



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

Wednesday, June 22, 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 May 25, 2022 Meeting (Pages 2-22)

PETITIONS

1. **Petition 22 – 01 – Jose and Silvia Martinez (Pages 23-227)**
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 – 12 – Kendall County Regional Planning Commission (Pages 228-230)**
Request: Text Amendment to Section 6:06.B.3.b Pertaining to Design Guidelines (Light Requirements) of Telecommunication Facilities

Purpose: Petitioner Wants Lights to Be Red at Night and May Be White Strobe During the Day Unless Otherwise Required by the Federal Government to Be White Strobe at Night

3. **Petition 22 – 13 – Joe Slivka and Kevin Kunkel on Behalf of Lisbon Township (Pages 231-304)**
Request: Special Use Permit for a Government Building or Facility (Garage)
PINs: 08-21-300-002 and 08-21-300-004
Location: 15759 Route 47, Newark, Lisbon Township
Purpose: Petitioner Wants to Construct a Garage for Township Equipment; Property is Zoned A-1 Agricultural District

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS:

1. None

OLD BUSINESS:

1. None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 21-49 Quezada Map Amendment on Brisbin Road
2. Petition 22-10 Fecht and Dippold Special Use Permit for Landscaping Business on Route 52

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next Regular Meeting July 27, 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 May 25, 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 (arrived at 7:02 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Suzanne Casey, Samantha Dippold, Jeremy Dippold, Joe Frescura, Tim O'Brien, Anne Vickery, Robert Delaney, Pat Frescura, Jim Martin, Dave Shively, Tony Guzman, Kim Larkin, and Steve Papaeliou

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member McCarthy-Lange, 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 Rodriguez, to approve the minutes of the of the April 27, 2022, meeting.

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

Member Hamman arrived at this time 7:02 p.m.

Mr. Asselmeier noted that Member Casey had asked about a property on the south side of Route 52 east of Arbeiter Road at the April Planning Commission meeting. Mr. Asselmeier said that four (4) agricultural accessory building permits and a driveway permit have been issued at that property. The owner comes out to the property on weekends to work on the property.

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier provided several emails related to this Petition. The Petitioners' Attorney requested the proposal be continued to June. Without objection, the proposal was continued as requested.

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. The NRI Report was provided.

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 was provided.

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 was provided.

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 were provided. The Petitioners were agreeable to this request.

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 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 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 leader 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 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 provided rendering. 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.

WBK Engineering submitted comments on the proposal. This letter was provided. These comments will have to be addressed prior to the issuance of a stormwater management permit.

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.

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 was provided.

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

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. 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.

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, 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.

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

1. The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and lighting plan **(amended after ZPAC)**.
2. The gravel area shown on the submitted 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 submitted 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 submitted site plan. No business operations may commence at the subject property until the parking stalls, dumpster enclosure, and wet bottom pond shown on the submitted site plan are installed. Business operations may commence at the subject property prior to the installation of vegetation shown on the submitted 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 submitted site plan.
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 submitted 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.
15. Ten (10) deciduous trees shall be installed in substantially the locations shown on the submitted 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.
16. The seed mix called for in the submitted 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.
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 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.

Chairman Ashton asked if the Minooka Fire Protection District wanted just an alarm system or if the request was to have the building sprinklered. Mr. Asselmeier responded just an alarm system.

Member Wilson asked how the Petitioners were going to manage the mulch pile and if mulch would be sold. Jeremy Dippold, Petitioner, said the mulch would be installed on off-site locations. They would have several small piles. The maximum height of the mulch piles would be twelve feet (12') because of the company's equipment.

Member Casey asked where the business was currently located. Mr. Dippold responded Renwick Road and Interstate 55. Mr. Dippold said the proposed location would look better than the existing location because no inside storage exists at their current location.

Mr. Dippold wanted the business setback from the neighbors and Route 52.

Member Casey asked about possible expansion. Mr. Asselmeier said, if the Petitioners expanded into the farmland beyond the area identified on the site plan, an amendment to the special use permit would be required.

Discussion occurred regarding the access point off of Arbeiter Road. The access would remain to allow a farmer to get their equipment into the field. Based on the plans, it appeared difficult for a farmer to get equipment to north portion of the property using the access off of Route 52. Equipment could be driven through the parking lot. The current owner would continue to farm the property after the Dippolds acquire the property.

Joe Frescura requested that the proposal be denied for the following reasons:

1. The business has no noise control plan; wood chippers would exceed the noise requirements in the proposed special use permit. He provided pictures of the height of mulch piles at the business' current location. The trees proposed on the site plan will not reach full height for ten (10) years and will not provide a full noise buffer until that time.
2. The dyed mulch will jeopardize local wells, waterways, and wetlands.
3. Inclusion of access to Arbeiter Road; he would like to see the access point removed. He also discussed burning at other landscaping businesses.
4. There are several containers at the Petitioners' current operating location. He was concerned about the placement of the containers turning the area into an industrial park and cause a decrease in property values in the area.
5. He noted that five (5) landscaping business have special use permits in Seward Township. These existing special uses are not located near homes like the proposed special use.
6. He expressed concerns regarding the soils to support a septic system.
7. He expressed concerns regarding burning on the property and the possible inter-mingling of onsite and offsite generated materials in a burn pile.
8. He noted that the LESA Score was 210. He argued the property should be retained for farming.

Mr. Dippold said chippers would not be used onsite; they would be at customers' homes. He explained the mulch dyeing process; the dyed mulch is not hazardous. He did not want burning on the property. He has three (3) containers which are used for storage; the containers would be replaced with the building. He was agreeable to a condition not allowing shipping containers on the property. He did not anticipate operating at the site until July 2023. He has no interest in using Arbeiter Road to access the property for the business.

The wet bottom pond is for stormwater only.

Member Rodriguez asked about having stone holding areas. Mr. Dippold explained why he did not want holding areas.

Anne Vickery noted this proposal would be the sixth (6th) landscaping special use in Seward Township. She asked if anyone on the Board would like to live next to this type of use. She also noted that the property was planned to be residential. She asked who would enforce the regulations; she noted the burning at another landscaping business.

Member Nelson expressed concerns about restricting containers in relation to agricultural uses.

Robert Delaney said the area was a residential area and should remain a residential area. He questioned the need to have a large amount of acreage used for the proposed use.

Pat Frescura said that she has lived in the area for over fifty (50) years. She noted the time, investment, and pride in her property. She was against having the proposed use near her property. She wanted to keep the land as farmland. She said that she was unaware of the Seward Township Planning Commission's meeting.

Jim Martin, Seward Township Trustee, said the Seward Township Planning Commission did not forward a recommendation to the Township Board. The Township Board did not vote on this proposal.

Tim O'Brien, Seward Township Supervisor, said the Seward Township Planning Commission did not forward a recommendation to the Township Board.

Commissioners reviewed the Future Land Use Map for the area. Discussion also occurred regarding the KCRPC Meeting Minutes 05.25.22

number of houses that could be placed on the property. The estimate was forty (40) houses could be placed on the property with access for the subdivision from both Route 52 and Arbeiter Road. It was noted that the proposal would preserve agricultural uses on the majority of the property.

Dave Shively asked what A-1 meant. A-1 means agricultural. He discussed the repaving of Arbeiter Road. He asked about enforcement of burning regulations. Mr. Asselmeier explained that burning items brought onto the property was against State law. Mr. Shively favored keeping the property in farming. He favored a housing development instead of the proposed use. Member Wilson favored having the proposal over houses.

It was noted that a house exists between Pat Frescura's property and the proposed use.

Tony Guzman said that he bought his property because it was a residential area. He would like to see the property become a park. He likes the wildlife in the area. He felt the use was an industrial use.

Mr. Dippold asked if his proposal was any different than a farmer building grain bins with related noise and odors.

Logs are cut on the customers' properties and stored on the property. Mr. Dippold sells the logs.

Mr. Dippold noted that he was pursuing the zoning on the property the correct way.

Kim Larkin said that she did not want to look at this use in her backyard. She said that mulch has an odor. Discussion occurred regarding the smell of mulch. She expressed concerns about diminished property values.

Steve Papaeliou expressed his opposition to the containers on the property. He also said that the farmer damaged his fence. Chairman Ashton questioned the connection to Mr. Fecht's actions and the proposal.

Mr. O'Brien requested the proposal be tabled proposal and sent back to Seward Township. Member Wilson wanted to know the opinion of the Township Board. Member Nelson noted the Petitioners followed the proper procedures to get to this point. Mr. Dippold opposed tabling the proposal because Mr. Fecht wants to close on the property quickly.

Member Nelson did not see much of a difference between the proposal and farming uses.

Member Wormley noted that a subdivision could be placed on the property at some point in the future, even if the special use permit was approved. He thought the proposal was a good proposal compared to other uses that could go on the property.

Member Hamman made a motion, seconded by Member Wormley, to approve the requested special use permit.

Member Wilson made a motion, seconded by Member Nelson, to add a condition stating that no storage containers would be allowed onsite. The Petitioners had no objections to the amendment. Members Hamman and Wormley had no objections to the amendment.

It was noted that the residents in the area do not favor the proposal.

Member Wilson noted the issues related to the Seward Township Board and lack of transparency in Seward Township.

The Seward Township Board may have a special meeting on this proposal prior to the May 31st zoning hearing.

The votes on the amendment were as follows:

Ayes (7): Ashton, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (1): Casey
Absent (1): Stewart
Abstain (0): None

The motion carried.

The votes on the original motion as amended were as follows:

Ayes (7): Ashton, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (1): Casey
Absent (1): Stewart
Abstain (0): None

The motion carried.

The proposal will go to the Kendall County Zoning Board of Appeals on May 31, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Recommendation on a Proposal from Teska Associates, Inc. to Update the Kendall County Land Resource Management Plan in Its Entirety

Commissioners reviewed the proposal and it was noted that the Comprehensive Land Plan and Ordinance Committee recommended approval of the proposal.

Member Nelson discussed the law governing review and approval of special use permits. Discussion occurred regarding the court ordering special use permits and the potential issuance of special use permits without conditions.

Member Wilson requested clarification on the clusters. The clusters would be the eastern three (3) townships combined, the middle three (3) townships combined, and the final cluster would be the western three (3) townships combined. The Commission favored starting with the eastern three (3) townships.

Suzanne Casey offered to give materials from her work on the Seward Township Plan to Teska.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the proposal to the County Board.

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.

The County Board will be notified of the recommendation.

Discussion of Oswego Township Junk and Debris Ordinance and Recreational Vehicle and Trailer Parking Ordinance

Commissioners reviewed the ordinances.

Member Nelson had concerns regarding a lack of agricultural exemptions.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-09 was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the special use permit at 1038 Harvey Road, text amendment to the lighting rules for telecommunication tower facilities and a special use permit for a Lisbon Township garage on Route 47 will be on the Commission's June agenda.

ADJOURNMENT

Member McCarthy-Lange made a motion, seconded by Member Wilson, to adjourn. With a voice of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 9:08 p.m.

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

Enc.

6

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

MAY 25, 2022

STEVE PAPAELIO

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>Jim Buin</i>		
<i>Joe Frescura</i>		
<i>Jeremy Dippold</i>		
<i>Ann Vachy</i>		
<i>Robert J. J.</i>		
<i>Pat Zoscur</i>		
<i>Jim Martin</i>		
<i>DAVE Sullivan</i>		

TONY Gorman
Kim Carlin

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Wednesday, May 25, 2022 11:20 AM
To: Matt Asselmeier
Cc: Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: Re: FW: [External]Re: Curb cut

Great. Thanks Matt. Please let them know the only reason we did not resubmit, as I could not get that answer about paving or installing concrete for the entire gravel driveway. As you could see, it takes a lot of time to get answers from Oswego!

Judd

On Wed, May 25, 2022 at 11:10 AM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

Judd:

I will notify the Regional Planning Commission that you would like the matter continued to next month.

The Regional Planning Commission meeting would be June 22nd and the Zoning Board hearing would be June 27th. Both start at 7:00 p.m.

Yes, the Petition can be amended to incorporate the new site plan.

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: Wednesday, May 25, 2022 11:06 AM
To: Matt Asselmeier
Subject: Re: FW: [External]Re: Curb cut

Thanks. I did see that and have been on the phone with Mr. Martinez and working on a new drawing to relocate the driveway. We will resubmit this hopefully by Friday. So can you continue our hearing tonight as hopefully next month we will have the approval from Oswego. Also, since we are changing the drawing, can we just amend our petition?

On Wed, May 25, 2022 at 9:03 AM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

FYI

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 <JHughes@oswegoil.org>
Sent: Wednesday, May 25, 2022 9:01 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>; Jay Hoover <JHoover@oswegoil.org>
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@kendallcountyil.gov>; Rod Zenner <RZenner@oswegoil.org>
Subject: RE: [External]Re: Curb cut

Good morning,

That portion of the driveway within the right-of-way needs to be concrete per our commercial drive standard as the right-of-way at this property is within Oswego even though the property is not.

Matt Asselmeier

From: Jennifer Hughes <JHughes@oswegoil.org>
Sent: Wednesday, May 25, 2022 9:03 AM
To: judd lofchie; Matt Asselmeier; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández
Subject: [External]RE: Martinez

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,

The right-of-way at Twin Oaks is not under the jurisdiction of Oswego so it is irrelevant to this situation.

That portion of the driveway within the right-of-way needs to be concrete per our commercial drive standard as the right-of-way at this property is within Oswego even though the property is not.

Sincerely,

Jennifer Hughes, P.E., CFM
Public Works Director/Village Engineer



PH: 630.551.2366
Email: jhughes@oswegoil.org

From: judd lofchie [REDACTED]
Sent: Monday, May 23, 2022 1:46 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@kendallcountyil.gov>; Faith D. Hook <fhook@co.kendall.il.us>; Miguel Ángel Fernández <[REDACTED]>; Jennifer Hughes <JHughes@oswegoil.org>
Subject: Re: Martinez

Here is Twin Oaks driveway by the way.

On Mon, May 23, 2022 at 1:43 PM judd lofchie <[REDACTED]> wrote:

Hey Matt

Once again I have not been able to get an answer from Oswego which is why we have not finished the driveway curb cut application. I am worried that their driveway permit calls for an asphalt or concrete driveway. That would make our issue cost prohibitive for Mr. Martinez.

Do you know or can you help us get an answer from Oswego if just the "curb cut" has to be asphalt or concrete or does

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Monday, May 23, 2022 1:46 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández; Jennifer Hughes
Subject: [External]Re: Martinez
Attachments: Twin Oaks Curb Cut 5.19.22.jpg

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.

Here is Twin Oaks driveway by the way.

On Mon, May 23, 2022 at 1:43 PM judd lofchie <[REDACTED]> wrote:
Hey Matt

Once again I have not been able to get an answer from Oswego which is why we have not finished the driveway curb cut application. I am worried that their driveway permit calls for an asphalt or concrete driveway. That would make our issue cost prohibitive for Mr. Martinez.

Do you know or can you help us get an answer from Oswego if just the "curb cut" has to be asphalt or concrete or does the entire gravel drive have to be asphalt or concrete. I know Twin Oaks down the street just has gravel. I have left several messages.

Thanks in advance.

Judd

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!



Matt Asselmeier

From: Matt Asselmeier
Sent: Monday, May 23, 2022 2:39 PM
To: judd lofchie; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández
Subject: FW: [External]MARTINEZ - BUILDING PERMIT APPLICATION - DRIVEWAY
Attachments: MARTINEZ - BUILDIG PERMIT APPLICATION DRIVEWAY - 4.29.22.pdf; Commercial Driveway Detail.pdf

Importance: High

Judd:

The Village of Oswego sent me the following email this morning.

With regards to Twin Oaks Landscaping, the Village of Oswego has not annexed this property or the property across the street. Therefore, the access permitting authority is the Township of Oswego and not the Village of Oswego.

If you cannot reach Jennifer Hughes, I suggest you try to reach Jay Hoover.

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: Jay Hoover <JHoover@oswegoil.org>
Sent: Monday, May 23, 2022 11:34 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Rod Zenner <RZenner@oswegoil.org>; Jennifer Hughes <JHughes@oswegoil.org>; BZinfo <BZinfo@oswegoil.org>
Subject: FW: [External]MARTINEZ - BUILDING PERMIT APPLICATION - DRIVEWAY
Importance: High

Matt,

The applicant also called and left a message saying they will not be installing the commercial driveway detail provided by the village engineer. Therefore we cannot issue or even review the application as it does not have drawings accurately showing the improvements to be installed in conformance with the codes/ standards. The applicants voicemail indicated they would not be locating the curb cut, or driveway in a conforming matter. Therefore there is no reason to move a permit forward.

Jay Hoover

Building and Zoning Manager





100 Parkers Mill • Oswego, IL. 60543 • (630) 554-2310 • Fax: (630) 554-7545
Website: <http://www.oswegoil.org>
Building & Zoning Email: BZinfo@Oswegoil.org

RECEIVED _____
ENTERED _____
APPROVED _____
CONTRACTOR REG _____
COMPLETE _____

Building Permit Application

Permit No. _____

CUSTOMER/OWNER INFORMATION	Name <u>Jose A. Martinez and Silvia Martinez</u>
	Address <u>1038 Harvey Road</u> Zoning _____
	Sub-division _____ Lot No. _____
	Phone No. _____ Email _____
CONTRACTOR INFORMATION	Name <u>Jose A. Martinez</u>
	Address _____
	City _____ State _____ Zip _____
	Phone No. _____ Email _____
	Field Contact Name _____
	Phone No. _____

Approximate Construction Cost (Including Labor) \$ 5,000.00

All permit applications require supplementary documents for each permit request

EXISTING & NEW STRUCTURE REQUESTS	☐ Re-roof ☐ Siding ☐ Replacement Windows ☐ Replacement Doors ☐ Deck ☐ Patio/Side Walks ☒ Driveway ☐ Radon Mitigation ☐ Solar	☐ Fence ☐ Shed ☐ Pergola ☐ Hot Tub ☐ Swimming Pool ☐ Above ☐ Inground ☐ Temporary ☐ HVAC	☐ Water Heater ☐ Plumbing Work ☐ Electrical Work ☐ Additions ☐ Basement/Remodel • Location _____ ☐ Lawn Irrigation ☐ Garage ☐ Other _____	☐ Chicken Coop ☐ Tent	
COMMERCIAL & NEW HOME REQUESTS	☐ Single Family Residence ☐ Senior Housing ☐ Two Family Residence (Duplex) ☐ Senior Housing ☐ Multi-Family Residence • (No. Units _____) ☐ Senior Housing ☐ Demolition ☒ Commercial/Industrial Building (NEW) ☒ Commercial/Industrial Remodeling (Build outs) ☐ Fire Protection: ☐ Sprinkler ☐ Alarm ☐ Ansl ☐ Storm Water Connection ☐ Right of Way			Square Footage of All Areas 1st Floor _____ 2nd Floor _____ 3rd Floor _____ Add. Floors _____ Basement _____ Crawlspace _____ Garage _____ Porch _____ Deck/Patio _____ Outdoor Seat. _____ Outdoor Storage _____ Total _____	
	New Residential Only No. of Bedrooms _____ No. of Baths _____ New Construction Only No. of Tenant Spaces _____ No. & Sizes of Water Connect _____				

Certificate:

I HEREBY CERTIFY THE ABOVE STATEMENTS TO BE CORRECT

The applicant agrees to conform to all applicable Federal, State, and Local laws of this jurisdiction. They also agree that all work performed under this permit will be in accordance with the plans and specifications which accompany this application, except for such changes as may be required by the adopted Building Code and the inspection officials.

Applicant's Signature _____

Date _____

Permit Approved By: _____ Date: _____

PLAT OF SURVEY

LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE TRUE 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 A 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

PROPERTY COMMONLY KNOWN AS: 1038 HARVEY ROAD
OSWEGO IL 60543

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 UNINCORPORATED 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 AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

URVEYOR'S CERTIFICATE

STATE OF ILLINOIS } ss
COUNTY OF KANE }

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. VAN KAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO.
LICENSE EXPIRES 11/30/2021

PREPARED FOR:

1999 W. Galena Blvd, Suite B
Aurora, IL 60506

NO.	DATE	REVISION
1.	9/23/2021	FIELD WORK COMPLETED
2.	10/19/2021	FINAL SURVEY COMPLETED

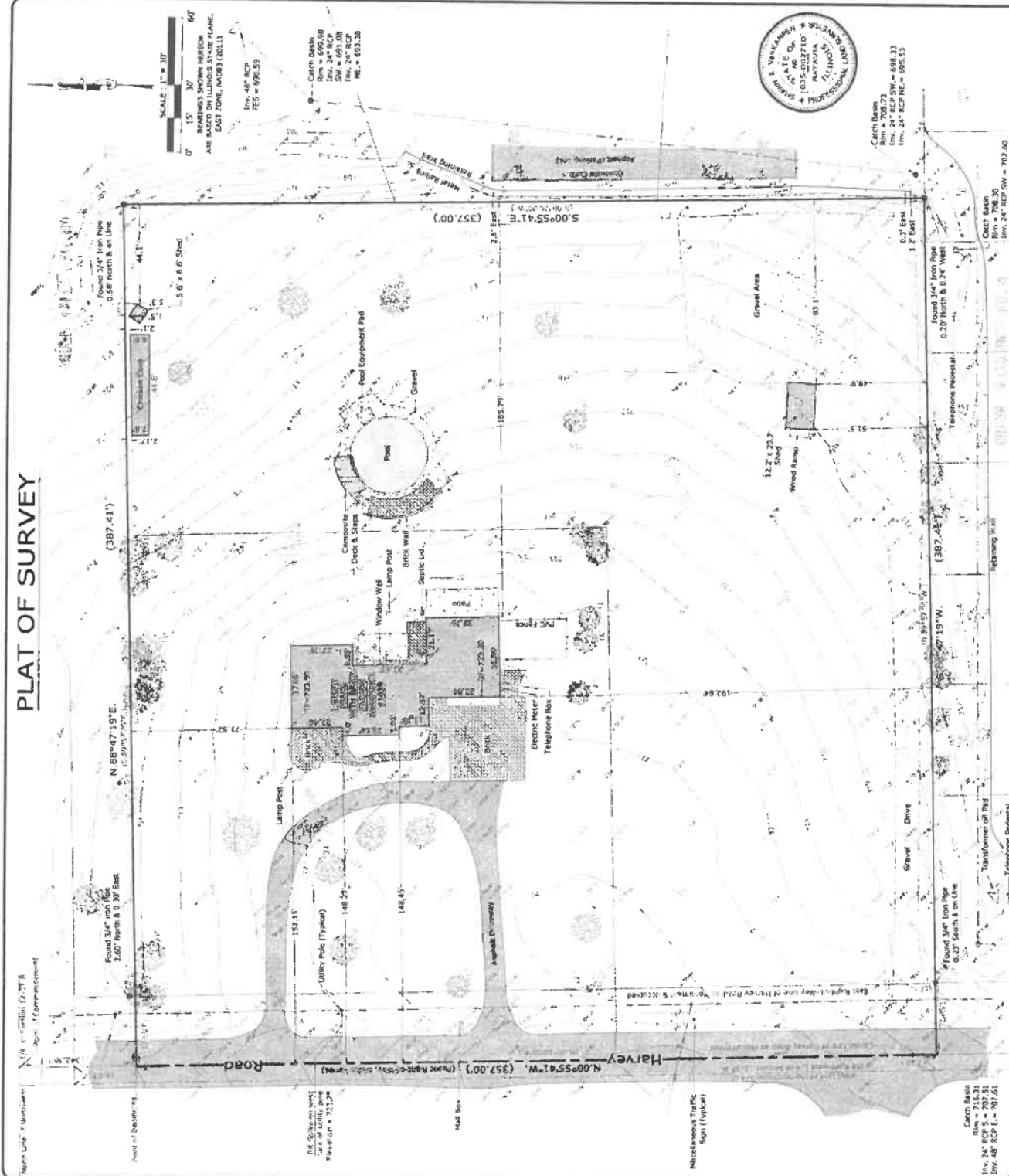
1038 HARVEY ROAD
OSWEGO, IL 60543

DRAWN BY: PS CHECKED BY: SAN

PROJECT NO.
557022

JMOR
PLAT

SHEET 1 OF 1



LEGEND

- | | | |
|----------------------|--------------------------|--|
| Found 3/4" Iron Post | Utility Pole | Non-Decorative Tree and size in inches |
| Boundary Line | Utility Pedestal | Decorative Tree and size in inches |
| Lot Line | Air Condition Unit | Steel Elevation |
| Center Line | Metal Railing | Concrete Line |
| Section Line | Center Line of PVC Fence | Storm Line |
| Measured | Building | Brick Pavement |
| XXX'XXX' | Concrete | Asphalt |
| XXX'XXX' | | |

BENCHMARK INFO

DESIGNATION - NGM MONUMENT
 STATE / COUNTY - OHIO / EAST MS
 ELEVATION - 221.2 (1988)
 USGS QUAD - 12018
 - TL / KENOLL
 - ALBION SOUTH

PREPARED BY:

ASV
ASM Consultants, Inc.
16 E Wilson St, Batavia IL 60510
Tel (630) 879-0200 Fax (630) 451-0200
advanced@advct.com

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

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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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 MAY KENDALL COUNTY REGIONAL PLANNING COMMISSION MEETING

Prior to May Kendall County Regional Planning Commission meeting, the Petitioners' Attorney submitted an email requesting the proposal be continued as the Petitioners continued to work with the Village of Oswego regarding the access permit. The minutes of the May Regional Planning Commission are included as Attachment 23.

The minutes of the May 31, 2022, Zoning Board of Appeals hearing are included as Attachment 24.

The Petitioners' court date for the illegal driveway installation is July 6, 2022.

On June 8, 2022, the Petitioners Attorney submitted a revised landscaping plan to the Village of Oswego (Attachment 3A). The differences between the new landscaping plan and the previously submitted landscaping plan are as follows:

1. The southern gravel driveway is shown to line up with the road across the street.
2. The southern gravel driveway is shown as five feet (5') from the southern property line.
3. The southern gravel driveway is shown as ten feet (10') in width instead of twenty feet (20') in width.
4. The six foot by five foot (6'X5') dumpster is not shown next to the frame shed.
5. The landscaping around the southern driveway entrance has been altered to reflect the new driveway location. Also, the number of mission arborvitae has increased from eleven (11) to (12).

On June 13, 2022, the Village of Oswego sent an email to the Petitioner outlining the defects of the plan. The defects are as follows:

1. A base course is needed.
2. Flare does not meet minimum dimensions.
3. Driveway should be twenty feet (20') wide.

This email is included as Attachment 25.

Staff also requested that the Petitioners provide a timeline for relocating the driveway, installing the new landscaping, and installing the fence. This information has not been provided.

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.

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, 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 USE: Single-Family Residential

ZONING: A-1

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

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

APPLICABLE 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
- 3A Landscaping Plan Dated June 8, 2022
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)
23. May 25, 2022 Kendall County Regional Planning Commission Minutes (This Petition Only)
24. May 31, 2022 Kendall County Zoning Board of Appeals Minutes (This Petition Only)
25. June 13, 2022 Village of Oswego Email



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME 1038 Harvey Rd. FILE #: _____

NAME OF APPLICANT		
JOSE A. MARTINEZ		
CURRENT LANDOWNER/NAME(s)		
JOSE A. MARTINEZ		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
3.175	1038 Harvey Rd., Oswego, IL 60543	03-12-100-004 & 013
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Special Use Permit and Variance		
REQUESTED ACTION (Check All That Apply):		
☒ SPECIAL USE	☐ MAP AMENDMENT (Rezoned 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)		
1 PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Judd Lofchie, Attorney	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
N/A		
2 ENGINEER 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

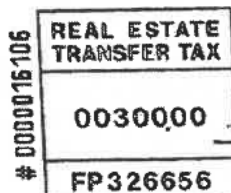
THAT PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHWEST 1/4 WITH THE CENTERLINE OF HARVEY ROAD, THENCE SOUTH 00 DEGREES, 20 MINUTES, 00 SECONDS WEST ALONG SAID 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)
COUNTY OF DuPage) SS

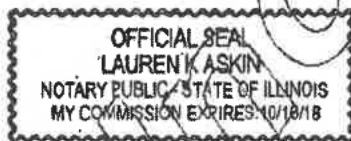
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Bryan J. Pierard, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed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

Given under my hand and notarial seal, this 16th day of July, 2018.



Notary Public

My commission expires on 10/16/18



DATED this 24 day of July, 2018.



(SEAL)

Sheridan E. Pierard

STATE OF ILLINOIS)
COUNTY OF DuPage) SS

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

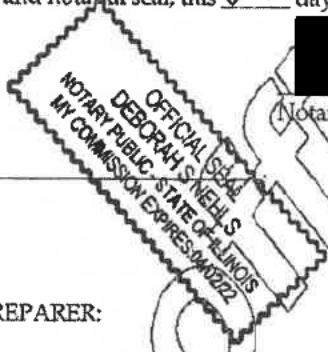
Given under my hand and notarial seal, this 24th day of July, 2018.

Notary Public

My commission expires on _____

NAME AND ADDRESS OF PREPARER:

Christina Lass Moore
Lass Moore, P.C.





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

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

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

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

Natural Resource Review Results

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

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

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

Location

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

County: Kendall

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



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

Government Jurisdiction
 Kendall County
 Judd Lofchie
 [REDACTED]

Disclaimer

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

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

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

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

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

That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

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

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

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

This is true. See landscape plan and survey _____

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

So represented _____

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

So represented _____

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

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

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

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

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

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

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

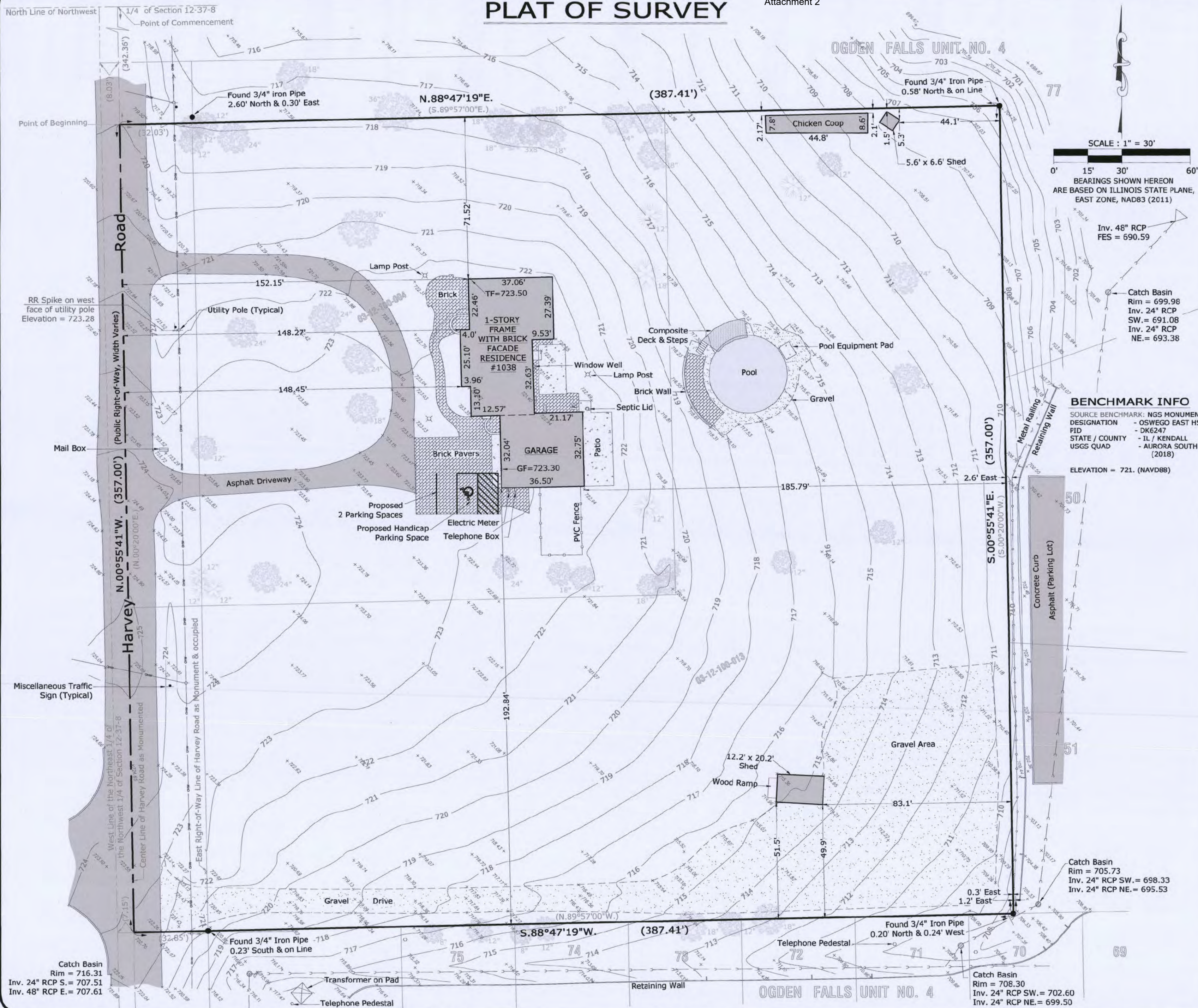
The driveway leading to the rear of the property was already in place when the owner purchased the property.

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

There are many commercial uses in the area including next door

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

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



LEGAL DESCRIPTION

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

SURVEY NOTES

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

BUILDING TIES ARE TO THE FOUNDATION CORNERS.

