPPP. Changes, modifications, revisions, additions, or deletions shall become part of this SWPPP as they occur.

- All Contractors and sub-contractors that are responsible for implementing and measure of the SWPPP must be identified and must certify this SWPPP by signing the SWPPP certification in accordance with Part V.G (Signatory Requirements) of the ILRI0 Permit.

All signed certifications must be kept with the SWPPP documents and be available for inspection.

The Contractor and all sub-contractors involved with construction activity that disturbs site soil or who implement a pollutant control measure identified in the Storm Water Pollution Prevention Plan must comply with the following requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit, the NPDES Permit No. ILRI0 for the State of Illinois and any local governing agency having jurisdiction concerning erosion and sediment control.

- GENERAL PERMIT INFORMATION**
All construction sites that will result in the disturbance of one acre or more must be permitted under the Illinois General NPDES Permit. The Notice of Intent (NOI) has been submitted at the address below. The NOI is for the onsite and offsite improvements. The NPDES Permit will be issued 30 days after the postmark date of the submittal of the NOI and initial yearly fee.

Permit Information: The Owner has mailed the Owner-signed NOI form and the initial yearly fee of \$500 to the address listed below. The Contractor will be responsible for submitting each subsequent \$500 yearly fee, if applicable. A copy of the signed NOI form will be supplied to the Contractor.

Unless notified by the Illinois Environmental Protection Agency (EPA) to the contrary, construction activities may begin in accordance with this SWPPP and the ILRI0 in 30 days following the post mark date of the NOI.

Transfer Information: If a portion of the property is sold, that new Owner may obtain their own general permit by submitting a separate NOI. The original NOI may then be modified by re-submitting the NOI with update acreage and checking the box "change of information". Also include documentation explaining that a lot has been sold, the acreage difference and the date of sale. There is no fee involved with modifying the NOI.

There are no requirements for a pre-construction meeting from any of the reviewing agencies.

Agency Information:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Springfield, Illinois 62794-9276
Phone: (217) 782-0510

Kendall County
Planning, Building & Zoning
111 West Fox Street
Yorkville, Illinois 62556
Phone: (630) 553-4141

B. PUBLIC POSTING

The following documents will be supplied to the contractor and must be posted on the Entrance Sign in a prominent place for public viewing until termination of permit coverage has been obtained by filing the Notice of Termination (NOT).

- Notice of Intent signed in accordance with ILRI0.
- Permit Authorization from the Illinois Environmental Agency (IEPA).
- Construction Site Notice.

The location of the SWPPP must be clearly visible.

C. RETENTION OF RECORDS

A complete copy of the SWPPP, including copies of all inspection reports, plan revisions, etc., must be retained at the project site at all times during the duration of the project (until NOT is filed) and kept in the permanent project records of the Contractor for at least three years following submittal of the Notice of Termination (NOT).

D. CONTRACTOR/SUB-CONTRACTOR LIST

The Contractor must provide names and addresses of all sub-contractors working on this project who will be involved with the major construction activities that disturb site soil. This information must be kept with the SWPPP.

E. CONTRACTOR/SUB-CONTRACTOR CERTIFICATION FORM

The Contractor and all sub-contractors involved with ground disturbing or installation and maintenance of any Best Management Practice (BMP) on site must sign a copy of the Contractor Certification that will be supplied to the Contractor. This information must be kept with the SWPPP.

F. INSPECTIONS

At least once every seven calendar days and with 24 hours of a 0.5 in rainfall event, inspections by documented Contractor Compliance Officers must be made to determine the effectiveness of the SWPPP. If the State or Local agencies have a required inspection form, the both forms must be completed. The SWPPP, including the best management practices implemented on the jobsite, shall be modified as needed to reduce or prevent pollutants from discharging from the site.

An example BMP Inspection Form will be supplied to the Contractor.

A delegation of authority letter authorizing the Contractor Compliance Officer to sign the inspection forms will also be supplied to the Contractor.

The Inspector must be a person familiar with the site, the nature of major construction activities, and qualified to evaluate both overall system performance and individual component performance. The Inspector must either be someone empowered to implement modifications to this SWPPP and the pollutant control devices, if needed, in order to increase effectiveness to an acceptable level, or someone with the authority to cause such changes to happen. Additionally, the inspector shall be properly authorized in accordance with the applicable General Permit to conduct the certified site storm water inspections.

See Section VII on this sheet for further reporting requirements.

G. SWPPP UPDATES & AMENDMENTS

This SWPPP must be updated each time there are significant modifications to the pollution prevention system or a change of Contractor's working on the project that disturb site soils. The SWPPP must be amended as necessary during the course of construction in order to keep it current with the pollutant control measures utilized on the site. Amending the SWPPP does not mean that it has to be reprinted. It is acceptable to add addenda, sketches, new sections, and/or revised drawings. The site map showing the locations of all storm water controls must be posted on the site and updated to reflect the progress of construction and changes to the SWPPP. Any control measure that has a hydrologic design component must be updated or amended by the Engineer. Substitution of sediment control BMPs beyond those specified in the SWPPP is considered a hydrologic design component.

H. DISCHARGE OF PETROLEUM PRODUCTS OR HAZARDOUS SUBSTANCES

Discharge of Petroleum products or other hazardous substances into storm water or the storm water (storm sewer) system is subject to reporting and clean up requirements. See section V.B. of the SWPPP for State and local information on reporting spills. Refer to the General Permit for additional information.

I. NOTICE OF TERMINATION

Once the site reaches final stabilization as defined in the General Permit, with all permanent erosion and sedimentation controls installed and all temporary erosion and sedimentation controls removed, the Contractor and Owner's representative must complete a final inspection. Upon approval by the Owner's representative, the Owner and Contractor, as applicable, must complete and submit a NOT.

J. CONTRACTORS RESPONSIBILITY

This SWPPP intends to control water-borne and liquid pollutant discharges by some combination of interception, sedimentation, filtration, and containment. The Contractor and sub-contractors implementing this SWPPP must remain alert to the need to periodically refine and update the SWPPP in order to accomplish the intended goals. The Contractor is ultimately responsible for all site conditions and permit compliance.

K. LOG OF CONSTRUCTION ACTIVITY

A record of dates when major ground-disturbing activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated or completed must be maintained until the NOT is filed. A log for keeping such records is included. Controls must be in place down gradient of any ground-disturbing activities prior to the commencement of construction and noted on the Site Map and Record of Stabilization and Construction Activity Dates.

2. INTRODUCTION

This SWPPP includes the elements necessary to comply with the natural baseline general permit for construction activities administered by the US Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NPDES) program, the NPDES Permit No. ILRI0 for the State of Illinois, and all Local governing agency requirements. This SWPPP must be implemented at the start of construction.

Construction phase pollutant sources anticipated at the site are disturbed (bare) soil, vehicle fuels and lubricants, chemicals associated with construction, and building materials. Without adequate control there is a potential for each type of pollutant to be transported by storm water. Project construction will consist primarily of site grading, utility service connections, and site paving to facilitate construction.

A. PURPOSE

A major goal of pollution prevention efforts during project construction is to control soil and pollutants that originate on the site and prevent them from flowing to surface waters. The purpose of this SWPPP is to provide guidelines for achieving that goal. A successful pollution prevention program also relies upon careful inspection and adjustments during the construction process in order to enhance its effectiveness.

B. SCOPE

This SWPPP must be implemented before construction begins on the site. It primarily addresses the impact of storm rainfall and runoff on areas of the ground surface disturbed during the construction process. In addition, there are recommendations for controlling other sources of pollution that could accompany the major construction activities. The SWPPP will terminate when disturbed areas are stabilized, permanent erosion and sedimentation controls are installed, temporary erosion and sedimentation controls are removed, construction activities covered herein have ceased, and a completed Notice of Termination (NOT) is transmitted to the governing agency.

3. PROJECT DESCRIPTION

Described below are the major construction activities that are subject of this SWPPP. Also included in the sequence are BMP installation activities that must take place prior to construction activities. NOTE: Down slope protective measures must always be in place before soil is disturbed. Activities are presented in the order (sequence) they are expected to be completed.

All activities and time frames (beginning and ending dates) shall be noted on the Site Map. The sequence of construction is as follows:

Upon implementation and installation of the following areas: trailers, parking, lay down, porta-potty, wheel wash, concrete washout, mason's area, fuel and material storage containers, solid waste containers, etc., immediately denote them on the Site Maps and note any changes in location as they occur throughout the construction process.

Typical Stage of Construction, Items shall be added or deleted as needed for each individual project.

Phase I

- Install stabilized construction entrance and SWPPP Entrance Sign.
- Install silt fence(s) on the site (clear only those areas necessary to install silt fence).
- Prepare temporary parking and storage area.
- Install and stabilize hydraulic control structures (dikes, saddles, check dams, etc.).
- Begin grading the site.
- Start construction of building pad and structures.

Phase II

- Temporarily seed, throughout construction, denuded areas that will be inactive for 14 days or more.
- Install utilities, underdrains, storm sewers, curbs and gutters.
- Install inlet protection at all storm sewer structures as each inlet structure is installed.
- Permanently stabilize areas to be vegetated as they are brought to final grade.
- Prepare site paving.
- Pave site.
- Install appropriate inlet protection devices for paved areas as work progresses.
- Complete grading and installation or permanent stabilization of all areas including outlets.
- Call Engineer after the site appears to be fully stabilized for inspection.
- Remove all temporary erosion and sediment control devices after approval of the Engineer and stabilize any areas disturbed by the removal of the BMP.

NOTE: The Contractor may complete construction-related activities concurrently only if all preceding BMPs have been completely installed.

The actual schedule for implementing pollutant control measures will be determined by project construction progress and recorded by the Contractor on the Soil Erosion/Sediment Control Operation Time Schedule on the Erosion and Sediment Control Plans. Down slope protective measures must always be in place before soil is disturbed.

4. SITE DESCRIPTION

- Site description
Site construction activities consist of general site clearing construction of gravel access drive, building construction, gravel storage area, and wet bottom detention pond.
- Total area of site is 48.59 acres.
Total disturbed area on site is 22.79 acres
- Estimated site runoff coefficient after construction activities are complete: CN=80.
- Site map included indicating existing & proposed slopes across site is included in SWPPP.
- Site drainage is received by Aux Sable Creek located west of the development.

5. STORM WATER POLLUTION PREVENTION MEASURES AND CONTROLS

A variety of storm water pollutant controls are recommended for this project. Some controls are intended for function temporarily and will be used as needed for pollutant control during the construction process. These include temporary sediment barriers and permanent storm retention ponds (which can also function as temporary sediment basins). Permanent stabilization will be accomplished in all disturbed areas by covering the soil with pavement, building foundation, vegetation, or other forms of soil stabilization.

A. EROSION AND SEDIMENT CONTROLS**1. Soil Stabilization**

The purpose of soil stabilization is to prevent soil from eroding and leaving the site. In the natural condition, soil is stabilized by native vegetation. The primary technique to be used at this project for stabilizing site soils will be to provide a protective cover of grass, pavement, or building structures.

- Temporary Seeding or Stabilization** – All denuded areas that will be inactive for 14 days or more, must be stabilized temporarily with the use of fast-germinating annual grass/grain varieties, straw/hay mulch, wood cellulose fibers, tackifiers, netting or blankets.

- Permanent Seeding or Sodding** – All areas at final grade must be seeded or sodded within 14 days after completion of work in any area. The entire site must have permanent vegetative cover established in all areas not covered by hardscape at the completion of all soil disturbing activities on site. Except for small level spots, seeded areas should generally be protected with mulch or a rolled erosion control product. All areas to be seeded will have topsoil and other soil amendments as specified on the Landscape Plan.

2. Structural Controls

- Silt Fence** – Silt Fence is a synthetic permeable woven or non-woven geotextile fabric incorporating metal support stakes at intervals sufficient to support the fence (2-foot maximum distance between posts), water, and sediment retained by the fence. The fence is designed to retain sediment–laden storm water and allow settlement of suspended solids before the storm water flows through the fabric and discharges off-site. Silt fence shall be located on the contour to capture overland, low-velocity sheet flows. The Contractor may utilize triangular silt dikes and/or non-wire backed silt fence as intermediate BMPs. Install silt fence at a fairly level grade along the contour with the ends curved uphill to provide sufficient upstream storage volume for the anticipated runoff. Drainage areas shall not exceed 2 acres per 100 feet of silt fence for slopes less than 2 percent.

- Construction Exit** – All access points from the public street into the construction site shall include a construction exit composed of coarse stone to the dimensions shown on the Existing Conditions and Demolition Plan. The rough texture of the stone helps to remove clumps of soil adhering to the construction vehicles tires through the action of vibration and jarring over the rough surface and the friction of the stone matrix against soils attached to vehicle tires.

- In addition to the stone at the construction exit, it may be necessary to install devices such as pipes (cattle guard) to increase the vibration and jarring. It may also be necessary to install a wheel wash system. If this is done, a sediment trap control must be installed to treat the wash water before it discharges from the site.**

- All site access must be confined to the Construction Exit(s). Baricade, installed to prevent use, any locations other than Construction Exit(s) where vehicles or equipment may access the site.**

- Storm Sewer Inlet Protection** – Curb and graded inlets are protected from the intrusion of sediment through a variety of measures as shown on the details included in the Construction drawings. The primary mechanism is to place controls in the path of flow sufficient to slow the sediment–laden water to allow settlement of suspended solids before discharging into the storm sewer. It is possible that as construction progresses from storm sewer installation through paving that the inlet protection devices should change. All inlet protection devices create ponding of storm water. This should be taken into consideration when deciding on which device or devices should be used.

- Inspection and any necessary cleaning of the underground storm system shall be included as part of this swpp.**

Final site stabilization is achieved when perennial vegetative cover provides permanent stabilization with a density greater than 70 percent over the entire area to be stabilized by vegetative cover. This is exclusive of areas paved, seeded, or having a building on them.

B. OTHER POLLUTANT CONTROLS

This section includes the controls of pollutants other than sediment and additional requirements of the General Permit.

- Dust Control**
Construction traffic must enter and exit the site at the stabilized construction exit. Water trucks or other dust control agents will be used as needed during construction to reduce dust generated on the site. Dust control must be provided by the Contractor to a degree that is in compliance with applicable Local and State dust control regulations.
- Solid Waste Disposal**
No solid materials, including building materials, are allowed to be discharged from the site with storm water. All solid waste, including disposable materials incidental to the major construction activities, must be collected and placed in containers. The containers will be emptied as necessary by a contract trash disposal service and hauled away from the site. Covers for the containers will be provided as necessary to meet State and Local requirements. The location of solid waste receptacles shall be shown on the Site Maps.

Substances that have the potential for polluting surface and/or groundwater must be controlled by whatever means necessary in order to ensure that they do not discharge from the site. On site, special care must be exercised during equipment fueling and servicing operations. If a spill occurs, it must be contained and disposed of so that it will not flow from the site or enter groundwater, even if this requires removal, treatment, and disposal of soil. In this regard, potentially polluting substances should be handled in a manner consistent with the impact they represent.

3. Sanitary Facilities

All personnel involved with construction activities must comply with State and Local sanitary or septic regulations. Temporary sanitary facilities will be provided at the site throughout the construction phase. They must be utilized by all construction personnel and will be serviced by a commercial contractor. The location of sanitary facilities shall be shown on the Site Map.

4. Non-Storm Water Discharge

Non-storm water components of site discharges are not permitted under ILRI0 except as follows: discharges from fire fighting activities; fire hydrant flushings; water used to wash vehicles where detergents are not used; waters used to control dust; potable water sources including uncontaminated waterline flushings; irrigation discharges; routine external building washdowns; site, not use detergents; pavement washdowns where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs, uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

- Concrete Waste from Concrete Ready-Mix Trucks**
Discharge of excess or waste concrete and/or wash water from concrete trucks will be allowed on the construction site, but only in specifically designated diked areas prepared to prevent contact between the concrete and/or wash water and storm water that will be discharged from the site. Alternatively, waste concrete can be placed into forms to make rip rap or other useful concrete products. The cured residue from the concrete washout diked areas shall be disposed in accordance with applicable State and Federal regulations. The jobsite superintendent is responsible for ensuring these procedures are followed. The location of concrete washout areas shall be shown on the Site Maps.

5. Mason's Area

Contractor shall identify mason's area on the site and indicate location on the Site Map. To the extent practical, all masonry tools, material, including sand and sacked cement or mortar materials, and equipment shall be located within the area identified. Runoff control, such as berms or diversion ditches, silt fence, straw wattles, or other means of containment shall be provided to prevent the migration of storm water pollutants in runoff from the mason's area. Recreates for debris and trash disposal shall also be provided.

7. Fuel Tanks

Temporary on-site fuel tanks for construction vehicles shall meet all State and Federal regulations. Tanks shall be approved spill containment with the capacity required by the applicable regulations. The tanks shall be in sound condition free of rust or other damage which might compromise containment. Fuel storage areas will meet all EPA, OSHA and other regulatory requirements for storage, fire extinguisher, etc. Hoses, valves, fittings, caps, filler nozzles and associated hardware shall be maintained in proper working condition at all times. The location of fuel tanks shall be shown on the Site Maps.

A Spill Prevention, Control and Countermeasure (SPCC) Plan must be developed if aboveground oil storage capacity at the construction site exceeds 1,320-gallons. Containers with storage capacity of 55-gallons or less are not included when calculating site storage capacity. The Contractor shall work with the Civil Engineering Consultant to develop and implement a SPCC Plan in accordance with the Oil Pollution Prevention regulation at Title 40 of the Code of Federal Regulations, Part 112, (40 CFR 112).

8. Hazardous Material Management and Spill Reporting Plan

Any hazardous or potentially hazardous material that is brought onto the construction site will be handled properly in order to reduce the potential for storm water pollution. All materials used on this construction site will be properly stored, handled, disposed and disposed of following all applicable label directions. Material Safety Data Sheets (MSDS) information will be kept on site for any and all applicable materials.

In the event of an accidental spill, immediate action will be undertaken by the Contractor to contain and remove the spilled material. All hazardous materials will be disposed of by the Contractor in the manner specified by Federal, State and Local regulations and by the manufacturer of such products. As soon as possible, the spill will be reported to the appropriate agencies. As required under the provisions of the Clean Water Act, any spill or discharge entering waters of the United States will be properly reported. The Contractor will prepare a written record of any spill of petroleum products or hazardous materials in excess of reportable quantities and will provide notice to Owner within 24-hours of the occurrence of the spill.

Any spills of petroleum products or hazardous materials in excess of Reportable Quantities as defined by EPA shall be immediately reported to the EPA National Response Center (1-800-424-8802). In addition, 35 ILCS Adm. Code 750.410 requires notification of IMA (1-800-782-7880). Reportable chemical spill quantities are those listed for hazardous substances under Superfund, or as extremely hazardous substances under the Superfund Reauthorization and Amendments Act of 1986 (SARA), the emergency planning statute which also establishes threshold planning quantities (22 ILCS Adm. Code 430.30). Oil spills are reportable if they must be reported under the Federal Water Pollution Control Act. This generally includes spills that are in excess of 25 gallons and/or "may be harmful to the public health or welfare" (40 CFR 110). Harmful discharges include those that (1) violate applicable water quality standards, or (2) leave a film on the water or adjoining shorelands or cause a sludge or emulsion to be deposited beneath the water surface or on adjoining shorelands. The reportable quantity for hazardous materials can be found in 40 CFR 302 or by contacting the IMA (1-800-782-7888).

In order to minimize the potential for a spill of petroleum product or hazardous materials to come in contact with storm water, the following steps will be implemented:

- All materials with hazardous properties (such as pesticides, petroleum products, fertilizers, detergents, construction chemicals, acids, paints, paint solvents, additives for soil stabilization, concrete, curing compounds and additives, etc.) will be stored in a secure location, under cover, when not in use.**
- The minimum practical quantity of all such materials will be kept on the job site and scheduled for delivery as close to time of use as practical.**

- A spill control and containment kit (containing for example, absorbent material such as kitty litter or sawdust, acid neutralizing agent, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided at the storage site.**

- All of the products in a container will be used before the container is disposed of. All such containers will be triple rinsed, with water prior to disposal. The rinse water will be disposed of in a manner in compliance with State and Federal regulations and will not be allowed to mix with storm water discharges.**

- All products will be stored in and used from the original container with the original product label.**

- All products will be used in strict compliance with instructions on the product label.**

- The disposal of excess or used products will be in strict compliance with instructions on the product label.**

- Long Term Pollutant Controls**
Storm water pollutant control measures installed during construction, that will also provide storm water management benefits after construction, include turf areas in sufficient quantity so as to provide a site impervious ratio (ISR) of 0.76.

C. CONSTRUCTION PHASE "BEST MANAGEMENT PRACTICES" (BMPs)

During the construction phase, the Contractor shall implement the following measures:

- Materials resulting from the clearing and grubbing or excavation operations shall be stockpiled up slope from the site and the stockpile shall be protected by a silt fence. Materials removed to an off-site location shall be protected with appropriate controls and property permitted.
- The Contractor shall designate areas on the Site Map for equipment cleaning, maintenance, and repair. The Contractor and sub-contractors shall utilize such designated areas. Cleaning, maintenance, and repair areas shall be protected by a temporary perimeter berm that is not less than 150 feet of any waterway, water body or wetland, and in areas located as far as practical from storm water inlets.
- Use of detergents for large scale washing is prohibited (i.e. vehicles, buildings, pavement, surfaces, etc.).

- Chemicals, paints, solvents, fertilizers, and other toxic materials must be stored in waterproof containers. Except during application, the containers, the contents must be kept in trucks or within storage facilities. Runoff containing such material must be collected, removed from the site, treated, and disposed of at an approved solid waste and chemical disposal facility applicable to such sites.

D. OFF-SITE FACILITIES IN THE OPERATIONAL CONTROL OF THE CONTRACTOR

Whenever dirt, rock, or other materials are imported to the construction site or exported for placement in areas off of the primary construction site, the Contractor is responsible for determining that all storm water permitting and pollution control requirements are met for each site which receives such materials or from which site materials are taken. Prior to the disturbance of any such site, Contractor will confirm that the operators of the site they are importing to or exporting from have properly obtained all required permits, and will comply with all laws, regulations and permit conditions applicable to such sites.

At a minimum, each off-site area that provides or receives material or is disturbed by project activities must implement erosion and sediment control measures consisting of perimeter controls on all down slope and side slope boundaries and must also provide for both temporary stabilization and for permanent re-vegetation after all disturbances have ended.

4. LOCAL PLANS

In addition to this SWPPP, construction activities associated with this project must comply with any guidelines set forth by Local regulatory agencies. The Contractor shall maintain documents evidencing such compliance in this SWPPP.

5. INSPECTIONS AND SYSTEM MAINTENANCE

Between the time this SWPPP is implemented and final Notice of Termination has been submitted, all disturbed areas and pollutant control measures must be inspected weekly and within 24 hours of the end of a storm event 0.5 inches or equivalent rainfall. The purpose of site inspections is to assess performance of pollutant controls. The inspections will be conducted by the Contractor's Site Superintendent. Based on these inspections, the Contractor will decide whether it is necessary to modify this SWPPP, add or relocate controls, or revise implementation of additional Best Management Practices in order to prevent pollutants from leaving the site via storm water runoff. The Contractor has the duty to cause pollutant control measures to be repaired, modified, supplemented, or take additional steps as necessary in order to achieve effective pollutant control.

Examples of specific items to evaluate during site inspections are listed below. This list is not intended to be comprehensive. During each inspection, the inspector must evaluate overall pollutant control system performance as well as particular details of individual system components. Additional factors should be considered as appropriate to the circumstances.

A. CONSTRUCTION EXIT AND TRACK OUT

Locations where vehicles enter and exit the site must be inspected for evidence of off-site sediment tracking. A stabilized construction exit shall be constructed where vehicles enter and exit. Edits shall be maintained or supplemented with additional rock as necessary to prevent the release of sediment from vehicles leaving the site. Any sediment deposited on the roadway shall be swept as necessary throughout the day or at the end of every day and disposed of in an appropriate manner. Sediment shall NOT be washed into storm sewer systems.

B. SEDIMENT CONTROL DEVICES

Sediment barriers, traps and basins must be inspected and they must be cleaned out at such time as their original capacity has been reduced by 50 percent. All material excavated from behind sediment barriers or in traps and basins must be incorporated into on-site soils or spread out on an upland portion of the site and stabilized. Additional sediment barriers must be constructed as needed.

C. MATERIAL STORAGE AREAS

Inspections shall evaluate disturbed areas and areas used for storing materials that are exposed to rainfall for evidence of, or the potential for, pollutants entering the drainage system or discharging from the site. If necessary, the materials must be covered or original covers must be repaired or supplemented. Also, protective berms must be constructed, if needed, in order to contain runoff from material storage areas. All State and Local regulations pertaining to material storage areas will be adhered to.

D. VEGETATION

Grazed areas shall be inspected to confirm that a healthy stand of grass is maintained. The site has achieved final stabilization once all areas are covered with building foundation or pavement, or have a stand of grass with a minimum of 70 percent density or greater over the entire vegetated area in accordance with the General Permit requirements. The vegetative density must be maintained to be considered stabilized. Area must be watered, fertilized, and re-seeded as needed to achieve this requirement.

E. DISCHARGE POINTS

All discharge points must be inspected to determine whether erosion and sediment control measures are effective in preventing discharge of sediment from the site or impacts to receiving waters.

The Inspection Report Form must identify all deficiencies, any corrections, whether they are identified during the current inspection or have occurred since the previous inspection, and any additional comments. Based on inspection results, any modification necessary to increase the effectiveness of this SWPPP to an acceptable level must be made immediately but no longer than within 48 hours of inspection. The inspections reports must be complete and additional information should be included in the report. An instant aspect of the inspection report is the description of the inspection and additional measures that need to be taken to enhance plan effectiveness. The inspection report must identify whether the site is in compliance with the SWPPP at the time of inspection and specifically identify all incidents of non-compliance.

The Inspection Report Form must summarize the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of this SWPPP, and actions taken in accordance with section 4.b shall be made and retained as part of the plan for at least six years after the date of the inspection. The report shall be signed in accordance with Part V.G of the General Permit.

If any violation of the provisions of this plan is identified during the course of the construction work covered by this plan, the Contractor's Compliance Officer shall complete and file an "Incidence of Noncompliance" (ION) report for identified violation. The Contractor's Compliance Officer shall use forms provided by the IEPA and shall include specific information on the cause of noncompliance, actions which were taken to prevent any further causes of noncompliance, and a statement detailing any environmental impact which may have resulted in noncompliance. All reports of noncompliance shall be signed by a responsible authority in accordance with Part V.G of the General Permit. The report of noncompliance shall be mailed to the following address:

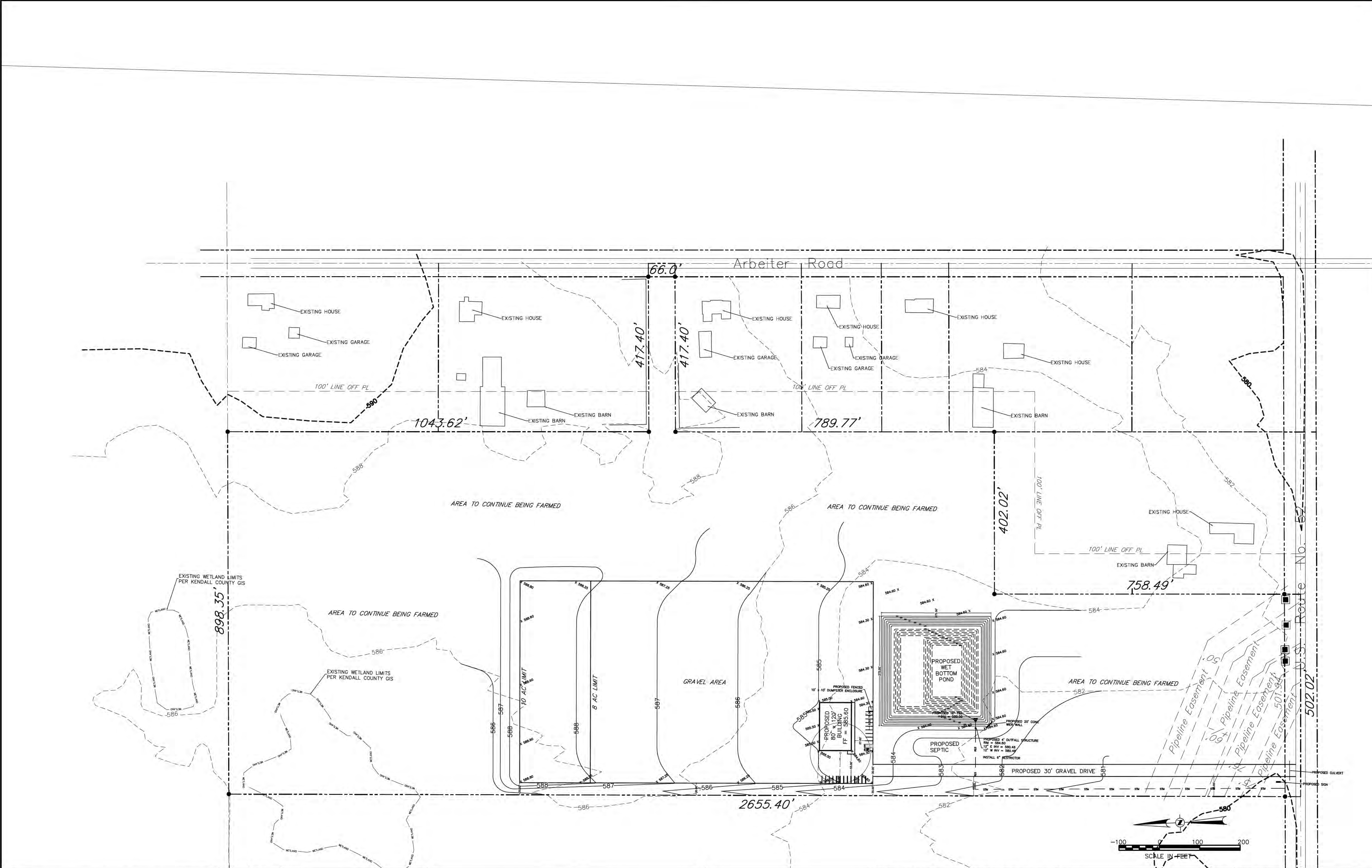
Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Compliance Assurance Section
1021 North Grand East
P.O. Box 19276
Springfield, IL 62794-9276

Ultimately, it is the responsibility of the General Contractor to assure the adequacy of site pollutant discharge controls. Actual physical site conditions or Contractor practices could make it necessary to install more structural controls than are shown on the plans. For example, Localized concentrations of runoff could make it necessary to install additional sediment barriers. Assessing the need for additional controls and implementing them or adjusting existing controls will be continuing aspects of this SWPPP until the site achieves final stabilization. Any modification, additions or deletions of sediment control devices must be approved by the Engineer through written communications.

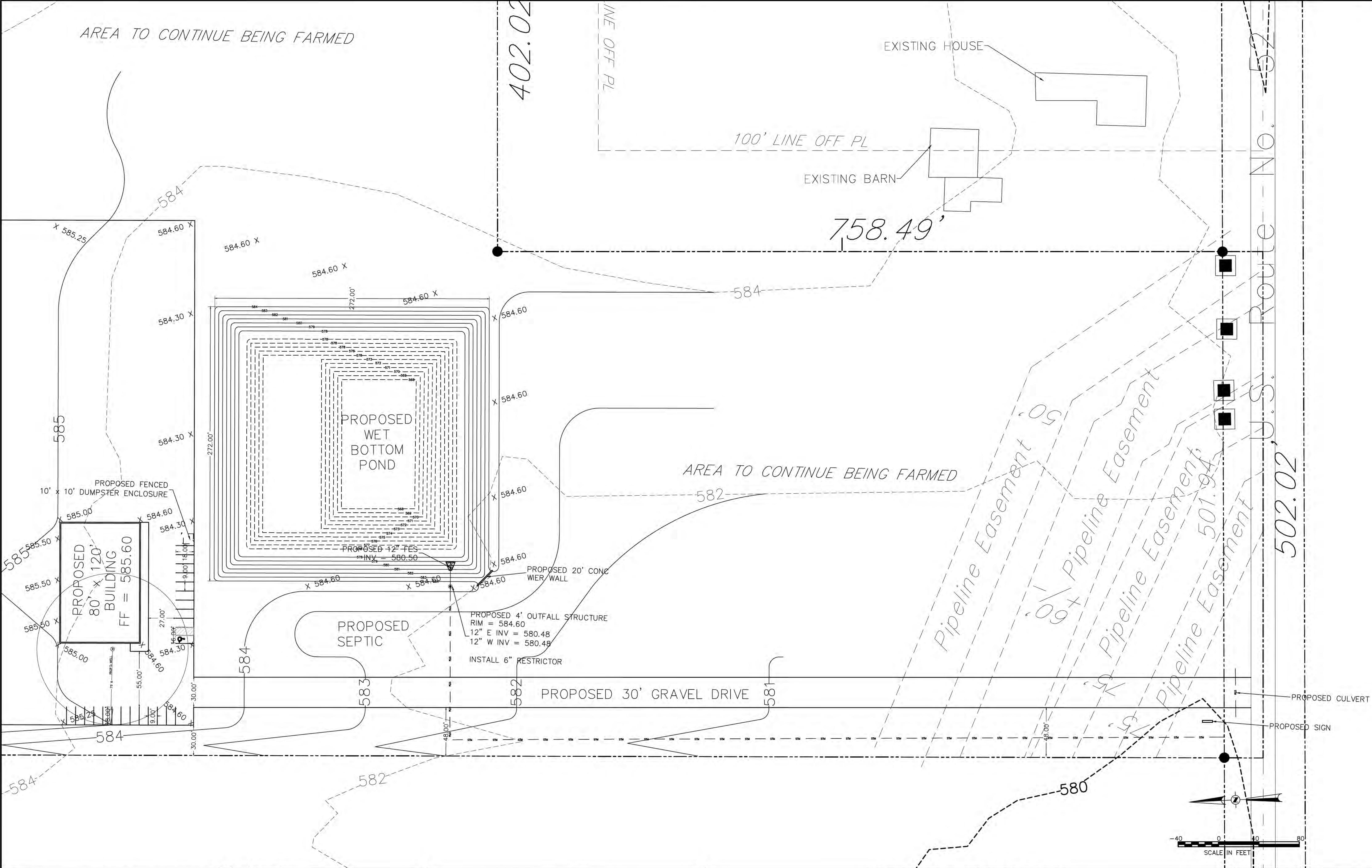
CONCRETE WASHOUT NOTE:

CONCRETE WASHOUT SHOULD BE CONTAINED AT ALL TIMES. WASHOUT MATERIAL SHOULD NOT BE ALLOWED TO ENTER WATER BODIES, STORM SEWERS OR LEACH INTO THE SOIL UNDER ANY CIRCUMSTANCES. ANY WASTE SHOULD BE DISPOSED OF PROPERLY AND THE LOCATION OF THE WASHOUT SHOULD BE DESIGNATED WITH PROPER SIGNAGE. FAILURE TO COMPLY COULD RESULT IN AN INCIDENT OF NONCOMPLIANCE (ION).