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

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

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

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

LOCATION MAP



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF KANE } SS

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

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

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

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

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

PREPARED FOR: Jose & Silvia Martinez

SITE DESIGNATION INFORMATION:

1038 HARVEY ROAD
OSWEGO, IL 60543

DRAWN BY: PS CHECKED BY: SVK

PROJECT NO.
557022

SHEET NUMBER

PLAT

SHEET 1 OF 1



PREPARED BY:



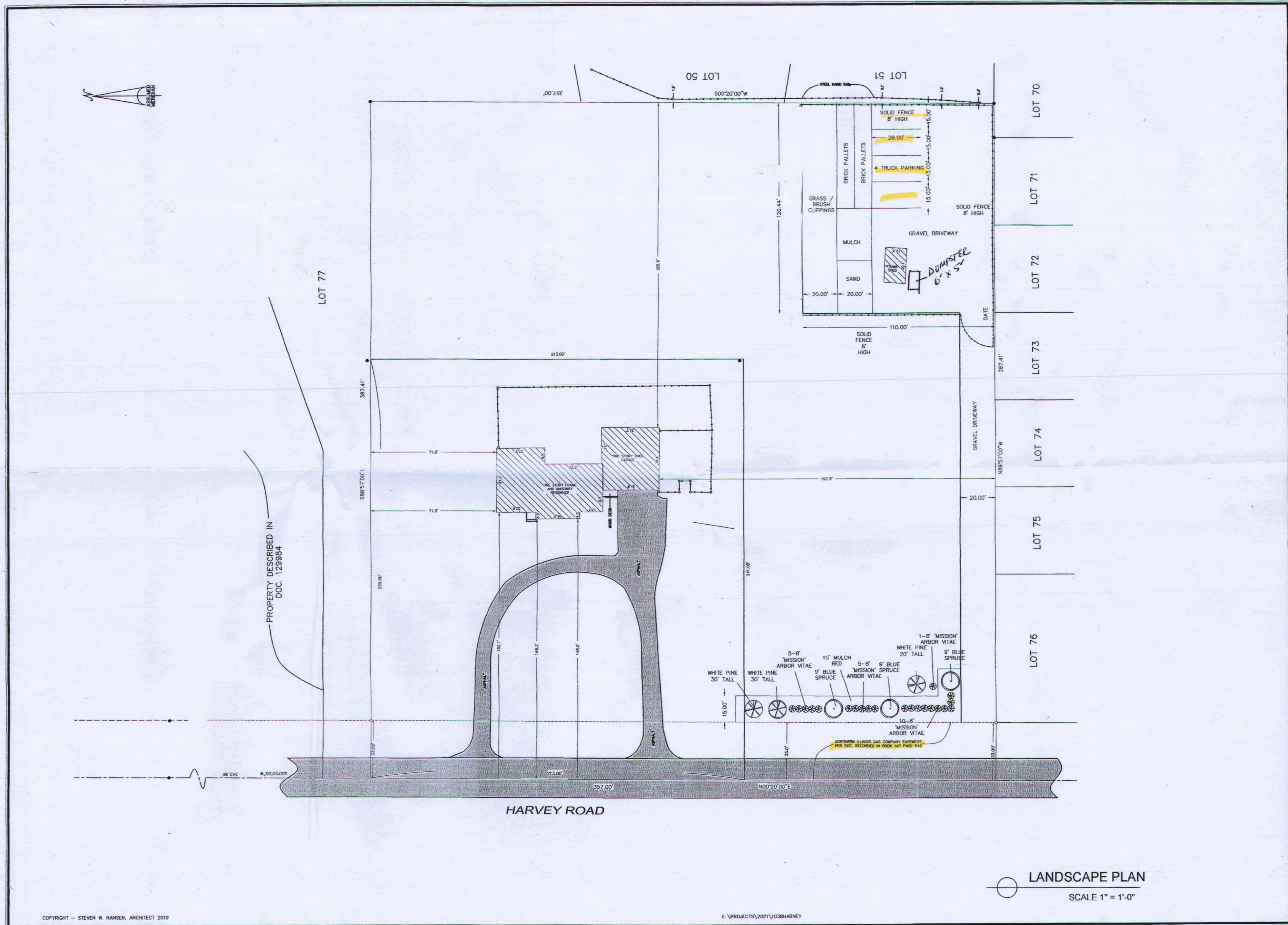
ASM Consultants, Inc.
16 E Wilson St, Batavia IL 60510
Tel (630) 879-0200 Fax (630) 454-3774
advanced@advct.com

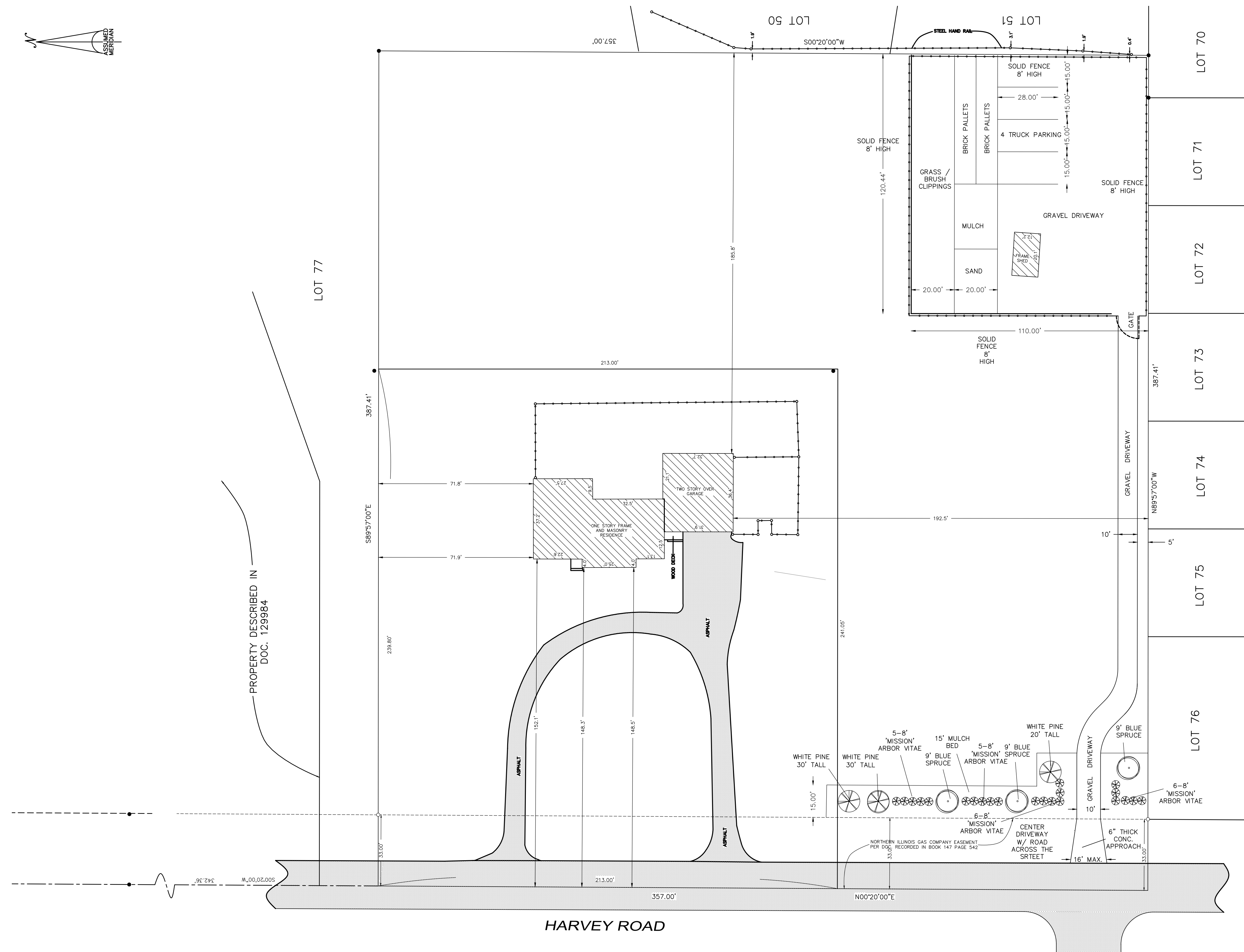
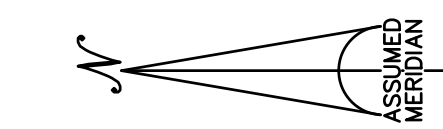
Professional Design Firm #184-006014 expires 4/30/2023

LEGEND

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

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





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E:\PROJECTS\2021\1038HARVEY

NEW LANDSCAPING FOR::
MR. JOSE *****

MR. JOSE *****

1038 HARVEY RD
OSWEGO, ILLINOIS

STEVEN W. HANSEN
ARCHITECT

890 LONGVIEW CT.
SUGAR GROVE, IL.
630.466.8021 - 60554

890 LONGVIEW C.I.
SUGAR GROVE, IL.
630.466.8021 - 60554

#	DATE	DESCRIPTION
1	08-04-2021	PRELIMINARY – OWNER REVIEW
2	05–21–2022	MOVE DRIVEWAY 18' OFF PROPERTY LINE
3	06–06–2022	REVISE NEW DRIVEWAY PER OWNERS

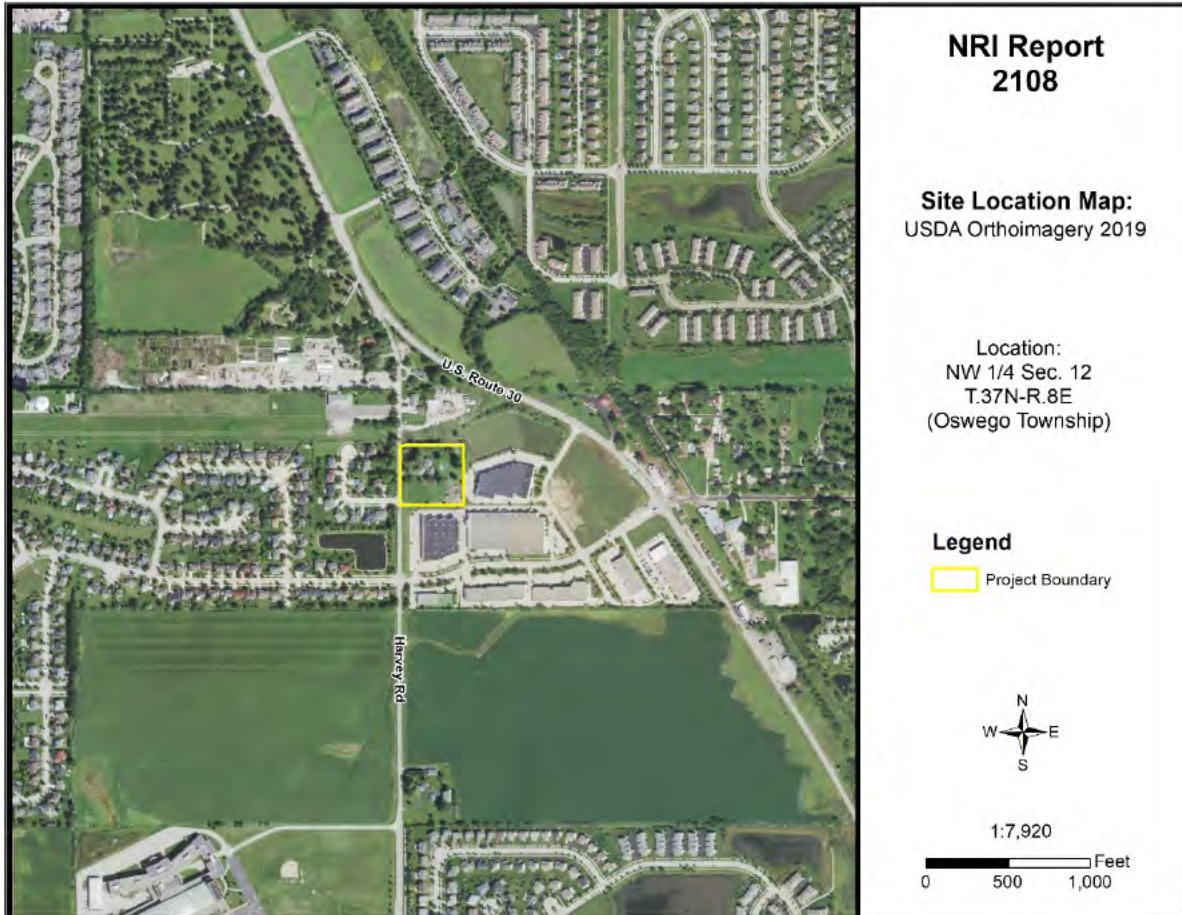
PROJECT NO. 2019-1038

SP1.0

LANDSCAPE PLAN

SCALE 1" = 1'-0"

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2108



July
2021

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

Prepared By:



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

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

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

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

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

PURPOSE AND INTENT

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

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

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

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

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

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

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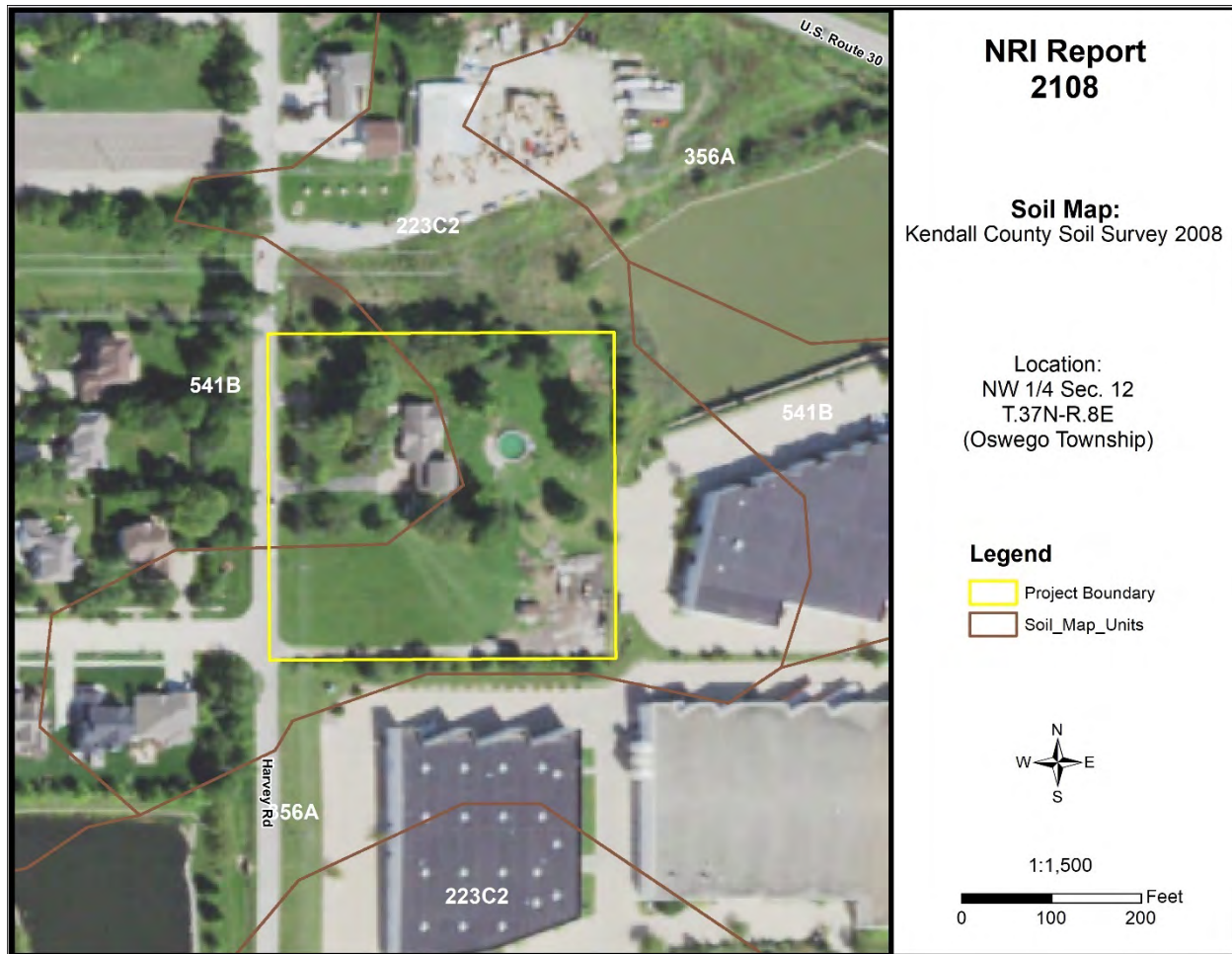
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EXECUTIVE SUMMARY

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

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

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

Table 1: Soils Information

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

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

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

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

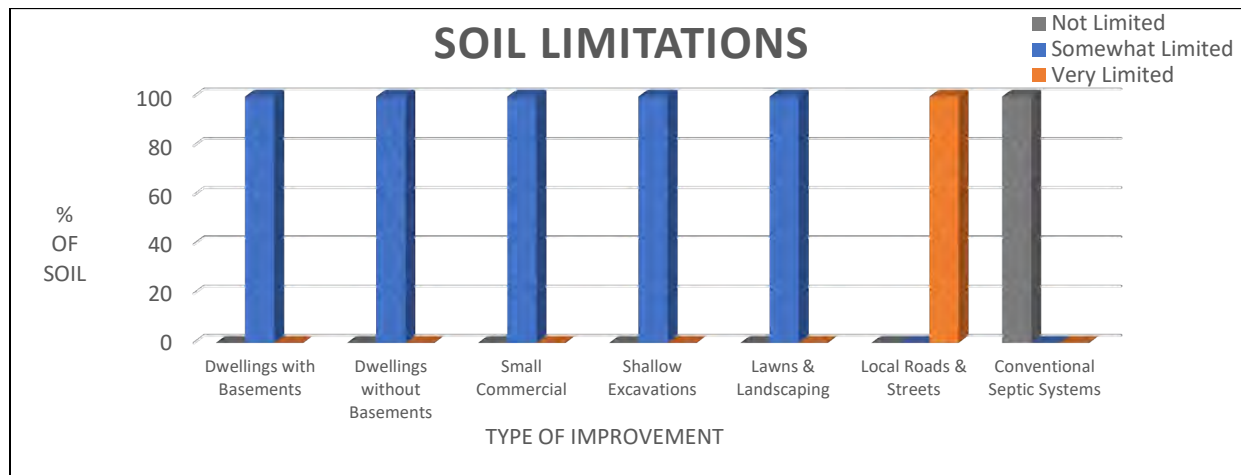
Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite,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

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

Table 2: Soil Limitations

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

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

**Figure 2:** Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

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

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

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

WETLANDS

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

FLOODPLAIN

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

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS:

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

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

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

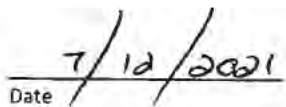
This site is located within the Lower Fox River watershed and the Waubensee Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction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

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

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



SWCD Board Representative



Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2108

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

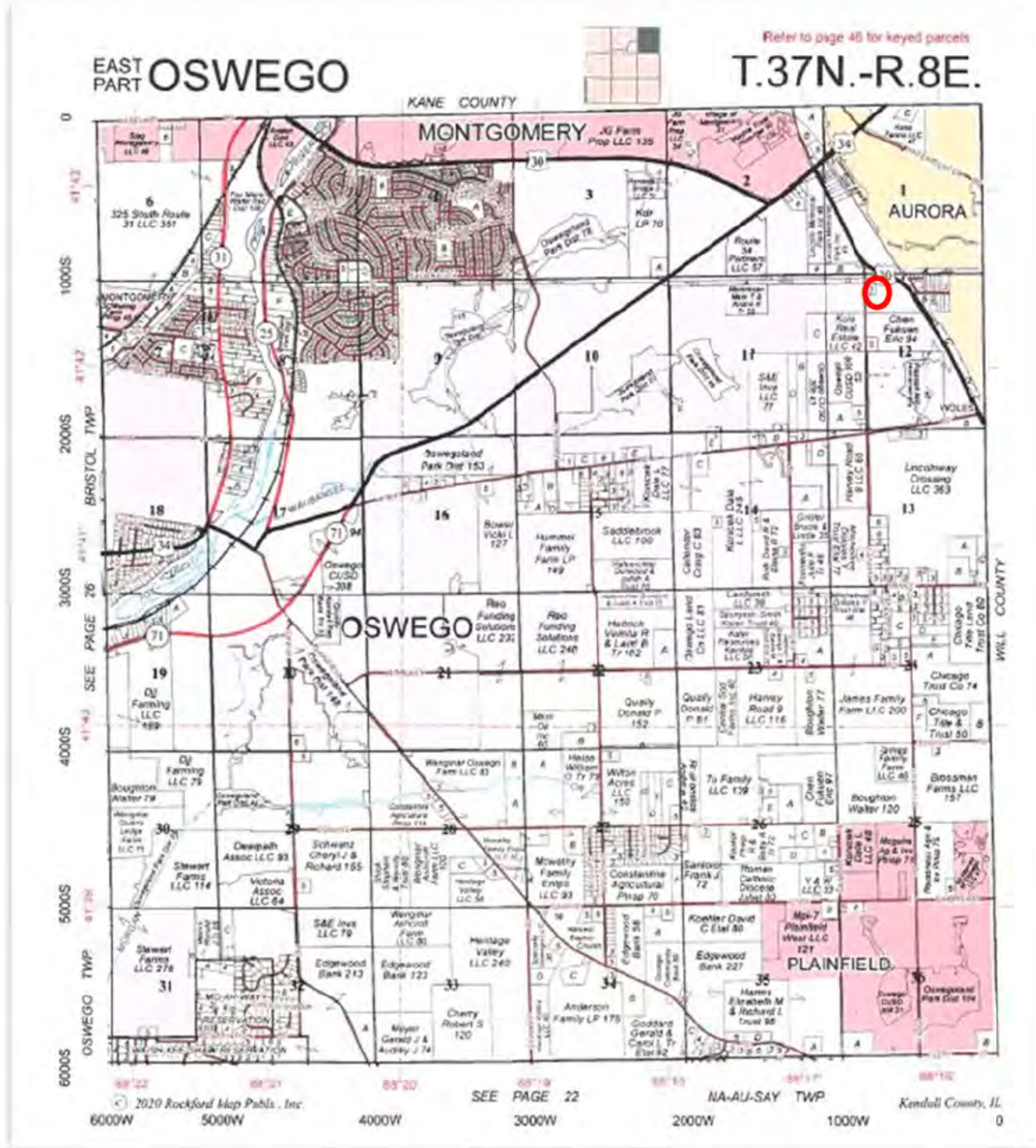


Figure 3: 2021 Plat Map

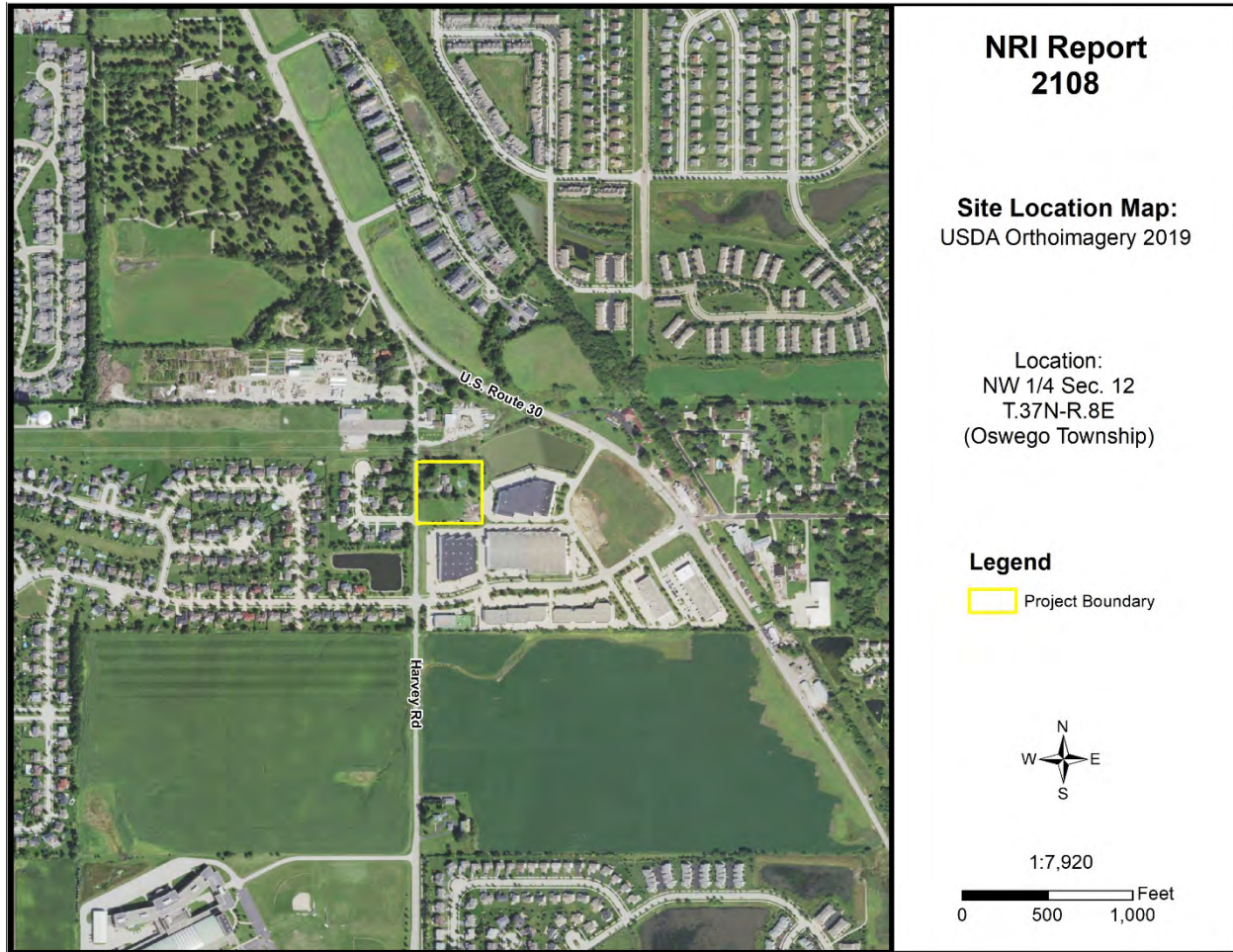


Figure 4: 2019 Aerial Map with NRI Site Boundary

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.

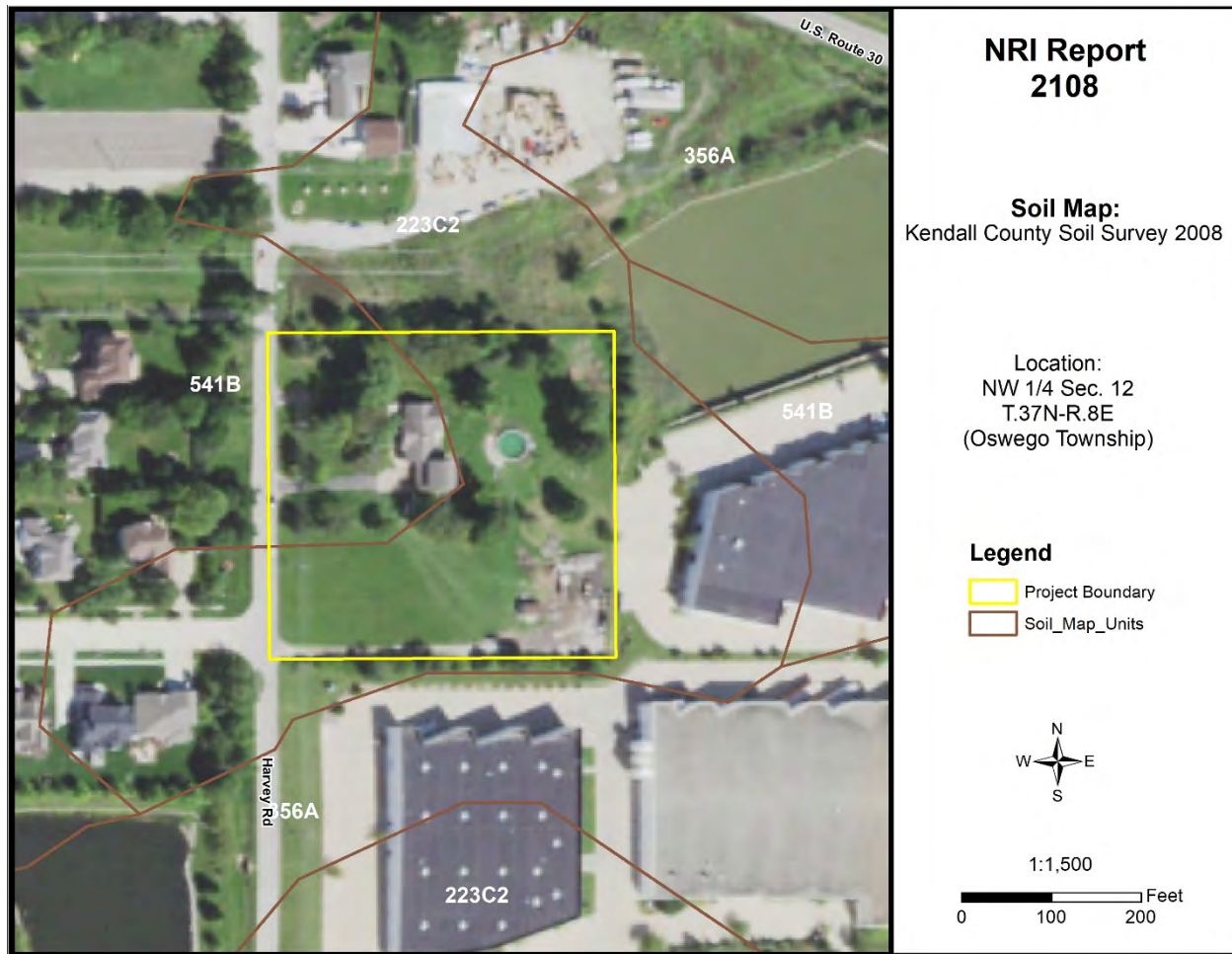


Figure 5: Soil Map

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

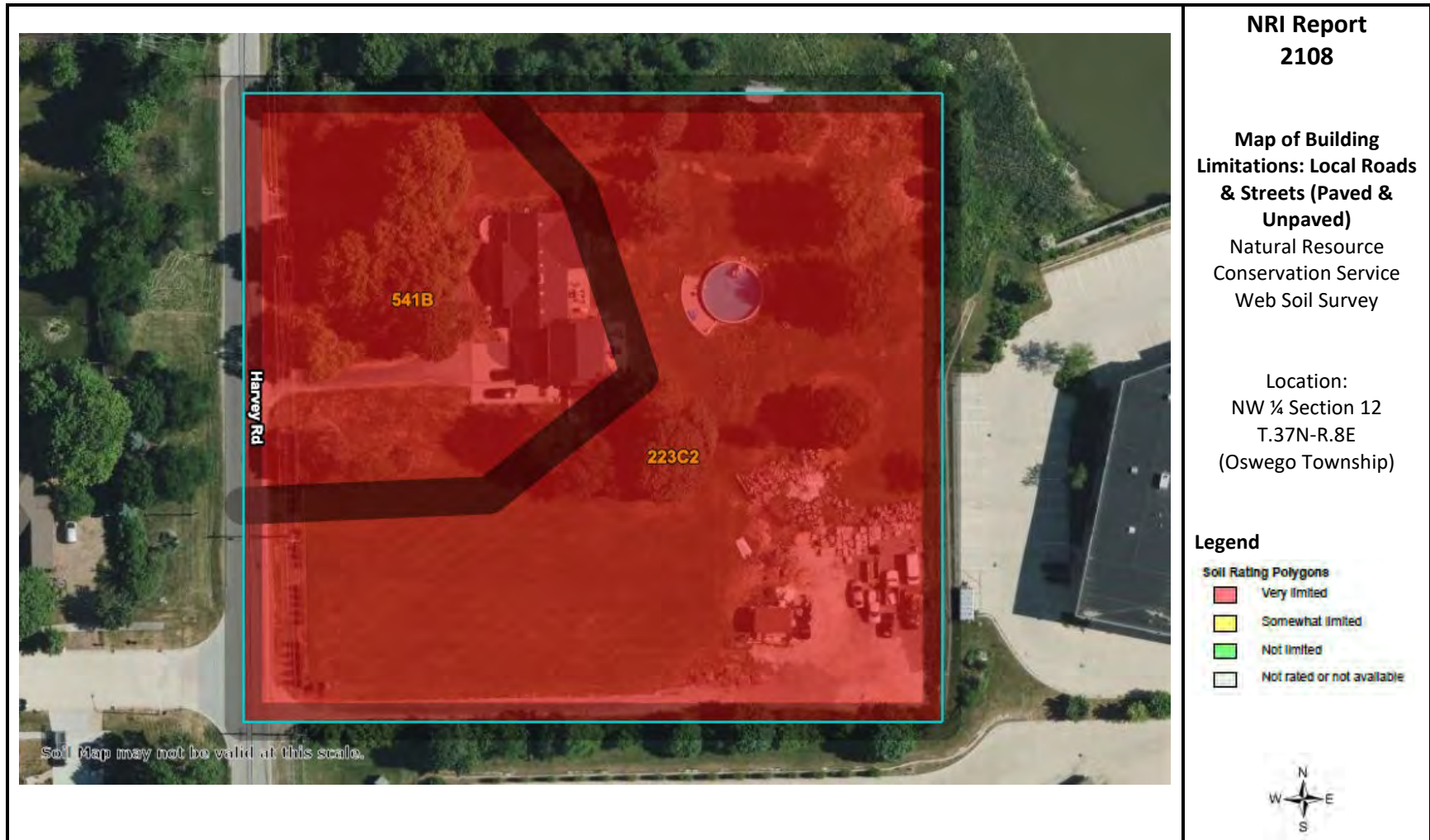


Figure 6B: Map of Building Limitations – Local Roads & Streets (Paved & Unpaved)

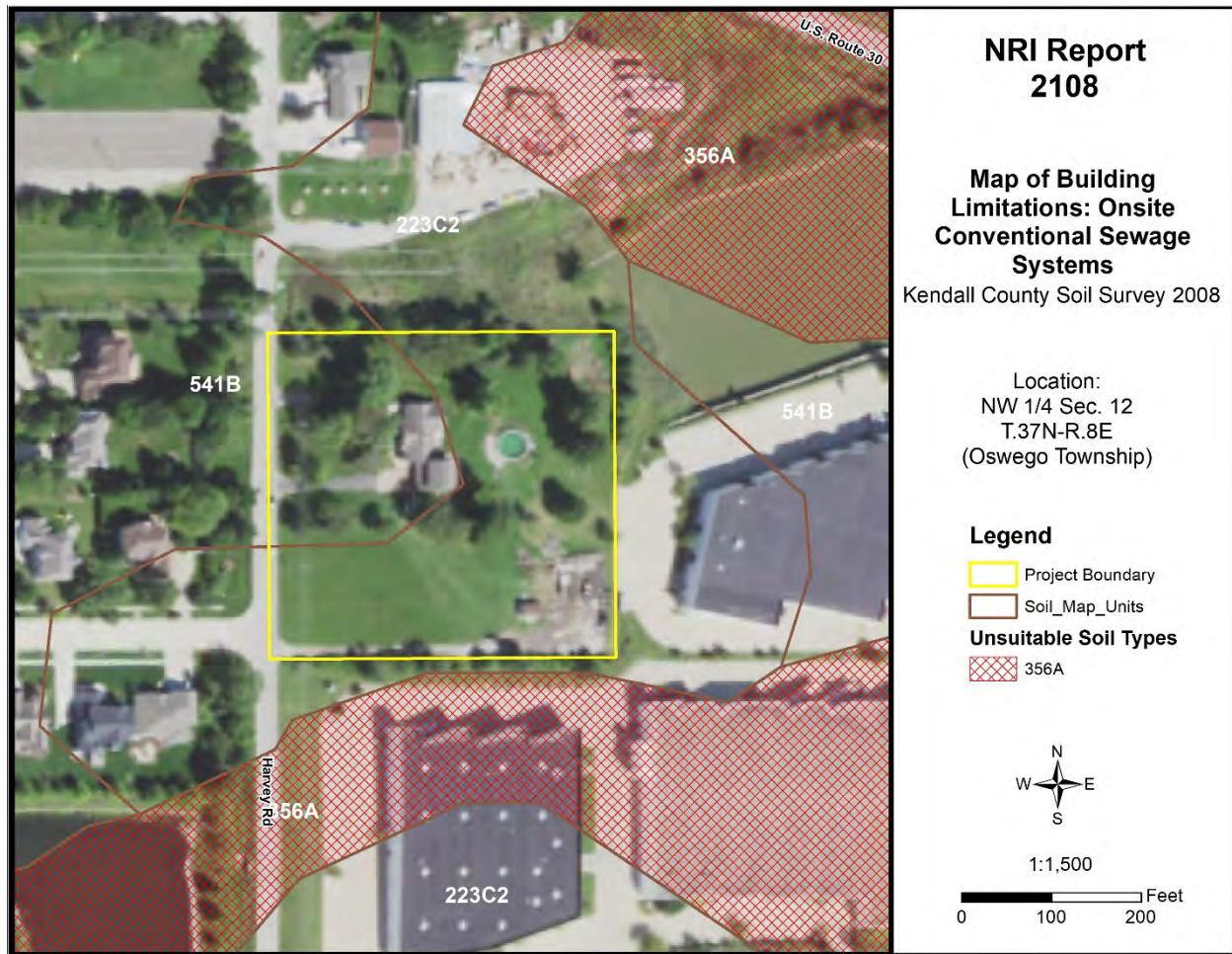


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

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%		

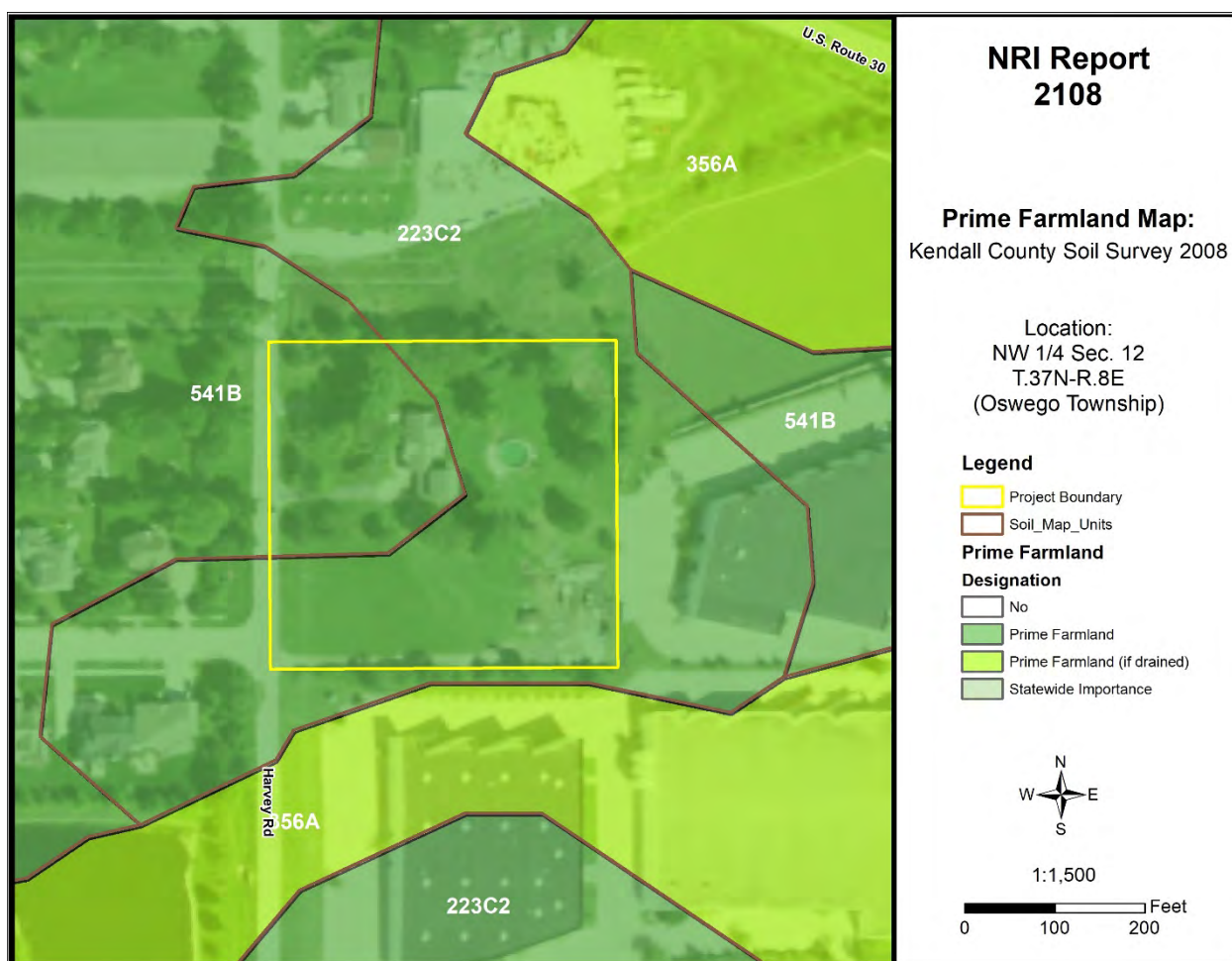


Figure 7: Map of Prime Farmland Soils

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.

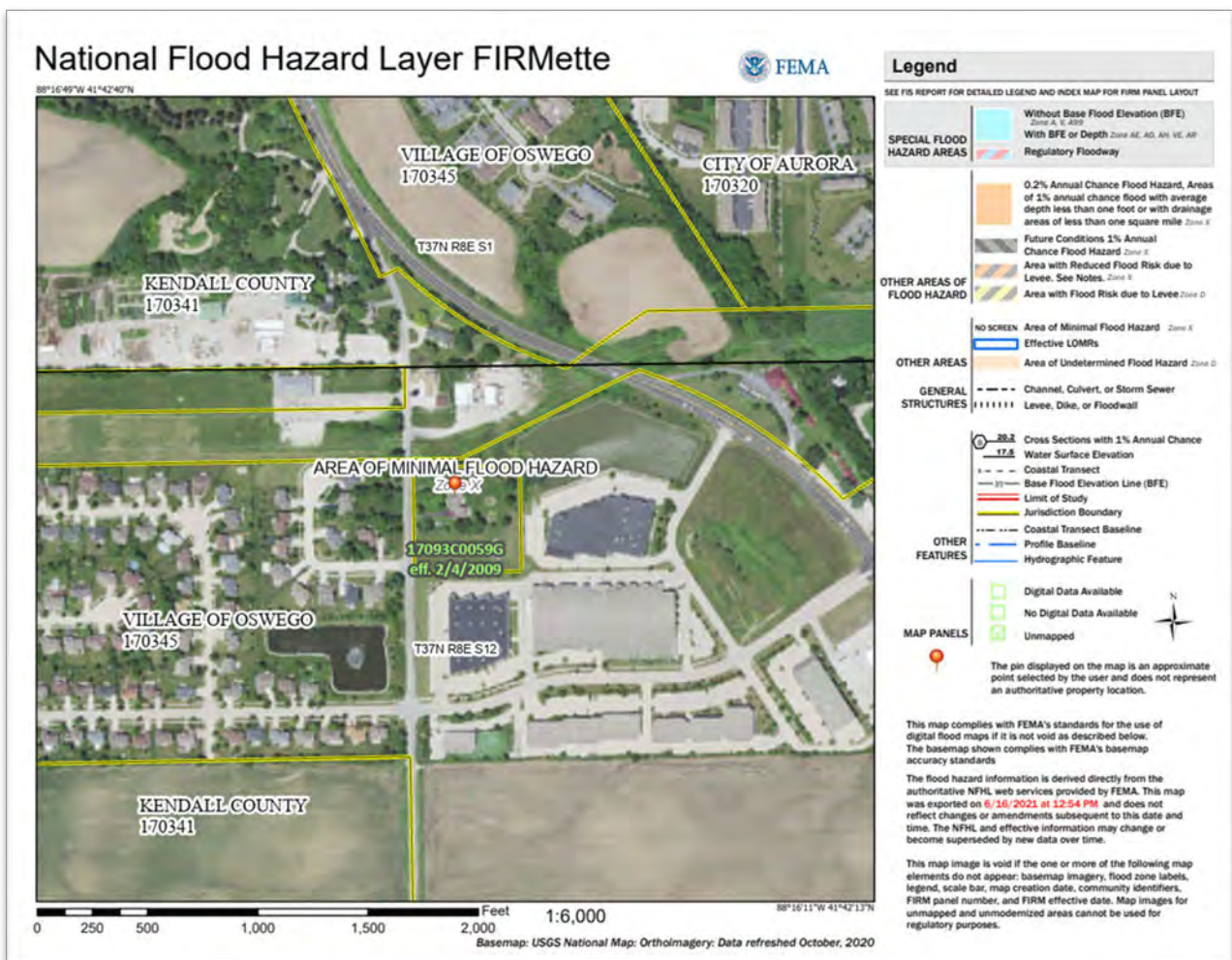


Figure 8: FEMA Floodplain Map

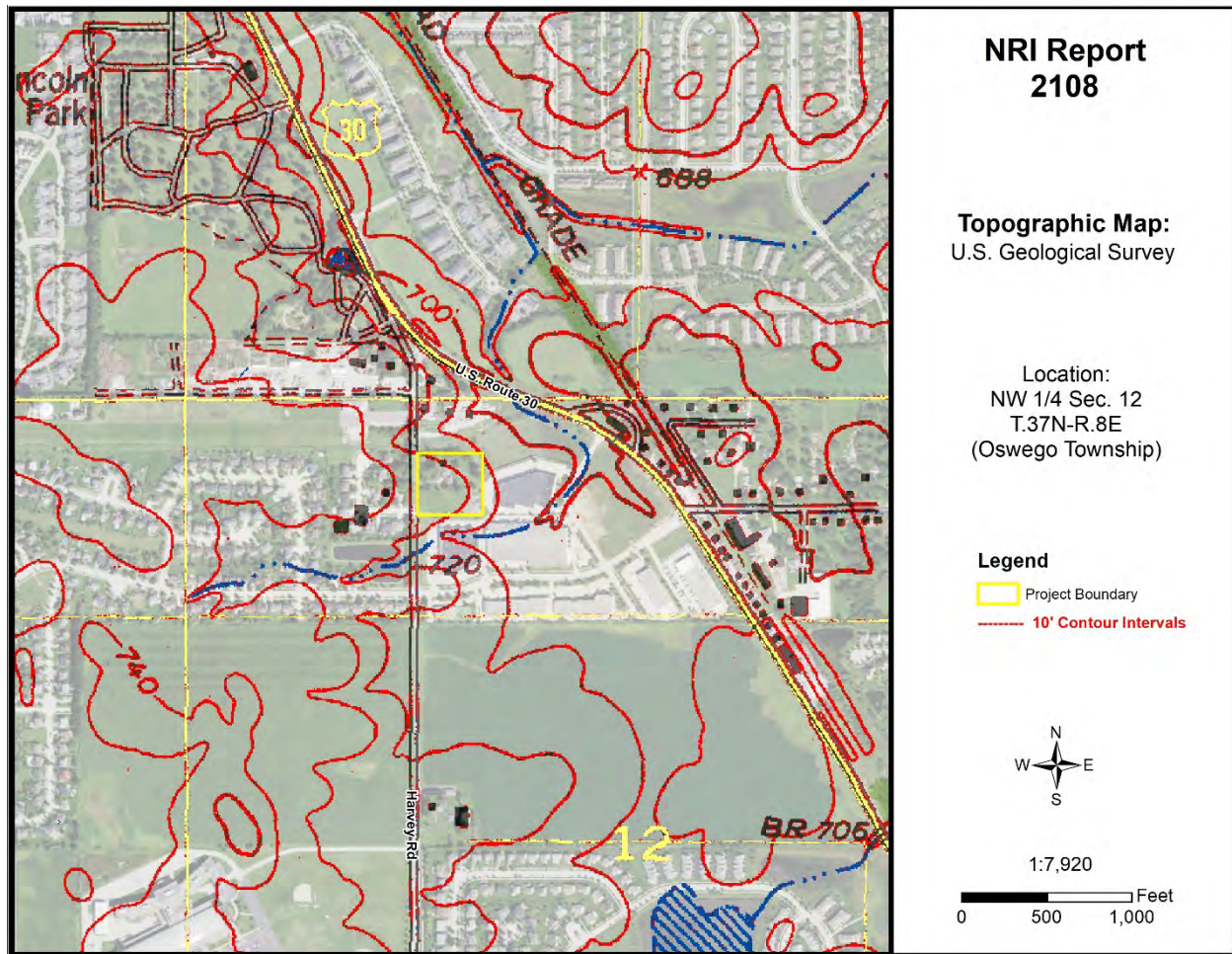


Figure 9: USGS Topographic Map

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

This parcel is located within the Lower Fox River Watershed and the Waubensee Creek Sub Watershed.
--

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."*

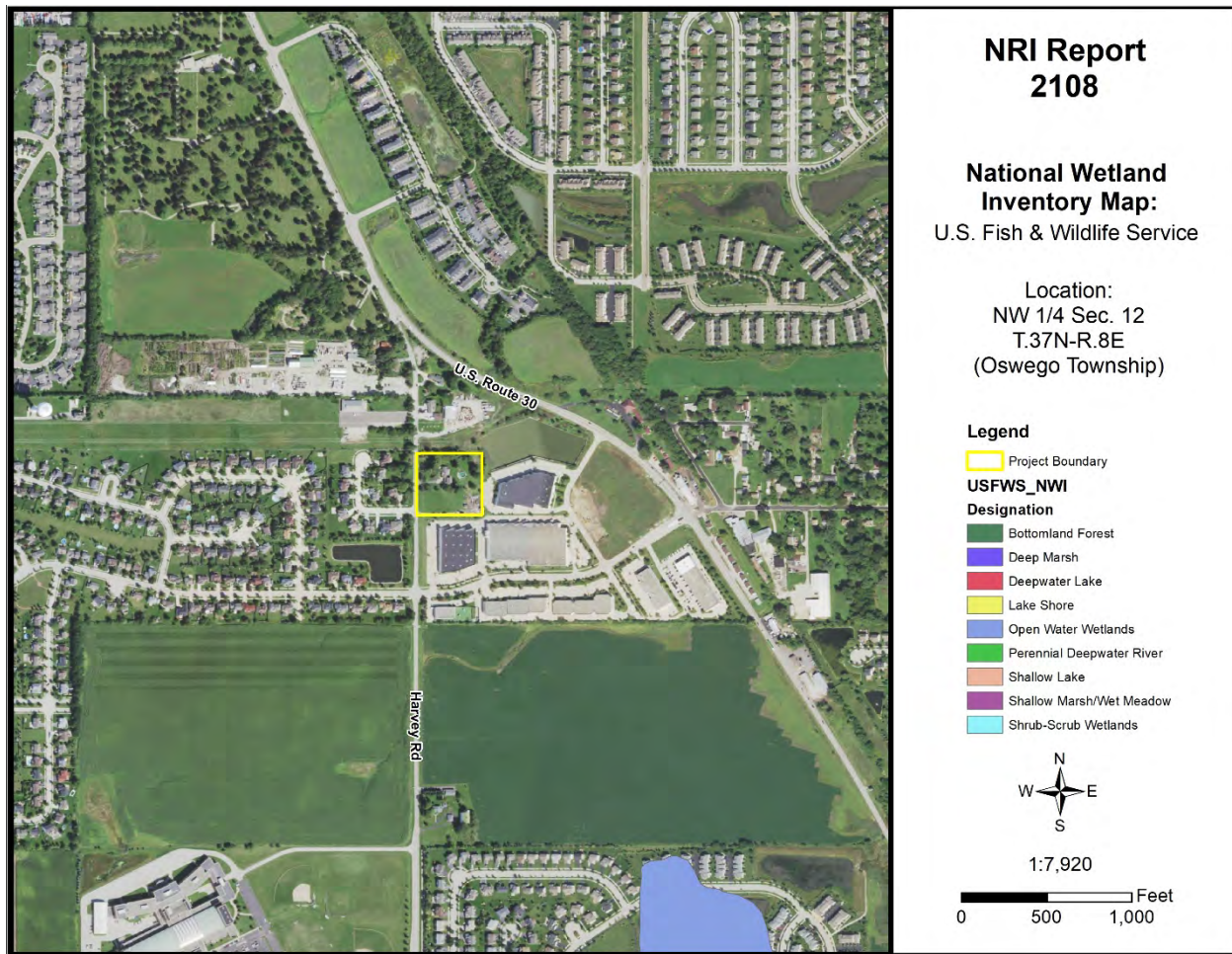


Figure 10: Wetland Map – USFWS National Wetland Inventory

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%

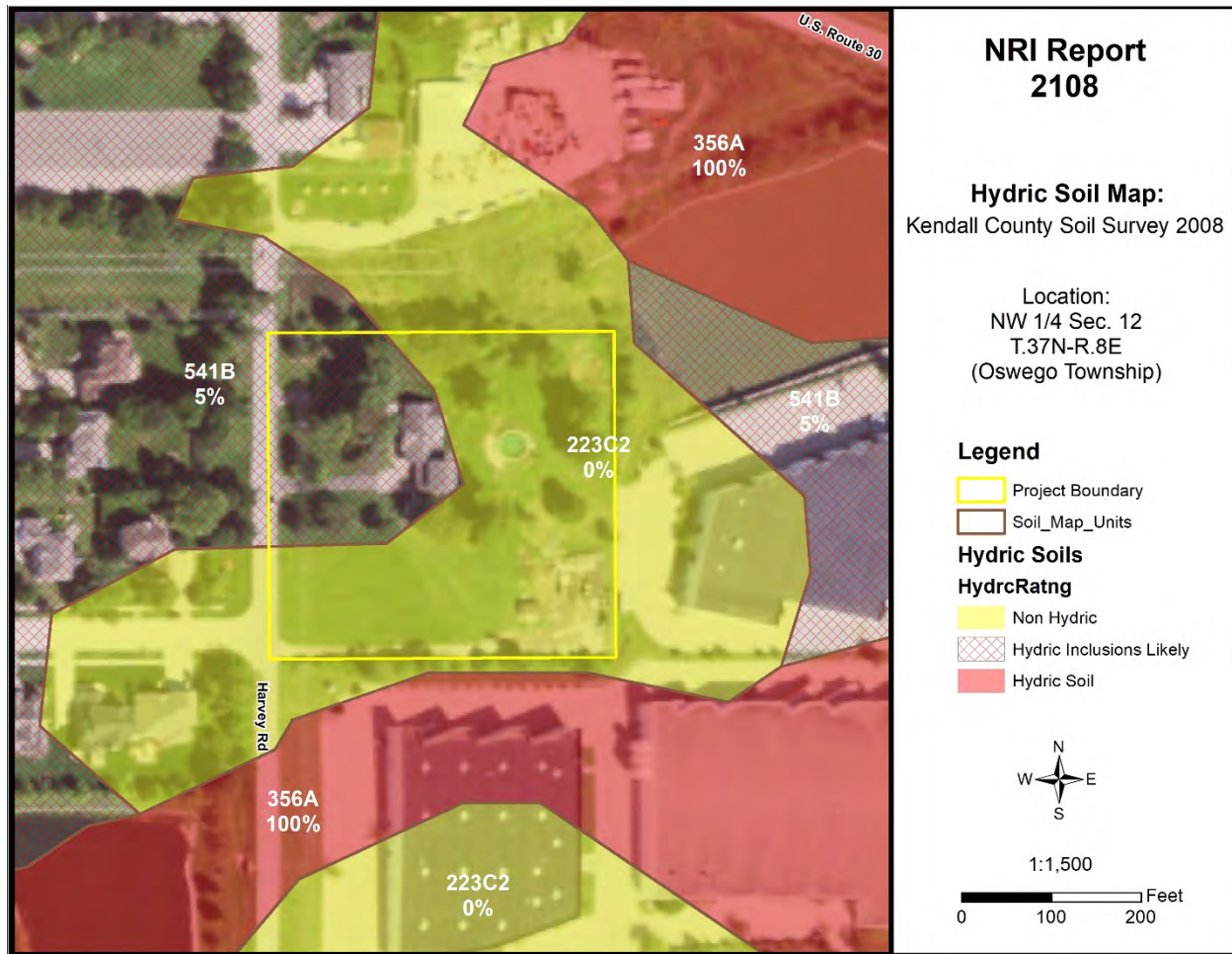


Figure 11: Hydric Soil Map

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

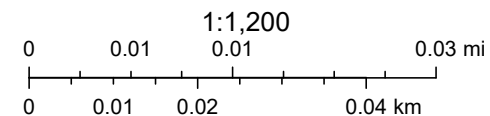


November 30, 2021

 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/>.

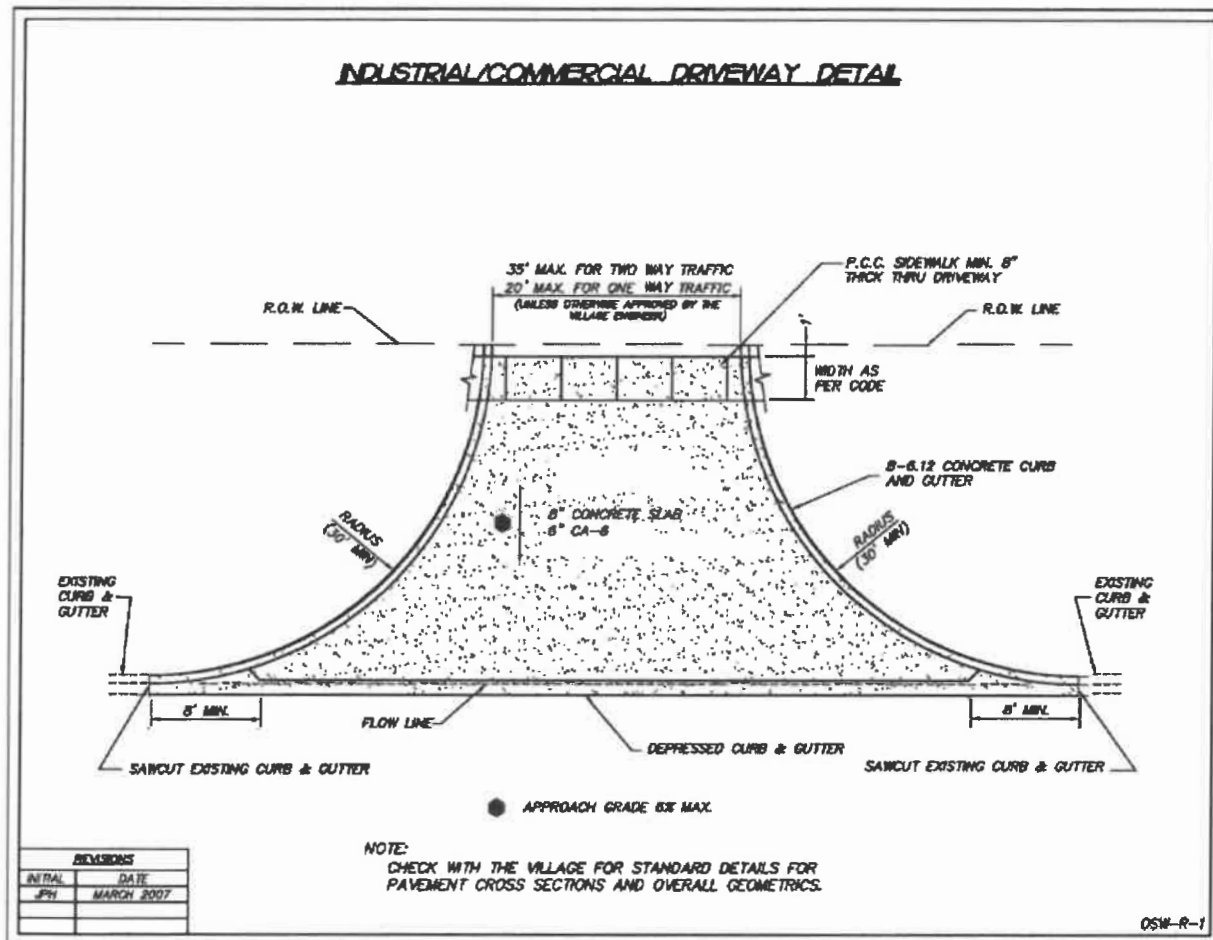
Matt Asselmeier

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

**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.

111



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

Page 1 of 9

There are no floodplains or wetlands on the property.

The adjacent land use are Comed Right-of-Way, Industrial, Stormwater Pond, and Single-Family Residential.

The adjacent properties are zoned R-2, M-1, and M-2 by the Village of Oswego.

Oswego's Future Land Use Map calls for the area to be Agricultural, Single-Family Residential, and Light Industrial.

The zoning districts within one half (1/2) mile are A-1, A-1 SU, R-1, R-3, B-3, B-3 SU, and M-1 in the County and R-1, R-2, R-4, B-3, M-1, and M-2 inside the Village of Oswego.

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

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

EcoCAT Report was submitted on December 9, 2021, and consultation was terminated.

The LESA Score was 124 indicating a low level of protection. The NRI Report was provided.

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

Petition information was sent to the Village of Oswego on December 22, 2021.

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

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

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

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

If the County Board approves the outdoor storage of materials and the variance to the requirement to be located on a State, County or Collector Highway, the above conditions have been met.

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

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

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

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

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

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

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

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

The property drains to the southeast and northeast.

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

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

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

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

The Petitioners were not proposing any business related signage.

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

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

No information was provided regarding noise control.

No new odors were foreseen by the proposed use.

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

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

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

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Appropriate restrictions may be placed in the special use permit to regulate the number of employees, hours of operation, site landscaping, and noise. Therefore, the neighboring property owners should not suffer loss in property values and the use will not negatively impact the adjacent land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. If the Village of Oswego approves the new access point for the southern driveway and if a variance is granted for the location of the southern driveway, then adequate points of ingress and egress will be provided. The owners of the business allowed by the special use permit have agreed not pile materials in excess of three feet (3') in height.

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

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

The proposed Findings of Fact for the variances were as follows:

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

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

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

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

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

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

1. The site shall be developed substantially in accordance with the plat of survey and landscaping plan.
2. The existing house, garage, chicken coop, deck, swimming pool, and shed located on the northwest corner of the property shall be used for residential purposes only and shall be exempt from the site development conditions of the special use permit. The locations of these structures may change without requiring an amendment to the special use permit.
3. A variance to Section 11:02.F.7.b of the Kendall County Zoning Ordinance shall be granted allowing off-street parking and southern driveway to be no closer than zero feet (0') from the southern property line as shown on the landscaping plan. The driveway shall be a maximum of twenty feet (20') in width and shall be gravel.
4. A variance to Section 7:01.D.30.b of the Kendall County Zoning Ordinance shall be granted allowing the operation of a landscaping business at a property not located on and not having direct access to a State, County, or Collector highway as designed in the County's Land Resource Management Plan.
5. The owners of the business allowed by the special use permit shall maintain the parking area shown on the site plan and in substantially the same location as depicted on the plat of survey. The parking area shall be brick pavers.
6. The owners of the business allowed by the special use permit shall maintain the landscaping business area on the southeast corner of the site as depicted on the landscaping plan. This area shall be gravel.
7. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
8. Any new structures constructed or installed related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
9. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
10. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
11. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
12. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the landscaping plan. The maximum height of the piles of landscaping related material shall be less than three feet (3') in height.
13. No signage advertising or promoting the business shall be installed on the subject property. The owner of the business allowed by this special use permit may install appropriate handicapped parking signs and other directional signs within the fenced landscaping business area as shown on the landscaping plan.
14. Three (3) thirty foot (30') tall white pines, eleven (11) eight foot (8') tall mission arborvitaes, three (3) nine foot (9') tall blue spruces, and one (1) fifteen foot (15') mulch bed along the southwest corner of the property shall be installed and maintained on the property in substantially the locations shown on the landscaping plan. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

15. No landscape waste generated off the property can be burned on the subject property.
16. A maximum of four (4) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
17. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
18. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:30 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation. The business allowed by this special use permit may operate at the subject property starting March 1st and ending November 30th of each year.
19. The noise regulations are as follows:

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

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

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
20. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
21. The owners of the business allowed by this special use shall reside at the subject property as their primary place of residence.
22. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
23. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
24. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
25. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

26. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Miguel Angel Fernandez, Attorney for the Petitioner, requested that the special use permit and variances be approved.

Member Nelson asked why the Petitioner waited with applying for a special use permit. Mr. Fernandez responded that the Petitioner had heard from other landscaping businesses that a special use permit was not required and other landscaping businesses were operating without such permits. Mr. Asselmeier requested the names and addresses of the landscaping businesses operating without special use permits. Mr. Fernandez was unable to provide this information.

Mr. Fernandez noted that the Petitioner was not fluent in English and had tried to get a Spanish speaking zoning attorney. The Petitioner used a different attorney previously.

Member Nelson requested a history of the investigation at the property. Mr. Asselmeier provided a history of the investigation at the property.

Member Wilson asked why the Petitioner had not attended court when the fine was set. Mr. Fernandez did not know why the Petitioner was absent from court.

Vice-Chairman Rodriguez told a story about getting bitten by a dog as child. He also discussed his interactions with another landscaping business that had gone through the special use process.

Member Nelson expressed concerns about the Petitioner not following the conditions in the special use permit. He felt that County resources would be wastefully spent if the special use permit was approved and if the County had to constantly take the Petitioner to court.

Discussion occurred the need for an access permit from the Village of Oswego for the southern driveway. Member Nelson expressed concerns that the Village could require the driveway location be altered and the could cause the Petitioner to have to seek an amendment to the special use permit in the future. Mr. Fernandez stated that the Petitioner had not been aware of this requirement until the previous day. Mr. Asselmeier noted that the email from the Village of Oswego had been in the packet for the ZPAC meeting.

Discussion occurred about requiring the Petitioner to pay a bond or portion of the fine prior to the issuance of the special use permit. The consensus was that this type of requirement was not allowed by law.

Member Nelson made a motion, seconded by Member Wilson, to table the Petition until the Petitioner provided proof of approval of an access permit by the Village of Oswego and, if necessary, provided an updated site plan showing changes to the driveway as required by the Village of Oswego in order to obtain the access permit.

The votes were as follows:

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

Nays (0): None

Absent (1): Ashton

Abstain (0): None

The motion carried.

This proposal will return to the Commission's agenda after the requested documents are provided.

CITIZENS TO BE HEARD/PUBLIC COMMENT

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

ADJOURNMENT

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

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

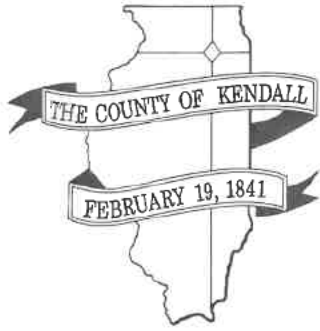
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Enc.

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

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Tom Green		
Patti Bernhad		
Miguel Angel Fernandez		
Lamar Family		
Kathy Kemp		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

October 11, 2018

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 1038 Harvey Road, Oswego, IL (P.I.N. #: 03-12-100-004). It has come to our attention that you are operating a landscaping business at the subject property which is zoned A-1 Agricultural District under the Kendall County Zoning Ordinance.

According to Section 7.01.D.28 of the Kendall County Zoning Ordinance, landscaping businesses require a special use permit to operate in the A-1 Agricultural District and landscaping businesses are required to be located on a State, County, or Collector Highway as defined by the Kendall County Land Resource Management Plan. Harvey Road does not meet this criteria.

Please consider this your thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of applying for a special use permit and variance to lawfully operate a landscaping business at the subject property or ceasing operations of a landscape business at the subject property. Applications for a special use permit and variance are attached to this letter. Please respond to this letter in writing by the **November 10, 2018** deadline.

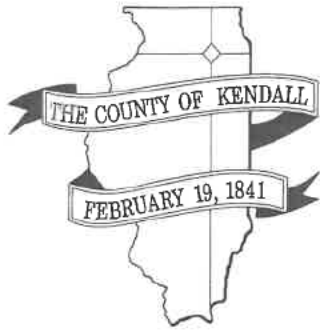
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Encs.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

November 14, 2018

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL 60543

Dear Property Owners,

You should have received a letter dated October 11, 2018, on this topic. According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 1038 Harvey Road, Oswego, IL (P.I.N. #: 03-12-100-004). It has come to our attention that you are operating a landscaping business at the subject property which is zoned A-1 Agricultural District under the Kendall County Zoning Ordinance.

According to Section 7.01.D.28 of the Kendall County Zoning Ordinance, landscaping businesses require a special use permit to operate in the A-1 Agricultural District and landscaping businesses are required to be located on a State, County, or Collector Highway as defined by the Kendall County Land Resource Management Plan. Harvey Road does not meet this criteria.

Please consider this your second thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of applying for a special use permit and variance to lawfully operate a landscaping business at the subject property or ceasing operations of a landscape business at the subject property. Applications for a special use permit and variance are attached to this letter. Please respond to this letter in writing by **December 14, 2018**. **Please be advised that failure to respond to this letter by the deadline date could result in additional legal action against you.**

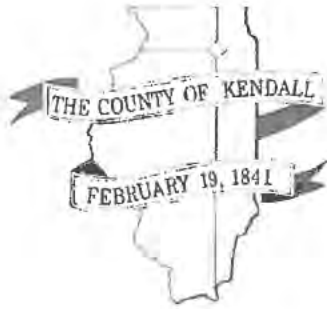
Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Encs.



CODE ENFORCEMENT INVESTIGATION REPORT
DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Date

5/13/19

Violation #

19-049

Address of Violation:

1038 Harvey Road

City & Zip:

Oswego 60543

Subdivision:

Unit

Lot

Parcel Number:

03-12-100-004

Zoning:

A7

Owner or Tenant:

Jose + Silvia Martinez

"

Description of Complaint:

Junk + Debris

Driveway + Parking Area - No Permit
Operation of a Landscape business

Complainant's Name



Contact Info:

Inspector

BLH

Date 5/13/19

Field Notes

Driveway + Parking Area - No Permit (Ordinance 2014-07)

Landscape Business Prohibited in A-7 zone Special Use Permit Required
(2013 Ordinance 7.01)

Junk + Debris (Ordinance)

Photos Taken?

☒ Yes

No

Section of Applicable Code (see Field Notes)

NOTES:

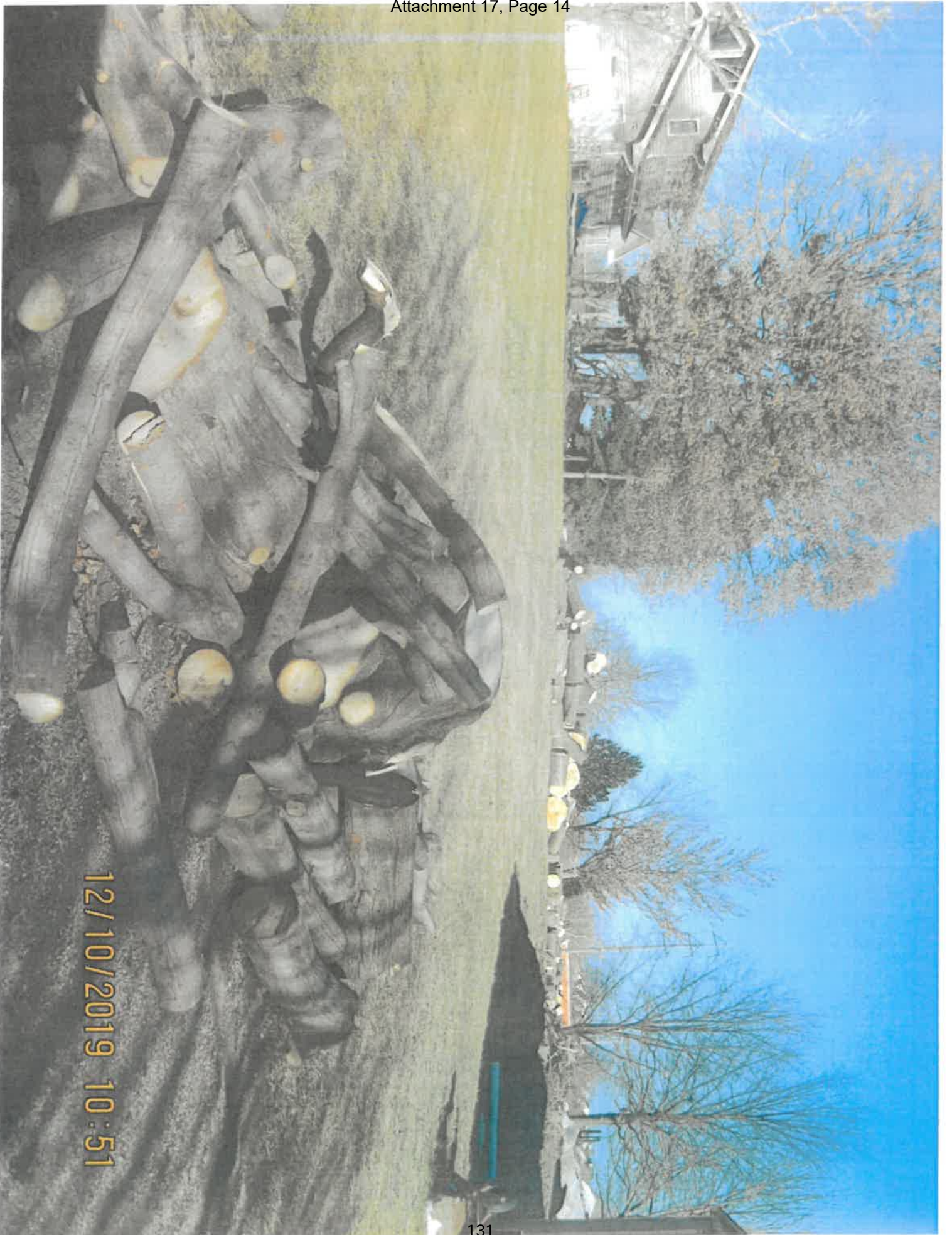
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9/17/19 Left Message

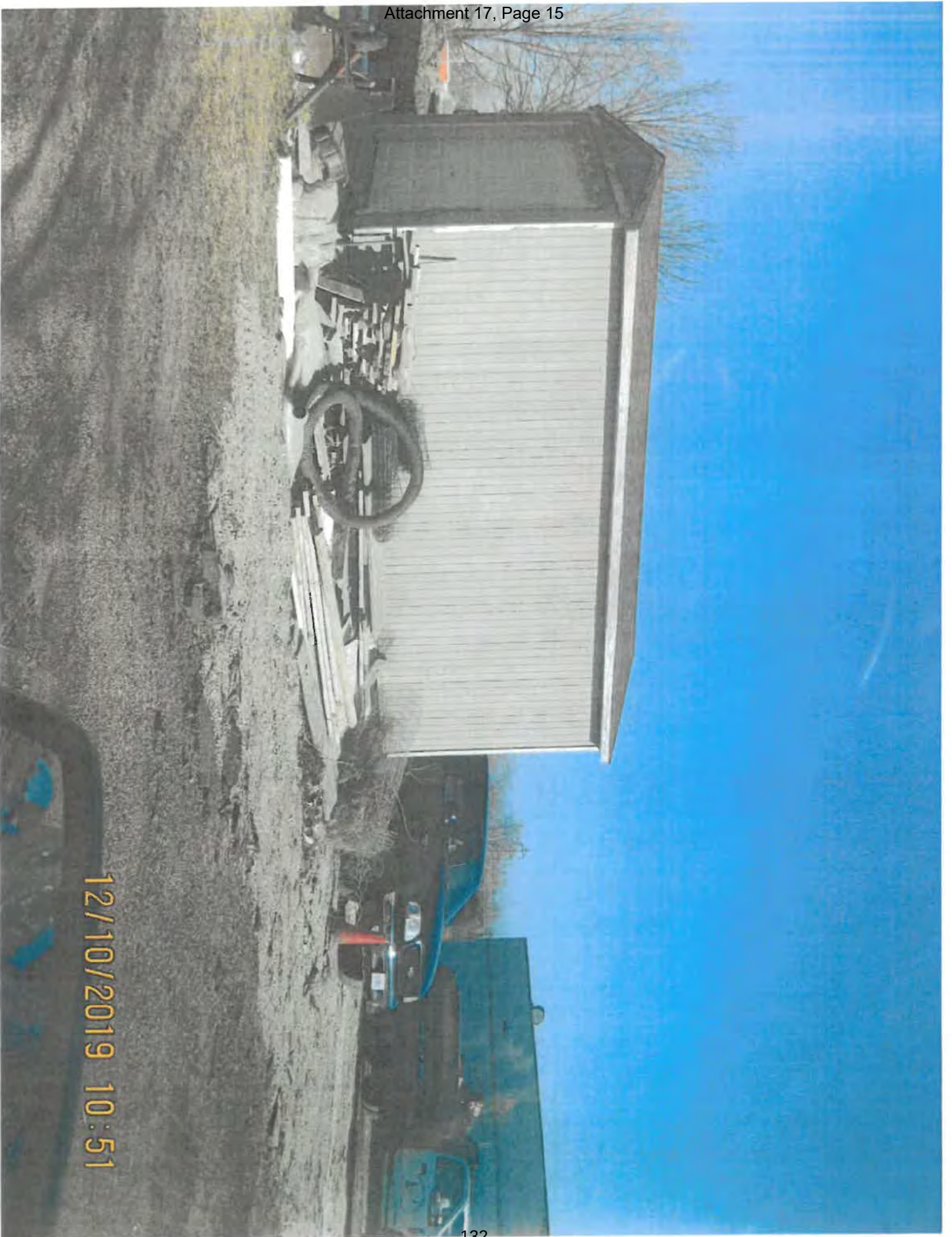
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F/U 8/1/19

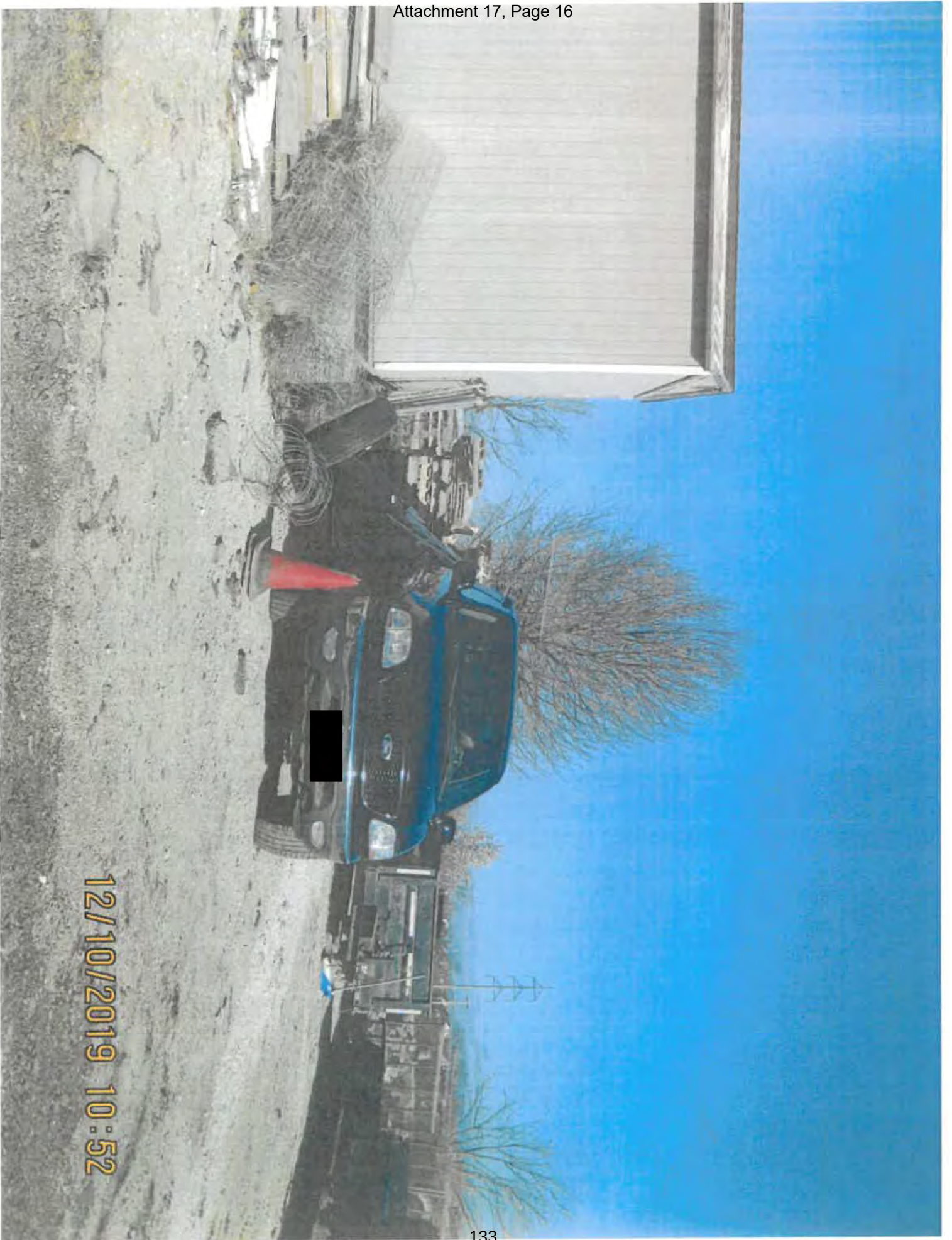
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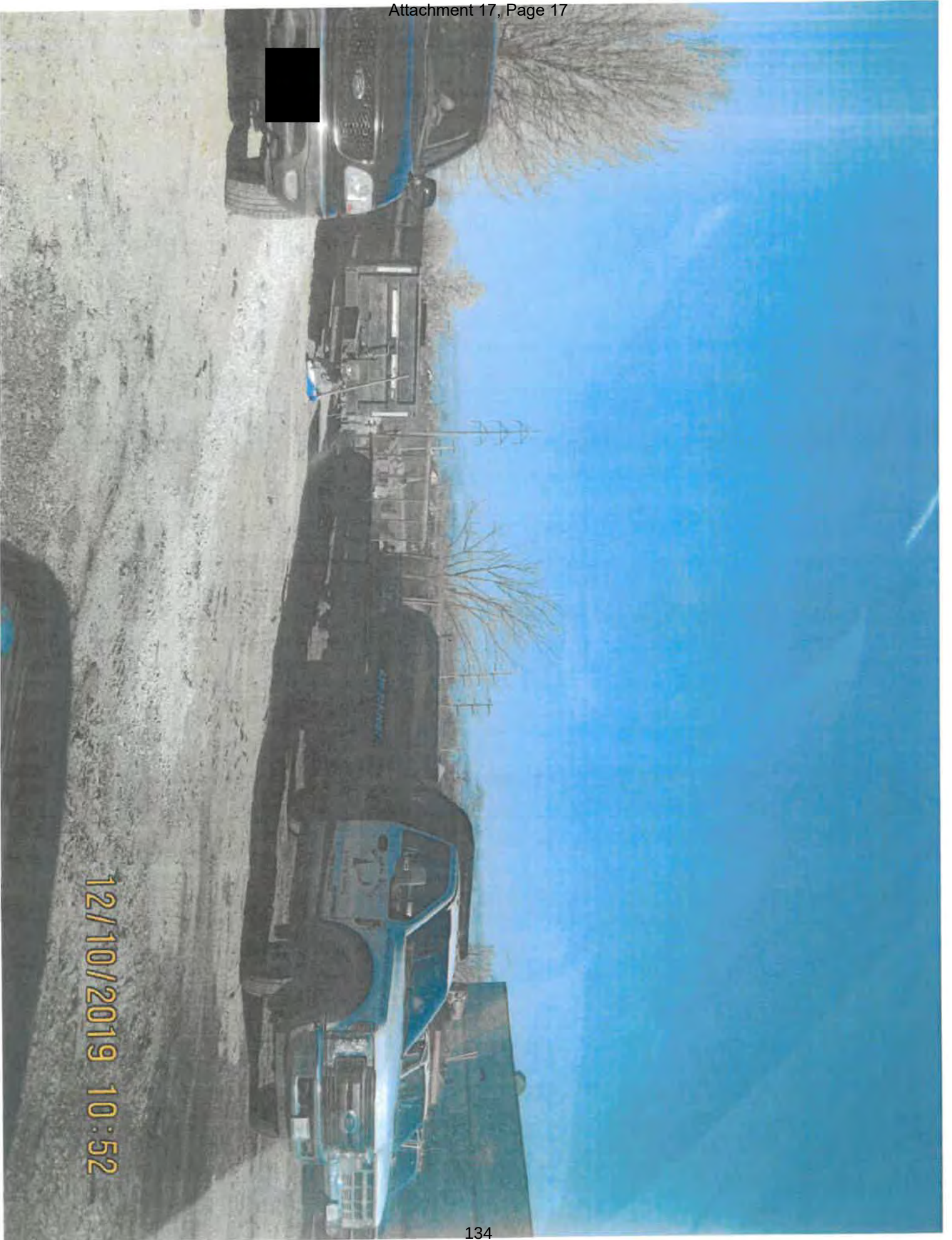