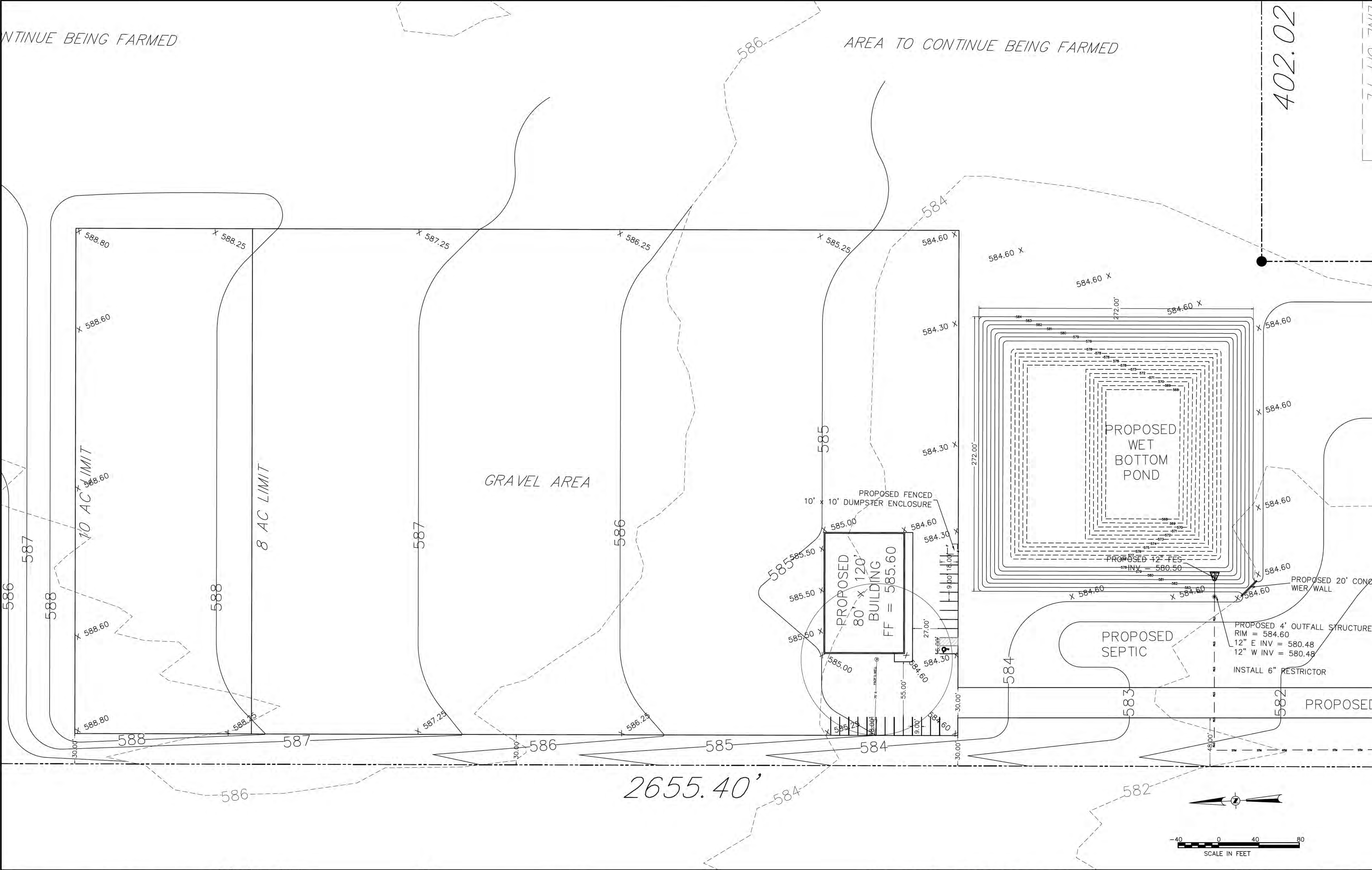
TEMPORARY CONCRETE WASHOUT FACILITY – EARTHEN TYPE**PLAN VIEW****SECTION A-A**



 <div>TEBRUGGE ENGINEERING 410 E. CHURCH STREET - SUITE A • SANDWICH, IL 60548 PHONE: (815) 786-0195 TEBRUGGEENGINEERING.COM</div>	NO. DATE NOTES		PREPARED FOR: BEST BUDGET TREE SERVICE 22419 W RENWICK RD, PLAINFIELD, IL	BEST BUDGET TREE SITE PLAN OVERALL CIVIL SITE PLAN		PROJECT NO. 22 424 02		SHEET NO. 5 OF 8 SHEETS				
						SCALE: 1" = 100'						
						DATE: APRIL 14, 2022						



 <div>TEBRUGGE ENGINEERING 410 E. CHURCH STREET - SUITE A • SANDWICH, IL 60548 PHONE: (815) 786-0195 TEBRUGGEENGINEERING.COM</div>	NO. DATE NOTES			PREPARED FOR: BEST BUDGET TREE SERVICE 22419 W RENWICK RD, PLAINFIELD, IL	BEST BUDGET TREE SITE PLAN CIVIL SITE PLAN	PROJECT NO. 22 424 02		SHEET NO. 6 OF 8 SHEETS			
						SCALE: 1" = 40'					
						DATE: APRIL 14, 2022					



GENERAL CONDITIONS

1. ALL EARTHWORK, ROADWAY WORK, DRAINAGE WORK OR STORM SEWER WORK SHALL BE PERFORMED UTILIZING MATERIALS AND METHODS IN STRICT ACCORDANCE WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" LATEST EDITION, AS WELL AS THE STANDARD DETAIL SHEETS ATTACHED TO THESE PLANS. ALL MUNICIPAL, COUNTY, STATE AND FEDERAL REQUIREMENTS AND STANDARDS SHALL BE STRICTLY ADHERED TO IN WORK PERFORMED UNDER THIS CONTRACT.
2. ALL SANITARY SEWER AND WATER MAIN WORK SHALL BE PERFORMED USING METHODS AND MATERIALS IN STRICT ACCORDANCE WITH THE LATEST EDITION OF "STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS", LATEST EDITION, AS WELL AS THE STANDARD DETAIL SHEETS ATTACHED TO THESE PLANS. ALL MUNICIPAL, COUNTY, STATE AND FEDERAL REQUIREMENTS AND STANDARDS SHALL BE STRICTLY ADHERED TO IN WORK PERFORMED UNDER THIS CONTRACT.
3. ANY SPECIFICATIONS WHICH ARE SUPPLIED ALONG WITH THE PLANS SHALL TAKE PRECEDENCE IN THE CASE OF A CONFLICT WITH THE STANDARD SPECIFICATIONS NOTED IN ITEMS NO. 1 AND 2 ABOVE. THE ABOVE STANDARD SPECIFICATIONS & THE CONSTRUCTION PLANS ARE TO BE CONSIDERED AS PART OF THE CONTRACT DOCUMENTS. INCIDENTAL ITEMS OR ACCESSORIES NECESSARY TO COMPLETE THIS WORK MAY NOT BE SPECIFICALLY NOTED BUT ARE TO BE CONSIDERED A PART OF THE CONTRACT.
4. PRIOR TO COMMENCEMENT OF CONSTRUCTION, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AFFECTING THEIR WORK WITH THE ACTUAL CONDITIONS AT THE JOB SITE. IF THERE ARE ANY DISCREPANCIES FROM WHAT IS SHOWN ON THE CONSTRUCTION PLANS, HE MUST IMMEDIATELY REPORT SAME TO THE ENGINEER BEFORE DOING ANY WORK, OTHERWISE THE CONTRACTOR WILL BE CONSIDERED TO HAVE PROCEEDED AT HIS OWN RISK AND EXPENSE. IN THE EVENT OF ANY DOUBT OR QUESTION ARISING WITH RESPECT TO THE TRUE MEANING OF THE CONSTRUCTION PLANS OR SPECIFICATIONS, THE DECISION OF THE ENGINEER SHALL BE FINAL AND CONCLUSIVE.
5. ALL WORK PERFORMED UNDER THIS CONTRACT SHALL BE GUARANTEED AGAINST ALL DEFECTS IN MATERIALS AND WORKMANSHIP OF WHATEVER NATURE BY THE CONTRACTOR AND HIS SURETY FOR A PERIOD OF 12 MONTHS FROM THE DATE OF FINAL ACCEPTANCE OF THE WORK BY THE GOVERNING MUNICIPALITY, OTHER APPLICABLE GOVERNMENTAL AGENCIES, AND THE OWNER.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS FOR CONSTRUCTION ALONG OR ACROSS EXISTING STREETS OR HIGHWAYS. HE SHALL MAKE ARRANGEMENTS FOR THE PROPER BRACING, SHORING AND OTHER REQUIRED PROTECTION OF ALL ROADWAYS BEFORE CONSTRUCTION BEGINS, ALONG WITH ADEQUATE TRAFFIC CONTROL MEASURES. HE SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE STREETS OR ROADWAYS AND ASSOCIATED STRUCTURES AND SHALL MAKE REPAIRS AS NECESSARY TO THE SATISFACTION OF THE ENGINEER, AT NO ADDITIONAL COST TO THE OWNER.
7. THE UTILITY LOCATIONS, AND THE DEPTHS SHOWN ON THESE PLANS ARE APPROXIMATE ONLY, AND SHALL BE VERIFIED BY THE CONTRACTOR WITH ALL AFFECTED UTILITY COMPANIES PRIOR TO INITIATING CONSTRUCTION OPERATIONS. THE ENGINEER AND OWNER ASSUME NO RESPONSIBILITY FOR THE ADEQUACY, SUFFICIENCY OR EXACTNESS OF THESE UTILITY REPRESENTATIONS.
8. PRIOR TO STARTING CONSTRUCTION THE CONTRACTOR SHALL CONTACT THE OFFICE OF J.U.L.I.E. AT 1-800-892-0123 FOR EXACT FIELD LOCATION OF ALL UNDERGROUND UTILITIES IN THE PROXIMITY OF, AND ON, THE PROJECT SITE. IF THERE ARE ANY UTILITIES WHICH ARE NOT MEMBERS OF THE J.U.L.I.E. SYSTEM, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING THIS AND MAKE ARRANGEMENTS TO HAVE THESE UTILITIES FIELD LOCATED.
9. EASEMENTS FOR THE EXISTING UTILITIES, BOTH PUBLIC AND PRIVATE, AND UTILITIES WITHIN PUBLIC RIGHTS-OF-WAY ARE SHOWN ON THE PLANS ACCORDING TO AVAILABLE RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION IN THE FIELD OF THESE UTILITY LINES AND THEIR PROTECTION FROM DAMAGE DUE TO CONSTRUCTION OPERATIONS. IF EXISTING UTILITY LINES OF ANY NATURE ARE ENCOUNTERED WHICH CONTRADICT WITH NEW CONSTRUCTION, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR RELOCATING THESE FACILITIES AT HIS EXPENSE TO ACCOMMODATE THE NEW CONSTRUCTION.
10. ALL FIELD TILE ENCOUNTERED DURING CONSTRUCTION OPERATIONS SHALL BE CONNECTED TO THE PROPOSED STORM SEWER OR EXTENDED TO OUTLET INTO A PROPOSED DRAINAGE WAY. IF THIS CANNOT BE ACCOMPLISHED, THEN IT SHALL BE REPAIRED WITH NEW PIPE OF SIMILAR SIZE AND MATERIAL TO THE ORIGINAL LINE AND PUT IN ACCEPTABLE OPERATIONAL CONDITION. A RECORD OF THE LOCATION OF ALL FIELD TILE FOR ON-SITE DRAIN PIPE ENCOUNTERED SHALL BE KEPT BY THE CONTRACTOR AND TURNED OVER TO THE ENGINEER UPON COMPLETION OF THE PROJECT. THE COST OF THIS WORK SHALL BE CONSIDERED AS INCIDENTAL TO THE CONTRACT AND NO ADDITIONAL COMPENSATION WILL BE ALLOWED.
11. IT SHALL BE THE RESPONSIBILITY OF EACH RESPECTIVE CONTRACTOR TO REMOVE FROM THIS SITE ANY AND ALL MATERIALS AND DEBRIS WHICH RESULT FROM HIS CONSTRUCTION OPERATIONS AT NO ADDITIONAL EXPENSE TO THE OWNER.
12. THE ENGINEER AND OWNER ARE NOT RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES, TIME OF PERFORMANCE, PROGRAMS OF FOR ANY SAFETY PRECAUTIONS USED BY THE CONTRACTOR. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR EXECUTION OF HIS WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND SPECIFICATIONS.
13. THE CONTRACTOR SHALL COMPLY WITH ALL STATE AND FEDERAL SAFETY REGULATIONS AS OUTLINED IN THE LATEST REVISIONS OF THE FEDERAL CONSTRUCTION SAFETY STANDARDS (SERIES 1928) AND WITH APPLICABLE PROVISIONS AND REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) STANDARDS OF THE WILLIAMS STEIGLER OCCUPATIONAL HEALTH STATE SAFETY ACT OF 1970(REVISED). THE CONTRACTOR, ENGINEERS, AND OWNER SHALL EACH BE RESPONSIBLE FOR HIS OWN RESPECTIVE AGENTS AND EMPLOYEES.
14. THE CONTRACTOR SHALL INDEMNIFY THE OWNER, THE ENGINEER, AND ALL GOVERNING AUTHORITIES, THEIR AGENTS SUCCESSORS AND ASSIGNS FROM ANY AND ALL LIABILITY WITH RESPECT TO THE CONSTRUCTION, INSTALLATION AND TESTING OF THE WORK REQUIRED ON THIS PROJECT. IT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM THE WORK OF THIS CONTRACT IN A MANNER WHICH STRICTLY COMPLIES WITH ANY AND ALL PERTINENT LOCAL, STATE OR NATIONAL CONSTRUCTION AND SAFETY CODES; THE ENGINEER, OWNER, AND GOVERNING AUTHORITIES ARE NOT RESPONSIBLE FOR ENSURING COMPLIANCE BY THE CONTRACTOR WITH SAID CODES AND ASSUME NO LIABILITY FOR ACCIDENTS, INJURIES, OR DEATHS, OR CLAIMS RELATING THERETO WHICH MAY RESULT FROM LACK OF ADHERENCE TO SAID CODES.

UNDERGROUND UTILITIES

1. ALL UTILITY TRENCHES BENEATH PROPOSED OR EXISTING UTILITIES, PROPOSED OR EXISTING PAVEMENT, DRIVEWAYS, SIDEWALKS AND FOR A DISTANCE OF TWO FEET ON EITHER SIDE OF SAME, AND/OR WHEREVER ELSE SHOWN ON THE CONSTRUCTION PLANS SHALL BE BACKFILLED WITH SELECT GRANULAR BACKFILL (CA-6 OR CA-7) AND THOROUGHLY COMPACTED IN ACCORDANCE WITH THE EARTHWORK SPECIFICATIONS.
2. UNLESS OTHERWISE INDICATED ON THE PLANS, STORM SEWER PIPE SHALL BE REINFORCED CONCRETE CULVERT PIPE OF THE CLASS AS INDICATED ON THE PLANS, AND CONFORMING TO ASTM C-76. JOINTS SHALL TYPICALLY BE A "TROWEL APPLIED" BITUMINOUS MASTIC COMPOSURE WITH ASTM C-76 (OR C-14) AS MAY BE APPLICABLE OR RUBBER "O"-RING GASKET JOINTS CONFORMING TO ASTM C-443). LOCATIONS WHERE THE STORM SEWER CROSSES WATERMAINS AN "O"-RING JOINT IN ACCORDANCE WITH ASTM C-361 SHALL BE USED.
3. STORM SEWER MANHOLES SHALL BE PRECAST STRUCTURES, WITH THE DIAMETER DEPENDENT ON THE PIPE SIZE AND WITH APPROPRIATE FRAME AND LIDS (SEE CONSTRUCTION STANDARDS). LIDS SHALL BE IMPRINTED "STORM SEWER". ALL FLARED END SECTIONS SHALL HAVE A FRAME & GRATE INSTALLED.
4. THESE FRAME AND GRATES FOR STORM STRUCTURES SHALL BE USED UNLESS OTHERWISE INDICATED ON THE PLAN SET. USE NEENAH R-1712 OPEN LID (OR EQUAL) IN PAVEMENT AREAS, USE NEENAH R-1772-B OPEN OR CLOSED LID (OR EQUAL) IN GRASS AREAS, USE NEENAH R-3015 (OR EQUAL) FOR B612 CURB AREAS, AND NEENAH R-3509 (OR EQUAL) FOR DEPRESSED CURB AREAS.
5. STRUCTURES FOR SANITARY AND STORM SEWERS AND VALVE VAULTS FOR WATER SHALL BE IN ACCORDANCE WITH THESE IMPROVEMENT PLANS AND THE APPLICABLE STANDARD SPECIFICATIONS. WHERE GRANULAR TRENCH BACKFILL IS REQUIRED AROUND THESE STRUCTURES THE COST SHALL BE CONSIDERED AS INCIDENTAL AND SHALL BE INCLUDED IN THE CONTRACT UNIT PRICE FOR THE STRUCTURE.
6. ALL STORM SEWERS AND WATERMAINS SHALL HAVE COMPACTED CA-7 GRANULAR BEDDING, A MINIMUM OF 4" BELOW THE BOTTOM OF THE PIPE FOR THE FULL LENGTH. BEDDING SHALL EXTEND TO THE SPRING LINE OF THE PIPE. COST FOR THE BEDDING SHALL BE INCLUDED WITH THE UNIT PRICE BID FOR THE PIPE.
7. THE UNDERGROUND CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING ANY EXCAVATION FOR THE INSTALLATION OF THE SEWER OR WATER SYSTEMS. ANY DEWATERING ENCOUNTERED SHALL BE INCIDENTAL TO THE RESPECTIVE UNDERGROUND UTILITY.
8. ALL STRUCTURES SHALL HAVE A MAXIMUM OF 8" OF ADJUSTING RINGS, UNLESS OTHERWISE NOTED.
9. ALL TOP FRAMES FOR STORM AND VALVE VAULT COVERS AND B-BOXES ARE TO BE ADJUSTED TO MEET FINAL FINISH GRADE UPON COMPLETION OF FINISHED GRADING AND FINAL INSPECTIONS. THIS ADJUSTMENT IS TO BE MADE BY THE UNDERGROUND CONTRACTOR AND THE COST IS TO BE UNDERGROUND CONTRACTOR SHALL INSURE THAT ALL ROAD AND PAVEMENT INLETS OR STRUCTURES ARE AT FINISHED GRADE. ANY ADJUSTMENTS NECESSITATED BY THE CURB OR PAVING CONTRACTOR TO ACHIEVE FINAL RIM GRADE, RESULTING IN AN EXTRA FOR SAID ADJUSTMENTS, WILL BE CHARGED TO THE UNDERGROUND CONTRACTOR.
10. ALL FLOOR DRAINS AND FLOOR DRAIN SUMP PUMPS SHALL DISCHARGE INTO THE SANITARY SEWER.
11. ALL DOWNSPOUTS, FOOTING DRAINS AND SUBSURFACE STORM WATERS SHALL DISCHARGE INTO THE STORM SEWER OR ONTO THE GROUND AND BE DIRECTED TOWARDS A STORM SEWER STRUCTURE.
12. ANY ANTICIPATED COST OF SHEETING SHALL BE REFLECTED IN THE CONTRACT AMOUNTS. NO ADDITIONAL COST WILL BE ALLOWED FOR SHEETING OR BRACING.
13. THE CONTRACTOR SHALL INSTALL A 2"x4"x8" POST ADJACENT TO THE TERMINUS OF THE SANITARY SERVICE, WATERMAIN, SERVICE, SANITARY MANHOLES, STORM STRUCTURES, AND WATER VAULTS. THE POST SHALL EXTEND A MINIMUM OF 4 FT. ABOVE THE GROUND. SAID POST SHALL BE PAINTED AS FOLLOWS: SANITARY-GREEN, WATER-BLUE, AND STORM-RED.
14. IT SHALL BE THE RESPONSIBILITY OF THE UNDERGROUND CONTRACTOR TO REMOVE FROM THE SITE ANY AND ALL MATERIALS AND DEBRIS WHICH RESULT FROM HIS CONSTRUCTION OPERATIONS AT NO ADDITIONAL EXPENSE TO THE OWNER.

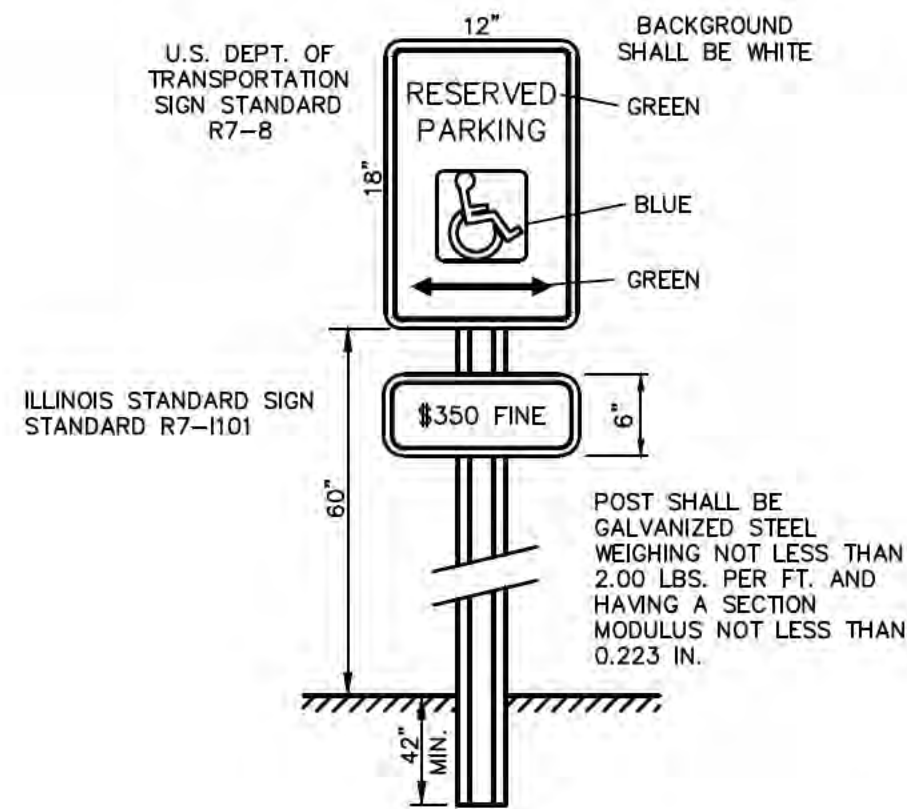
EARTHWORK

1. ALL EARTHWORK OPERATIONS SHALL BE IN ACCORDANCE WITH SECTION 200 OF THE I.D.O.T. SPECIFICATIONS.
2. THE CONTRACTOR SHALL PROTECT ALL PROPERTY PINS AND SURVEY MONUMENTS AND SHALL RESTORE ANY WHICH ARE DISTURBED BY HIS OPERATIONS AT NO ADDITIONAL COST TO THE CONTRACT.
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE ALL MATERIAL QUANTITIES AND APPRISE HIMSELF OF ALL SITE CONDITIONS. THE CONTRACT PRICE SUBMITTED BY THE CONTRACTOR SHALL BE CONSIDERED AS LUMP SUM FOR THE COMPLETE PROJECT. NO CLAIMS FOR EXTRA WORK WILL BE RECOGNIZED UNLESS ORDERED IN WRITING BY THE OWNER.
4. PRIOR TO ONSET OF MASS GRADING OPERATIONS THE EARTHWORK CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SOIL EROSION CONTROL SPECIFICATIONS WITH INITIAL ESTABLISHMENT OF EROSION CONTROL PROCEDURES AND THE PLACEMENT OF SILT FENCING, ETC. TO PROTECT ADJACENT PROPERTY SHALL OCCUR BEFORE MASS GRADING BEGINS, AND IN ACCORDANCE WITH THE SOIL EROSION CONTROL CONSTRUCTION SCHEDULE.
5. THE GRADING OPERATIONS ARE TO BE CLOSELY SUPERVISED AND INSPECTED, PARTICULARLY DURING THE REMOVAL OF UNSUITABLE MATERIAL AND THE CONSTRUCTION OF EMBANKMENTS OR BUILDING PADS, BY THE SOILS ENGINEER OR HIS REPRESENTATIVE. ALL TESTING, INSPECTION AND SUPERVISION OF SOIL QUALITY, UNSUITABLE REMOVAL AND ITS REPLACEMENT AND OTHER SOILS RELATED OPERATIONS SHALL BE ENTIRELY THE RESPONSIBILITY OF THE SOILS ENGINEER.
6. THE GRADING AND CONSTRUCTION OF THE SITE IMPROVEMENTS SHALL NOT CAUSE PONDING OF STORM WATER. ALL AREAS ADJACENT TO THESE IMPROVEMENTS SHALL BE GRADED TO ALLOW POSITIVE DRAINAGE.
7. THE PROPOSED GRADING ELEVATIONS SHOWN ON THE PLANS ARE FINISH GRADE. A MINIMUM OF SIX INCHES (6") OF TOPSOIL IS TO BE PLACED BEFORE FINISH GRADE ELEVATIONS ARE ACHIEVED.
8. THE SELECTED STRUCTURAL FILL MATERIAL SHALL BE PLACED IN LEVEL UNIFORM LAYERS SO THAT THE COMPACTED THICKNESS IS APPROXIMATELY SIX INCHES (6"). IF COMPACTION EQUIPMENT DEMONSTRATES THE ABILITY TO COMPACT A GREATER THICKNESS, THEN A GREATER THICKNESS MAY BE SPECIFIED. EACH LAYER SHALL BE THOROUGHLY MIXED DURING SPREADING TO INSURE UNIFORMITY.
9. EMBANKMENT MATERIAL WITHIN ROADWAY, PARKING LOT, AND OTHER STRUCTURAL CLAY FILL AREAS SHALL BE COMPACTED TO A MINIMUM OF NINETY-FIVE PERCENT (95%) OF MAXIMUM DENSITY IN ACCORDANCE WITH ASTM SPECIFICATION D-1557 (MODIFIED PROCTOR METHOD), OR TO SUCH OTHER DENSITY AS MAY BE DETERMINED APPROPRIATE BY THE SOILS ENGINEER. EMBANKMENT MATERIAL FOR BUILDING PADS SHALL BE COMPACTED TO A MINIMUM OF NINETY-FIVE (95%) OF MAXIMUM DENSITY IN ACCORDANCE WITH ASTM DESIGNATION D-1557 (MODIFIED PROCTOR METHOD) OR TO SUCH OTHER DENSITY AS MAY BE DETERMINED APPROPRIATE BY THE SOIL ENGINEER.
10. EMBANKMENT MATERIAL (RANDOM FILL) WITHIN NON-STRUCTURAL FILL AREAS SHALL BE COMPACTED TO A MINIMUM OF NINETY PERCENT (90%) OF MAXIMUM DENSITY IN ACCORDANCE WITH ASTM SPECIFICATION D-157 (MODIFIED PROCTOR METHOD).
11. THE SUB GRADE FOR PROPOSED STREET AND PAVEMENT AREAS SHALL BE PROOF-ROLLED BY THE CONTRACTOR AND ANY UNSTABLE AREAS ENCOUNTERED SHALL BE REMOVED AND REPLACED AS DIRECTED BY THE SOILS ENGINEER.
12. SOIL BORING REPORTS, IF AVAILABLE, ARE SOLELY FOR THE INFORMATION AND GUIDANCE OF THE CONTRACTORS. THE OWNER AND ENGINEER MAKE NO REPRESENTATION OR WARRANTY REGARDING THE INFORMATION CONTAINED IN THE BORING LOGS. THE CONTRACTOR SHALL MAKE HIS OWN INVESTIGATIONS AND SHALL PLAN HIS WORK ACCORDINGLY. ARRANGEMENTS TO ENTER THE PROPERTY DURING THE BIDDING PHASE MAY BE MADE UPON REQUEST OF THE OWNER. THERE WILL BE NO ADDITIONAL PAYMENT FOR EXPENSES INCURRED BY THE CONTRACTOR RESULTING FROM ADVERSE SOIL OR GROUND WATER CONDITIONS.

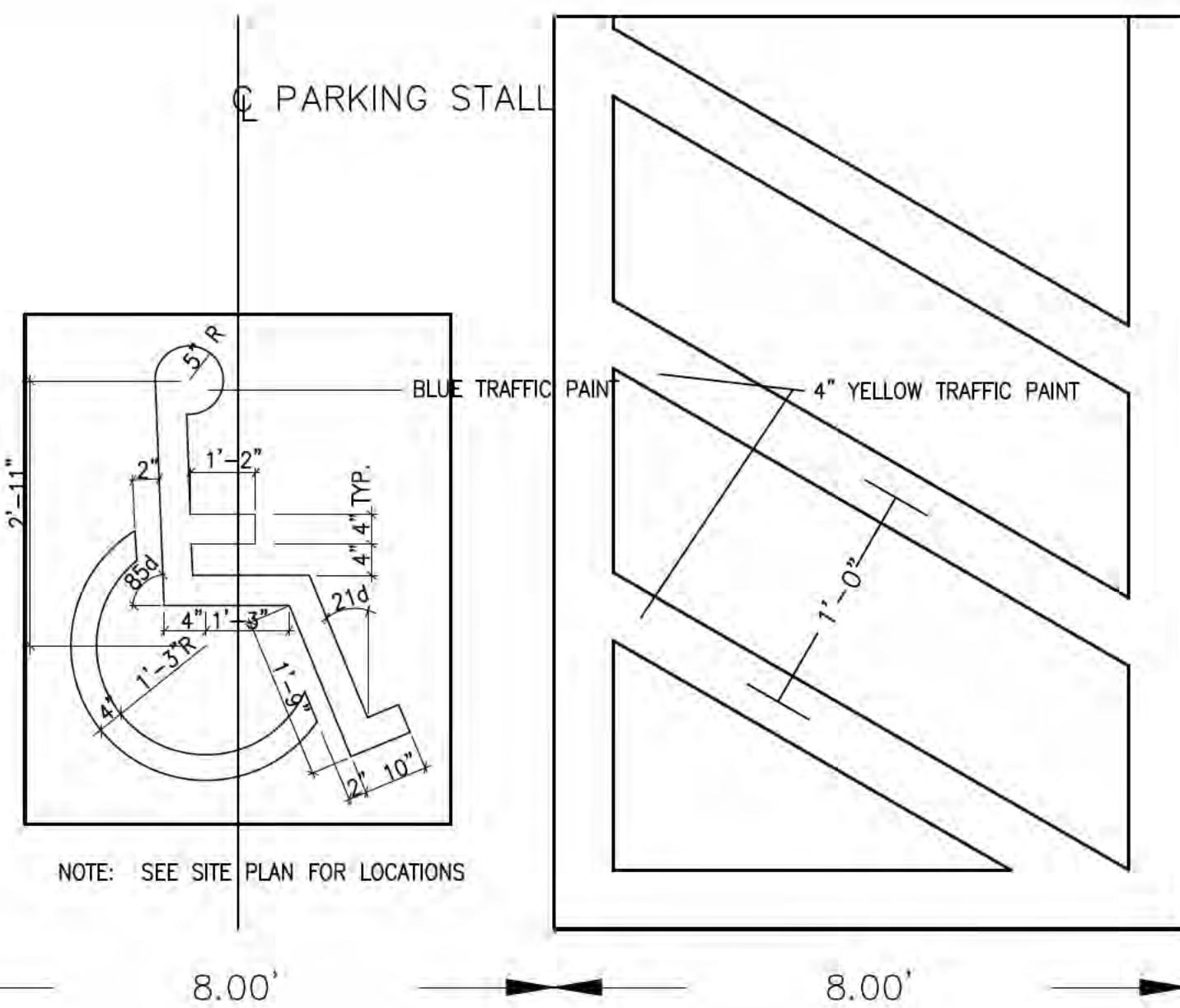
PAVING & WALKS

1. WORK UNDER THIS SECTION SHALL INCLUDE FINAL SUBGRADE SHAPING AND PREPARATION: FORMING, JOINTING, PLACEMENT OF ROADWAY AND PAVEMENT BASE COURSE MATERIALS AND SUBSEQUENT BINDER AND/OR SURFACE COURSES; PLACEMENT, FINISHING AND CURING OF CONCRETE; FINAL CLEAN-UP; AND ALL RELATED WORK.
2. ALL PAVING AND SIDEWALK WORK SHALL BE DONE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS (I.D.O.T.) AND PER LOCAL REGULATIONS.
3. SUBGRADE FOR PROPOSED PAVEMENT SHALL BE FINISHED BY THE EXCAVATION CONTRACTOR TO WITHIN 0.1 FOOT, PLUS OR MINUS, OF THE PLAN ELEVATION. THE PAVING CONTRACTOR SHALL SATISFY HIMSELF THAT THE SUBGRADE HAS BEEN PROPERLY PREPARED AND THAT THE FINISH TOP SUBGRADE ELEVATION HAS BEEN GRADED WITHIN TOLERANCES ALLOWED IN THESE SPECIFICATIONS. UNLESS THE PAVING CONTRACTOR ADVISES THE OWNER AND ENGINEER IN WRITING PRIOR TO FINE GRADING FOR BASE COURSE CONSTRUCTION, IT IS UNDERSTOOD THAT HE HAS APPROVED AND ACCEPTS THE RESPONSIBILITY FOR THE SUBGRADE. PRIOR TO PLACEMENT OF PAVEMENT BASE MATERIALS, THE PAVING CONTRACTOR SHALL FINE GRADE THE SUBGRADE SO AS TO INSURE THE PROPER THICKNESS OF PAVEMENT COURSES. NO CLAIMS FOR EXCESS BASE MATERIALS DUE TO IMPROPER SUBGRADE PREPARATION WILL BE HONORED.
4. THE PROPOSED PAVEMENT SHALL CONSIST OF THE SUB-BASE COURSE, BITUMINOUS AGGREGATE BASE COURSE, BITUMINOUS BINDER COURSE, AND BITUMINOUS SURFACE COURSE, OF THE THICKNESS AND MATERIALS AS SPECIFIED ON THE CONSTRUCTION PLANS. PRIME COAT SHALL BE APPLIED TO THE SUB-BASE COURSE AT A RATE OF 0.5 GALLONS PER SQUARE YARD. UNLESS SHOWN AS A BID ITEM, PRIME COAT SHALL BE CONSIDERED AS INCIDENTAL TO THE COST OF THE CONTRACT. ALL PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE "I.D.O.T. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", CURRENT EDITION.
5. AFTER THE INSTALLATION OF THE BASE COURSE, ALL TRAFFIC SHALL BE KEPT OFF THE BASE UNTIL THE BINDER COURSE IS LAID. AFTER INSTALLATION OF THE BINDER COURSE AND UPON INSPECTION AND APPROVAL BY GOVERNING AUTHORITY, THE PAVEMENT SHALL BE CLEANED, PRIMED AND THE SURFACE COURSE LAID. ALL DAMAGED AREAS IN THE BINDER, BASE OR CURB AND GUTTER SHALL BE REPAIRED TO THE SATISFACTION OF THE OWNER PRIOR TO LAYING THE SURFACE COURSE. THE PAVING CONTRACTOR SHALL PROVIDE WHATEVER EQUIPMENT AND MANPOWER IS NECESSARY, INCLUDING THE USE OF POWER BROOMS TO PREPARE THE PAVEMENT FOR APPLICATION OF THE SURFACE COURSE. EQUIPMENT AND MANPOWER TO CLEAN PAVEMENT SHALL BE CONSIDERED INCIDENTAL TO THE COST OF THE CONTRACT. PRIME COAT ON THE BINDER COARSE SHALL BE CONSIDERED AS INCIDENTAL TO THE COST OF THE CONTRACT AND SHALL BE APPLIED TO THE BINDER AT A RATE OF 0.5 GALLONS PER SQUARE YARD.
6. CURING AND PROTECTION OF ALL EXPOSED CONCRETE SURFACES SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS.
7. SIDEWALKS SHALL BE OF THE THICKNESS AND DIMENSIONS AS SHOWN IN THE CONSTRUCTION PLANS. ALL SIDEWALK CONCRETE SHALL DEVELOP A MINIMUM OF 3,500-PSI COMPRESSIVE STRENGTH AT 28 DAYS. CONTRACTION JOINTS SHALL BE SET AT 5' CENTERS, AND 3/4" PRE-MOLDED FIBER EXPANSION JOINTS SET AT 50' CENTERS AND WHERE THE SIDEWALK MEETS THE CURB, A BUILDING, OR ANOTHER SIDEWALK, OR AT THE END OF EACH POUR. ALL SIDEWALKS CONSTRUCTED OVER UTILITY TRENCHES SHALL BE REINFORCED WITH THREE NO. 5 REINFORCING BARS (10' MINIMUM LENGTH). ALL SIDEWALKS CROSSING DRIVEWAYS SHALL BE A MINIMUM OF 6" THICK AND REINFORCED WITH 6X6 #6 WELDED WIRE MESH. ALL SIDEWALKS SHALL BE BROOM FINISHED. IF A MANHOLE FRAME FALLS WITHIN THE LIMITS OF A SIDEWALK, A BOX-OUT SECTION SHALL BE PLACED AROUND THE MANHOLE FRAME WITH A 3/4" EXPANSION JOINT.