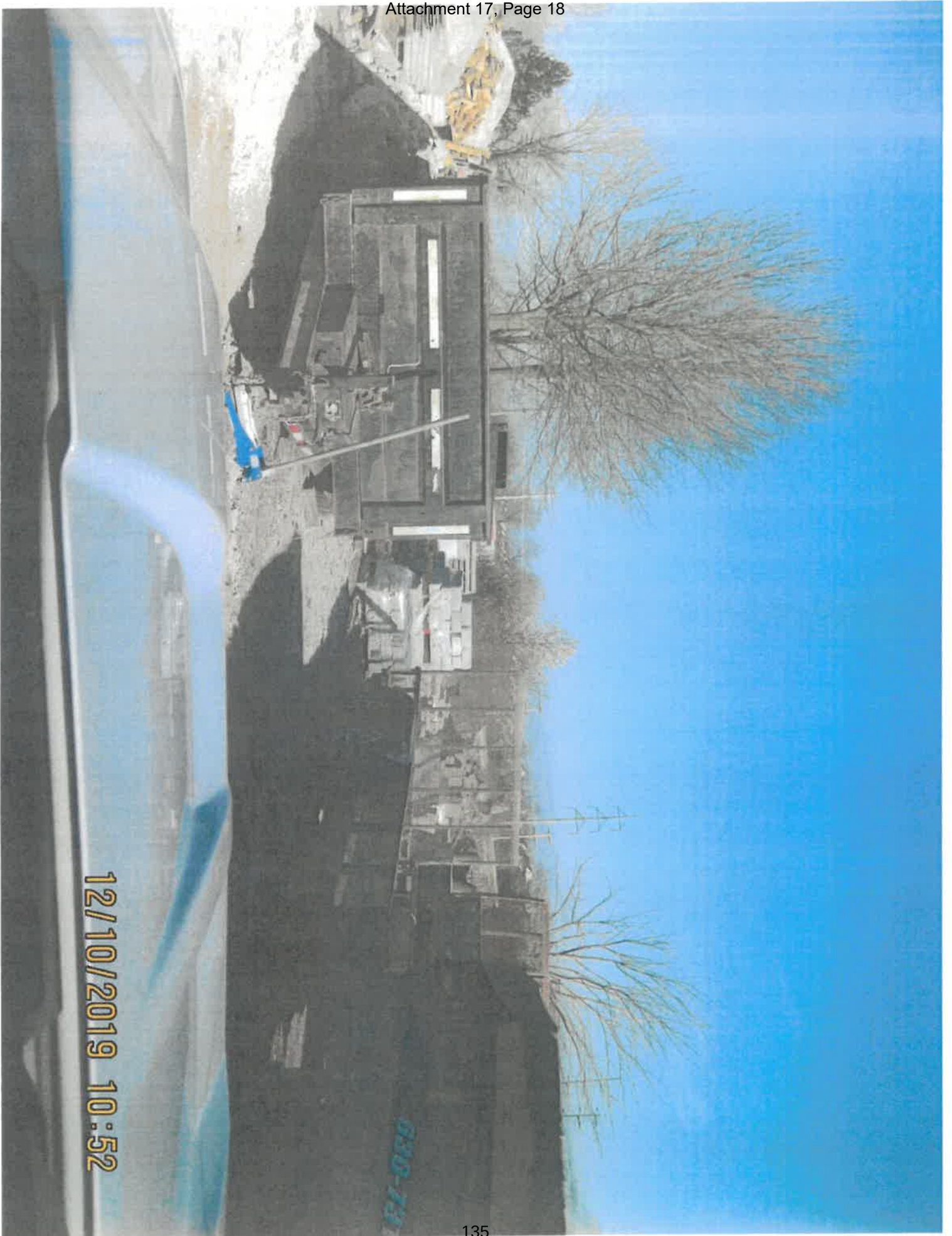
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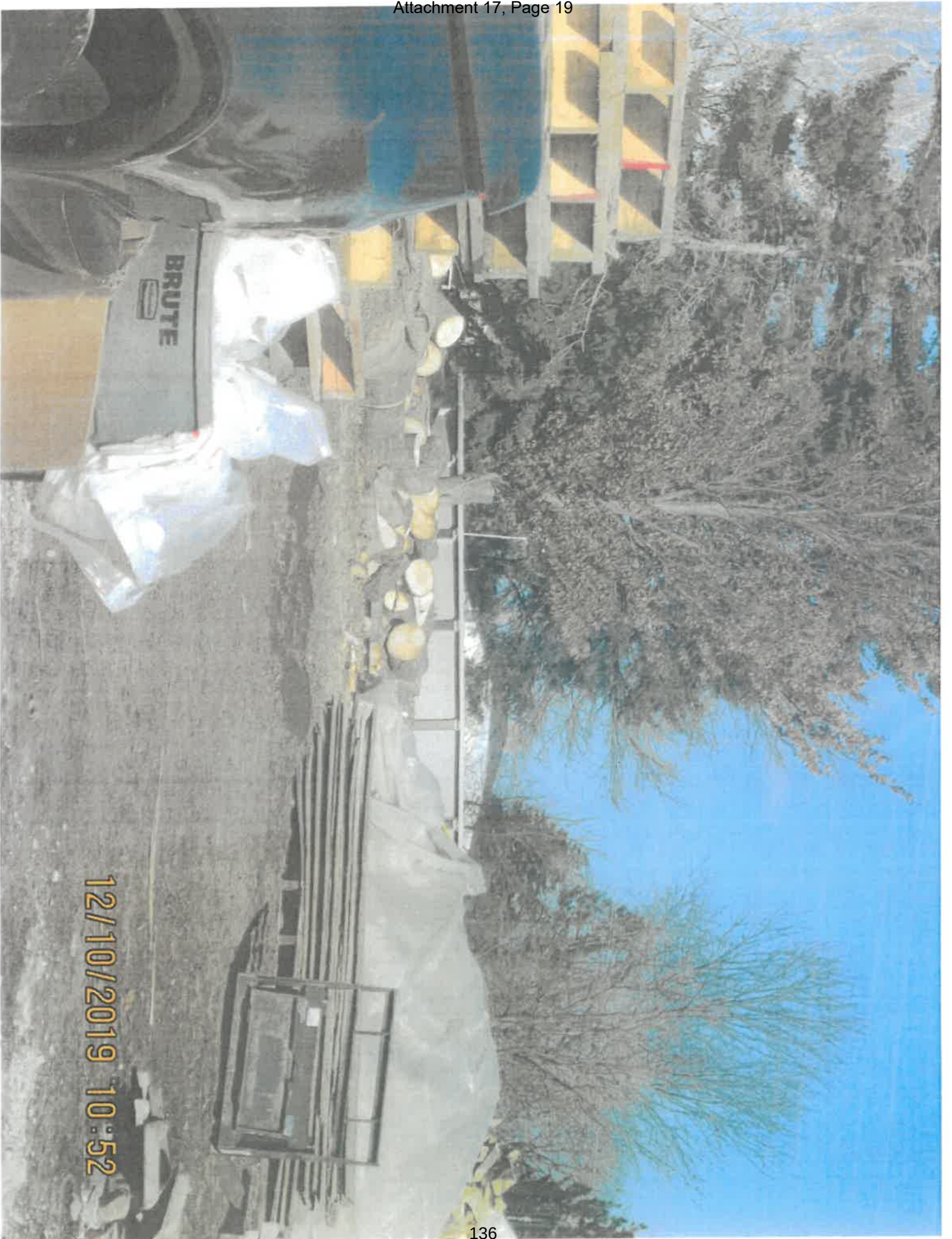
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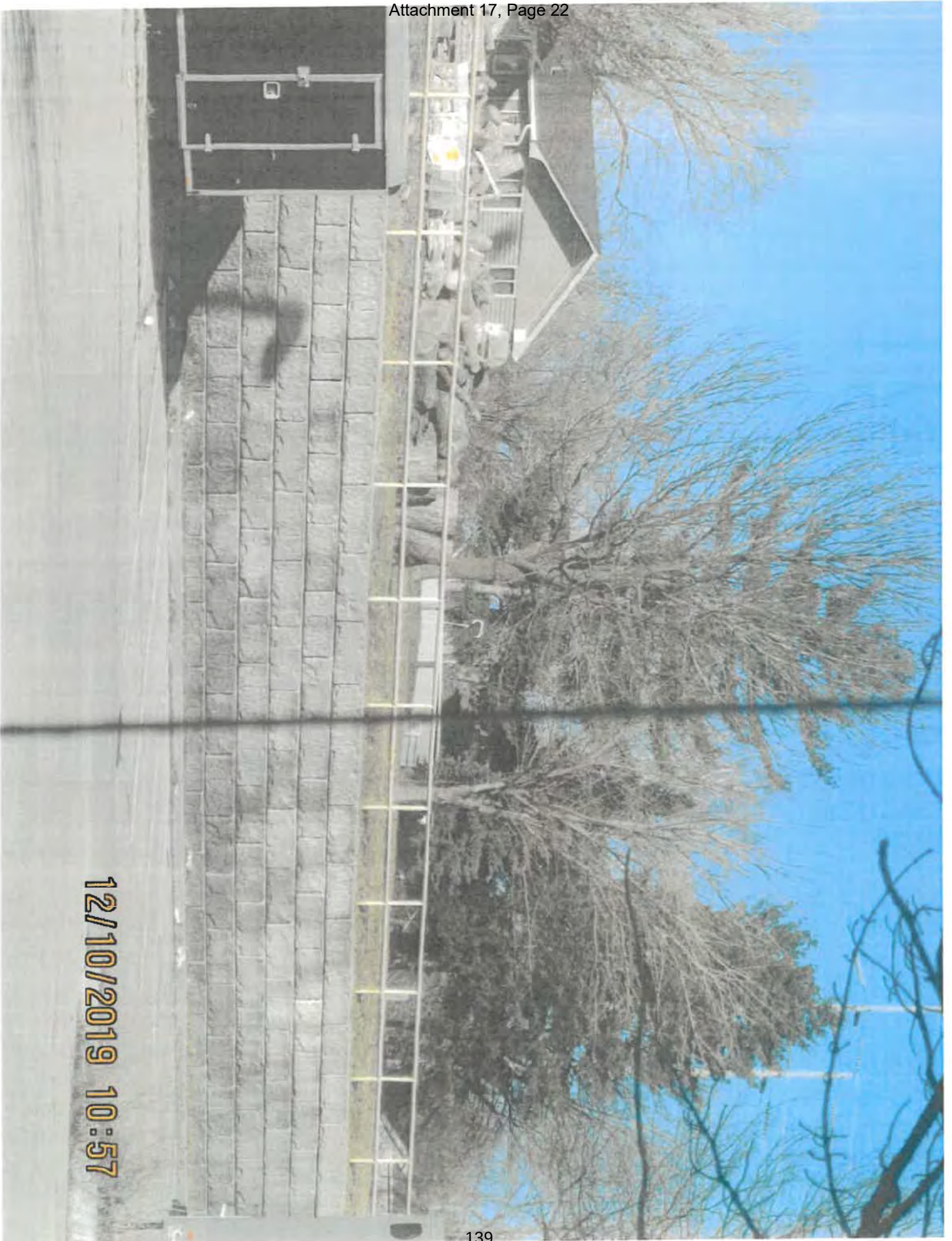




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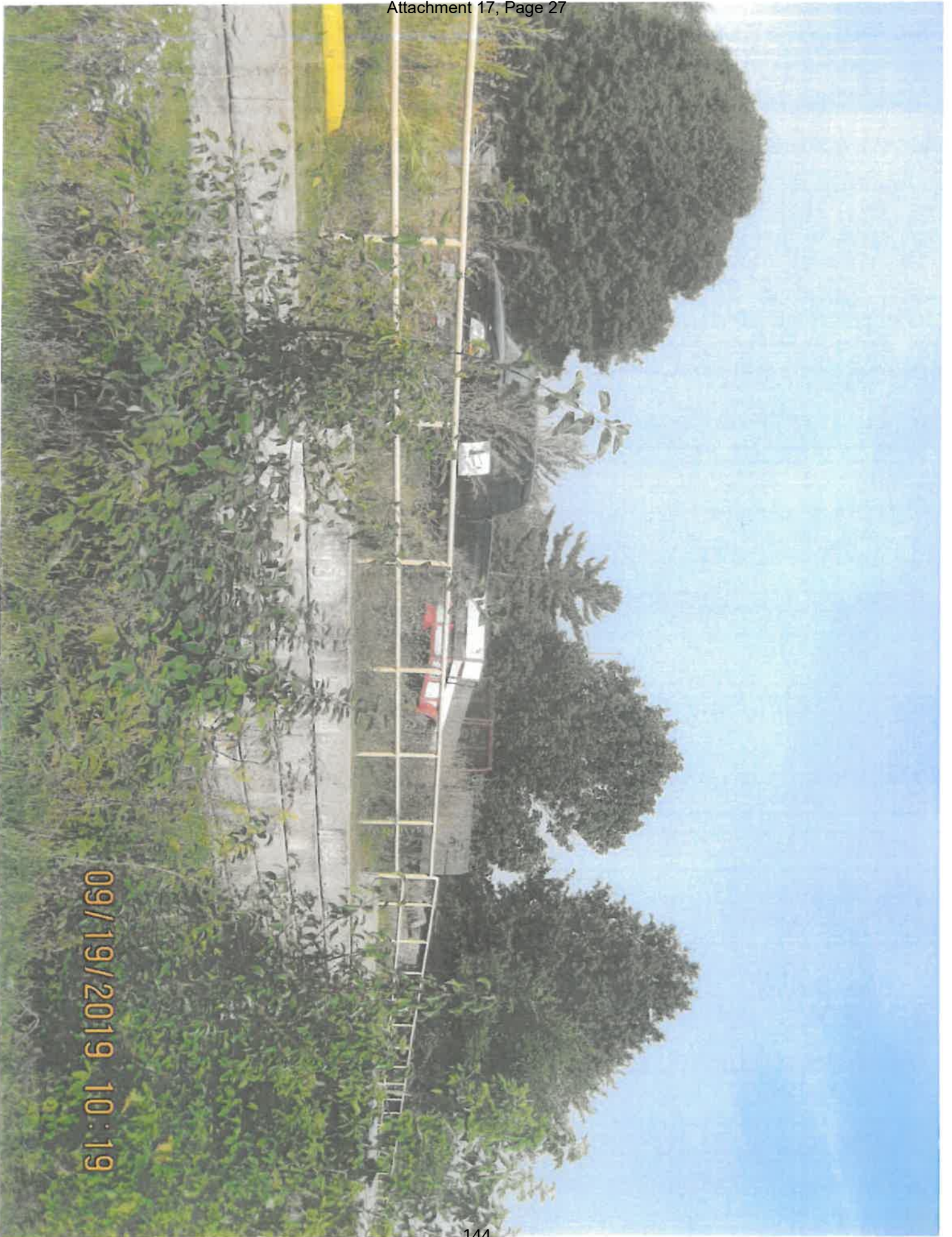
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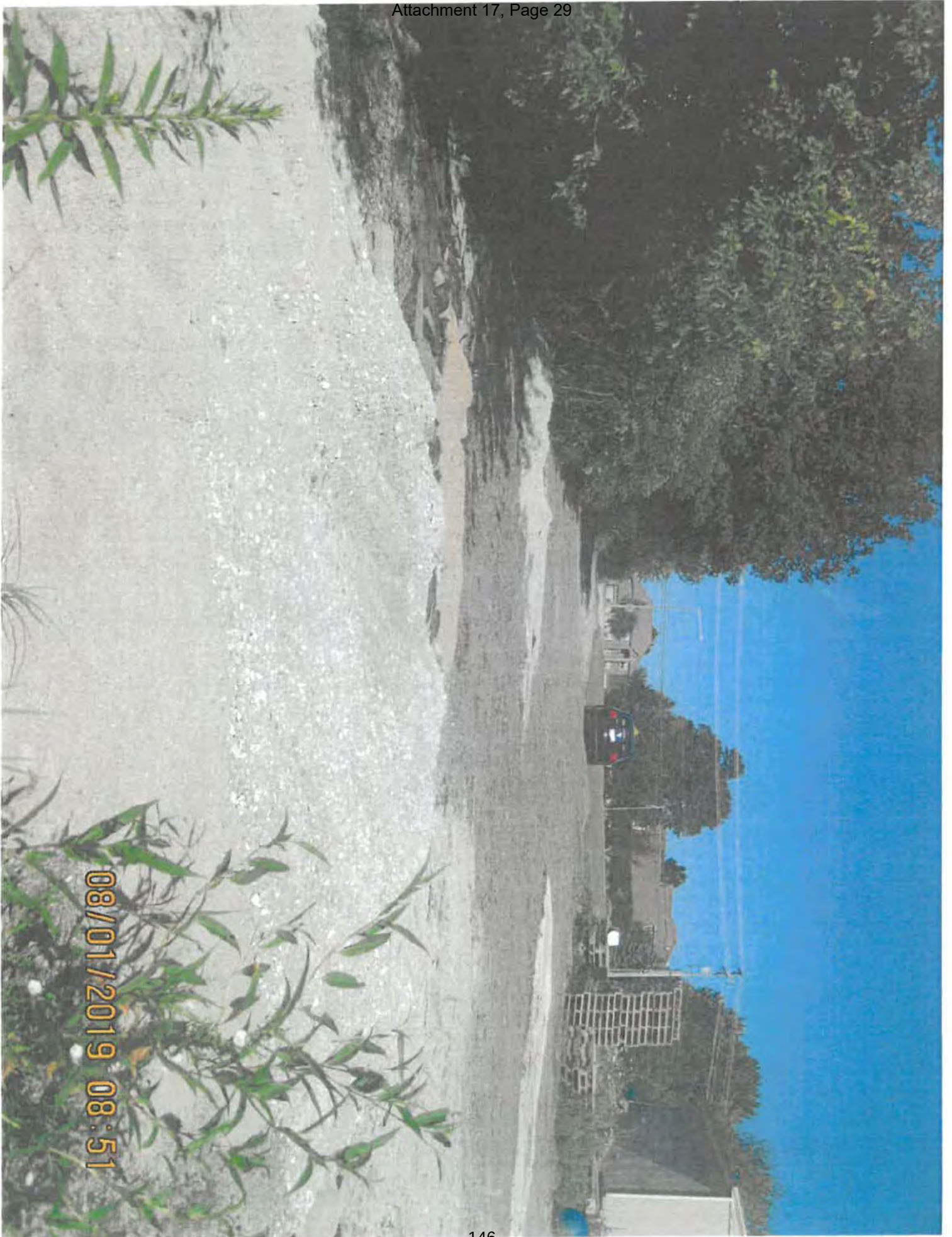
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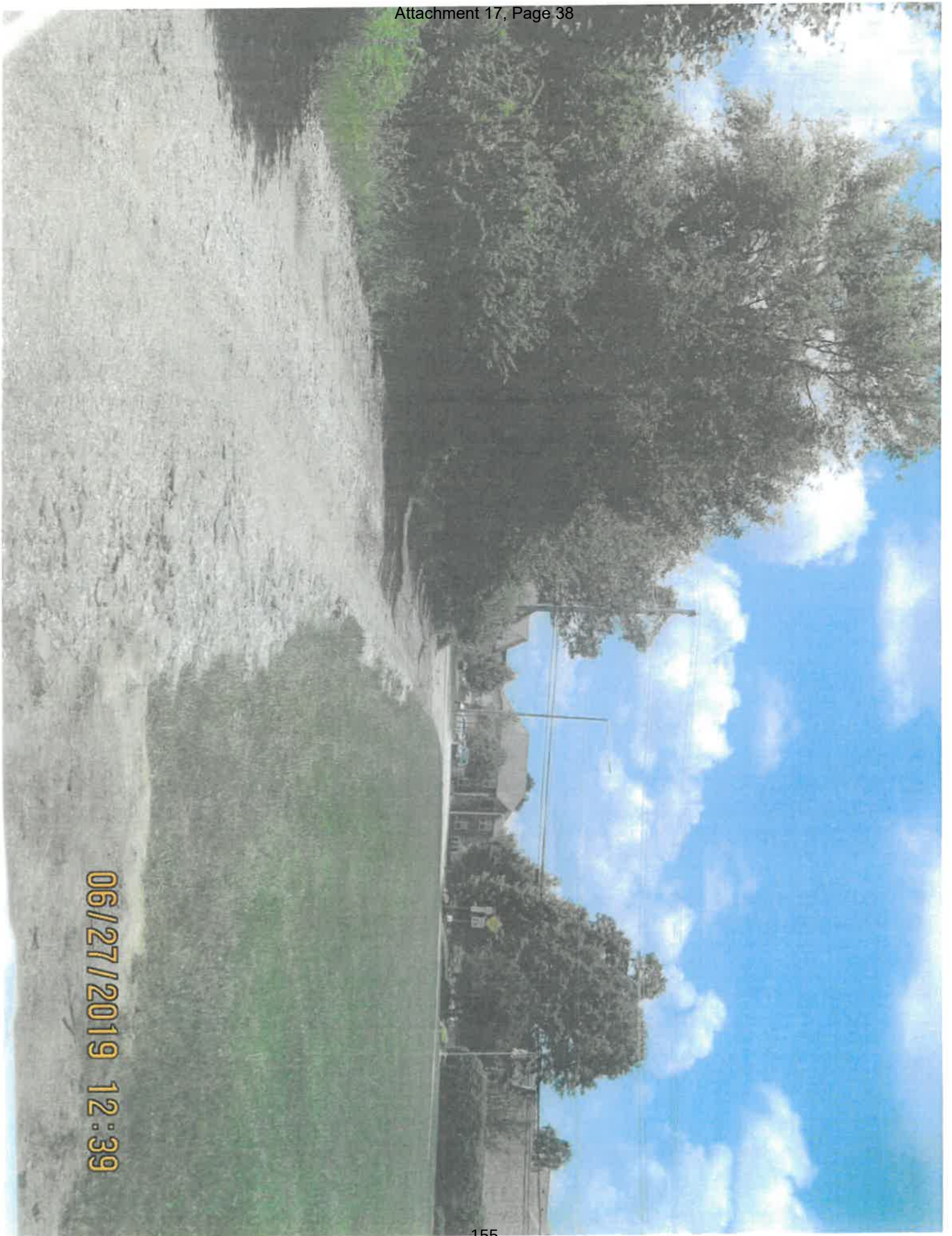
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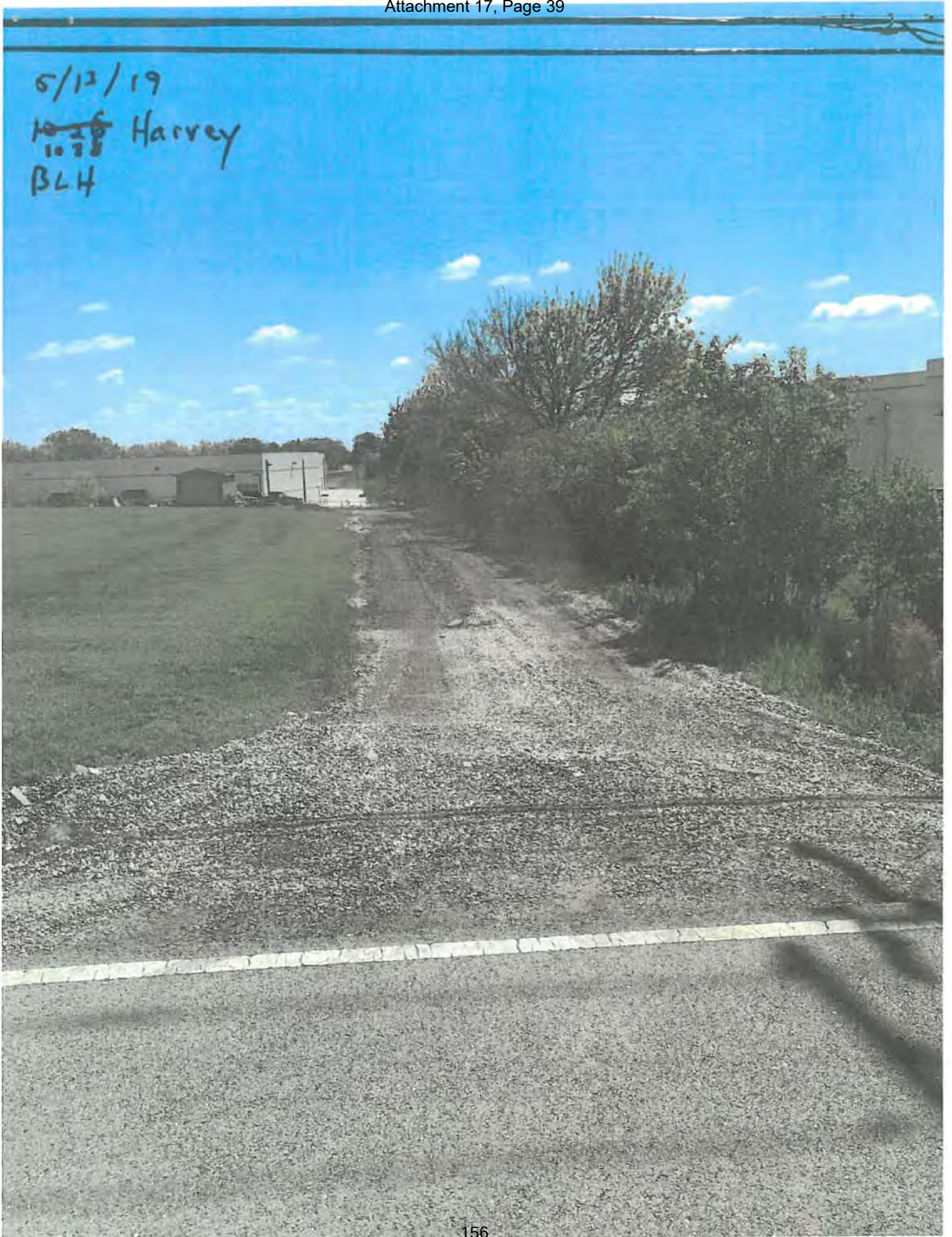
06/27/2019 12:38



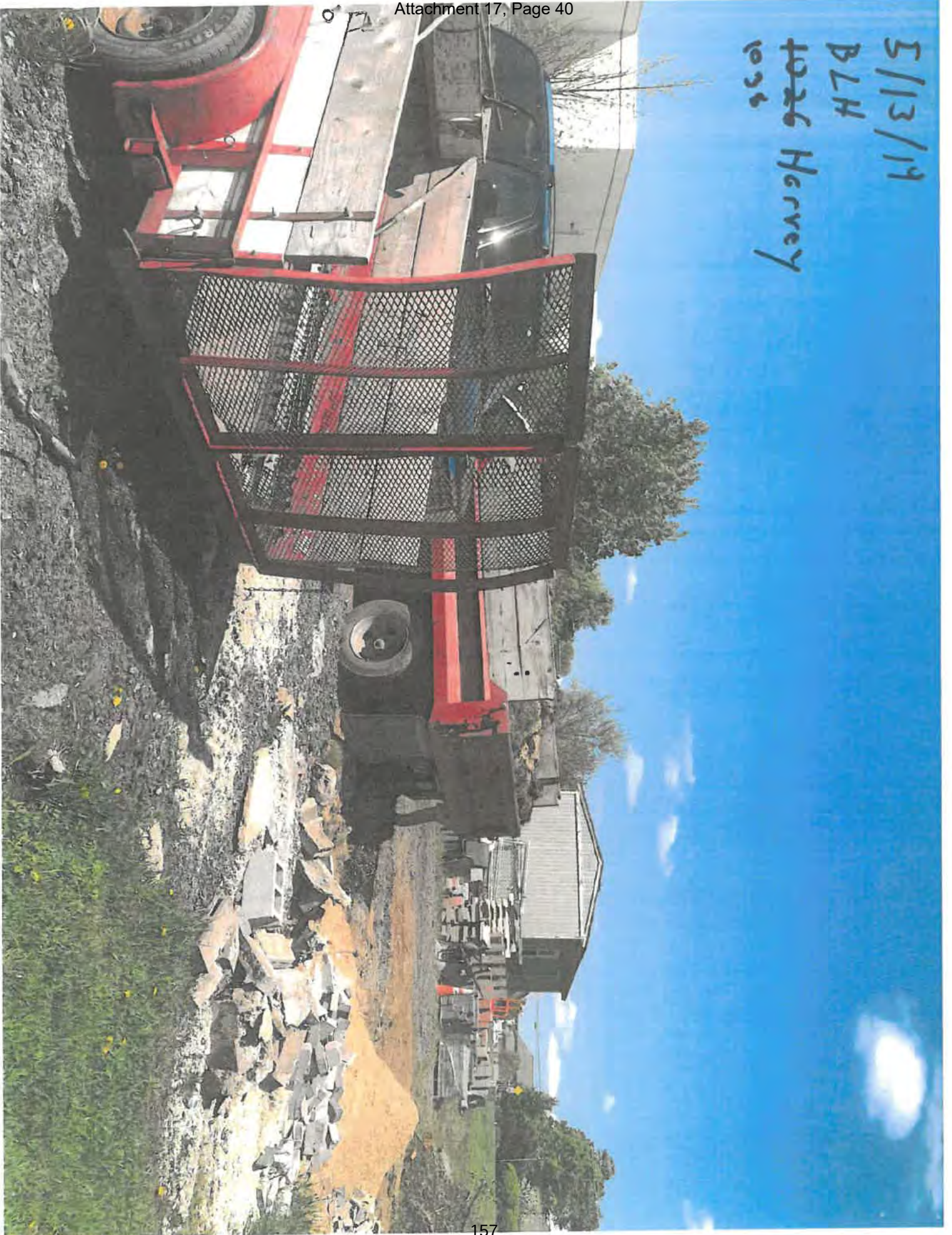


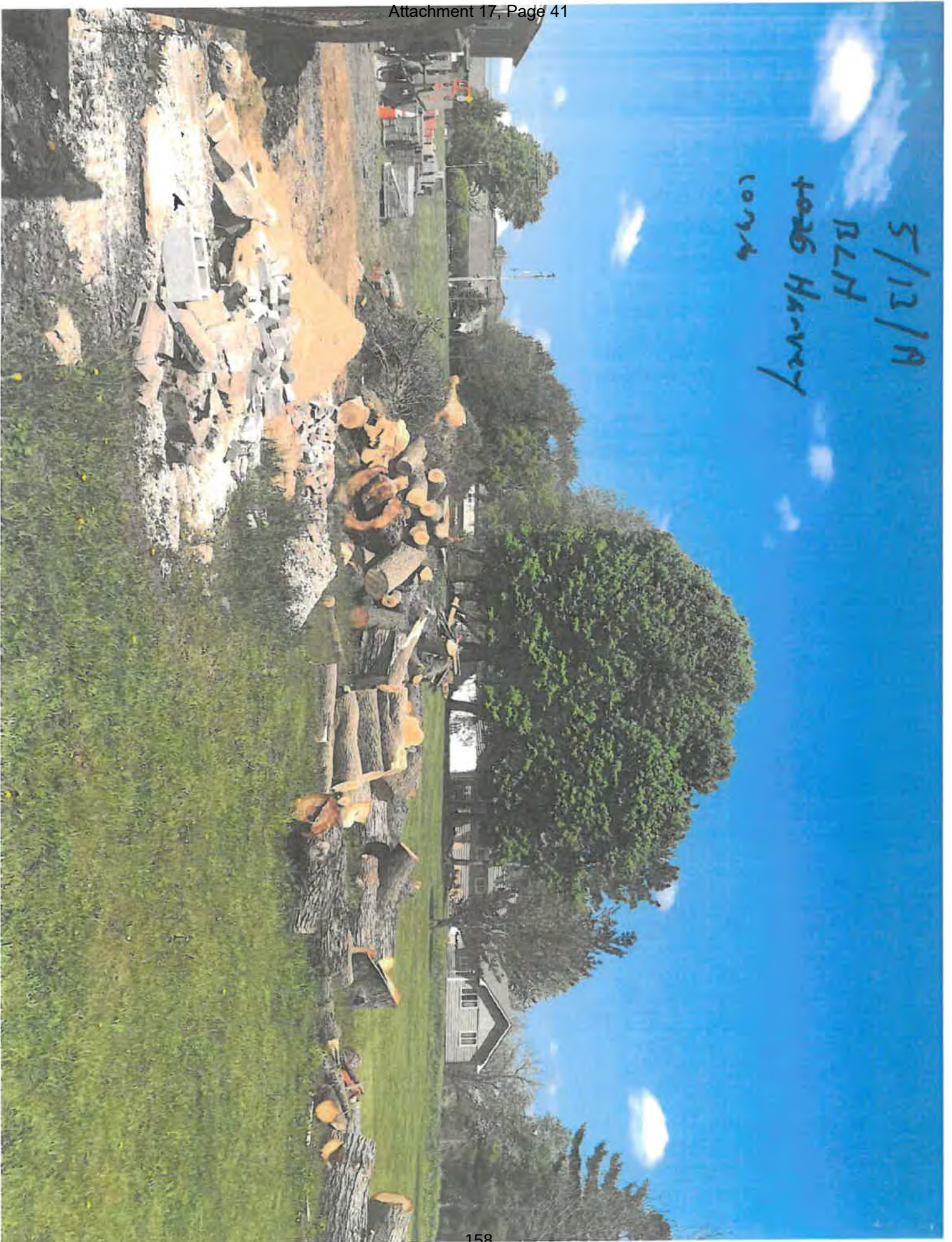


06/27/2019 12:39



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



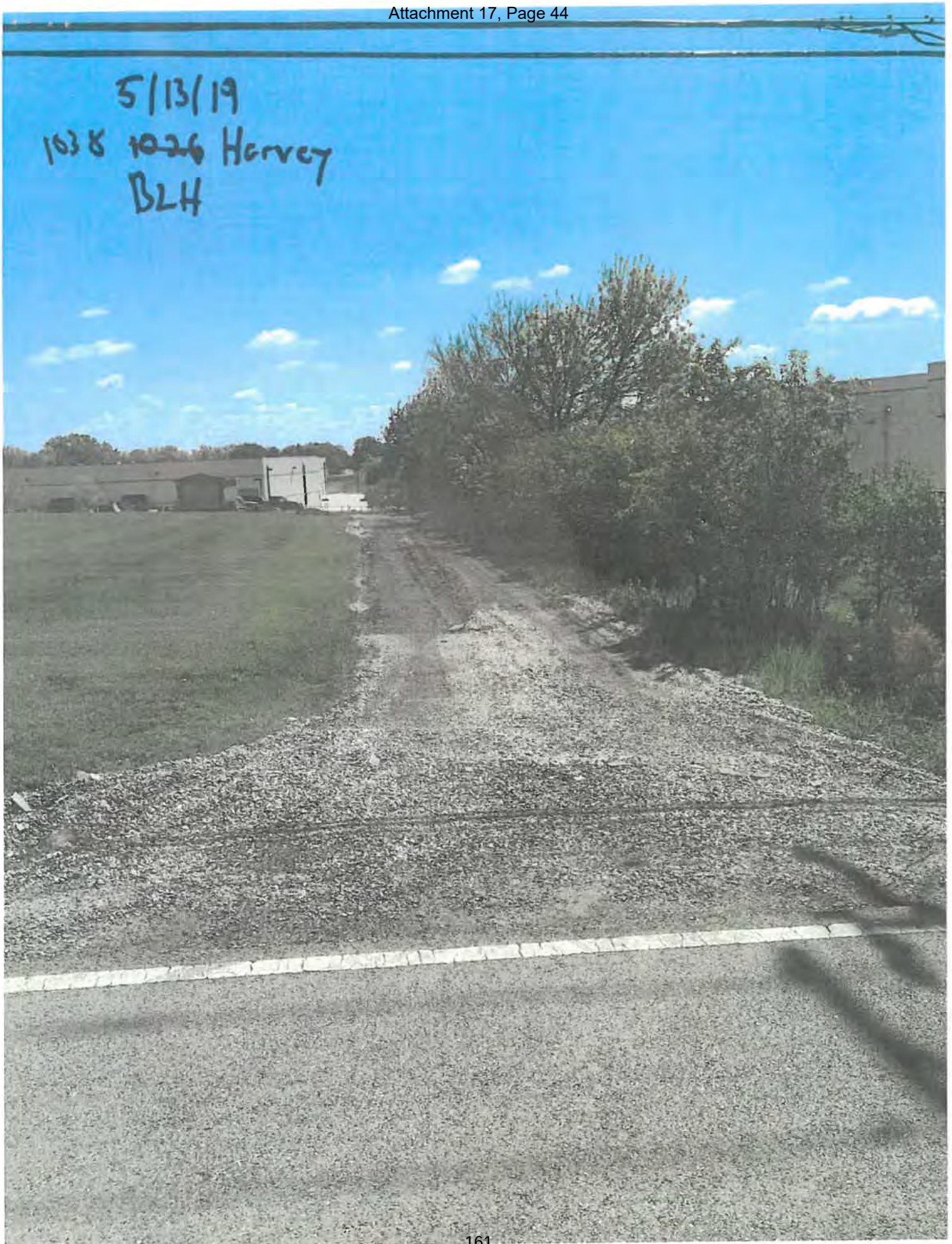


5/12/19
BLH
4026 Harvey
10074



5/12/19
1038 10-26 Henry
BLH





Attachment 17, Page 45
Kendall County Planning, Building and Zoning

(630) 553-4141

05/15/2019

MARTINEZ JOSE A & SILVIA
1038 HARVEY RD
OSWEGO, IL 60543-

Violation # 19049

Parcel # 03-12-100-004
1038 HARVEY RD
OSWEGO, IL 60543 -

It is often easy in our busy schedule to overlook the condition of our property. We sometimes do not even realize that an ordinance requiring safety procedures may be in effect.

In an effort to prevent problems, your County Board Members have passed ordinances which require certain procedures to be followed in an effort to protect the well being and health of the citizens of Kendall County. An Inspection of your property conducted as of this date revealed the following violation:

MULTIPLE ZONING VIOLATIONS:

DRIVEWAY AND PARKING AREA - NO PERMIT - ORDINANCE 2014-07
LANDSCAPE BUSINESS PROHIBITED IN A-1 ZONING - ORDINANCE 7.01
SPECIAL USE PERMIT REQUIRED

Since most residents are not aware of such code violations, the County allows the property owner a fourteen (14) day period in which to correct this situation. Please contact our office by Wednesday, May 29, 2019.

Kendall County can only continue to prosper through its citizen's positive attitude towards home, neighborhood, and community. Your prompt attention and cooperation in this matter would be appreciated. Should you have any questions, please contact this office at the above number.

If said violation is not corrected, this matter will be forwarded to the Kendall County States Attorney's Office for prosecution and the possible imposition of fines.

Sincerely,

A black rectangular redaction box covering the signature of the official.

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 61060-1498
630.553-4141 • FAX 630.553-4179

June 18, 2019

Jose A and Silvia Martinez

1038 Harvey Road

Oswego IL 60543

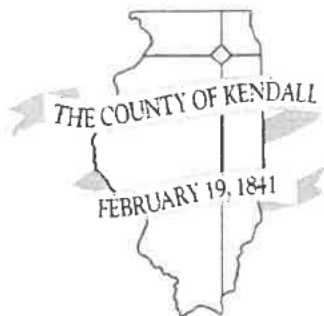
RE: Final Notice of Violations #19-049 and #18-077

Please call (630)553-4134 to schedule an inspection or a request for prosecution will be sent to the Kendall County Planning, Building and Zoning Committee.

Respectfully,

Brian Holdiman

Kendall County Code Official



PLANNING, BUILDING & ZONING DEPARTMENT

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

630-553-4141 • FAX 630-553-4179

October 23, 2019

Jose and Silvia Martinez
1038 Harvey Road
Oswego, IL. 60543

Re: Violation #: V19-049
Parcel #: 03-12-100-004

You were notified on 5/15/2019, 6/4/2019 and 6/18/2019 of the following violations on your property:

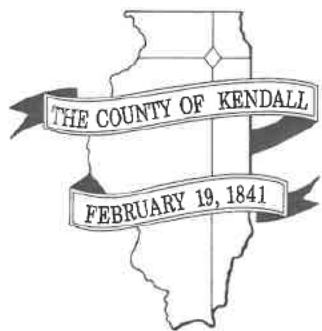
- Driveway and Parking pad installed without required permit
- Above ground swimming pool installed without required permit
- Storage of Junk & Debris
- Landscape Business operating on site without a Special Use Permit

This matter has been referred to the Kendall County Planning, Building and Zoning Committee with request to the Kendall County States' Attorney for prosecution and collection of fines and/or penalties. We will notify you of the date of the meeting that this issue will be discussed. If you want to achieve compliance voluntarily, please contact our office and apply for required permits.

Respectfully,



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 DOCUMENT**1. **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.

173



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>Tom O'Brien</i>		
<i>Pete Fleng</i>		
<i>Jillian Prodehl</i>		



Matt Asselmeier

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

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

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

From: Rod Zenner [mailto:RZenner@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.

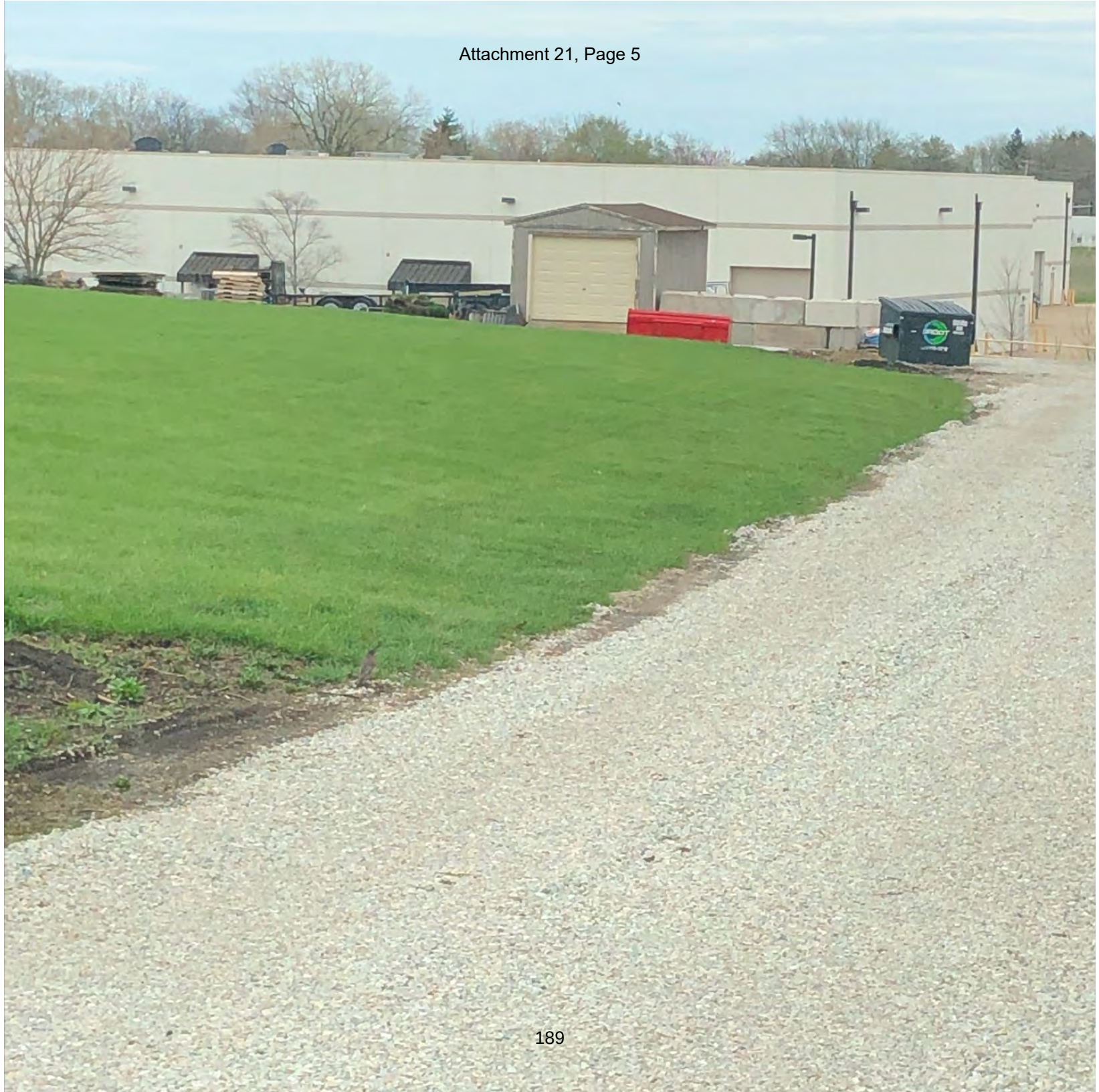
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner



**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@oswego-il.org]

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

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

Cc: Jay Hoover <JHoover@oswego-il.org>; Scott Koeppel <skoeppe@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Brian Schiber <BSchiber@oswego-il.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 <scoeppel@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 <scoeppel@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@kendallcountylil.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

202

Attachment 21, Page 19

203

**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

Attachment 23, 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 May 25, 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 (arrived at 7:02 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Suzanne Casey, Samantha Dippold, Jeremy Dippold, Joe Frescura, Tim O'Brien, Anne Vickery, Robert Delaney, Pat Frescura, Jim Martin, Dave Shively, Tony Guzman, Kim Larkin, and Steve Papaeliou

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member McCarthy-Lange, 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 Rodriguez, to approve the minutes of the of the April 27, 2022, meeting.

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

Member Hamman arrived at this time 7:02 p.m.

Mr. Asselmeier noted that Member Casey had asked about a property on the south side of Route 52 east of Arbeiter Road at the April Planning Commission meeting. Mr. Asselmeier said that four (4) agricultural accessory building permits and a driveway permit have been issued at that property. The owner comes out to the property on weekends to work on the property.

Petition 22-01 Jose and Silvia Martinez

Mr. Asselmeier provided several emails related to this Petition. The Petitioners' Attorney requested the proposal be continued to June. Without objection, the proposal was continued as requested.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT

Member McCarthy-Lange made a motion, seconded by Member Wilson, to adjourn. With a voice of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 9:08 p.m.

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

Enc.

KENDALL COUNTY REGIONAL PLANNING COMMISSION

MAY 25, 2022

STEVE PAPAELIO

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)
Jim Brien		
Joe FRESCURA		
Jeremy Dippold		
Ann Vachy		
Robert J. J.		
Pat Froscur		
Jim Martin		
DAVE SILVERNY		

TONY Gorman
Kim Carlin

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Wednesday, May 25, 2022 11:20 AM
To: Matt Asselmeier
Cc: Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: Re: FW: [External]Re: Curb cut

Great. Thanks Matt. Please let them know the only reason we did not resubmit, as I could not get that answer about paving or installing concrete for the entire gravel driveway. As you could see, it takes a lot of time to get answers from Oswego!

Judd

On Wed, May 25, 2022 at 11:10 AM Matt Asselmeier <masselmeier@kendallcountylil.gov> wrote:

Judd:

I will notify the Regional Planning Commission that you would like the matter continued to next month.

The Regional Planning Commission meeting would be June 22nd and the Zoning Board hearing would be June 27th. Both start at 7:00 p.m.

Yes, the Petition can be amended to incorporate the new site plan.

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: Wednesday, May 25, 2022 11:06 AM
To: Matt Asselmeier
Subject: Re: FW: [External]Re: Curb cut

Thanks. I did see that and have been on the phone with Mr. Martinez and working on a new drawing to relocate the driveway. We will resubmit this hopefully by Friday. So can you continue our hearing tonight as hopefully next month we will have the approval from Oswego. Also, since we are changing the drawing, can we just amend our petition?

On Wed, May 25, 2022 at 9:03 AM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

FYI

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 <JHughes@oswegoil.org>
Sent: Wednesday, May 25, 2022 9:01 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>; Jay Hoover <JHoover@oswegoil.org>
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@kendallcountyil.gov>; Rod Zenner <RZenner@oswegoil.org>
Subject: RE: [External]Re: Curb cut

Good morning,

That portion of the driveway within the right-of-way needs to be concrete per our commercial drive standard as the right-of-way at this property is within Oswego even though the property is not.

Matt Asselmeier

From: Jennifer Hughes <JHughes@oswegoil.org>
Sent: Wednesday, May 25, 2022 9:03 AM
To: judd lofchie; Matt Asselmeier; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández
Subject: [External]RE: Martinez

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,

The right-of-way at Twin Oaks is not under the jurisdiction of Oswego so it is irrelevant to this situation.

That portion of the driveway within the right-of-way needs to be concrete per our commercial drive standard as the right-of-way at this property is within Oswego even though the property is not.

Sincerely,

Jennifer Hughes, P.E., CFM
Public Works Director/Village Engineer



PH: 630.551.2366
Email: jhughes@oswegoil.org

From: judd lofchie [REDACTED]
Sent: Monday, May 23, 2022 1:46 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>; Scott Koeppel <skoeppe@kendallcountyil.gov>; Faith D. Hook <fhook@co.kendall.il.us>; Miguel Ángel Fernández <[REDACTED]>; Jennifer Hughes <JHughes@oswegoil.org>
Subject: Re: Martinez

Here is Twin Oaks driveway by the way.

On Mon, May 23, 2022 at 1:43 PM judd lofchie <[REDACTED]> wrote:

Hey Matt

Once again I have not been able to get an answer from Oswego which is why we have not finished the driveway curb cut application. I am worried that their driveway permit calls for an asphalt or concrete driveway. That would make our issue cost prohibitive for Mr. Martinez.

Do you know or can you help us get an answer from Oswego if just the "curb cut" has to be asphalt or concrete or does

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Monday, May 23, 2022 1:46 PM
To: Matt Asselmeier; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández; Jennifer Hughes
Subject: [External]Re: Martinez
Attachments: Twin Oaks Curb Cut 5.19.22.jpg

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.

Here is Twin Oaks driveway by the way.

On Mon, May 23, 2022 at 1:43 PM judd lofchie <[REDACTED]> wrote:
Hey Matt

Once again I have not been able to get an answer from Oswego which is why we have not finished the driveway curb cut application. I am worried that their driveway permit calls for an asphalt or concrete driveway. That would make our issue cost prohibitive for Mr. Martinez.

Do you know or can you help us get an answer from Oswego if just the "curb cut" has to be asphalt or concrete or does the entire gravel drive have to be asphalt or concrete. I know Twin Oaks down the street just has gravel. I have left several messages.

Thanks in advance.

Judd

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!



Matt Asselmeier

From: Matt Asselmeier
Sent: Monday, May 23, 2022 2:39 PM
To: judd lofchie; Scott Gengler; Scott Koeppel; Faith D. Hook; Miguel Ángel Fernández
Subject: FW: [External]MARTINEZ - BUILDING PERMIT APPLICATION - DRIVEWAY
Attachments: MARTINEZ - BUILDIG PERMIT APPLICATION DRIVEWAY - 4.29.22.pdf; Commercial Driveway Detail.pdf

Importance: High

Judd:

The Village of Oswego sent me the following email this morning.

With regards to Twin Oaks Landscaping, the Village of Oswego has not annexed this property or the property across the street. Therefore, the access permitting authority is the Township of Oswego and not the Village of Oswego.

If you cannot reach Jennifer Hughes, I suggest you try to reach Jay Hoover.

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: Jay Hoover <JHoover@oswegoil.org>
Sent: Monday, May 23, 2022 11:34 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Rod Zenner <RZenner@oswegoil.org>; Jennifer Hughes <JHughes@oswegoil.org>; BZinfo <BZinfo@oswegoil.org>
Subject: FW: [External]MARTINEZ - BUILDING PERMIT APPLICATION - DRIVEWAY
Importance: High

Matt,

The applicant also called and left a message saying they will not be installing the commercial driveway detail provided by the village engineer. Therefore we cannot issue or even review the application as it does not have drawings accurately showing the improvements to be installed in conformance with the codes/ standards. The applicants voicemail indicated they would not be locating the curb cut, or driveway in a conforming matter. Therefore there is no reason to move a permit forward.

Jay Hoover

Building and Zoning Manager





100 Parkers Mill • Oswego, IL 60543 • (630) 554-2310 • Fax: (630) 554-7545
 Website: <http://www.oswegoil.org>
 Building & Zoning Email: BZinfo@Oswegoil.org

RECEIVED _____
 ENTERED _____
 APPROVED _____
 CONTRACTOR REG _____
 COMPLETE _____

Building Permit Application

Permit No. _____

CUSTOMER/OWNER INFORMATION	Name <u>Jose A. Martinez and Silvia Martinez</u>
	Address <u>1038 Harvey Road</u> Zoning _____
	Sub-division _____ Lot No. _____
	Phone No. _____ Email _____
CONTRACTOR INFORMATION	Name <u>Jose A. Martinez</u>
	Address _____
	City _____ State _____ Zip _____
	Phone No. _____ Email _____
	Field Contact Name _____
	Phone No. _____

Approximate Construction Cost (Including Labor) \$ 5,000.00

All permit applications require supplementary documents for each permit request

EXISTING & NEW STRUCTURE REQUESTS	☐ Re-roof ☐ Siding ☐ Replacement Windows ☐ Replacement Doors ☐ Deck ☐ Patio/Side Walks ☒ Driveway ☐ Radon Mitigation ☐ Solar	☐ Fence ☐ Shed ☐ Pergola ☐ Hot Tub ☐ Swimming Pool ☐ Above ☐ Inground ☐ Temporary ☐ HVAC	☐ Water Heater ☐ Plumbing Work ☐ Electrical Work ☐ Additions ☐ Basement/Remodel • Location _____ ☐ Lawn Irrigation ☐ Garage ☐ Other _____	☐ Chicken Coop ☐ Tent
COMMERCIAL & NEW HOME REQUESTS	☐ Single Family Residence ☐ Senior Housing ☐ Two Family Residence (Duplex) ☐ Senior Housing ☐ Multi-Family Residence • (No. Units _____) ☐ Senior Housing ☐ Demolition	☒ Commercial/Industrial Building (NEW) ☒ Commercial/Industrial Remodeling (Build outs) ☐ Fire Protection: ☐ Sprinkler ☐ Alarm ☐ Ansl ☐ Storm Water Connection ☐ Right of Way	Square Footage of All Areas 1st Floor _____ 2nd Floor _____ 3rd Floor _____ Add. Floors _____ Basement _____ Crawlspace _____ Garage _____ Porch _____ Deck/Patio _____ Outdoor Seat. _____ Outdoor Storage _____ Total _____	
	New Residential Only No. of Bedrooms _____ No. of Baths _____	New Construction Only No. of Tenant Spaces _____ No. & Sizes of Water Connect _____		

Certificate:

I HEREBY CERTIFY THE ABOVE STATEMENTS TO BE CORRECT

The applicant agrees to conform to all applicable Federal, State, and Local laws of this jurisdiction. They also agree that all work performed under this permit will be in accordance with the plans and specifications which accompany this application, except for such changes as may be required by the adopted Building Code and the inspection officials.

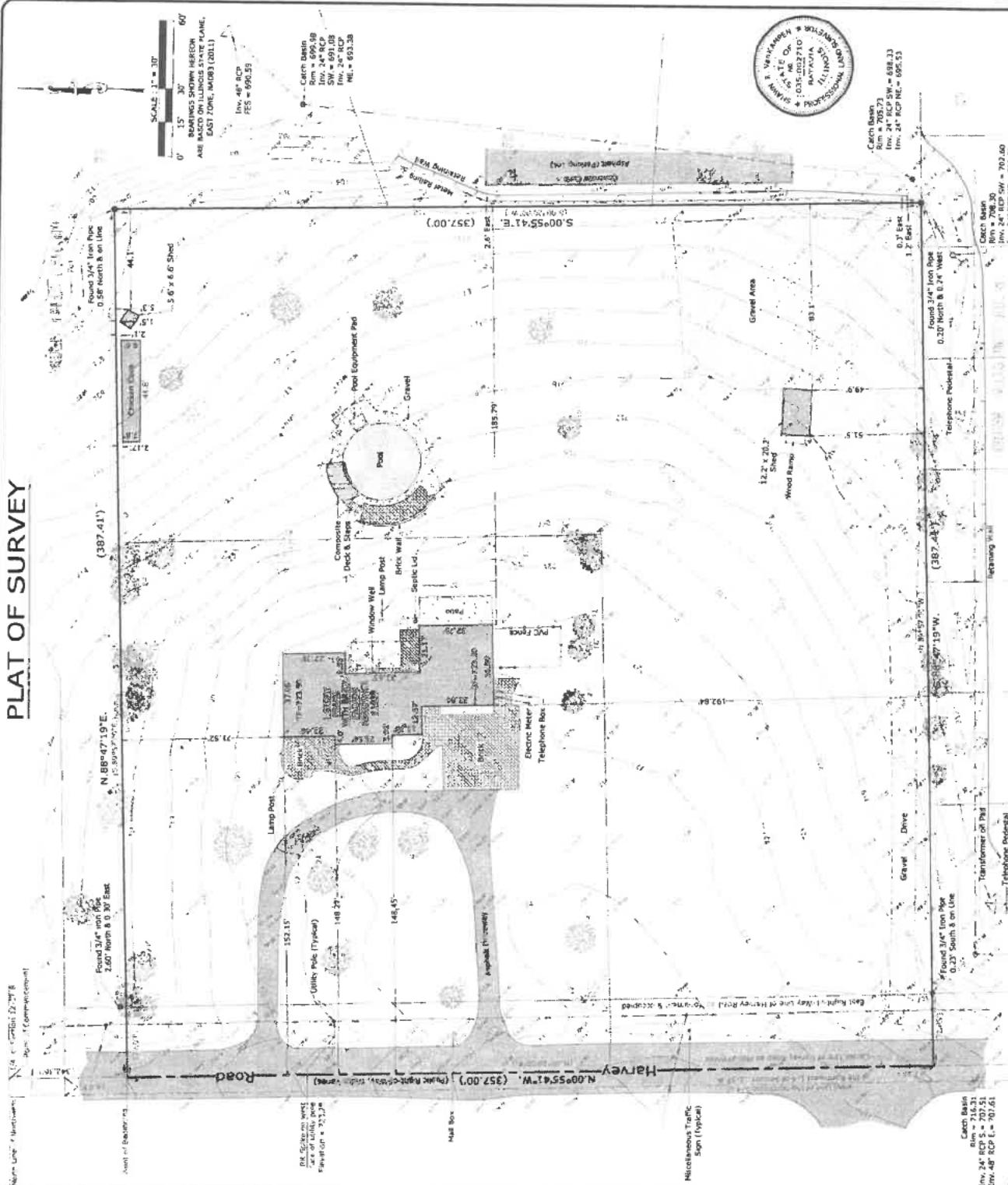
Applicant's Signature _____

Date _____

Permit Approved By: _____ Date: _____

PLAT OF SURVEY

North Arrow: Magnetic N 88°47'19"E
 True N 88°47'19"E
 Declination: 12.50' (2018)



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 OWNED BY JAMES W. CADWELL AND HELEN G. CADWELL BY EXTENSION, A 0.5776 ACRES LOT, THENCE SOUTH 00 DEGREES 20 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT 200 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 00 SECONDS WEST ALONG THE CENTERLINE; THENCE NORTH 00 DEGREES 20 MINUTES 00 SECONDS EAST ALONG SAID CENTERLINE, 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 139,303 SQ. FT. OR 3.175 ACRES, MORE OR LESS.

PROPERTY COMMONLY KNOWN AS: 1038 HARVEY ROAD OSWEGO, IL 60543

THE FLOOD INSURANCE RATE MAP SHOWS THAT THE PROPERTY DESCRIBED HEREON IS FLOODING. ACCORDING TO THE COMMUNITY NUMBER 170341, KENDALL COUNTY, ILLINOIS, MAP NUMBER 170930059G, KENDALL COUNTY, ILLINOIS, 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 THE PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF KANE }

I, SHAWN R. VAN KAMPEN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON, BEING COMPILED AND PREPARED BY ME OR UNDER MY DIRECTION, IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED AT AND UNDER MY PERSONAL SUPERVISION.

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. VAN KAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-0027710
 LICENSE EXPIRES 11/30/2022

PREPARED FOR:

1999 W. Galena Blvd, Suite B
 Aurora, IL 60506

NO.	DATE	REVISION
1.	9/23/2021	FIELD WORK COMPLETED
2.	10/19/2021	FINAL SURVEY COMPLETED

SITE DESIGNATION INFORMATION:
 1038 HARVEY ROAD
 OSWEGO, IL 60543

PROJECT NO. 557022

SHEET NUMBER 1

PLAT

DRAWN BY: DS CHECKED BY: SVK

LEGEND

Found 3/4" Iron Pipe
 Boundary Line
 Lot Line
 Center Line
 Section Line
 Measured
 Record

Utility Pole
 Air Condition Unit
 Metal Railing
 Center Line of PVC Fence
 Storm Line
 Building
 Asphalt
 Concrete
 Brick Paver

Non-Deciduous Tree and size in inches
 Deciduous Tree and size in inches
 Spot Elevation
 Contour Line
 Proposed

BENCHMARK INFO

OS 85 BENCHMARK
 NGS MONUMENT
 PD
 LOCATION
 COUNTY
 STATE
 ELEVATION = 721.1 (NAVD83)

PREPARED BY:

ASMC
 ADVANCED SURVEYING & MAPPING

ASH Consultants, Inc.
 16 E Wilson St. Barrville IL 60510
 Tel (630) 879-0200 Fax (630) 454-3774
 advanced@asmc.com

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



**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 31, 2022 – 7:00 p.m.**

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

Members Present: Cliff Fox, Tom LeCuyer (arrived at 7:14 p.m.), Randy Mohr, Dick Thompson, and Anne Vickery (left at 8:36 p.m.)

Members Absent: Scott Cherry and Dick Whitfield

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

Others Present: Jeremy Dippold, Samantha Dippold, Boyd Ingemunson, Tim O'Brien, Tom Fleming, Sheila Trost, Paul Scholtes, Joe Frescura, Pat Frescura, Ramiro Guzman, Kim Larkin, Mark Fecht, and Seth Wormley

PETITIONS

The Zoning Board of Appeals started their review of Petition 22-01 at 7:03 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 on 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

Chairman Mohr announced that this Petition would be continued until the June hearing.

The proposal will be on the June 27, 2022, Zoning Board of Appeals agenda.

The Zoning Board of Appeals completed their review of Petition 22-01 at 7:03 p.m.

PUBLIC COMMENTS

Mr. Asselmeier also said that the Illinois Association of County Zoning Officials was having a training session, including a session on zoning hearing procedures, on October 21, 2022, via Zoom. He would email meeting information.

Mr. Asselmeier reported that, for the June 27th hearing, there will be a Petition requesting a special use permit for a government facility; Lisbon Township was building a new building on their property on Route 47. There will also be a text amendment regarding lighting at towers on the agenda.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

With a voice vote of four (4) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 9:00 p.m.

The next hearing/meeting will be on June 27, 2022.

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

Exhibits

1. Memo on Petition 22-01 Dated May 26, 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)



**KENDALL COUNTY
ZONING BOARD OF APPEALS
MAY 31, 2022**

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.

NAME	ADDRESS	SIGNATURE
TIM O'BRIEN		
Tom Fleming		
Sheila Faust		
PAUL SCHOLTES		
Boyd Ingemanson		
Jeremy Dippold		
Joe FRESURA		
Pat Brown		
Edward Gorman		
Kim Larkin		
Mark Paul		



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: May 26, 2022
Re: Petition 22-01 Request for a Special Use Permit and Variances for a Landscaping Business
at 1038 Harvey Road in Oswego Township

The Petitioners' Attorney submitted the attached email requesting the proposal be continued.

At their meeting on May 25, 2022, the Kendall County Regional Planning Commission, without objection continued the proposal.

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

Enc.

Matt Asselmeier

From: judd lofchie [REDACTED]
Sent: Wednesday, May 25, 2022 11:20 AM
To: Matt Asselmeier
Cc: Scott Koeppel; Scott Gengler; Faith D. Hook
Subject: Re: FW: [External]Re: Curb cut

Great. Thanks Matt. Please let them know the only reason we did not resubmit, as I could not get that answer about paving or installing concrete for the entire gravel driveway. As you could see, it takes a lot of time to get answers from Oswego!

Judd

On Wed, May 25, 2022 at 11:10 AM Matt Asselmeier <masselmeier@kendallcountylil.gov> wrote:

Judd:

I will notify the Regional Planning Commission that you would like the matter continued to next month.

The Regional Planning Commission meeting would be June 22nd and the Zoning Board hearing would be June 27th. Both start at 7:00 p.m.

Yes, the Petition can be amended to incorporate the new site plan.

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: Wednesday, May 25, 2022 11:06 AM
To: Matt Asselmeier
Subject: Re: FW: [External]Re: Curb cut

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FYI

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 <JHughes@oswegoil.org>
Sent: Wednesday, May 25, 2022 9:01 AM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>; Jay Hoover <JHoover@oswegoil.org>
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Scott Gengler <sgengler@kendallcountyil.gov>; Rod Zenner <RZenner@oswegoil.org>
Subject: RE: [External]Re: Curb cut

Good morning,

That portion of the driveway within the right-of-way needs to be concrete per our commercial drive standard as the right-of-way at this property is within Oswego even though the property is not.

From: [Jay Hoover](#)
To: [Matt Asselmeier](#)
Cc: [Jennifer Hughes](#); [Judd \[REDACTED\]](#); [BZinfo](#)
Subject: [External]RE: Document - May 25, 2022
Date: Monday, June 13, 2022 9:40:10 AM
Attachments: [image002.png](#)
[image003.png](#)

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.

Judd,

Please see the response from engineering below. The drawing still does not meet minimum engineering standards.

Regards.

Jay Hoover

Building and Zoning Manager



He/Him/His

100 Parkers Mill

Oswego, IL 60543

PH: 630.551.2320

Email: jhoover@oswegoil.org

From: Jennifer Hughes <JHughes@oswegoil.org>

Sent: Wednesday, June 8, 2022 3:46 PM

To: Jose Zavala <JZavala@oswegoil.org>

Cc: Brian Evans <bevans@oswegoil.org>; Rod Zenner <RZenner@oswegoil.org>; Susan Quasney <SQuasney@oswegoil.org>; Jay Hoover <JHoover@oswegoil.org>; Jay Hoover <JHoover@oswegoil.org>

Subject: FW: Document - May 25, 2022

Jose,

Here is the updated drawing for the proposed driveway.

Element	Industrial/Commercial Driveway Detail	Proposed	Notes
Base	6" CA-6 (Code 8.612C)	None	Needs base course
Pavement	8" Concrete (Code 8.612C)	6" Concrete	
Width at road	Street radius or straight	16' Max	Flare does not meet

	flare of 5' on each side. (Code 8.612B2)		minimum dimension
Width at right-of-way	Maximum width of 20' at the property line for one-way; 35' for two-way (Code 8.612B2)	10'	Two-way drive
Alignment		Aligned with center of opposing roadway	OK

Sincerely,

Jennifer Hughes, P.E., CFM
Public Works Director/Village Engineer



PH: 630.551.2366

Email: jhughes@oswegoil.org

From: judd lofchie [REDACTED] >

Sent: Wednesday, June 8, 2022 3:12 PM

To: Jennifer Hughes <JHughes@oswegoil.org>; Matt Asselmeier <masselmeier@co.kendall.il.us>; Scott Koeppel <skoeppelel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>

Subject: Fwd: Document - May 25, 2022

Hey Jennifer

Attached is the new drawing for the curb cut for 1038 Harvey Road, Oswego. Please confirm that you received the application.

Please let me know what the next steps are or can you just issue the permit if applicable.

Thanks

JUDD LOFCHIE

----- Forwarded message -----

From: **Steve Hansen** <[REDACTED]>

Date: Tue, Jun 7, 2022 at 8:23 AM

Subject: Re: Document - May 25, 2022

To: judd lofchie <judd1299@gmail.com>

Disregard the previous drawing I sent you and replace it this pdf.

I forgot to adjust the size of the Gate at the fenced in area.

Steve

On Mon, Jun 6, 2022 at 9:22 AM Steve Hansen <shansenarchitect@gmail.com> wrote:

Revised drawing per your mark up

On Fri, Jun 3, 2022 at 8:40 AM judd lofchie [REDACTED] > wrote:

----- Forwarded message -----

From: **judd lofchie** <judd1299@gmail.com>

Date: Wed, May 25, 2022 at 3:36 PM

Subject: Document - May 25, 2022

To: Steve Hansen <[REDACTED]>

Scanned with TurboScan.

Sent from my iPhone

Disclaimer

The information contained in this communication from jhoover@oswegoil.org sent at 2022-06-13 10:40:02 may contain confidential information and may be legally privileged and is intended only for masselmeier@co.kendall.il.us. If you are not masselmeier@co.kendall.il.us you are hereby notified to not disseminate, distribute or copy this e-mail. Please notify Jay Hoover immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Jay Hoover therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required, please request a hard-copy version. Village of Oswego, 100 Parkers Mill, Oswego IL, 60543, www.oswegoil.org

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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission

From: Matthew H. Asselmeier, AICP, CFM, Senior Planner

Date: 6/15/2022

Subject: Communication Tower Lighting Requirements

On March 3, 2022, the County received a complaint regarding lights not working on the tower at Legion and Immanuel Roads. The tower owner fixed 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.

At their meeting on April 27, 2022, the Kendall County Regional Planning Commission voted to initiate the text amendment to the Zoning Ordinance as described in the above paragraph.

The proposal was emailed to the townships on May 31, 2022. As of the date of this memo, no comments have been received.

ZPAC reviewed the proposal at their meeting on June 7, 2022. It was noted that, if someone provided information from the FCC or FAA requiring different lighting requirements, the federal regulations would supersede County regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are attached.

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

Thanks,

MHA

Enc.: June 7, 2022 ZPAC Minutes (This Petition Only)

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
June 7, 2022 – Unapproved Meeting Minutes

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

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

John Tebrugge

PETITIONS

Petition 22-12 Kendall County Regional Planning Commission

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.

At their meeting on April 27, 2022, the Kendall County Regional Planning Commission voted to initiate the text amendment to the Zoning Ordinance as described in the above paragraph.

Mr. Asselmeier noted that the townships were previously sent information, but, to date, no comments were received.

The County would enforce the zoning ordinance aspect. If someone provided information from the FCC or FAA requiring different lighting requirements, the federal regulations would supersede County regulations.

Mr. Asselmeier recommended approval of the proposal.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the text amendment.

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

The proposal goes to the Kendall County Regional Planning Commission on June 22, 2022.

PUBLIC COMMENT

Discussion occurred regarding changing the date of the July meeting. The consensus of the Committee was to have Mr. Asselmeier poll Members after the application deadline to see if the date should be changed. Officially, the meeting date will remain July 5th at this time.

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.
With a voice vote of seven (7) ayes, the motion carried.

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

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 22-13**Joe Slivka and Kevin Kunkel on Behalf of Lisbon Township
A-1 Special Use Permit for Government Building or Facility****INTRODUCTION**

Lisbon Township would like to construct a seven thousand four hundred eighty-eight (7,488) square foot garage on the subject property.

The application materials are included as Attachment 1. The plat of survey of the property is included as Attachment 2. The existing conditions survey is included as Attachment 3. The site plan is included as Attachment 4. The landscaping plan is included as Attachment 5. The building elevations are included Attachment 6.

SITE INFORMATION

PETITIONER: Joe Slivka and Kevin Kunkel on Behalf of Lisbon Township

ADDRESS: 15759 Route 47, Newark

LOCATION: Approximately 0.7 Miles North of East Joliet Road on the West Side of Route 47



TOWNSHIP: Lisbon

PARCEL #s: 08-21-300-002 and 08-21-300-004

LOT SIZE: 2.04 +/- Acres (Total for Both Parcels)

EXISTING LAND USE: Institutional-Township Building, Transportation, and Agricultural

ZONING: A-1

LRMP:	Future Land Use	Agricultural(County) Commercial (Lisbon)
	Roads	Route 47 is a State maintained Arterial. IDOT had no concerns regarding this proposal, see Attachment 7.
	Trails	The County has a trail planned along Route 47.
	Floodplain/ Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for Governmental Building and Facilities

APPLICABLE REGULATIONS: Section 7:01.D.22 – 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 (County)	Agricultural (County) Commercial (Lisbon)	A-1 (County)
South	Agricultural	Mining (Lisbon)	Commercial (Lisbon)	Mining (Lisbon)
East	Comed ROW/ Agricultural/Farmstead	A-1 (County)	Agricultural and Comed ROW (County) Agricultural and Commercial (Lisbon)	A-1 (County)
West	Agricultural	A-1 (County) Mining (Lisbon)	Agricultural and Mining (County) Mixed Use Business and Mining (Lisbon)	A-1 (County) Mining (Lisbon)

The property to the southwest is owned by Vulcan Lands, Inc.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on May 12, 2022, and consultation was terminated, see Attachment 1, Page 11.

NATURAL RESOURCES INVENTORY

The NRI application was submitted on May 4, 2022, see Attachment 1, Page 10. LESA Score was 178 indicating a low level of protection. The NRI Report is included as Attachment 9.

ACTION SUMMARY

LISBON TOWNSHIP

Petition information was sent to Lisbon Township on May 26, 2022.

VILLAGE OF LISBON

Petition information was sent to the Village of Lisbon on May 26, 2022.

LISBON-SEWARD FIRE PROTECTION DISTRICT

Petition information was sent to the Lisbon-Seward Fire Protection District on May 26, 2022.

ZPAC

ZPAC reviewed this proposal at their meeting on June 7, 2022. Discussion occurred regarding screening. The only screening would be the vegetation shown in the landscaping plan. Mr. Rybski requested confirmation that no sinks or bathroom facilities would be located in the facility. Mr. Asselmeier said that it was his understanding that no sinks or bathroom facilities would be located in the facility. The facility would be for storage purposes only. Mr. Holdiman said that offices might go in the facility in the future and the Petitioners were aware that a septic facility would be required at that time. The Petitioners might need to purchase additional property to have room for a septic system. Mr. Gengler asked about the handling of oil waste. Mr. Holdiman said no discussion has occurred regarding maintenance of vehicles and related requirements including oil interceptor and septic system requirements. ZPAC recommended approval of the request with a correction to a typo in condition 9 by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are included as Attachment 8.

OPERATIONS

According to the information found on Attachment 1, Page 2, Lisbon Township plans to construct a garage facility to store township vehicles and equipment. The building will not have an office. The maximum number of employees at the property will be three (3).

BUILDINGS AND BUILDING CODES

According to the site plan (Attachment 4), Lisbon Township plans to construct one (1) seven thousand four hundred eighty-eight (7,488) square foot building on the property.

According to the building elevations (Attachment 6), the building will be twenty-six feet (26') in height at its highest point. Four (4) doors to drive in vehicles and equipment would be located on the east side of the building and these doors would be sixteen feet, four inches (16' 4") in height. The elevations also show one (1) man door on the east side of the building and one (1) man door on the west side of the building. It should be noted that on the building elevations South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.

The site plan shows an existing metal building and salt storage shelter. The metal building would be demolished in the future; no date has been provided for demolition.