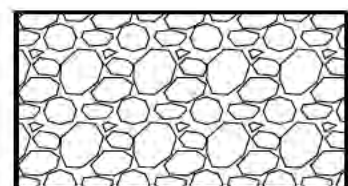
8. BACKFILLING ALONG PAVEMENT SHALL BE THE RESPONSIBILITY OF THE EARTHWORK CONTRACTOR.
9. IT SHALL BE THE RESPONSIBILITY OF THE PAVING CONTRACTOR TO REMOVE FROM THE SITE ANY AND ALL MATERIAL AND DEBRIS, WHICH RESULTS FROM HIS CONSTRUCTION OPERATIONS AT NO ADDITIONAL EXPENSE TO THE OWNER.
10. TESTING OF THE SUB-BASE, BASE COURSE, BINDER COURSE, SURFACE COURSE AND CONCRETE WORK SHALL BE REQUIRED IN ACCORDANCE WITH THE "I.D.O.T. STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" CURRENT EDITION, AND IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS OF THE GOVERNING MUNICIPALITY. A QUALIFIED TESTING FIRM SHALL BE EMPLOYED BY THE OWNER TO PERFORM THE REQUIRED TESTS.
11. PAINTED PAVEMENT MARKINGS AND SYMBOLS, OF THE TYPE AND COLOR AS NOTED ON THE CONSTRUCTION PLANS, SHALL BE INSTALLED IN ACCORDANCE WITH SECTION T-502 OF SAME SPECIFICATIONS.
12. PAINTED PAVEMENT MARKINGS AND SYMBOLS SHALL BE INSTALLED ONLY WHEN THE AMBIENT AIR TEMPERATURE IS 40 DEGREES FAHRENHEIT AND THE FORECAST CALL FOR RISING TEMPERATURES.
13. ALL EXISTING CURB AND PAVEMENT SHALL BE PROTECT DURING CONSTRUCTION. ANY DAMAGE TO THE CURB OR PAVEMENT WILL BE REPAIRED OR REPLACED AT NO ADDITIONAL COST TO THE OWNER.
14. ANY SIDEWALK THAT IS DAMAGED OR NOT ADA COMPLIANT, INCLUDING SIDEWALK RAMPS, MUST BE REPLACED PRIOR TO FINAL INSPECTION APPROVAL.



LOCATE SIGN AT EACH END OF HANDICAP PARKING AREA, 2 FT. FROM EDGE OF PAVEMENT

HANDICAP PARKING SIGN**HANDICAPPED PARKING DETAIL**

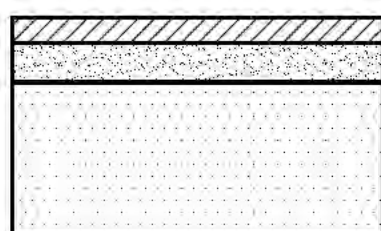
N.T.S.



12" AGGREGATE COURSE, CA-6 CRUSHED LIMESTONE OR ASPHALT GRINDINGS

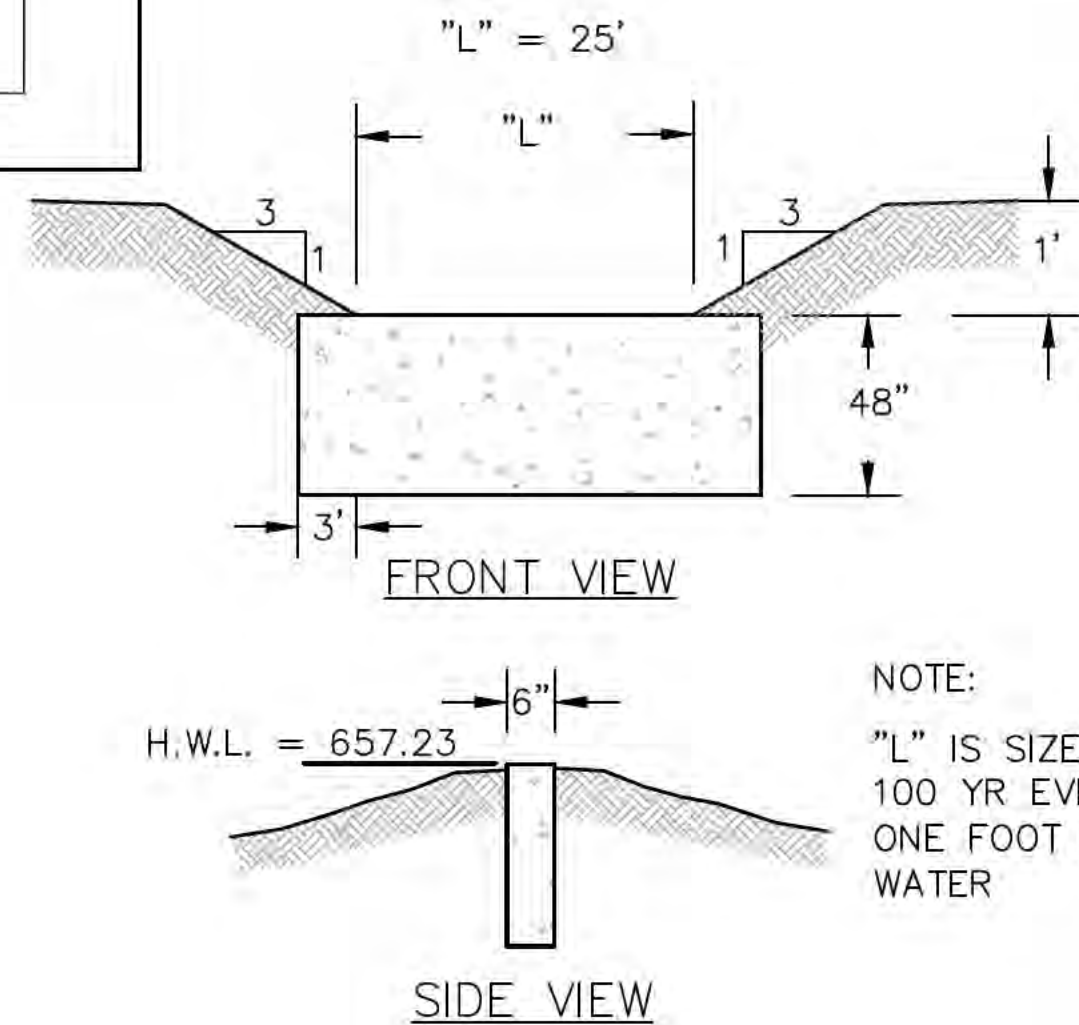
GRAVEL STORAGE LOT DETAIL

N.T.S.

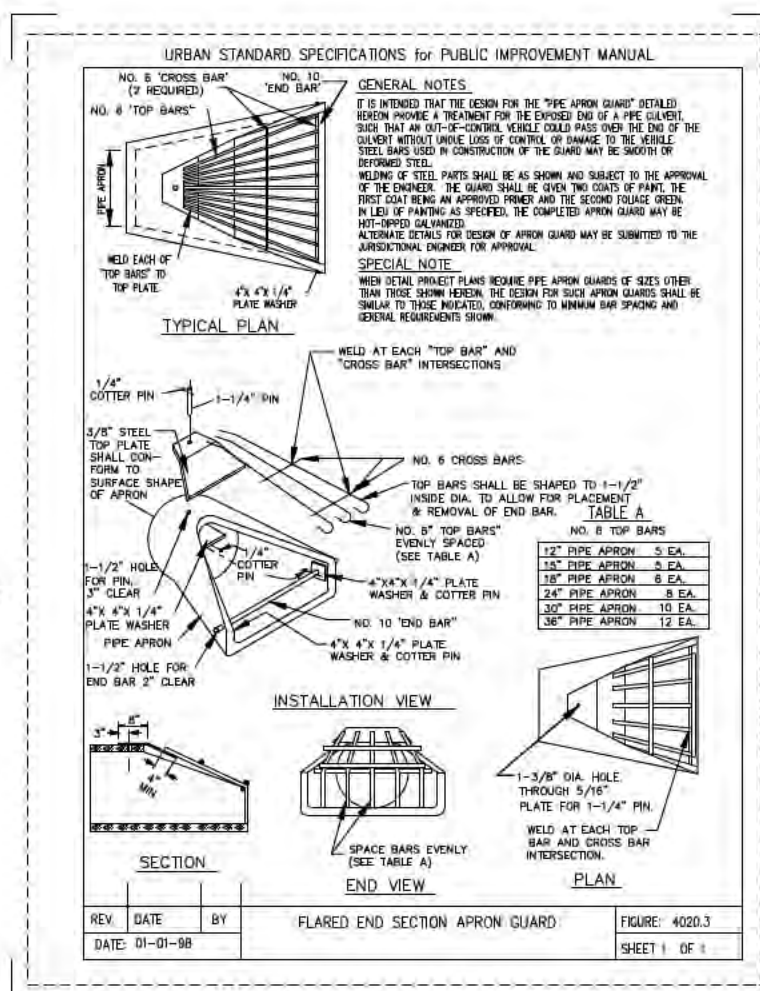


1 1/2" HMA IL-9.5, N-50 SURFACE COURSE
2 1/2" HMA IL-19, N-50 BINDER COURSE

16" AGGREGATE COURSE, TYPE A, CA-6

TYPICAL PAVEMENT DETAIL

N.T.S.



NOTE:

"L" IS SIZED TO PASS 100 YR EVENT WITH ONE FOOT DEPTH OF WATER

**TEBRUGGE ENGINEERING**

410 E. CHURCH STREET - SUITE A • SANDWICH, IL 60548
PHONE: (815) 786-0195 TEBRUGGEENGINEERING.COM

NO.	DATE	NOTES

PREPARED FOR:
BEST BUDGET TREE SERVICE
22419 W RENWICK RD, PLAINFIELD, IL

BEST BUDGET TREE SITE PLAN

GENERAL NOTES & DETAILS

PROJECT NO. 22 424 02

SCALE: NTS

DATE: APRIL 14, 2022

SHEET NO.

8

OF 8 SHEETS

**STORMWATER MANAGEMENT
DETENTION DESIGN COMPUTATIONS
FOR BEST BUDGET TREE SERVICE
LOCATED AT 2195 US HIGHWAY 52 IN MINOOKA, IL
BY
TEBRUGGE ENGINEERING
410 E. CHURCH ST. SUITE A
SANDWICH, IL**



BEST BUDGET TREE SERVICE IS PROPOSING TO RELOCATE THEIR TREE SERVICE BUSINESSES TO A 48 ACRE PARCEL ON US HIGHWAY 52 WEST OF ARBEITER ROAD IN MINOOKA, IL. THE TREE BUSINESS WILL OCCUPY THE CENTER PORTION OF THE SITE TAKING UP 10 ACRES OF THE SITE. THE REMAINING 38 ACRES WILL REMAIN FARM LAND. THE 10 ACRE PORTION OF THE SITE WILL BE COVERED IN GRAVEL AND REGRADED TO PROVIDE OVERLAND FLOW NORTH TO SOUTH. A STORM WATER WET DETENTION POND WILL BE CONSTRUCTED SOUTH OF THE PROPOSED BUILDING AND GRAVEL STORAGE AREA. OWNER WILL BE STORING CUT FIREWOOD AND MULCH FOR WHOLESALE DISTRIBUTION. NO RETAIL IS PROPOSED.

SUMMARY OF AREAS WITHIN THE TRIBUTARY AREA OF THE POND

TRIBUTARY AREA OF THE LOT TO THE DETENTION POND = 13.0 AC.

PROPOSED GRAVEL AREA = 424,960 SF = 9.76 AC

LANDSCAPE/WET DETENTION POND AREA = 3.0 AC

BUILDING = 80X120 + 8X130 = 10,640 SF = 0.24 AC

CALCULATION OF PROPOSED SITE CURVE NUMBER (CN)

IMPERVIOUS	96 X 0.24 AC = 23.04
GRAVEL:	80 X 9.76 AC = 780.80
WET POND	90 X 1.7 AC = 153.00
LANDSCAPE	65 X 1.3 AC = 84.5

TOTAL: 13.0 AC = 1041.34

CN (WEIGHTED) = 1041.34/13.0 AC. = 80.1 USE CN = 80

RESTRICTOR SIZING: $Q = CA (2GII)^{1/2}$ 100 yr Q allow = 0.15 * 13.0 AC. = 1.95 cfs

2 yr Q allow = 0.04 x 13.3 ac = 0.52 cfs

See detention pond computations for restrictor sizing: USING 6" DIA RESTRICTOR @ EL 580.50

DETENTION POND STORAGE VOLUME REQUIRED = 5.22 AC-FT. @ ELEV. = 583.51

DETENTION POND STORAGE VOLUME PROVIDED = 5.37 AC-FT. W/ HWL @ 583.60

100 YEAR RELEASE RATE = 1.57 CFS @ HWL = 583.51

2 YEAR RELEASE RATE = 0.42 CFS @ HWL = 580.95

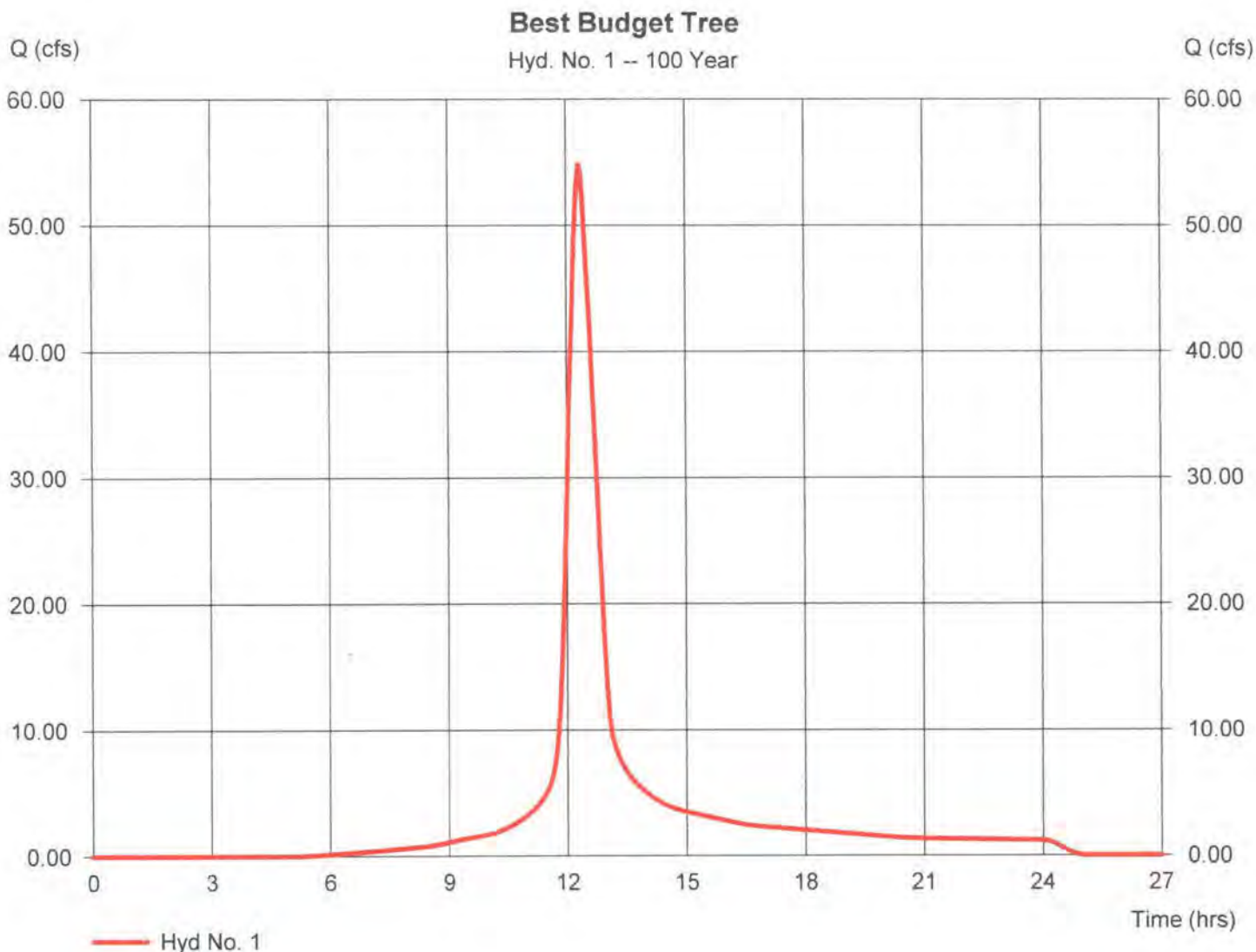
OVERFLOW WEIR LENGTH: $Q = CL(H^{1.5})$ $C = 3.2$ $H = 1.0$ $Q = 54.83$ cfs
 $L = Q/C H^{1.5}$ $L = 54.83/3.2 \times 1.0 = 17.13$ FT
 USE 20 FEET ACTUAL H=0.90 FT.

Hydrograph Report

Hyd. No. 1

Best Budget Tree

Hydrograph type	= SCS Runoff	Peak discharge	= 54.83 cfs
Storm frequency	= 100 yrs	Time to peak	= 12.30 hrs
Time interval	= 3 min	Hyd. volume	= 290,751 cuft
Drainage area	= 13.000 ac	Curve number	= 80
Basin Slope	= 0.5 %	Hydraulic length	= 1000 ft
Tc method	= LAG	Time of conc. (Tc)	= 45.03 min
Total precip.	= 8.57 in	Distribution	= Type II
Storm duration	= 24 hrs	Shape factor	= 484



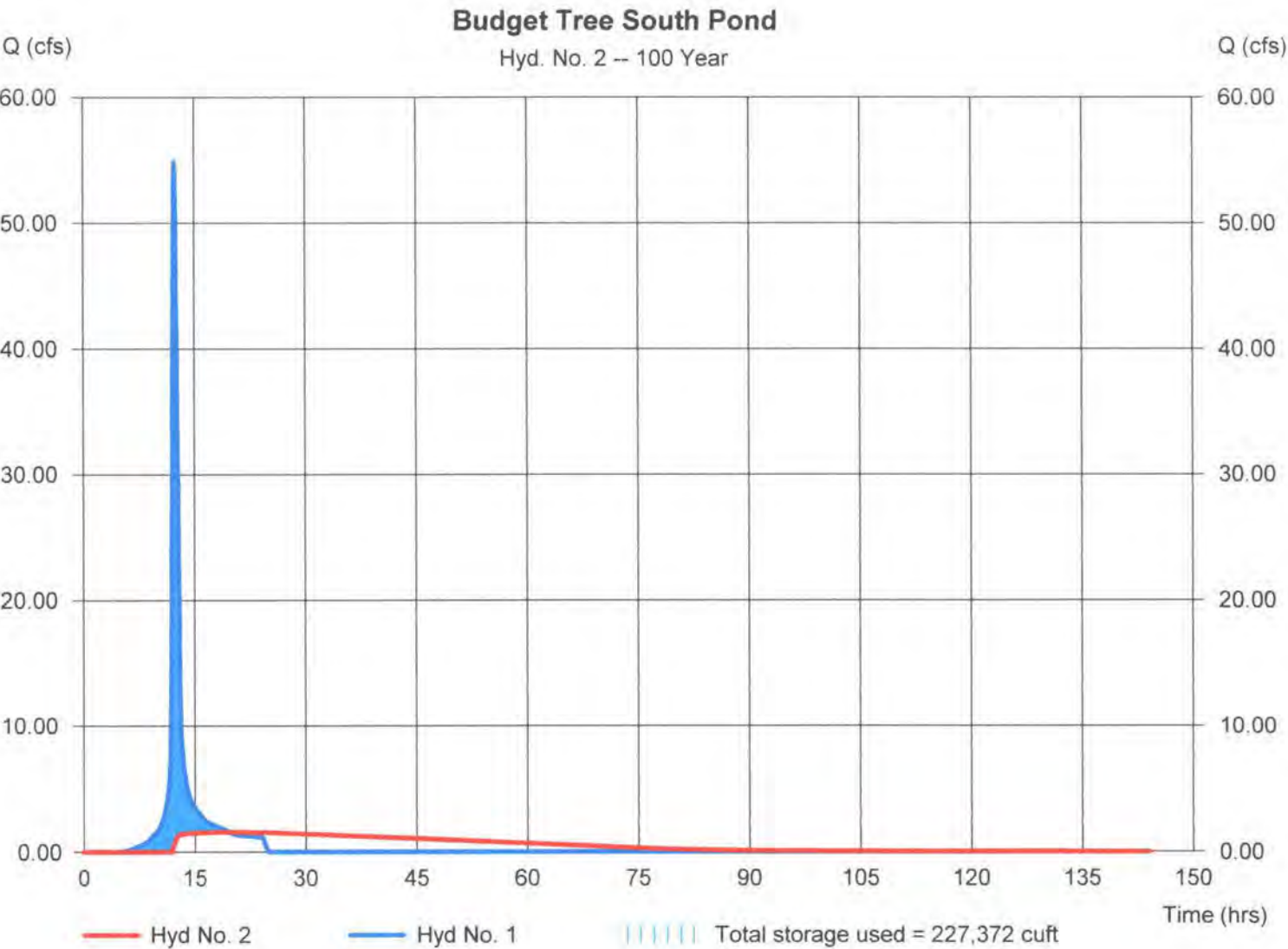
Hydrograph Report

Hyd. No. 2

Budget Tree South Pond

Hydrograph type	= Reservoir	Peak discharge	= 1.571 cfs
Storm frequency	= 100 yrs	Time to peak	= 19.75 hrs
Time interval	= 3 min	Hyd. volume	= 257,456 cuft
Inflow hyd. No.	= 1 - Best Budget Tree	Max. Elevation	= 583.51 ft
Reservoir name	= South Pond	Max. Storage	= 227,372 cuft

Storage Indication method used.



Hydrograph Report

Hydraflow Hydrographs Extension for Autodesk® Civil 3D® by Autodesk, Inc. v2021

Tuesday, 04 / 12 / 2022

Hyd. No. 2

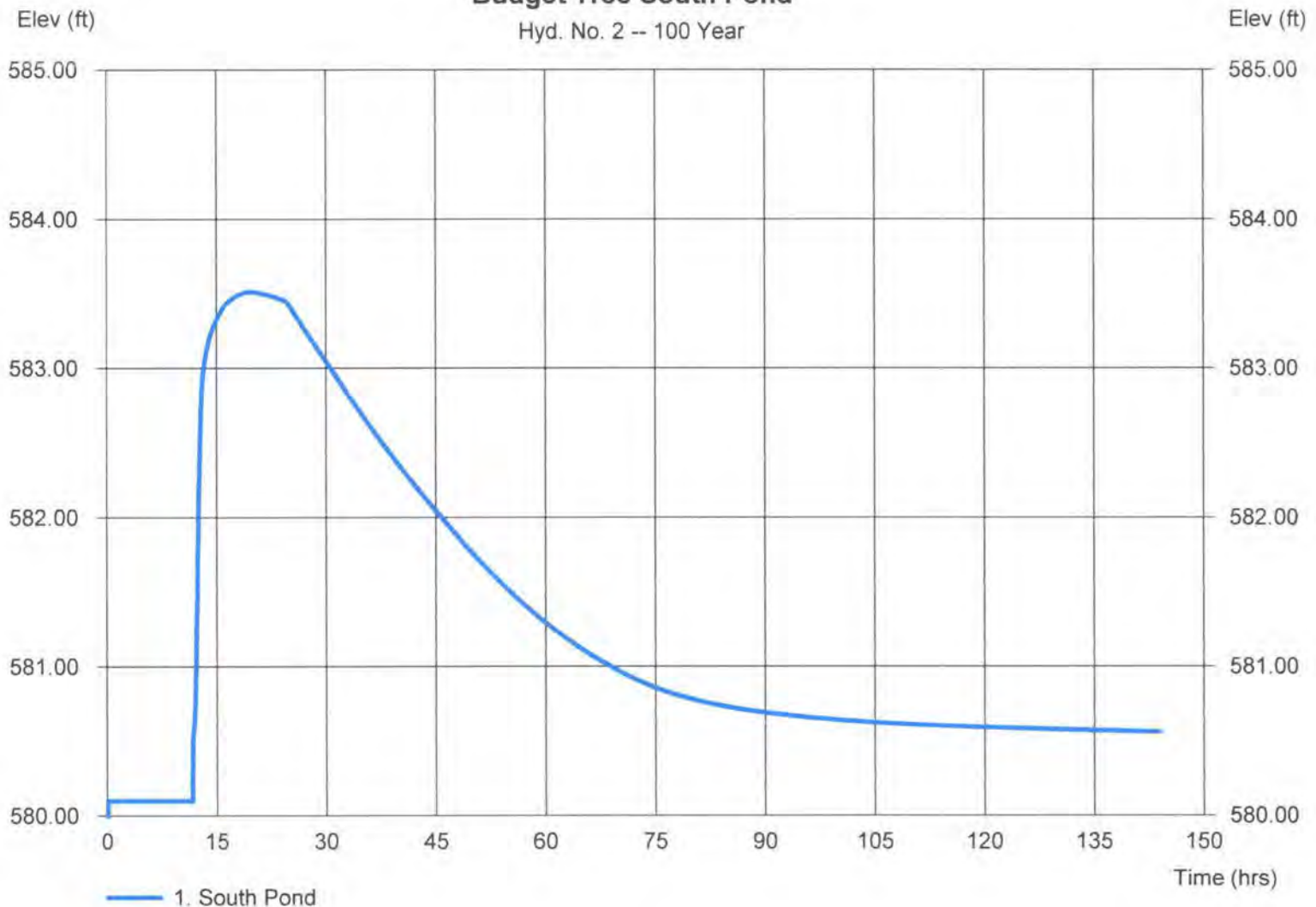
Budget Tree South Pond

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Inflow hyd. No.	= 1 - Best Budget Tree	Max. Elevation	= 583.51 ft
Reservoir name	= South Pond	Max. Storage	= 227,372 cuft

Storage Indication method used.

Budget Tree South Pond

Hyd. No. 2 -- 100 Year



Pond Report

Pond No. 1 - South Pond

Pond Data

Contours -User-defined contour areas. Conic method used for volume calculation. Begining Elevation = 580.00 ft

Stage / Storage Table

Stage (ft)	Elevation (ft)	Contour area (sqft)	Incr. Storage (cuft)	Total storage (cuft)
0.00	580.00	57,600	0	0
1.00	581.00	61,504	59,535	59,535
2.00	582.00	65,536	63,503	123,038
3.00	583.00	69,696	67,599	190,637
4.00	584.00	73,984	71,822	262,459

Culvert / Orifice Structures

	[A]	[B]	[C]	[PrfRsr]
Rise (in)	= 6.00	0.00	0.00	0.00
Span (in)	= 6.00	0.00	0.00	0.00
No. Barrels	= 1	0	0	0
Invert El. (ft)	= 580.50	0.00	0.00	0.00
Length (ft)	= 0.00	0.00	0.00	0.00
Slope (%)	= 0.00	0.00	0.00	n/a
N-Value	= .013	.013	.013	n/a
Orifice Coeff.	= 0.60	0.60	0.60	0.60
Multi-Stage	= n/a	No	No	No

Weir Structures

	[A]	[B]	[C]	[D]
Crest Len (ft)	= 0.00	0.00	0.00	0.00
Crest El. (ft)	= 0.00	0.00	0.00	0.00
Weir Coeff.	= 3.33	3.33	3.33	3.33
Weir Type	= ---	---	---	---
Multi-Stage	= No	No	No	No
Exfil.(in/hr)	= 0.000 (by Contour)			
TW Elev. (ft)	= 0.00			

Note: Culvert/Orifice outflows are analyzed under inlet (ic) and outlet (oc) control. Weir risers checked for orifice conditions (ic) and submergence (s).

Stage / Storage / Discharge Table

Stage ft	Storage cuft	Elevation ft	Clv A cfs	Clv B cfs	Clv C cfs	PrfRsr cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	User cfs	Total cfs
0.00	0	580.00	0.00	---	---	---	---	---	---	---	---	---	0.000
0.10	5,954	580.10	0.00	---	---	---	---	---	---	---	---	---	0.000
0.20	11,907	580.20	0.00	---	---	---	---	---	---	---	---	---	0.000
0.30	17,861	580.30	0.00	---	---	---	---	---	---	---	---	---	0.000
0.40	23,814	580.40	0.00	---	---	---	---	---	---	---	---	---	0.000
0.50	29,768	580.50	0.00	---	---	---	---	---	---	---	---	---	0.000
0.60	35,721	580.60	0.03 ic	---	---	---	---	---	---	---	---	---	0.030
0.70	41,675	580.70	0.11 ic	---	---	---	---	---	---	---	---	---	0.112
0.80	47,628	580.80	0.23 ic	---	---	---	---	---	---	---	---	---	0.229
0.90	53,582	580.90	0.36 ic	---	---	---	---	---	---	---	---	---	0.362
1.00	59,535	581.00	0.47 ic	---	---	---	---	---	---	---	---	---	0.473
1.10	65,886	581.10	0.56 ic	---	---	---	---	---	---	---	---	---	0.559
1.20	72,236	581.20	0.63 ic	---	---	---	---	---	---	---	---	---	0.634
1.30	78,586	581.30	0.70 ic	---	---	---	---	---	---	---	---	---	0.701
1.40	84,937	581.40	0.76 ic	---	---	---	---	---	---	---	---	---	0.762
1.50	91,287	581.50	0.82 ic	---	---	---	---	---	---	---	---	---	0.819
1.60	97,637	581.60	0.87 ic	---	---	---	---	---	---	---	---	---	0.871
1.70	103,987	581.70	0.92 ic	---	---	---	---	---	---	---	---	---	0.921
1.80	110,338	581.80	0.97 ic	---	---	---	---	---	---	---	---	---	0.969
1.90	116,688	581.90	1.01 ic	---	---	---	---	---	---	---	---	---	1.014
2.00	123,038	582.00	1.06 ic	---	---	---	---	---	---	---	---	---	1.057
2.10	129,798	582.10	1.10 ic	---	---	---	---	---	---	---	---	---	1.098
2.20	136,558	582.20	1.14 ic	---	---	---	---	---	---	---	---	---	1.138
2.30	143,318	582.30	1.18 ic	---	---	---	---	---	---	---	---	---	1.177
2.40	150,078	582.40	1.21 ic	---	---	---	---	---	---	---	---	---	1.214
2.50	156,838	582.50	1.25 ic	---	---	---	---	---	---	---	---	---	1.250
2.60	163,598	582.60	1.29 ic	---	---	---	---	---	---	---	---	---	1.286
2.70	170,357	582.70	1.32 ic	---	---	---	---	---	---	---	---	---	1.320
2.80	177,117	582.80	1.35 ic	---	---	---	---	---	---	---	---	---	1.353
2.90	183,877	582.90	1.39 ic	---	---	---	---	---	---	---	---	---	1.386
3.00	190,637	583.00	1.42 ic	---	---	---	---	---	---	---	---	---	1.418
3.10	197,819	583.10	1.45 ic	---	---	---	---	---	---	---	---	---	1.449
3.20	205,001	583.20	1.48 ic	---	---	---	---	---	---	---	---	---	1.480
3.30	212,184	583.30	1.51 ic	---	---	---	---	---	---	---	---	---	1.510
3.40	219,366	583.40	1.54 ic	---	---	---	---	---	---	---	---	---	1.539
3.50	226,548	583.50	1.57 ic	---	---	---	---	---	---	---	---	---	1.568
3.60	233,730	583.60	1.60 ic	---	---	---	---	---	---	---	---	---	1.596

Continues on next page...