ENVIRONMENTAL HEALTH

The property is served by a well, but does not have a septic system.

One (1) trash enclosure area is shown on the site plan (Attachment 4) at the location of the existing metal building. This trash enclosure will be installed after the metal building is demolished. Until the metal building is demolished, there will not be a refuse area on the property.

STORMWATER

Per the site plan (Attachment 4), most of the property drains to the south.

The project does not meet the disturbance or lot coverage requirements needed for a stormwater permit.

ACCESS

Per the site plan (Attachment 4), the property will utilize one (1) approximately twenty-five foot (25') wide driveway to access Route 47. The existing conditions survey (Attachment 3) shows three (3) access points onto Route 47.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 4), there are six (6) proposed parking stalls, including one (1) handicapped accessible parking stall, located north of the proposed building.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per each employee is required for public service uses.

LIGHTING

According to the site plan (Attachment 4), the building will have wall pak lighting. No information was provided regarding the location or number of lights.

SIGNAGE

According to the site plan (Attachment 4), one monument sign shall be placed on the subject property. The sign will not be illuminated.

SECURITY

According to the site plan (Attachment 4), no fencing will be installed on the property. No other security information was provided.

LANDSCAPING

According to the landscaping plan (Attachment 5), one (1) Autumn Blaze Maple, two (2) Northern Catalpa, and three (3) Redwood American Linden will be planted on the property. The trees will be three inch (3") BB. One (1) Sargent Crabapple will also be planted and will be six foot (6') BB. No information was provided regarding the timing of planting.

The existing turf would remain.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No odor causing activities are foreseen at the property.

RELATION TO OTHER SPECIAL USES

If approved, this would be the sixth (6th) special use permit for a government facility in the unincorporated area.

FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. 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 proposed use should not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The subject property is located along***

a four (4) lane highway with agricultural uses on all sides. Few residential uses are located in the vicinity. Provided the site is developed in accordance with the submitted site plan and landscaping plan, the proposed use will not be substantially injurious to neighboring properties and or adversely impact adjacent uses.

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

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

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 proposal is consistent with a goal found on page 9-20 of the Kendall County Land Resource Management Plan call for “Mutually supportive, non-adversarial team of municipal, township, school, park, county, and other governments working toward the benefit of everyone in Kendall County.” Also, land next to an arterial highway is a logical location for a township highway facility.

RECOMMENDATION

Staff recommends approval of the request special use permit subject to the following conditions and restrictions. As of the date of this memo, the Petitioners have not agreed to these conditions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 4) and landscaping plan (Attachment 5). Lisbon Township may demolish the one (1) story metal building shown on the site plan without seeking an amendment to this special use permit.
2. The botanicals shown on the landscaping plan (Attachment 5) shall be installed by June 30, 2024. This deadline may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. Damaged or dead botanicals shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
3. The seven thousand four hundred eighty-eight (7,488) square foot building shall be developed substantially in accordance with the attached elevations (Attachment 6) with a maximum building height of twenty-six feet (26'). On the elevations, South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.
4. Any structures constructed, installed, or demolished related to the use allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. One (1) free standing monument sign may be installed in substantially the location shown on the site plan (Attachment 4). The sign shall not be illuminated.
6. The trash enclosure shall be placed in substantially the location shown on the site plan (Attachment 4), upon demolition of the one (1) story metal building. The enclosure shall be screened per the requirements of the Kendall County Zoning Ordinance. The property owners shall ensure that the site is kept free of litter and debris.
7. The owners of the uses allowed by this special use permit shall diligently monitor the property for leaks from equipment, vehicles, and materials parked and stored on the subject property and shall promptly clean up the site if leaks occur.
8. None of the vehicles or equipment parked or stored on the subject property related to the use allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause (**typo corrected at ZPAC**).
10. The property owner and operator of the use allowed by this special use permit shall follow all applicable

Federal, State, and Local laws related to the operation of this type of use.

11. 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.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. 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. Existing Conditions Survey
4. Site Plan
5. Landscaping Plan
6. Elevations
7. May 25, 2022 IDOT Email
8. June 7, 2022 ZPAC Minutes (This Petition Only)
9. NRI Report



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT Joe Slivka / Kevin Kunkel		
CURRENT LANDOWNER/NAME(s) Lisbon Township		
SITE INFORMATION ACRES 2.036	SITE ADDRESS OR LOCATION 15759 Route 47, Newark, IL 60541	ASSESSOR'S ID NUMBER (PIN) 08-21-300-602 / 08-21-300-004
EXISTING LAND USE Agricultural	CURRENT ZONING A1	LAND CLASSIFICATION ON LRMP Agricultural
REQUESTED ACTION (Check All That Apply):		
☒ 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)		
1¹ PRIMARY CONTACT Joe Slivka	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) 815-482-4859
2² ENGINEER CONTACT Jason Wiesbrock	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE # [REDACTED]	ENGINEER FAX # [REDACTED]	ENGINEER OTHER # (Cell, etc.) [REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 5-4-22

FEE PAID: \$ 577.50
CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Special Use Description of Property:

The proposed use of the property will be to install a garage facility for the Lisbon Township Road Commission to store vehicles and equipment. The garage facility shall be 7,488 SF and will not contain an office and thus will not currently propose a sanitary service for the building. A future location has been identified on the plans where a septic system shall enter the building. The building shall maintain business hours currently held by the Lisbon Township Road Commission at that location with exception for emergency cases. The maximum number of employees for the Lisbon Township Road Commission shall be 3, during their peak hours in the winter seasons for snow removal.

PROPERTY LEGAL DESCRIPTION:

PARCEL 1:

A PART OF THE SOUTHWEST QUARTER OF SECTION NUMBER TWENTY ONE (21) OF TOWNSHIP THIRTY FIVE NORTH RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN AND DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION TWENTY ONE AND RUNNING THENCE NORTH 1357.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF THE FOX AND ILLINOIS UNION RAILWAY AS PLACE OF BEGINNING; THENCE SOUTH ALONG SAID RIGHT OF WAY 264 FEET; THENCE WEST 165 FEET; THENCE NORTH 264 FEET; THENCE EAST 165 FEET TO PLACE OF BEGINNING, CONTAINING ONE ACRE OF LAND, MORE OR LESS.

AND ALSO

A PART OF THE SOUTHWEST QUARTER OF SECTION NUMBER TWENTY ONE (21) OF TOWNSHIP THIRTY FIVE NORTH RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN AND DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION TWENTY ONE AND RUNNING THENCE NORTH 1357.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF THE FOX AND ILLINOIS UNION RAILWAY; THENCE WEST 165 FEET AS PLACE OF BEGINNING; THENCE SOUTH 264 FEET; THENCE WEST 6 FEET; THENCE NORTH 264 FEET; THENCE EAST 6 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:

A PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-ONE (21), OF TOWNSHIP THIRTY-FIVE (35) NORTH, RANGE SEVEN (7), EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER ON THE SOUTH LINE OF SECTION TWENTY-ONE (21), AND RUNNING THENCE NORTH ALONG THE CENTERLINE OF STATE HIGHWAY 47, 1327.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF FOX AND ILLINOIS UNION RAILWAY AS PLACE OF BEGINNING; THENCE NORTH ALONG SAID RIGHT OF WAY 264 FEET; THENCE WEST 165 FEET; THENCE SOUTH 264 FEET; THENCE EAST 165 FEET TO THE PLACE OF BEGINNING AND CONTAINING ONE ACRE MORE OR LESS, SITUATED IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.



202100007144

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 3/19/2021 02:31 PM
WD: 57.00

WARRANTY DEED
Illinois Statutory

MAIL TO:

Lisbon Twp. Hwy. Dept.
% Kevin Kunkel
14492 Lisbon Road
Newark, Illinois 60541

PAGES: 3

MAIL TO:

Lisbon Twp. Hwy. Dept.
% Kevin Kunkel
14492 Lisbon Road
Newark, Illinois 60541

THE GRANTOR, **SCOTT D. PAPENDICK**, a single person, of the [REDACTED]
[REDACTED] and [REDACTED] for and in consideration of the sum of
Ten and no/100 (\$10.00) Dollars and other good and valuable consideration in hand paid,
CONVEYS AND WARRANTS to **Lisbon Township Highway Department**
(GRANTEE'S ADDRESS: 14492 Lisbon Road, Newark, Illinois 60541), the following
described real estate situated in the County of Kendall, in the State of Illinois, to-wit:

Legal: A part of the Southwest Quarter of Section Twenty-One (21), of
Township Thirty-Five (35) North, Range Seven (7), East of the Third
Principal Meridian, and described as follows: Commencing at the
Southeast corner of said Southwest Quarter on the South line of Section
Twenty-one (21), and running thence North along the center line of State
Highway 47, 1327.3 feet; thence West 83 feet to the West line of right of
way of Fox and Illinois Union Railway as place of beginning; thence
North along said right of way 264 feet; thence West 165 feet; thence South
264 feet; thence East 165 feet to the place of beginning and containing one
acre more or less, situated in Lisbon Township, Kendall County, Illinois.

Permanent Index No.:

08-21-300-004

Property located at 1 acre immediately north and adjacent to 15759 Route 47, Newark, IL
60541

SUBJECT TO: The general real estate taxes for the year 2020 and thereafter.

Dated this 19th day of March, A.D. 2021


[REDACTED] (SEAL)
Scott D. Papendick

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 Scott D. Papendick is 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 19th day of March, A.D. 2021.

[Redacted Signature]

Notary Public

INSTRUMENT PREPARED BY:
Scott Papendick

[Redacted Signature]



This Deed is exempt under the provisions
of Paragraph B, Section 4, of the
Real Estate Transfer Act

Dated this 19th day of March

[Redacted Signature]
Signature of Buyer, Seller, or Representative

Kendall County Clerk & Recorder

STATE OF ILLINOIS

2

) SS

COUNTY OF KENDALL

(

A. ☐ That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or

B. [] That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

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

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

SUBSCRIBED AND SWORN TO BEFORE ME

This 19th day of March, 2021

Signature of Notary Public

242

Signature of Affiant
OFFICIAL SEAL
KATHLEEN M MILLER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 01/15/2025



Kendall County, Illinois

Information for Parcel 08-21-300-002, Tax Year 2016

Generated 08/01/17 at 15:38:43

Property Information

Tax Year 2016	Tax Code LI013 - W/FDLS/LYCP
Township Lisbon Township	Neighborhood
Property Class 0090-TAX EXEMPT	Land Use -
Tax Status Exempt	Lot Size 171 X 264
Net Taxable Value 0	Tax Rate
Site Address 15759 ROUTE 47 NEWARK, IL 60541	Total Tax \$0.00
Owner Name and Address LISBON TOWNSHIP HIGHWAY DEPT % HORTON JAMES J 6336 CHICAGO RD YORKVILLE, IL 60560	Mailing Name and Address LISBON TOWNSHIP HIGHWAY DEPT % HORTON JAMES J 6336 CHICAGO RD YORKVILLE, IL 60560
Legal Description SEC 21-35-7 1.00 ACS - COMM AT SE COR SW1/4 SEC 21 THENCE N1327.30' W88 PT TO COM ED ROW W LINE POB S264', W171', N264', E171 TO POB	

Assessments

Level	Homesite	Dwelling	Farm Land	Farm Building	Mineral	Total
DOR Equalized	0	0	0	0	0	0
Department of Revenue	0	0	0	0	0	0
Board of Review Equalized	0	0	0	0	0	0
Board of Review	0	0	0	0	0	0
S of A Equalized	0	0	0	0	0	0
Supervisor of Assessments	0	0	0	0	0	0
Township Assessor	0	0	0	0	0	0
Prior Year Equalized	0	0	0	0	0	0

Payments

Installment	Date Due	Tax Billed	Penalty Billed	Cost Billed	Drainage Billed	Total Billed	Amount Paid	Total Unpaid
First	06/13/2017	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Second	09/13/2017	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Exemptions

Exemption Type	Requested Date	Granted Date	Renewal Date	Prorate Date	Requested Amount	Granted Amount
Exempt Parcel	03/30/2010	03/30/2010	02/16/2016		0	0

No Farm Land Information

Parcel Genealogy

Parent Parcels				
Child Of	Action	Tax Year	Change Effective Year	Completed?
Child Parcels				
Parent Of	Action	Tax Year	Change Effective Year	Completed?

Legal Description	Section/Township/Range	Document
SEC 21-35-7 1.00 ACS - COMM AT SE COR SW1/4 SEC 21 THENCE N1327.30' W88 PT TO COM ED ROW W LINE POB S264', W171'; N264', E171 TO POB		

Related Names

Name	Relationship	Status
LISBON TOWNSHIP HIGHWAY DEPT	Parcel Owner	Current

No Sales Information**Tax Sale Summary**

Year	Certificate	Type	Date Sold	Sale Status	Status Date	Penalty Date
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Site Addresses

House Number 15759	House Number Suffix	Street Name ROUTE 47	
City NEWARK	State IL	Zip Code 60541	Location

Taxing Bodies

District	Tax Rate	Extension
COUNTY	0.7477	\$0.00
LISBON-SEWARD FPD	0.2519	\$0.00
FOREST PRESERVE	0.1755	\$0.00
SCHOOL DIST #90	2.9815	\$0.00
SCHOOL DIST #18	2.6212	\$0.00
JR COLLEGE #525	0.3094	\$0.00
C B PHILLIPS LIBRARY	0.2225	\$0.00
MULTI-TWP ASSMT DIST	0.0252	\$0.00
LISBON TOWNSHIP	0.2098	\$0.00
LISBON ROAD DISTRICT	0.5060	\$0.00
Total	8.0506	\$0.00

15759 Route 47



August 1, 2017

—	Arrow 100	—	From To 400	—	Tip 100
—	Arrow 400	—	Hook 100	—	Tip 400
—	From To 100	—	Hook 400	—	Road Names



**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: Lisbon Township **Contact Person:** Kevin Kunkel
Address: 15759 Route 47 15759 Route 47
City, State, Zip: Newark, IL 60541 Newark, IL 60541
Phone Number: [REDACTED]
Email: [REDACTED]

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

Site Location & Proposed Use

Township Name Lisbon **Township** 35N **N, Range** 7E **E, Section(s)** 21
Parcel Index Number(s) Parcel 1: 08-21-300-002; Parcel 2: 08-21-300-004
Project or Subdivision Name Lisbon Township Expansion **Number of Acres** 2.036 Acres
Current Use of Site Lisbon Township Expansion **Proposed Use** 1 Building: 7488 SF
Proposed Number of Lots 0 **Proposed Number of Structures** 1 Building: 7488 SF
Proposed Water Supply Existing on site well **Proposed type of Wastewater Treatment** N/A - no proposed waste water
Proposed type of Storm Water Management N/A

Type of Request

- ☐ Change in Zoning from A1 to A1 Special Use
☐ 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	\$ <u>375.00</u>
<u> </u> Additional Acres at \$18.00 each	\$ <u> </u>
Total NRI Fee	\$ <u>375.00</u>

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.

[REDACTED]
Petitioner or Authorized Agent

5-4-22
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**



Applicant: Jason Wiesbrock
Contact: Jason Wiesbrock
Address: [REDACTED]

IDNR Project Number: 2213056
Date: 05/12/2022
Alternate Number: 12032

Project: Lisbon Township Building Expansion
Address: 15759 Rt 47, Newark

Description: Construction of a new garage storage building with parking included.

Natural Resource Review Results

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

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

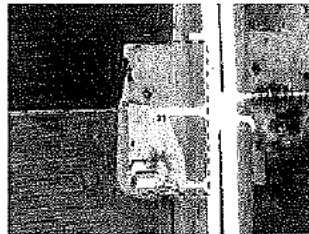
Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented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

Location

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

County: Kendall

Township, Range, Section:
 35N, 7E, 21



IL Department of Natural Resources
Contact
 Adam Rawe
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 IL Environmental Protection Agency
 Adam Rawe
 1021 North Grand Ave. East
 Springfield, Illinois 62794

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 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 use will be to install a
garage facility for the township road commission to store and maintain municipal vehicles.

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.

The special use will not be 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 proposed use does not adversely impact adjacent uses and is compatible with the
surrounding area and/or the County as a whole.

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

Access roads and points of ingress and egress and drainage have already been provided. Applicable
utility improvements shall be provided. No office or bathroom facilities shall be constructed as part of the
improvements thus not requiring sanitary utilities. If improvements are to include a bathroom to be
requested and permitted at a later date, a septic system shall be implemented.

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

The use will be to install a garage facility for the township road commission to store and maintain
municipal vehicles.

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.

The special use is consistent with the purpose and objectives of the Land Resource Management Plan
of future agricultural use. The use will be to install a garage facility for the township road commission
to store and maintain municipal vehicles.

P.I.N.:
08-21-300-004
08-21-300-002

PLAT OF SURVEY

PROPERTY DESCRIPTION:

PARCEL 1:

A PART OF THE SOUTHWEST QUARTER OF SECTION NUMBER TWENTY ONE (21) OF TOWNSHIP THIRTY FIVE NORTH RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN AND DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION TWENTY ONE AND RUNNING THENCE NORTH 157.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF THE FOX AND ILLINOIS UNION RAILWAY AS PLACE OF BEGINNING; THENCE SOUTH ALONG SAID RIGHT OF WAY 264 FEET; THENCE WEST 165 FEET; THENCE NORTH 264 FEET; THENCE EAST 165 FEET TO PLACE OF BEGINNING, CONTAINING ONE ACRE OF LAND, MORE OR LESS.

AND ALSO

A PART OF THE SOUTHWEST QUARTER OF SECTION NUMBER TWENTY ONE (21) OF TOWNSHIP THIRTY FIVE NORTH RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN AND DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION TWENTY ONE AND RUNNING THENCE NORTH 157.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF THE FOX AND ILLINOIS UNION RAILWAY; THENCE WEST 165 FEET AS PLACE OF BEGINNING; THENCE SOUTH 264 FEET; THENCE WEST 6 FEET; THENCE NORTH 264 FEET; THENCE EAST 6 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:

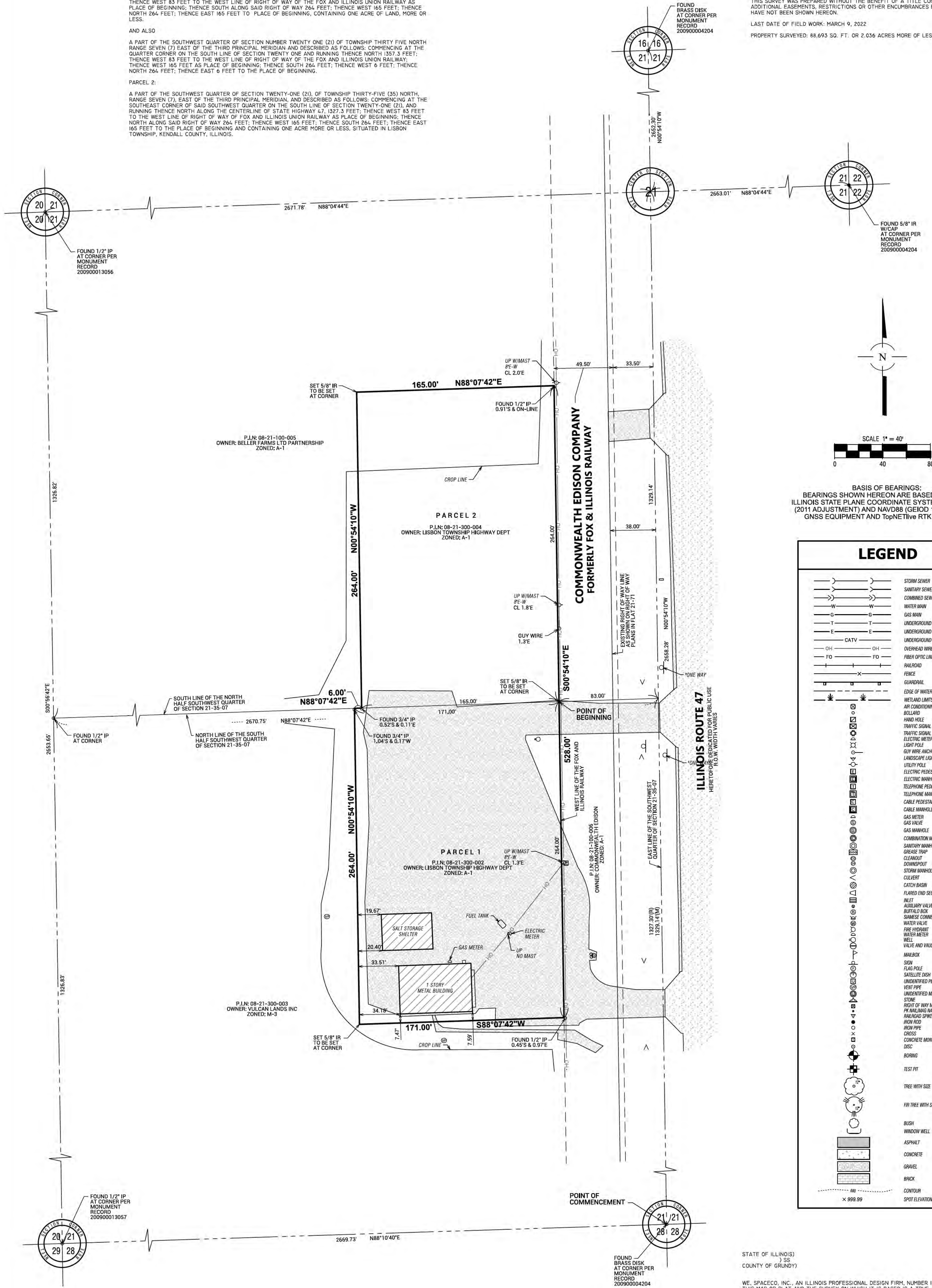
A PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-ONE (21), OF TOWNSHIP THIRTY-FIVE (35) NORTH, RANGE SEVEN (7), EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER ON THE SOUTH LINE OF SECTION TWENTY-ONE (21), AND RUNNING THENCE NORTH ALONG THE CENTERLINE OF STATE HIGHWAY 47, 1327.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF FOX AND ILLINOIS UNION RAILWAY AS PLACE OF BEGINNING; THENCE NORTH ALONG SAID RIGHT OF WAY 264 FEET; THENCE WEST 165 FEET; THENCE SOUTH 264 FEET; THENCE EAST 165 FEET TO THE PLACE OF BEGINNING AND CONTAINING ONE ACRE MORE OR LESS, SITUATED IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

NOTES:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. IT IS POSSIBLE THAT ADDITIONAL EASEMENTS, RESTRICTIONS OR OTHER ENCUMBRANCES EXIST OVER THE PROPERTY THAT HAVE NOT BEEN SHOWN HEREON.

LAST DATE OF FIELD WORK: MARCH 9, 2022

PROPERTY SURVEYED: 88,693 SQ. FT. OR 2.036 ACRES MORE OR LESS.



LEGEND

	STORM SEWER
	SANITARY SEWER
	COMBINED SEWER
	WATER MAIN
	GAS MAIN
	UNDERGROUND TELEPHONE LINE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND CATV LINE
	OVERHEAD WIRE(S) ON UTILITY POLES
	FIBER OPTIC LINE
	RAILROAD
	FENCE
	GUARDRAIL
	EDGE OF WATER
	WETLAND LIMITS
	AIR CONDITIONING UNIT
	BOLLARD
	HAND HOLE
	TRAFFIC SIGNAL BOX
	TRAFFIC SIGNAL
	ELECTRIC METER
	LIGHT POLE
	GUY WIRE ANCHOR
	LANDSCAPE LIGHT/FLOOD LIGHT
	UTILITY POLE
	ELECTRIC PEDESTAL
	ELECTRIC MANHOLE
	TELEPHONE PEDESTAL
	TELEPHONE MANHOLE
	CABLE PEDESTAL
	CABLE MANHOLE
	GAS METER
	GAS VALVE
	GAS MANHOLE
	COMBINATION MANHOLE
	SANITARY MANHOLE
	GREASE TRAP
	CLEANOUT
	DOWNSPOUT
	STORM MANHOLE
	CULVERT
	CATCH BASIN
	FLARED END SECTION
	INLET
	AUXILIARY VALVE
	BUFFALO BOX
	SUMMER CONNECTION/AUTO SPRINKLER
	WATER VALVE
	FIRE HYDRANT
	WATER METER
	WELL
	VALVE AND VAULT
	MAILBOX
	SIGN
	FLAG POLE
	SATELLITE DISH
	UNIDENTIFIED PEDESTAL
	VENT PIPE
	UNIDENTIFIED MANHOLE
	STONE
	RIGHT OF WAY MONUMENT
	P.K. NAIL/MAG. NAIL
	RAILROAD SPIKE
	IRON ROD
	IRON PIPE
	CROSS
	CONCRETE MONUMENT
	DISC
	BORING
	TEST PIT
	TREE WITH SIZE
	FIR TREE WITH SIZE
	BUSH
	WINDOW WELL
	ASPHALT
	CONCRETE
	GRAVEL
	BRICK
	CONTOUR
	SPOT ELEVATION

STATE OF ILLINOIS)
COUNTY OF GRUNDY)

WE, SPACECO, INC., AN ILLINOIS PROFESSIONAL DESIGN FIRM, NUMBER 184-00157, DO HEREBY DECLARE THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

NO DISTANCES OR ANGLES SHOWN HEREON MAY BE ASSUMED BY SCALING.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF PRACTICE APPLICABLE TO BOUNDARY SURVEYS.

GIVEN UNDER OUR HAND AND SEAL THIS 20TH DAY OF MAY, 2022 IN MORRIS, ILLINOIS.

KEVIN W. DONOVAN, I.P.L.S. N. [REDACTED]
LICENSE EXPIRES: 11-30-2022
KDONOVAN@SPACECOINC.COM

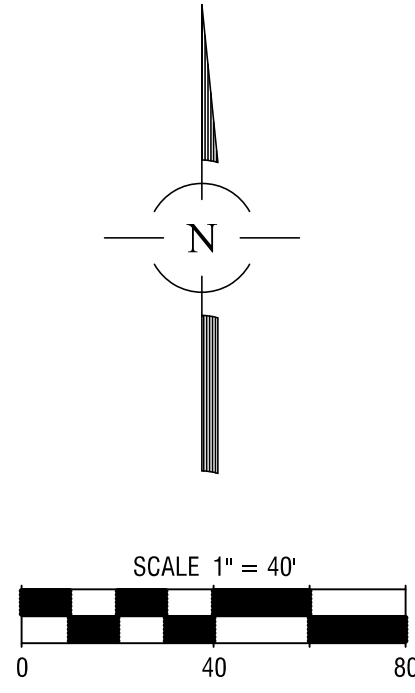
(VALID ONLY IF EMBOSSED SEAL AFFIXED)

COMPARE ALL DIMENSIONS BEFORE BUILDING AND REPORT ANY DISCREPANCIES AT ONCE. REFER TO DEED OR TITLE POLICY FOR BUILDING LINES AND EASEMENTS.

REVISIONS:	DATE: 03/21/2022
05/20/2022	JOB NO: 12032
	FILENAME: 12032SUR-01
	SHEET 1 OF 1

CONSULTING ENGINEERS	224 1/2 N. Liberty Street, Morris, Illinois 60450
SITE DEVELOPMENT ENGINEERS	Phone: (815) 941-0260 Fax: (815) 941-0263
LAND SURVEYORS	

PREPARED FOR:
LISBON TOWNSHIP
15759 ROUTE 47
NEWARK, IL 60541



	STORM SEWER
	SANITARY SEWER
	COMBINED SEWER
	WATER MAIN
	GAS MAIN
	UNDERGROUND TELEPHONE LINE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND CATV LINE
	OVERHEAD WIRES (ON UTILITY POLES)
	FIBER OPTIC LINE
	RAILROAD
	FENCE
	GUARDRAIL
	EDGE OF WATER
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	BOLLARD
	HAND HOLE
	TRAFFIC SIGNAL BOX
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	ELECTRIC METER
	LIGHT POLE
	GUY WIRE ANCHOR
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	ELECTRIC PEDESTAL
	ELECTRIC MANHOLE
	TELEPHONE PEDESTAL
	TELEPHONE MANHOLE
	CABLE PEDESTAL
	CABLE MANHOLE
	GAS METER
	GAS VALVE
	GAS MANHOLE
	COMBUSTION MANHOLE
	SANITARY MANHOLE
	GREASE TRAP
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	DOWNSPOUT
	STORM MANHOLE
	CULVERT
	CATCH BASIN
	FLUSHED END SECTION
	INLET
	AUXILIARY VALVE
	BULLARD BOX
	SWISS CONNECTION/AUTO SPRINKLER
	WATER VALVE
	FIRE HYDRANT
	WATER METER
	WELL
	VALVE AND VAULT
	MANHOLE
	SIGN
	FLAG POLE
	SATELLITE DISH
	UNDEVELOPED PEDESTAL
	VENT PIPE
	UNDEVELOPED MANHOLE
	STONE
	RIGHT OF WAY MONUMENT
	PK RAILING RAIL
	RAILROAD SPIKE
	IRON ROD
	IRON PIPE
	CROSS
	CONCRETE MONUMENT
	DISC
	BORING
	TEST PIT
	TREE WITH SIZE
	FIR TREE WITH SIZE
	BUSH
	WINDOW WELL
	ASPHALT
	CONCRETE
	GRAVEL
	BRICK
	60' CONTOUR

UNDERGROUND UTILITIES ARE SHOWN BY USING PHYSICAL EVIDENCE FOUND ON THE SURFACE AND/OR FROM UTILITY COMPANY FIELD STAKES AND, THEREFORE, THEIR LOCATIONS ARE APPROXIMATE AND SUSPECTED AND MAY NOT BE COMPLETELY ACCURATE. FOR MORE ACCURATE LOCATION, FIELD EXCAVATE.

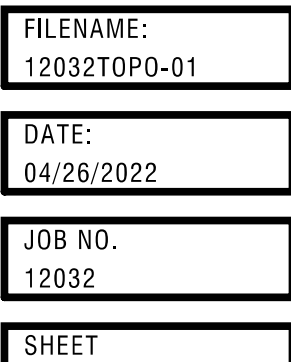
LAST DATE OF FIELD WORK: MARCH 9, 2022

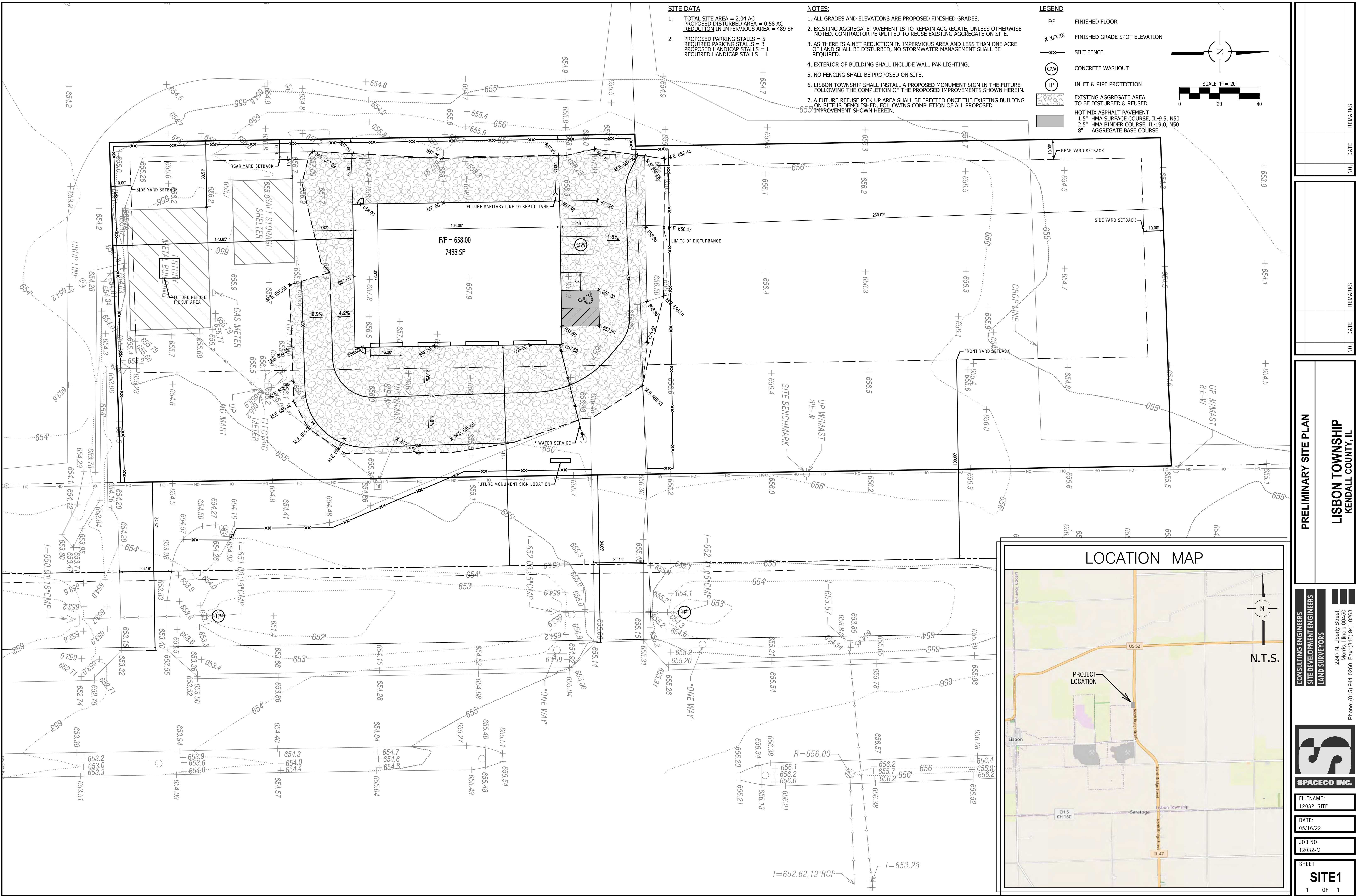
SITE BENCHMARK:
BENCHMARK NAIL IN WEST FACE OF UTILITY POLE ON THE
WEST SIDE OF ILLINOIS ROUTE 47 BEING THE FIRST UTILITY
POLE NORTH OF EXISTING NORTH ENTRANCE OF THE SITE.
ELEVATION = 657.29' (NAVD88)

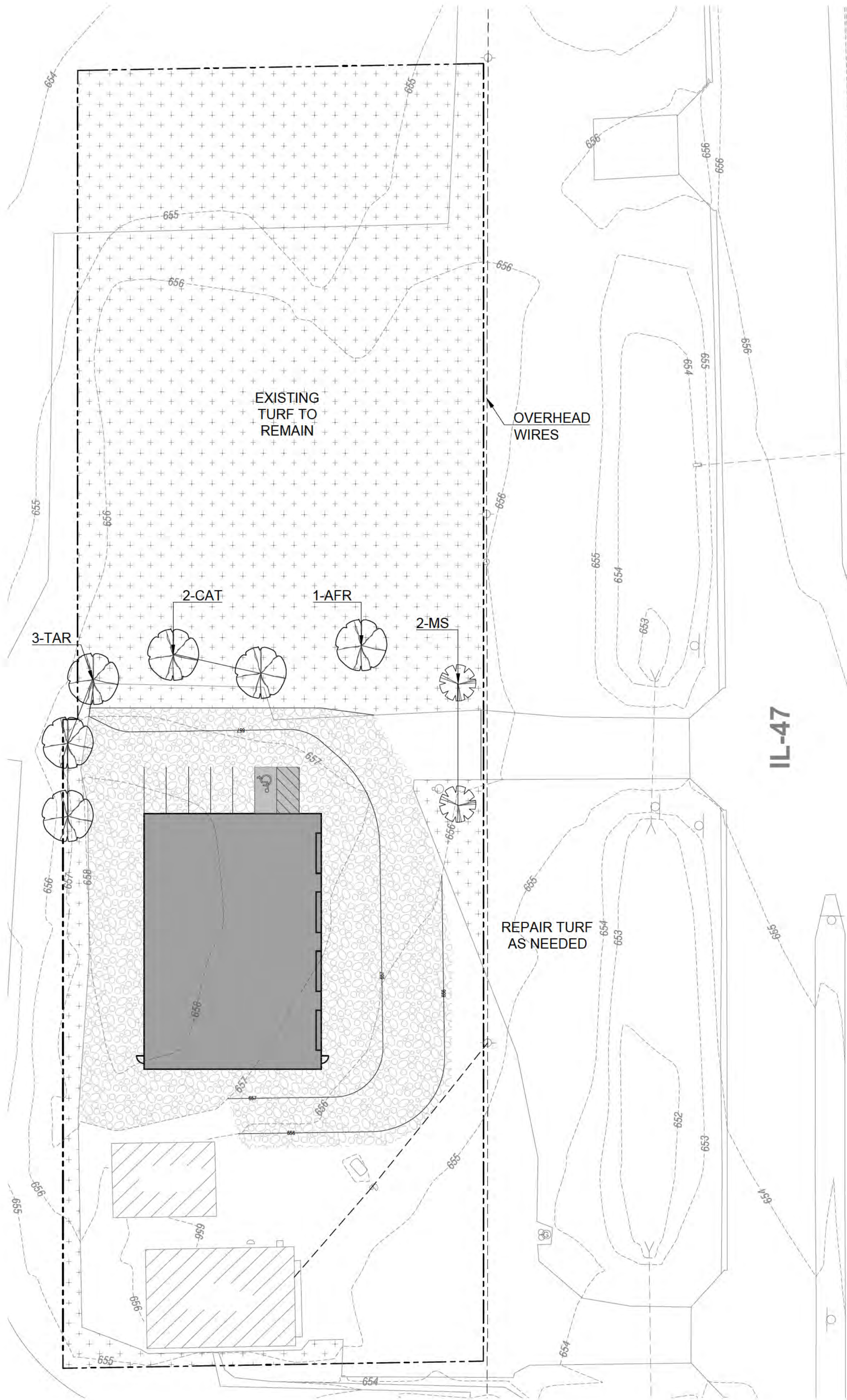
[illegible]

15759 ROUTE 47 - LISBON TOWNSHIP
NEWARK, ILLINOIS

224 ½ N. Liberty Street,
Morris, Illinois 60450
Phone: (815) 941-0260 Fax: (815) 941-0263

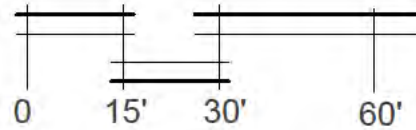
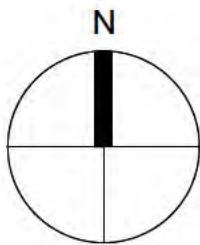