South Pond

Stage / Storage / Discharge Table

Stage ft	Storage cuft	Elevation ft	Clv A cfs	Clv B cfs	Clv C cfs	PrfRsr cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	User cfs	Total cfs
3.70	240,912	583.70	1.62 ic	---	---	---	---	---	---	---	---	---	1.624
3.80	248,095	583.80	1.65 ic	---	---	---	---	---	---	---	---	---	1.651
3.90	255,277	583.90	1.68 ic	---	---	---	---	---	---	---	---	---	1.678
4.00	262,459	584.00	1.70 ic	---	---	---	---	---	---	---	---	---	1.704

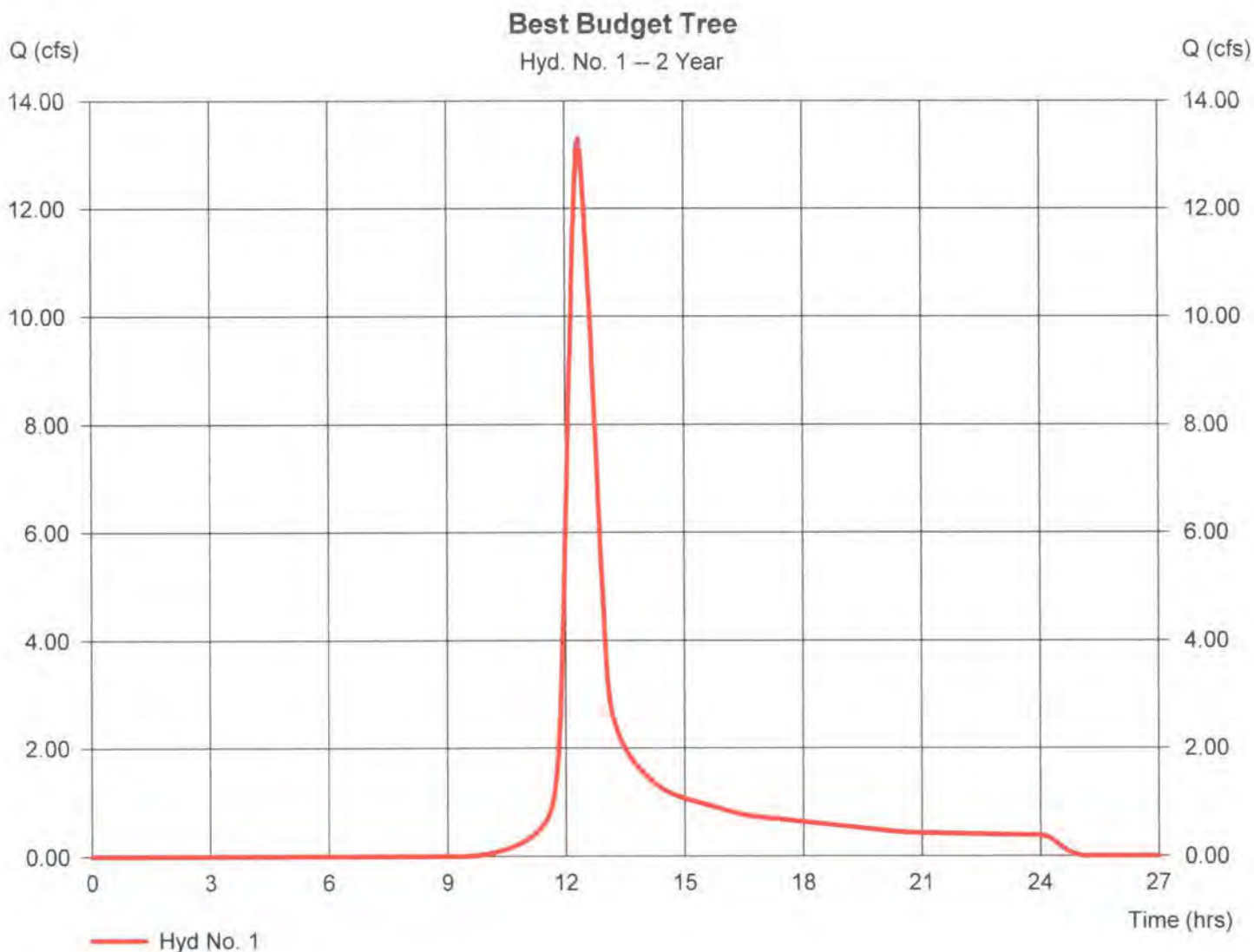
...End

Hydrograph Report

Hyd. No. 1

Best Budget Tree

Hydrograph type	= SCS Runoff	Peak discharge	= 13.31 cfs
Storm frequency	= 2 yrs	Time to peak	= 12.35 hrs
Time interval	= 3 min	Hyd. volume	= 71,276 cuft
Drainage area	= 13.000 ac	Curve number	= 80
Basin Slope	= 0.5 %	Hydraulic length	= 1000 ft
Tc method	= LAG	Time of conc. (Tc)	= 45.03 min
Total precip.	= 3.34 in	Distribution	= Type II
Storm duration	= 24 hrs	Shape factor	= 484



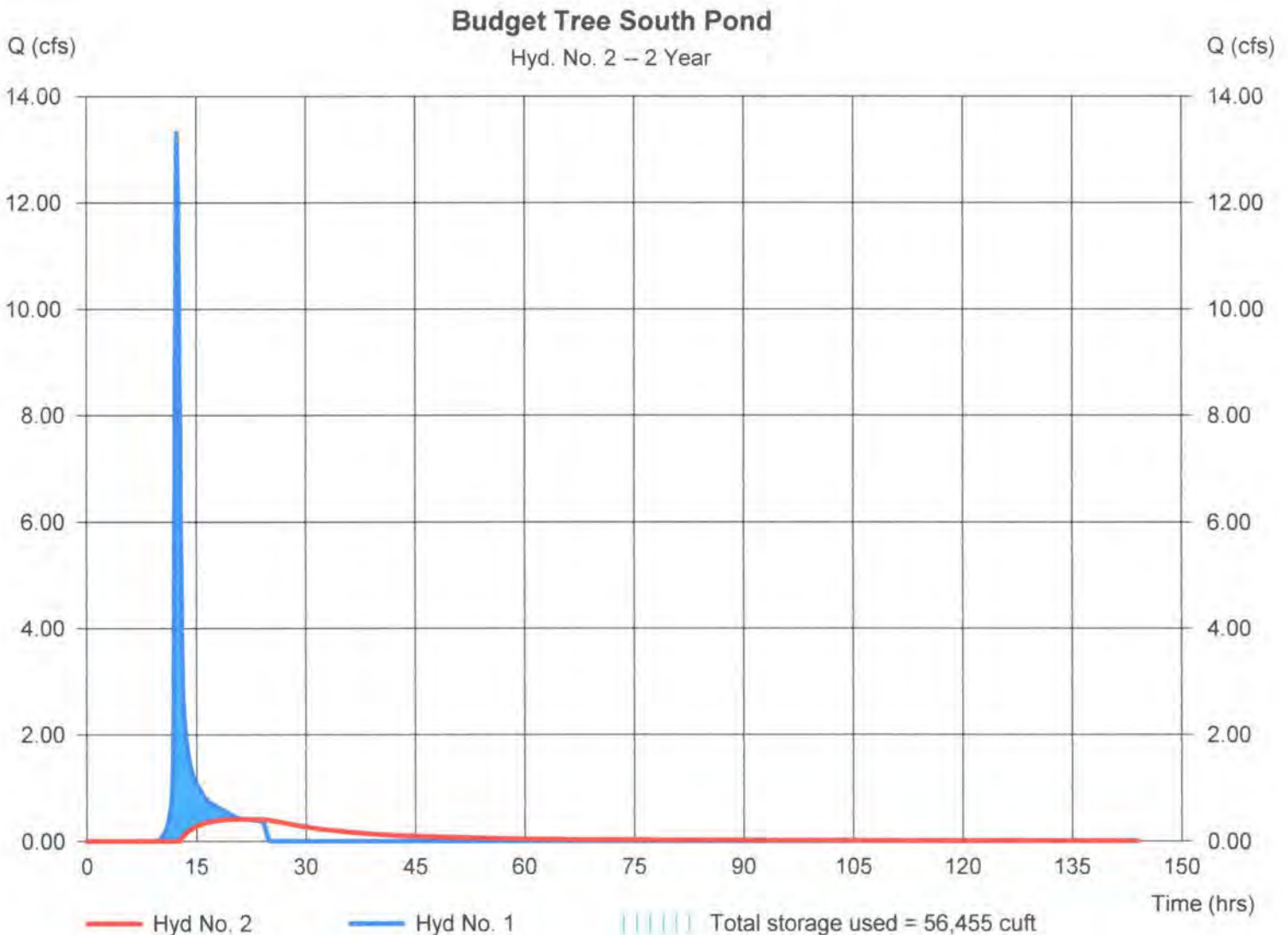
Hydrograph Report

Hyd. No. 2

Budget Tree South Pond

Hydrograph type	= Reservoir	Peak discharge	= 0.416 cfs
Storm frequency	= 2 yrs	Time to peak	= 21.95 hrs
Time interval	= 3 min	Hyd. volume	= 39,988 cuft
Inflow hyd. No.	= 1 - Best Budget Tree	Max. Elevation	= 580.95 ft
Reservoir name	= South Pond	Max. Storage	= 56,455 cuft

Storage Indication method used.



Hydrograph Report

Hyd. No. 2

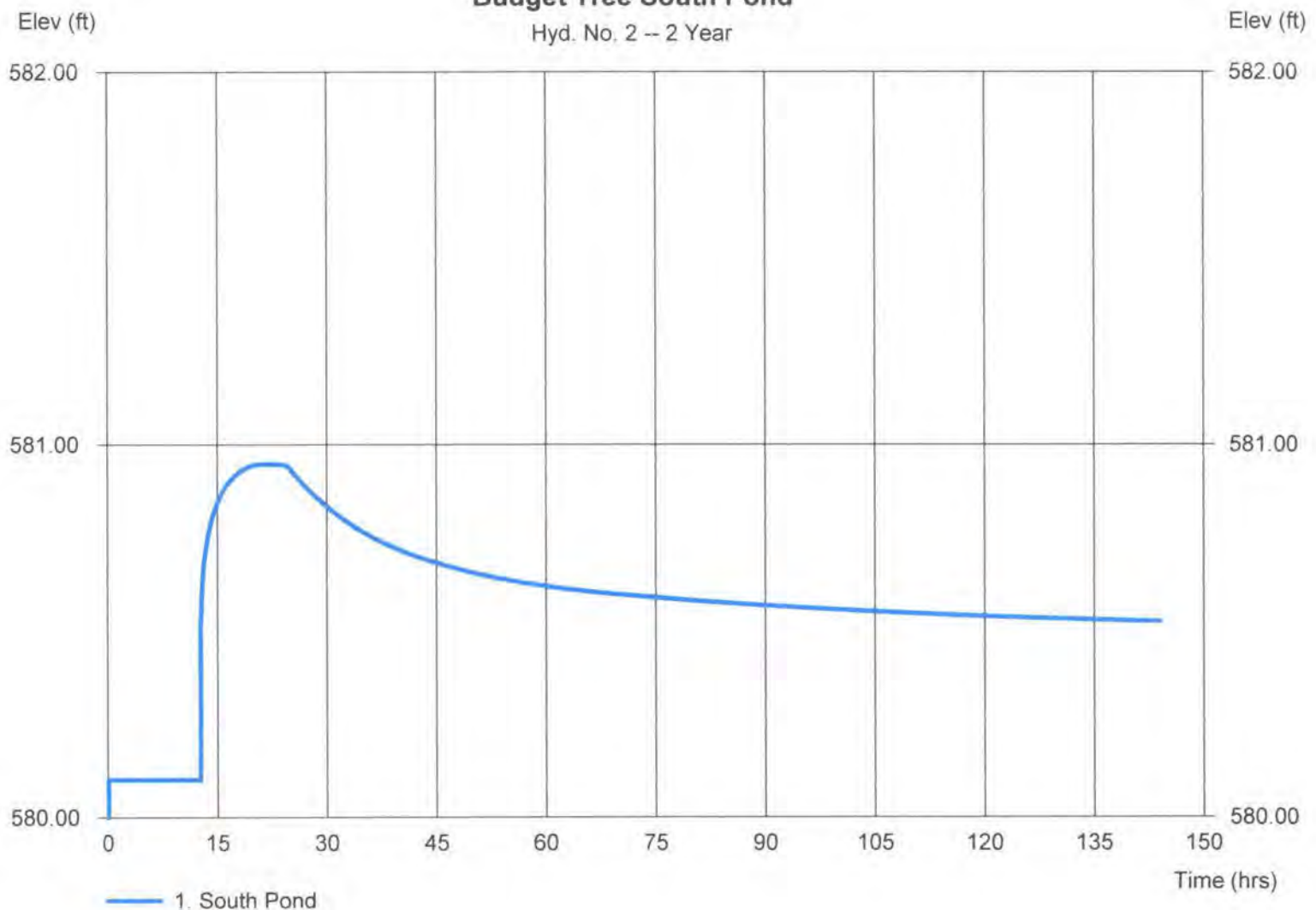
Budget Tree South Pond

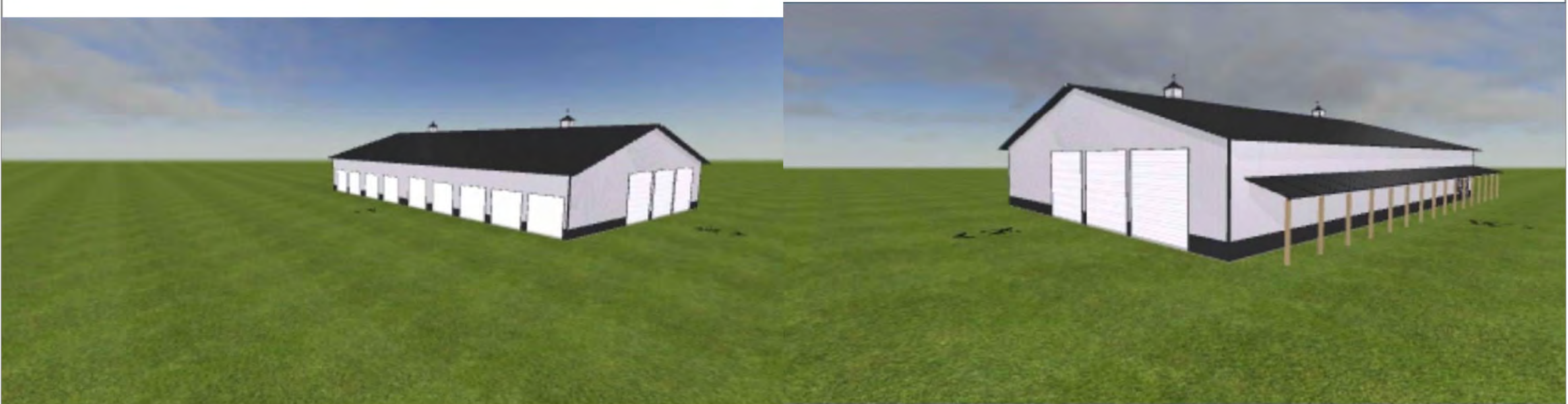
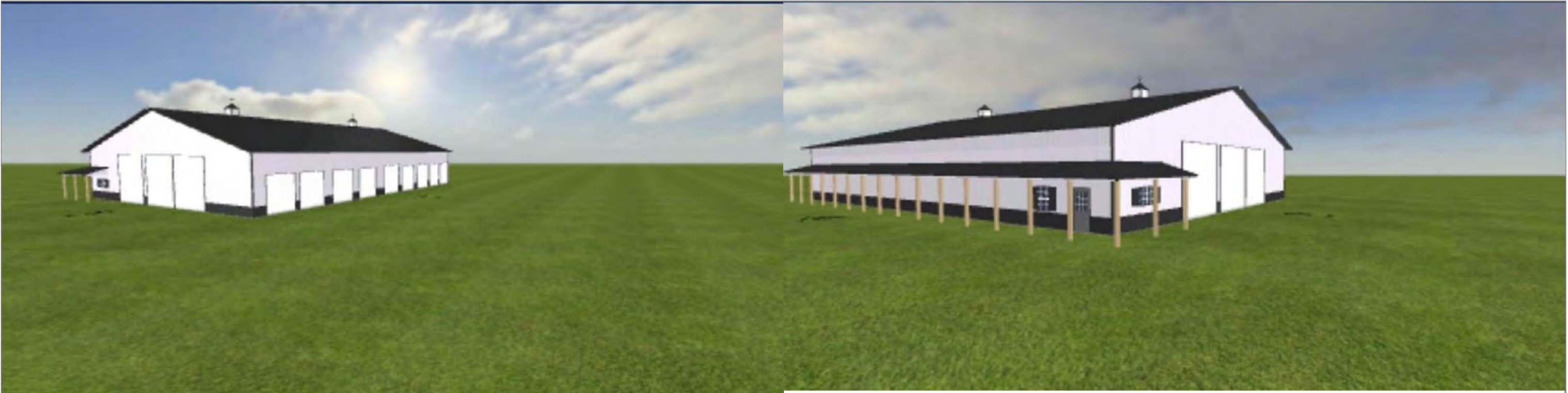
Hydrograph type	= Reservoir	Peak discharge	= 0.416 cfs
Storm frequency	= 2 yrs	Time to peak	= 21.95 hrs
Time interval	= 3 min	Hyd. volume	= 39,988 cuft
Inflow hyd. No.	= 1 - Best Budget Tree	Max. Elevation	= 580.95 ft
Reservoir name	= South Pond	Max. Storage	= 56,455 cuft

Storage Indication method used.

Budget Tree South Pond

Hyd. No. 2 -- 2 Year





Matt Asselmeier

From: Torri, James N <jtorri@joliet.gov>
Sent: Thursday, April 21, 2022 10:09 AM
To: Matt Asselmeier
Subject: [External]RE: 09-15-200-003 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.

Matt,

Joliet would not require this.

Thanks,

James N. Torri
City of Joliet
Planning Director
150 W. Jefferson Street
Joliet, IL 60432
(815) 724-4049
Fax: (815) 724-4056
www.joliet.gov

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Wednesday, April 20, 2022 9:47 AM
To: Torri, James N <jtorri@joliet.gov>; Engel, Natalie (nengel@vil.shorewood.il.us) <nengel@vil.shorewood.il.us>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Fran Klaas <FKlaas@co.kendall.il.us>
Subject: 09-15-200-003 Question

[EXTERNAL EMAIL] This message originated outside of the organization.

Jim and Natalie:

Kendall County received an application for a special use permit for a landscaping business at this property.

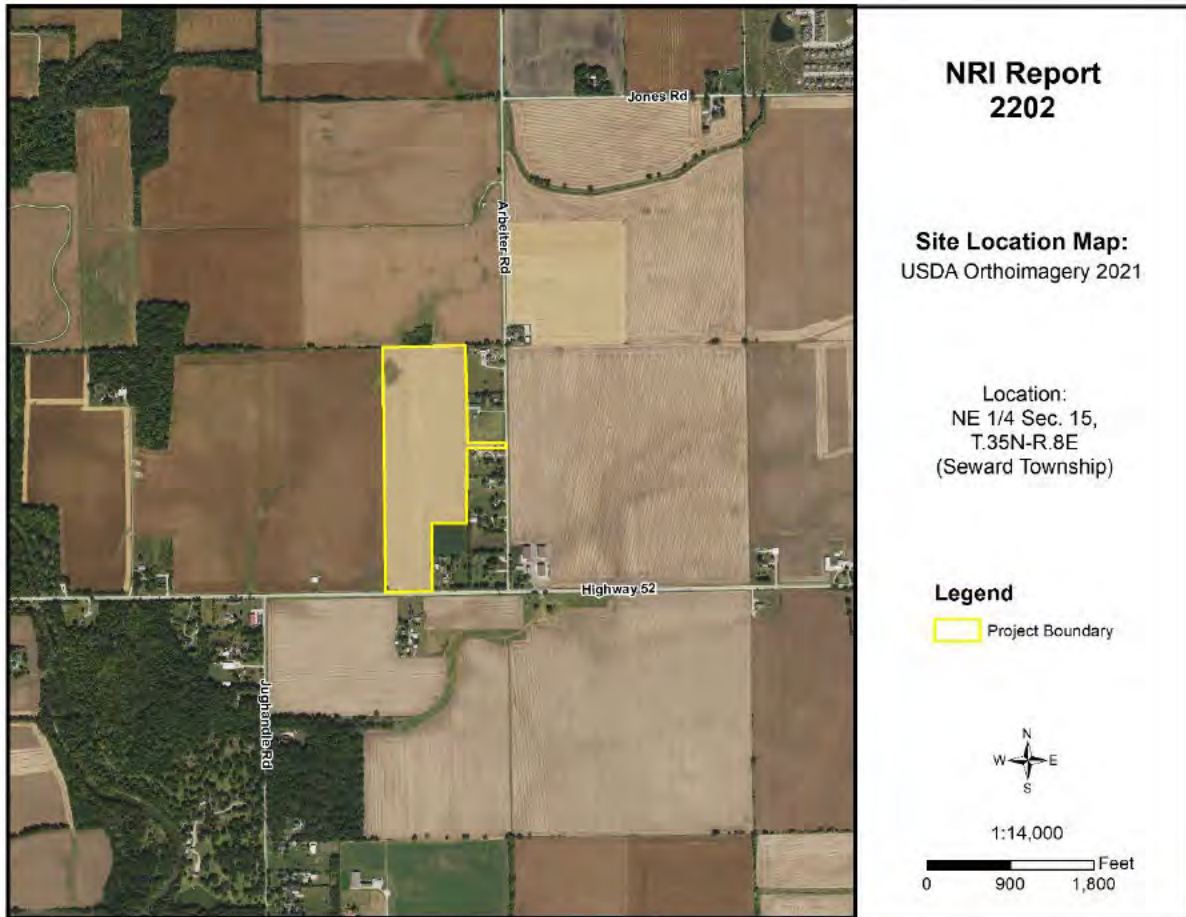
While this property is inside Shorewood's planning area, Joliet's plan calls for a bike path along Route 52 at this property. IDOT verbally told me that they do not want a ROW dedication.

Do either of your municipalities want a ROW dedication?

Thanks,

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

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2202



May
2022

Petitioner: Best Budget Tree Service
Contact: Jeremy Dippold

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	2202
Date District Board Reviews Application	May 2022
Applicant's Name	Best Budget Tree Service
Size of Parcel	48.59 acres
Current Zoning & Use	A-1 Agricultural
Proposed Zoning & Use	A-1 SU Agricultural with Special Use Permit; Tree Service Business
Parcel Index Number(s)	09-15-200-003
Contact Person	Jeremy Dippold

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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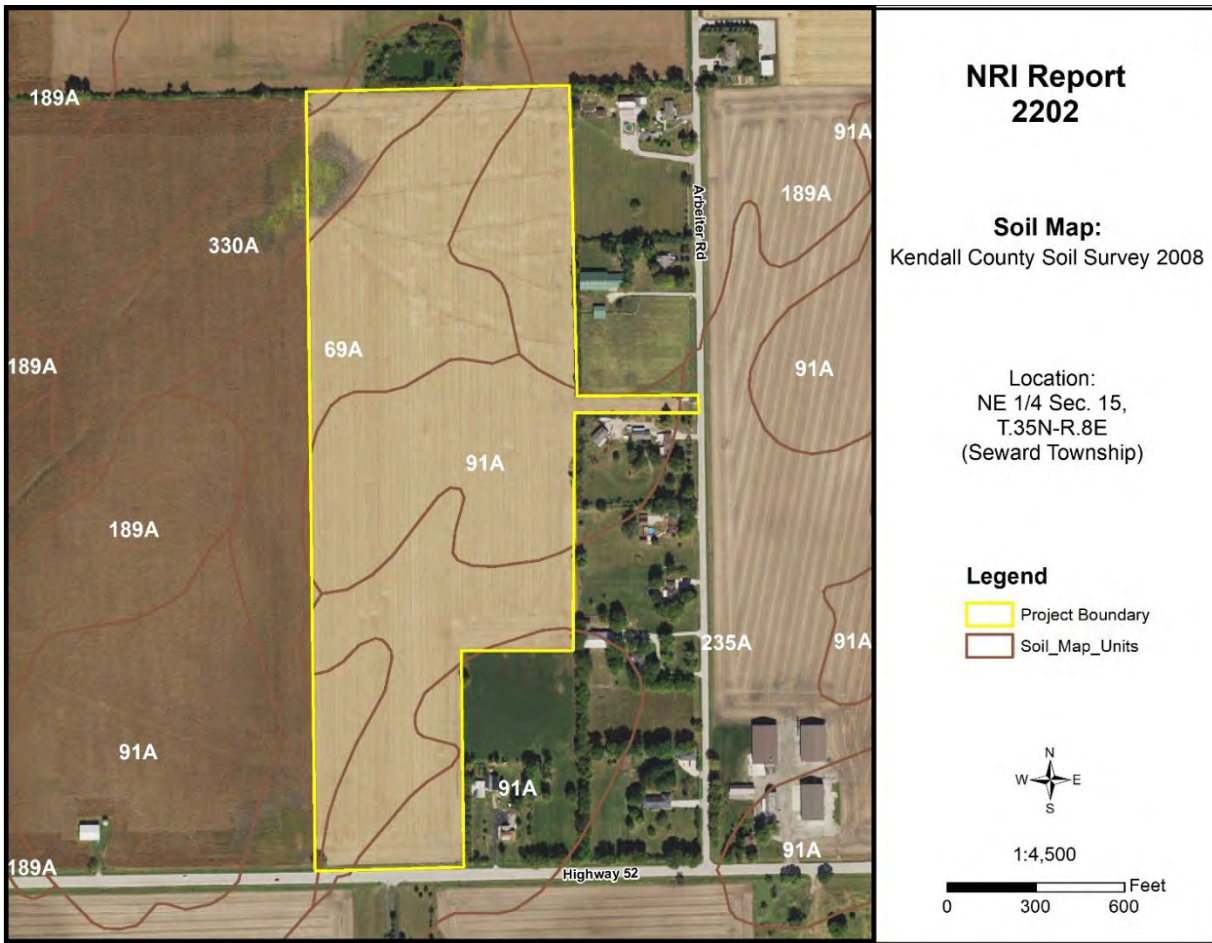
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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2202
Petitioner	Best Budget Tree Service
Contact Person	Jeremy Dippold
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NE ¼ of Section 15, Township 35 North, Range 8 East (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Best Budget Tree Service
Existing Zoning & Land Use	A-1 Agricultural
Proposed Zoning & Land Use	A-1 SU Agricultural with Special Use Permit; Tree Service Business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Wet Bottom Detention Pond
Size of Site	48.59 acres
Land Evaluation Site Assessment Score	210 (Land Evaluation: 85; Site Assessment: 125)

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
69A	Milford silty clay loam, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland if drained
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland
189A	Martinton silt 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
330A	Peotone silty clay loam, 0-2% slopes	Very 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, three are classified as hydric soil (69A Milford silty clay loam, 235A Bryce silty clay, and 330A Peotone silty clay loam), and the remaining soils are classified as non-hydric soils with hydric inclusions likely (91A Swygert silty clay loam and 189A Martinton silt loam).

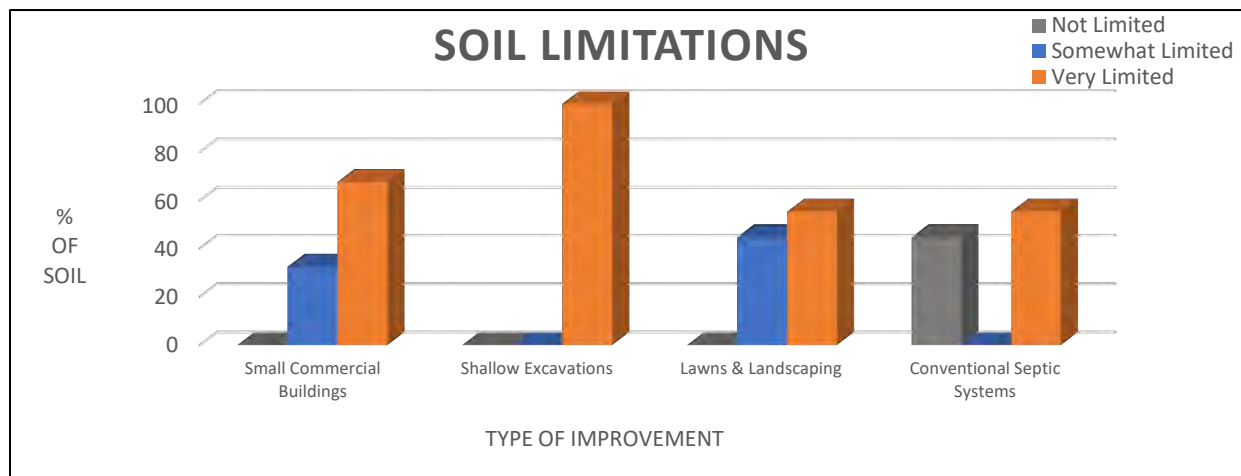
Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite,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

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	Small Commercial Buildings	Shallow Excavations	Lawns/ Landscaping	Conventional Septic Systems
69A	Very Limited	Very Limited	Very Limited	Unsuitable / Very Limited
91A	Somewhat Limited	Very Limited	Somewhat Limited	Suitable / Not Limited
189A	Very Limited	Very Limited	Somewhat Limited	Suitable / Not Limited
235A	Very Limited	Very Limited	Very Limited	Unsuitable / Very Limited
330A	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 **85**, 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 **125**.

The **LESA Score for this site is 210 out of a possible 300, which indicates a medium 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 **indicates 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. 17093C0145H (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 Best Budget Tree Service for the Special Use Permit request to construct and operate a tree service and landscaping business on one parcel (Parcel Index Number 09-15-200-003) within Seward Township of Kendall County located in the NE ¼ of Section 15, 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. 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 85 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 210 out of a possible 300, which indicates a medium 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 shallow excavations, 68% are very limited for small commercial buildings, and 55% are very limited for lawns/landscaping. The remaining land is considered somewhat limited for these types of developments/uses. Additionally, 55% 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

5/2/2022
Date

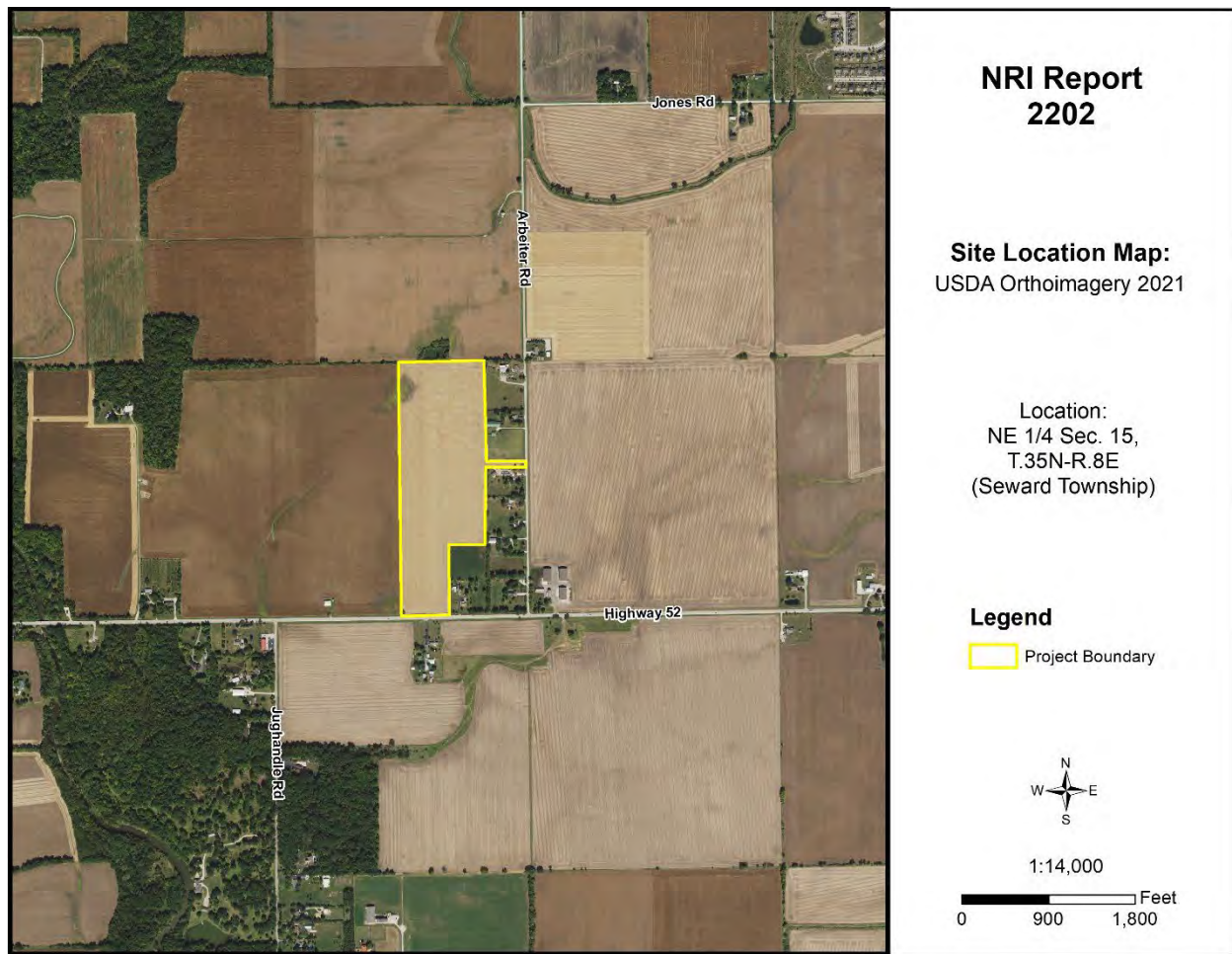


Figure 4: 2021 Aerial Map with NRI Site Boundary

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.

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 located on or near the parcel in question (PIQ). There is a freshwater emergent wetland located in the northwest corner of the PIQ. There is also the Aux Sable Creek and Baker Woods Forest Preserve within a mile of the PIQ to the west.

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.