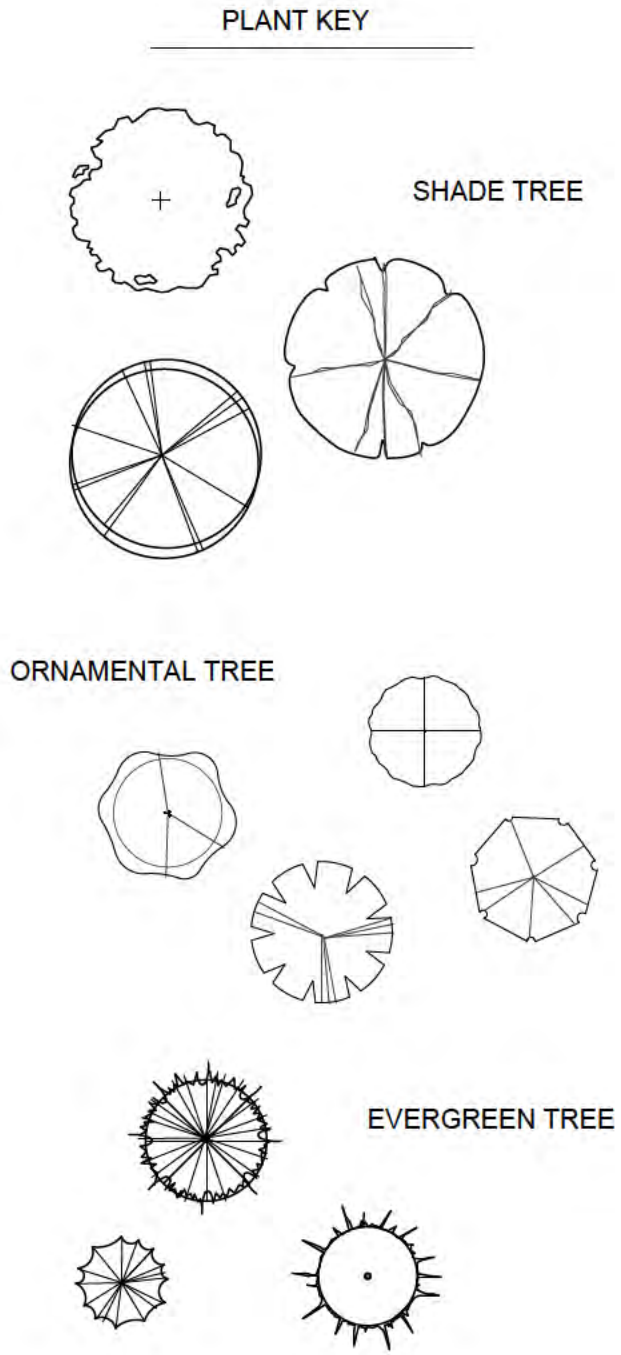


PRELIMINARY LANDSCAPE PLAN

SCALE: 1" = 30'-0"



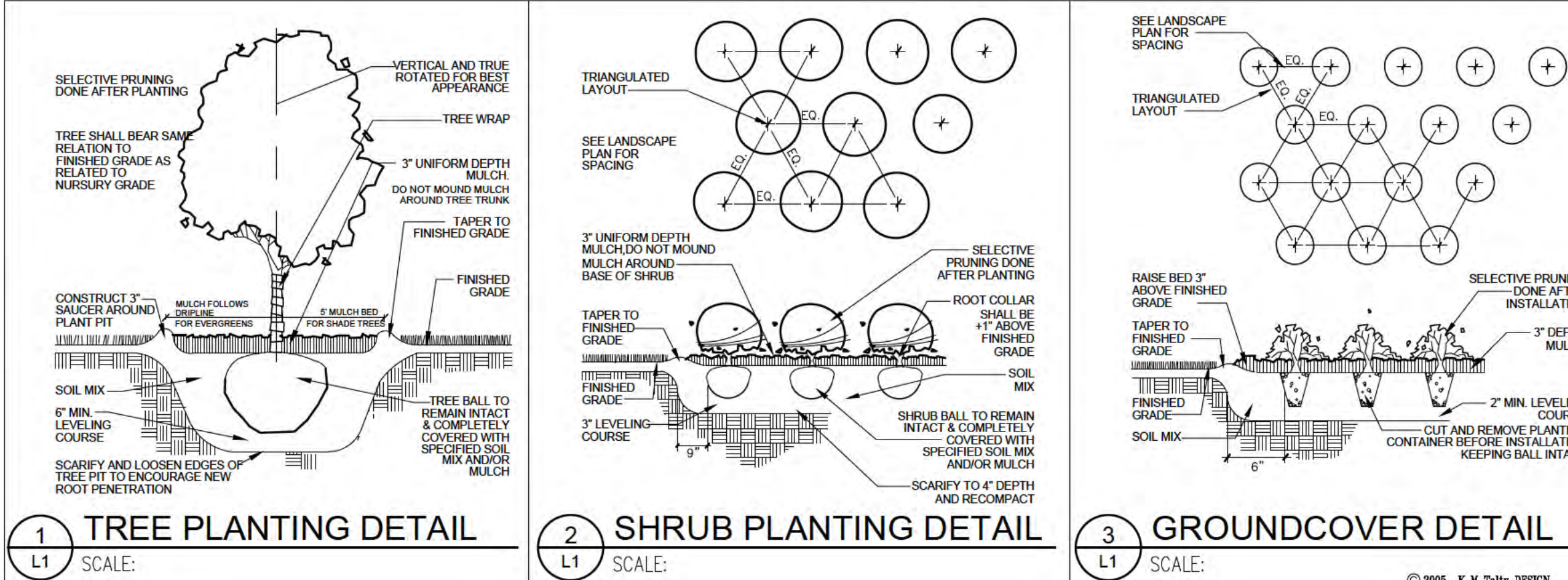
IL-47



Master Plant List						
Symbol	Quantity	Botanical Name	Common Name	Size	Origin	Notes
Shade Trees						
AFR	1	ACER X FREEMANII 'AUTUMN BLAZE'	AUTUMN BLAZE FREEMAN MAPLE	3" BB		MOIST
CAT	2	CATALPA SPECIOSA	NORTHERN CATALPA	3" BB	NATIVE	
TAR	3	TILIA AMERICANA 'REDMOND'	REDMOND AMERICAN LINDEN	3" BB	NATIVE	URBAN MOIST
Ornamental Trees						
MS	1	MALUS SARGENT	SARGENT CRABAPPLE	6' BB		8' GREEN PINK

GENERAL CONSTRUCTION NOTES

- REQUIRED LANDSCAPE MATERIAL SHALL SATISFY AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND BE STAKED, WRAPPED, WATERED AND MULCHED PER ORDINANCE.
- BEFORE ANY EXCAVATION ON THE SITE, CALL TO LOCATE ANY EXISTING UTILITIES ON THE SITE. THE CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH THE LOCATIONS OF ALL BURIED UTILITIES IN THE AREAS OF WORK BEFORE STARTING OPERATIONS. THE CONTRACTOR SHALL BE LIABLE FOR THE COST OF REPAIRING OR REPLACING ANY BURIED CONDUITS, CABLES OR PIPING DAMAGED DURING THE INSTALLATION OF THIS WORK.
- FOUR FOOT HIGH FENCING OR OTHER RIGID MATERIAL IS TO BE ERECTED AROUND THE DRIP-LINE OF ALL TREES TO BE SAVED.
- PLANT QUANTITIES ON PLANT LIST INTENDED TO BE A GUIDE. ALL QUANTITIES SHALL BE CHECKED AND VERIFIED ON PLANTING PLAN. ANY DISCREPANCIES SHALL BE DISCUSSED WITH THE LANDSCAPE ARCHITECT.
- ANY DEVIATIONS FROM OR MODIFICATIONS TO THIS PLAN SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT UPON DELIVERY OF PLANT MATERIAL TO THE SITE. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL THAT DOESNT MEET STANDARDS OR SPECIFICATIONS OF THE PROJECT.
- ALL PLANT MATERIAL TO BE INSTALLED PER THE PLANTING DETAILS PROVIDED ON THIS PLAN SET.
- ALL BED EDGES TO BE WELL SHAPED, SPADE CUT, WITH LINES AND CURVES AS SHOWN ON THIS PLAN SET.
- ALL PLANTING BEDS TO BE PREPARED WITH PLANTING MIX: 50% TOPSOIL, 50% SOIL AMENDMENTS (3 PARTS PEATMOSS, 1 PART COMPOST, 1 PART SAND)
- ALL SPECIFIED LANDSCAPE MATERIAL INDICATED ON THE CONSTRUCTION DOCUMENTS WILL BE REQUIRED TO BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT AND MUST BE REPLACED SHOULD IT DIE OR BECOME DAMAGED.
- ALL PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE FROM SUBSTANTIAL COMPLETION AS DETERMINED BY THE LANDSCAPE ARCHITECT, AND SHALL BE REPLACED SHOULD IT DIE WITHIN THAT PERIOD.
- PROTECT STRUCTURES, SIDEWALKS, PAVEMENTS AND UTILITIES TO REMAIN FROM DAMAGE CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUTS AND OTHER HAZARDS CAUSED BY SITE IMPROVEMENT OPERATIONS.
- ALL LAWN AREAS TO BE SEEDED WITH STANDARD TURF GRASS SEED AND COVERED WITH EROSION CONTROL BLANKET. UNLESS OTHERWISE SPECIFIED ON THE PLAN.
- CAREFULLY MAINTAIN PRESENT GRADE AT BASE OF ALL EXISTING TREES TO REMAIN. PREVENT ANY DISTURBANCE OF EXISTING TREES INCLUDING ROOT ZONES. USE TREE PROTECTION BARRICADES WHERE INDICATED. PROTECT EXISTING TREES TO REMAIN AGAINST UNNECESSARY CUTTING, BREAKING OR SKINNING OF ROOTS, BRUISING OF BARK OR SMOTHERING OF TREES. DRIVING, PARKING, DUMPING, STOCKPILING AND/OR STORAGE OF VEHICLES, EQUIPMENT, SUPPLIES, MATERIALS OR DEBRIS ON TOP THE ROOT ZONES AND/OR WITHIN THE DRIPLINE OF EXISTING TREES OR OTHER PLANT MATERIAL TO REMAIN IS STRICTLY PROHIBITED.
- THE CONTRACTOR AT ALL TIMES SHALL KEEP THE PREMISES ON WHICH WORK IS BEING DONE, CLEAR OF RUBBISH AND DEBRIS. ALL PAVEMENT AND DEBRIS REMOVED FROM THE SITE SHALL BE DISPOSED OF LEGALLY.
- ALL WORK AND OPERATIONS SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL CODES AND ORDINANCES.



I HAVE REVIEWED THE PRELIMINARY DRAWINGS.

CUSTOMER SIGNATURE:

DATE:

I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS

ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD

DOOR & WINDOW SCHEDULE

TAG	TYPE	QUANTITY
①	3'x6'-8" WALKDOOR w/ LEVER LOCKSET & DEADBOLT	2
②	16'x14' OVERHEAD DOOR OPENING	4



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Jack Walters & Sons, Corp.
P.O. Box 388
6600 Midland Ct.
Allenton, WI 53002
1-800-558-7800
www.waltersbuildings.com

REVISIONS:

OWNER:
Township Building

PROJECT:
72x104' Storage

LOCATION:
Minooka, IL

SALES REP / DEALER:
Johnie Baker

DRAWN BY:
Taylor Z

ESTIMATED BY:

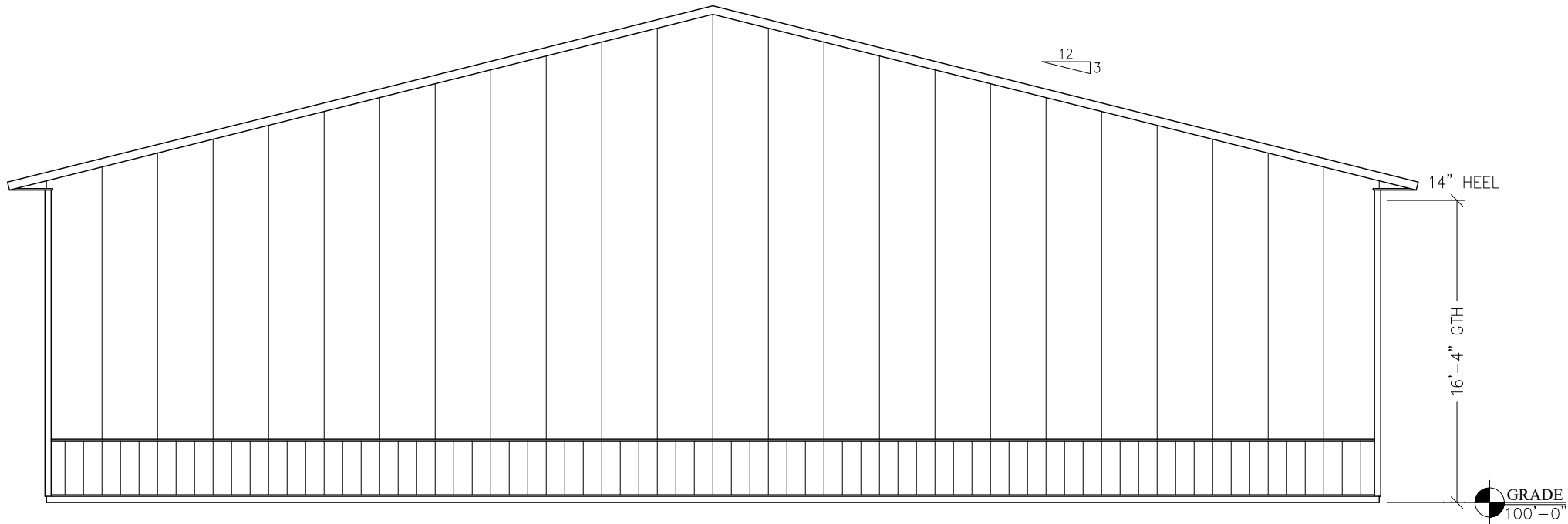
LAST SAVED BY:
TZEITLER ON: 5/23/2022

SCALE:
1/8" = 1'-0"
0 5 8 10

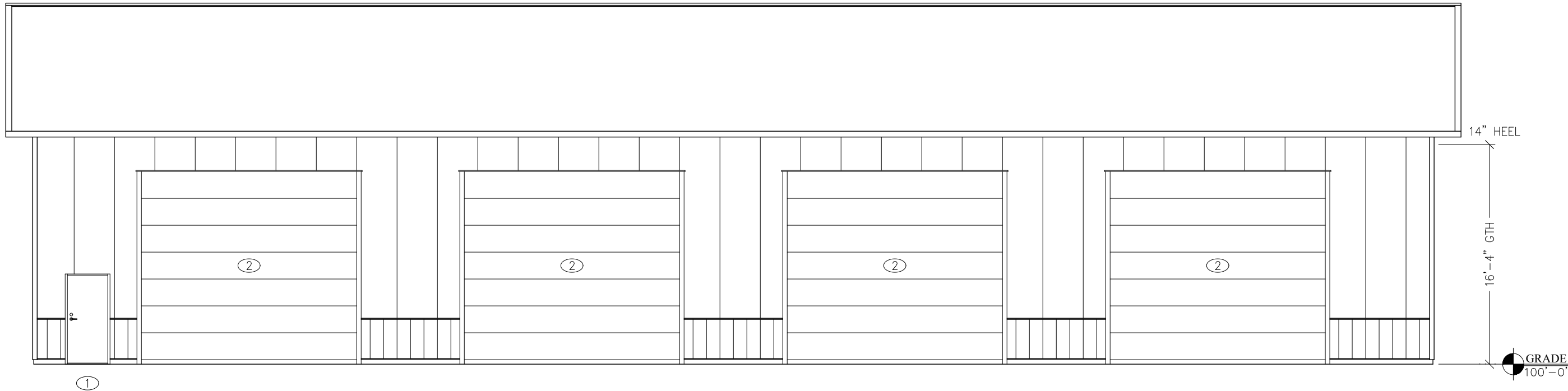
JOB NUMBER:
P74-078

SHEET NUMBER:

A2



1 WEST END ELEVATION
A2 SCALE: 1/8" = 1'-0"



2 SOUTH SIDE ELEVATION
A2 SCALE: 1/8" = 1'-0"

I HAVE REVIEWED THE PRELIMINARY DRAWINGS.	
CUSTOMER SIGNATURE:	DATE:
I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS	
ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD	

DOOR & WINDOW SCHEDULE		
TAG	TYPE	QUANTITY
①	3'x6'-8" WALKDOOR w/ LEVER LOCKSET & DEADBOLT	2
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Taylor Z

ESTIMATED BY:

LAST SAVED BY:
TZEITLER ON: 5/23/2022

SCALE:

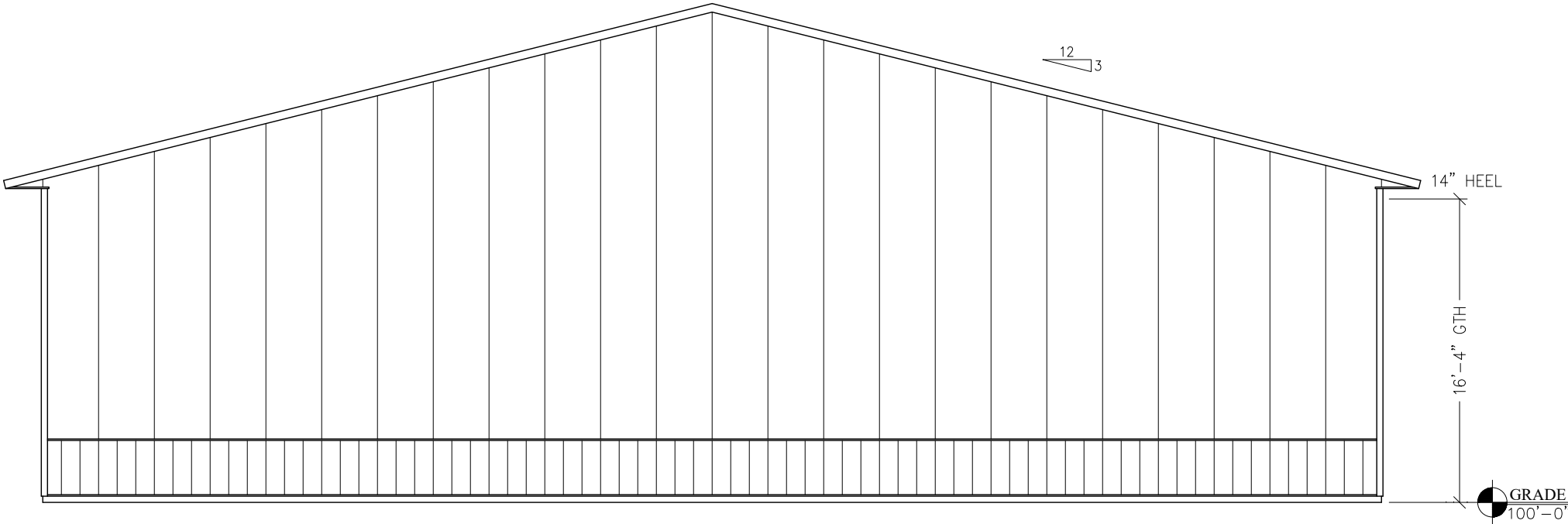
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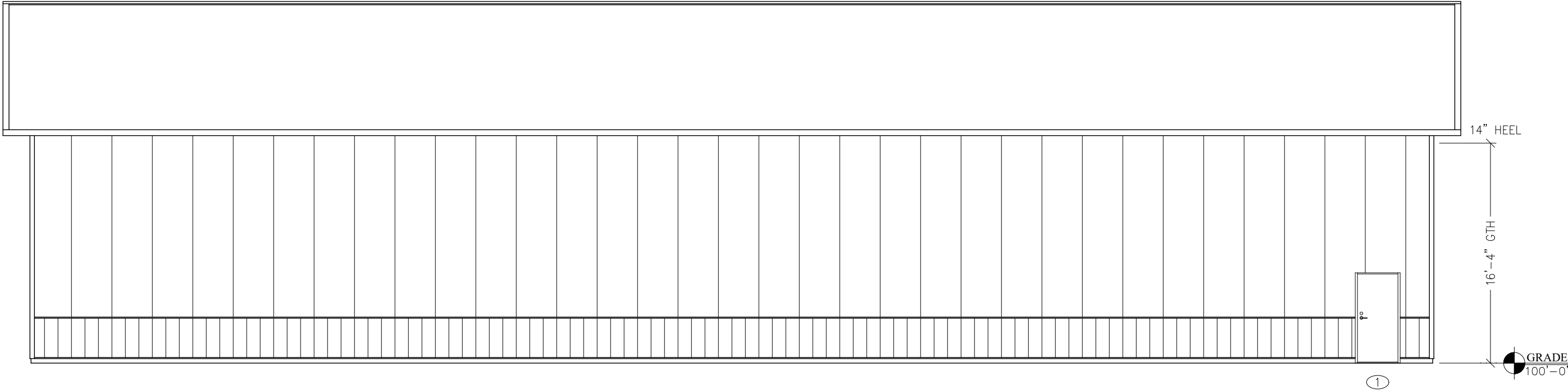
JOB NUMBER:
P74-078

SHEET NUMBER:

A2.1



1 EAST END ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



2 NORTH SIDE ELEVATION
A2.1 SCALE: 1/8" = 1'-0"

I HAVE REVIEWED THE PRELIMINARY DRAWINGS.

CUSTOMER SIGNATURE:

DATE:

I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS

ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD

DOOR & WINDOW SCHEDULE		
TAG	TYPE	QUANTITY
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Johnie Baker

DRAWN BY:
Taylor Z

ESTIMATED BY:

LAST SAVED BY:
TZEITLER ON: 5/23/2022

SCALE:

1/8" = 1'-0"

0

5

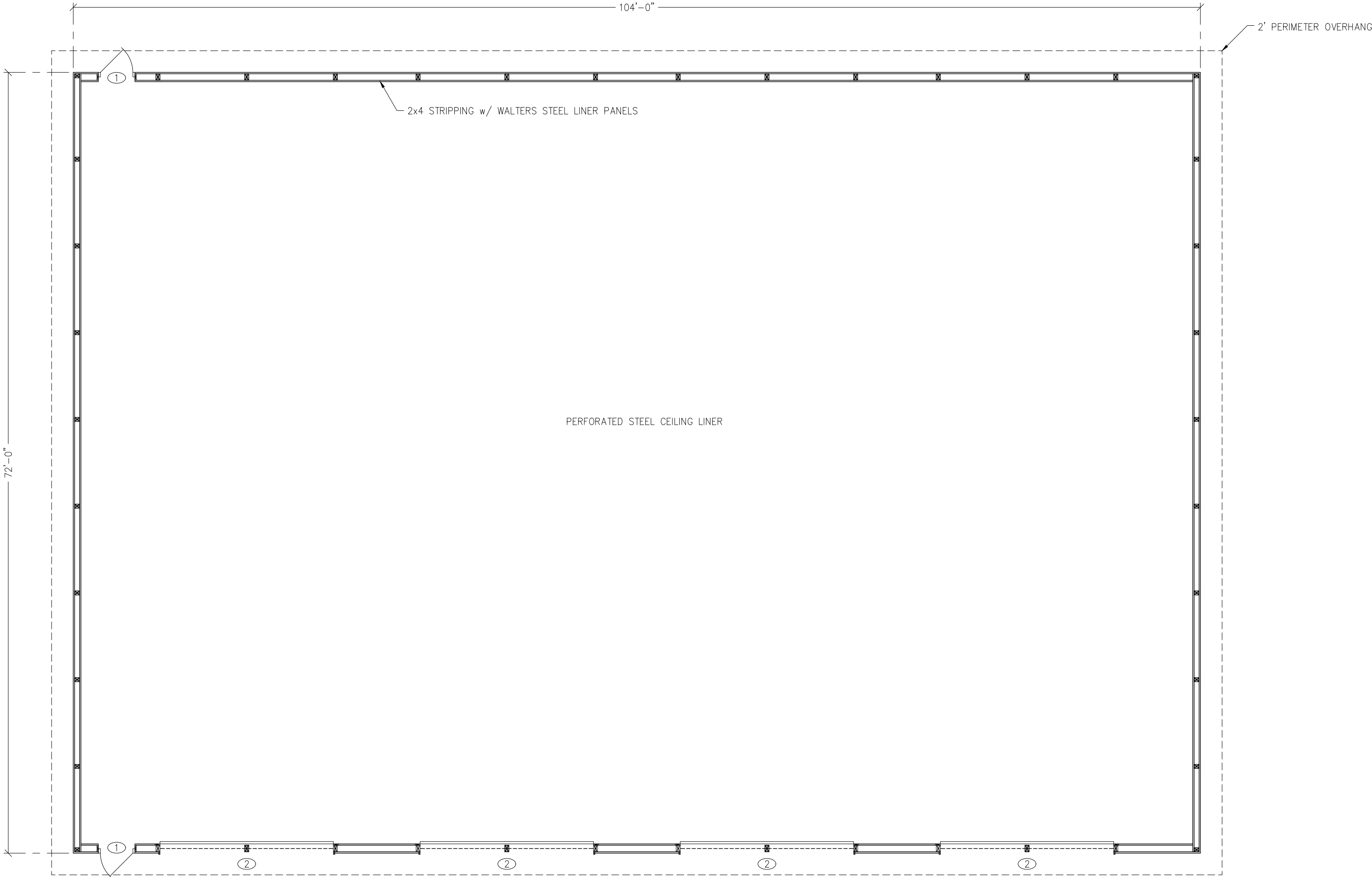
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10

JOB NUMBER:
P74-078

SHEET NUMBER:

A3



1
A3

FRAMING PLAN
SCALE: 1/8" = 1'-0"

Attachment 7

From: [Short, Michael A](#)
To: [Matt Asselmeier](#)
Cc: [Scott Koeppel](#); [Scott Gengler](#); [Fran Klaas](#)
Subject: [External]RE: 15759 Route 47
Date: Wednesday, May 25, 2022 1:01:33 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.

Hi Matt,

We have no concerns for a township maintenance facility at this location. We do not need any ROW for multi-use paths at this location.

If additional / relocated / modified entrances are needed to IL 47, a Highway Permit will be required.

Thanks,
Mike

Michael Short
Program Development Engineer
Illinois Department of Transportation, District 3
700 East Norris Drive
Ottawa, IL 61350
815-434-8450
Michael.Short@Illinois.gov

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Monday, May 23, 2022 3:41 PM
To: Short, Michael A <Michael.Short@illinois.gov>
Cc: Scott Koeppel <skoeppele@kendallcountyil.gov>; Scott Gengler <sgengler@kendallcountyil.gov>; Fran Klaas <FKlaas@kendallcountyil.gov>
Subject: [External] 15759 Route 47

Mike:

Kendall County will likely receive a request for a special use permit from Lisbon Township for a township garage facility at 15759 Route 47 (PINs: 08-21-300-002 and 08-21-300-004).

Does IDOT have any concerns regarding this type of use at this location? Does IDOT want any ROW for bike/walk paths?

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
June 7, 2022 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department

Audience:

John Tebrugge

PETITIONS

Petition 22-13 Joe Slivka and Kevin Kunkel on Behalf of Lisbon Township

Mr. Asselmeier summarized the request.

Lisbon Township would like to construct a seven thousand four hundred eighty-eight (7,488) square foot garage on the subject property, located at 15759 Route 47, Newark.

The application materials, plat of survey, existing conditions survey, site plan, landscaping plan, building elevations were provided.

The property is approximately two point zero four (2.04) acres in size.

The existing land use is Institutional, Transportation and Agricultural.

The zoning is A-1.

The County's Future Land Use Map called for the property to be Agricultural. The Village of Lisbon's Future Land Use Map called for the property to be Commercial.

Route 47 is a State maintained Arterial.

The County has a trail planned along Route 47.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural, Farmstead and Comed Right-of-Way.

The nearby properties in the unincorporated area are zoned A-1. The property to the west and south is inside the Village of Lisbon and is zoned Mining.

The County's Future Land Use Map called for the area to be Agricultural, Comed Right-of-Way and Mining. The Village of Lisbon's Future Land Use Map called for the area to Agricultural, Commercial, Mixed Use Business, and Mining.

The property to the southwest is owned by Vulcan Lands, Inc.

EcoCAT Report was submitted on May 12, 2022, and consultation was terminated.

The NRI application was submitted on May 4, 2022.

Petition information was sent to Lisbon Township on May 26, 2022.

Petition information was sent to the Village of Lisbon on May 26, 2022.

Petition information was sent to the Lisbon-Seward Fire Protection District on May 26, 2022.

According to the information provided, Lisbon Township plans to construct a garage facility to store township vehicles and equipment. The building will not have an office. The maximum number of employees at the property will be three (3).

According to the site plan, Lisbon Township plans to construct one (1) seven thousand four hundred eighty-eight (7,488) square foot building on the property.

According to the building elevations, the building will be twenty-six feet (26') in height at its highest point. Four (4) doors to drive in vehicles and equipment would be located on the east side of the building and these doors would be sixteen feet, four inches (16' 4") in height. The elevations also show one (1) man door on the east side of the building and one (1) man door on the west side of the building. It should be noted that on the building elevations South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.

The site plan shows an existing metal building and salt storage shelter. The metal building would be demolished in the future; no date has been provided for demolition

The property is served by a well, but does not have a septic system.

One (1) trash enclosure area is shown on the site plan at the location of the existing metal building. This trash enclosure will be installed after the metal building is demolished. Until the metal building is demolished, there will not be a refuse area on the property.

Per the site plan, most of the property drains to the south.

The project does not meet the disturbance or lot coverage requirements needed for a stormwater permit.

Per the site plan, the property will utilize one (1) approximately twenty-five foot (25') wide driveway to access Route 47. The existing conditions survey showed three (3) access points onto Route 47.

According to the site plan, there are six (6) proposed parking stalls, including one (1) handicapped accessible parking stall, located north of the proposed building.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per each employee is required for public service uses.

According to the site plan, the building will have wall pak lighting. No information was provided regarding the location or number of lights.

According to the site plan, one monument sign shall be placed on the subject property. The sign will not be illuminated.

According to the site plan, no fencing will be installed on the property. No other security information was provided.

According to the landscaping plan, one (1) Autumn Blaze Maple, two (2) Northern Catalpa, and three (3) Redwood American Linden will be planted on the property. The trees will be three inch (3") BB. One (1) Sargent Crabapple will also be planted and will be six foot (6') BB. No information was provided regarding the timing of planting.

The existing turf would remain.

No information was provided regarding noise control.

No odor causing activities are foreseen at the property.

If approved, this would be the sixth (6th) special use permit for a government facility in the unincorporated area.

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

ZPAC Meeting Minutes 06.07.22

landscaping plan, the proposed use should not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is located along a four (4) lane highway with agricultural uses on all sides. Few residential uses are located in the vicinity. Provided the site is developed in accordance with the submitted site plan and landscaping plan, the proposed use will not be substantially injurious to neighboring properties and or adversely impact adjacent uses.

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

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

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 proposal is consistent with a goal found on page 9-20 of the Kendall County Land Resource Management Plan call for "Mutually supportive, non-adversarial team of municipal, township, school, park, county, and other governments working toward the benefit of everyone in Kendall County." Also, land next to an arterial highway is a logical location for a township highway facility.

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

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan. Lisbon Township may demolish the one (1) story metal building shown on the site plan without seeking an amendment to this special use permit.
2. The botanicals shown on the landscaping plan shall be installed by June 30, 2024. This deadline may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. Damaged or dead botanicals shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
3. The seven thousand four hundred eighty-eight (7,488) square foot building shall be developed substantially in accordance with the attached elevations (Attachment 6) with a maximum building height of twenty-six feet (26'). On the elevations, South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.
4. Any structures constructed, installed, or demolished related to the use allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. One (1) free standing monument sign may be installed in substantially the location shown on the site plan. The sign shall not be illuminated.
6. The trash enclosure shall be placed in substantially the location shown on the site plan, upon demolition of the one (1) story metal building. The enclosure shall be screened per the requirements of the Kendall County Zoning Ordinance. The property owners shall ensure that the site is kept free of litter and debris.
7. The owners of the uses allowed by this special use permit shall diligently monitor the property for leaks from equipment, vehicles, and materials parked and stored on the subject property and shall promptly clean up the site if leaks occur.
8. None of the vehicles or equipment parked or stored on the subject property related to the use allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
10. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal,

State, and Local laws related to the operation of this type of use.

11. 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.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. 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.

Discussion occurred regarding screening. Mr. Asselmeier noted that no berms or fencing was proposed. The only screening would be the vegetation shown in the landscaping plan.

Mr. Rybski requested confirmation that no sinks or bathroom facilities would be located in the facility. Mr. Asselmeier said that it was his understanding that no sinks or bathroom facilities would be located in the facility. The facility would be for storage purposes only. Mr. Holdiman said that offices might go in the facility in the future and the Petitioners were aware that a septic facility would be required at that time. The Petitioners might need to purchase additional property to have room for a septic system.

Mr. Gengler asked about the handling of oil waste. Mr. Holdiman said no discussion has occurred regarding maintenance of vehicles and related requirements including oil interceptor and septic system requirements.

Mr. Guritz made a motion, seconded by Mr. Holdiman, to recommend approval of the special use permit with conditions proposed by Staff with the correction of the missing word contained in condition 9.

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

The proposal goes to the Kendall County Regional Planning Commission on June 22, 2022.

PUBLIC COMMENT

Discussion occurred regarding changing the date of the July meeting. The consensus of the Committee was to have Mr. Asselmeier poll Members after the application deadline to see if the date should be changed. Officially, the meeting date will remain July 5th at this time.

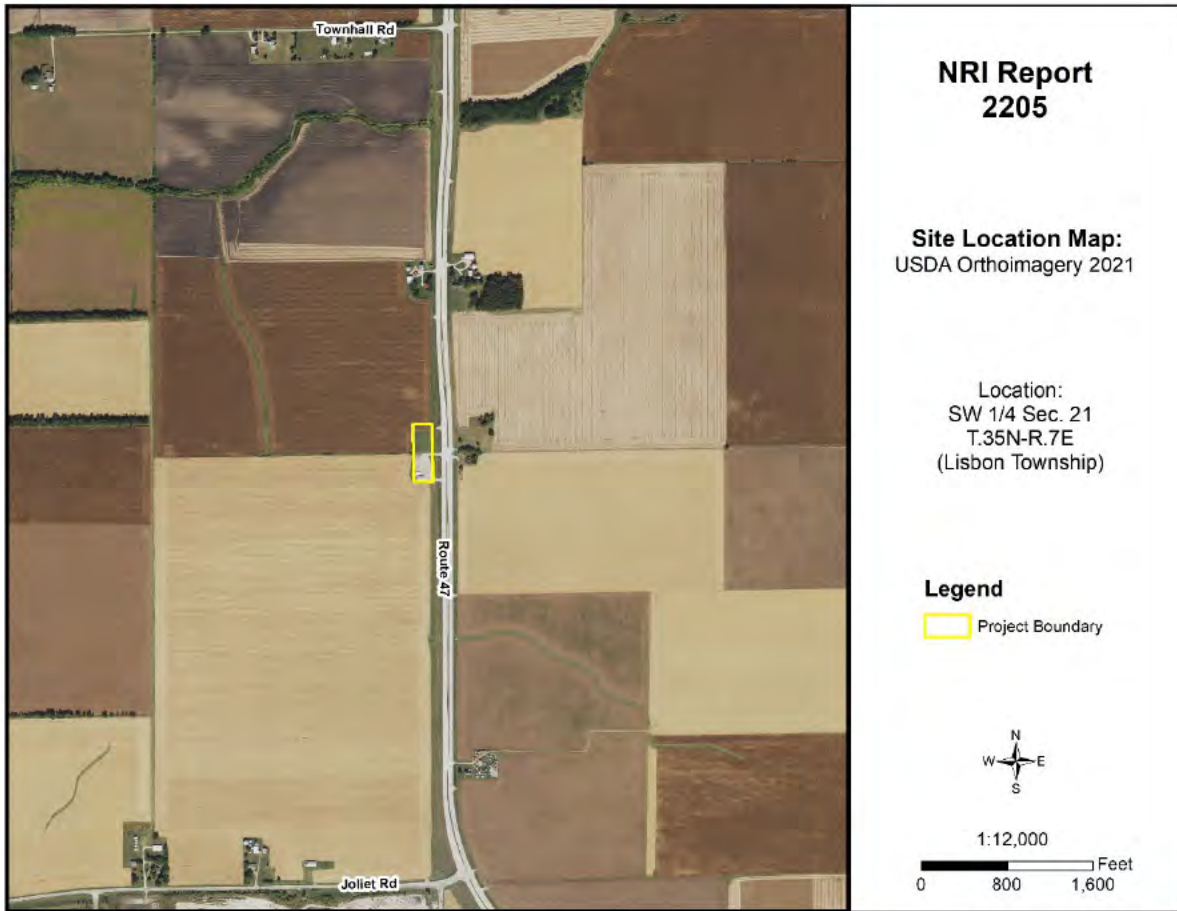
ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.
With a voice vote of seven (7) ayes, the motion carried.

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

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

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2205



June
2022

Petitioner: Lisbon Township
Contact: Kevin Kunkel

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	2205
Date District Board Reviews Application	June 2022
Applicant's Name	Lisbon Township
Size of Parcel	2.036 acres
Current Zoning & Use	A-1 Agricultural; Lisbon Township Road Commission gravel lot & buildings/structures
Proposed Zoning & Use	A-1 SU Agricultural with Special Use Permit; Addition of garage facility for Lisbon Township Road Commission
Parcel Index Number(s)	08-21-300-002, 08-21-300-004
Contact Person	Kevin Kunkel

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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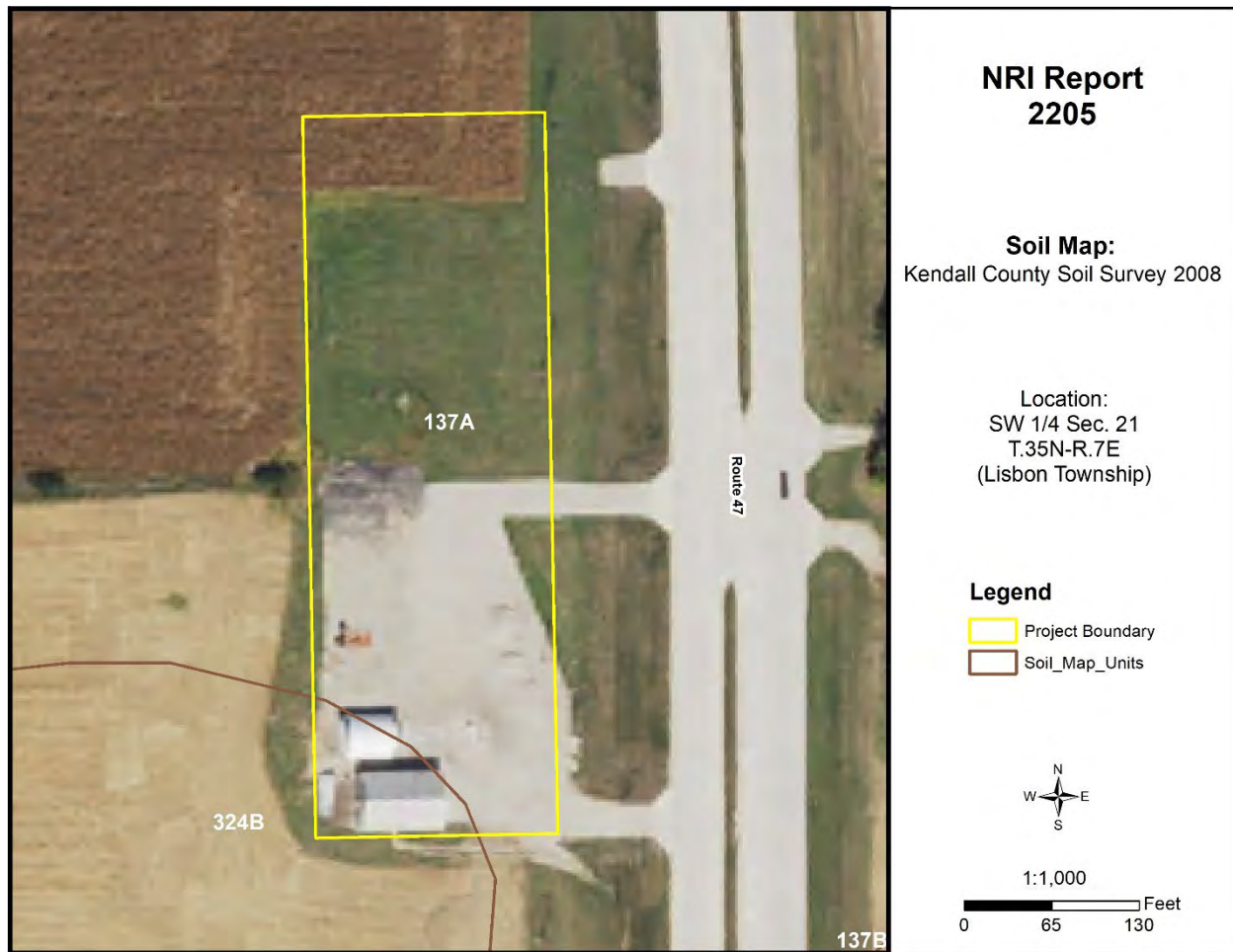
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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2205
Petitioner	Lisbon Township
Contact Person	Kevin Kunkel
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 21, Township 35 North, Range 7 East (Lisbon Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Lisbon Township Expansion
Existing Zoning & Land Use	A-1 Agricultural; Lisbon Township Road Commission gravel lot & buildings/structures
Proposed Zoning & Land Use	A-1 SU Agricultural with Special Use Permit; Addition of garage facility for Lisbon Township Road Commission
Proposed Water Source	Existing well
Proposed Type of Sewage Disposal System	N/A
Proposed Type of Storm Water Management	N/A
Size of Site	2.036 acres
Land Evaluation Site Assessment Score	178 (Land Evaluation: 93; Site Assessment: 85)

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
137A	Clare silt loam, 0-2% slopes, bedrock substratum	Moderately Well Drained	C	Non-Hydric	Prime Farmland
324B	Ripon silt loam, 2-5% slopes	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, neither of them are classified as hydric soil.

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.

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	Conventional Septic Systems
137A	Somewhat Limited	Somewhat Limited	Suitable / Not Limited
324B	Somewhat 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). Note: the current project scope does not include onsite sewage disposal, however, it was indicated that there could be a need for it in the future.

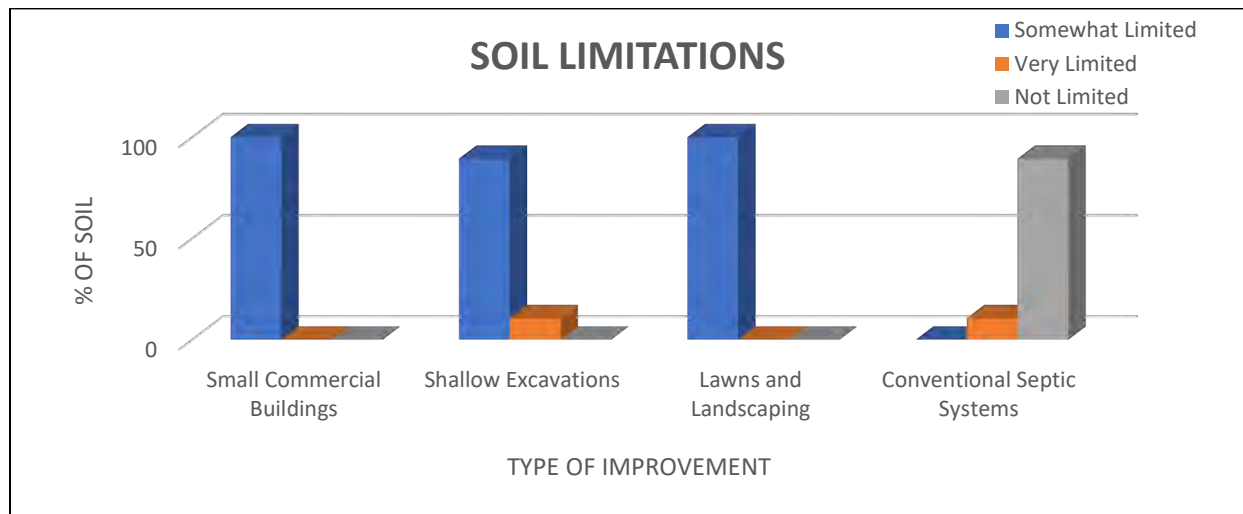


Figure 2: Soil Limitations

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 **93**, 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 **85**.

The **LESA Score for this site is 178 out of a possible 300, which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

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

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0200G (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 Lisbon Township for the Special Use Permit request to construct one 7,488 square foot garage facility for the Lisbon Township Road Commission on two parcels (Parcel Index Numbers 08-21-300-002 & 08-21-300-004) within Lisbon Township of Kendall County located in the SW ¼ of Section 21, Township 35N, and Range 7E 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 a 93 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 178 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, 10.6% are very limited for shallow excavations. Additionally, 10.6% of the soils are considered unsuitable for conventional septic systems. The current project scope does not include onsite sewage disposal; however, it was indicated that there could be a need for it in the future. Other developments/land uses that were considered included small commercial buildings and lawns/landscaping. The soils were rated as somewhat limited for these uses. 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

 6/13/2022
 Date

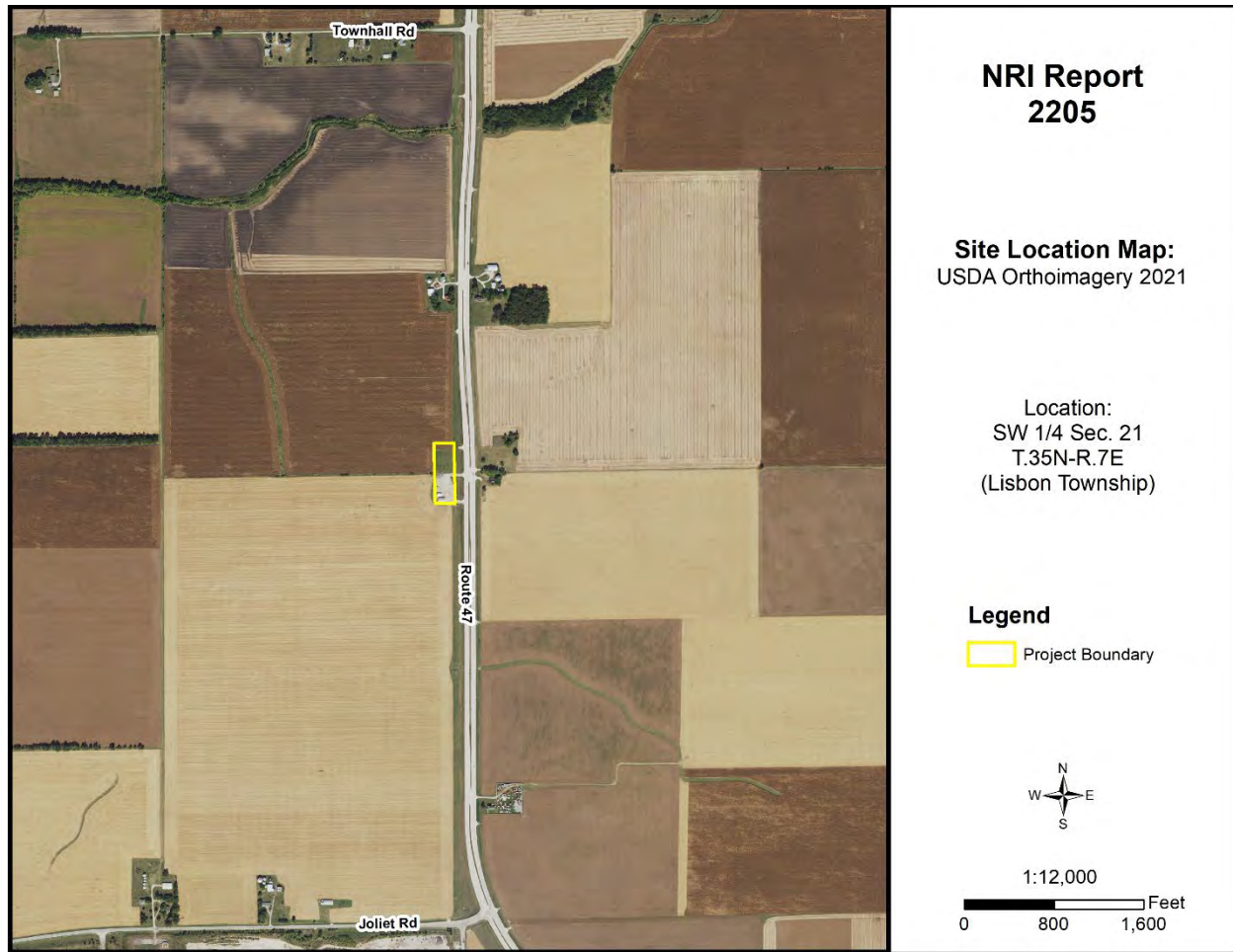


Figure 4: 2021 Aerial Map with NRI Site Boundary

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 not located on or near the parcel in question (PIQ).

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

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

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

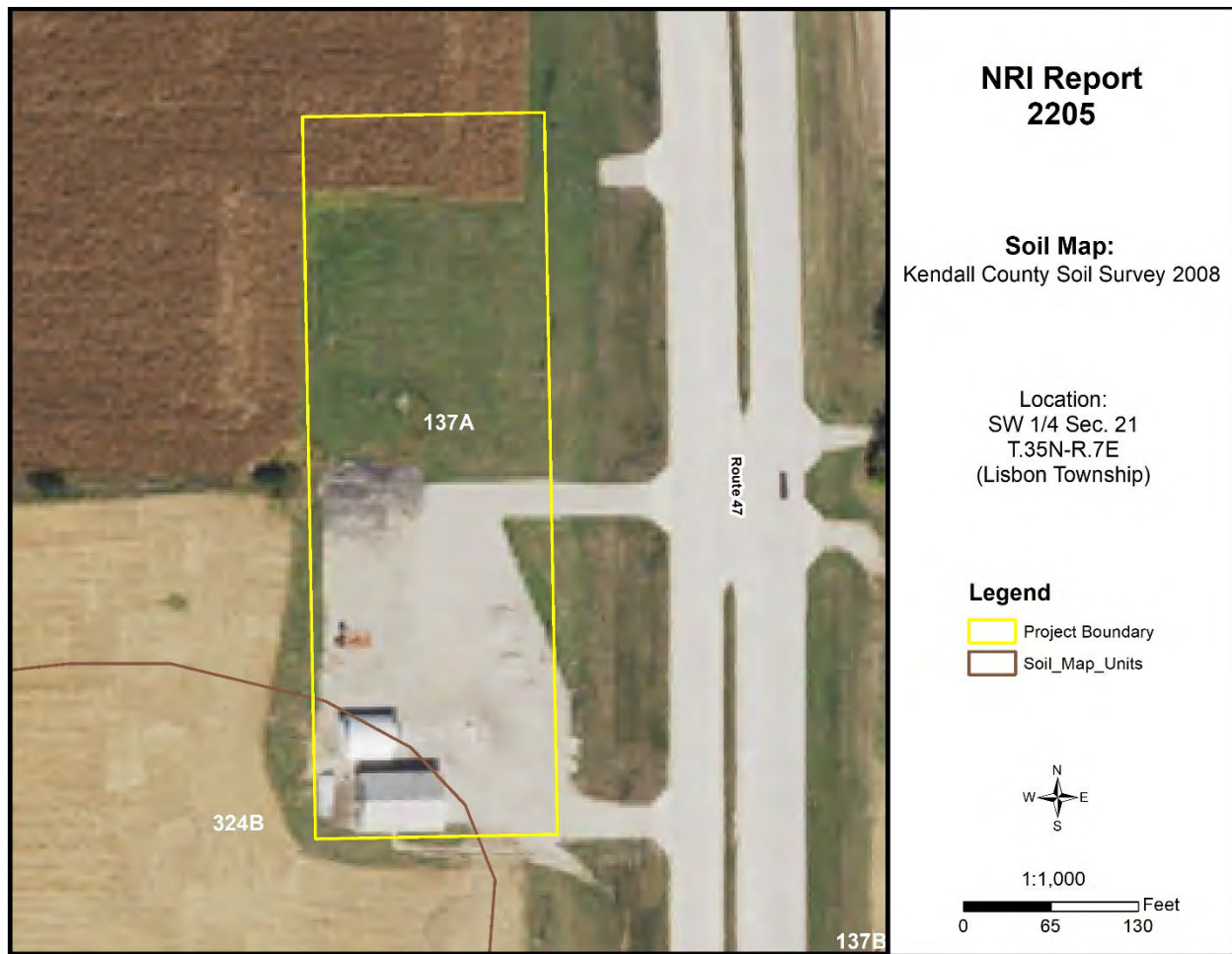
Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

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

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

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

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

**Figure 5:** Soil Map**Table 3:** Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
137A	Clare silt loam, 0-2% slopes, bedrock substratum	1.8	89.4%
324B	Ripon silt loam, 2-5% slopes	0.2	10.6%

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. Note: the current project scope does not include onsite sewage disposal, however, it was indicated that there could be a need for it in the future.

Table 4: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns and Landscaping	Onsite Conventional Sewage Systems	Acres	%
137A	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone Depth to hard bedrock Dusty Unstable excavation walls	Somewhat Limited: Dusty	Suitable/Not Limited	1.8	89.4%
324B	Somewhat Limited: Shrink-swell Depth to hard bedrock	Very Limited: Depth to hard bedrock Dusty Unstable excavation walls	Somewhat Limited: Depth to bedrock Dusty	Unsuitable/Very Limited: Bedrock	0.2	10.6%
% Very Limited	0%	10.6%	0%	10.6%		

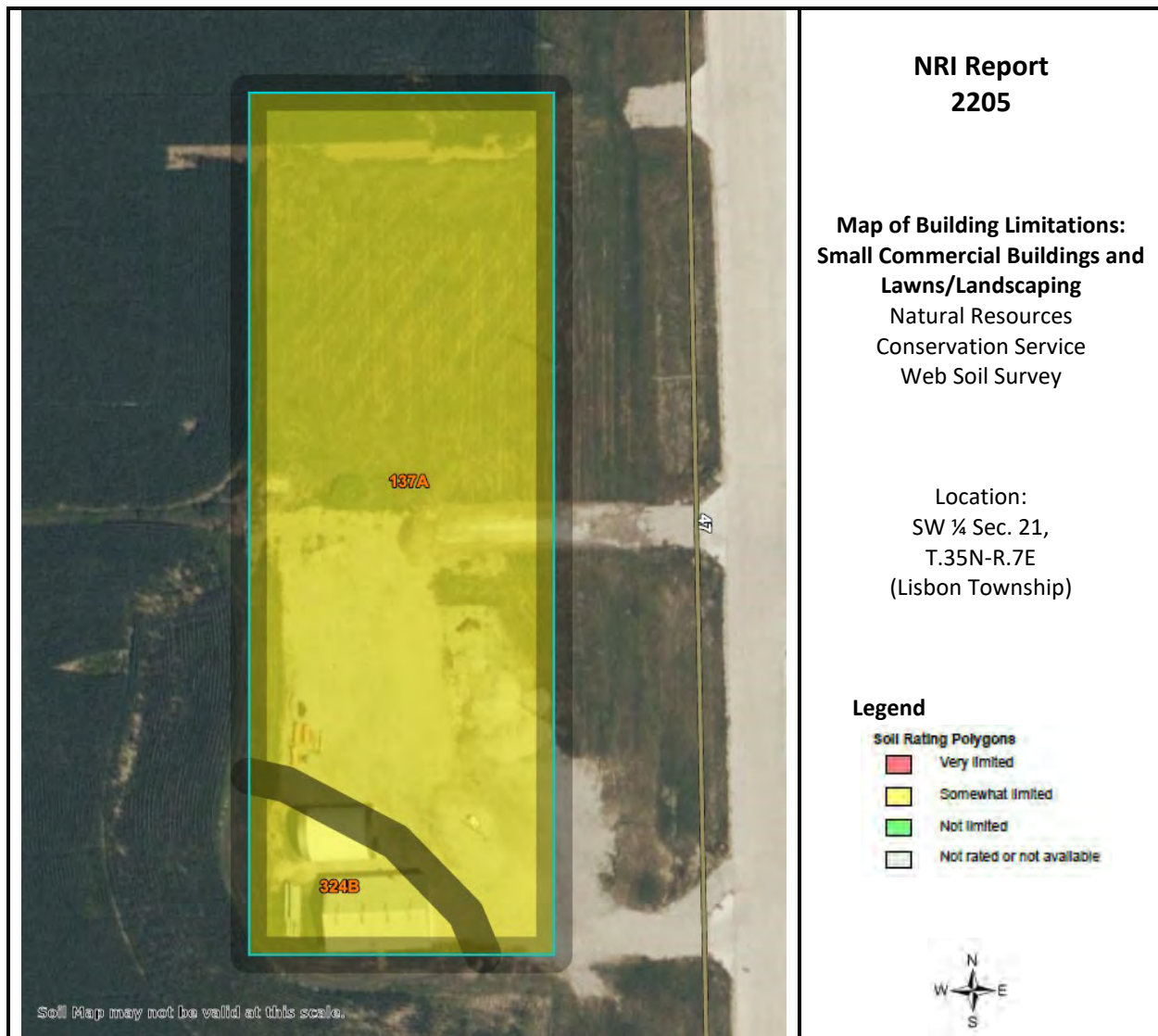


Figure 6A: Map of Building Limitations – Small Commercial Buildings and Lawns/Landscaping



Figure 6B: Map of Building Limitations – Shallow Excavations

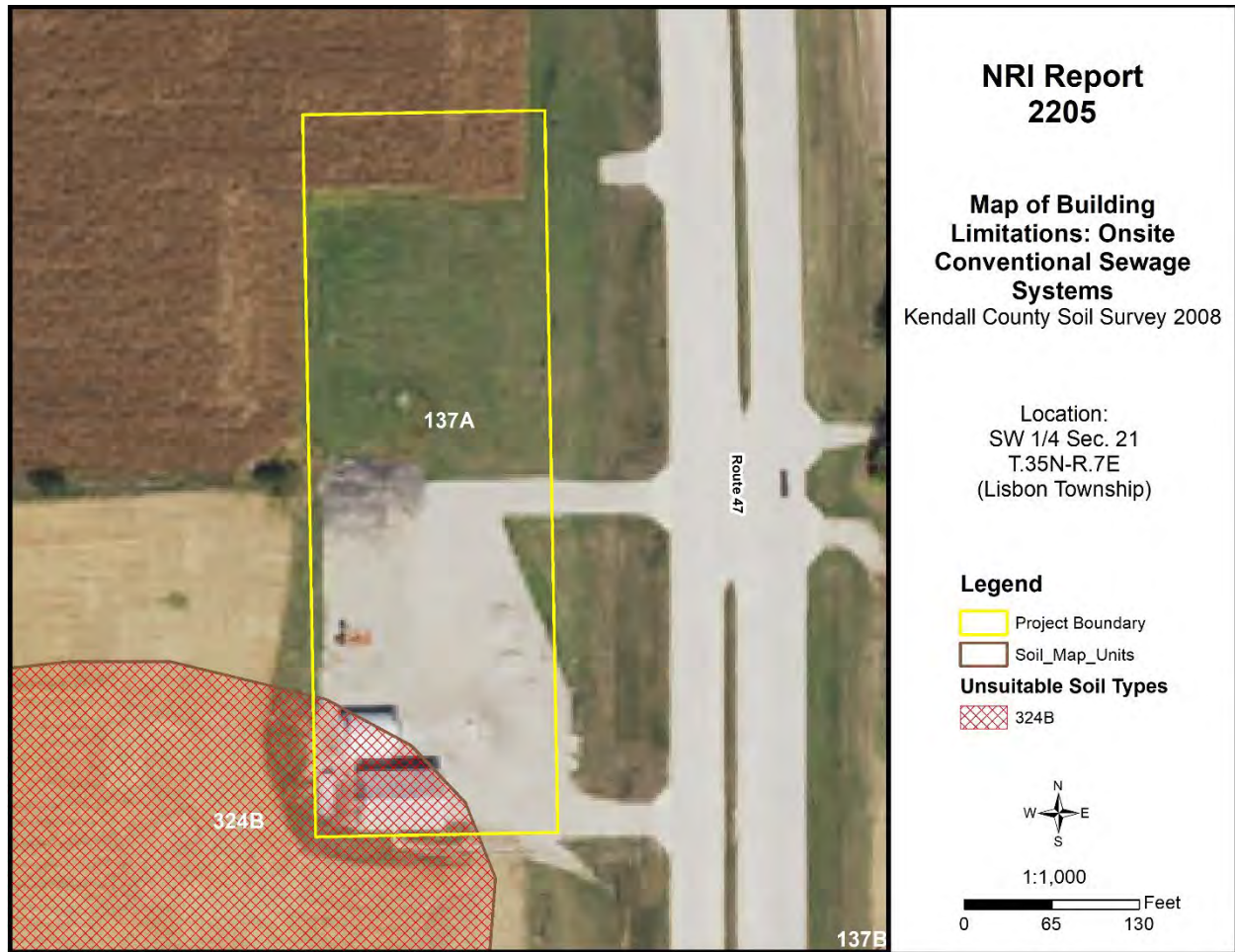


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

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
137A	C	Low	<u>January</u> Upper Limit: -- Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 6.0' <u>May – December</u> Upper Limit: -- Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
324B	C	Low	<u>January – December</u> Upper Limit: -- 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
137A	0-2%	Slight	1.8	89.4%
324B	2-5%	Slight	0.2	10.6%

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
137A	Prime Farmland	1.8	89.4%
324B	Prime Farmland	0.2	10.6%
% Prime Farmland	100%		

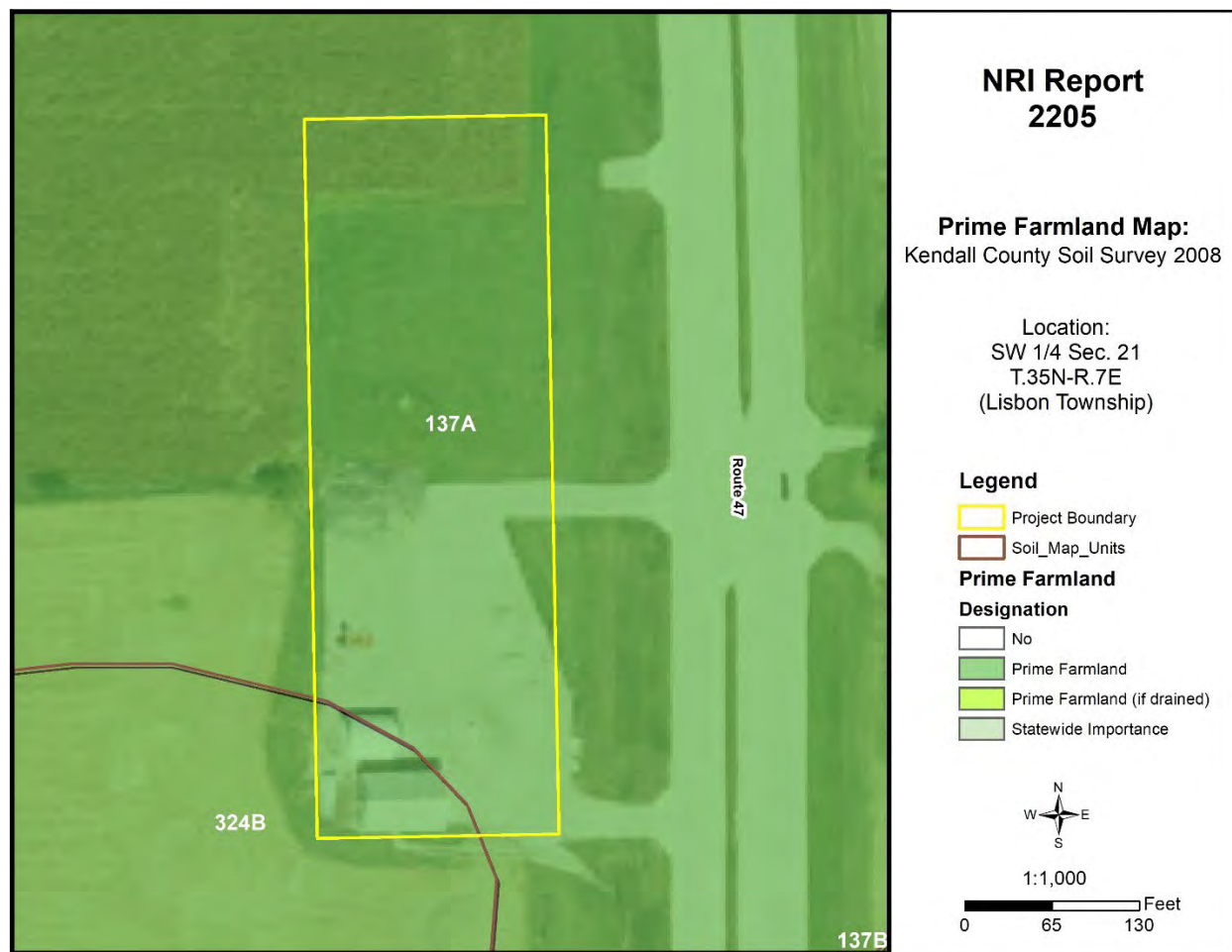


Figure 7: Map of Prime Farmland Soils

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)
137A	2	94	1.8	169.2
324B	4	79	0.2	15.8
Totals			2.0	185
LE Calculation			(Product of relative value / Total Acres) 185 / 2.0 = 92.5	
LE Score			LE = 93	

The Land Evaluation score for this site is 93, 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)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	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)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	0
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	85

The Site Assessment score for this site is 85. The Land Evaluation value (93) is added to the Site Assessment value (85) to obtain a LESA Score of 178. 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: 93 + Site Assessment Value: 85 = LESA Score: 178

The LESA Score for this site is 178 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.

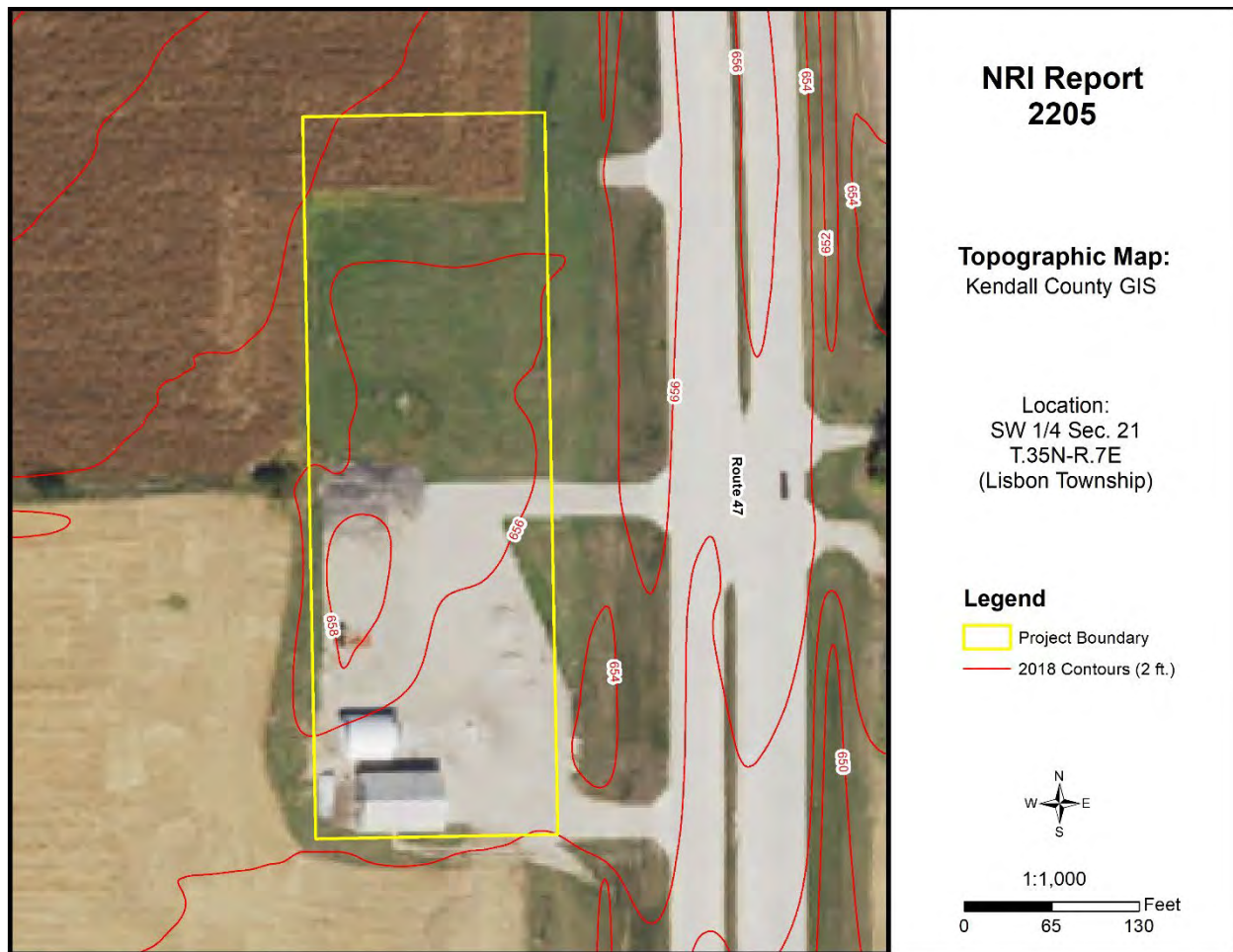
Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

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.

**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

This parcel is located within the Upper Illinois River watershed and the Minooka Branch Aux Sable Creek sub watershed.
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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."*

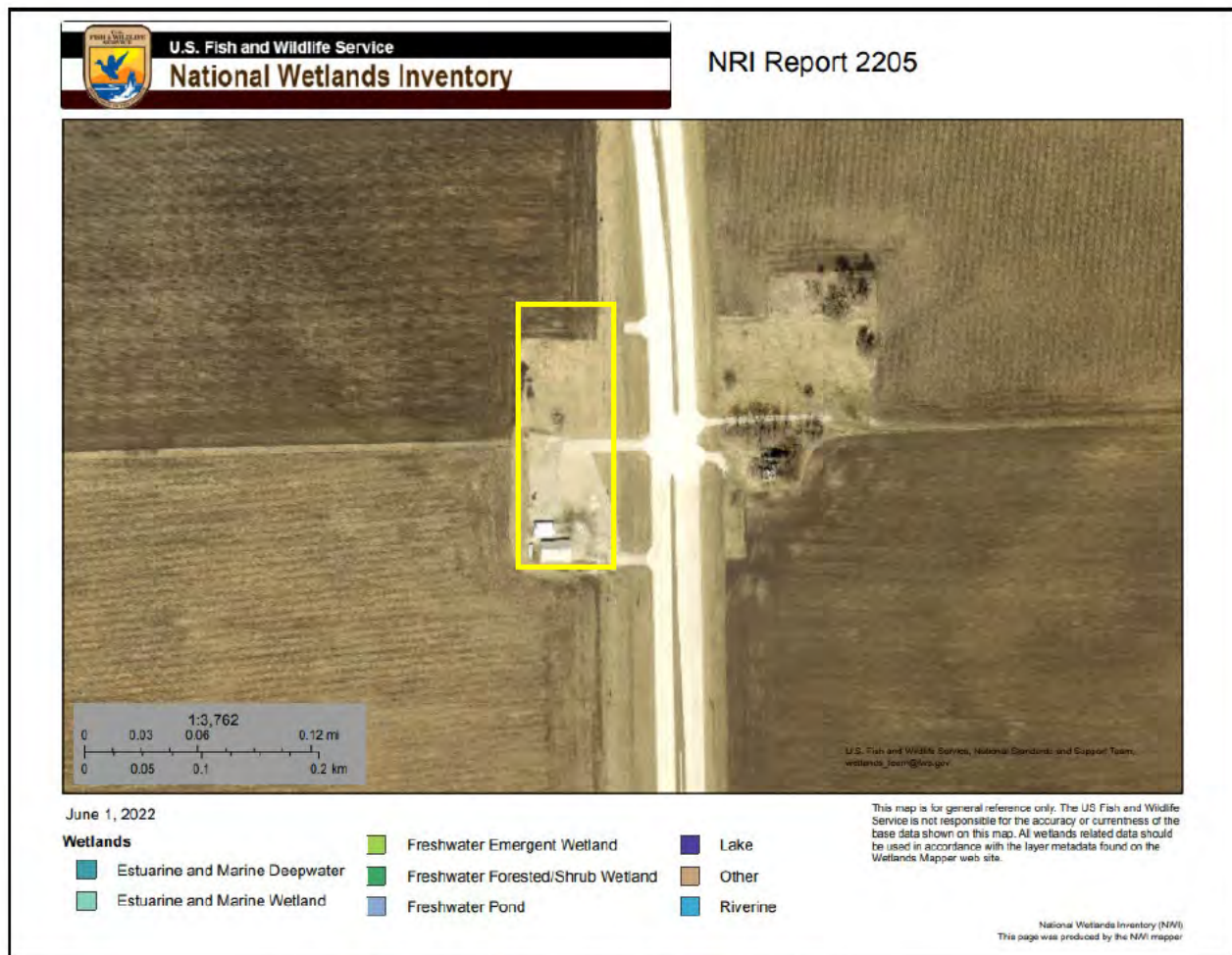


Figure 10: Wetland Map – USFWS National Wetland Inventory

Office maps indicate that there are no mapped wetlands 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.

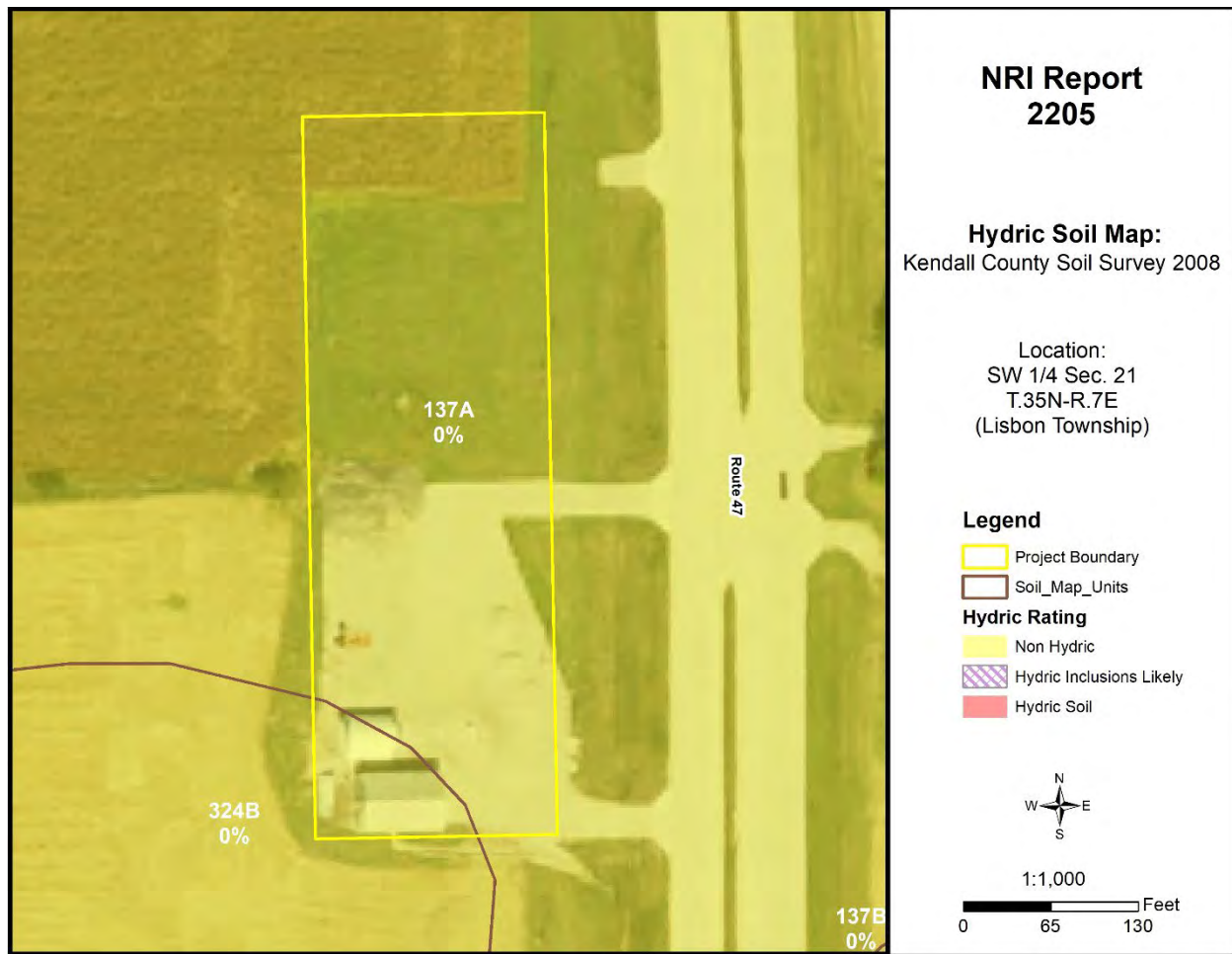
It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

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
137A	Moderately Well Drained	Non-Hydric	No	1.8	89.4%
324B	Well Drained	Non-Hydric	No	0.2	10.6%

**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.

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