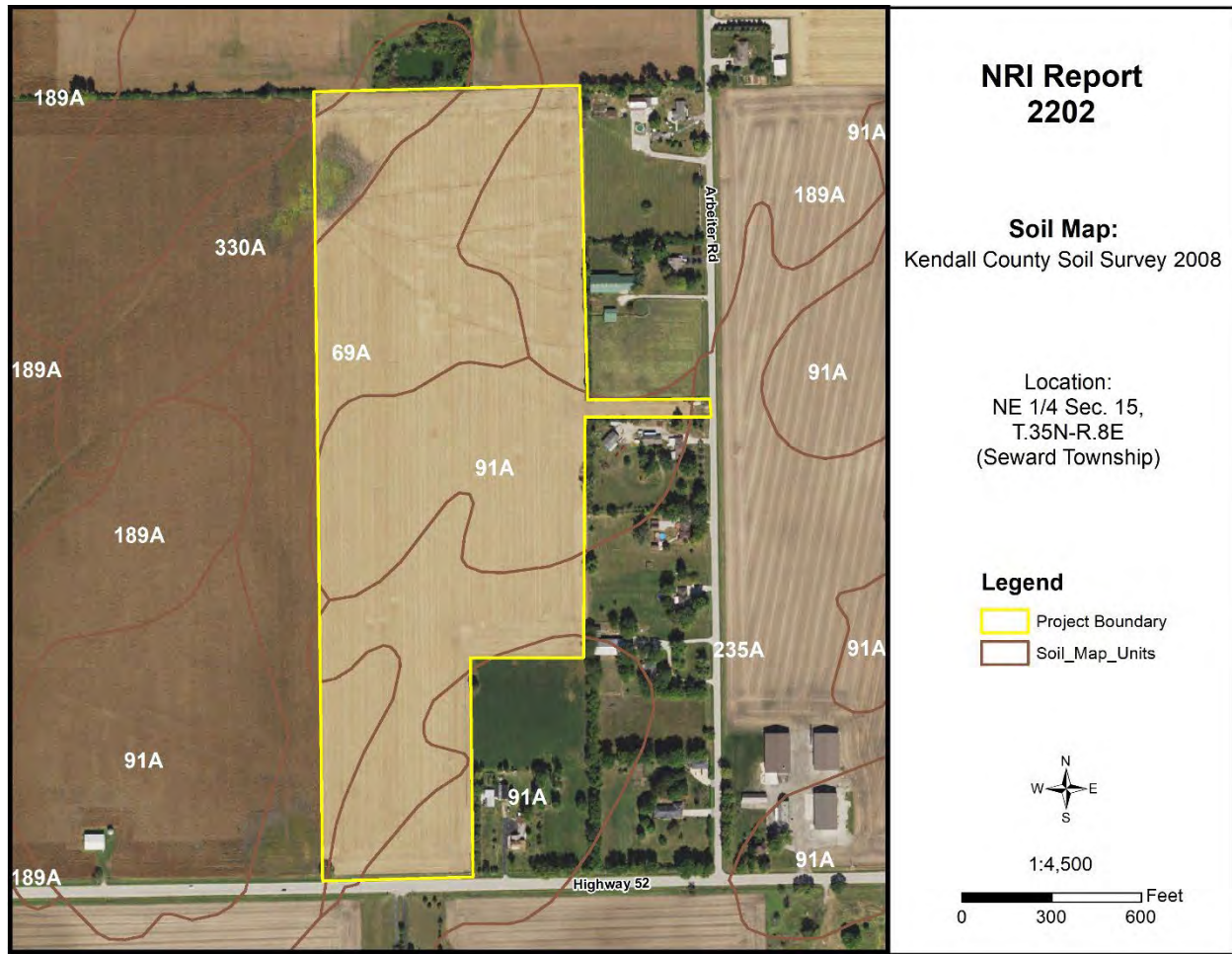


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
69A	Milford silty clay loam, 0-2% slopes	14.1	29.0%
91A	Swygert silty clay loam, 0-2% slopes	15.8	32.4%
189A	Martinton silt loam, 0-2% slopes	6.0	12.3%
235A	Bryce silty clay, 0-2% slopes	10.1	20.8%
330A	Peotone silty clay loam, 0-2% slopes	2.7	5.5%

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.

Small Commercial Buildings – 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.

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

Table 4: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
69A	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Unstable excavation walls Dusty Too clayey	Very Limited: Ponding Depth to saturated zone Dusty	Unsuitable/Very Limited: Wet	14.1	29.0%
91A	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	15.8	32.4%
189A	Very Limited: Shrink-swell Depth to saturated zone	Very Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Depth to saturated zone Dusty	Suitable/Not Limited	6.0	12.3%
235A	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	10.1	20.8%
330A	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Unstable excavation walls Dusty Too clayey	Very Limited: Ponding Depth to saturated zone Dusty	Unsuitable/Very Limited: Wet	2.7	5.5%
% Very Limited	67.6%	100%	55.3%	55.3%		

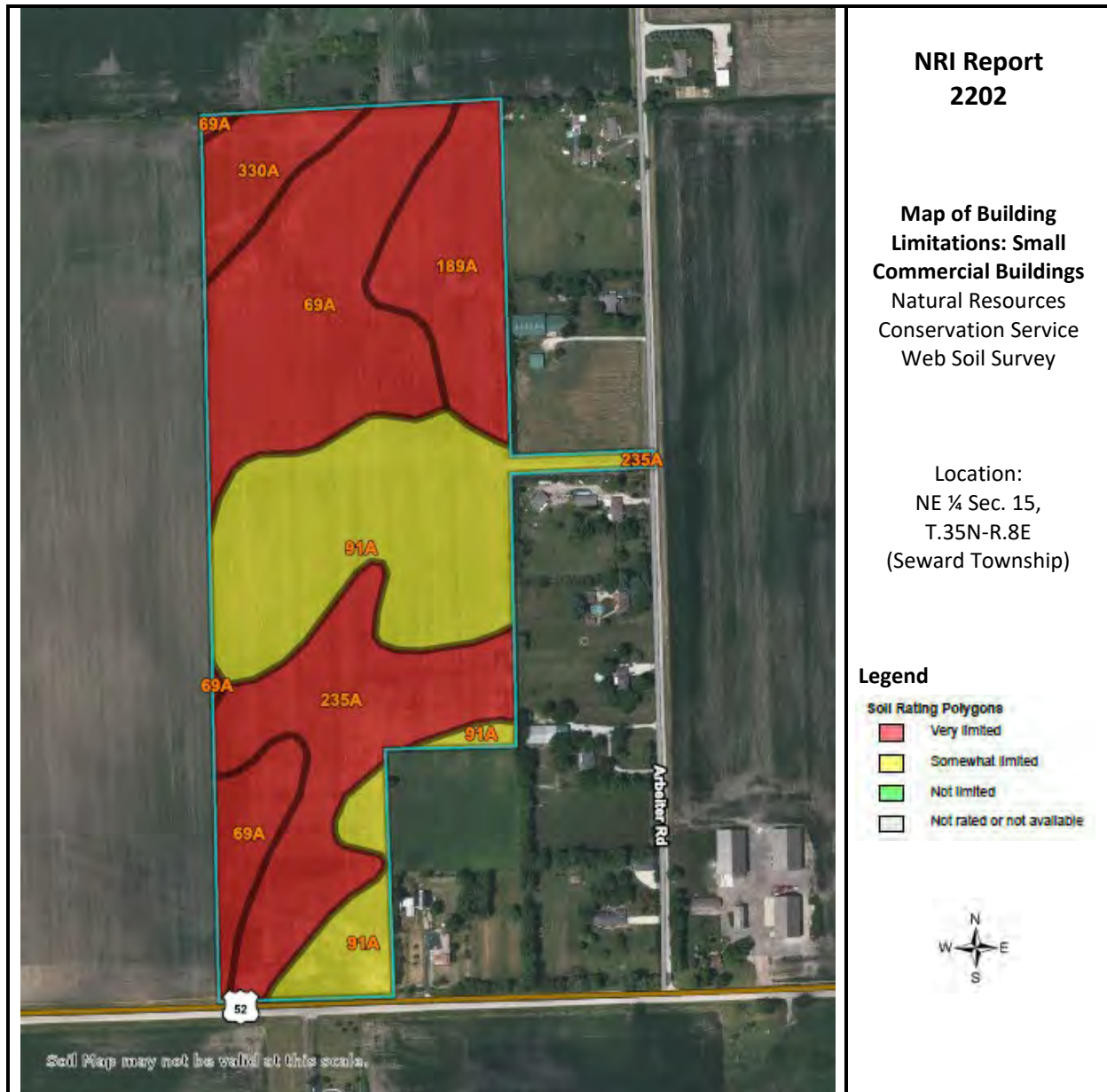


Figure 6A: Map of Building Limitations – Small Commercial Buildings

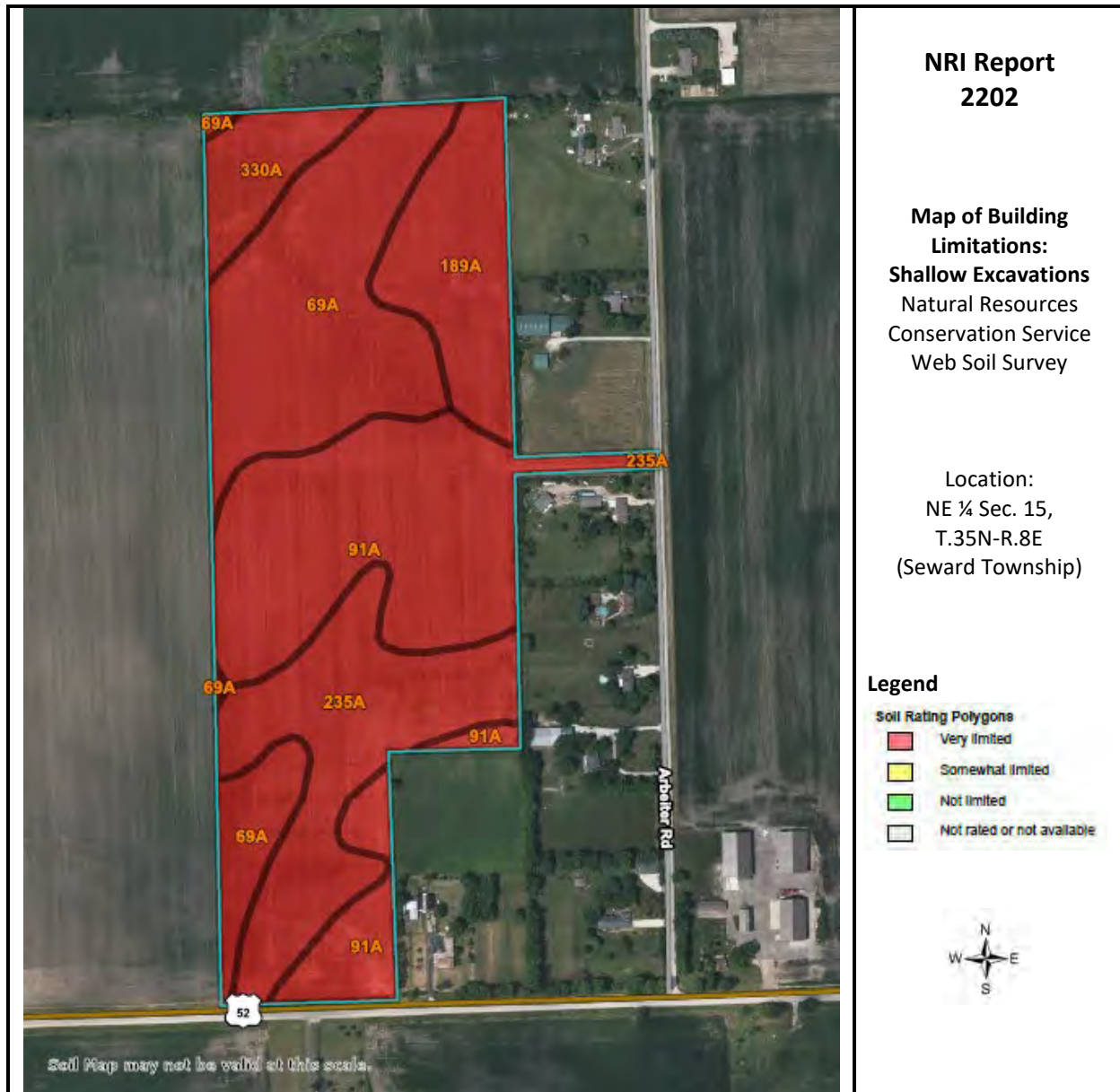


Figure 6B: Map of Building Limitations – Shallow Excavations

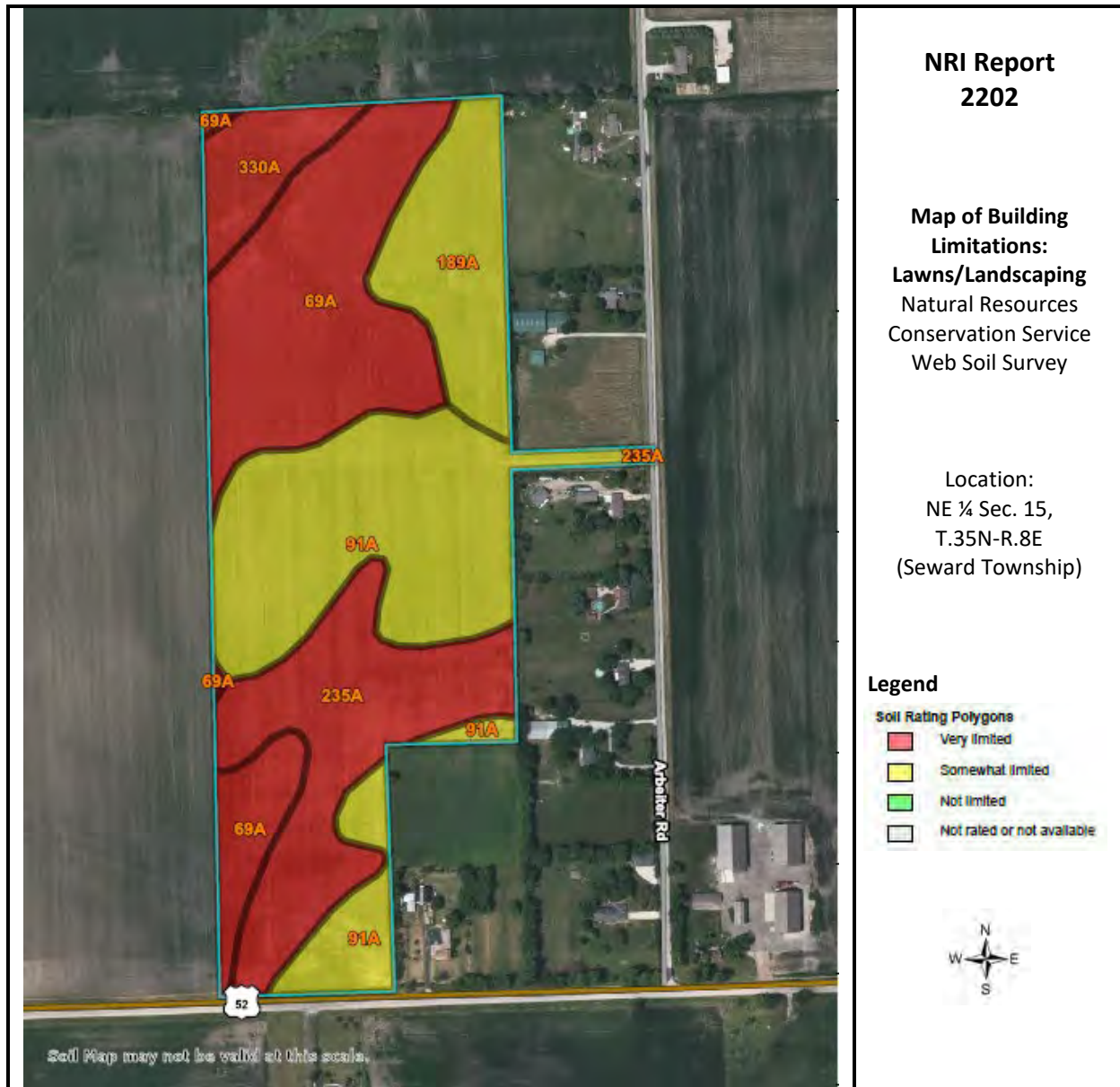


Figure 6C: Map of Building Limitations – Lawns/Landscaping

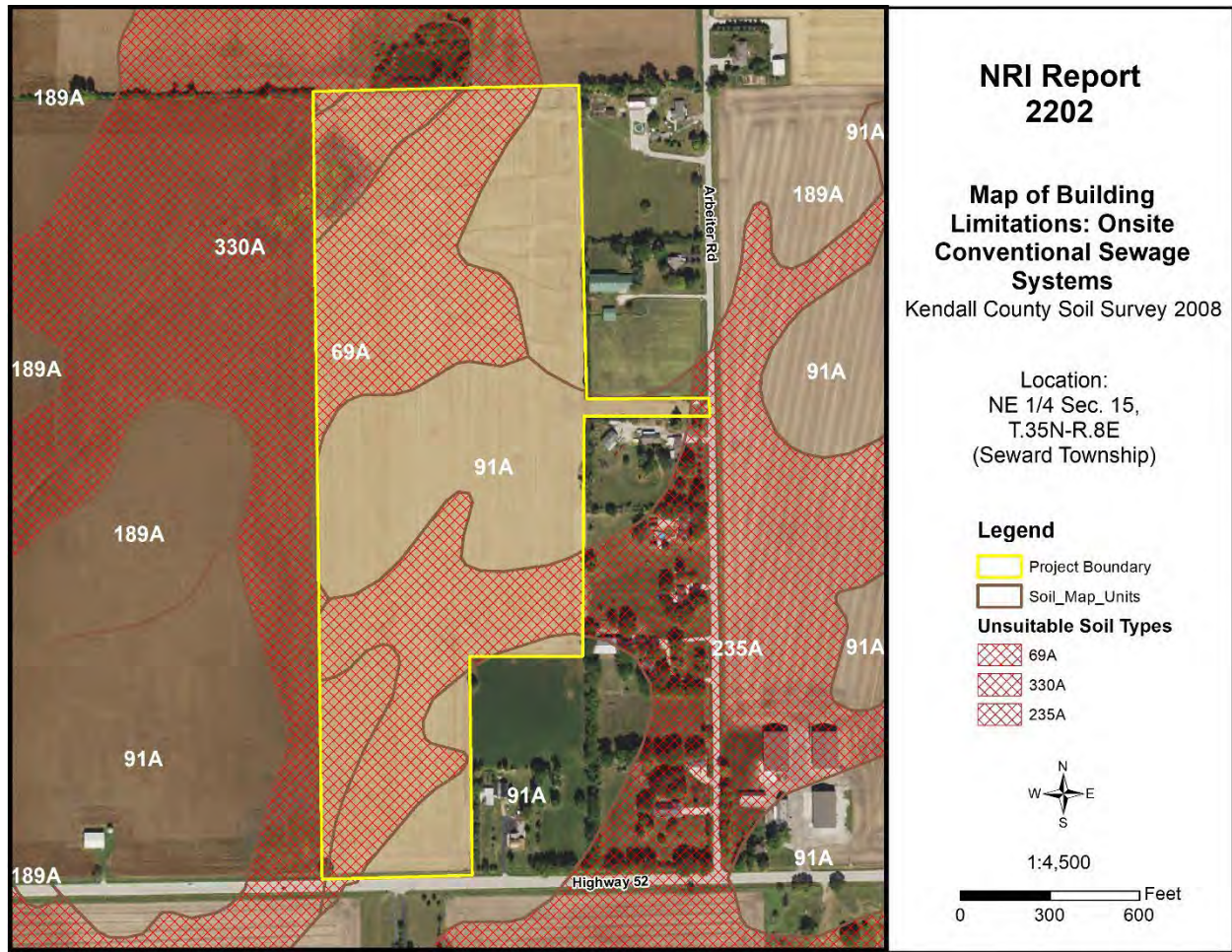


Figure 6D: Map of Building Limitations – Onsite Conventional Sewage System

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
69A	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: --	<u>January – December</u> Duration: -- Frequency: None
91A	C/D	Medium	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8' <u>June – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
189A	C/D	Low	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 6.0' <u>June – 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: --	<u>January – December</u> Duration: -- Frequency: None
330A	C/D	Negligible	<u>January – June</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>July – 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: --	<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
69A	0-2%	Slight	14.1	29.0%
91A	0-2%	Slight	15.8	32.4%
189A	0-2%	Slight	6.0	12.3%
235A	0-2%	Slight	10.1	20.8%
330A	0-2%	Slight	2.7	5.5%

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
69A	Prime Farmland if drained	14.1	29.0%
91A	Prime Farmland	15.8	32.4%
189A	Prime Farmland	6.0	12.3%
235A	Prime Farmland if drained	10.1	20.8%
330A	Prime Farmland if drained	2.7	5.5%
% Prime Farmland	100%		

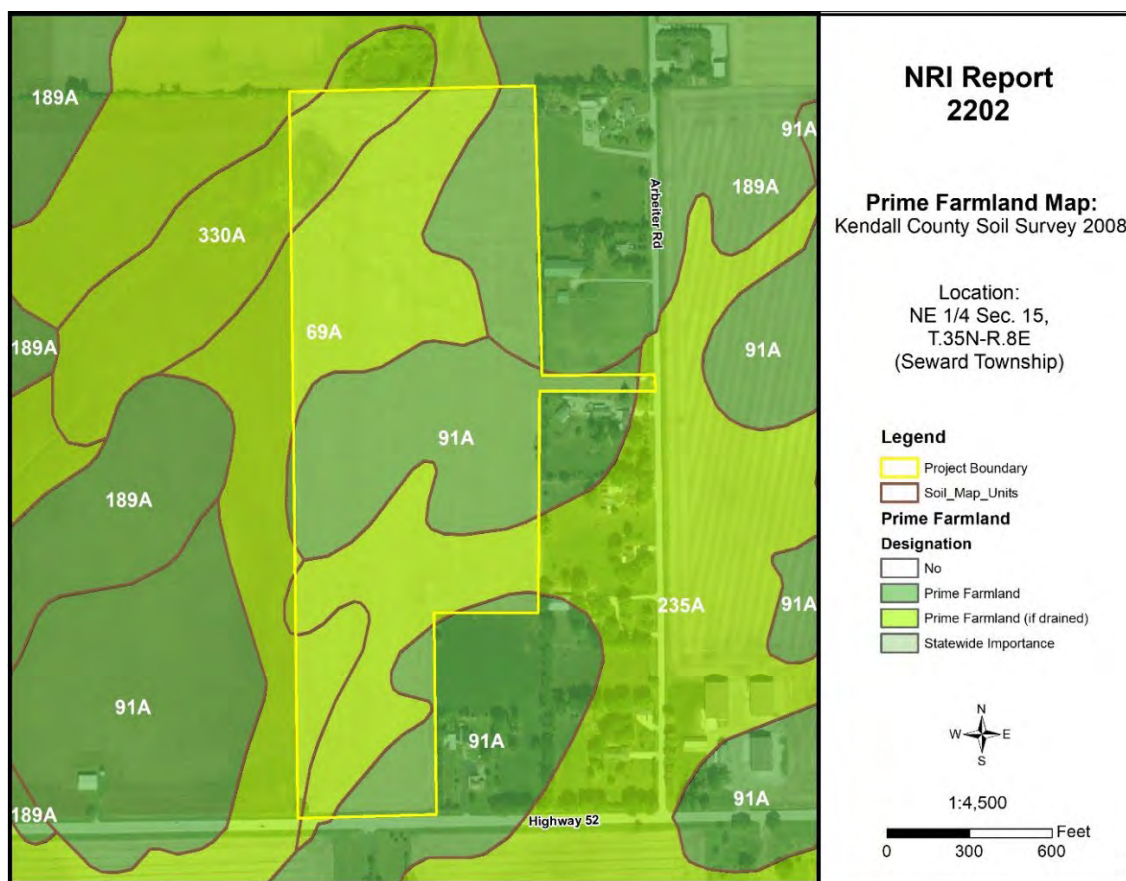


Figure 7: Map of Prime Farmland Soils

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)
69A	3	87	14.1	1,226.7
91A	4	79	15.8	1,248.2
189A	2	94	6.0	564
235A	3	87	10.1	878.7
330A	30	87	2.7	234.9
Totals			48.7	4,152.5
LE Calculation			(Product of relative value / Total Acres) 4,152.5 / 48.7 = 85.3	
LE Score			LE = 85	

The Land Evaluation score for this site is 85, indicating that this site 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)	10
	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)	15
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)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	125

The Site Assessment score for this site is 125. The Land Evaluation value (85) is added to the Site Assessment value (125) to obtain a LESA Score of 210. 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: 85 + Site Assessment Value: 125 = LESA Score: 210

The LESA Score for this site is 210 which indicates a medium 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.

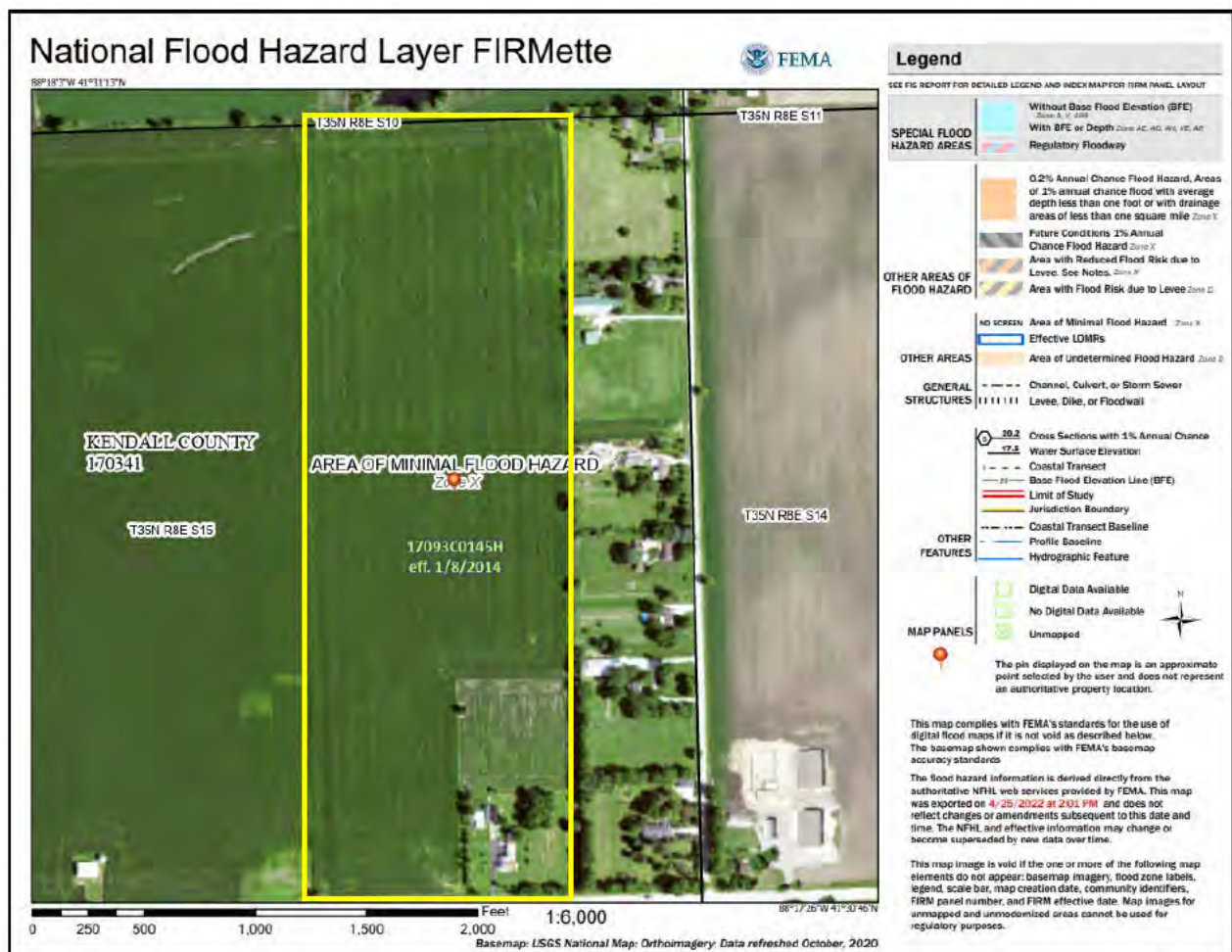
It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative 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%) and an elevation range of approximately 582'-588' above sea level. According to the FEMA Floodplain Map, the parcel in question does not contain floodway or floodplain. The parcel drains predominantly to the south.



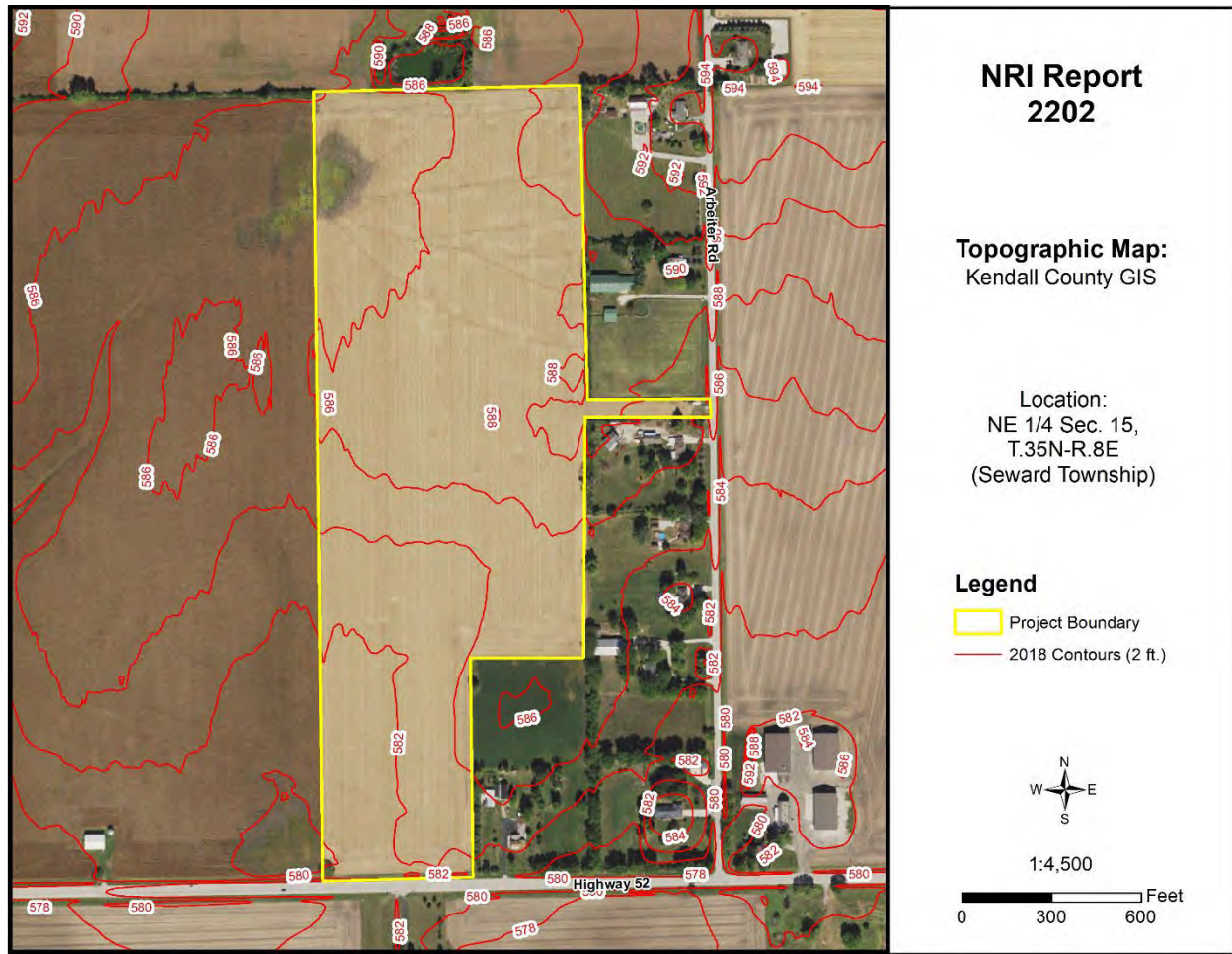


Figure 9: Topographic Map

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."*

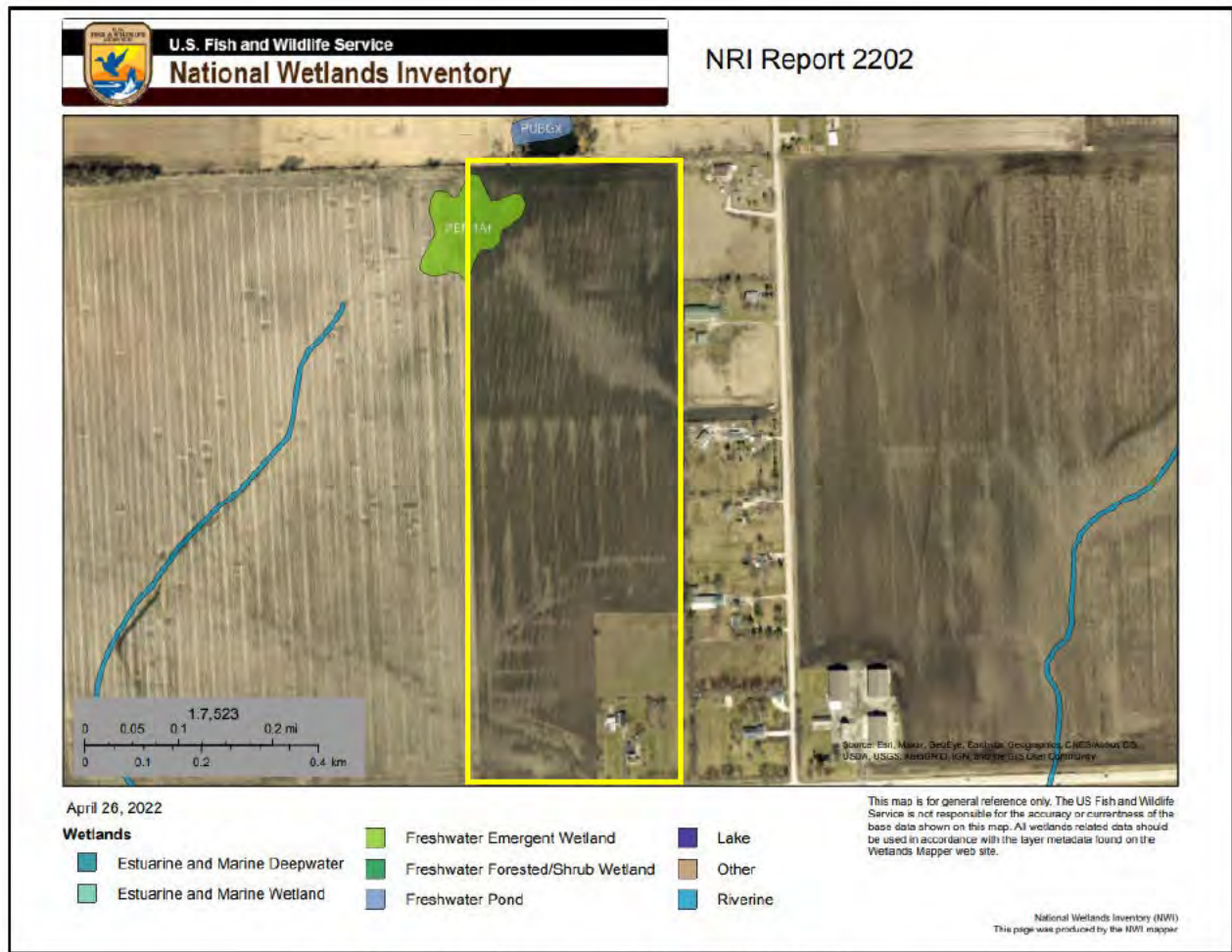


Figure 10: Wetland Map – USFWS National Wetland Inventory

Office maps indicate that a mapped freshwater emergent wetland is present near the northwest corner 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
69A	Poorly Drained	Hydric	No	14.1	29.0%
91A	Somewhat Poorly Drained	Non-Hydric	Yes	15.8	32.4%
189A	Somewhat Poorly Drained	Non-Hydric	Yes	6.0	12.3%
235A	Poorly Drained	Hydric	No	10.1	20.8%
330A	Very Poorly Drained	Hydric	No	2.7	5.5%

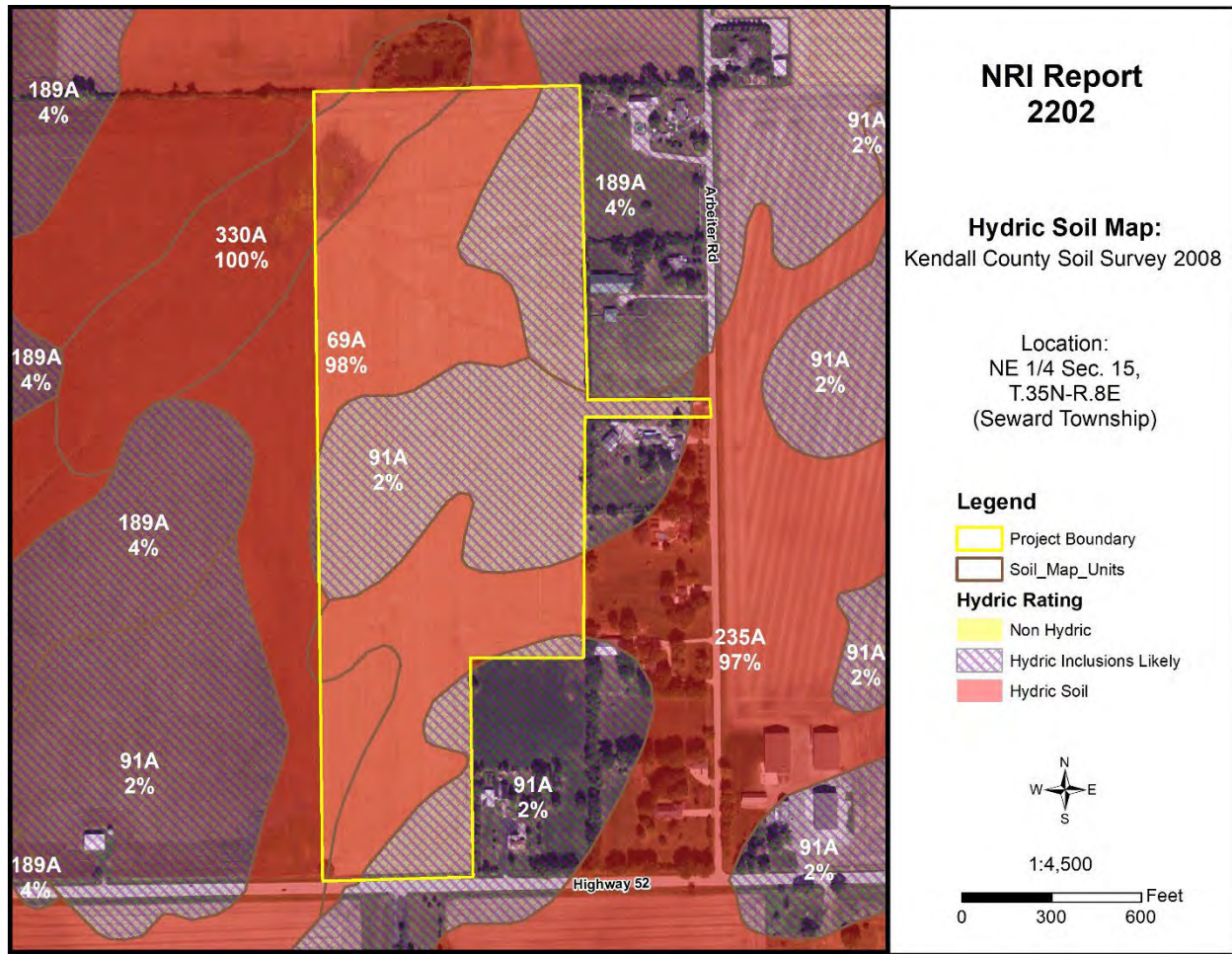


Figure 11: Hydric Soil Map

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 WATER TABLE - A seasonal high water table 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.

- **Water table, 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.
- **Water table, 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.
- **Water table, 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 8

From: [Jillian Prodehl](#)
To: [Matt Asselmeier](#)
Subject: [External]Petition 22-10
Date: Monday, May 9, 2022 12:57:47 PM

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.

Hello Matt,

The Planning Commission for Seward Township did pass the below, but our remarks were seeing if there is a lighting plan for the security lights with their location being so close to residences. We did not see a photometric plan in their petition.

Petition 22-10- Mark Fecht on Behalf of Fecht Brothers, Inc. (property owner), and Jeremy and Samantha Dippold, on Behalf of Best Budget Tree, LLC

Thank you!
Jillian Prodehl

From: [Lara Edgar](#)
To: [Matt Asselmeier](#)
Cc: [Engel Natalie](#)
Subject: [External]Re: 09-15-200-003 Question
Date: Wednesday, May 4, 2022 10:34:23 AM

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,

Thank you for reaching out. We have decided that we also do not want a ROW dedication however - we do expect that if there were ever to be a bike path at this location, that the developer would coordinate with IDOT to construct.

Thank you,

Edgar Lara

Village Planner



One Towne Center Blvd | Shorewood, IL 60404

(E): elara@vil.shorewood.il.us | (P): 1-815-741-7708

Would you like to help with [Designing Shorewood](#)? Join the Comprehensive Planning efforts by sharing your thoughts and ideas about designing Shorewood's future.

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Wednesday, April 20, 2022 9:47 AM
To: Jim Torri <Jtorri@joliet.gov>; Engel_Natalie <nengel@vil.shorewood.il.us>
Cc: Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Fran Klaas <FKlaas@co.kendall.il.us>
Subject: 09-15-200-003 Question

CAUTION: This email originated from outside of the organization. Do not click on links or open attachments unless you recognize the sender, can confirm their contact information, were expecting the communication, and know the content is safe.

Jim and Natalie:

Kendall County received an application for a special use permit for a landscaping business at this property.

While this property is inside Shorewood's planning area, Joliet's plan calls for a bike path along Route 52 at this property. IDOT verbally told me that they do not want a ROW dedication.

Do either of your municipalities want a ROW dedication?

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



MINOOKA FIRE PROTECTION DISTRICT

"A Culture of Excellent Service"

P.O. Box 736
7901 E. Minooka Road
Minooka, Illinois 60447

Ph: 815-467-5637
Fx: 815-467-5453
www.minookafire.com

May 5, 2022

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

Re: Kendall County Zoning Petition 22-10
PIN: 09-15-200-003

Dear Mr. Asselmeier:


A review of Petition 22-10 has been completed and the Fire District has the following stipulations:

1. A fire alarm system that complies with the 2015 International Fire Code, NFPA 72 and Minooka Fire Protection District Ordinance's is required for the proposed building. Have the Petitioner's fire alarm contractor submit plans for review and approval prior to beginning installation of the fire alarm system.
2. The proposed mulch pile will need to be monitored and maintained to prevent overheating and a fire. Please provide the Fire District with a plan to monitor and maintain the mulch pile. No smoking signs will need to be posted to prevent smoking near the mulch pile.
3. Due to the distance from municipal water supply combined with the proposed mulch storage a dry fire hydrant that can utilize the pond as a water source is recommended.
4. The address for this property will need to be properly marked at the street.

No guarantee is rendered as to the completeness of the zoning change application review, and the responsibility for full compliance with both state and locally adopted codes, standards and regulations rests with the owner or his authorized agent or subcontractor. Subsequent discovery of errors or omissions shall not be construed as authority to violate, cancel or set aside any provision of any applicable codes.

Thank you for the opportunity to review and comment on your application. Should you have any questions or concerns, please feel free to contact me at 815-467-5637 ext. 113.

Respectfully,


Mary Ludemann, Fire Inspector
Minooka Fire Protection District

From: Mary Ludemann
To: Matt Asselmeier
Subject: RE: [External]FW: Kendall County Zoning Petition 22-10
Date: Friday, May 6, 2022 9:10:07 AM

Hi,

Somewhere visible near the mulch pile area to prevent any smoking materials from accidentally reaching the mulch. Just something to remind employees to avoid smoking in that area.

Take care,

Mary Kay Ludemann, Fire Inspector
Minooka Fire Protection District
7901 E. Minooka Road
P.O. Box 736
Minooka, IL 60447
(815) 467-5637 ext. 113
www.minookafire.com

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Thursday, May 5, 2022 2:15 PM
To: Mary Ludemann <ludemannm@MinookaFire.com>
Subject: RE: [External]FW: Kendall County Zoning Petition 22-10

Mary:

Regarding the no smoking signs, do you want those placed at a particular location in relation to the mulch pile?

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

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
May 3, 2022 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Commander Jason Langston – Sheriff's Department

Audience:

Jeremy Dippold, Samantha Dippold, and John Tebrugge

AGENDA

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

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

MINUTES

Mr. Rybski made a motion, seconded by Mr. Klaas, to approve the April 5, 2022, meeting minutes.

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

PETITIONS

Petition 22-10 Mark Fecht on Behalf of Fecht Brothers, Inc. (Property Owner) and Jeremy and Samantha Dippold on Behalf of Best Budget Tree, LLC (Contract Purchaser)

Mr. Asselmeier summarized the request.

Best Budget Tree, LLC would like to purchase the subject property from Fecht Brothers Inc. in order to operate a tree and landscaping business at the property.

Best Budget Tree, LLC has been in existence for over ten (10) years.

The application materials, site plan, landscaping plan, stormwater plans, and renderings of the proposed building were provided.

The property is on the north side of Route 52 across from 2190 and 2200 Route 52.

The property is approximately forty-eight (48) acres in size.

The property is zoned A-1 Agricultural.

The County's Future Land Use Map calls for the property to be Rural Residential (Max 0.65 Du/Acre). Shorewood's Future Land Use Map calls for the property to be Residential and Commercial.

Route 52 is a State maintained Arterial road.

Joliet has a trail planned along Route 52, but Joliet does not want a right-of-way dedication at this time; an email to that effect was provided.

There are no floodplains on the property. There is a wetland near the northwest corner of the property.

The adjacent land uses are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1 and R-3.

The County's Future Land Use Map calls for the area to be Commercial, Rural Residential, and Suburban Residential. Joliet's Future Land Use Map calls for the area to be Residential. Shorewood's Future Land Use Map calls for the area to be Residential and Commercial.

The nearby properties are zoned A-1, A-1 SU, and R-1, and R-3.

The A-1 special use permit to the west is for the sale of agricultural products not grown on the premises.

EcoCAT Report was submitted on April 15, 2022, and indicated the following protected resources:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

The Illinois Department of Conservation determined that negative impacts were unlikely and consultation was terminated on April 18, 2022.

The application for NRI was submitted April 21, 2022. The LESA Score was 210 indicating a medium level of protection.

Petition information was sent to Seward Township on April 25, 2022.

Petition information was sent to the Village of Shorewood on April 25, 2022.

Petition information was sent to the Minooka Fire Protection District on April 25, 2022.

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 seventy-three thousand, two hundred eighty pounds (73,280 lbs.), unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

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

According to the business plan, the business currently operates two (2) four (4) employee crews in April through October and one (1) four (4) employee crew in November through March. The Petitioners plan to hire four (4) additional employees, if business increases. Employees arrive at the property at approximately 7:30 a.m., go to work sites, and return to the property between 3:30 p.m. and 4:00 p.m. Employees unload equipment and materials and leave between 4:30 p.m. and 5:00 p.m. The business operates on Monday through Fridays with an occasional Saturday.

Business equipment presently consists of two (2) bucket trucks, two (2) wood chippers, two (2) one (1) ton pickup trucks, two (2) utility trailers, two (2) spare pick-up trucks, and one (1) wheel loader tractor. When not in operation, the Petitioners plan to house vehicles and equipment inside the proposed approximately nine thousand six hundred (9,600) square foot building. Mulch and firewood piles would be placed on the gravel area as shown on the site plan and landscaping plan (Attachments 2 and 3) and would be piled a maximum twelve feet (12') in height. The Petitioners do not plan to store stone, brick, or rock at the property. Per the site plan, the gravel area is approximately ten point five (10.5) acres in size. If there is a motor vehicle or equipment related leak, the impacted gravel will be removed and replaced with clean gravel.

No retail services will be available at the property and retail customers will not be invited onto the property.

If approved, the Petitioners plan to start operations as quickly as possible.

One (1) approximately nine thousand six hundred (9,600) square foot building is proposed for the site in the location depicted on the site plan and landscaping plan. The building will look substantially like the rendering provided in Attachment 5. The walls will be approximately sixteen feet (16') feet tall and the doors will be fourteen feet (14') in height. The peak of the building will be a maximum twenty-four feet (24').

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

No well or septic system presently exists on the property. No other utilities are located on the property.

One (1) ten foot by ten foot (10' X 10') dumpster enclosure was shown on the site plan and landscaping plan east of the vehicle parking area.

The property drains to the south.

There is one (1) wetland located near the northwest corner of the property.

The site plan and landscaping plan show a proposed seventy-three thousand, nine hundred eighty-four (73,984) square foot wet bottom pond. At the deepest point, the pond will be sixteen feet (16') deep. The stormwater plan information was provided.

Per the site plan and landscaping plan, the Petitioners plan to install one (1) thirty foot (30') wide gravel driveway. The driveway will be approximately forty-eight feet (48') from the western property line.

According to site plan and landscaping plan, the Petitioners plan to install two (2) parking areas. One (1) parking area is planned south of the building and the other parking area is planned west of the building. The total number of parking spaces is twenty-one (21) including one (1) handicapped accessible parking space.

Three (3) pipeline easements exist on the property.

No existing lighting is located on the property. The Petitioners plan to install security lighting. No information was provided regarding lighting type or location.

According to the site plan and landscaping plan, one (1) non-illuminated sign is proposed between the gravel driveway and the western property line. No information was provided regarding sign dimensions or height.

No security information was provided.

The landscaping plan shows one hundred fifty (150) white pines along the perimeter of the property. The white pines will be three (3') feet at the time of planting and will grow to between fifty feet (50') and eighty feet (80'). Ten (10) deciduous trees are planned along the perimeter of the pond. The trees will be one and one half inches (1.5") at the time of planting. The landscaping plan also calls for a seed mix of Kentucky blue grass and turf type perennial grass around the pond and along the gravel driveway. Vegetation will be installed after the gravel and pond are installed.

The portion of the property not used for storage, building, driveway, or the pond will remain farmed. Most of the property will be farmed in 2022, which will delay the installation of the landscaping until 2023.

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 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 landscaping plan, 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 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 a stormwater management permit is issued based on the submitted materials, drainage should not be an issue. If the Illinois Department of Transportation approves the access, ingress and egress should not be an issue. Utilities will need to be extended and/or installed on the property.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. No variances are required.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents". Also, the Kendall County Future Land Use Map and the Village of Shorewood's Future Land Use Map call for commercial uses near the intersection of Route 52 and Arbeiter Road.

Staff recommends approval of the special use permit for a landscaping business subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and landscaping plan.
2. The gravel area shown on the site plan and landscaping plan shall not exceed ten point five (10.5) acres in size. The owners of the business allowed by this special use permit may reduce the amount of acreage covered by gravel.
3. 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.
4. One (1) approximately nine thousand six hundred (9,600) square foot building may be installed on the subject property in substantially the location shown on the site plan. The building shall look substantially like the building depicted in the rendering. The maximum height of the building shall be twenty-four feet (24').
5. 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.
6. No business operations may commence at the subject property until an occupancy permit is issued for the building shown on the site plan. No business operations may commence at the subject property until the parking stalls, dumpster enclosure, and wet bottom pond shown on the site plan are installed. Business operations may commence at the subject property prior to the installation of vegetation shown on the landscaping plan.
7. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property during the hours the business is open and shall be stored indoors during non-business hours.
8. 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.
9. 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.
10. All landscape related materials shall be stored indoors or on the gravel area depicted on the site plan. The maximum

height of the piles of landscaping related material shall be twelve feet (12') in height, unless otherwise restricted by a stormwater management permit. Stone, brick, and rock shall not be stored outdoors.

11. The size and depth of the wet bottom pond shall be governed by the stormwater management permit issued for the subject property.
12. One (1) two (2) sided non-illuminated sign may be installed on the location depicted on the site plan.
13. One hundred fifty (150) white pines shall be installed in substantially the locations shown on the landscaping plan. The white pines shall be a minimum of three feet (3') in height at the time of planting. The white pines shall be installed by June 30, 2023. Damaged or dead white pines shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the white pines.
14. Ten (10) deciduous trees shall be installed in substantially the locations shown on the landscaping plan. The deciduous trees shall be a minimum one point five inches (1.5") in diameter at the time of planting. The deciduous trees shall be installed by June 30, 2023. Damaged or dead deciduous trees shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the deciduous trees.
15. The seed mix called for in the landscaping plan shall be installed by June 30, 2023. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the seed mix.
16. No landscape waste generated off the property can be burned on the subject property.
17. A maximum of twenty (20) 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.
18. No retail customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
19. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 7:30 a.m. until 5:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
20. 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.
21. 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.
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. Gengler asked how long the business had been operating. Jeremy Dippold responded that he had been working in the area since the 1990s.

Mr. Klaas asked if the six inch (6") pipe went to Route 52. John Tebrugge, Petitioners' Engineer, said the pipe goes almost to Route 52.

Mr. Holdiman asked if the Petitioners had discussed access with the Illinois Department of Transportation. Mr. Dippold favored having a wider driveway. Samantha Dippold said final approval of the access would not occur until they (the Dippolds) own the property.

Mr. Holdiman discussed the applicable building code. He advised the Petitioners to tell their builders that the building would not be agricultural use.

Mr. Rybski asked about bathrooms and sinks. Based on current information, the well would not be a non-community well. He advised the Petitioners to design the septic system for maximum load.

Discussion occurred about the size of the gravel area. The stormwater calculations will be based on the ten point five (10.5) acre maximum, but the Petitioners do not have to construct a gravel area of that size.

The business is currently located at Interstate 55 and Renwick Road.

The Petitioners have not had any correspondence with Seward Township. They were advised to contact Seward Township.

The Petitioners had not talked to any neighbors. They were advised to talk to neighbors.

Discussion occurred about lighting. The Petitioners were advised to identify on the site plan where lights would be placed.

The Petitioners had no plans to use the access off of Arbeiter Road.

The land comes with building allocations.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the requested special use permit with the condition proposed by Staff.

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

The proposal goes to the Kendall County Regional Planning Commission on May 25, 2022.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-08 was approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 9:29 a.m., adjourned.

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



May 4, 2022

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

Subject: Best Budget Tree (WBK Project 19-102.AN)

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:

- Stormwater Management Detention Design Computations prepared by Tebrugge Engineering dated April 12, 2022 and received April 20, 2022.
- Engineering Plans for Best Budget Tree Site Plan prepared by Tebrugge Engineering dated April 2022 and received April 20, 2022.
- Landscape Plan for Best Budget Tree Site Plan prepared by Tebrugge Engineering dated April 2022 and received April 20, 2022.

The following comments require resolution prior to our recommendation for approval of a stormwater permit.


1. Stormwater Report - The area within the silt fence is over 23 acres compared to 13 acres identified in the stormwater report.
2. Stormwater Report – The curve number for impervious areas should be 98. Also, verify the curve number for gravel and “landscape” based on hydrologic soil group. Finally, the wet pond has a curve number of 100.
3. Stormwater Report - Areas of development are not being captured and bypass the stormwater basin. This includes a gravel driveway. Quantify these areas, flows and justify why this is acceptable.
4. Stormwater Report - Provide an existing conditions exhibit and evaluation of the property identifying off-site tributary areas and existing outfall locations and existing 2 year and 100 year flows. Provide a corollary proposed conditions exhibit with outfall locations and proposed peak flow rates.
5. Stormwater Report - Provide a field tile map.
6. Stormwater Report - Provide a wetland delineation and determination of jurisdiction.
7. Stormwater Report - Determine the elevation and location to which the wetland area overtops and flows overland.
8. Storm sewer pipe is depicted as crossing several pipeline easements. Verify and document approval of utility crossings.



9. It appears discharge from the stormwater basin is to US 52. Please verify and provide approval of the discharge by IDOT. Also, provide sizing and approval of the driveway culvert within US 52 ROW.
10. Engineering Plans - All proposed gravel and impervious surfaces are not clearly routed to the stormwater basin.
11. Engineering Plans - Depict all storm sewer pipe size, materials, manholes, slopes and outfall location. This includes the culvert depicted in US 52 ROW.
12. Engineering Plans - The plans depict two foot contours. One foot contours are required.
13. Engineering Plans – An asphalt pavement section is depicted but no area indicated on the plans. Remove the asphalt pavement detail or clearly depict the location of proposed pavement.
14. Engineering Plans – Clearly depict the normal water elevation and high water elevation in the stormwater basin.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

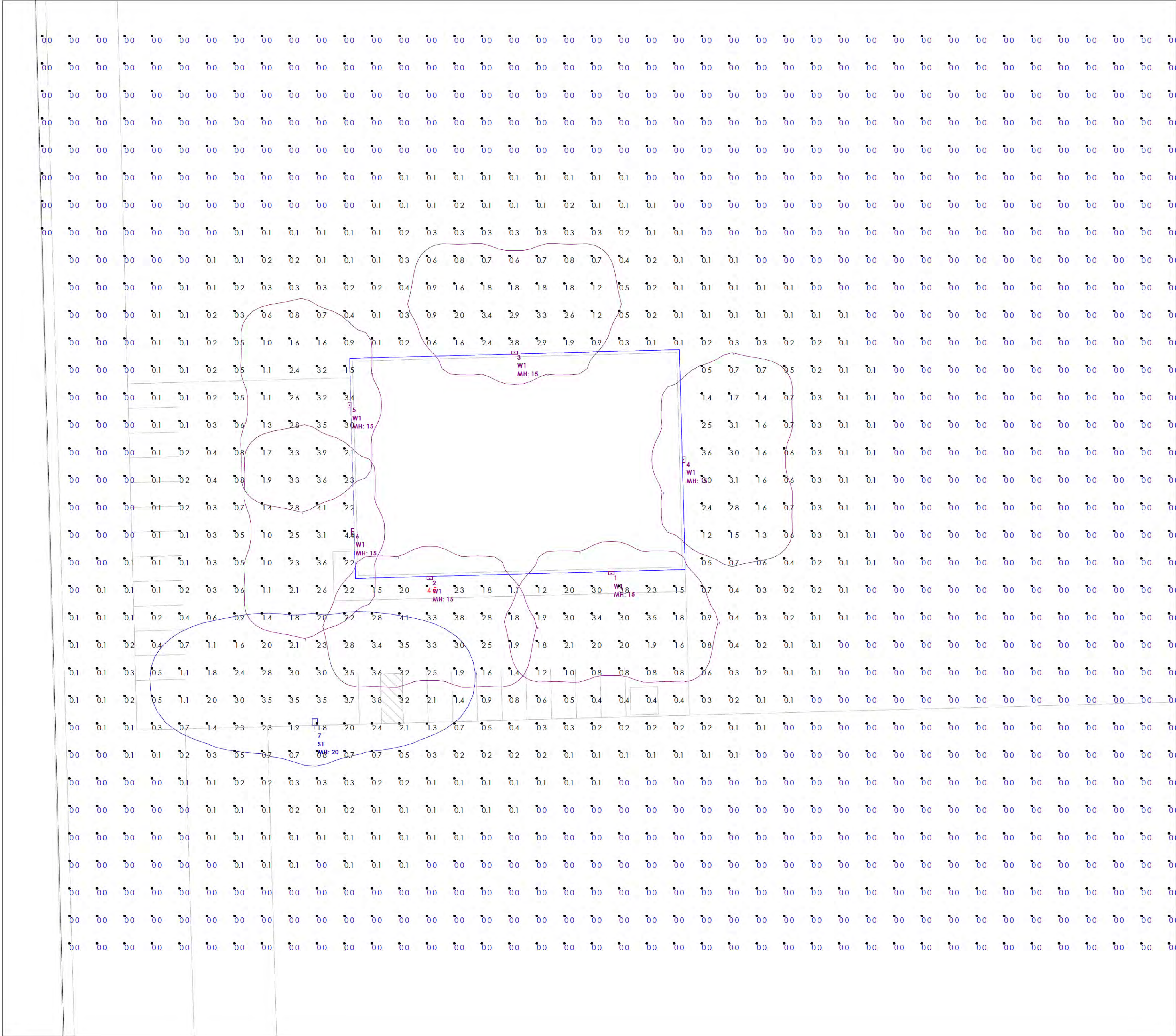
Sincerely,


Greg Chismark PE
WBK Engineering, LLC

Luminaire Schedule - Part numbers are provided by the manufacturer and are only intended to be used as a reference to output and optics used.										
Symbol	Qty	Tag	Arrangement	Luminaire Lumens	Arr. Lum. Lumens	Luminaire Watts	Arr. Watts	LLF	Manufacturer	Description
	1	S1	Single	12010	12010	87.9	87.9	0.900	HUBBELL OUTDOOR	RAR1-160L-100-4K7-3-UNV-AX-X
	6	W1	Single	7558	7558	82.8	82.8	0.900	HUBBELL OUTDOOR	LNC3-24L4K-105-4-U-X

Calculation Summary									
Label	CalcType	Units	Avg	Max	Min	Max/Min	Avg/Min	Description	
SITE Planar	Illuminance	Fc	0.34	4.5	0.0	N.A.	N.A.	READINGS @ GRADE	
PARKING AREAS	Illuminance	Fc	1.73	4.4	0.1	44.00	17.30	READINGS @ GRADE	

Luminaire Location Summary				
LumNo	Label	Mtg Ht	Orient	Tilt
1	LNC3-24L4K-105-4	15	270	0
2	LNC3-24L4K-105-4	15	270	0
3	LNC3-24L4K-105-4	15	90	0
4	LNC3-24L4K-105-4	15	0	0
5	LNC3-24L4K-105-4	15	180	0
6	LNC3-24L4K-105-4	15	180	0
7	RAR1-160L-100-4K7-3	20	91	0



Scale: 1 inch= 20 Ft.

PARKING LOT DESIGN GUIDE	MAINTAINED HORIZONTAL		MAINTAINED VERTICAL		MAXIMUM	
	AVERAGE (FC)	RANGE (FC)	AVERAGE (FC)	RANGE (FC)	AVG:MIN	MAX:MIN
PARKING (UNCOVERED) ZONE 3 (URBAN)	1.5	0.75 - 3	0.8	0.4 - 1.6	4:1	15:1
PARKING (UNCOVERED) ZONE 2 (SUBURBAN)	1	0.5 - 2	0.6	0.3 - 1.2	4:1	15:1
SAFETY (BUILDING EXTERIOR)	1	0.5 - 2	-	-	FOR SECURITY ISSUES, RAISE AVG. TO 3	
SIMPLIFIED RECOMMENDATIONS BASED ON IES "THE LIGHTING HANDBOOK" 10TH EDITION AND IES RP-20-14. INDIVIDUAL APPLICATIONS WILL DETERMINE SPECIFIC RECOMMENDATIONS. PLEASE REFER TO THE MOST RECENT HANDBOOK FOR A MORE DETAILED EVALUATION AND ADDITIONAL APPLICATIONS. THESE RECOMMENDATIONS DO NOT SUPERCEDE ANY APPLICABLE CODES						

NOTES
PG-ENLIGHTEN IS NEITHER LICENSED NOR INSURED TO DETERMINE CODE COMPLIANCE. CODE COMPLIANCE REVIEW BY OTHERS.
ANY VARIANCE FROM REFLECTANCE VALUES, OBSTRUCTIONS, LIGHT LOSS FACTORS OR DIMENSIONAL DATA WILL AFFECT THE ACTUAL LIGHT LEVELS OBTAINED.
THIS ANALYSIS IS A MATHEMATICAL MODEL AND CAN BE ONLY AS ACCURATE AS IS PERMITTED BY THE THIRD-PARTY SOFTWARE AND THE IES STANDARDS USED.
FIXTURE TYPES AND QUANTITIES MAY CHANGE BASED ON UNKNOWN OBSTRUCTIONS OR FIELD CONDITIONS. THESE CHANGES MAY RESULT IN AN INCREASED QUANTITY OF FIXTURES.
FIXTURE TYPES AND QUANTITIES BASED ON PROVIDED LAYOUT AND DRAWINGS ARE FOR REFERENCE ONLY. TYPES AND QUANTITIES MAY CHANGE WITH FUTURE REVISIONS.
CALCULATION GRID VALUES 10'-0" O.C.



PROJECT NAME: BEST BUDGET TREE SERVICE, 22419 W RENWICK RD, PLAINFIELD, IL

CLIENT NAME: TEBRUGGE ENGINEERING

DRAWN BY: Joeli Collins
joeli.collins@pg-enlighten.com
847.228.1199

PG CONTACT: Dan Ardelean
Dan.Ardelean@pg-enlighten.com
847.228.1199

1	2	3
REVISIONS		

Date:5/11/2022

SSS-H SERIES POLES

SQUARE STRAIGHT STEEL

APPLICATIONS

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

CONSTRUCTION

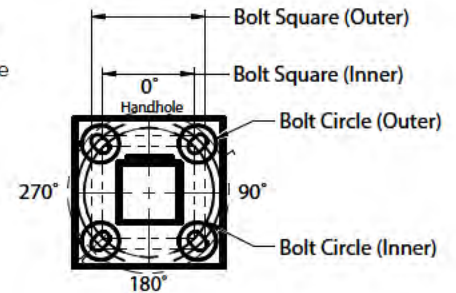
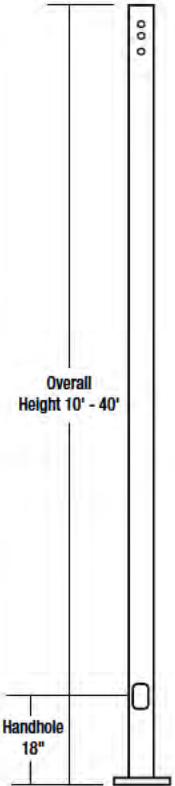
- Shaft: One-piece straight steel with square cross section, flat sides and minimum 0.23" radius on all corners; Minimum yield of 46,000 psi (ASTM-A500, Grade B); Longitudinal weld seam to appear flush with shaft side wall; Steel base plate with axial bolt circle slots welded to pole shaft having minimum yield of 36,000 psi (ASTM A36)
- base cover: Two-piece square aluminum base cover included standard
- pole cap: Pole shaft supplied with removable cover when applicable; Tenon and post-top configurations also available
- hand hole: Rectangular 3x5 steel hand hole frame (2.38" x 4.38" opening); Mounting provisions for grounding lug located behind gasketed cover
- anchor bolts: Four galvanized anchor bolts provided per pole with minimum yield of 55,000 psi (ASTM F1554). Galvanized hardware with two washers and two nuts per bolt for leveling
- Anchor bolt part numbers:
3/4 x 30 x 3 — TAB-30-M38
1 x 36 x 4 — TAB-36-M38

FINISH

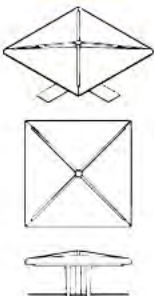
- Durable thermoset polyester powder coat paint finish with nominal 3.0 mil thickness
- Powder paint prime applied over "white metal" steel substrate cleaned via mechanical shot blast method
- Decorative finish coat available in multiple standard colors; Custom colors available; RAL number preferable

WAREHOUSE 'STOCKED' POLES:

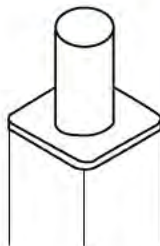
- SSSH-20-40-STK and SSSH-25-40-STK
- The above catalog numbers use a combination of the S2 and B3 drill pattern



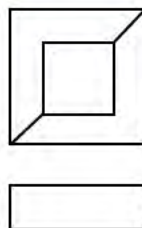
POLE CAP



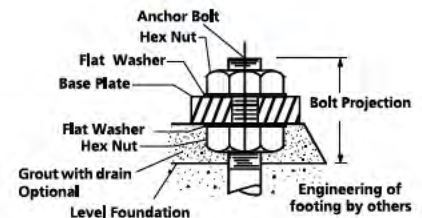
TENON



BASE COVER



BASE DETAIL



SSS-H SERIES POLES

SQUARE STRAIGHT STEEL

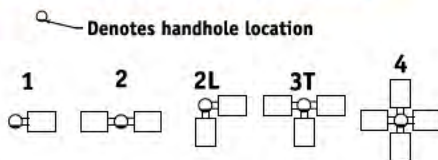
ORDERING GUIDE

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

CATALOG #

Series	Height	Shaft	Thickness	Mounting	Finish	Options
SSS-H Square Straight Steel Pole Hubbell Outdoor	Reference page 2 Ordering matrix	Reference page 2 Ordering matrix	Reference page 3 Ordering matrix	1 Single arm mount 2 Two fixtures at 180° 2L Two fixtures at 90° 3T Three fixtures at 90° 4 Four fixtures at 90° TA Tenon (2.38" OD x 4" Tall) TB Tenon (2.88" OD x 4" Tall) TC Tenon (3.5" OD x 6" Tall) TR¹ Removable Tenon (2.38" x 4") OT Open Top (includes pole cap)	BLT Black Matte Textured BLS Black Gloss Smooth DBT Dark Bronze Matte Textured DBS Dark Bronze Gloss Smooth GTT Graphite Matte Textured LGS Light Grey Gloss Smooth PSS Platinum Silver Smooth WHT White Matte Textured WHS White Gloss Smooth VGT Verde Green Textured Color Option CC Custom Colors	GFI² 20 Amp GFCI Receptacle and Cover EHH² Extra Handhole C05² .5" Coupling C07² .75" Coupling C20² 2" Coupling MPB² Mid-pole Luminaire Bracket VM2 2nd mode vibration damper LAB Less Anchor Bolts UL UL Certified
					Drill Pattern B3 2 bolt (2-1/2" spacing), Ratio S2 2 bolt (3-1/2" spacing)	

MOUNTING ORIENTATION



ACCESSORIES- ORDER SEPARATELY

CATALOG NUMBER	DESCRIPTION
VM1³	1st mode vibration damper
VM2SXX*	2nd mode vibration damper

* XX = 08 for 8', 12 for 12', 15 for 16', 20 for 20', and 24' for 24'

Notes:

- Removable tenon used in conjunction with side arm mounting. First specify desired arm
- Specify option location using logic found on page 1 (Option Orientation)
- VM1 recommended on poles 20' and taller with EPA of less than 1.

SSS-H SERIES POLES

SQUARE STRAIGHT STEEL

ORDERING GUIDE (CONTINUED)

Catalog Number	Height		Nominal Shaft Dimensions	Wall Thickness	Bolt Circle (suggested)	Bolt Circle (range)	Bolt Square (range)	Base Plate Square	Anchor bolt size	Bolt Projection	Pole weight
	Feet	Meters									
SSS-H-10-40-A-XX-XX	10	3.0	4" square	0.125"	9"	8"-10"	5.66"-7.07"	9"	3/4"x30"x3"	3.5	77
SSS-H-12-40-A-XX-XX	12	3.7	4" square	0.125"	9"	8"-10"	5.66"-7.07"	9"	3/4"x30"x3"	3.5	90
SSS-H-14-40-A-XX-XX	14	4.3	4" square	0.125"	9"	8"-10"	5.66"-7.07"	9"	3/4"x30"x3"	3.5	103
SSS-H-16-40-A-XX-XX	16	4.9	4" square	0.125"	9"	8"-10"	5.66"-7.07"	9"	3/4"x30"x3"	3.5	116
SSS-H-18-40-A-XX-XX	18	5.5	4" square	0.125"	9"	8"-10"	5.66"-7.07"	9"	3/4"x30"x3"	3.5	129
SSS-H-20-40-A-XX-XX	20	6.1	4" square	0.125"	9"	8"-10"	5.66"-7.07"	9"	3/4"x30"x3"	3.5	142
SSS-H-25-40-A-XX-XX	25	7.6	4" square	0.125"	9"	8"-10"	5.66"-7.07"	9"	3/4"x30"x3"	3.5	175
SSS-H-14-40-B-XX-XX	14	4.3	4" square	.188"	11"	10"-12"	7.07"-8.48"	10.50"	3/4"x30"x3"	3.5	152
SSS-H-16-40-B-XX-XX	16	4.9	4" square	.188"	11"	10"-12"	7.07"-8.48"	10.50"	3/4"x30"x3"	3.5	171
SSS-H-18-40-B-XX-XX	18	5.5	4" square	.188"	11"	10"-12"	7.07"-8.48"	10.50"	3/4"x30"x3"	3.5	190
SSS-H-20-40-B-XX-XX	20	6.1	4" square	.188"	11"	10"-12"	7.07"-8.48"	10.50"	3/4"x30"x3"	3.5	209
SSS-H-25-40-B-XX-XX	25	7.6	4" square	.188"	11"	10"-12"	7.07"-8.48"	10.50"	3/4"x30"x3"	3.5	257
SSS-H-30-40-B-XX-XX	30	9.1	4" square	.188"	11"	10"-12"	7.07"-8.48"	10.50"	3/4"x30"x3"	3.5	304
SSS-H-16-50-B-XX-XX	16	4.9	5" square	.188"	11"	10.25"-13.25"	7.25"-9.37"	11.50"	1"x36"x4"	4.5	219
SSS-H-18-50-B-XX-XX	18	5.5	5" square	.188"	11"	10.25"-13.25"	7.25"-9.37"	11.50"	1"x36"x4"	4.5	243
SSS-H-20-50-B-XX-XX	20	6.1	5" square	.188"	11"	10.25"-13.25"	7.25"-9.37"	11.50"	1"x36"x4"	4.5	267
SSS-H-25-50-B-XX-XX	25	7.6	5" square	.188"	11"	10.25"-13.25"	7.25"-9.37"	11.50"	1"x36"x4"	4.5	327
SSS-H-30-50-B-XX-XX	30	9.1	5" square	.188"	11"	10.25"-13.25"	7.25"-9.37"	11.50"	1"x36"x4"	4.5	387
SSS-H-25-50-C-XX-XX	25	7.6	5" square	.25"	11"	10.25"-13.25"	7.25"-9.37"	11.50"	1"x36"x4"	4.5	427
SSS-H-30-50-C-XX-XX	30	9.1	5" square	.25"	11"	10.25"-13.25"	7.25"-9.37"	11.50"	1"x36"x4"	4.5	507
SSS-H-20-60-B-XX-XX	20	6.1	6" square	.188"	12"	11.00"-13.25"	7.81"-9.37"	12.25"	1"x36"x4"	5.0	329
SSS-H-25-60-B-XX-XX	25	7.6	6" square	.188"	12"	11.00"-13.25"	7.81"-9.37"	12.25"	1"x36"x4"	5.0	404
SSS-H-30-60-B-XX-XX	30	9.1	6" square	.188"	12"	11.00"-13.25"	7.81"-9.37"	12.25"	1"x36"x4"	5.0	479
SSS-H-35-60-B-XX-XX	35	10.7	6" square	.188"	12"	11.00"-13.25"	7.81"-9.37"	12.25"	1"x36"x4"	5.0	554
SSS-H-40-60-B-XX-XX	40	12.2	6" square	.188"	12"	11.00"-13.25"	7.81"-9.37"	12.25"	1"x36"x4"	5.0	629

Notes:

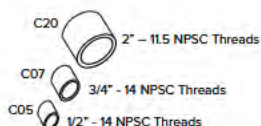
1 Factory supplied template must be used when setting anchor bolts. Hubbell Lighting will deny any claim for incorrect anchorage placement resulting from failure to use factory supplied template and anchor bolts.

EHH EXTRA HANDHOLE

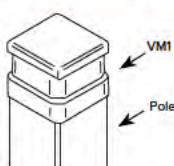


Provision for Grounding

C05 - C07 - C20 - COUPLING



VM1 - VIBRATION DAMPER 1ST MODE



Field installed Pole Top damper designed to reduce pole top deflection or sway. VM1 is recommended for pole systems 20' and taller with a total EPA of 1.0 or less.

VM2 - VIBRATION DAMPER 2ND MODE



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

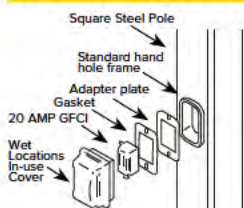
VM2SXX - VIBRATION DAMPER 2ND MODE



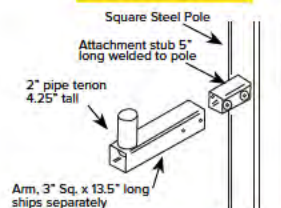
VM2S08 - 8'
VM2S12 - 12'
VM2S16 - 16'
VM2S20 - 20'
VM2S24 - 24'

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

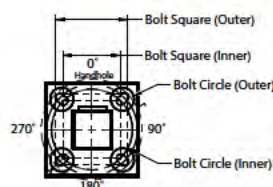
GFI - 20 AMP GFCI RECEPTACLE & COVER



MPB - MID POLE BRACKET



OPTION ORIENTATION

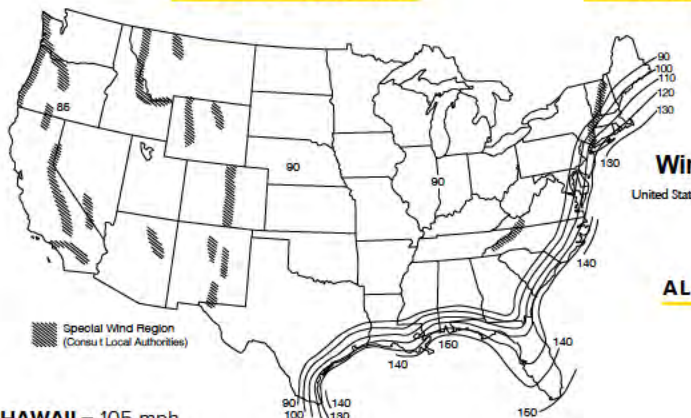


Follow the logic below when ordering location specific options. For each option, include its orientation (in degrees) and its height (in feet). Example: Option C07 should be ordered as: SSS-H-20-40-A-TA-DBT-C07-0-15 (5" coupling on the handhole/arm side of pole, 15 feet up from the pole base) ' spacing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

SSS-H SERIES POLES

SQUARE STRAIGHT STEEL

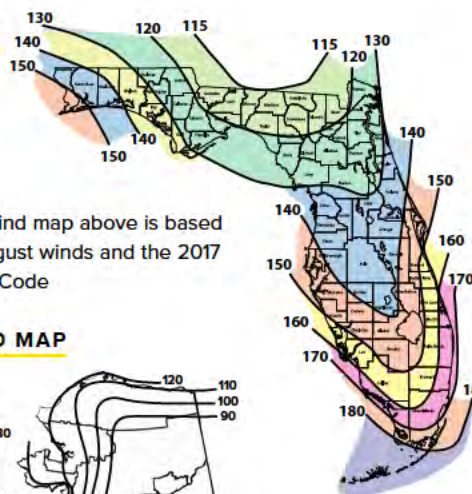
ASCE7-05 WIND MAP



HAWAII – 105 mph

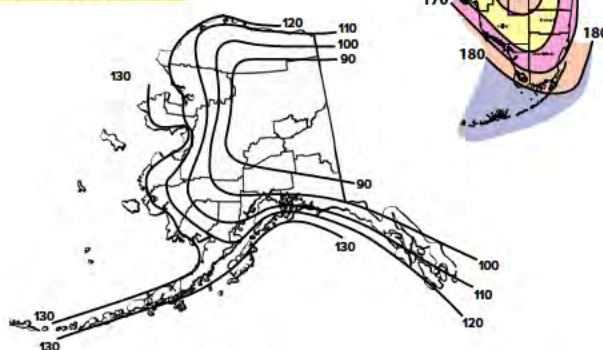
PUERTO RICO – 145 mph

FLORIDA REGION WIND MAP



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

ALASKA REGION WIND MAP



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

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

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

Catalog Number	115	120	130	140	150	160	170	180
SSS-H-10-40-A	25.0	25.0	25.0	25.0	21.4	18.4	15.9	13.9
SSS-H-12-40-A	25.0	25.0	23.6	19.8	16.7	14.2	12.1	10.4
SSS-H-14-40-A	25.0	23.1	19.0	15.7	13.1	10.9	9.1	7.6
SSS-H-16-40-A	20.8	18.7	15.2	12.3	10.1	8.2	6.7	5.4
SSS-H-18-40-A	16.8	15.0	11.9	9.4	7.5	5.9	4.5	3.4
SSS-H-20-40-A	13.6	11.9	9.2	7.1	5.3	3.9	2.7	1.7
SSS-H-25-40-A	7.4	6.2	4.1	2.5	1.1	NR	NR	NR
SSS-H-14-40-B	25.0	23.6	19.4	16.1	13.4	11.2	9.4	7.8
SSS-H-16-40-B	21.4	19.2	15.6	12.7	10.4	8.5	6.9	5.6
SSS-H-18-40-B	17.2	15.4	12.2	9.7	7.7	6.1	4.7	3.6
SSS-H-20-40-B	13.9	12.3	9.5	7.3	5.5	4.1	2.9	1.9
SSS-H-25-40-B	7.7	6.4	4.3	2.6	1.3	NR	NR	NR
SSS-H-30-40-B	3.2	2.1	NR	NR	NR	NR	NR	NR
SSS-H-16-50-B	25.0	25.0	25.0	25.0	25.0	21.4	18.2	15.5
SSS-H-18-50-B	25.0	25.0	25.0	24.4	20.4	17.0	14.2	11.9
SSS-H-20-50-B	25.0	25.0	24.4	19.9	16.3	13.4	11.0	8.9
SSS-H-25-50-B	21.8	19.3	15.0	11.5	8.8	6.5	4.7	3.1
SSS-H-30-50-B	13.7	11.7	8.2	5.5	3.3	1.5	NR	NR
SSS-H-25-50-C	21.8	19.3	15.0	11.5	8.8	6.5	4.7	3.1
SSS-H-30-50-C	13.7	11.7	8.2	5.5	3.3	1.5	NR	NR
SSS-H-20-60-B	25.0	25.0	25.0	21.9	17.8	14.5	11.7	9.4
SSS-H-25-60-B	23.8	20.9	16.1	12.3	9.2	6.6	4.5	2.8
SSS-H-30-60-B	14.6	12.3	8.4	5.3	2.8	0.8	NR	NR
SSS-H-35-60-B	7.5	5.6	2.4	NR	NR	NR	NR	NR
SSS-H-40-60-B	1.8	NR	NR	NR	NR	NR	NR	NR

RESET

SSS-H SERIES POLES

SQUARE STRAIGHT STEEL

Notes:

- 1 Allowable EPA, to determine max pole loading weight, multiply allowable EPA by 30 lbs.
- 2 The tables for allowable pole EPA are based on the ASCE 7-05 Wind Map or the Florida Region Wind Map for the 2010 Florida Building Code. The Wind Maps are intended only as a general guide and cannot be used in conjunction with other maps. Always consult local authorities to determine maximum wind velocities, gusting and unique wind conditions for each specific application
- 3 Allowable pole EPA for jobsite wind conditions must be equal to or greater than the total EPA for fixtures, arms, and accessories to be assembled to the pole. Responsibility lies with the specifier for correct pole selection. Installation of poles without luminaires or attachment of any unauthorized accessories to poles is discouraged and shall void the manufacturer's warranty
- 4 Wind speeds and listed EPAs are for ground mounted installations. Poles mounted on structures (such as bridges and buildings) must consider vibration and coefficient of height factors beyond this general guide; Consult local and federal standards
- 5 Wind Induced Vibration brought on by steady, unidirectional winds and other unpredictable aerodynamic forces are not included in wind velocity ratings. Consult Hubbell Lighting's Pole Vibration Application Guide for environmental risk factors and design considerations. https://hubbellcdn.com/ohwassets/HLL/outdoor/resources/literature/files/Pole_Wind_Induced_Flyer_HLQI0022.pdf
- 6 Extreme Wind Events like, Hurricanes, Typhoons, Cyclones, or Tornadoes may expose poles to flying debris, wind shear or other detrimental effects not included in wind velocity ratings

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

RATIO Series

AREA/SITE LIGHTER

FEATURES

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



RELATED PRODUCTS

8 Airo 8 Cimarron LED 8 Ratio Family



CONTROL TECHNOLOGY



SPECIFICATIONS

CONSTRUCTION

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

OPTICS

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

INSTALLATION

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

ELECTRICAL

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

ELECTRICAL (CONTINUED)

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

CONTROLS

- Photo control, occupancy sensor and wireless available for complete on/off and dimming control
- 7-pin ANSI C136.41-2013 photocontrol receptacle option available for twist lock photocontrols or wireless control modules (control accessories sold separately)
- 0- 10 V Dimming Drivers are standard and dimming leads are extended out of the luminaire unless control options require connection to the dimming leads. Must specify if wiring leads are to be greater than the 6" standard
- SiteSync™ wireless control system is available via 7-pin See ordering information and details at: www.hubbelllighting.com/sitesync
- NX Distributed Intelligence™ available with in fixture wireless control module, features dimming and occupancy sensor
- wiSCAPE® available with in fixture wireless control module, features dimming and occupancy sensor via 7-pin

CERTIFICATIONS

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

WARRANTY

- 5 year limited warranty
- See HLI Standard Warranty for additional information

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

RATIO SERIES

AREA/SITE LIGHTER

ORDERING GUIDE

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

CATALOG #

ORDERING INFORMATION

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

Mounting	Color	Control Options Network	Options
ASQ Arm mount for square pole/flat surface	BLT Black Matte Textured	NXWE NX Wireless Enabled (module + radio)	BC Backlight control
ASQU Universal arm mount for square pole/flat surface	BLS Black Gloss Smooth	NXSPW_F NX Wireless, PIR Occ. Sensor, Daylight Harvesting ⁴	F Fusing (must specify voltage)
Mounting Round Poles	DBT Dark Bronze Matte Textured	NXSP_F NX, PIR Occ. Sensor, Daylight Harvesting ⁴	TB Terminal block
A_ Arm mount for round pole ¹	DBS Dark Brone Gloss Smooth	Control Options Other	2PF 2 power feed with 2 drivers ²
A_U Universal arm mount for round pole ¹	GTT Graphite Matte Textured	SCP-40F Programmable occupancy sensor ³	
Mounting Other	LGS Light Grey Gloss Smooth	7PR 7-Pin twist lock receptacle	
WB Wall bracket	PSS Platinum Silver Smooth	7PR-SC 7-Pin receptacle with shorting cap	
MAF Mast arm fitter for 2-3/8" OD horizontal arm	WHT White Matte Textured	7PR-MD40F Low voltage sensor for 7PR	
K Knuckle	WHS White Gloss Smooth	7PR-TL 7-Pin PCR with photocontrol	
	VGT Verde Green Textured	Sensors	
	Color Option	BTS_F Bluetooth Programmable, PIR Occupancy/Daylight Sensor, 360° lens ⁴	
	CC Custom Color	BTSO_F Bluetooth Programmable, PIR Occupancy/Daylight Sensor, 360° lens, up to 12' mounting height ⁵	

Notes:

- 1 Replace " " with "3" for 3.5"-4.13" OD pole, "4" for 4.18"-5.25" OD pole, "5" for 5.5"-6.5" OD pole
- 2 Not available with 25, 50, 255, 295 & 340W configurations
- 3 At least one SCPREMOTE required to program SCP motion sensor
- 4 Replace " " with "14" for up to 14' mounting height, "40F" for 15-40' mounting height
- 5 Replace " " with "12" for up to 12' mounting height

STOCK ORDERING INFORMATION

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

RATIO SERIES

AREA/SITE LIGHTER

OPTIONS AND ACCESSORIES - STOCK (ORDERED SEPARATELY)

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

ACCESSORIES AND REPLACEMENT PARTS - MADE TO ORDER

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

1 Replace "_" with "3" for 3.5"-4.13" OD pole, "4" for 4.18"-5.25" OD pole, "5" for 5.5"-6.5" OD pole

2 Replace "XX" with desired color/paint finish

CONTROLS

Control Options

Standalone

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

Networked – Wireless

WIR-RME-L	wISCAPE External Fixture Module ^{1,2}
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NX Networked – Wireless

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

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

RATIO SERIES

AREA/SITE LIGHTER

PERFORMANCE DATA

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

RAR2 Performance Data on next page

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

RATIO SERIES

AREA/SITE LIGHTER

PERFORMANCE DATA

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

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

RATIO SERIES

AREA/SITE LIGHTER

ELECTRICAL DATA

# OF LEDS	Nominal Wattage	Input Voltage	Oper. Current (Amps)	System Power (Watts)
RAR1	25	120	0.21	25.4
		208	0.12	
		240	0.11	
		277	0.09	
	39	120	0.32	38.0
		208	0.18	
		240	0.16	
		277	0.14	
		347	0.11	
		480	0.08	
	50	120	0.42	49.8
		208	0.24	
		240	0.21	
		277	0.18	
	70	120	0.57	68.4
		208	0.33	
		240	0.29	
		277	0.25	
	100	120	0.75	90.0
		208	0.43	
		240	0.38	
		277	0.32	
	115	120	0.91	109.7
		208	0.53	
		240	0.46	
		277	0.40	
		347	0.32	
		480	0.23	
	135	120	1.11	133.3
		208	0.64	
		240	0.56	
		277	0.48	
		347	0.38	
		480	0.28	

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

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

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

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

PROJECTED LUMEN MAINTENANCE

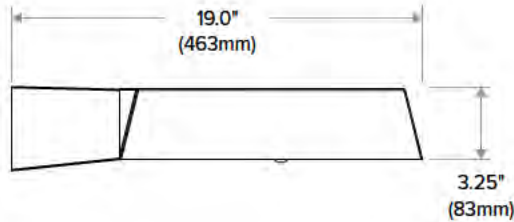
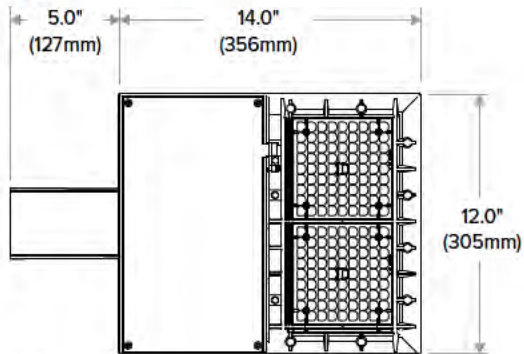
Ambient Temperature	OPERATING HOURS					
	0	25,000	TM-21-11 L90 36,000	50,000	100,000	L70 (Hours)
25°C / 77°F	1.00	0.97	0.95	0.93	0.86	238,000
40°C / 104°F	0.99	0.96	0.95	0.93	0.85	225,000

RATIO SERIES

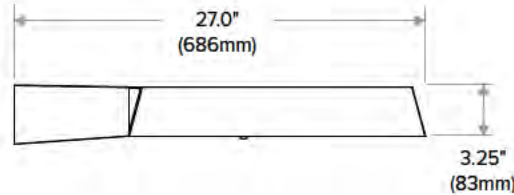
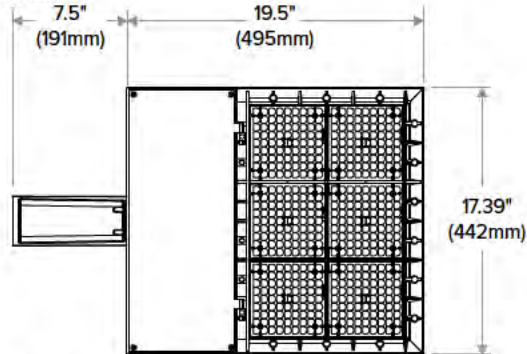
AREA/SITE LIGHTER

DIMENSIONS

RAR1



RAR2



ADDITIONAL INFORMATION

MOUNTING



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



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



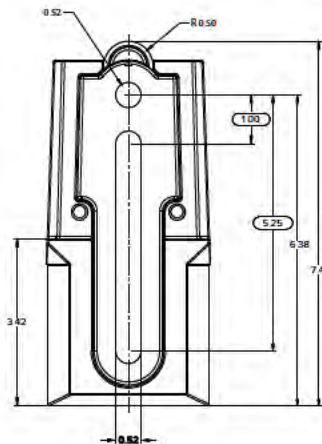
Universal Mounting – Universal mounting block for ease of installation. Compatible with drill patterns from 2.5" to 4.5"



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



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

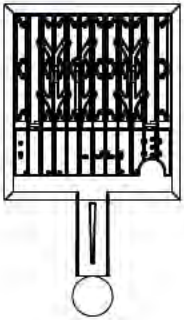




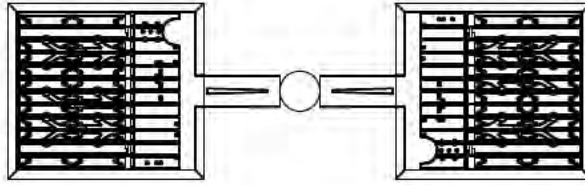
RATIO SERIES

AREA/SITE LIGHTER

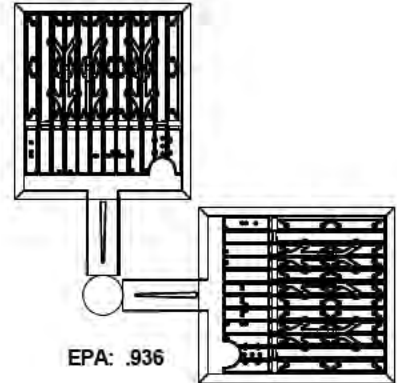
EPA



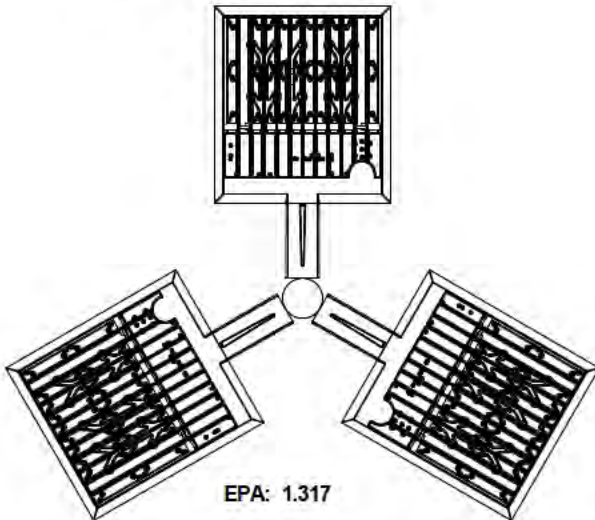
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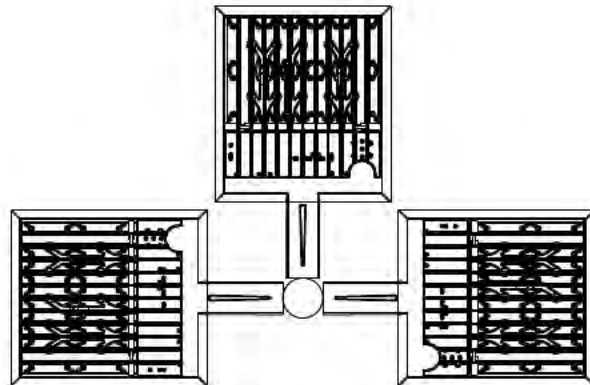
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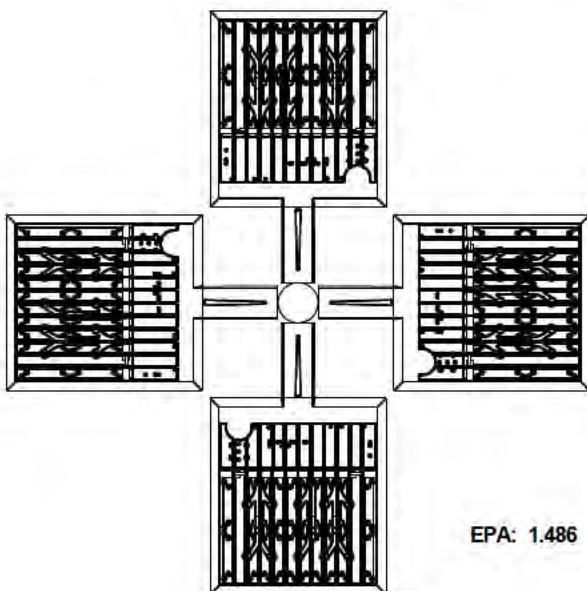
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EPA: 1.317



EPA: 1.486



EPA: 1.486



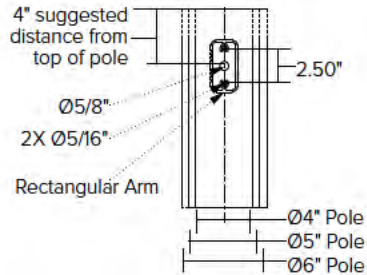
RATIO SERIES

AREA/SITE LIGHTER

ADDITIONAL INFORMATION (CONT'D)

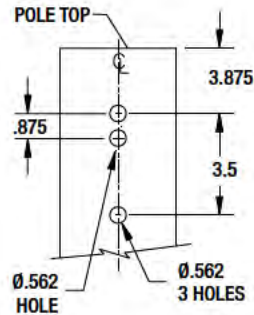
ARM MOUNT (ASQ)

Compatible with Pole drill pattern B3



UNIVERSAL MOUNTING (ASQU)

Compatible with pole drill pattern S2



SITESYNC 7-PIN MODULE



SW7PR



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

PROGRAMMED CONTROLS

ADD-AutoDim Timer Based Options

- Light delay options from 1-9 hours after the light is turned on to dim the light by 10-100%. To return the luminaire to its original light level there are dim return options from 1-9 hours after the light has been dimmed previously.

EX: ADD-6-5-R6

ADD Control Options	Configurations Choices	Example Choice Picked
Auto-Dim Options	1-9 Hours	6
Auto-Dim Brightness	0-9% Brightness	5
Auto-Dim Return	Delay 0-9 Hours	R6

ADT-AutoDim Time of Day Based Option

- Light delay options from 1AM-9PM after the light is turned on to dim the light by 10-100%. To return the luminaire to its original light level there are dim return options from 1AM-9PM after the light has been dimmed previously.

EX: ADT-6-5-R6

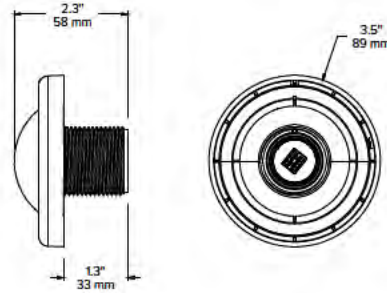
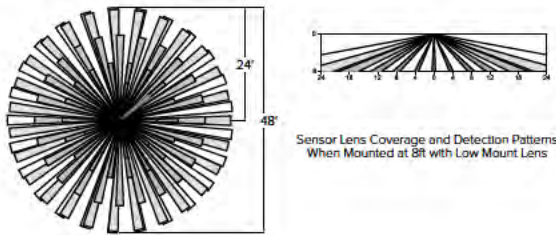
ADD Control Options	Configurations Choices	Example Choice Picked
Auto-Dim Options	12-3 AM and 6-11 PM	6
Auto-Dim Brightness	0-9% Brightness	5
Auto-Dim Return	12-6 AM and 9-11P	R6

RATIO SERIES

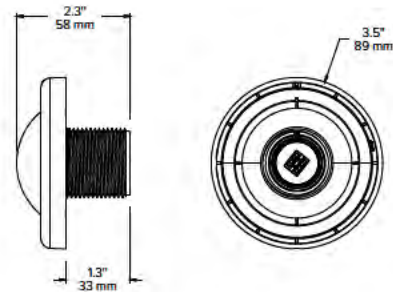
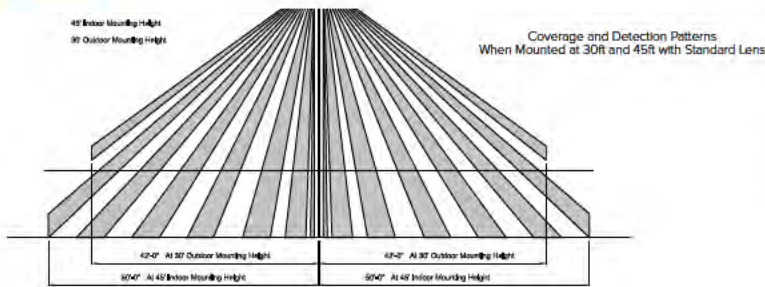
AREA/SITE LIGHTER

ADDITIONAL INFORMATION (CONT'D)

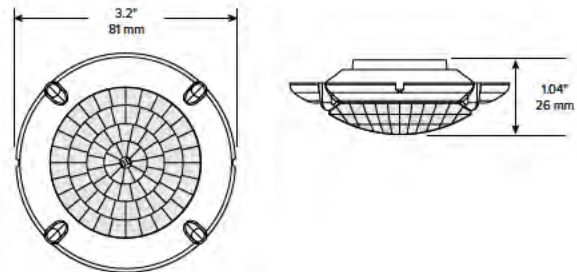
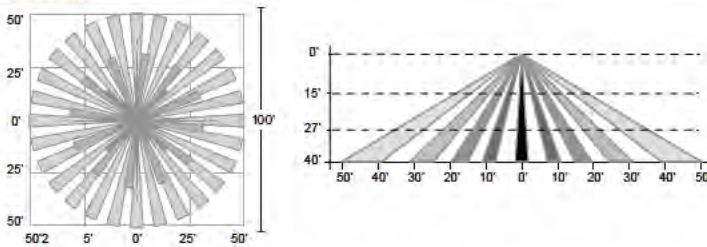
NXSP-14F



NXSP-30F



SCP-40F



RAR1 EPA

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

RAR2 EPA

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

SHIPPING

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

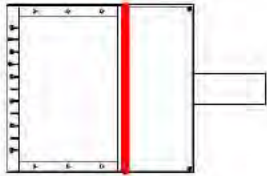
RATIO SERIES

AREA/SITE LIGHTER

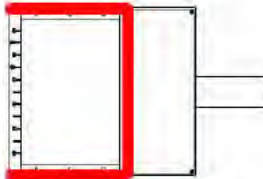
ADDITIONAL INFORMATION (CONT'D)

RATIO HOUSE SIDE SHIELD

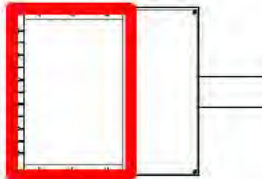
RARx HSS-90-B-xx



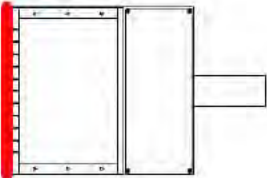
RARx HSS-270-BSS-xx



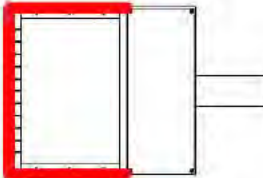
FARx HSS-360-xx



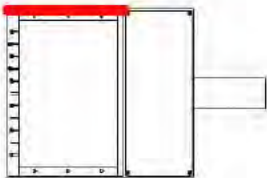
RARx HSS-90-F-xx



RARx HSS-270-FSS-xx



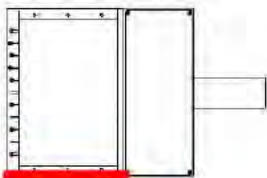
RARx HSS-90-S-xx



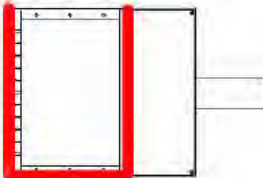
RARx HSS-270-FSB-xx



RARx HSS-90-S-xx



RARx HSS-270-FSB-xx



USE OF TRADEMARKS AND TRADE NAMES

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LNC3

MEDIUM LED LITEPAK

FEATURES

- Litepak LNC3 is a mid-sized wallpack in the popular Litepak series
- The LNC3 features luminaires with TIR optics and four different lumen packages, multiple distributions and CCT for maximum light level and mounting height flexibility
- Capable of replacing up to 250w HID solutions at over 70% energy savings
- Energy efficient LEDs provide 70%+ energy savings with little to no maintenance when compared to traditional light sources
- Typical mounting heights of 8-20"



CONTROL TECHNOLOGY



SPECIFICATIONS

CONSTRUCTION

- Die-cast aluminum housing protects components and provides an architectural appearance
- Casting thermally conducts LED heat to optimize performance and long life
- Powder paint finish provides durability in outdoor environments
- Four 1/2" conduit entries (top, bottom, and sides) provided for surface conduit
- Zero uplight distributions using individual acrylic LED optics provide IES type II, III and IV distributions
- CS - Frosted acrylic diffuser option for reduced glare
- CSU - Frosted acrylic diffuser for inverted "up" mounting applications (lens required)

OPTICS

- Ambient operating temperature -40°C to 40°C
- 3000K, 4000K and 5000K CCT nominal with 70 CRI
- Available in 4 or 24 LED configuration
- L70 at 60,000 hrs (Projected per IESNA TM-21-11), see table on page 3 for all values

INSTALLATION

- Quick-mount adapter with gasket seal provides easy installation to wall or to recessed junction box (4" square junction box)

INSTALLATION (CONTINUED)

- Fixture attaches by two Allen-head hidden fasteners for tamper resistance
- Designed for direct j-box mount or conduit feed on all four sides in single SKU

ELECTRICAL

- 120-277, 347 and 480 voltage, 50/60Hz, 0-10V dimming drivers
- Electronic driver
- 10kA surge protection

CONTROLS

- Button photocontrol for dusk to dawn energy savings
- 7-pin photo-receptacle available for twist lock photocell and controls by others
- Occupancy sensor options available for complete on/off and dimming control
- SiteSync pre-commissioned wireless controls (with or without sensor)
- In addition, LITEPAK can be specified with SiteSync™ wireless control system for reduction in energy and maintenance cost while optimizing light quality 24/7
- See ordering information or visit www.hubbellighting.com/sitesync for more details



RELATED PRODUCTS

- θ [LNC](#) θ [INC2](#) θ [LNC4](#)

CERTIFICATIONS

- DLC® DesignLights Consortium Qualified, with some Premium Qualified configurations. Please refer to the DLC website for specific product qualifications at www.designlights.org
- Listed to UL1598 and CSAC22.2#250.0-24 for wet locations
- Listed to UL1598 and CSAC22.2#250.0-24 for wet locations
- IP65 Assembly
- IDA Approved (3000K configurations)

WARRANTY

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

KEY DATA	
Lumen Range	2,991-7,603
Wattage Range	28-83
Efficacy Range (LPW)	84-115
Fixture Projected Life (Hours)	L70>60K
Weights lbs. (kg)	18.0 (8.2)

LNC3

MEDIUM LED LITEPAK

ORDERING GUIDE

Example: LNC3-24L-3K-035-2-U-DBT-PCU

CATALOG #

ORDERING INFORMATION

Series	# LEDs	CCT/CRI	Drive Current	IES Distribution	Voltage
LNC3 Medium Litepak Wallpack	24L 24LEDs	3K 3000K nominal, 70 CRI 4K 4000K nominal, 70 CRI 5K 5000K nominal, 70 CRI	035 350mA 050 500mA 075 750mA 105 1050mA	2 Type II ¹ 3 Type III ¹ 4 Type IV ¹	U 120-277V 1 120V ¹ 2 208V ¹ 3 240V ¹ 4 277V ¹ 5 480V ¹ F 347V ¹

Finish	Control Options	Options	Notes:
BLT Black Matte Textured BLS Black Gloss Smooth DBT Dark Bronze Matte Textured DBS Dark Bronze Gloss Smooth GTT Graphite Matte Textured LGS Light Grey Gloss Smooth PSS Platinum Silver Smooth WHT White Matte Textured WHS White Gloss Smooth VGT Verde Green Textured Color Option CC Custom Color	PCU Universal Button Photocontrol 7PR 7pin PCR ⁶ SCP Programmable occupancy sensor ^{3,4} SWP SiteSync Pre-Commission ^{7,10} SWPM SiteSync Pre-commission w/ OCC Sensor ^{4,7,8,10}	F Fusing (must specify voltage per footnote) CS Frosted acrylic diffuser CSU Inverted/Up mounting frosted acrylic diffuser (required for up/inverted fixture installations, factory install only see page 3) ² E Integral battery backup rated for 0°C ^{1,5} EH Integral battery backup with heater rated for -30°C ^{1,5} 2DR Dual Driver ⁹	1 Must specify voltage (120 or 277 only for E & EH) 2 Factory install only. Not available with SCP or SWPM sensor/control options 3 Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings, 120-277V only 4 PCU option not applicable, included in sensor (8F = up to 8ft, 20F = up to 20ft) 5 350mA, 500mA & 750mA versions only. Not available with F, SWP or SWPM options 6 Accepts standard 3, 5, and 7-Pin ANSI controls (by others). Not available with PCU, SWP or SWPM control options 7 Must specify group and zone information at time or order. See www.HubbellLighting.com/products/sitesync for future details 8 Specify time delay; dimming level and mounting height 9 750mA and 1050mA versions only, not available with 347/480V 10 1050mA only, not available with 347V or 480V

ACCESSORIES AND SERVICES (ORDERED SEPARATELY)

Catalog Number	Description
<input type="checkbox"/> LNC3-CS	Frosted acrylic comfort shield/lens, reduces glare and improves uniformity with only 20% lumen reduction
<input type="checkbox"/> SCP-Remote	Remote Control for SCP/_F option. Order at least one per project to program and control the occupancy sensor
<input type="checkbox"/> SWUSB	SiteSync Interface software loaded on USB flash drive for use with owner supplied PC (Windows based only). Includes SiteSync license, software and USB radio bridge node ⁺
<input type="checkbox"/> SWTAB	Windows tablet and SiteSync interface software. Includes tablet with preloaded software, SiteSync license and USB radio bridge node ⁺
<input type="checkbox"/> SWBRG	SiteSync USB radio bridge node only. Order if a replacement is required or if an extra bridge node is requested
<input type="checkbox"/> SW7PR	SiteSync 7 Pin on fixture module On/Off/Dim, Daylight Sensor 120-480VAC [*]

Notes:

* When ordering SiteSync at least one of these two interface options must be ordered per project

+ Available as a SiteSync retrofit solution for fixtures with an existing 7pin receptacle

Hubbell Control Solutions — Accessories (Sold Separately)

NX Distributed Intelligence™

☐ NXOFM-1R1D-UNV On-fixture Module (7-pin), On / Off / Dim, Daylight Sensor with HubbNET Radio and Bluetooth® Radio, 120-480VAC

wiSCAPE® Lighting Control

☐ WIR-RME-L On-fixture Module (7-pin or 5-pin), On / Off / Dim, Daylight Sensor with wiSCAPE Radio, 110-480VAC

For additional information related to these accessories please visit www.hubbellcontrolsolutions.com. Options provided for use with integrated sensor, please view specification sheet ordering information table for details.

LNC3

MEDIUM LED LITEPAK

CONTROLS

SiteSync — Precommissioned Ordering Information:

When ordering a fixture with the SiteSync lighting control option, additional information will be required to complete the order. The SiteSync Commissioning Form or alternate schedule information must be completed. This form includes Project location, Group information, and Operating schedules. For more detailed information please visit [the SiteSync family page on our website](#) or contact Hubbell Lighting tech support at 800-345-4928.



SiteSync fixtures with Motion control (SWPM) require the mounting height of the fixture for selection of the lens.

Examples: LNC3-24L-4K-075-3-U-BL-SWP

LNC3-24L-4K-075-3-U-BL-SWPM-20F

SiteSync only

SiteSync with Motion Control

SiteSync 7-Pin Module:

- SiteSync features in a new form
- Available as an accessory for new construction or retrofit applications (with existing 7-Pin receptacle)
- Does not interface with occupancy sensors



SW7PR

PERFORMANCE DATA

# Of LEDs	Nominal Wattage	System Watts	Dist. Type	5K (5000K NOMINAL 70 CRI)					4K (4000K NOMINAL 70 CRI)					3K (3000K NOMINAL 80 CRI)				
				Lumens	LPW*	B	U	G	Lumens	LPW*	B	U	G	Lumens	LPW*	B	U	G
4	N/A	N/A	E	671	-	-	-	-	657	-	-	-	-	591	-	-	-	-
24	350mA	28	2	3,212	115	1	0	1	3,145	113	1	0	1	2,991	107	1	0	1
			3	3,160	113	1	0	1	3,094	111	1	0	1	2,944	106	1	0	1
			4	3,182	114	1	0	1	3,116	112	1	0	1	2,964	106	1	0	1
	500mA	41	2	4,143	101	1	0	2	4,057	99	1	0	2	3,858	94	1	0	2
			3	4,076	99	1	0	1	3,991	97	1	0	1	3,797	93	1	0	1
			4	4,104	100	1	0	1	4,019	98	1	0	1	3,823	93	1	0	1
	750mA	60	2	5,918	99	1	0	2	5,795	97	1	0	2	5,512	92	1	0	2
			3	5,823	97	1	0	2	5,702	95	1	0	2	5,424	90	1	0	2
			4	5,863	98	1	0	2	5,741	96	1	0	2	5,461	91	1	0	2
	1050mA	83	2	7,630	92	2	0	2	7,472	90	2	0	2	7,107	86	2	0	2
			3	7,508	90	1	0	2	7,352	89	1	0	2	6,993	84	1	0	2
			4	7,559	91	1	0	2	7,402	89	1	0	2	7,041	85	1	0	2

ELECTRICAL DATA

# OF LEDs	Drive Current (mA)	Input Voltage (V)	Oper. Current (Amps)	System Power (W)
24	350mA	120	0.23	28
		277	0.10	28
		347	0.08	28
		480	0.06	28
	500mA	120	0.34	41
		277	0.15	41
		347	0.12	41
		480	0.09	41
	750mA	120	0.50	60
		277	0.22	60
		347	0.17	60
		480	0.13	60
	1050mA	120	0.69	83
		277	0.30	83
		347	0.24	83
		480	0.17	83

PROJECTED LUMEN MAINTENANCE

Ambient Temperature	OPERATING HOURS					
	0	25,000	50,000	TM-21-11* L96 60,000	100,000	L70 (Hours)
25°C / 77°F	1.00	0.97	0.94	0.93	0.89	>296,000
40°C / 104°F	1.00	0.95	0.91	0.89	0.83	>191,000

* Projected per IESNA TM-21-11* (Nichia 219B, 700mA, 85°C Ts, 10,000hrs). Data references the extrapolated performance projections for the LNC-12LU-5K base model in a 40°C ambient, based on 10,000 hours of LED testing per IESNA LM-80-08.

LNC3

MEDIUM LED LITEPAK

LUMINAIRE AMBIENT TEMPERATURE FACTOR (LATF)

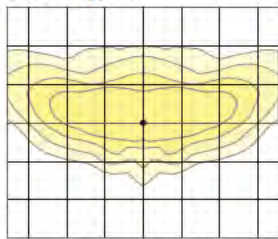
Ambient Temperature		Lumen Multiplier
0° C	32° F	1.02
10° C	50° F	1.01
20° C	68° F	1.00
25° C	77° F	1.00
30° C	86° F	1.00
40° C	104° F	0.99

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

PHOTOMETRY

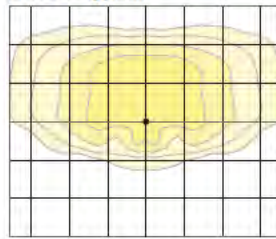
The following diagrams represent the general distribution options offered for this product. For detailed information on specific product configurations, see [website photometric test reports](#).

LNC3 – Type II



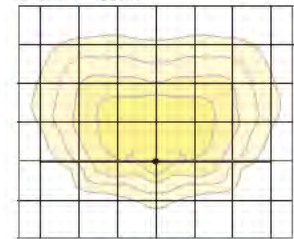
Mounting Height: 15'

LNC3 – Type III



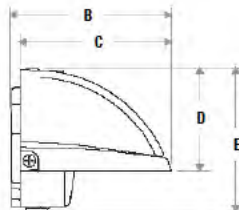
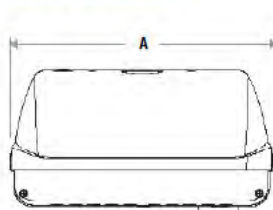
Mounting Height: 15'

LNC3 – Type IV



Mounting Height: 15'

DIMENSIONS



A	B	C	D	E	Weight
13" (330 mm)	10.5" (267 mm)	9.9" (251 mm)	5.8" (147 mm)	8.3" (211 mm)	25.0 lbs 11.3 kg

ADDITIONAL INFORMATION

CSU – INVERTED MOUNTING OPTION



*Requires Factory Installed Lens Option

Inverted mounting capabilities for uplighting applications. Specially designed frosted acrylic diffuser option softens output, improves uniformity and protects LED lenses.

SCP – PROGRAMMABLE OCCUPANCY SENSOR



*Photocontrol and Wireless Controls by Others

Standard NEMA 7-Pin receptacle for twist lock photocell or wireless controls (by others).

SCP – PROGRAMMABLE OCCUPANCY SENSOR



Sensor offers greater control and energy savings with SCP programmable sensor with adjustable delay and dimming levels (Factory default is 10%)

Visit: <http://www.hubbellighting.com/solutions/controls/> for control application information

SHIPPING INFORMATION

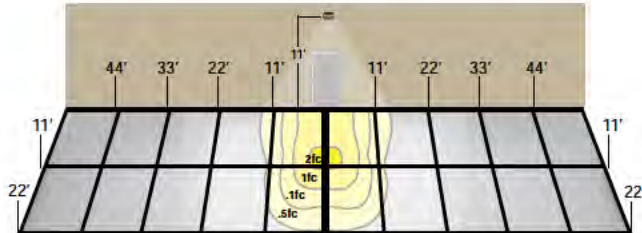
Catalog Number	G.W(kg)/CTN	Carton Dimensions			Carton Qty. per Master Pack
		Length Inch (cm)	Width Inch (cm)	Height Inch (cm)	
LNC3-24LU	18.0 (8.2)	15.8 (40)	11.0 (28)	13.0 (33)	1

LNC3

MEDIUM LED LITEPAK

ADDITIONAL INFORMATION (CONTINUED)

LNC2 - BATTERY BACK UP



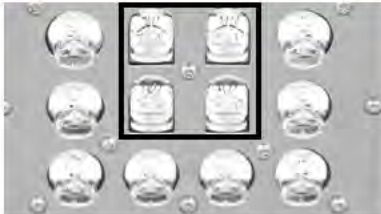
11' Mounting Height

Provides Life Safety Code average illuminance of 1.0 fc. Assumes open space with no obstructions and mounting height of 11'.

Diagrams for illustration purposes only, please consult factory for application layout.

Battery backup units consume 6 watts when charging a dead battery and 2 watts during maintenance charging. EH (units with a heater) consume up to an additional 8 watts when charging if the battery temp is lower than 10°C

E & EH EMERGENCY BATTERY BACKUP



24 High Power LEDs generate up to 7,500 lumens in Normal Mode, and use 4 LEDs for up to 700 lumens in emergency.

USE OF TRADEMARKS AND TRADE NAMES

All product and company names, logos and product identifies are trademarks ™ or registered trademarks ® of Hubbell Lighting, Inc. or their respective owners. Use of them does not necessarily imply any affiliation with or endorsement by such respective owners.



March 21, 2022

Matt Asselmeier, Senior Planner
Kendall County
111 West Fox Street
Yorkville, IL 60560-1498

RE: Scope and Budget for LRMP Update – 3 Townships per Year

Dear Matt:

Good talking with you last week about updating the Kendall County Land Resource Management Plan (LRMP). The following scope, budget and timeline should be helpful in planning for this major update. In the scope below I have made some assumptions, all of which will obviously impact the final cost. Assumptions include:

- Working from the existing plan rather than starting from scratch. This includes the County providing Teska with updated GIS files where available.
- Creating a project web site to assist in gaining community input throughout the County. The web site would host surveys, provide contact information, contain draft materials, and generally provide an opportunity for the public to participate throughout the planning effort.
- Dividing the County up into 3 sections for detailed planning efforts, each with 3 townships. We could do this either in an east/west or north/south fashion. In the past we focused more on north/south groupings, but I would like to consider more of an east/middle/west grouping (Oswego, Na-Au-Say, Seward as the east group and so on). This would relate to the County's primary business corridors, with Ridge to the east, Route 47 in the middle, and Eldamain to the west. *We have assumed that we would do 3 townships per year, and conduct the overall LRMP update over 3 years.*
- Consolidating demographics and trends. Rather than as they are now in each subarea (3 township section), have one section on demographics up-front that can be used throughout the plan. It is our understanding that County staff has already begun this process, and it is not included in our scope.
- Utilizing a committee to work through the details of the plan – this could be the old Ad Hoc committee, or some other group formed to guide the planning effort. The full Regional Planning Commission (RPC) should also be heavily involved throughout the effort, but I think a smaller working group will be helpful in keeping things on track while allowing the RPC to handle their normal case load.

- Efforts to keep the County Board, through the Planning, Building and Zoning Committee, updated throughout the process

Project Scope

1. Kick-off Meeting

This meeting with the Regional Planning Commission will review the existing LRMP structure, overall project timeline and approach, and existing county-wide conditions (development trends, demographics, etc.).

2. Community Engagement

This task will focus on obtaining input from County residents and businesses through creation of an interactive web site, surveys, and development of materials for in-person meetings. It will also involve the use of social media (Facebook, Twitter, etc.) to maximize input from all areas of the County. Regarding budget, this task line only includes creation of the initial project web site. All other engagement efforts are included within the township clusters and overall plan adoption (Tasks 4-7 below)

3. Review and Update Countywide Policy Framework, Goals & Objectives, Policies

Sections 1 through 5 of the Existing LRMP focus on countywide policies, goals, and objectives. This task will review those existing plan components, working closely with both the Steering Committee and the RPC to refine, focus and clarify the Counties overall vision for future growth and development.

4. Township Cluster 1 Plan

This effort will develop a detailed Future Land Use and Transportation plan for 3 of the Counties Townships following this approach:

- Where We Are – A closer look at existing development patterns, trends, and existing plans with the 3 townships.
- Vision – Development of an overall vision for future development. This vision will largely be driven by a workshop held in one of the three clustered townships and refined through work with the Steering Committee.
- Plan – Development of a detailed future land use and transportation plan for the three townships. This plan will be reviewed at a workshop held within one of the subarea townships and refined with the Steering Committee and RPC.
- Engagement – This will include an interactive project web site, with distinct tabs for each cluster, on-line surveys and polls, and on-line mapping tool, one workshop in each township, and steering committee (Ad-Hoc), RPC, PBZ, and County Board meetings as noted in the timeline.

5. Township Cluster 2 Plan

Same processes as in Task 4 above, for the middle three townships.

6. Township Cluster 3 Plan

Same processes as in Task 4 above, for the three remaining townships.

7. Overall Plan Refinement and Adoption

This task will involve pulling all the pieces of the plan together into a complete LRMP, including an executive summary and a section on implementation. This task will also take the draft plan through a process of review, public hearing, revision, and ultimately approval by the County Board.

Timeline and Budget

We have assumed completing one set of 3 townships per year, plus some initial work on the overall plan in year 1 and work to wrap it into a complete plan with summary in year 3. The table below provides a cost summary per year, with an overall cost of \$150,315. As I am sure you will notice, this total is about \$25,000 less than our earlier estimate. This assumes that County staff will assist with demographics, some GIS work like existing land use, and coordinate meeting locations. We have also assumed less time to review the overall LRMP goals and objectives and inclusion of a reduced contingency into each task. The timeline, and draft budget, are included in the attached spreadsheet.

	Year 1	Year 2	Year 3	Total
Tasks 1-4	\$ 53,665			
Task 5		\$ 40,025		
Task 6-7			\$ 56,625	
Total				\$ 150,315

There are obviously a lot of variables and options available to update the LRMP, and I would be happy to discuss these in more detail with you. Hopefully, this information will be helpful in budgeting and planning for the effort. Feel free to give me a call or shoot me an e-mail anytime.

Sincerely,



Mike Hoffman, AICP, PLA
Vice President

MONTH

Notes: Each Township cluster would contain 3 townships - either divided east/west or north/south

RRPC Meeting - County Building
RRPC Meeting - In Cluster
Committee Meeting
PBZ Committee Meeting
County Board Meeting

**OSWEGO TOWNSHIP
KENDALL COUNTY, ILLINOIS**

ORDINANCE No. 2022-05

**AN ORDINANCE ADOPTING GARBAGE DUMPING RESTRICTIONS WITHIN
OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS**

**ANNUAL TOWN MEETING OF ELECTORS
April 12, 2022**

ORDINANCE NO. 2022-05

**AN ORDINANCE ADOPTING GARBAGE DUMPING RESTRICTIONS WITHIN
OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS**

WHEREAS, Oswego Township is a unit of local government operating under the laws of the State of Illinois (“Township”); and

WHEREAS, Section 30-120 of the Illinois Township Code, 60 ILCS 1/30-120, authorizes the electors of Oswego Township to adopt ordinances preventing the deposit of night soil, garbage or other offensive substances within the limits of Oswego Township; and

WHEREAS, the Highway Commissioner of Oswego Township has general charge of the roads and maintenance thereof within the Oswego Township Road District as provided by Section 6-201.8 of the Illinois Highway Code, 605 ILCS 5/6-201.8, and

WHEREAS, the Township, by its electors, hereby finds that the proper preservation and maintenance of Oswego Township Road District roads, streets, alleys, highways and rights-of-way (cumulatively, “Roads”) requires that they be kept free and clear of any and all obstructions, including garbage, offal, fecal matter, night soil, junk, trash, refuse, rubbish, debris, discarded personal property, manure (except the normal storage on a farm of manure for agricultural purposes), garbage cans, receptacles, storage containers, or other offensive substances upon public or private property (cumulatively, “Garbage”), or to permit such objects to remain upon such property, within the Township or upon Roads within the Township; and

WHEREAS, the Township, by its electors, hereby finds and determines that the regulation of the aforesaid Garbage on Township Roads is necessary in order to provide for the safety of those motorists and pedestrians using such Roads, and that the prohibition of depositing Garbage within the Township, excepting refuse disposal facilities regulated by the Illinois Department of Public Health and Kendall County, is in the best interests of the public health,

safety and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the electors of Oswego Township, Kendall County, Illinois (the “Electors”) at their annual meeting held on April 12, 2022, as follows:

Section 1. Definitions. For the purpose of this Ordinance, the following terms shall have the meanings set forth hereinbelow:

- A. Without limiting the generality of this Ordinance, “Garbage” shall mean any and all waste matter, whether reusable or not, which is offensive to the public health, safety and welfare and is specifically intended to include, without limitation, household waste, offal, fecal matter, night soil, junk, trash, refuse, rubbish, debris, discarded personal property, manure (except the normal storage on a farm of manure for agricultural purposes), abandoned or unsecured garbage cans, receptacles, storage containers, discarded furniture, lawn furniture, appliances, household fixtures, countertops, vanities, toilets, sinks, motor vehicle parts, machinery of any kind or parts thereof, metal drums or other containers, construction debris, rubbish, ashes, unnatural accumulations of dirt, paper, raw garbage, abandoned or inoperable vehicles, noxious or offensive waste, or any other offensive substances upon public or private property or Roads.
- B. “Roads” shall mean Oswego Township Road District roads, streets, alleys, highways and rights-of-way.

Section 2. Prohibition on Depositing Garbage on Township Roads.

No person shall place, put, maintain or allow the placement of Garbage on Roads or other

property belonging to, or located upon, any property belonging to or under the jurisdiction of the Oswego Township Road District.

Section 3. Prohibition on Depositing Garbage Within the Township.

- A. No person shall deposit, allow to be deposited, or permit Garbage to accumulate or remain on public or private property within Oswego Township.
- B. No person shall place household Garbage in any outside container so that the Garbage is accessible to animals.
- C. No person shall deposit, allow to be deposited or permit outdoor storage of lumber or other building materials, construction vehicles, or construction equipment, not in connection with a permitted, ongoing building project in progress on the immediate premises.
- D. It shall not be a violation of this Section 3 to deposit Garbage in sealed containers in locations and at times authorized by a unit of local government, or when acting under the direction of public officials during specially designated cleanup days.
- E. Each day on which the Garbage remains in violation of this Ordinance following the Removal Deadline, as set forth below, shall be considered a separate and distinct violation.

Section 4. Enforcement.

- A. The Highway Commissioner and Oswego Township Ordinance Enforcement Officer are authorized to enforce this Ordinance.
- B. When Garbage, building materials, or other offensive matter are deposited or permitted to remain in a location in violation of this Ordinance, the Highway

Commissioner or Oswego Township Ordinance Enforcement Officer shall issue a notice to abate to the owner of the real property associated with the violation, by (i) conspicuously posting such notice to abate on the front door of the property and (ii) by mailing a copy of such notice to abate via certified mail, return receipt requested, to the owner of the property at the address to which the most recent property tax bill was sent. The notice to abate shall specify the nature and location of the offense, a statement of acts necessary to abate the violation, and a date certain no more than seven (7) days from the date of issuance of the notice to abate ("Removal Deadline") to remove or otherwise properly dispose of the Garbage or other offending materials or substances. The notice to abate shall inform the owner, lessee, and/or occupants that failure to timely abate the violation by the Removal Deadline will result in the issuance of a subsequent notice(s) of violation imposing fines for each day on which the Garbage remains following the Removal Deadline and may also provide that the Township may seek injunctive relief providing for the removal of the Garbage at the owner's expense.

- C. Notices of violation shall be served in the same manner provided hereinabove for the notice to abate and shall specify the date, time and nature and location of the offense and shall serve as a summons and complaint to appear in the Kendall County Circuit Court in accordance with the procedures set forth in 60 ILCS 1/100-10(d-5).
- D. When the Highway Commissioner or Ordinance Enforcement Officer finds Garbage obstructing the Roads or a public sidewalk, or a driveway entrance to any property, or in any other manner creates a dangerous or unsafe condition such that removal without delay is reasonably necessary to protect public health and safety, then such

Garbage violation may be summarily abated by the Highway Commissioner or Ordinance Enforcement Officer and a violation notice shall be issued without first issuing a notice to abate. The Township may seek judgment against the owner, lessee, or occupant of the property (whomever is found liable for a violation of this Ordinance) for its removal costs, in addition to any other penalties imposed by this Ordinance.

- E. In any prosecution of a charge for violation of this Ordinance, proof that the particular Garbage described in the notice of violation or complaint, together with proof that the defendant named in the complaint was at the time of such violation the lawful owner of said property, shall constitute prima facie evidence that the lawful owner of such property was the person who placed such Garbage at the point where, and for the time during which such violation occurred.

Section 5. Penalty. Any person convicted of a violation of this Ordinance shall be punishable by a fine of up to \$500. Fines shall be established and enforced by Kendall County Circuit Court pursuant to section 60 ILCS 1/100-10(d-5)(1). Upon a finding of liability, Oswego Township may seek court and associated legal fees.

Section 6. Implementation. The Electors hereby authorize and direct the Oswego Township Board of Trustees, the Oswego Township Supervisor, Clerk, Highway Commissioner, Ordinance Enforcement Officer, and Attorney to take any and all actions necessary to inform the public about the restrictions imposed by this Ordinance and to enforce the provisions of this Ordinance consistent with the terms set forth herein.

Section 7. Savings Clause. If any section, paragraph, clause, or provision of this resolution shall be held invalid, the validity thereof shall not affect any of the other provisions of this resolution.

Section 8. Resolution of Conflicts. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall be in full force and effect from after its passage, publication and approval as provided by law.

ADOPTED by a ^{unanimous} vote of _____ to _____ by the electors of Oswego Township on April 12, 2022.

APPROVED this 12th day of April, 2022.

OSWEGO TOWNSHIP



Moderator

ATTEST: 

Township Clerk

**OSWEGO TOWNSHIP
KENDALL COUNTY, ILLINOIS**

ORDINANCE No. 2022-06

**AN ORDINANCE ADOPTING PARKING RESTRICTIONS FOR RECREATIONAL
VEHICLES AND TRAILERS ON TOWNSHIP ROADS WITHIN OSWEGO
TOWNSHIP, KENDALL COUNTY, ILLINOIS**

**ANNUAL TOWN MEETING OF ELECTORS
April 12, 2022**

ORDINANCE NO. 2022-06

AN ORDINANCE ADOPTING PARKING RESTRICTIONS FOR RECREATIONAL VEHICLES AND TRAILERS ON TOWNSHIP ROADS WITHIN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS

WHEREAS, Oswego Township is a unit of local government operating under the laws of the State of Illinois (“Township”); and

WHEREAS, Section 30-125 of the Illinois Township Code, 60 ILCS 1/30-125, authorizes the electors of Oswego Township to adopt ordinances regulating the standing or parking of recreational vehicles on township roads; and

WHEREAS, the Highway Commissioner of Oswego Township has general charge of the roads within the Oswego Township Road District as provided by Section 6-201.8 of the Illinois Highway Code, 605 ILCS 5/6-201.8, and is further authorized to regulate the standing or parking of vehicles by Section 11-208 of the Illinois Vehicle Code, 625 ILCS 5/11-208; and

WHEREAS, the Township, by its electors, hereby finds and determines that regulating the standing and parking of recreational vehicles on Township Roads is necessary in order to provide for the safety of those persons using such roads, streets, or highways, and for the orderly flow of traffic.

NOW, THEREFORE, BE IT ORDAINED by the electors of Oswego Township, Kendall County, Illinois (the “Electors”) at their annual meeting held on April 12, 2022, as follows:

Section 1. Definitions. For the purpose of this Ordinance, the following terms shall have the meanings set forth hereinbelow:

A. “Recreational vehicle” shall have the meaning ascribed in Section 1-169 of the

Illinois Vehicle Code, 625 ILCS 5/1-169, as amended from time to time.

- B. "Trailer" shall have the meaning ascribed in Section 1-209 of the Illinois Vehicle Code, 625 ILCS 5/1-209, as amended from time to time.
- C. "Park" or "parking" shall have the meaning ascribed in Section 1-156 of the Illinois Vehicle Code, 625 ILCS 5/1-209, as amended from time to time.
- D. "Stand" or "standing" shall have the meaning ascribed in Section 1-194 of the Illinois Vehicle Code, 625 ILCS 5/1-209, as amended from time to time.

Section 2. Prohibition on Parking Recreational Vehicles on Township Roads.

- A. No person shall stop, stand or park any recreational vehicle or trailer at any time on any road, street, alley, highway or other right-of-way under the jurisdiction of Oswego Township or the Oswego Township Road District.
- B. Each day that a violation of this Section 2 continues following the Removal Deadline as set forth hereinbelow shall constitute a separate and distinct violation or offense.

Section 3. Enforcement.

- A. The Highway Commissioner and Oswego Township Ordinance Enforcement Officer are authorized to enforce this Ordinance.
- B. When a recreational vehicle or trailer is found parked or left in violation of this Ordinance, the Highway Commissioner or Oswego Township Ordinance Enforcement Officer shall take information displayed on the vehicle that may identify its owner, such as, without limitation, a vehicle registration number or plates, and shall (i) conspicuously affix to such vehicle a notice to abate and (ii) send by certified

mail, return receipt requested, a copy of the notice to abate to the vehicle owner. The notice to abate shall specify the nature and location of the offense, and order the removal of the vehicle from the Oswego Township or Oswego Township Road District right-of-way to a lawful location by a date certain no more than seven (7) days from the date of issuance of the notice to abate ("Removal Deadline"). The notice to abate shall inform the owner that failure to timely remove the vehicle to a lawful location off of the Oswego Township or Road District roadway by the Removal Deadline shall result in the issuance of a notice(s) of violation imposing fines for each day on which the vehicle remains in an unlawful location following the Removal Deadline and may result in the impoundment of the vehicle without further notice.

- C. When the Ordinance Enforcement Officer or Highway Commissioner finds a recreational vehicle or trailer in violation of the restrictions imposed by this Ordinance and such vehicle remains unlawfully parked after the Removal Deadline, he or she shall issue a notice of violation. Notices of violation shall be served in the same manner provided hereinabove for the notice to abate and shall specify the date, time and nature and location of the offense and shall serve as a summons and complaint to appear in the Kendall County Circuit Court in accordance with the procedures set forth in 60 ILCS 1/100-10(d-5).
- D. When the Ordinance Enforcement Officer or Highway Commissioner finds a recreational vehicle or trailer in violation of the restrictions imposed by this Ordinance and the location of the vehicle obstructs a public sidewalk, leaves less than ten (10) feet of the width of the roadway free for free movement of vehicular traffic,

blocks the driveway entrance to any property abutting said roadway, or in any other manner creates a dangerous or unsafe condition such that removal is reasonably necessary to protect public safety, then such recreational vehicle or trailer shall be subject to seizure and impoundment. The Ordinance Enforcement Officer is hereby authorized to remove such hazard from the road forthwith by a designated service of the Township at the expense of the vehicle owner in addition to any other penalties imposed by this Ordinance. Notification will be made to Kendall County Sheriff's Office that removal was made. Whenever the Ordinance Enforcement Officer or Highway Commission removes or causes the removal and impoundment of a recreational vehicle or trailer from a Township or Road District road as provided in this Section, he or she shall promptly send a written notice of impoundment to the registered owner of the vehicle (or, if such owner is not ascertainable, then such notice shall be directed to the Secretary of State) including a description of the vehicle, the date, time and place from which removed, the reasons for removal, and the name, location and contact information of the place where the vehicle is stored. The owner shall have the right to reclaim his or her vehicle after presenting identification and evidence of right to possession of the vehicle and paying any and all applicable towing and impoundment charges.

- E. In any prosecution of a charge for violation of this Ordinance, the parking of any recreational vehicle or trailer as defined in this Ordinance, proof that the particular recreational vehicle or trailer described in the notice of violation or complaint was in violation of such law or regulation, together with proof that the defendant named in the notice of violation or complaint was at the time of such violation the lawful owner

of the vehicle shall constitute prima facie evidence that the lawful owner of such recreational vehicle or trailer was the person who placed such vehicle at the point where, and for the time during, which such violation occurred.

Section 4. Penalty. Any person convicted of a violation of this Ordinance shall be punishable by a fine of up to \$500. Fines shall be established and enforced by Kendall County Circuit Court pursuant to section 60 ILCS 1/100-10(d-5)(1). Upon a finding of liability, Oswego Township may seek court and associated legal fees.

Section 5. Implementation. The Electors hereby authorize and direct the Oswego Township Board of Trustees, the Oswego Township Supervisor, Clerk, Highway Commissioner, Ordinance Enforcement Officer, and Attorney to take any and all actions necessary to inform the public about the restrictions imposed by this Ordinance and to enforce the provisions of this Ordinance consistent with the terms set forth herein.

Section 6. Savings Clause. If any section, paragraph, clause, or provision of this resolution shall be held invalid, the validity thereof shall not affect any of the other provisions of this resolution.

Section 7. Resolution of Conflicts. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall be in full force and effect from after its

passage, publication and approval as provided by law.

ADOPTED by a ^{Unanimous} vote of _____ to _____ by the electors of Oswego Township on April 12, 2022.

APPROVED this 12th day of April, 2022.

OSWEGO TOWNSHIP

Judy Bush
Moderator

ATTEST: Ken Schultz
Township Clerk